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Transdiscursive cosmopolitanism: Foucauldian freedom, subjectivity, and the power of resistance

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Transdiscursive Cosmopolitanism: Foucauldian Freedom, Subjectivity, and the Power of
Resistance

by

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A thesis submitted in partial fulfillment
of the requirements for the degree of
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Mei Parentes cosmopolitanum,

Anna et Jerzy Rozpedowski,

hunc thesis dedico

“Quidquid agis, prudenter agas et respice finem.”

~

“Where the tree of knowledge stands, there is always Paradise”

-Nietzsche

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ABSTRACT

The following project will consist in the study and examination of the concepts and theories that lie in the domain of political theory. The enquiry into the dimensions and complexities of the socio-political organization and the political substance of individual human agents will be conducted with the intellectual assistance of the postmodernist turn of thought.

I will interrogate and develop a specifically Foucauldian reading of international politics and the emerging global world order as well as situate Foucault's insights and theorizing in a cosmopolitan framework, which calls for a progressive re-conceptualization of the dimensions of power and the modalities of state-citizen autonomy, and sovereignty.

The thesis will proceed through five stages of analysis: (i) examination of freedom and self-creation as foundational and fundamental to the cosmopolitan citizenship; (ii) investigation of governmentality, power and the role of personal and political resistance in shaping new horizons of political order (iii) development of a structural approach to cosmopolitan democracy; enhanced by (iv) decoupling of identity

from citizenship, and prompted by (v) an inquiry into and recalibration of the political space and sovereignty of states and political agents.

I will contend for a conception of citizenship, illuminated by a postmodernist lens of analysis, set in a cosmopolitan framework and premised upon a notion of a layered and constituted dialectic, as the most adroit model for a re-articulation of the spirit of democratic *qua* cosmopolitan citizenship in the world of increasingly displaced loyalties, porous identities, and atrophied civic commitments.

The study aims to inquire into the possibilities of meaningfully addressing the fundamental question in political theory, that of: how is the state to be organized in an era of globalization accompanied by an unprecedented compression of space and time, and re-spatialization of socio-economic and political relations. The thesis will conclude with a synthesis of proposed theoretical assumptions that are to serve as the structural basis and philosophical guidance for the institutionalization of measures conducive to the enactment and perpetuation of cosmopolitan consciousness and cosmopolitical practice.

INTRODUCTION

“The main interest in life is to become someone else that you were not at the beginning ... The game is worthwhile as we don't know what will be the end.”

-Michel Foucault

Globalization, it has been argued, engenders homogenization, engineers specious consensus, subsumes and absorbs individuality into an “undifferentiated being,” and induces subject’s surrender to the “collective rhythm” of the indifferent world of corporate symbolism and largely anonymous spaces dedicated to the cultivation of virtual pseudo-personal relations. Due to its ubiquitous presence, the phenomenon as a corpus of ideas, processes and interactions changes the very nature of the international realm of governance, resulting in decomposition and an organic disintegration of the connective tissue that ties social capital *qua* citizenship to its communitarian and democratic values. The multidimensionality of the phenomenon thus appears to make dichotomous demands upon the situated agent, as it presents both an occasion for challenging the ossified, asphyxiating, and inflexible modes of being and feeling a citizen, as well as prompts alienation from the public participatory dialectics of socio-political existence which ensue in the praxes of individual ethical ambiguity, powerlessness and inertia.

Furthermore, it is argued that contemporary modes of globalization have shifted concentration of power from the states to other non-territorial and supraterritorial entities,

as the importance and condition of territorialization diminishes. Hence, it is possible to speak of the transition from statism – the centralized regulation and operation of territorial, bureaucratic and national governments¹ - to polycentrism - a societal condition of governance in which power radiates from various dispersed nodes of supra- and sub-state parties, that is; power as “incarnated in historical social practices”² emanating from various nodes of power on a web of socio-political relations. Such shifts have significant effects on governance, as the state becomes an increasingly reconstituted and reconstructed, if not an obsolete bastion of power. In view of this, political space and political community are no longer defined and limited by a strictly national, statist-oriented framework. Increasingly, the phenomenon of power diffusion signifies emerging multilayered governance, marked by development of regional and global institutions and laws governing the administration and management of globalization, and coextensively, a transnational citizenry. The emergent forms of new spatial arrangements, which testify to the redistribution of centers of power require for their conceptualization a transdiscursive, Foucauldian lens of analysis, in order to not merely understand them, but to recalibrate the architectonic function of political theory and practice itself. The purpose of the following study is to situate Foucault in a cosmopolitan framework and develop a specifically Foucauldian reading of the international politics.

The following pages will be dedicated to the examination of Michel Foucault’s contribution to the globalization-cosmopolitan citizenship debate. In the course of the analysis the following key terms will be taken under consideration and their theoretical

¹ Scholte, Jan. 2005. *Globalization*. (New York: Palgrave MacMillan). Pg. 186.

² Dreyfus, Hubert, L. 2004. “Being and Power: Heidegger and Foucault.” *International Journal of Philosophical Studies* 4 (1). Pg. 3.

influence upon the aforementioned dyad will be examined: power, governmentality, and sovereignty. I contend that a novel understanding of citizenship set upon a Foucauldian conceptual skeleton and rooted in three themes of analysis: (i) space, (ii) sovereignty, and (iii) subjectivity, can serve as one of the most adept schemas capable of advancing a cosmopolitical alternative more amenable to situating a constituted subject in a world of porous identities and shifting loyalties.

The thesis will be divided into three sections; the first of which will concern itself with the debate on the ontological question of cosmopolis as employed in socio- and historico-philosophical investigations of the ancients and the moderns, deemed especially pertinent as it captures and concretizes the quintessence of the evolution and materialization of critical analytical approaches to the realization of an alternative form of governmentality. The second section will be comprised of an analysis of the aforementioned conceptual dyads: power-discourse, governmentality-sovereignty. Third section will attempt to locate Foucault's subjectivity qua self-creation theorizing in the political enterprise, thus underscoring his inadvertent relevance to the cosmopolitical project.

To date, contemporary scholarship in the poststructuralist International Relations tradition has employed Foucault to: (i) support deconstructions of realist international theory, (ii) analyze modern discourses and practices of international relations, (iii) develop novel accounts of the contemporary global liberal order.³ In addition, recent attempts to situate Foucault in the Marxist framework have provided further

³ Selby, Jan. 2007. "Engaging Foucault: Discourse, Liberal Governance and the Limits of Foucauldian IR." *International Relations* 3(21). Pg. 324.

substantiation for the students and scholars of political science and international relations interested in political theory and questions pertaining to the globalization of the political economy and governance to engage in the study and analysis of Foucault's transdiscursive genealogical unfolding of the power problematic and the means of resistance. The Foucauldian approach to the study of world politics via genealogy and deconstruction of political power, juridico-political discourse, governmentality and sovereignty, analysis of the birth of biopower and biopolitics, and the investigation of mechanisms constituting the ontology of the present, equips the discipline of International Relations with indispensable evaluative and theoretical instruments, which enable further insight into the workings of structural power and the role of agency in relations of power interposed, incorporated by and operating in the global arena. Scholars have also noted Foucault's enduring influence on war and security studies, institutional development, postcolonialism, feminist critique of the state, and theories of democracy.

Thus, Edward Said's 1978 book, *Orientalism*, for instance, employs Michel Foucault's notion of a discourse (as an institutionalized way of thinking and a social boundary defining the limits of conventional wisdom) described by Foucault in *The Archeology of Knowledge* and in *Discipline and Punish*, to account for the ubiquitous presence of psychological and material elements of domination concentrated at the behest and at the disposal of the imperialistic gaze of power. Likewise, Michael Hardt and Antonio Negri in *Empire* (2000) conceptualize and situate the new paradigm of power in Foucauldian biopolitics, where "the control of society over individuals is not conducted only through consciousness or ideology, but also in the body and with the body. For

capitalist society biopolitics is what is most important, the biological, the somatic, the corporeal.”⁴ For it is in the space between bodies that the relations cum actions, equipped with intentions, obtain the capacity of power. The intimate relationship between discourse, knowledge, and the ontological self, as a subject and also at the same time an object, rests on a presupposition that that entity which determines what can be voiced and talked about also determines what can be known, how the subject ought to think, and who the subject, the self, is.

Furthermore, as contemporary debates about International Relations’ elusive actor, globalization, suggest, the question of power, its modalities, instrumentalities, organization and distribution, is key to understanding the shifts and transformations in the scale and quality of human social relations. The spread of transplanetary and increasingly supraterritorial connections between people,⁵ and a transformation in spatial organization of social relations and transactions, generate unprecedented transcontinental and interregional flows and new networks of activity, interaction as well as new sources and contests of power.⁶ The growing enmeshment of the local and global blurs distinctions between strictly domestic and global affairs and processes. Likewise, the decisional, institutional, distributive, and structural impacts⁷ of distant events have significant consequences on the socio-cultural and political-economic dynamics of the local social order. The aforementioned supraterritoriality of connections suggests further

⁴ Hardt, Michael, Negri, Antonio. 2000. *Empire*. (Cambridge: Harvard University Press). Pg. 27.

⁵ Scholte, Jan. 2005. *Globalization*. (New York: Palgrave MacMillan). Pg. 59.

⁶ Held, David. 1999. *Global Transformations*. (Stanford Stanford University Press). Pg. 16.

⁷ Ibid. Pg. 18.

decentralization of more traditional unidirectional power-relations themselves, and thus demonstrates a noticeable shift away from the dominant Hobbesian-Hegelian treatment of power *qua* sovereign police ‘power-over’ to the Foucauldian notion of diffuse, “nonegalitarian and mobile”⁸ processes of confrontation and restructuring of force relations of power, re-conceptualization of the sites of political resistance, and re-articulation of political space.

Thus, the project upon which I am about to embark will consist in the study and examination of the concepts and theories that lie in the domain of political theory. The enquiry into the dimensions and complexities of the socio-political organization and the political substance of individual human agents will be conducted with the intellectual assistance of the postmodernist turn of thought. I will argue for an inadvertent cosmopolitan slant that the ‘thin’ communitarianism⁹ of Michel Foucault nonetheless contains in order to render, interrogate, and develop a specifically Foucauldian reading of international politics and the emerging global world order. It is not my intention to ‘internationalize’ Foucault’s admittedly narrow engagement with transnational politics,

⁸ Foucault, Michel. 1978. *History of Sexuality Vol. I*. (New York: Vintage Books). Pg. 92.

⁹ Mark Olssen in his book *Toward a Global Thin Community* represents Michel Foucault as ‘thin’ communitarian. Olssen’s understanding of community deviates from a pre-modern notion of community defined by a “substantive common goal” and asserts an “interactive multiplicity not ruled by any organizing or binding law or principle.” Such a notion recognizes community as an expression of “tacit agreements, understandings, and rules which represent the basis of political reason as a pragmatic code for problem solving rather than a set of universal epistemological principles based on truth” (38). This departure from an organic unity and totality and assertion of interdependence, relational reciprocity, and social and historical character of existence structured and sustained by an “institutional and political outside,” Olssen argues, is provoked by Foucault’s six explicit themes contained in his political philosophy: (i) a social theory of practice; (ii) a conception of the historical constitution of the subject; (iii) a relational/dialogical conception of selfhood and ethics of agency, autonomy, and social interdependence; (iv) an agnostic conception of liberty as nondomination and equalization of power; (v) a critique of monistic communitarianism and totality; (vi) an opposition to governmental policies that conflict with ‘self-creation.’ (42).

but rather, to situate his insights and theorizing in a cosmopolitan framework, which calls for a progressive re-conceptualization of the dimensions of power and the modalities of state and citizen autonomy, and sovereignty.

To render the cosmopolitan reading of Foucault's theorizing more legible and make it compatible with the current literature on the subject, the thesis will proceed through five stages of analysis: (i) examination of freedom and self-creation as foundational and fundamental to the cosmopolitan citizenship; (ii) investigation of governmentality, power and the role of personal and political resistance in shaping new horizons of political order (iii) development of a structural approach to cosmopolitan democracy that is enhanced by (iv) decoupling of identity from citizenship, and prompted by (v) an inquiry into and recalibration of the political space and sovereignty of states and political agents.

The evocation of Foucault's social philosophy and its co-extensive political dialectic is meant to supplement the traditionally espoused Kantian moral and political stances toward cosmopolitan order as well as guard against the epistemic apodicticity of the problematic of globalization as depersonalizing totalization, and close the gap between the scope of human agency and the aspiration to cosmopolitical arrangements. Kant's conception of citizenship as constituted by and constitutive of a common moral sense and self-legislating practical reason is deemed insufficient for the realization of a meaningful individual political existence in an era of globalization, and is thus in need of a revisionist schema. For this purpose an affirmative Foucauldian understanding of resistance *qua* a creative act of a social movement and political engagement will be advanced. I will, likewise, contend for a conception of citizenship, illuminated by a

postmodernist/postructuralist lens of analysis, set in a cosmopolitan framework and premised upon a notion of a layered and constituted dialectic, as the most adroit model for a re-articulation of the spirit of democratic qua cosmopolitan citizenship in the world of increasingly displaced loyalties and atrophied civic commitments. The thesis will conclude with a synthesis of proposed theoretical assumptions that are to serve as the structural basis and philosophical guidance for the institutionalization of measures conducive to the enactment and perpetuation of cosmopolitan consciousness and cosmopolitical practice. The following study will inquire into the possibilities for addressing the fundamental question in political theory, that of how is the state to be organized in the era of globalization, unprecedented compression of space and time, and re-spatialization of socio-economic and political relations. Thus, the aim of the following study will be to use Foucault's philosophy as a toolbox for advancing a Foucauldian political theory, which permits us to rethink the conditions for cosmopolitan citizenship in an era of globalization.

CHAPTER I
COSMOPOLIS - A BRIEF HISTORY:
FROM AGORA TO GLOBAL FORUM

“Homo sum: Humani nihil a me alienum puto.”
-Terence

In *Another Cosmopolitanism* (2006) Seyla Benhabib inquires after the ontological status of cosmopolitan norms in a postmetaphysical universe, and their authority in a universe not backed up by a sovereign with the power of enforcement. Although, Benhabib does not hide her predilection for Kantian ethics, the formal construct underlying her inquiry can no longer be substantiated by recourse to a 17th century rationalization of political order and moral standards of socio-political conduct. For one, the very assumption of a life lived within ‘postmetaphysical’ structures of governance, rather than guided by intuited *a priori* innate duties vested in universal laws and codes of obliging obedience, both eternal in duration and divine in character, presupposes a re-evaluation of values governed not by an assumption of intelligible teleology and purposiveness of providential linearity of history, but rather a dissociated, contingent, and fragmented unfolding of constructs that come to constitute and define human praxis. Second, the displacement of identities and allegiances problematizes in new ways the conceptions of indivisible sovereignty, first introduced to the political lexicon in 1576 by Jean Bodin in his

masterwork, *Les six livres de la Republique*,¹⁰ giving salience to alternative formations not constrained and limited by the exclusive constructs of national socialization. Furthermore, the ontological plane of analysis requires that the state, classically considered an organic structure expressive of people's social nature, be reconstituted to accurately portray and serve the plethora of variegated identities embedded in a global context. The decoupling of complex networks of identity from citizenship ought to be conducted with a 'rhizomatic'¹¹ rather than concentric conception of political order in mind, to ensure fair representation and the survival of democratic spirit of governance.

In thinking about the parameters of cosmopolitan governmentality, it is necessary to set it in the poststructuralist school of thought and invoke the underlying premises of a Foucauldian strand of analysis. Just as the dawn of modernity marked the emergence in 17th and 18th centuries of the self-sustaining political units, nation-states; the post-modern period is linked with the "eclipse of national sovereignty" and demands institutions that "overlap national boundaries and serve transnational social and economic needs."¹² Conducting an analysis of a political subject matter under the guise of a presiding postmodernist theory does not absolve discourse of a habitual recourse to modernity's

¹⁰ Bodin viewed sovereignty to be: (i) the essential element of the state, whose (ii) legitimate holder is the king, who (iii) has absolute or indivisible supremacy that is not be shared with others, and whose (iv) power is subject to the laws of God, of nature, and of nations.

¹¹ When Connolly in *From Ethos to Pluralization* speaks of rhizomatic pluralism he adopts an arboreal signifier to illustrate the ideal, which he describes thus: "a rhizome ceaselessly adopts connections between semiotic chains, organizations of power and circumstances relative to the arts, sciences, and social struggles. A semiotic chain is like a tuber agglomerating very diverse acts, not only linguistic but also perceptive, mimetic, gestural and cognitive ... To be rhizomatic is to produce stems and filaments that seem to be roots , or better yet connect with them by penetrating the trunk, but put them to strange new uses."(94)

¹² Toulmin, Stephen. 1990. *Cosmopolis*. (Chicago: University of Chicago Press). Pg. 7.

rational methods of inquiry that were established among European thinkers in the 17th century, and which “promised intellectual certainty and harmony,”¹³ and uninterrupted progress. Rather, the term implies a more circumspect study and interpretation of the co-existent and co-determinative systems of knowledge and power that result in the socio-political arrangements of our time. Only through such a lens of analysis and method of inquiry will the skeletal configurations of politics be revealed and its practices uncovered from the thicket of inter-dependent relations.

Thus, I will argue that five explicit dimensions and imperatives of Foucault’s analysis parallel the requirements of the dominant strands of the contemporary literature regarding the project of consolidating cosmopolitical arrangements, and which the project deems ineffaceable: (i) ethical self-creation; (ii) emphasis on pluralist and polymorphous political ontology; (iii) view of history through the prism of differentiation and discontinuity as opposed to teleological unitarism and totalization; (iv) utilization of the dialogical principle and anti-atomism; (v) consolidation of a polycentric and democratically egalitarian socio-institutional level, which privileges openness and avoidance of closure within a deterritorialized and global cultural order. Naturally the above may well be called into question by invocation of opposites: How much liberty do the state’s systemic routinizations sanction and permit for acts of authentication via self-elected and identified modes of self-authorship? Is not history a centralizing and unitary element upon which the constructs of nations and states are enacted? Do not vertical hierarchy rather than bureaucratically ineffable polycentrism characterize the institutions of the state? Is it not in the nature of communities and states to be exclusionary and

¹³ Toulmin, Stephen. 1990. *Cosmopolis*. (Chicago: University of Chicago Press). Pg. 9.

partial rather than unconditionally unrestricted in law and socio-political practice? Seyla Benhabib, once again, vocalizes the cosmopolitically intuitive argument by asserting that it lies in the exclusive parlance of strong democracies to unveil universalist rearticulation through which they fashion the meaning of their own peoplehood through contestation, repositioning, resignification, and reappropriation of fundamental principles via practices of jurisgenerative politics¹⁴ and the dialectic of rights and identities.¹⁵ The guarded recourse to legal norms provides a point of departure for the discussion of the modalities of self-creation in a Foucauldian vein of analysis.

The following chapter regards self-authorship as fundamental and foundational of the cosmopolitan effort, and will, therefore, precede formal and more extensive elaboration of Foucault's political theory. I will proceed first by evoking the paradigmatic ancient premises of cosmopolitanism, as derived from Classical Greek thought of the Stoics and the Romans. Second, I will draw parallels between the libertine approaches to political and social orders of the ancient Greek thinkers and Foucault's anormative critique of the modern, post-Enlightenment era's socio-political arrangements. Third, I will demonstrate the necessity for the post-structural cosmopolitanism to incorporate into their expansive vocabulary the premises of a Foucauldian discursive paradigm, which distances itself from the liberal conceptions of positive and negative freedoms and relies

¹⁴ Benhabib in *Another Cosmopolitanism* regards jurisgenerative politics as a model that permits democratic people to think of "creative interventions that mediate between universal norms and the will of democratic majorities"(49). As a process, it permits for an interactive engagement centered upon acts of reappropriation and reinterpretation of guiding norms and principles, which not only make one a subject of such laws, but also their author.

¹⁵ Benhabib, Seyla. 2006. *Another Cosmopolitanism*.(Oxford: Oxford University Press). Pg. 69.

more heavily upon the dialogical episteme for actions of affirmation and resistance which take place within the socially and historically constituted matrix, and which aim toward reworking of political subjectivity. The critical attitude of poststructural ethos reinvigorates the interrogation of limits which are set upon human thought, and enables their critical contestation and renegotiation through argumentation. As Devetak points out, “discourse ethics promotes cosmopolitan ideal where the political organization of humanity is decided by a process of dialogue in which participation is open to all who stand to be affected by the decision.”¹⁶ By taking human individuality and subjectivity as effects of the operations of power, Foucault severs universalism and essentialism, imposed and harbored by the foundationalist presuppositions, from the internal manifestations of the human person. It is at this juncture that the discursive conditions, created by deconstruction of the material fabric of socio-political relations, enable the practices of individualized self-creation. Conceiving of discourse in terms of a performative materialization rather than static set of preordered constructions, permits for the emergence of competing representations, practices, meanings, and narratives, which fashion and come to characterize political identities of hermeneutic subjects.

The Discourses on Cosmopolitan Universe

Cosmopolitanism, as a moral construct and a normative ideal, which is inextricably bound and structurally realized through the all-pervading processes of globalization, is said to promote a moral-ideological disassociation from tradition,

¹⁶ Devetak, Richard. 1995. “Critical Theory” in S. Burchill, A. Linklater et al. (eds.) *Theories of International Relations* (London: Palgrave). Pg. 172.

religious belief, and familial directives and prescripts, and move toward a narrower form of individualism reflected in agent's ability to reason autonomously, and thus to prescribe and employ the means toward one's own self-determination. The context and substance provided by the community, communitarians contend, as the foundations from which individuals derive their initial identity and proper moral aptitude, are subject to increasing translation and universalization. The permeability of borders and internationalization of norms of national society imply that dignity of individuals is no longer solely linked to their particular place in a constricted and bounded statutory group, but progressively more to their character as moral and universally-oriented human beings and citizens. It is this very collectivity of citizens that enacts newer and more distinctive sets of identities, open to and "conscious of cosmopolitan solidarity."¹⁷ In addition, an expansion of social citizenship that is accompanied by a displacement of sentiment for communal and national belonging increasingly calls for institutional expression on a supra-national level.

The contemporaneous accounts of cosmopolitanism as a political and social project and philosophy of being are rooted in the ancient Greek conceptions of the 'cosmic city of men.' In the Hellenistic era, the Stoics instituted a new school of monistic and materialistic orientation of thought. The school or "The New Academy" was first established by Zeno of Citium, whose provocative, albeit utopian, political tract, *The Republic*, stipulated measures for the abolishment of organized civic institutions, courts, temples, the coinage system, conventional education, and marriage, justified by an

¹⁷ Balibar, Etienne. 2004. *We the People of Europe? Reflections on Transnational Citizenship*. (Princeton: Princeton University Press). Pg. 55.

assumption that transgressions of justice, to which the establishment must be ready to dispense legal judgment, will not be committed. The Stoics argued for the moral advancement to take place in “conformity with nature” and the attainment of rationality, happiness, and the good life were to constitute its most ideal ends. This distinct political philosophy of the Academy has its foundations in the ethical conceptualization of being as infused with nature, yet independent of it due to humans’ reliance upon reason. Nature is understood as a rational, harmonious, and divine entity. The political life, for Stoics, must coalesce with nature and through it, remain faithful to reason. Nature’s *logos* governs not only over the individual human agents, but also over the laws of the universe; and the link between the human nature and cosmos, between the human obedience to virtue and human obedience to the laws of nature, is established solely by reason. Hence, the *kosmos* itself is the only true city in which all rational and divine human beings share, and in particular, all good and wise human agents. The natural rights of each citizen, in the Stoic tradition, not only referred to the method of arranging one’s life in accordance with the limited stipulations of the state and various social entitlements, which inevitably emanated therefrom, but to the determination of the appropriate political media and an interchangeable sphere of communalist jurisdictions through which each person recognized and structured the moral space deemed most adequate for the pursuit of amicable relations with the other human selves.

The observable reconstruction of the city, the reformation of its conceptualization as dissociated from the earlier more grounding and tangible theories of the state, inaugurates the notion of cosmopolitan thinking. It is this community of sages, the envisaged society of the wise citizens, the communal ideal of concord and moral as well

as political virtue, that rises above the artificial confines of the nation-state, national identity, class or ethnic membership, and as such, pays homage to the universal rather than positive and temporal laws of human's ingenious creation. In the elitist view of Christoph Martin Wieland, a German Enlightenment novelist, a true cosmopolitan is a sage, a person who has grown wise through experience and reflection, and who knows what is most reasonable to do in given circumstances.¹⁸ Thus, the transcendent *telos* of society, for the Stoics, lies not in an agent's submission to conventional prescripts of the polis, but in recognition of and loyalty to moral virtue, regardless of the agent's associative proximity, kinship, citizenship or location, which are but elements of happenstance rather than inherent constructs substantive to proper political organization and order. The Stoics define the city thus:

“The universe is in the proper sense a city, but those here on earth are not – They are called cities, but are not really. For a city or people is something morally good, an organization or group of men administered by law which exhibits refinement.”¹⁹

The location of the city is the universe itself; and the mortal as well as the divine, in the Stoic theological understanding of nature, inhabit the premises of the city, remaining obedient to its legal accords and rules of justice, which stem from reason. The law, for the Stoics, does not emanate from the prescriptions and the authority of the state, but rather finds its originative or efficient cause in logos, which is one and common to all human agents. The internalization of the moral law and subsequent issuance of the law from within, dictates the principles and normative imperatives that are to guide the social

¹⁸ Kleingeld, Pauline. 1999. “Six Varieties of Cosmopolitanism in Late Eighteenth-Century Germany.” *Journal of the History of Ideas*. 60(3). Pg. 505-524.

¹⁹ Schofield, Malcolm. 1991. *The Stoic Idea of the City*. (Cambridge: Cambridge University Press). Pg. 61.

life of the community of citizens of *kosmos*. Hence, the etymological derivative of *kosmou polite*, where *kosmou* denotes the universe or cosmos, and *polite*, a citizen. For Stoics one's citizen status transcends the political border restrictions of the city-state, and constitutes a novel orientation in thought, where a de facto citizenship refers to the cosmos at large. Further, an individual is bound by a dual or a binary form of citizenship: (i) natural citizenship in the grand universe of the human race in which, as Plutarch so eloquently states, the "universe is a city and the stars citizens"²⁰, as well as (ii) artificial citizenship, contingent upon the "accidental" circumstances or geographical location of one's birth. Yet, for the Stoics, to achieve a truly cosmopolitan sense of being, only a single, natural form of citizenship, which is the "source of our most fundamental and social obligations"²¹ is the sufficient, ideal, and indispensable requirement. For as Diogenes the Cynic asserted felicitously, echoing the Stoic narrative:

"My country is not one tower, one roof,
But the whole earth is a citadel and
Ready for us to spend our life in."²²

Moreover, an emphasis on the rule of law was seen as the grounding and necessary element deemed essential for the definitive articulation of boundaries and the preservation of the city itself, and which Diogenes conceived as a "refined and habitable construction to which people may have recourse for the dispensation of justice." As a 'citizen of the universe', therefore, to be morally refined is to share in the experience of

²⁰ Schofield, Malcolm. 1991. *The Stoic Idea of the City*. (Cambridge: Cambridge University Press). Pg. 76 (From Plutarch's *De Communibus Notitiis*).

²¹ Nussbaum, Martha. 1997. "Kant and Stoic Cosmopolitanism." *Journal of Political Philosophy* (5). Pg. 29.

²² Schofield, Malcolm. 1991. *The Stoic Idea of the City*. (Cambridge: Cambridge University Press). Pg.145.

the law, which gives expression and substance to the political constitution and natural citizenship in the universe. Habitation in a cosmic city is analogous to the Aristotelian notion of habituation to virtuous conduct and leading a life in accord with law within the bounds of the collective polis. Only, here, the polis assumes an extrapolated cosmopolitical significance.

Similarly, a perpetuation of cosmopolitan sentiments is noticeable in the writings of Seneca, Cicero, and Marcus Aurelius, the Roman political thinkers. For Seneca, the cosmic city is a morally justifiable construct, which the human mind conceives in a binary sense, as:

“The two commonwealths (*res publicae*): one great and truly common – in which gods and men are contained, in which we look not to this or that corner, but measure the bounds of our state (*civitas*) with the sun; the other the one to which the particular circumstances of our birth have assigned us (*urbs*).”²³

The conception of the city, as emanating from the Stoic tradition and adopted by the Roman philosopher, is the association of minds sharing in the communal and ordered intellectual feat, which is not subject to any spatial delimitations. Seneca writes:

“The very reason for our magnanimity, is not shutting ourselves up within the walls of one city, but in going forth into intercourse with the whole earth, and in claiming the world as our country, that we have a wider field for our virtue ... Look how many broad stretching countries lie open behind you, how many peoples?”²⁴

As expressed in this passage, the Stoic determination to not to confine one’s moral aspirations to a fixed communal order and a static political affiliation, but to traverse the

²³ Schofield, Malcolm. 1991. *The Stoic Idea of the City*. (Cambridge: Cambridge University Press). Pg. 93. (From Seneca’s *De Otio*).

²⁴ Heater, Derek. 1996. *World Citizenship and Government: Cosmopolitan Ideas in the History of Political Thought*. (New York: St. Martin’s Press). Pg. 18.

world in the spirit of rational optimism infused with a sense of responsibility and service to the people of heterogeneous identities and moral sensibilities, constituted a paradigm for cosmopolitan thinking, which the Romans emulated. Under the early tractates of Roman jurisprudence, established upon fixed, immutable and universal principles of natural law and in correspondence with the Stoic creed, equality under law constituted a normative stipulation to be ascertained and propagated.

Human agents, Cicero insisted in *De Officiis*, are equal, not in respect to their wealth or accumulated property or learning, but by natural human predisposition to reason and honor the moral law. The legal order, as described in the early Roman writings, did not place delimiting conditions upon human agents by conferring equality under law solely to declared citizens, privileged by birth or residence. The unconditionality of this procedure was not subject to arbitrariness, and in all matters of significance, systematically codified laws that were applicable to all civilized people were to be preserved. The continuity of this stream of jurisprudential thought and recognition of the equality of human agents under law were given significant expression and recognition in the 18th century documents, such as the Declaration of the Rights of Man and the Citizen, as well as, the 20th century Universal Declaration of the Rights of Man ratified by the United Nations. The Roman law, because of its early emphasis on equality and universal reason, in a sense, transcended the specific and coincidental manifestations of spatial aspects of citizenship. The three branches specific to the Roman law consisted in: *jus natural* – the natural law in its ideal form; *jus civile* – civil law applicable to Roman citizens, and *jus gentium* – which governed the non-citizens of the Roman Empire. As the imperial ambitions expanded along with the acquisition of

landmass, the concept of *jus gentium* – the law of nations common to all civilized people, constituted a transcendent precept. The later institutionalization of legal procedure and stipulations of the Roman law by the states of Europe had an irrevocable influence upon the jurisprudential and political orientation and thinking of the Continent’s intellectual elite, giving rise to subsequent conceptual analyses of the state, its sovereignty, questions of justice and its violations and inadequacies.

The broad extrapolations of the human universal condition imbued with a cosmological perspective initiated by the Classical Greece, bracketed by Platonists, Aristotelians, and Stoics, enabled a view of human life as contingent upon two distinct orders: (i) an Order of Nature (*cosmos*) evidenced by practical activities revolving around the annual cycle of seasons, and the monthly changes of tides; (ii) an Order of Society (*polis*), evidenced in the organization of the administration of cities and collective enterprises, ensuing in a politically organized unit, the *polis*. Thus the belief that the “structure of Nature reinforces a rational Social Order”²⁵ led to a manifest presupposition of a link between nature and social artifice, between *cosmos* and *polis*, and an eventual philosophical fusion of orders into a single unit, *cosmopolis*. The broad outlines of the universe combined did not limit themselves to mere speculations, but found expression in the “universal language” of the 17th century rationalists and “new philosophers”, such as Descartes, Leibniz, or Newton. Here, the conception of the mental and the material, of the mechanical phenomena and of their intellectual underpinnings called for new patterns of social practice and thought. The fusion of the systems of thought, which deemed

²⁵ Toulmin, Stephen. 1990. *Cosmopolis*. (Chicago: University of Chicago Press). Pg. 68.

stability and mutuality as chief virtues of social organization, necessitated an expressive political order and a refashioning of the new Europe of nations. Leibniz's commitment to resolving the problem of accommodation of the continent's diversity of characters, languages, and intellectual formations, ensued in *characteristica universalis*, or the "universal system of characters" to be utilized in diplomatic negotiations, international relations, scholarly exchanges, and philosophical debates, and as its author argued:

"will constitute a new language which can be written and spoken. This language will be very difficult to construct, but very easy to learn. It will be quickly accepted by everybody on account of its great utility and its surprising facility, and it will serve wonderfully in communication among various peoples."²⁶

This ideal, Leibniz continues:

"is the highest effort of the human mind; and when the project is accomplished, it will simply be up to humans to be happy, since they will have an instrument that exalts the reason no less than the telescope perfects our vision."²⁷

As Stephen Toulmin contends, the exploration of the possibility of the universal language was fundamental to establishing a shared view of nature and humanity.²⁸ Yet Leibniz's minimum of "rational conceivability" unified under a single system of natural philosophy, was deemed an insufficient explanation by the mechanists and dualists of his era. Thus, a new framework for modernity came to be identified with the Cartesian dichotomy, which stipulated clear distinctions between the mental and the material experiences and set the standard for reordering of political and institutional systems of human organization. The 1700s established the 'law-governed' understanding of the

²⁶ Toulmin, Stephen. 1990. *Cosmopolis*. (Chicago: University of Chicago Press). Pg. 100.

²⁷ *Ibid.*, Pg. 104.

²⁸ *Ibid.*, Pg. 105.

world, in which rational history of humanity and the causal history of nature intertwined but not intervened in each other's trajectory of regularities. This, in turn, gave rise to the conceptualization of the system of politics that recognized both the laws of morality as premised upon the stipulations of reason, and the movement toward a civic commonwealth or, as Kant would have it, a universal civic society which administers law among men as necessitated by material conditions of history.

Kant dissociated himself from the prevalent question of the era – “What constitutes man?” – as a scientific paradigm of study or a circumscribed political agent committed to a semi-mechanic operation within the rigid feudal constitution of the state, and, in turn, engaged in the reflection on the ontology of being, the transcendent rights and binding obligations that ought to guide one's actions. Thus in his moral and political writings, principal among them *Toward Perpetual Peace* and *Idea for a Universal History from a Cosmopolitan Point of View*, Kant committed himself to a systematic meditation on the course of human history in the period influenced by religious and political zealotry, which materialized itself either through the cosmopolitan project of consolidating and unifying nations within the *Orbis Christianus*, or the transgressive colonizing ambitions of states. In “The Doctrine of Rights” Kant claims that human beings are not in their very essence political animals, and that entering into social condition is not merely an exercise that stems from moral necessity, but a geographically structured phenomenon. The political community, Kant claims, would not be necessary if the earth's surface were an infinite plane rather than a sphere, where humans, “could so

distribute themselves on it that they could not come into community with one another.”²⁹ Hence, by some form of natural necessity, the “peoples of the earth have ... entered in varying degrees into a universal community, and it has developed to the point,” Kant states, “where a violation of laws in *one* part of the world is felt *everywhere*.”³⁰ Thus, as Jan Plug in “Citizens of Modernity from the Cosmopolitan Point of View” observes, Kant’s cosmopolitanism, being “predicated on the conception of community as commonality”³¹, exists in: (i) the realm of adherence to a singular entity localized in particular spatial dimensions, whose citizen-body aligns its commitments primarily with the exclusive interests of the state, and (ii) the common superstructure – *kosmos* – in which all beings, by necessity, partake. A moral citizen, thus, in Kantian terms, is a member of a particular polity, which first and foremost, enables all individual agents to share in its moral orientation; and second, the formation of an ethical commonwealth is an effect of that very ‘moral community’ of shared morality. The responsibility of each agent, as Phillip J. Rossi asserts in “The Moral Dimensions of Citizenship in Kant’s Ethical Commonwealth”³², is to work with one another cooperatively in order to sustain conditions for reasoned argument and ensure agreement on issues of fundamental social concern. Kant recognizes that the ensuing *sensus communis* requires of agents moral and

²⁹ Mulholland, Leslie, A. 1990. *Kant’s System of Rights*. (New York: Columbia University Press). Pg. 17.

³⁰ Kant, Immanuel. 1991. “Perpetual Peace: A Philosophical Sketch” in H.S. Reiss (ed.) *Kant: Political Writings*. (Cambridge: Cambridge University Press). Pg. 107-108.

³¹ Plug, Jan. 2001. “Citizens of Modernity from a Cosmopolitan Point of View.” *The New Centennial Review* 1(1). Pg. 8.

³² Rossi, Phillip J. 1998. “Public Argument and Social Responsibility: The Moral Dimensions of Citizenship in Kant’s Ethical Commonwealth.” In Sidney Axinn (ed.) *Autonomy and Community*. (Albany: State University of New York Press).

political autonomy. In her conceptualization of Kantian autonomy, Onora O’Neill implies that the individuated human condition must be considerate of the following three maxims: (i) an agent is to think for oneself; (ii) to think from the standpoint of everyone else, and; (iii) always think consistently.³³ Whereas, (i) and (ii) concern directly the autonomous status of the individual agent, (iii) calls for active and definitive public engagement in the communicative components of the political order. Further, it is through the conformity and unity of general wills of all moral agents, Kant upholds, that a political community can be established and freely entered into. Such an establishment holds “humanity as an end in itself” and thus, mediates between the concept of inner moral duty and the demands of the external public law, through the means of a categorical imperative. This community of free wills culminates in the Kantian idea of a moral world, in which agents, apart from considering their personal values and private projects, remain committed to, and respect the moral personality of others, which subsequently leads to general public morality that adequately advances the values of all. The political agent, on Kantian account, instead of being “enwrapped in itself as if it were the whole world, understands and behaves itself as a mere citizen of the world”³⁴ and recognizes the totality and interrelatedness of other human beings. Kant’s revered ‘union of wills’ thus defined and consolidated the parameters of the moral order and the cosmopolitan right, and constituted the first modern articulation of the political cosmopolis. Kant’s interpretation of the Enlightenment as “man’s release from his self-

³³ O’Neill, Onora. 1989. “The Public Use of Reason” in *Constructions of Reason: Explorations of Kant’s Practical Philosophy*. (Cambridge: Cambridge University Press). Pg. 42-49.

³⁴ Kant, Immanuel. 1797. *Anthropology from a Pragmatic Point of View*. (London: Feffer & Simons, Inc.). Pg. 128.

tutelage” constitutes a precursory vision of subjective political emancipation from “man’s inability to make use of his understanding without the guidance of another”³⁵ and opens a window of possibility for counter-being, or “the art of not being governed quite so much.”³⁶

What characterized modernity, and made it fecund for a post-modern argumentation, was an orderly division of the world into two structures influencing the systems of thought that superimposed themselves on the social and political organization of life. The *naturalistic* and *social* orders illuminating one another brought about the “new picture” of the cosmopolis, which from the 1600’s on, distinguished itself by a systematic inquiry into the ideal methods and ideal languages by which the knowledge of the universe was to be obtained. Such strivings, pursued with uttermost deliberateness, were short-lived and intermittent, however; for upon reaching a fissure in the systems of thought, the beliefs in ideals of unity and universality of humankind and its occupations collapsed, only to give birth to darker visions of decay, chaos and disharmony; where the tearing of moral and social fabric of political life aggravated the human condition by dislodging the centrality of all things deemed stable and unassailable, the family and the transcendent *Telos*. John Donne, the 17th century British poet, in his 1618 *Anatomy of the World*, put it thus:

And now the Springs and Sommers which we see,
Like sonnes of women after fifty bee.
And new Philosophy cals all in doubt,

³⁵ Kant, Immanuel. 1991. “What is Enlightenment?” in H.S. Reiss *Kant: Political Writings*. (Cambridge: Cambridge University Press). Pg. 54.

³⁶ Foucault, Michel. 1997. “What is Critique?” in Sylvère Lotringer and Lysa Hochroth (eds.) *The Politics of Truth*. (New York: Semiotext(e)). Pg. 29.

The Element of fire is quite put out;
 The Sun is lost, and th'earth, an no mans wit
 Can well direct him, where to looke for it.
 And freely men confesse, that this world's spent,
 When in the Planets, and the Firmament
 They seeke so many new; they see that this
 Is crumbled out againe to his Atomis.
 'Tis all in peeces, all cohaerance gone;
 All just supply, and all Relation:
 Prince, Subject, Father, Sonne, are things forgot,
 For every man alone thinks he hath got
 To be a Phoenix, and that there can bee
 None of that kinde, of which he is, but hee.³⁷

What seemed socially, politically, and spiritually coherent at the cusp of the century, has made an Augustinian turn, in the process of which the failure to maintain a rational organization of administration and preserve the soundness of social relations was attributed to the innate depravity of humanity, the original sin. This religious explanatory import validated itself through a string of armed conflicts, the Thirty Years War being an *example par excellence*, the participants of which, the Protestant and Catholic armies of Europe, sought to prove their theological supremacy, both on the battlefield and within the parameters of their political establishments. None other than Alexander Pope in his *Essay on Man* was able to give expression to the distortions and ambiguity of the 'fallen' nature of the human experience, which led him progressively farther away from the Morean utopian shores and the Kantian state of perpetual *noblesse oblige*:

Placed on this isthmus of a middle state,
 A being darkly wise, and rudely great: ...
 [Man] hangs between; in doubt to act, or rest,
 In doubt to deem himself a god, or beast;
 In doubt his mind or body to prefer,
 Born but to die, and reasoning but to err;

³⁷ Toulmin, Stephen. 1990. *Cosmopolis*. (Chicago: University of Chicago Press). Pg. 65.

Alike in ignorance, his reason such,
Whether he thinks too little, or too much:
Chaos of thought and passion all confused; ...
Sole judge of truth, in endless error hurled:
The glory, jest, and riddle of the world!³⁸

Why is it, then, that in this vilified state, human beings are nonetheless capable of creating social systems? What accounts for these drastic changes in the episteme, read productions of knowledge, and subsequent overturns and substitutions of all socio-political discourses? Michel Foucault as a legal materialist and a legal realist thought productions of power to be always-already embedded in human social relations. Thus, “relations of power,” Foucault writes, “are interwoven with other kinds of relations (production, kinship, family, sexuality) for which they play at once a conditioning and a conditioned role.”³⁹ In this polyvalent state of nature, the self-organizing, logically purposive, and intentional networks of relations are the precondition for the emergence of an ensemble of new modes and mechanisms of power, which force a social settlement. The multi-directionality, de-centeredness, ubiquity, impersonality, and relationality of power, however, account for the system’s instability, and results in changes to the modes rather than the forms of the systems of power. “By system,” Foucault contends, “we must understand an ensemble of relations which maintain themselves, transform themselves, independently of the things which they bind.”⁴⁰ Power’s substrate is not self-generating nor self-sustaining, but organized around and conditioned by an ever-changing environment. Hence, the contemporary political governance, polycentrally arranged

³⁸ Toulmin, Stephen. 1990. *Cosmopolis*. (Chicago: University of Chicago Press). Pg. 115.

³⁹ Foucault, Michel. 1980. *Power/Knowledge*. (Brighton: Harvester). Pg. 142.

⁴⁰ Foucault, Michel. 2001. *Dits et écrits*. (Paris: Gallimard). Pg. 542.

under the multidimensional processes of globalization, dislodges the neat dual conceptualizations of the early cosmopolis. The artifice, rather than the metaphysical or predetermined tendencies of nature, now comes to define the political and civic life of social subjects, thus allowing for the requisite versatility and fluidity in the understanding of overlapping social contexts and identities, and sets before the subjects a new task, that of vigilance against ready articulations of new institutional arrangements, which may unleash “new destructive forces inimical to the possibilities of being free”⁴¹ its modes of organizing knowledge and its productive capacities.

⁴¹ Dumm, Thomas L. 1996. *Michel Foucault and the Politics of Freedom*. (Lanham: Rowman & Littlefield). Pg. 153.

CHAPTER II

THE POSTMODERNIST TURN AND A CASE FOR COSMOPOLITANISM: A FOUCAULDIAN CHALLENGE TO THE REALIST ORTHODOXY

“A spectre is roaming through Europe: the Postmodern.”
-Portoghesi, citing *Le Monde*

When in 1939, Arnold Toynbee in the footnotes to his *Study of History* proposed to refer to the formative period between 1918 and 1939 as post-modern, he concretized, constricted, and historicized in time an idea, whose fragmentary vision of social order assembled by Leibniz, Hegel, Nietzsche or Heidegger was yet to emerge as a totalized paradigm. The word ‘postmodern,’ Docherty claims, from its very inception is characterized by an ambiguity – “on the one hand it is seen as a historical period; on the other it is simply a desire, a mood which looks to the future to redeem the present.”⁴² It is possible, thus, to point to the polyvalent applicability and peculiar tension created by the simultaneous adoption of the term in aesthetics and cultural and political studies. Moreover, it is claimed that only under the rubric of the ‘postmodern’ it is possible to catch a glimpse of the intimate relationship and a discourse between the aesthetic style and material history as political reality, between the realm and structure of language and the realm of being and structure of consciousness. It is no accident, perhaps, that Centre

⁴² Docherty, Thomas. 1993. *Postmodernism: A Reader*. (New York: Columbia University Press). Pg. 2.

Pompidou as a post-modernist architectural feat that fuses museum exhibitionism and library intellectualism with theatre, cinema, literature, and the spoken word, was a brainchild of the president of the French Republic. Likewise, with the dawn of postmodernist thinking came the rays of micropolitical analyses which shed light on the vicissitudes of the grand universalist narratives, and transformed political engagement into specifically local and intertextual, which like postmodern literary texts, intended to 'absorb and transform one another.' Society came to symbolize not only a temporal distortion, fragmented and non-linear in its narration, but increasingly confabulated by technocultural and hyperreal simulations, and noticeable changes in space-time relations. The aspiration of postmodernism, then, in all its tangential aspects was, in John Barth's words, "to somehow rise above the quarrel between realism and irrealism, formalism and 'contentism'" and to "neither merely repudiate nor merely imitate either his twentieth-century Modernist parents or his nineteenth-century premodernist grandparents."⁴³ The paradigm's pastiche thus aimed at replenishing the vast reservoir of a democratic experimental spirit in a post-atomic age by rethinking Enlightenment subjectivity, and transposing and refracting singularity and sovereignty of an *E Pluribus Unum* with an *E Unibus Pluram*.

The formal structure of the postmodern paradigm is attributed to have derived its roots from the Frankfurt School, and most especially the 1944 work of Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment*. In the context of the rising state capitalism and mass culture, not only did the authors rebel against the Enlightenment

⁴³ Barth, John. 1980. "The Literature of Replenishment: Postmodernist Fiction." *Atlantic Monthly* (January). Pg. 67.

consensus on the teleological path, historical progress, and emancipatory power of knowledge, but deemed reason reduced to form and conformed to rules of computation and utility, the principal illusionist of power and a locus of ideology, which enabled domination, manipulation, and enslavement. The theme of subjectivity with which postmodernism is inherently concerned, and which inescapably posits the problematic of proper aesthetic and political engagement in a world of ritualistic confirmations of agreed upon reality, calls for a “rupture of such ritual, the eruption of history into the consciousness in such a way that the aesthetic or formal structures of consciousness must be disturbed.”⁴⁴ Assuming the lack of totalizing metanarratives and disturbed continuity and uncertainty of means and ends, the authors in the postmodern tradition, such as Lyotard, Baudrillard, Benjamin, or Bauman, point to the startlingly normal intertwining of imminently present facades of civilized modernity with barbarity. The Arendtian ‘banality of evil’ transmogrifies into Baumanian ‘rationality of evil’ and finds its self-serving purpose in the technologically engineered ‘normalcy’ or ‘familiarity’ of/with modernity. Thus, “every ‘ingredient’ of the Holocaust”, writes Bauman, “was normal not in the sense of the familiar ... but in the sense of being fully in keeping with everything we know about our civilization, its guiding spirit, its priorities, its immanent vision of the world.”⁴⁵ In this rationalization of place and the human subject, fear alone becomes less economical. Reason, in lieu of access to tools of forceful resistance, permits the victim to become complicit in its ways in hope of survival. It was, after all, modernism’s penchant to set reason on the pedestal, while also submitting for comprehensive examination and

⁴⁴ Docherty, Thomas. 1993. *Postmodernism: A Reader*. (New York: Columbia University Press). Pg. 8.

⁴⁵ Bauman, Zygmunt. 1989. *Modernity and the Holocaust*. (Ithaca: Cornell University Press). Pg. 7.

rationalization that element which by an edict of the law belongs to the public power, the body. Postmodernism, according to Johanna Oksala, rethinks the subject and its emancipating potential by positing restraint and limiting forms of subjectivization as historically contingent.⁴⁶

Zygmunt Bauman presents two dominant visions that assisted *les Lumieres* of Europe in articulating and advancing the Kingdom of Reason and structuring socio-political organizations around conceptualizations that defied human proclivity toward unmitigated stasis: (i) The Faustian man of Nietzsche, conveyed an image of “power and its superiority, considering all other human forms as inferior to itself ... Faustian man was a romantic ... the maker of history, not its product.” History itself was a “triumph of the daring, the courageous, the insightful, the profound, the clear-headed over the slavish, cowardly, superstitious, muddled and ignorant.”⁴⁷ (ii) Freudian vision of modernity in which the ‘reality principle’ supersedes the ‘pleasure principle’ provoking people to “trade off part of their freedom (and happiness) for a degree of security, grounded in hygienically safe, clean, and peaceful environment.”⁴⁸ With the deliberate and calculated ‘imposition of patterns,’ individual human impoverishment and ‘partial intellectualism’ became symptomatic of modernity’s always nascent, ongoing, and open-ended processes of subjectivization, which is to be understood as a procedure for the objectification of

⁴⁶ Oksala, Johanna. 2005. *Foucault on Freedom*. (Cambridge: Cambridge University Press).

⁴⁷ Bauman, Zygmunt. 1993. “The Fall of the Legislator” in Thomas Docherty (ed.) *Postmodernism: A Reader*. (New York: Columbia University Press). Pg. 130.

⁴⁸ *Ibid.*, Pg. 131.

one's own self, subsequent constitution of oneself as a subject, and a simultaneous, "binding of oneself to a power of external control."⁴⁹

It is argued, in the postmodern vein, that excessive and uncontested predilection for rationalism (reminiscent of Weber's view of history as 'progressive rationalization') "produces an administered society, not a rational society: reason is replaced by efficiency and by the aesthetic and formal vacuities of rationalism."⁵⁰ Reason thus stands as the judge and jury of inclusion and exclusion, and a categorical definer of rules which are to apply universally. This production of mass 'normativity' around which rules of social behavior and conceptualization of reality are formed, Baudrillard in *Simulacra and Simulation* contends, calls 'reality' into question and subverts its principles of legitimation. The arising heterotopias and simulacra, as loci of struggle against normalization, which by necessity transpose time and space, reproduce images with dual and contestable meanings, which either: (i) reflect reality; (ii) pervert reality; (iii) imitate and artificially simulate reality; or, (iv) bear no relation to reality. As such, postmodernity's concern with caricaturing reality lies in ascribing value and moral appraisal to the artificially produced phenomena, rather than the actuality of its experience. And it is this very suspicion that gives birth to an hermeneutic enterprise concerned with authenticating the credibility of surface-level meanings through "strip[ping] off the concealment, unmasking of interests"⁵¹ and an in-depth exploration of

⁴⁹ Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. (Stanford: Stanford University Press). Pg. 119.

⁵⁰ Docherty, Thomas. 1993. *Postmodernism: A Reader*. (New York: Columbia University Press). Pg. 14.

⁵¹ Ricoeur, Paul. 1970. *Freud and Philosophy: An Essay on Interpretation*. (New Haven: Yale University Press). Pg. 33.

untenable claims. Lyotard referred to postmodernism as ‘rewriting of modernity’, whose “negations” in the words of Octavio Paz, even in the highfalutin spheres of politics, “have become repetitions: rebellion has become method, criticism has become rhetoric, transgression has become ceremony. Negation has ceased to be creative.”⁵² Thus, an epistemology (*gnosis*) has been contaminated and replaced by pure ontology (*praxis*), and the uprooted representation of human subjectivity and identity have been placed in the consensually agreed upon framework of rationalized automatism, which deems all action *a priori* predictable and knowable.

The history of Western thought points to two trajectories of deliberating and legitimizing social and political orders: (i) the European Enlightenment model, which assumes the presence of a foundational, rational, and truthful knowledge that determines socio-political and cultural practices, bestows institutional legitimacy, and ensures communitarian integrity. It displays a tendency to portray society “as a potentially unified subject with a unified will”⁵³; (ii) the postmodernist model, which is inherently anti-foundational, and rejectionist in its attitude toward a coherent totality. It is far from accepting the Platonic realm of forms or a set of objective truths by which the ordering of society takes place. The postmodern condition, Madan Sarup argues quoting Lyotard, is one in which “the *grands recits* of modernity – the dialectic of Spirit, the emancipation of the worker, the accumulation of wealth, the classless society – have all lost credibility.”⁵⁴

⁵² Docherty, Thomas. 1993. *Postmodernism: A Reader*. (New York: Columbia University Press). Pg. 15.

⁵³ Olssen, Mark. 2009. *Toward a Global Thin Community*. (Boulder: Paradigm Publishers). Pg. 141.

⁵⁴ Sarup, Madan. 1993. *Post-Structuralism and Postmodernism*. (Athens: The University of Georgia Press). Pg. 145.

It is, moreover, characterized by speculative and allusive thought, which questions the intentions of ideological conditioning and power relations. Autonomous subjectivity and abstract reason are problematized and revealed as mediated, contingent, and provisional, set within the historical horizons of fragmentary truths and knowledges from which there is neither escape nor recourse to some transcendent universal. The very framework of ideological conditioning, which self-legitimizes itself through repetition of the contents of the world it structures and shapes, is contested by the postmodernist paradigm, phrased in the cultural politics of 1968 and the overbearing effects of insurgent technology and scientization of society. Its methods have been represented by Foucault in his 1975 genealogical magnum opus, *Discipline and Punish*, where a relentlessly institutional analysis of the 18th century penitentiary, its system of highly structured techniques of control, have cast a shadow on the modern bureaucratic-industrial state and societal arrangements, and suggested a premise of subjectivity as by-produced and ritualized in the habits of existence.

Before, however, conducting a more comprehensive study of Foucault's political insights in regards to human subjectivity and spatial reconfiguration of *governmentality*, to which his writings allude, it is necessary to develop an understanding of the relation between postmodern thought and liberal politics, with which politics in general, and International Relations as discipline, in particular, in the Western hemisphere have been up to now concerned.

Postructuralism in International Relations

The postmodern (poststructural) strain of thought entered International Relations in the 1980's with the works of Richard Ashley, Michael Shapiro, and R.B.J. Walker, who emphasized the relationship between power and knowledge, representation and identity, while cultivating a critical attitude toward realist and neorealist theories. David Campbell argues that poststructuralism, as expressed by its critical attitude rather than general theory, marks a different perspective on the relation between theory and practice, and sets up theory as practice.⁵⁵ This, in turn, permits for the examination of the means by which predominant knowledges and practices have been established and solidified in socio-political consciousness. Such treatment and approach to the question of politics, accompanied by a Lyotardian 'distrust of metanarratives' with which it has become invested, provokes a number of questions, which provide an overarching framework through which implicit truths are interpreted and contested. The paradigm, thus, purports to analyze and inquire after: (i) the origins of the state and how it has come to be regarded as an indispensable unit of analysis; (ii) practices of statecraft, which appear as both essential and natural; (iii) problematization and investigation of state identity and foreign policy; (iv) representations of sovereignty and productions of subjectivity. In this way, postmodernism tries the limits of liberal thought, which has assumed a position of neutrality, or what Joseph Raz has labeled as 'epistemic abstinence,' in regards to social ends, and the maintenance of fair-minded equilibrium among competing interests and actors. Liberalism's early embrace and entrenched belief in the superordinate position of regulatory mechanisms ensuing from and ensured by the market forces, Foucault argued,

⁵⁵ Campbell, David. 2006. "Poststructuralism" in Tim Dunne et al. (eds.) *International Relations Theories: Discipline and Diversity*. (Oxford: Oxford University Press). Pg. 206.

has led the subscribing political unit to form a novel conception of its *raison d'état*; that of maximal enrichment, which necessitates reorganization of the means of production, rationalization of labor, harmonization of economic and political power, and finally, cultivation of the relational aspects of identity by means of the modification of social nature, and construction of institutions and discourses that implant the internal logic of the operating system within the individual subjects' psyche. The art of government, which up to now adhered to Aristotelian logic that set priority on the admixture of specialized knowledge (*techne*) and wise judgment (*phronesis*), transmogrified into a political process and a disciplinary regime informed solely by the former.⁵⁶ It should be noted that postmodernism does not aim at subversion of the political and social *modi vivendi*, but rather at an inquiry and explanation of the assumed 'natures', 'truths', and 'functions', which stem from its agnosticism toward facts and habits implicated in the ever present productive and restrictive relations of power. Only through rendering the institutional substrate more transparent, can the devolution of its practices be comprehended.

Injunction of Realism

“Of the gods we believe, and of men we know, that by a necessary law of their nature they rule wherever they can. And it is not as if we were the

⁵⁶ In “Governmentality” Foucault thus sees the art of government manifested: “[the art of government] has as its purpose not the act of government itself, but the welfare of the population, the improvement of its condition, the increase of its wealth, its longevity, health, etc.; and the means that the government uses to attain those ends are all in some sense immanent to the population itself; it is the population itself on which government will act either directly, through large scale campaigns, or indirectly, through techniques that will make possible, without the full awareness of the people, the stimulation of birth rates, the directing of the flow of population into certain regions or activities, and so on.” In sum, “the art of government is the art of managing the processes of life on the scale of the state.”

first to make this law, or to act upon it when made: we found it existing before us, and we shall leave it to exist for ever after us; all we do is to make use of it, knowing that you and everybody else, having the same power as we have, would do the same as we do.”

-Thucydides, *The History of the Peloponnesian War*

The intention of the following section is not to summarize the contesting claims of the grand theoretical narratives, but to shed light on how a specifically Foucauldian version of postmodernism challenges the core realist assumptions about politics. *Prima facie*, Foucauldian postmodernism and realism share a core conjecture about political life, that of the omnipresence of power. Be it vested in intentions and motivations of actors, systems, institutions, ideologies, and knowledges, power plays an instrumental and terminal function. On a substantive level of analysis, however, the two traditions significantly diverge.

There are six general principles and four particular aspects of the realist paradigm, which have characterized the political norms of engagement and practice. They are: (i) realism's belief in government set on the principles of objective laws rooted in human nature; (ii) rationalization of interests in terms of power; (iii) belief in the objectivity and universal validity of interest and its role as the governing principle of political action; (iv) adoption of ethics based in political consequentialism and recourse to prudence as the supreme virtue in politics; (v) maintenance and preservation of the autonomous political sphere resulting in a refusal to align moral aspirations and right of states with the divine plan; (vi) view of the realist paradigm as intellectually autonomous and sui generis.⁵⁷

⁵⁷ Morgenthau, Hans. 2006. "Six Principles of Political Realism" in Phil Williams (ed.) *Classic Readings and Contemporary Debates in International Relations*. (Belmont: Thomson Wadsworth). Pg. 57.

The principles are supported with the following assumptions about the international domain of politics, which are the following: (i) the assumption that nation-states are the only consequential actors in international relations; (ii) assumption that political action and relations among states are directed primarily towards enhancing national security *qua* military capability, ideological coherence, and territorial soundness; (iii) assumption that international relations are a competitive conflict-based zero-sum game; (iv) assumption that coercion, economic and military capability testify to states' power and influence.⁵⁸

The institutionalized practices of *realpolitik*, grounded in the Thucydidean logic and implicated in the theoretical conception of sovereignty and balancing of power to which the aforementioned have given rise, have prevented moving beyond their immediate sphere of application and tainted any such attempts, as crassly utopian. For instance, the organization of the world into states and articulation of state-centric ethics of international conduct in terms of power, its gain, sustenance, and maximization, *a priori* determined that politics exhausts itself within its set reasons of the state and its proclivity for 'temporary alliances of convenience,' inhibiting gestures of lasting reciprocal recognition and cooperation, and overlooking the possibility of mutual responsibility for political subjects by endowing citizens and non-citizens, alike, with positive rights and duties.

Foucault presents a highly original reading of discursive power, which subverts strictly mechanical understanding of its application and consequences. It is precisely his method of analytically delving into the origins of the 'rationality' of realist assumptions,

⁵⁸ R.L. Merrit and Bruce M. Russett. 1981. *From National Development to Global Community*. (London: George Allen and Urwin). Pg. 149.

which permits him to create an opening for questioning of their core modes of operation. In congruence with his typical genealogical method of analysis, Foucault in “Omnes et Singulatim” uncovers the Biblical and Homeric narratives which have imbued politics with an early rationalization of power. In so doing, Foucault questions the formality of an ahistorical and dislocated objectivity of realism, which not only denies the subject any involvement in the processes of political life, but erases the importance of her emplacement within history and its many contingencies. Furthermore, Foucault shows the problems of relations between the ruler and the ruled, between the political power - as a legal framework, and - ‘pastoral power’ and the development of ‘pastoral technology’ - as ‘duty’, ‘devotedness’, and general shepherdness. Here, Foucault shows, power aspires toward service rather than domination, guidance of subjects rather than mere knowledge about them. As evidenced by Plato’s works, *Critias*, *The Republic*, *The Statesman*, and *Laws*, the Greek notion of commanding men, Foucault notes, was ultimately reducible to a more subordinated act of keeping watch. The Platonic shepherd-magistrate became the dominant theme of monastic thought of medieval Europe, where: (i) the responsibility for the destiny of the whole flock, and (ii) the flock’s obedience to and compliance with shepherd’s will, aimed at ‘weaving of a strong fabric’ for the political life of the city.⁵⁹ The subject’s act of submission (Latin *subditi* or the Greek *apatheia*), in turn, was not only elevated to the status of virtue, but made into an individualized path to salvation, ensured by confessional techniques for the self cross-examination of conscience. The economic, cultural, and sociopolitical structures, however, Foucault observes,

⁵⁹ Foucault, Michel. 2006. “Omnes et Singulatim” in *The Chomsky-Foucault Debate on Human Nature* (New York: The New Press). Pg. 183.

necessitated an epistemological and practical turn away from the Greco-Roman practices of obedience, self-knowledge, and confession toward a justification of the state power. The appearance of the (a) reason of state⁶⁰, and (b) theory of police⁶¹ eventuated in the ‘art’ of governing, that is, a reflection on the nature of what and who is being governed (enhanced by the implementation of arithmetic and statistics), and understanding of the state’s own material capacities for the enlargement, sustenance and preservation of its strength indispensable for correct government.

The above challenges the realist paradigm in two ways: (i) it shows the historical variability, fluidity, and contingency of the reasons and functions of the state power; (ii) it presupposes that the changing rationality of state’s capacities may eventuate in a radical recalibration and transmogrification of the state apparatus and practices of statecraft, even at the expense of its own dissolution, should it judge that its power of governing is better achieved by some other mode of organization. Hence, what appears as natural and without a present alternative, is shown to be an effect of artificial constitution, a fungible and changeable adoption of perspective, and a historical production of knowledge. Above all, an obstinate insistence on the preservation of the discourse on sovereignty, as an untouchable condition and fact of political existence, inhibits rationalization of the modes of power, which, as Friedrich Balke argues, have long ceased to operate according to the accepted model of sovereignty.⁶²

⁶⁰ The doctrine of reason of state, Foucault writes, attempted to draw contrasts between the principles and methods of the secular government from that of the socio-cultural and divine.

⁶¹ The doctrine of the police ponders the nature of the instruments which the state has at its disposal, uncovering of the reasons and aims for their implementation, and an area for the state’s rational activity.

⁶² Balke, Friedrich. 2005. “Derrida and Foucault On Sovereignty”. *German Law Journal*. 60 (1): 80.

At another level of analysis, Foucault distinguishes between ‘disciplinary power’ and ‘juridical power’. In “Two Lectures” Foucault notes:

“...we should direct our researches on the nature of power not towards the juridical edifice of sovereignty, the State apparatuses and the ideologies which accompany them, but towards domination and the material operators of power, towards forms of subjections and the inflections and utilizations of their localized systems, and towards strategic apparatuses.”⁶³

I suggest, that the juridical power may be read more closely as a characteristic of a realist conceptualization of power, whereas disciplinary power, as a political transgression in its regicidal, postmodernist intentions, is therefore, more amenable to cosmopolitan treatment. According to the juridical power model: (i) power is possessed; (ii) power is hierarchical and flows from top to bottom; (iii) power is prohibitive, sanctioned, and repressive. The disciplinary model holds power to be: (i) exercised rather than possessed; (ii) disseminated, rhizomatically distributed, flowing from the bottom up; (iii) mobile and productive; (v) analytic rather than hermetically enclosed within the confines of a theory. Foucault acknowledges the multiplicity of force relations and thus regards power as always contested, non-institutionalized, intentional, and non-subjective. The state itself, as that human community and political entity which claims a monopoly on power, Mitchell contends, is reduced to an effect of a set of “detailed processes of spatial organization, temporal arrangement, functional specification, supervision, and surveillance,”⁶⁴ which the realist tradition justifies metaphysically, thus inevitably creating the appearance of the world divided into sovereign states competing for survival

⁶³ Foucault, Michel. 1976. “Two Lectures” in Michael Kelly (ed.) *Critique and Power*. (Cambridge: The MIT Press). Pg. 40.

⁶⁴ Mitchell, Timothy. 1991. “The Limits of the State: Beyond Statist Approaches and Their Critics.” *American Political Science Review* 85 (1). Pg. 90.

in an anarchical system. Foucauldian standpoint disputes the presupposition of stable human nature, arguing that orders create norms, identities, communities which sustain the subject; proposes an ethics of action under which resistance is affected by architecture of repression; asserts multipolarity as status quo; and contends that the rationalization of structural organization and relations are emplaced in malleable disciplines and micro-contexts rather than inert grand theories of the state and its rigid *raison d'état*. Foucault shares with realists, to a certain degree, an equally pessimistic view about the possibility of socio-political tranquility. Society, he admits, is a war of all against all, as the battles for the status of 'truth' rage even in times of relative peace during which new social institutions arise through which an 'unspoken warfare' for domination is continuously expressed.⁶⁵

In sum, the intellectual and pragmatic dominance of the realist paradigm in its unquestionable assertion of a community of sovereign states generates a built-in consensus and a 'discourse of limits.' International relations concedes the 'fact' that the state sovereignty and a system of states are absolute; that power is centralized; that it is riddled with often imbalanced, conflictual power struggles for domination; that states are rational actors relying on utilitarian calculus for political gain; that maximization of power is based in ethics of intention, whose predictability is rooted in human nature. As R.B.J. Walker contends, the emphasis on the claim of state sovereignty obscures the attempt to explain its consequences,⁶⁶ preventing a conceptual turn that responds to the

⁶⁵ Pickett, Brent. 2005. *On the Use and Abuse of Foucault for Politics*. (Lanham: Lexington Books). Pg. 23.

⁶⁶ Walker, R.B.J. 1995. "From International Relations to World Politics" in Joseph A. Camilleri et. al (ed.) *The State in Transition*. (London: Lynne Rienner Publishers). Pg. 32.

emergence of novel forms of global organization and the changing nature of the socio-political standards of international life. The political life of states, Luigi Bonanate suggests, resembles “a series of hierarchically linked concentric circles”, which progressively elide the prerogatives of state sovereignty, and which are characterized by a conceptualization of the international system which: (i) *overrides anarchy*, or an international consensus on the content of inter-state relations as represented by “alliance and hostility, of peace and of war”; (ii) *repudiates the use of international violence*; (iii) *promotes interstate pluralism*, which responds to reciprocal acknowledgement of respect in alliance formation and free organization; (iv) *encourages democratization of the international system based on coexistence*, mutual recognition of “equal prerogatives, rights and duties both of the states’ own nationals and of foreign citizens”; (v) *promotes “collective acceptance of elementary principles of equity”* and “respect of fundamental rights of individuals regardless of citizenship.”⁶⁷

Foucault’s Postmodern Paradigm: the Question of Political Sovereignty

The Foucauldian re-conceptualization of sovereignty, of the self, of political endeavor as ‘art’ rather than governmental routine, of discourse as space, serves as a precedent for a postmodernist cosmopolitan theory and practice, and bears twofold implications. First, the de-routinization of political practices permits the reinterpretation and re-situation of their symbolic meanings in relation to newly legitimized forms of social interaction. Second, systems of cultural signification and meaning become

⁶⁷ Bonanate, Luigi. 1995. *Ethics and International Politics*. (Columbia: University of South Carolina Press). Pg. 120.

modified through practice and normalization procedures, which both incorporate and reconstitute power, and coextensively alter the national self-understanding, formal allocation of procedural rights and bestowal of social status, and amend external behavioral practices of states, social groups, and citizens alike. The Foucauldian analysis, by subverting mere symbolism of the uncontested state sovereignty and the essential subjectivity of citizens, has regenerated interest in effective challenging of subjective standards and norms, and continues to provide a theoretical schema for highlighting the political significance of power, sovereignty, resistance, and *governmentality*, while also defining a framework for the achievement of substantive change via creative acts of self-authorship. As a conceptual tool, it permits for a variegated approach to questions of power relations by situating this universally recognized concept - power - at the epicenter of discourse. It thus avoids epistemic constriction, which may dismiss its utility when addressing historically, politically, and culturally distinct problems and novel conceptualizations of being in the world. Moreover, a critical approach to foundationalist and historic schemata permits the emergence of formal hermeneutics of the political enterprise. This is not inconsequential, as the complex political and existential problematic embedded in the domestic, international and global contexts, requires not merely an empirical and procedural understanding, but a substantive grasp of the intermediary processes which structure and constitute the anatomy and autonomy of actors implicated in the 'always-already' political and essentially human relations. Accordingly, the following section will examine how Foucault's genealogical enterprise and his critical interrogation of discursive practices permits to reveal the underlying and

determining elements of human subjectivity, and conditions for resistance and self-enactment.

Genealogy, Archeology, and Discourse in Politics

In “Sexuality and Solitude”, Foucault makes the following assertion: “Let me announce once and for all that I am not a structuralist, and I confess, with the appropriate chagrin, that I am not an analytic philosopher.”⁶⁸ The tendency to situate Foucault in one overarching intellectual tradition runs the risk of compartmentalizing his transdiscursive and transdisciplinary thought and thus misconstruing his ambitious archeological/architectonic and genealogical enterprise *qua* research activity. Foucault’s “Two Lectures” (1976) and an interview “Truth and Method” contained in the book *Power/Knowledge* (1980) offer an expansion on his research methodology. Thus, genealogy is to be understood as a “form of history which can account for the constitution of knowledges, discourses, domains of objects, etc. without having to make reference to a subject which is either transcendental in relation to the field of events or runs in its empty sameness throughout the course of history.”⁶⁹ The fundamental function of the genealogical project, Foucault contends, is to:

“entertain the claims to attention of local, discontinuous, disqualified, illegitimate knowledges against the claims of a unitary body of theory which would filter, hierarchize and order them in the name of some true knowledge and some

⁶⁸ Foucault, Michel. 1997. “Sexuality and Solitude” in Paul Rabinow (ed.) *Ethics, Subjectivity, and Truth*. (New York: The New Press). Pg. 176.

⁶⁹ Foucault, Michel. 1984. “Truth and Power” in Paul Rabinow (ed.) *Foucault Reader*. (New York: Pantheon Books). Pg. 59.

arbitrary idea of what constitutes science and its objects ... Genealogies are precisely antisciences”⁷⁰

To resurrect knowledge sedated by centralizing powers of institutions and sanctioned scientific discourses, in order to account for its subjection and struggle against its formalized and ossified unitary theoretical postulates, is to engage in genealogy. This “emancipation of historical knowledge from that subjection,”⁷¹ which *genealogy* as a tactic undertakes in order to reactivate local knowledges, requires a proper methodology that Foucault terms, *archeology*, through which “local discursivities” are analyzed and their historical relevance brought into play in the representation and constitution of the present. Foucault writes, “archaeological analysis individualizes and describes discursive formations. . . Far from wishing to reveal general forms, archaeology tries to outline particular configurations.”⁷²

Discourse, for Foucault, constitutes institutionalized and regulated linguistic practices that shape and construct the objects of knowledge and testify to their “truth” value, which is internal to a given discourse, and beyond which object’s manifestations cease to produce any meaning. Discourse is, therefore, a group of statements, which provides language appropriate to a particular topic and particular historical time period, and which consolidates and is, in turn, consolidated by an array of social practices. The hermeneutic approach to socio-political situatedness by way of linguistic constructs is

⁷⁰ Foucault, Michel. 1994. “Two Lectures” in Michael Kelly (ed.) *Critique and Power*. (Cambridge: MIT Press). Pg. 22.

⁷¹ Ibid. Pg. 24.

⁷² Foucault, Michel. 1972. *The Archeology of Knowledge*. (London: Tavistock Publications). Pg. 157.

elemental to a Derridian deconstructive tradition, in which the ethical and the political are implicated in the historical, temporary and contingent structural configurations that convey and are mediated by ideas, knowledges and systems of power. This approach is especially pertinent to Foucault's genealogical enterprise aimed at revealing the artificiality of the ontological and epistemological underpinnings of subjectivity and socio-political practice, methodically constituted and re-constituted by the dynamic interaction of knowledge and power.

In his 1970 inaugural lecture to the College de France, entitled "Orders of Discourse," Foucault for the first time introduced the concept of power, which from then on permeated his subsequent works, such as *Discipline and Punish* (1975), *History of Sexuality (Vol. I-III)* (1976), and *Power/Knowledge* (1980). With this, the dominant conception of power in the Hobbesian, Machiavellian, Shakespearian or Kantian edition, as a centralized system of coercion which affects its absolute possessor absolutely, as "the possession of power inevitably corrupts the free judgment of reason,"⁷³ begins to signify for Foucault an "interplay of nonegalitarian and mobile relations ... relations [that] are both intentional and nonsubjective ... [where] power is exercised from innumerable points"⁷⁴ and where an equal resistance is an admissible principle for action. This understanding of power has not been immune from criticism. Charles Taylor insists that "Foucault's opposition between the old model of power, based on sovereignty/obedience, and the new one based on domination/subjugation leaves out

⁷³ Kant, Immanuel. 1991. "Perpetual Peace: A Philosophical Sketch" in H.S. Reiss (ed.) *Kant: Political Writings*. (Cambridge: Cambridge University Press). Pg. 115.

⁷⁴ Foucault, Michel. 1978. *The History of Sexuality Volume I: An Introduction*. (New York: Vintage Books). Pg. 94.

everything in Western history which has been animated by civic humanism or analogous movements.”⁷⁵ Likewise, resistance, itself, has been called into question. Michael Walzer, for instance, denies that Foucault provides adequate reasons for his “calls to resistance - ... resistance for the sake of what?” Walzer asks by way of a critique, “for the sake of whom? To what end? None of these questions can be satisfactorily answered”⁷⁶, he concludes.

Admittedly, power, and by extension, resistance, so conceived has mandated a Copernican revolution in thought, a Kuhnian paradigm shift requiring greater decipherment of discourses and epistemes that structure and concretize human political reality, and accompanying it scientization and valorization of disciplinary forms of knowledge and social organization. Thus, in “Society Must Be Defended” Foucault postulates that in order to “conduct a concrete analysis of power relations, one would have to abandon the juridical notion of sovereignty” as this model, Foucault argues, “presupposes the individual as a subject of natural rights or original powers; it aims to account for the ideal genesis of the state; and it makes law the fundamental manifestation of power.”⁷⁷ The requisite abandonment of a habitual association of ‘man’ or ‘human nature’ with unchanging historical essences reified by discursive practice, and fostered by the Enlightenment and its normative presuppositions, offered a possibility for a “reshuffling of configurations” and classificatory schemas, while placing contingency,

⁷⁵ Taylor, Charles. 1985. *Philosophy and the Human Sciences: Philosophical Papers 2*. (Cambridge: Cambridge University Press). Pg. 166.

⁷⁶ Walzer, Michael. 1989. *The Company of Critics: Social Criticism and Political Commitment in the Twentieth Century*. (London: Peter Habon). Pg. 191.

⁷⁷ Foucault, Michel. 1997. “Society Must Be Defended” in Paul Rabinow (ed.) *Ethics, Subjectivity, and Truth*. (New York: The New Press). Pg. 59.

arbitrariness and discontinuity at the center of analysis. Moreover, the reversal of the Platonic adage, led Foucault to posit the soul as body's carceral structure, reified and maintained by: (i) the centrality of 'man's' universal Enlightenment pathos; and (ii) circumscription and constitutiveness of 'man' by "the order of things", that is, present practices and institutions defining the systems of normativity, culminating in the critical meta-study of social organizations of thought and discipline. The reconstitution of one's ontology through resistance to sovereign power structures and a demand placed upon self-authorship constitute the core existential requirements posed by the poststructuralist approaches to a cosmopolitan pathos. It is thus that human history unveils itself anew, as a history of choices, by way of which political agents claim their personal sovereignty and enter into a democratic, civil and political cosmopolitan society.

Foucault on Sovereignty

"Theory of sovereignty is the great trap we are in danger of falling into when we try to analyze power."

-Michel Foucault

To better analyze the mechanisms of power, Foucault insists on departing from the juridico-political notions of sovereignty, which date from the Middle Ages and are constituted around the questions of monarchy, and engaging in an analysis of power which escapes entrapment and justification of its means in the theory of sovereignty. But even such an analysis, Foucault notes, which should logically have led to doing away with the theory of sovereignty and its juridical substantiations altogether, as an organizing principle of political and social life, has merely accommodated

complementarities, while working to ameliorate the more acerbic confrontations. The problem, as Foucault sees it, lies in (i) the conflict between a right of sovereignty and a mechanics of discipline; (ii) the conflict of ends between the jurisprudential guarantee of rights and the disciplinary normalization; and which arose as a result of sovereignty's grand democratizing gesture, and a subsequent "establishment of a public right articulated with collective sovereignty" and enshrined in juridical codes. The devolution of hierarchically ordered degrees of power into "the general economy of discipline that runs throughout society"⁷⁸ constitutes a transition from the paradigm of sovereignty to that of governmentality.

The politico-juridical 'negative' conception of monarchic power and sovereignty, intricately bound to territoriality, and premised upon Roman law and its Grotian interpretation, as the principle of restraint and regulation, has posited the inviolability of the state, as the basis for a requisite formality in international relations, characterized by a perpetual struggle for survival and optimization of power under the dictates of the *ius belli*. A formal system enshrining the reason of state and guaranteeing the impermeability of its boundaries, Foucault contends in "Security, Territory and Population", resulted in: (i) a diplomatico-military technology that consists in "ensuring and developing the forces of a state through a system of alliances, and the organizing of an armed apparatus" in the search for a European equilibrium or balance of power under the guiding treaties of Westphalia; (ii) policy/police designed to increase forces from within; (iii) apparatus of

⁷⁸ Hardt, Michael and Negri, Antonio. 2000. *Empire*. (Cambridge: Harvard University Press). Pg. 88.

commerce and ‘population-wealth’ increasing the quantitative potential of the state.⁷⁹ In his analysis, Foucault intent on inverting Clausewitz’s thesis, sees law as a contingently expeditious mean, “born in the middle of expeditions, conquests and burning cities ... raging within the mechanisms of power ... to constitute the secret driving force of institutions of law and order.”⁸⁰ ‘Politics as war pursued by other means’ privileged therefore, war, and by extension, sovereignty’s presiding mandate as the appropriate media for Foucauldian study; as their extensive politicization permitted for the regulation and advancement of subject’s ‘happiness’, which in turn, enhanced the functionality of the apparatus of the state.

“How and under what conditions a ruler’s sovereignty over the state can be maintained?”⁸¹ “How, since when and how, did people begin to imagine that it is war that functions in power relations, that an uninterrupted combat undermines peace, and that the civil order is basically an order of battle?” ... “Who first thought that politics was war pursued by other means?”⁸² The application of an “archival” examination of the problematic of power, sovereignty and politics as structured discourses and practices has led Foucault to [their] problematization, under which object’s or concept’s constitution comes to the fore and becomes the subject for reflection and analysis. In attempting to

⁷⁹ Foucault, Michel. 1997. “Security, Territory, and Population” in Paul Rabinow (ed.) *Ethics, Subjectivity, and Truth*. (New York: The New Press). Pg. 69.

⁸⁰ Foucault, Michel. 1997. “Society Must Be Defended” in Paul Rabinow (ed.) *Ethics, Subjectivity, and Truth*. (New York: The New Press). Pg. 61.

⁸¹ Foucault, Michel. 1990. “Governmentality” in Paul Rabinow (ed.) *Essential Foucault*. (New York: The New Press). Pg. 230.

⁸² Foucault, Michel. 1997. “Society Must Be Defended” in Paul Rabinow (ed.) *Ethics, Subjectivity, and Truth*. (New York: The New Press). Pg. 60.

account for the power, domination, and governmentality problematic, it is essential to underscore the concepts' non-classical interpretations and associations which Foucault introduces into political theory. In his lecture on "Governmentality", the term 'government' is associated with the 'rationality', 'technology' and 'art' of governing or regulating conduct [of others or of oneself]. This "technology of state forces" leads to the development of an ensemble of institutions vested with the responsibility of enacting rational and conscious means, tactics, techniques and procedures for ordering and managing a population. "We need to see things," Foucault writes in "Governmentality", "not in terms of the replacement of a society of sovereignty by a disciplinary society and the subsequent replacement of a disciplinary society by a society of government" but form a triangular conceptualization of "sovereignty-discipline-government, which has as its primary target the population and as its essential mechanism the apparatuses of security."⁸³

Barry Allen in "Foucault and Modern Political Philosophy" interprets Foucault's 'governmentality' neologism as that which combined the idea of government or "the power to direct conduct, with the idea of a peculiar *mentality* with which the activity of government has been approached in modern times: the presumption that 'everything' can, should, must be managed, administered, regulated by authority."⁸⁴ In this way, not only the physical expansion of governmental bureaucracy, but also an increased specialization in all forms of expert management of knowledge and administration, which increasingly

⁸³ Foucault, Michel. 1990. "Governmentality" in Paul Rabinow (ed.) *Essential Foucault*. (New York: The New Press). Pg. 243.

⁸⁴ Allen, Barry. 1998. "Foucault and Modern Political Philosophy" in Jeremy Moss (ed.) *The Later Foucault: Politics and Philosophy*. (London: Sage Publications). Pg. 179.

and insidiously infiltrated into every dimension of individual life, came to typify the modern nation-state and the disciplinary society it brought about, along with the birth of the 'police state' designed to 'see to living' and to "maintain and augment the happiness of its citizens"⁸⁵ which was deemed necessary, if not indispensable, for the consolidation of strength and the very survival of the state itself.

By retracing the political history of sovereignty, Foucault shows how an alternative, seemingly less authoritarian, less self-legitimizing and entrapping *modus operandi* takes root, whereby power ceases to be conceived in terms of "law, prohibition, liberty, and sovereignty"⁸⁶ and requires for its discrete constitution neither the law nor the king. This, in turn, leads to the abolishment of a systemic consensus which stipulates that the only legitimate power emanates from the juridico-political theory of sovereignty which establishes and concentrates authority in the enigmatic and indivisible Leviathan, making it a *condition sine qua non*, as "pure sovereignty is indivisible, or it is not."⁸⁷ To dethrone the king via powers imminent in society is to negate the transcendental metaphysics of legitimized sovereignty, and to deny it an exclusive loyalty of a citizen and subject. Foucault reveals that the historico-political discourse has attempted to situate the sovereign in fictitious immanence imbuing him with a peculiar 'foreignness' and estrangement inaccessible to his subjects, wherein his incontestability has lain. A

⁸⁵ Allen, Barry. 1998. "Foucault and Modern Political Philosophy" in Jeremy Moss (ed.) *The Later Foucault: Politics and Philosophy*. (London: Sage Publications). Pg. 186.

⁸⁶ Foucault, Michel. 1978. *The History of Sexuality Volume I: An Introduction*. (New York: Vintage Books). Pg. 90.

⁸⁷ Balke, Friedrich. 2005. "Derrida and Foucault on Sovereignty." *German Law Journal* 1 (1 January 2005). Pg. 76.

genealogical decipherment, however, procured by Foucault, deconstructs the ‘myth’, eventuating in nothing less than regicide. From now on, knowledge rather than “ostentatious signs of sovereignty”⁸⁸ is to serve as a textual and practical *vade mecum* for the administration of society. The king’s dethronement presents itself as an opportunity for positing an alternative realm of existence, where neither citizen-subjects’ personality nor individual identity are reduced to and exhausted by a single inert skeleton. The techniques of analysis offered by Foucault, permit for a re-conceptualization of political reality, by recognizing the fluidity and hybridity of social affiliations and narrative genres which accompany them.

For Aristotle, the essence of the *polis* has lain in its pedagogical purpose that defined the political destiny and fortune of citizens. In *Considerations on Representative Government*, Mill proposed the “first element of good government, being the virtue and intelligence of the human beings composing the community, the most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves.”⁸⁹ With Foucault, a nominally and substantively different utility is being assigned to the state and its governmental practices. Foucault contends that the state does not have an essence or an essential purpose, and it is not a universal or an autonomous source of power. The state is nothing else but “the mobile effect of a regime of multiple governmentalities.”⁹⁰ The government thus shows itself

⁸⁸ Foucault, Michel. 1977. *Discipline and Punish*. (New York: Vintage Books). Pg. 220.

⁸⁹ Mill, John Stuart. 1884. *Considerations on Representative Government*. (London: Ballantyne Press). Pg. 12.

⁹⁰ Foucault, Michel. 2008. *The Birth of Biopolitics: Lectures at the College de France 1978-79*. (New York: Palgrave Macmillan). Pg. 77.

through disciplinary techniques which structure the social command via a “diffuse network of *dispositifs* or apparatuses that produce and regulate customs, habits, and productive practices”⁹¹ which reach beyond the corporeal manifestations of being and enter the realm of consciousness, and which eventuate in docile and malleable social *bios*. It is also evident in Foucault’s analysis that it is precisely the learned residuals of habits and customs that insert themselves in economic and political practices, which enable “the structures, mechanisms, and justifications of power to function.”⁹²

The individual within the system so conceived is a fabricated atom, an artifact and a product of a technology of control, and an ideological representation of society. Foucault argued that the transition from the sovereign state to the disciplinary state, inevitably resulted in the transmogrification of the state’s *raison d’être*. In “The Political Technology of Individuals,” Foucault outlines the new *raison* as that devoted to taking “care of men as a population. It wields its power over living beings as living beings, and its politics, therefore, has to be a biopolitics.”⁹³ The state is, thus, not merely invested with the potential for basal recourse to coercion but with ‘intelligence’ and productive capacity, an aesthetics which is to sculpt and refine the skeleton and the mind of the citizen it is interested in governing. The processes underlying the ‘new political anatomy’ of disciplinary society are no longer unified under a rigid, monolithic framework of operation, but rather show themselves as

⁹¹ Hardt, Michael and Negri, Antonio. 2000. *Empire*. (Cambridge: Harvard University Press). Pg. 23.

⁹² Foucault, Michel. 2008. *The Birth of Biopolitics: Lectures at the College de France 1978-79*. (New York: Palgrave Macmillan). Pg. 85.

⁹³ Foucault, Michel. 1988. “The Political Technology of Individuals” in Luther Martin et al. (eds.) *Technologies of the Self*. (Amherst: University of Massachusetts Press). Pg. 160.

“a multiplicity of minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of application, converge and gradually produce the blueprint of a general method ... adopted in response to particular needs.”⁹⁴

The social construction of subjects predisposed and more amenable to the requirements of economic production necessitates and justifies the utilization of closely administered institutional modes of disciplinarity and management of populations. Thus, life itself, says Foucault, becomes an object of power. With this, the philosopher breaks with the tradition of a ‘benign’ analysis of sovereignty and the liberal convention of analyzing sovereignty from the point of restraint on power, and dares to inquire after the extra-legal means and reasons for its exercise. “With government,” Foucault writes, “it is a question not of imposing law on men, but of disposing things ... of employing tactics rather than laws, and even of using laws themselves as tactics.”⁹⁵ The law *qua* jurisprudence was dethroned from its central position within the apparatus of state and replaced with a regime of discipline and tactics of disposal.

The State of Being *qua* Creative Becoming

In conceiving of the basic human unit of social organization, the state, under globalization, it is necessary to invoke some unifying philosophical presuppositions. The following will certainly assume more about the function and purpose of the state than Sir Thomas More’s sinister adage had purported to capture, when he believed the state to be:

⁹⁴ Foucault, Michel. 1977. *Discipline and Punish*. (New York: Vintage Books). Pg.138.

⁹⁵ Foucault, Michel. 1991. “Governmentality” in Graham Burchell et al. (eds.) *The Foucault Effect: Studies in Governmentality*. (Chicago: The University of Chicago Press). Pg. 95.

‘a conspiracy of the rich who call their intrigues laws.’ A *contrario*, in Book I of the *Politics*, Aristotle insisted on the state being a “community of some kind ... established with a view to some good ... a body of citizens sufficing for the purposes of life.”⁹⁶ For Cicero, the state or the commonwealth was “that association and federation of men bound together by principles of justice.”⁹⁷ In *the Revolt of the Masses* “the *polis* is not primarily a collection of habitable dwellings,” Ortega y Gasset wrote, “but a meeting place for citizens, a space set apart for public functions. The city is not built ... to shelter from the weather and to propagate the species ... but in order to discuss public affairs.”⁹⁸ Neither one of the above definitions is exhaustive; yet common to all three is an identification of the state with a public space, a community of individual citizens bound to share and propagate the good in accordance with the laws of justice. This democratic assumption, which is premised upon a primarily communitarian logic, defines the parameters of citizenship by: (i) investing public spaces with the opportunity for the use of ‘autonomous’ public reason, endowed with an appropriate level of critical reflection, which in turn; (ii) enhances the norms and *nomos* of the political unit, even or, perhaps, all the more so, when invested with a spirit of resistance.

Genesis, continuity, totalization: these are the great themes of the history of ideas, and that by which it is attached to a certain, now traditional, form of historical analysis. . . . But archaeological description is precisely such an abandonment of the history of ideas, a systematic rejection of its postulates and procedures, an attempt to practice quite a different history of what men have said.⁹⁹

⁹⁶ Aristotle. 1947. “Politics” in Richard McKeon (ed.) *Introduction to Aristotle*. (New York: Random House, Inc.) 1252a-1275a.

⁹⁷ Radford, Robert T. 2002. *Cicero: A Study in the Origins of Republican Philosophy*. (Kenilworth: Rodopi). Pg. 76.

⁹⁸ Ortega y Gasset, Jose. 1931. *The Revolt of the Masses*. (New York: W.W. Norton & Company). Pg. 151.

⁹⁹ Foucault, Michel. 1972. *The Archeology of Knowledge*. (London: Tavistock Publications). Pg. 138.

The attitude of resistance, abandonment and dissociation, proposed above and employed by Foucault in his “archival” enterprise, however disowned by a communitarian principle as the bonds of mutual constitutiveness become subject of gradual dissolution (and thus is constitutively more in tune with a cosmopolitan mode of dialectical enterprise between the world and the self), creates an opening for self-authorship, under the edicts of which the self voluntarily discovers the ‘imaginative horizons’ and aspires toward their surpassing. It is the acting and reflecting person, then, who in the “vivacity of the spirit” is not simply able to turn “the power of consciousness back upon the self and its imaginations,”¹⁰⁰ but also to intend and to project oneself toward the self of one’s own ambition. The implied subjectivity suggests a “retreat into the self” in order to excavate the potential for the development of personal reason, or to find *logos* already dwelling there. The methodological approach in enacting the “ethical subject” (Foucault), the “liberal self” (Sandel), the “cosmopolitan self” (Hill) is through a process of self-reference by which the “individual delimits that part of himself that will form the object of his moral practice, defines his position relative to the precept that he will follow, and decides on a certain mode of being that will serve his moral goal.”¹⁰¹

The portrait of creative becoming, which Foucault adroitly paints on his philosophical canvas, necessarily regards ‘existence as preceding essence,’ however, distrusting the ‘essential beingness’ which aspires toward nothing less than metaphysical transcendence. To posit ‘coming into being’ as an existential task, and by extension, a

¹⁰⁰ Mounier, Emmanuel. 1952. *Personalism*. (Notre Dame/London: University of Notre Dame Press). Pg. 37.

¹⁰¹ Foucault, Michel. 1985. *The History of Sexuality, Volume II: The Use of Pleasure*. (New York: Vintage Books). Pg. 28.

cosmopolitan project, based on the understanding of the historical and socio-political narratives that define the psyche/‘soul’ and confine the body, and which impinge upon and encumber the being that already is, and the one that is not yet, is to presuppose that agents possess an affinity toward self-discipline, self-cultivation, and an ethical aesthetic, an array of artistic and stylistic gifts which issue in ‘practices of creativity’ and resistance. In this way, the constitutionality of human ontology is rarely ‘natural,’ definite, exact, and unambiguous, but rather invariably ‘optional’, plastic, contingent and indeterminate. In view of the above, it becomes necessary to inquire after the relevance of the state in the development of beings *qua* citizens in the expanded sphere of concern it is invested with under globalization. Question of this kind is not inconsequential, as increased privatization of human existence and rearrangement of public spaces for democratic deliberation, alter the capacity and the paternalistic role of governments, and through it, realign citizens’ reference points for self-identification.

A Prelude: Political Significance of Space

The liberal order provides numerous exemplars of context-dependent radical thought, intent on either habituating citizens in good (Aristotle), maximizing the greatest happiness (Mill) or deliberating upon and selecting the principles of justice from behind the “veil of ignorance” (Rawls). All of the above presupposed that the human condition is necessarily immersed in and intimately tied to the *polis* or the state, and the spaces delineating its function, which form the fundamental identity rooted contextually to a collective of customs and mores. From Hobbes through Locke and Rawls political theory has relied upon arguments aimed at legitimation of political power and justification of the

legal system as maintaining order, promoting safety and enshrining popular consent by providing positive guarantees, protocols protecting natural rights, persons, and property.

The political significance of space, physical as well as mnemonic, generates a set of questions concerning its character and constitution and above all its influence upon the citizen-subject. Space, as ‘definitional,’ such, by which rules of spatial behavior are explicitly articulated and codified; ‘historical’, situated in a specific context, and; ‘cultural’, predicated upon a plethora of specific significations and meanings, define(s) and circumscribe(s) the parameters for political engagement. It aggregates and excludes, impinges upon and confines, initiates and disrupts the scope and structure of political action. In her book, *Radical Space* (2003), Margaret Kohn, reasoning about the potentialities of spatial analytics and the socio-political and cultural importance of the spatial dimension vis-à-vis subjectivity and citizenship, raises the following concerns by asking: Is there something about shared physical presence that intensifies and transforms political experience? Could particular spaces serve a transformative political project as well as a disciplinary regime?¹⁰² Could the space left open in the spirit of counter-politics, or ‘politics of sedition’ constitute as equally compelling an act of a nonetheless ‘political’ resistance as the space inhabited and occupied? What becomes of the territory, the demos, the democratic process, war and intrigue, when *space* which presided over and orchestrated socio-political behavior faces its own annihilation by the insatiable *time*, assiduously loyal to the progressively space-compressing processes and technologies of globalization?

¹⁰² Kohn, Margaret. 2003. *Radical Space*. (Ithaca: Cornell University Press). Pg. 2.

The above questions will constitute the foundation for a Foucauldian analysis of spatial politics. As James F. Keeley in “Toward a Foucauldian Analysis of International Regimes” suggests, Foucault “does not theorize or hypothesize; he produces jarring interpretations that uncover and promote struggles, therefore, we cannot deduce hypotheses from his work; instead, we can adopt an attitude of fundamental contestability, apply Foucault’s analytic devices, and explore possibilities.”¹⁰³ It is precisely this methodology, sustained by an attitude of contestability, which will preside over the following chapter. Adoption of this analytic procedure inevitably dilutes the foundations of any strict, quantifiable, objective disciplinary science and its uncontested “truth” by denaturalizing dominant narratives, while providing instruments for critical analysis of political actors and their relations on the stage of the international theater, as well as opening prospects for conceptualizing a normative core of democratic engagement under the auspices of a cosmopolitan form of being. Since, transnational processes of, and contests to, globalization extend themselves beyond national borders, the idea of democracy premised upon a rigidly demarcated political forum, can no longer be viably sustained. As a consequence, the philosophical and pragmatic ends of atomistic and sheltered political communities or territorial nation-states must be rethought. And the conceptual and legal underpinnings and duties of citizenship, which are a *conditio sine qua non* of every democratic polity, must be revised and expanded beyond spatial confines of the nation-state, in order to assume an increasingly mediating and dialogically engaged role.

¹⁰³ Keeley, James F. 1990. “Toward a Foucauldian Analysis of International Regimes.” *International Organizations* 44(1). Pg. 96.

CHAPTER III

THEORIZING POLITICAL SPACE, GOVERNMENTALITY, AND SUBJECTIVITY

“The present epoch will perhaps be above all the epoch of space. We are in the epoch of simultaneity: we are in the epoch of juxtaposition, the epoch of the near and far, of the side-by-side, of the dispersed. We are at a moment, I believe, when our experience of the world is less that of a long life developing through time than that of a network that connects points and intersects with its own skein.”

- Michel Foucault, “Of Other Spaces”

In theorizing political space it is incumbent to consider the public sphere and social space that defined and enabled the essential nature of the political enterprise. Though familiar investitures of the Greek agora or the Roman forum provided the necessary schemas for architectural design and accommodation of the democratic debate in the ancient world, and the writings of the Enlightenment of Kant and Mill equipped it with theoretical imaginings of a place destined for collectivization of rational individuals in the attempt to reach agreements on issues of common concern, the more substantial theorization of space as the cornerstone of transformative politics in an era of deterritorialization, internal fragmentation, and physical-intellectual dispersal remains yet to be conceived.

The analysis and understanding of the spatial dimension and repositioning of the state, apart from its geographic placement, cannot be accomplished without the examination of the definitive political markers of citizenship and sovereignty, which are deeply implicated in the political process and operation of ‘imagined communities’ at

local, national, and global levels. Camilleri et al. in the *State in Transition* (1995), claim that the statist paradigm has monopolized our understanding of the political, putting a ‘stranglehold’ on international relations, and constraining a variant discourse around the concepts of state, security, and power. The marked polycentrism of modern governance, Scholte points out, is distinctly multi-layered and trans-scalar, creating an impression of a ‘shrunk’ or ‘partial’ sovereignty.¹⁰⁴ The fluctuating and shifting internationalism provides, therefore, the testing-ground for the adaptive capacities of states. Adaptation, by definition, requires revision and adjustment which are a result of a reflex response to the changing circumstances. Camilleri et al. argue that states’ symbolic and formal reactions permit for the articulation of their ‘possible trajectories’, while at the same time, reawakening reflection on the means by which the state has been conceptualized thus far.

Before considering, however, the consequences and various decouplings of ethno-nationalist projects, ontological and ethical dilemmas, and identity politics to which re-spatialization of politics under globalization inevitably gives way, it is necessary to concentrate on the transitions and alterations in the sphere of public space and discourse in order to uncover their impacts upon human and citizen agency and subjectivity. This chapter will be dedicated to the analytic exploration of the public sphere, which “links the liberal ideologies of the enlightenment to its constitutive social structures”¹⁰⁵ and attempts to redefine the utility of public political debate in the age of globalization, corporatization of the state and privatization of public locales of socio-political activity, which issue, on a

¹⁰⁴ Scholte, Jan. 2005. *Globalization*. (New York: Palgrave Macmillan). Pg. 190.

¹⁰⁵ Kohn, Margaret. “Foucault and Freemasonry.” Accessed on April 2, 2009 at <<http://www.unf.edu/~hkoegler/Postmodernism/KoeglerDocs/OtherDocs/Kohn.pdf>>. Pg. 4.

personal level, in considerably greater anonymity, autonomy, and dislocated authority that re-disciplines public consciousness and transmogrifies citizen sovereignty, while simultaneously and paradoxically, making the subject more politically transparent.

In recent literature, political theorists have begun to turn their analytic attention to the progressive privatization of public spaces and the resultant democratic privation accompanied increased atomization and degradation of value systems, which have traditionally placed emphasis on democratic ideals of participation and reasoned deliberation. Due to spatial extensiveness of modern democracies and technological regulatory apparatuses in place, the disappearance of mental and material *agoras*, the centrally located open market areas and the designated physical spaces where the public life of the city and discussion of political affairs occurred, have called for a re-conceptualization and transformation of public engagement in political discourse. Kohn argues that the privatization of public spaces has undermined the opportunities for public speech and reinforced patterns of existing social segregation.¹⁰⁶ Since, space encodes power, Lefebvre contends, it “lays down the law because it implies a certain order – and hence a certain disorder,” and thus “commands bodies”¹⁰⁷ which become readable through the sites of their emplacement in the “power- geometry” of social relations.¹⁰⁸ A dynamic public sphere situated in a non-intimidating public space ensures the survival of a democratic civil society. “Only a democratic state” Walzer claims, “can create a

¹⁰⁶ Kohn, Margaret. 2004. *Brave New Neighborhoods*. (New York: Routledge). Pg. 3.

¹⁰⁷ Lefebvre, Henri. 1991. *The Production of Space*. (Oxford: Blackwell Publishers). Pg. 142.

¹⁰⁸ Massey, Doreen . 1993. “Power-Geometry and a Progressive Sense of Place” in John Bird et al. (eds.) *Mapping the Futures: Local Cultures, Global Change*. (London: Routledge). Pg. 59.

democratic civil society;”¹⁰⁹ and only a democratic civil society can build sustainable “social ties and a sense of mutual obligation by weaving together isolated individuals”¹¹⁰ into a larger social body.

Today, Bennett and Entman point out, “the public sphere is comprised of any and all locations, physical or virtual, where ideas and feelings relevant to politics are transmitted or exchanged openly.”¹¹¹ It is important to note that a dislocation and a relocation of public space from pure and experienced physicality to more anonymous and abstract virtuality has not produced visible alterations in the originative premise of public space, which conventionally relied upon its own distinction and alterity as the organizing principle of discursive interaction that institutes itself in separation of, if not in overt opposition to, the state mandate. Nancy Fraser describes the public sphere as that ‘arena’, which is “conceptually distinct from the state; it is a site for the production and circulation of discourses that can in principle be critical of the state.”¹¹² Theoretically, its supposed alienation from economic relations and independence from unsolicited encroachments of the market forces, permits the public sphere to function “as a theater for debating and deliberating rather than for buying and selling.”¹¹³ This historically

¹⁰⁹ Walzer, Michael. 1995. “The Concept of Civil Society” in Michael Walzer (ed.) *Toward a Global Civil Society*. (Providence: Berhahan Books). Pg. 24.

¹¹⁰ Jenlink, Patrick. 2007. “Creating Public Spaces and Practiced Places for Democracy, Discourse, and the Emergence of Civil Society.” *Systemic Practice and Action Research* 20(5). Pg. 432.

¹¹¹ Bennett, Lance and Entman, Robert. 2001. *Mediated Politics: Communication in the Future of Democracy*. (Cambridge: Cambridge University Press). Pg. 3.

¹¹² Fraser, Nancy. 1992. “Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy” in Craig Calhoun (ed.) *Habermas and the Public Sphere*. (Cambridge: The MIT Press). Pg. 110.

¹¹³ *Ibid.*, Pg. 111.

performative exercise in deliberative democracy and the geographic expansiveness of its effects, Habermas argues, were furthered by the 15th century development of the printing press. This, in turn, gave rise to all forms of printed media, which created “the foundation for a type of national narrative that fostered the development of the nation state.”¹¹⁴ With the rise of multidirectional and multipoint global discourse, the proliferation and presence of technologically viable low-threshold of access discourse locales has redefined the public function of piazzas and squares, replacing the ‘public’ face of the citizen with the inscrutability of a computer generated graphic, while substituting for gradually evolving relations of trust the immediacy of guarded demeanor and general mistrust, as well as replacing socio-political transparency with oblique manipulation and abrasive deceit. Paradoxically, the wider avenues for the cultivation of positive ends and more engaged public dialogue via communication and political participation generated by the evolutionary pace of technology, point also to potentially destabilizing trends. Doug Walton underscores the following four, as indicative of the altering character and priorities of the contemporary *demos*: (i) the degradation of value systems; (ii) the decline in civic engagement; (iii) the sub-optimization of political campaigning, and (iv) the sub-optimization of media on entertaining.¹¹⁵ The respatialization of political and institutional enterprise augurs a reconfiguration and readjustment of policy and politics. Jean-Marie Guehenno points to the adverse effects of the multiplication and increased reliance upon public opinion surveys. The amplification and technologically enabled instantaneity of

¹¹⁴ Walton, Doug. 2007. “Revitalizing the Public Sphere: The Current System of Discourse and the Need for Participative Design of Social Action.” *Systemic Practice and Action Research* 20(5). Pg. 374.

¹¹⁵ Ibid., Pg. 376.

volatile but monolithic public opinion polls, Guehenno argues, does a disservice to a representative democracy on account of minimizing the will and the need for public debate, mediation, confrontation of perspectives, and compromise, as representatives dare not contradict the “public’s” already variable sentiments.¹¹⁶ Thus the states’ legitimation is now not only derived from its ability to ensure and propagate the material *summum bonum* of its citizens, but above all, from the loyalty to public passions and the technical mobilization of the apparatuses of knowledge capable of gauging them. Technocratic governance sustained by the intransigence of technology in modern society threatens the survival of a spontaneous spirit of public and democratic assembly, yielding the floor to “specialists without spirit, sensualists without heart” self-satisfied with “attaining a level of civilization never before achieved,”¹¹⁷ but journeying under a ‘blind guide’ of a ‘tyrannical majority’ consisting of a virtual mass public opinion. A natural objection may be raised about the legitimacy and efficacy of public opinion embedded in an amalgam of capitalist and neoliberal orders. A much less explored function of public opinion lies not in its volatility and capriciousness, but in its critical nature, which not only aims to check domination, but democratize governance itself.¹¹⁸ This presupposition, however, raises two problems. First, for the public opinion to stand the test of legitimacy, according to public-sphere theory, it must show itself based in and upholding two principles of (a) inclusiveness; and, (b) participatory parity. The inherent hybridity and disaggregation of

¹¹⁶ Guehenno, Jean-Marie. 1999. *L’avenir de la liberte. La democratie dans la mondialisation*. (Paris: Flammarion). Pg. 47.

¹¹⁷ Weber, Max. 1992. *The Protestant Ethic and the Spirit of Capitalism*. (London: Routledge). Pg. 182.

¹¹⁸ Fraser, Nancy. 2007. “Transnationalizing the Public Sphere” in *Identities, Affiliations, and Allegiances*, ed. Seyla Benhabib, et al. (Cambridge: Cambridge University Press). Pg. 55.

the enterprise of opinion building contests legitimacy, as territorially unbounded masses of interlocutors often reveal themselves, after close examination, as monochromatically homogeneous transnational elites, who possess, above all, the means necessary for effective global networking,¹¹⁹ the modern prerequisite of political participation.

Because the systems of communication extend the sphere and possibilities for civic engagement, and increasingly call for a more democratized forms of citizenship under the mutually affecting norm of globalization, they are also the inadvertent cause of tensions between democratic principles which advocate the inclusion of a broader array of political actors, and civic ideals that put a moratorium on a tolerable number and nativity of such actors. It becomes incumbent, therefore, to not only investigate the ramifications of the respatialization of political dialogue, along with its priorities and commitments, but the new status anxiety of citizens themselves, whose legally proscribed rights, privileges, duties, and obligations to fellow compatriots, in an era of globalization, ineluctably transcend the institutional limits of the state, and encompass an assemblage of heterogeneous existential responsibilities and dilemmas for which no formal constitutional mandate exists.

Postmodernism and the Rise of the Politics of Social Space

When in 1969 from the ashes of post-war European political turmoil, the ‘New Constructivism’ as an art movement took shape, the artists of the period took upon themselves a project of advancing a new society and raising the social aesthetic

¹¹⁹ Fraser, Nancy. 2007. “Transnationalizing the Public Sphere” in *Identities, Affiliations, and Allegiances* , ed. Seyla Benhabib, et al. (Cambridge: Cambridge University Press). Pg. 56.

imagination to the level of utility, with the narratives concretely derived from the masses contextualized in socially pre-defined political situations. Lacan himself promoted the use of neo-constructivist theory to modify society through an integration of social life with action and art. Thus, the concept of ideological art, discontented with mere decoration of society and replication of agreed to 'reality' on canvas, aimed, primarily, at an erasure of boundaries between art and life. Foucault referred to this conceptual framework as 'the neo-dialectic paradigm of discourse' that denoted the bridge between society and reality. Society thus became, as Derrida would have it, a "part of the economy of consciousness," and artistic psychological mechanisms and the accompanying outburst of expressionism became the symbolic portrayals of the world, which conveyed and referenced social and economic problems of the times. The apparent realization that the so-called reality is not so real at all and its constituent elements, but consensually agreed upon norms and habits reified with an aid of absorbent human consciousness and its predisposition for orderly attachments, labels, and categories, has resulted in the appropriation of socio-political narratives to the masses, in the midst of which discourse has become created and actualized, and subjects given dimension and contextualization. The image of the world as implicitly and mutually constituted by norms, shared understandings, and intersubjective truths presupposed a recognition based on the realization that the existence of the world and political as well as social facts was not independent of our minds, but organized into categories, which necessitated an interpretative/hermeneutic approach. Plastic and performance art thus created a forum for the publication of commentaries on the socio-political dimension of existence, and narrated in fragmentary pieces, the artificiality and fungibility of political constructs. Not

only did the artist become the despondent interpreter of the symbolic function of politics, but chief among them, a public conscience of resistance, who situated his/her art within a silent space destined to reverberate the many conflicts and struggles of the citizen-subjects of whom the work was a carbon-copy, and resolutely addressed to the guardians of the governmental order.

With the accelerated transformation of communal life into social life, in the 18th century, the publicity of human interiority has begun to constitute a novel paradigm of existence. The progressively increasing differentiation of units, heightened secrecy, and multitude of possibilities for population distribution and proliferation of information resulted in the creation of public loci for participatory rational-critical debate and variegated practices of consensual politics. Margaret Kohn distinguishes three potent addendums to the public sphere, whose progressive disappearance in the late 20th century the social scientists, chief among them Robert Putnam, bewail: labor unions, houses of the people, and civic associations. In her analysis, Kohn assigns to space corporeal, symbolic, intuitive, experiential, and cognitive dimensions, which facilitate the development of identities and political practices, including practices of resistance. Such a conception of space opposes the traditional formulations advanced by Michel de Certeau, Ernesto Laclau, or Ludwig Feuerbach, who deem spatial denotations of place, locales, milieus, nations as static, resistant to transformation, and therefore, fixed and subject to control. In political theory, Jeremy Bentham's Panopticon serves as a paradigmatic image of the aforementioned fixity of spatial conditioning, which, like the paradigm of the nation-state, delimits the movement of its own potentiality that necessarily looks beyond its confines.

Early in the 20th century, in his 1930 book, *The Revolt of the Masses*, Jose Ortega y Gasset, mindful of the accelerated agglomeration of masses and the sense of stifling, indocile, and invincible urban ‘plenitude’ stemming from the ever greater rationalization of industry, reignited the debate on the spatial components of politics. He pointed to the pervasively held sentiment of nationality and the institutions surviving from the past as objects of a progressive conceptual elision. Their anachronistic function gradually dwarfed by the machinery of industrialization began to constitute an obstacle to expansion.¹²⁰ Ortega y Gasset’s prescience in regards to the respatialization of socio-political and economic domains provided an early critique of the global acceleration of mass movements and a blueprint for analytical theorizing of alternative configurations, i.e. the Union of European States. Similarly, Foucault, who took upon himself the analysis of themes and ‘haunting obsessions’ of the 19th century, referred to the problematic of spatial propinquity between human elements as the problem of ‘emplacement’, which has, in the new era, supplanted the medieval space of localization, thus, putting under review the ‘sacral’ givens of the social order: the oppositions between private space and public space, between family space and social space, between cultural space and useful space, between the space of leisure and that of work.¹²¹

Classical political theory, however, by confining space to geography (as seen in Aristotle, Montesquieu, Kant) and by downgrading it to discursive non-entity, inhibited transformative visions and action based in political possibilities, thus making it ill

¹²⁰ Ortega y Gasset, Jose. 1930. *The Revolt of the Masses*. (New York: W.W. Norton & Company). Pg. 150.

¹²¹ Foucault, Michel. 2008. “Of Other Spaces” in Michiel Dehaene and Lieven De Caeter *Heterotopia and the City*. (London/New York: Routledge). Pg. 16.

prepared to reform its field of knowledges in order to address a ‘new’ and emerging reality, which revealed itself in various ‘transgressions’ of globalization. How is it that in an order in which political organization and conflict are premised upon the nation-state, political theory, so far, has failed to inquire into attenuating measures, modes of citizenship that necessarily reach beyond the institutional and geographical confines? It is necessary to emphasize that political theory’s fundamental areas of specialty, which claimed to have uncovered the ultimate reading of political reality, with the onset of globalized thinking, proved inept, however, in answering questions of: (i) the role and relevance of the post-Westphalian state; (ii) the reconciliations and decouplings of pluralism, multiculturalism, and political membership in the identity-conscious and rapidly changing world; (iii) the inevitability and omnipresence of international conflict, possibilities for democratic peace, and international justice; (iv) the structurally, economically, politically, or religiously motivated deterritorialization of political actors and terrorist organizations; (v) the geographic, multi-nodal redistribution and capacity of non-governmental organizations to set the standards for novel modes of institutionalization of authority and global governance. All of the above presume a spatial component that makes the immediacy of their compiled dilemmas all the more politically relevant in accommodating the changing rationality of government and its proactive mechanisms of governmentality.

Critics assert that the adopted paradigm of postmodernism is likely to be equally less forthcoming with responses to the new modes of global society and governance. Zygmunt Bauman argues, that:

“This postmodern reality of the deregulated/privatized/consumerist world, the globalizing/localizing world, finds only a pale, one sided and grossly distorted reflection in the postmodernist narrative. The hybridization and defeat of essentialisms proclaimed by the postmodernist eulogy of the ‘globalizing’ world are far from conveying the complexity and sharp contradictions tearing that world apart.”¹²²

The argument defended in this thesis begs to differ. Although, postmodernism in political theory does not account for the many ‘unarticulated’ experiences and complexities to which Bauman scathingly refers, its method of genealogical uncovering, nonetheless, permits for a detailed and complex analysis of micro-contexts. The investigation of a preponderant political function of space in Foucault’s writings yields an insight into situated conditioning of groups and sub-groups of citizen-subjects placed in variegated and prefigured social milieus. Thus, the discourses created by the school, army barracks, prisons, clinics, concentration camps retrace a heterotopian reality, which references the grander and more global relations of power.

Postmodern theorists identify the 20th century as a marking point for the disappearance of a distinctive private realm which caused, in turn, a transformation of the public sphere. The mass-based consumer culture, Kohn argues in *Radical Space* (2003), inserted itself into the home, breaking down the realm of “interiority” and privacy, while the mass-media eviscerated the line between the public and the private, subordinating both to the homogenous standards of consumer culture. The same may be said of the internet and the proliferating social network sites, where political agency interweaves

¹²² Bauman, Zygmunt. 1998. *Globalization: The Human Consequences*. (New York: Columbia University Press). Pg. 101.

with superficial curiosity and publicity on demand and becomes the norm for the consolidation of virtual citizenship.¹²³

As brought up earlier in the discussion, modern political theory, until quite recently, overlooked the power of the place or of the political space and the theoretical significance of “spatial politics”. Michel Foucault suggested two reasons for this long-standing dismissal of space in political theory:

- (1) Space used to be either dismissed as belonging to nature,
- (2) Or, considered as the residential site or field of expansion of peoples, of a culture, a language, or a state.¹²⁴

In other words, space was and still largely continues to be conceived as either nature or a community. It was/is conceived as either incidental or as antithetical to change and innovation that are critical for political transformation.¹²⁵ Why then, in this era of infinite spatial arrangements enabled by the globalizing world, should we be conscious and concerned with distinctly political space?

¹²³ More recent utilization of technology and social networking sites demonstrates an active public and politically engaged citizenry. For instance, in the course of a \$500 million green refit of the Empire State Building, the drop in the lake of the Green Revolution, the people working in the building will be able to use the internet to monitor how much energy is being used, and where. This is an illustrative example of a Foucauldian dispersion of power and surveillance from the bottom up, and an instance of a repositioning of spatial politics. The recent cases of the G-20 Summit demonstrations in London and Moldova’s and Iran’s anti-government protests, suggest that oppositional movements are now able to form via ‘Twitter’ and are but another example of a much decentralized spatial political organization. As oppositional movements, the green revolutionaries and sophisticated technology users practice reverse subjectivization under which the state becomes the object of analysis and scrutiny, and where control over space is perfected via technology so as to organize the movement’s activities without becoming, itself, the subject to violent repression, confiscation or censorship.

¹²⁴ Foucault, Michel. 1980. *Power/Knowledge*. (New York: Pantheon Books). Pg. 149.

¹²⁵ Kohn, Margaret. 2003. *Radical Space*. (Ithaca/London: Cornell University). Pg. 19.

It is important to underscore that spaces create our subjectivity as individuals and citizens; they delineate our place in the chain of social relations; they hierarchize, disadvantage by demoting and honor by promoting. They create subjects, citizens, power relations, and sites of resistance. They force “social consciousness”. Space also functions symbolically as a “repository of historical meanings” that reproduce social relations, and as “mnemonic devices for recovering memories”.¹²⁶ The power of place and spatial arrangements comes from the fact that social relations, as inevitable and immutable, are the extension of the world we inhabit. What happens then, when the world enters, or even pushes uninvited onto our up to now private and exclusionary spaces? What responsibility are we to take for the images that weigh heavily on our citizen conscience, yet the persons depicted in them as suffering are not our immediate compatriots to whom we would otherwise have sacrosanct duties? Do we have, in the globalized order, special obligations to strangers and enemies, regardless of political border demarcations or of enemy lines, perhaps, even despite them? How do we redesign political spaces to incorporate the demands of non-citizens, and enact spaces of resistance and advocacy which provide a context for political speech, reflections and action?

I argue that the Foucauldian postmodern paradigm offers five modes of procedure in attending to these questions: (i) thinking of democratic freedom as a mean of self-creation, which is fundamental to both the maintenance of communitarian soundness and the development of a cosmopolitan way of being, which regards none that is human, alien; (ii) calling for a critical investigation of the character and mentality of global governance, of power and the role of personal and political resistance in shaping new

¹²⁶ Kohn, Margaret. 2003. *Radical Space*. (Ithaca: Cornell University Press). Pg. 3.

horizons of political order (iii) of developing structural approaches to cosmopolitan democracy; which are enhanced by (iv) a decoupling of identity from citizenship, and are prompted by (v) an inquiry into and recalibration of the political space and sovereignty of states and political agents; and, finally, (vi) a consolidation of a polycentric and democratically egalitarian socio-institutional level, which privileges openness and avoidance of closure within a more deterritorialized global cultural order.

The post-modern period is linked with the inevitable “eclipse of national sovereignty” and calls for a creation of institutions that “overlap national boundaries and serve transnational social and economic needs”.¹²⁷ Conducting an analysis of a political subject matter under the guise of a presiding postmodernist theory implies a more circumspect study and interpretation of the co-existent and co-determinative systems of knowledge and power that result in the socio-political arrangements of our time. Only through such a lens of analysis and method of inquiry will the skeletal configurations of politics be revealed and its practices uncovered from the thicket of inter-dependent relations.

For Foucault, the modern individual is an historical achievement and an effect of the operations of power, whose identity is culturally constructed through a series of exclusions. Social spaces, tangible material local sites and institutions, such as the modern city, the clinic, the prison, the military barracks, the university as well as virtual domains, are formations that link together the diverse field of power relations, which outstrip in their unifying capacity, shared languages or mutual religious commitments. The global virtually enfranchised citizen, in addition to the contingencies of space, is

¹²⁷ Toulmin, Stephen. 1990. *Cosmopolis*. (Chicago: The University of Chicago Press). Pg. 7.

now also exposed to the contingency of speed, which increases as a consequence of new technologies that affect not merely communications and information, but also the processes of deliberation, decision-making, issues of surveillance and security, and ultimately the citizen's own subjectivity. An acceleration of speed leads to a compression of space; and increased speed, which overcomes great distances leads to the disorganization of regular working capacities of systems, ultimately resulting in a prophetic reality predicted by Paul Virilio, in that "the more speed increases, the faster freedom decreases."¹²⁸ This observation calls, therefore, for vigilance against the seeming opportunities offered by unbounded promises of technological progress, requiring not only the protection of law in a progressively less state-centric world, but of global ethic and an art of living and governing that does not encumber upon human development.

On the Art of Government

Foucault contends that the realist paradigm promoted by Machiavelli and the Florentine political tradition in the 16th Century concerned with governmental enterprise which centered on the state, the reason of state, and territorial sovereignty has been extended to an 'art' of government in which economy becomes a standard for political practice. "To govern a state, will mean therefore, to apply economy, to set up economy at the level of the entire state, which means exercising toward its inhabitants ... a form of surveillance and control,"¹²⁹ that is, engage in active and continuous administration of the

¹²⁸ Virilio, Paul. 2007. *Speed and Politics*. (Cambridge: The MIT Press). Pg. 142.

¹²⁹ Foucault, Michel. 1990. "Governmentality" in Paul Rabinow (ed.) *Essential Foucault*. (New York: The New Press). Pg. 234.

socio-political nucleus, the population. The Western penchant for rationalization, classification, schematization, tabulation, and recording, which constitutes and is constituted by a particular systematicness of political culture, infused the individual under studied surveillance with imagery and vocabulary that essentialized, homogenized, and fossilized its unanimous content, and made it thus, unamenable to contestation, while the political practice associated with it, enabled a much more precise isolation of elements, i.e. the population and its sub-groups, opening them to analytical scrutiny and intervention. Thus in modern times, one paradigmatic model for spatial partitioning and orderly redistribution of human subjects was to place them under the alert, objectifying, and permanently registering gaze, which “gives power of mind over mind”¹³⁰ and which by its disciplining techniques ‘automatizes’ and ‘disindividualizes’ in order to normalize.

One of the salient examples, which Foucault meticulously analyzes in his work, *Discipline and Punish*, is Jeremy Bentham’s Panopticon. The structure, based on the principle of perpetual surveillance was originally conceptualized as a prison with a central tower that rendered celled inmates, located at its peripheral edges, permanently subjected to the guard’s omnipresent ‘gaze.’ Bentham thus illustrated the power’s visibility without its unverifiability. The Panopticon, or the ‘house of certainty’ engendered a technique which encouraged self-regulation and moral reformation. The prisoner in the cell is seen, yet unable to ascertain the exact moment of the guard’s concentrated gaze. The inmate thus becomes the object of unidirectional information and classification, but never a subject of communication. This, in turn, induces a state of conscious and permanent visibility, because the surveillance, even if at times

¹³⁰ Foucault, Michel. 1977. *Discipline and Punish*. (New York: Vintage Books). Pg. 206.

discontinuous, is permanent, and internalized by the subject being observed. The inmate becomes the principle of his own subjection in assuming responsibility for the constraints of power. The structure possesses a functional basis, that of: (i) individualizing observation and analytical arrangement of space, and (ii) laboratorial experimentation on men in order to analyze behavioral responses to stimuli. Its role is disciplinary, one aiming at increased docility and utility of multitudes, effectively neutralizing agitations, coalition, and revolts, yet its premise is democratic rather than tyrannically repressive in that it is a spatial arrangement which permits for observation of any of the observers. The image of power deducted from the application of the panoptical arrangement in society is one not of restrictiveness, prohibition, unidirectionality, but of asymmetry, mobilization, dissimulation, invisibility, unverifiability, and omni-presence. Its principle of operation does not so much inhere in a person, as in an arrangement and distribution of bodies, lights, gazes, and in mutual relations in which individuals are caught up.¹³¹ Power is now a “strategy without a strategist”, which naturally does away with the ostentatious model of possessed, absolute, and undivided sovereignty, which deems all power as legally sanctioned and primarily repressive (rather than productive) in exercise. With Foucault, as Charles Pierce noted, the law of the habit *qua* docile subjectification, becomes ultimately the law of the mind. Further, Madan Sarup proposes an important reading of Foucault’s illustration of the apparatuses of power presented in *Discipline and Punish*, which he terms a ‘parable about human subjectivity’ in which Foucault shows how at some historical period the sovereign ruler’s self-ascribed value of individualization, and the juridical anonymity of the masses underwent a conceptual and practical reversal and

¹³¹ Foucault, Michel. 1977. *Discipline and Punish*. (New York: Vintage Books). Pg. 202.

transformation. Now, the bureaucratic body is seen as anonymous, while the subject is individualized¹³² and vested with the responsibility of internalizing the morality of the societal order.

On the model of the aforementioned multi-nodal observation, some of the heaviest surveillance states, such as, China, Russia, Singapore, Great Britain, and the United States now employ a combination of visual surveillance, database registries, and tracking techniques to probe more deeply into the increasingly transnationalized human psyche. Thus, in present-day London alone, there are approximately 4.2 million CCTV cameras for face and movement recognition. Traffic databases process 35 million plates per day. National identity registers collect DNA and biometric information of all citizens and foreign nationals. In its instrumental application, technology is, as Heidegger argued, a way of revealing the truth(s),¹³³ always present as “standing-reserve” and ordered to insure the possibility of surveillance.¹³⁴ Thus, as Heidegger observed, the human subject in the technological age is, “in a particularly striking way, challenged forth into revealing.”¹³⁵ Exposition becomes the location of politics,¹³⁶ a site of struggle for information, which constitutes either a stratagem against power or a direct consequence of it.

¹³² Sarup, Madan. 1993. *Poststructuralism and Postmodernism*. (Athens: The University of Georgia Press). Pg. 76.

¹³³ Heidegger, Martin. 1993. “The Question Concerning Technology” in David Farrell Krell (ed.) *Martin Heidegger Basic Writings*. (San Francisco: Harper Collins). Pg. 318.

¹³⁴ *Ibid.*, Pg. 322.

¹³⁵ *Ibid.*, Pg. 326.

¹³⁶ Agamben, Giorgio. 2000. *Means without End*. (Minneapolis: Minnesota University Press). Pg. 92.

Since Hobbes, political theory has aimed to legitimize the use of political power and provide justification of the legal system as maintaining order, promoting safety and enshrining popular consent by providing positive guarantees and protocols protecting natural rights, persons, security and property. The implied consent has been exclusionary by design as slaves, women and children have historically failed to possess rights of access to the public realm which enabled the voicing of arguments and acting upon their premises. The spatial localization of the “passive” a-political agents within the privatized sphere of the household prolonged personal privation and ensured an erasure of autonomy, which became overwhelmed by the weight of state’s knowledge about each component of the citizen-subject’s life. As such, the individual’s relation to the spatial arrangements of social and political constructs has played, therefore, a fundamental role in the citizens’ conception of their own ontology, and of their own constitutional and instrumental role in the society at large. Therefore, the political significance of space, to which Foucault turns, as: (i) the conveyor of values and rank; (ii) a silent speaker; (iii) a marker of places and indicator of values; (iv) guarantor of the obedience of individuals promoting better economy of time and gesture; (v) connector of character to category, and (vi) a discourse, which naturalizes beings into the environment which they inhabit, while ‘mythologizing’ and extending control over them, plays a crucial role in addressing the developmental gaps created by globalization, gaps resulting from situational politics that yield the ‘unprecedented opulence’ of some and a ‘remarkable deprivation’ of the many. Emplacement within diffuse socio-political and economic networks intoned by physically and temporarily mobile spatial arrangements of the globalizing world, rather than resulting in a ‘flattening out’ of difference and disruption of domination,

consolidates space as that entity which unfailingly speaks of the human condition, fixes citizen subjection, frames sensations, manages responses and controls, and “mandates characteristic gestures crucial to the formation of individuals”¹³⁷ inescapably beset by immanence and lack of self-generated agency.

The Foucauldian Subject

Foucault’s analytics of space are intimately related to his ‘history of the subject’. He was deeply interested in the history of thought and how space and ideas were indivisibly linked.¹³⁸ His adopted modus operandi was that of a diagnostician committed to a study of the conditions and differentiations of human existence and relations between a broad array of social organizations and cultural conjectures, and an uncovering of regularities that constitute objects. With Foucault, “one begins with discourse, before moving to the object”¹³⁹ in order not to see, as Deleuze would claim, “something imperceptible in the visible,”¹⁴⁰ but to interrogate the imperceptible in order to unearth and render exposed the visible. The diagnosis of the networks of relations set in spatial configurations is essential to illustrating the relationships and discourses that comprise the subject, testify to her subjugation, and open sites for counter-resistance. In his “Two Lectures on Power”, Foucault respatializes politics thus:

¹³⁷ Kohn, Margaret. 2003. *Radical Space*. (Ithaca: Cornell University Press). Pg. 18.

¹³⁸ Boyer, Christine M. 2008. “The Many Mirrors of Foucault and their Architectural Reflections” in Michiel Dehaene and Lieven De Caeter (eds.) *Heterotopia and the City*. (London/New York: Routledge). Pg. 57.

¹³⁹ Ibid., Pg. 57.

¹⁴⁰ Deleuze, Gilles. 2007. *Two Regimes of Madness*. (Cambridge: The MIT Press). Pg. 278-279.

“We should try to discover how it is that subjects are gradually, progressively, really, and materially constituted through a multiplicity of organisms, forces, energies, materials, desires, thoughts, etc. ... This would be the opposite of Hobbes’s project in *Leviathan*, and of that, I believe, of all jurists for whom the problem is the distillation of a single will ... from the particular wills of a multiplicity of individuals ... Well, rather than worry about the problem of the central spirit, I believe that we must attempt to study the myriad of bodies which are constituted as peripheral subjects as a result of the effects of power.”¹⁴¹

The formation of subjects is defined by three sets of relations: (i) subjectification, under which human sciences and discrete locales of knowledge problematize the existent - ‘man’; (ii) subjugation, which implements processes of normalization to elide abnormality, delinquency, and ‘otherness’ of subjects; (iii) resistance, or the subject’s self-constitution as object, who regains radical freedom through an ethics and aesthetics of the self, and thus situates herself beyond the domination of power, whose methods Foucault explicated by points (i) and (ii). But, how do we create, Boyer asks, in the empty space where we the spectators are positioned, new relational possibilities?¹⁴² Perhaps, the opportunity for achieving new relational possibilities lies in forms of relationship to the self as the subject of ethical actions. “For what is morality,” Foucault asks, “if not the practice of liberty, the deliberate practice of liberty?”¹⁴³, which invests the subject with the responsibility to “rethink political habits, introduce new ways of

¹⁴¹ Foucault, Michel. 1990. “Two Lectures on Power” in *Power/Knowledge*. Colin Gordon (ed.). (New York: Pantheon). Pg. 97-98.

¹⁴² Boyer, Christine M. 2008. “The Many Mirrors of Foucault and their Architectural Reflections” in Michiel Dehaene and Lieven De Caeter (eds.) *Heterotopia and the City*. (London/New York: Routledge). Pg. 64.

¹⁴³ Foucault, Michel. 1991. “The Ethic of Care for the Self as a Practice of Freedom” in James Bernauer and David Rasmussen (eds.) *The Final Foucault*. (Cambridge: The MIT Press). Pg. 4.

thinking and seeing, requiring originality and creativity in ways of speaking, in posing questions to politics and the forms of ‘political rationality’ on which it rests.”¹⁴⁴

Foucault, in questioning the genesis of human subjectivity, differs fundamentally from Kant or Husserl, the canonical reference points in Western philosophy, in the identification of the ‘sources’ of the self. Up to now, the classical transcendentalist/idealist tradition of thought considered the subject as a metaphysical fact and all reality as routinely subordinated, relativized and able to be cognized and apprehended by the subject. Further, the argument went, the objective, empirical worlds and the worlds of subjects could not be presumed to be explicable through one another, but referred, as Husserl stated, to some “pure” absolute and transcendental object, a rational source of consciousness. With Freud, one recognizes the drive of the *passions* as the source of the self, and its conditions of conflict and intermittent periods of homeostasis as the foundations of consciousness. The same may be said of Foucault, if it be recognized that the substantive source of subjectivity is lodged in *power*, rather than Freudian *passions*, along with its multiple drives and conflicts, which comprise the content of subject’s consciousness. With this, Foucault severs with the Cartesian conception of being premised upon ‘I think, therefore I am’, which refuses finality and stipulates that one *is* not a subject (in a condition of constituted stasis), but is *being* a subject (in a condition of permanent becoming, who refers for one’s ultimate existential justification to Divine Reason). Foucault notes:

“The relations between *experiences* (like madness, illness, transgression of laws, sexuality, self-identity), *forms of knowledge* [savoirs] (like psychiatry, medicine,

¹⁴⁴ Rajchman, John. 2006. “Foreword” in Noam Chomsky and Michel Foucault *The Chomsky-Foucault Debate on Human Nature*. (New York: The New Press). Pg. xv.

criminology, sexology, psychology), and *power* (such as the power which is exercised in psychiatric and penal institutions, and in all other situations which deal with individual control). Our civilization has developed the most complex system of knowledge, the most sophisticated structures of power: what have this kind of knowledge, this type of power made of us?"¹⁴⁵

The Foucauldian subject in reacting to the world turns a mirror, at the same time, as a constituted entity embedded in a network of relations, onto one's own self. For Foucault, subject is not a substance but a form, a historical event, a phenomenon set in and constituted by history. It is above all, a bodily matter constrained by its 'soul'. The question of identity for Foucault was reduced to the deployment of power on subjects from the very moment of conception to natural death. But, as Foucault's anti-humanist stance would suggest, since sources of ideas are not deposited in autonomous subjects, how does he deduct subjectivity from objects, systems of power, repressions, productions, alterities that lack it? Perhaps this question asks too much of Foucault. Perhaps, in the true postmodernist vein of which Foucault remains unconvinced, the philosopher seeks not profundity but density, complexity, and convolution, not transcendental deduction of causal forces or an underlying philosophical reality, but mere identification of surface manifestations. Perhaps, finally, Foucault's method serves heuristic purposes for unearthing the 'basal natures' of ontological quarrels comprised of political actors challenging the abstractions, idealizations, as well as tangible and inevitable permutations and raptures in the models for civil organization of society, offering not an officious systemic response, but shreds of an uncommon insight. In a

¹⁴⁵ Foucault, Michel. 2006. "Omnes et Singulatim" in Noam Chomsky and Michel Foucault, *The Chomsky-Foucault Debate on Human Nature*. (New York: The New Press). Pg. 190.

characteristic way, Foucault's method of study, suspends daring questions which call out for an exhaustive response, and which exemplify the conditions of modernity.

The Problematic of Subjectivity, Freedom, and Resistance

Foucault's theory of subjectivity seems to preclude the role of agency in the projects of counter-resistance and emancipation from the relations of power, as subjects cannot be conceived to reasonably exist outside of what defines their subjectivity in the first place. To do so, would be to assert Cartesian subjectivity capable of flourishing outside of any relations of power and processes of subjectification. Habermas, for one, enjoins Foucault's subjectivity claim by pointing to the norms of standardization to which Foucauldian subjects are inadvertently confined, and through which their humanity is expressed, if not exhausted. Habermas argues:

“From Foucault's perspective, socialized individuals can only be perceived as exemplars, as standardized products, of some discourse formation – as individual copies that are mechanically punched out.”¹⁴⁶

This instrumental conception, then, erases individual autonomy and authenticity, and negates any attempts at subversion or counter-action on the part of the subjected; as subjects are always implicated in and defined by political discourse, which holds as its end, identification of the means of subjection. Thus, subjectivity and subjection, as Balbus argues, are “correlative terms,”¹⁴⁷ co-present phenomena constituted by the intentional relations of power, operating, as if instructed, to ensure one another's

¹⁴⁶ Habermas, Jürgen. 1987. *The Philosophic Discourse of Modernity*. (Cambridge: MIT Press). Pg. 239.

¹⁴⁷ Balbus, Isaac. 1988. “Disciplining Women” in Jonathon Arac (ed.) *After Foucault*. (New Brunswick: Rutgers University Press). Pg. 152.

manifestation. Such an interpretation may, indeed, lead to what Lentricchia labels as a “monolithic determinism,”¹⁴⁸ rendering resistance highly improbable. Foucault, however, anticipated the problem of determinism, which is why he asserted in “The Subject and Power”¹⁴⁹: (i) the subject’s essential freedom; (ii) the ‘possibility of recalcitrance’, or a choice of the multiplicity of behavioral practices that are to act as subject’s escape mechanism(s) over which power is exercised, precisely because of, and insofar as, the subject is and remains free. Power is, itself, conceived as that decentered, mobile and reversible capacity capable of value-neutral¹⁵⁰ social change. Kevin Jon Heller makes an important distinction between: (a) power relations involving individuals, and (b) power relations involving groups. The former, Heller contends, admit of physical determination, by which the subject may be reduced to irreversible conditions, i.e. torture or execution. The latter are, in principle, reversible, therefore, never completely neutralized, subjugated or powerless. The hegemony of one group over another is neither total nor absolute, but set in contingency defined by material and discursive sites of struggle. With every relation of power, therefore, there is a coterminous relation of resistance, by which

“one can construct new rational behaviors, different from the initial program but which thus respond to their objective, and in which play between different groups can take place ... This play can perfectly solidify an institution ... because several strategies of several groups have come to intersect at this particular place.”¹⁵¹

¹⁴⁸ Lentricchia, Frank. 1988. *Ariel and the Police: Michel Foucault, William James, Wallace Stevens*. (Madison: University of Wisconsin Press). Pg. 70.

¹⁴⁹ Foucault, Michel. 1982. “The Subject and Power”. *Critical Inquiry*. Vol. 8.

¹⁵⁰ The conventional paradigm which regards any application of power as institutionalized and necessarily repressive, and all relations of power as entailing domination is foreign to Foucault. Rather, power is that ‘never localized’ site, that medium through which productions, reversals, and modifications of forms of knowledge and discourses occur.

¹⁵¹ Foucault, Michel. 1989. “What Calls for Punishment?” in *Foucault Live*. (New York: Semiotext(e)).

As Heller notes, “the power exercised by subject-position X will always be opposed by the power exercised by subject position Y (Y1, Y2 ... Yn).”¹⁵² This speaks to subjectivity being never exclusively a material construct of dominant power relations; rather, at each juncture where hegemonic power asserts itself, a counter-power is likewise elicited. Thus, resistance is not a futile enterprise, as Heller points out, because even the lesser forms of power nevertheless contradict the operations of its better consolidated rivals, and therefore never position themselves in ‘power-less’ immanence. Resistance, itself, is: (a) a form of power; (b) a condition of freedom; and it necessarily exists:

“1) because all social formations produce both hegemonic and counter-hegemonic subject-positions; 2) because no individual or group, no matter how hegemonic, can control all of a social formation’s mechanisms of power; and 3) because all mechanisms of power are potentially capable of counter-hegemonic reappropriation.”¹⁵³

If socio-political reality, on this account, is one of perpetual contestation between the mechanisms of power, from whence is the subject’s freedom, when placed within the power-resistance matrix, derived? According to Foucault, there are two forms of power relation; those involving: (i) liberation; and (ii) domination. Because individuals are always in the dual position of concurrently undergoing and exercising power, there exists a potential for reversibility of the status quo. Individual claims, on both sides of the power-resistance spectrum, are able to co-appear and co-exist. Lack of this potential would materializes itself in the fixed forms of domination, by which the abuse of power would show itself in the imposition “on others one’s whims, one’s appetites, one’s

¹⁵² Heller, Kevin, J. 1996. “Subjectification and Resistance in Foucault” *Substance*. 25(1). Pg. 99.

¹⁵³ *Ibid.*, Pg. 102.

desires.”¹⁵⁴ Directly connected with the imposition of limits on one’s desires is the education in the practices of the self. Foucault deduces from the individual’s dedication to ‘the relationship of the self to the self, ‘knowledge of the self’, or ‘the self striving towards itself’¹⁵⁵ in order to find foundations for actions, an other-directed ethic of care, which aims to reduce an impulse for domination and produce the good for oneself and others.

¹⁵⁴ Foucault, Michel. 1991. “The Ethic of Care for the Self as a Practice of Freedom” in James Bernauer and David Rasmussen (eds.) *The Final Foucault*.(Cambridge: The MIT Press). Pg. 8.

¹⁵⁵ Foucault, Michel. 2005. *The Hermeneutics of the Subject*. (New York: Picador). Pg. 202.

CHAPTER IV

THE ROLE OF DISCOURSE IN TRANSFORMATIVE POLITICS: FOUCAULT'S PHILOSOPHY IN POLITICAL PRACTICE.

“But if we are not to settle for the affirmation of the empty dream of freedom, it seems to me that this historic-critical attitude must also be an experimental one. I mean that this work done at the limits of ourselves must, on the one hand, open up a realm of historical inquiry and, on the other, put itself to the test of reality, both to grasp the points where change is possible and desirable, and to determine the precise form this change should take.”

-Michel Foucault, “What is Enlightenment?”

In any given discourse, the operation of the power and knowledge dynamic is at its most salient. Discourse, according to Foucault, “transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it.”¹⁵⁶ Its task is to measure the productive effects of power and knowledge utilized in various power confrontations. Power, however, can only be understood in relation to a given discursive context in which it inheres. And, as Foucault’s thesis posits, contexts can only be conceived in terms of power which is constitutive of and immanent in them.¹⁵⁷ Discourse, therefore, makes possible an analysis of “multiple and mobile field

¹⁵⁶ Foucault, Michel. 1990. *The History of Sexuality, Volume I: An Introduction*. (New York: Vintage Books). Pg. 101.

¹⁵⁷ Taylor, Charles. 1985. *Philosophy and the Human Sciences: Philosophical Papers 2*. (Cambridge: Cambridge University Press). Pg. 173.

of force relations;”¹⁵⁸of the reciprocal effects of power invested in public political enterprise, and a representation and reconstruction of the states of domination and consequences of being dominated.

This mutually affective and reinforcing dynamic of power vis-à-vis contexts allows for identification of “normal”, homeostatic societal patterns. The achievement of stability, equilibrium or homeostasis in social life presumes dominance of certain discourses, which in turn check for and minimize social anomalies. Dominant norms, beliefs and values, in any given well functioning order, must be subjectively internalized for that order to remain in equilibrium. Individual subjects become socialized in dominant norms through the social system and its institutional framework that operates and administers them in accordance with law or contract. To facilitate political and economic interaction, ensure conceptual stability and preserve internal coherence in group consciousness, it is, therefore, essential for collectively held beliefs to persist over long periods of time. Furthermore, historic political, social and economic crises can induce change in the dominant discourse, and thereby reorient the societal self-understanding. In view of the above, change in the functional social framework amends the context and power relations operating in it, and thereby redefines the constitution of the internal dynamics of the state actor, its ideational preponderance and behavior reified by its habitual recourse to indivisible political and legal sovereignty.

I wish to demonstrate how the reversibility in discourses, therefore the functional operation of rhizomatically distributed nodes of power, affects the state policy vis-à-vis

¹⁵⁸ Taylor, Charles. 1985. *Philosophy and the Human Sciences: Philosophical Papers 2*. (Cambridge: Cambridge University Press). Pg. 102.

its citizen subjects, and how the role of the supra-national bodies begins to play an increasingly mediating role in international politics and policy. The proposed overview will be instrumental in identifying global trends in socio-political and legalistic thinking. It will help to characterize historic, political, economic and societal crises and their influence or ability to induce change in the dominant discourses, which ensure conceptual stability and preserve internal coherence in group consciousness, as well as affect the direction and spur alternative reorientations of pragmatic policymaking. Thus, three case studies of (i) the state-gender discourses and equal employment opportunity law in Japan, (ii) the protection of civil liberties vis-a-vis sporadic acts of organized terrorism, and (iii) war crimes and refugeeism, will instantiate the way in which global institutional formations and non-governmental organizations, at the urging of vociferous citizen action, have effectively moved beyond the paradigm of strictly state-to-state relations, broadened political space for deliberation, and incorporated citizen interests into their political enterprise.

Case Study I: National/ State-Gender Discourses and the Administration of Society

Over the course of two decades, Japanese society has been entrenched in a gender discourse brought about by the passage of the Equal Employment Opportunity Law in April of 1986. The contributors to the debate can be divided along the traditionalist-protectionist and reformist-feminist lines of argument. The former have argued that Equal Employment Opportunity Law (EEOL) represents an unjustified interference of governmental power at the expense of well organized corporate structure along with an established bureaucratic tradition and expressed socio-cultural norms. The latter, despite overt deficiencies in the deployment and enforcement mechanisms of the law, have recognized the important power function of the EEOL as both a promissory note and a measure of progress on the issues of access and equality of women, who have historically been denied their political and economic share in the Japanese social structure.¹⁵⁹ It is not to say that feminist activists uniformly and uncritically hailed the promulgation and application of the law, which promised, among other things, equality in job recruitment, training and promotion of women workers. To the contrary, a good majority of feminists considered the law unacceptable, due to the lack of binding legal obligations on employers, and insubstantial conferral of rights on women.¹⁶⁰ Furthermore, the law's formulaic language, it has been noted, provided for a weak negotiation-based approach to EEOL implementation, favoring thus voluntarism and persuasion over compelled

¹⁵⁹ Yount, Mark. 1993. "The Normalizing Powers of Affirmative Action." in. John Caputo et al.(ed.) *Foucault and the Critique of Institutions*. (University Park: The Pennsylvania State University Press). Pg. 193.

¹⁶⁰ Gelb, Joyce. 2000. "The Equal Employment Opportunity of Law: A Decade of Change for Japanese Women?" *Law and Policy* 22 (3, 4). Pg. 385.

compliance with its letter. Five years before the implementation of the law, a significant percentage of management level personnel, in a 1981 survey, had indicated that discriminatory practices, which account for [disproportionate] discrepancies between men's and women's work and income, stem from inherent differences between sexes.¹⁶¹ Sex-stereotyping remains an issue today. Companies, in response to EEOL, have increasingly begun to implement a two-track system of employment: the managerial, *sogoshoku*, and the clerical, *ippanshoku*, or the "mommy track." Feminist groups have attempted to resist this overt circumvention of the law through increased litigation practices in a society culturally adverse to litigious strategies. Recent statistical data show that in 2003 women's share in administrative and managerial jobs was only 9 per cent, and women's wages were 50-60 per cent that of men's¹⁶²

The contributions of theorists such as Chizuko Ueno, Aoki Yayoi or Kanejiro Seiko have resulted in a substantial output of literature challenging the culturally preserved gender roles, in particular, the household division of labor and culturally embedded perceptions of political-social-economic utility of Japanese women qua mothers. An important consequence of the debate has been a gradually increasing confrontation between feminist groups and power-patriarchy via mediating media of political action encoded in the Equal Employment Opportunity Law (1986), the Basic Law for a Gender Equal Society (1999), and the Law for the Prevention of Spousal Violence and the Protection of Victims (2001). Notwithstanding some critics' views of

¹⁶¹ Mioko, Fujieda. 1985. "The UN Decade for Women and Japan: Tools for Change." *Women's Studies International Forum* 8 (2). Pg. 122.

¹⁶² Horiuchi, Mitsuko. 2003. "Women and their Way of Work." *Tokyo Shimbun* Graphical Series No. 577. Pg. 1

the employment law as being largely spineless, it is possible to advance a counterclaim by regarding it as a centralizing mechanism of positive power in that, the law serves as both an enabling mechanism for resistance to state power through a variety of dispersed discursive power sites, women, and a constructive reform of social power relations encapsulated in the traditional normative imperatives of patriarchy, interestingly only recently more actively contested by Japanese feminist scholarship. Nevertheless, a long tradition of feminist activism in Japanese society had secured a tangible social contract between the state and women by way of which a particular will of the few has become the professed general will of those subject to the shared ascriptions and prescriptions of the law. Furthermore, the notion of the generalizability of the [collective] will, can be seen as a “way of formulating the constitutive norm of decision-making for communities with shared goods.”¹⁶³ The shared good in this context refers to the law itself as both an ingredient in the problematizing and reconceptualizing processes of norms implicit in the culturally ingrained social behaviors in respect to agents of concern, here women, and an element mandating the reconstitution of public spaces in which normalizing functions are to eventually take place, such as the household and corporate bureaucracy.

The women’s shared significance of acting to secure shared ends (aims and objectives) in an act-restrictive juridical and socio-political construct of Japanese order must be conceived in no lesser terms than those of power both as resistance to and an exercise of. Thus this power dynamic is nothing but, as Foucault would have it, a reflection of “the multiplicity of force relations immanent in the sphere in which they

¹⁶³ Taylor, Charles. 1985. *Philosophy and the Human Sciences: Philosophical Papers 2*. (Cambridge: Cambridge University Press). Pg. 101.

operate and which constitute their own organization; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them” (Foucault: 1990, 92). Moreover, relations of power are not external to the social, political, and economic processes, but rather are immanent in them, constituted by them, and are the “immediate effects of [their] divisions, inequalities, and disequilibriums.”¹⁶⁴ One might wish to ask, how the norms constitutive of social practices, set and enduring in institutional structures, having become upset by powers immanent in them and externalities imposed upon them, change discourses that inform, and eventually reconstitute these societal practices and their coextensive institutions? The answer to this question will emerge, I think, after a broader discussion of the meaning and the role of discourses is advanced.

The contested civil right to equal employment for women long victimized by non-representation and discrimination shifts societal paradigms by problematizing power relations inherent to them. Opportunity to equal employment, due to being problematized, subjects institutions and corporate employers to a new range of regulations, to the production of new measures, new data and new documentation accounting for levels and substance of gender discrimination.¹⁶⁵ For women, this unprecedented gain and expression of power is important for two reasons. First, the Equal Employment Opportunity Law becoming public had offered means of enforcing, however incidentally,

¹⁶⁴ Foucault, Michel. 1990. *The History of Sexuality, Volume I: An Introduction*. (New York: Vintage Books). Pg. 92.

¹⁶⁵ Yount, Mark. 1993. “The Normalizing Powers of Affirmative Action.” in John Caputo et al.(ed.) *Foucault and the Critique of Institutions*. (University Park: The Pennsylvania State University Press). Pg. 195.

procedural rights to nondiscrimination as discriminatory hiring practices had been deemed illegal. Second, the discourse of equal employment opportunity had turned society's attention to the substance of the problem. The shift from *de jure* recognition of women's right to equal employment opportunities to the possibility of *de facto* equality in employment and opportunity has acquired a status of a moral imperative crucial to the pursuit of justice.¹⁶⁶

What then, does it imply for Japan and gender-power relations in the domain of employment? Three things can be implied: 1) Japan's societal self-understanding has changed as a result of "reciprocal conditioning between global and micro-contexts"¹⁶⁷ inducing changes in societal discourses. An example illustrating this effect can be found in Article 24 of the Constitution, enacted in 1947 at the urging of the Allied Powers, which states that "laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes."¹⁶⁸ As such, it defeated the up to now professed norm of "essential gender roles", and imbued Japanese consciousness with alternative modes of conceiving of social relations that define its national character. With the adoption of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, in 1979, Japan has been mobilized to draft legislation on equal opportunity and treatment of women in employment, which manifested itself in the Equal Employment

¹⁶⁶ Yount, Mark. 1993. "The Normalizing Powers of Affirmative Action." in. John Caputo et al.(ed.) *Foucault and the Critique of Institutions*. (University Park: The Pennsylvania State University Press).Pg. 195.

¹⁶⁷ Taylor, Charles. 1985. *Philosophy and the Human Sciences: Philosophical Papers 2*. (Cambridge: Cambridge University Press). Pg. 168.

¹⁶⁸ Milhaupt, Curtis J. et al. 2001. *Japanese Law in Context: Readings in Society, the Economy, and Politics*. (Cambridge: Harvard University Press). Pg. 614.

Opportunity Law of 1986, once again reorienting Japan's self-understanding. The same U.N. panel in a report issued in 2003 further stressed "the importance of sensitizing and training public officials and members of the judiciary to eliminate gender-based stereotypes, and end gender-based occupational segregation."¹⁶⁹ 2) Changes in discursive contexts have disrupted and altered traditional power relations. Recent discussions on revising the Constitution and amending Article 24 sparked protests among women, who have come to view the lawmakers' proposals as a bid to return to pre-war social model, confining women to home and primary care of the family. The women's unprecedented positive-power agency at self-determination and self-representation of the female body-politic, in voicing concerns about government's move aimed at undermining guarantees of sexual equality, implicitly challenged the socially institutionalized gender-based stereotypical expectations, and ways that Japanese historic socio-cultural practices have come to organize women's lives. 3) As conceptual stability has been undermined, horizontal and diffuse, rather than hierarchical and linear power relations have begun to emerge, challenging and modifying the normative framework. Here, power is a positive social presence, as it is no longer held firmly in the hands of patriarchy, but exerts itself in all aspects of life and in all directions.¹⁷⁰ Contests to power open the possibility for the state's ontological transformation, and by extension, consolidate new derivatives and strategies of power that define the very limits of and prospects for substantive socio-political change.

¹⁶⁹ United Nations. 2003. "Report of the Committee on the Elimination of Discrimination Against Women." New York. 27 March 2009.
<<http://daccessdds.un.org/doc/UNDOC/GEN/N02/600/19/IMG/N0260019.pdf?OpenElement>> Pg. 136.

¹⁷⁰ Munro, Vanessa E. 2001. "Legal Feminism and Foucault – A Critique of the Expulsion of Law." *Journal of Law and Society* 28 (4). Pg. 549.

I demonstrate how the global conceptual contestability of power impacts and informs Japanese cultural and societal norms in respect to women and labor issues entailed by the Equal Employment Opportunity Law. I argue that norms constitutive of societal practices, upset by economic externalities and imperatives of globalization as well as domestic revisionist rhetoric aimed at problematization of state-gender relations, change the terms of understanding of cultural typologies and social system's normalization procedures in respect to women and women's rights, including labor rights. I distinguish between three paradoxes, which further problematize the questions of power-gender relations in Japan, and reconstitute their dynamic: 1) The processes of a global socio-political and economic enmeshment and attempts at preservation of cultural distinctiveness; 2) The enactment of labor laws favoring equalization of sexes and maintenance of gendered employment practices; 3) The rise of unconventional feminist discourses and ossification of institutionalized interpretations of basic beliefs and mores of Japanese social reality. The above stated problematic is not exclusive to Japanese society. Nonetheless, as a representative democracy and the second largest economy in the world, it is incumbent upon Japan to take an ethical, rather than historically and culturally grounded utilitarian¹⁷¹ perspective on woman issues in reconciling questions of

¹⁷¹ I argue that women's precarious social position in Japan has historically been deemed to possess an inherent utilitarian value, even among those social reformers (i.e. Yukichi Fukuzawa) who displayed keen interest in bettering women's status. Throughout its history, the ruling patriarchy deployed traditional mechanisms of subordination to meet the traditional Imperial ideal of women as 'good wives' obedient to their husbands, and their husbands subservient to the Emperor. World War II Japan utilized woman labor only in the absence and as a replacement of male labor force committed to active military service, and only for the purposes of militarist expedience. For Japan to be strong and independent, Fukuzawa argued, care of women as primary bearers of children must be enhanced, not for the sake of women *qua* women, but for the sake of [male] posterity, which is to be endowed with the necessary vigor of spirit and mind requisite for prosperous nation.

traditionalism and social protectionism with the requirements of liberty and substantive equality (equality of opportunity and results), in view of the contemporary discourses on equal opportunity to employment. This chapter argues that an intra-societal contestation of power-gender relations in Japanese society, which results from open engagement in public discourse with an intention to reinterpret culturally preserved presuppositions about socially constructed gender roles, will induce a range of emancipating individual and collective decisions and choices necessary for the country's balanced and efficient functioning in the global political-economic order. Such a contestation will be enabled and informed by an increasingly transsocietal diffusion of power, that is, a dispersal of positive power nodes among women, feminist groups and activist, as well as agencies and international commissions at a supranational level vested with the responsibility to check the behavior of states. This chapter further argues that power-gender issues ought not to be regarded as marginal to a well functioning national and international socio-economic structure, but ought to be perceived as the very foundation and an increasingly compelling determinant of this structure's relevance and functionality, progressively more enmeshed and inescapably operating within the context of accelerating globality.

What impact do processes of globalization have on Japanese socio-cultural norms and gender discourses? Aoki Yayoi argues that "recognition of the existing systems of global exploitation and discrimination," entailed in the processes of globalization, "goes hand in hand with a growing awareness of the reality of sexual discrimination at the level of individual experience."¹⁷² The historical and chiefly economic dependence of Japanese women can be summarized by four distinct socio-political conditions. First, under the

¹⁷² Buckley, Sandra. 1997. *Broken Silence*. (Berkeley: University of California Press). Pg. 10.

feudal system that reinforced the gender hierarchy of servitude, the weak and gentle female subject was to regard her husband as the “lord and obey all his orders and not disobey him in the least.”¹⁷³ Second, under cultural reification of traditional Confucian teachings, the woman’s role and virtue, according to the interpretation of Nishimura Shigeki, “lay in cultivating harmonious relationships among members built on trust, a fundamental sense of humanness, and above all, a commitment to loyal action on behalf of others.”¹⁷⁴ Third, under the construction of the family system that was carried on by male descendants, women had no part in inheritance.¹⁷⁵ Finally, the prevailing ultra-nationalist ideologies relegated woman’s responsibilities for education of children, care of the household and husband.¹⁷⁶ The above further normalized the dominant Japanese gender and cultural narrative by privatizing female ontology. The state’s exercise of the juridical power over women subjects reinforced the discursive notions of servitude,

¹⁷³ Shirai, Atushi. 1992. “Nationalism and Feminism in Yukichi Fukuzawa, the Most Influential Leader of Enlightenment in Modern Japan.” *History of European Ideas* 15 (4-6). Pg. 688.

¹⁷⁴ Yamamoto, Yutaka. 1990. “A Morality Based on Trust: Some Reflections on Japanese Morality.” *Philosophy East and West* 40 (4). Pg. 453.

¹⁷⁵ Shirai, Atushi. 1992. “Nationalism and Feminism in Yukichi Fukuzawa, the Most Influential Leader of Enlightenment in Modern Japan.” *History of European Ideas* 15 (4-6). Pg. 689.

¹⁷⁶ As Yuval-Davis notes and Whitehead and Demirdirek in “Sexual Encounters, Migration and Desire in Post-Socialist Context(s)” paraphrase, women have often been specifically identified as bearers of community norms and values, as the objects, rather than subjects, of the ‘nation’ or ‘ethnic group.’ (2004:6). Thus, gender as a social institution mandates, apart from, yet implicit to social functions and social history, an acknowledgment of a set of explicit institutional components, such as: gendered statuses, gendered division of labor, gendered sexual scripts, gender ideology and imagery; and on an individual constitutional level - gendered personality, gender identity, and gendered processes. The above system of stratification ascribes status by reinforcing or substantially limiting opportunities for individual achievement. Further, ‘legitimized’ choice restrictions, derived from agent’s place in the social order through *a priori* established boundaries and claims imposed upon agent’s existence by ‘legitimate authority’ of the law, society and state, privilege but a restricted constellation of ‘true identities’ and ‘freedoms’ in a grand galaxy of patriarchal order.

motherhood and separate spheres of existence and private-public engagement. This deeply ingrained and indelible *modus vivendi* characterizing Japanese social order has featured prominently in the debates on Equal Employment Opportunity Law. Employers opposed to legislating equality of employment stated that women were both physically and emotionally different from men and therefore subject to different treatment in workplace.¹⁷⁷ It can be argued that the consolidation of power through reinforcement of culturally mandated gender differences, which impact and are determinative of the quality of inter-personal interactions, constitutes a global hazard for it undermines the creative potential of otherwise economically and politically productive individuals. Thus feminist approaches to deconstruction of privileged, masculine, logocentric acts of ordering, evaluating, categorizing, which necessarily involve deployment of power and discourse, correctly “extend beyond the limits of the state.”¹⁷⁸ As the consolidation of this newly acquired power induces an alternative definition of social reality, discourse formation, and ultimately, an altered societal self-understanding. The state as the superstructural unit, as Foucault sees it, “is far from being able to occupy the whole field of power relations”¹⁷⁹ and must rely for its effective survival on pre-existing, active power-networks that are constitutive of it. According to Foucault, the investment of power in the social body produces mastery and self-awareness. But once power, Foucault contends,

¹⁷⁷ Molony, Barbara. 1995. “Japan’s 1986 Equal Employment Opportunity Law and the Changing Discourse on Gender.” *Signs* 20 (2). Pg. 274.

¹⁷⁸ Foucault, Michel. 1994. “Truth and Power” in Paul Rabinow (ed.) *The Essential Foucault*. (New York: The New Press). Pg. 309.

¹⁷⁹ *Ibid.*, Pg. 309.

“produces this effect, there inevitably emerge the responding claims and affirmations, those of one’s own body against power, of health against the economic system, of pleasure against the moral norms of sexuality, marriage, decency. Suddenly, what had made power strong becomes used to attack it. Power, after investing itself in the body, finds itself exposed to counterattack in the same body.”¹⁸⁰

The encounter of the resisting societal body with global macro-discourses has shown itself to mobilize the Japanese “political, economic, institutional regime of the production of truth”¹⁸¹ and undergo cultural recalibration and systemic structural change, along with redefinition of socio-political power dynamics. The global United Nations initiatives on the Elimination of All Forms of Discrimination against Women have already borne tangible national fruits in the form of legislating for cessation of gender discrimination in employment. Thus the enmeshment of the macro-micro contexts influences and invites a reexamination of cultural particularities and perspectives which constitute them.

“The nation-as-family”, “subject of the emperor”, “loyalty”, “filial piety”, “maternal desire” and “voluntary self-sacrifice” are telling of the Japanese conception of social ethic. Centuries long habituation of citizens in Japanese practices and mores have imbued interpersonal interactions with values aimed at the maintenance of harmony, trust and mutual concern. It is inevitable, therefore, for the discourses entering the sphere of the ‘traditional’ to meet with resistance. Feminist theories presuppose the existence of the socially encoded norms of conduct and practice; however, they do not ascend to them

¹⁸⁰ Foucault, Michel. 1980. “Body/Power” in Colin Gordon (ed.) *Power/Knowledge*. (Brighton: Harvester Press). Pg. 56.

¹⁸¹ Foucault, Michel. 1994. “Truth and Power” in Paul Rabinow (ed.) *The Essential Foucault*. (New York: The New Press). Pg. 317.

indisputably. At every point relations of power, inherent in any system, have, in the case of Japan, been problematized and their truth values questioned, invalidating, by extension, the sanctity of the traditional presumption. The contests have revealed tensions, as one side “seeks to open up discourses that are too closed and self-righteous” and the other “to protect established truths it considers threatened.”¹⁸²

The Equal Employment Opportunity Law by problematizing gender has revealed the systemically enforced socio-cultural gaps between labor and role, men and women, employer and employee, state and the global order. It has further enabled the Foucauldian *exercise* of power, through challenges to and eventual usurpation of *possessed* power by the state and patriarchal hierarchy, in constructing new power-dynamics, definitions and structures within a historic framework of global gender contexts and discourses. The implications of this precedent are two-fold: first, the de-routinization of cultural practices has reinterpreted and resituated their symbolic meanings in relation to newly legitimized forms of social interaction. Second, systems of cultural signification and meaning have become modified through practice¹⁸³ and normalization procedures, which both incorporate and reconstitute power, and coextensively alter the national self-understanding, formal allocation of procedural rights and bestowal of social status and civil equality.

A Foucauldian analysis of a universally recognized and reciprocally affecting power-gender dynamic, by subverting mere symbolism of culturally-distinct legal

¹⁸² Connolly, William E. 1992. *Identity/Difference: Democratic Negotiations of Political Paradox*. (Ithaca: Cornell University Press). Pg. 60.

¹⁸³ Yelvington, Kevin A. 1995. *Producing Power*. (Philadelphia: Temple University Press). Pg. 20.

reforms and regenerating interest in effective challenging of social standards and norms, provides a theoretical schema for highlighting the political significance of gender and a framework for the achievement of substantive change. As a conceptual tool, it has permitted a variegated approach to questions of power-gender relations by deconstructing the presiding rationales of domination and subjugation. Perhaps, as some claim, the legal reforms incorporated and vested in the Equal Employment Opportunity Law are but tips of an iceberg. Nevertheless, effective modifications to labor practices have already taken place, and Japan's national consciousness on gender issues has been raised and sustained by an omnipresent global referent. It is well documented in history that perceptually illusive tips of an iceberg can, indeed, sink the ship of patriarchal grandeur.

Case Study II: Civil Liberties and the State of Exception

Are basic rights subject to mediation? Are civil liberties, freedoms from unwarranted and arbitrary interference of power, amenable to change? To what extent should active and positive liberties be sacrificed to governmental efficiency, and how much of that efficiency ought to be subject to the mechanisms of legality? What supplementary content is to be given to the ideas of freedom and liberty by the contemporary discourse on, and active engagement in the "war on terrorism" led within the globalized context? And to what extent can the traditional expressions of civil liberties be protected or safeguarded against passive compromise in the United States, Asia or Europe?

The contemporary period is one of intense scholarly, legal and socio-political debate about the conceptual framework which ought to define a free society's mediation between the above stated questions. It is possible to distinguish a dichotomous, inverse relationship between the concepts in operation in both the domestic and international discourses of the post-September 11 world, those of civil liberties and security, due process of law and the state of war, tradition of democratic values and the state of exceptional emergency. Findings by Davis and Silver underscore this relationship, by pointing to psychological or sociotropic determinants that affect policy stances; as such "the greater the people's sense of threat, the lower their support of civil liberties", and the lower the people's trust in government the greater their resistance to security versus

personal liberty policy trade-offs.¹⁸⁴ The *prima facie* malleability of civil liberties is greater in times of danger. It may be surmised, therefore, that the greater the ability of governmental agencies to decode, in the general public, a sense of psychological insecurity, exacerbated by on-demand access to variegated sources of informational media, the more intensely the state may advocate, and more readily and extensively deploy delimiting measures on rights and liberties; as the people's psychological insecurity is expected to influence their willingness to trade civil liberties for personal security.¹⁸⁵ In other words, extreme circumstances may call for extreme measures; the implementation of which may be subject to contention and unwelcome encroachment on traditional legal protections of the human person and citizen, but the perceived need for which is so great, as to disavow any public opposition. Hence, "national security considerations linked to foreign affairs, have in U.S. history "resulted in severe setbacks for civil liberties,"¹⁸⁶ as the Alien and Sedition Act of Congress legitimizing the arrests, convictions and imprisonment of journalists criticizing the government,¹⁸⁷ President Lincoln's suspension of the writ of habeas corpus in the Civil War, post-World War I "Palmer raids" on suspected immigrant radicals, and World War II Japanese internment or the McCarthy era cases demonstrate, and the recently introduced Patriot Act and Protect America Act measures continue to reassert. In exercising its governmental norm

¹⁸⁴ Davis, Darren W. and Silver, Brian D. 2004. "Civil Liberties v. Security: Public Opinion in the Context of the Terrorist Attacks on America." *American Journal of Political Science* 48 (1). Pg. 28.

¹⁸⁵ *Ibid.*, Pg. 31.

¹⁸⁶ Dorsen, Norman. 1989. "Foreign Affairs and Civil Liberties." *The American Journal of International Law* 83 (4). Pg. 841.

¹⁸⁷ Oneck, Joseph. 2003-2004. "Critique." *Journal of Law and Religion* 19 (1). Pg. 85.

over security, territory, and population, the state effectively applied its juridical power to that idea which it has valorized the most, and the promotion of which constituted its ultimate *raison d'état* – the guarantee of unmitigated civil liberty.

Compared to the United States, Japan, a site of "more than 200 bombings between 1969 and 1989," has adopted a less "alarmist" and more incremental and "methodical" policy, "focused on the root causes of terrorism more than on the immediate actions that were required in a crisis."¹⁸⁸ Likewise, the skeptical attitudes of the Scandinavian countries, Italy or Greece towards the European Union-wide policies, aimed at circumscription of civil liberties via European arrest warrants, border control, transnational police and judicial cooperation and immigration monitoring practices, may illustrate a distinctive "social definition of reality"¹⁸⁹ which reflects the society's historically embedded cognitive, normative, and instrumental beliefs and agreed upon institutional configuration. Such "social definition of reality" may be seen in the ascriptions attached to the events of 11 September 2001 that became, according to Rasmussen, "'9-11' by means of globalization." Global media infrastructures and the "extension of social spaces"¹⁹⁰ for communication, have contextualized people's collective rationalization of the scale and timing of the event, which embedded itself

¹⁸⁸ Katzenstein, Peter J. 2003. "Same War: Different Views: Germany, Japan, and Counterterrorism." *International Organization* 57 (4). Pg. 743.

¹⁸⁹ Lehbruch, Gerhard. 2001. "The Institutional Embedding of Market Economies: The German 'Model' and its Impact on Japan" in Wolfgang Streeck and Kozo Yamamura *The Origins of Nonliberal Capitalism*. (Ithaca: Cornell University Press). Pg. 41.

¹⁹⁰ Rasmussen, Mikkel Vedby. 2002. "'A Parallel Globalization of Terror': 9-11, Security and Globalization." *Cooperation and Conflict: Journal of the Nordic International Studies Association* 37 (3). Pg. 326.

inexorably in the ontology and collective memory of the international society.¹⁹¹ Peter Katzenstein drew an important distinction in the perceptual frameworks of the terrorist acts of 11 September between states: a) the act of "war" (United States); b) the "crime of global terrorism" (Europe/Germany); c) a "crisis" event (Japan).¹⁹² The perceptual and cognitive variation, which can be accounted for in terms of "past institutionalized practices and different conceptions of self and other,"¹⁹³ Katzenstein argued, has framed and typified the state actor's external response.

Since grave injustices have often been motivated, as the Civil Liberties Act of 1988 states, by "racial prejudice, wartime hysteria, and failure of political leadership", how then, will the intensification and proliferation of the notion of collective "ontological insecurity,"¹⁹⁴ and the accretion of formal and informal methods for the conduct of "war" by the state actor or actors, the very definition of which shifted from a state-centric confrontation to a diffused notion of (ideological, economic, cultural or civilizational) protracted conflicts, alter the tone and management of democratic participation and global discourse? Henceforth, the following pages will attempt to provide an overview of the dynamic discursive inter-exchanges between the two contested concepts, those of civil liberties and war on terrorism.

¹⁹¹ Rasmussen, Mikkel Vedby. 2002. "'A Parallel Globalization of Terror': 9-11, Security and Globalization." *Cooperation and Conflict: Journal of the Nordic International Studies Association* 37 (3). Pg. 334/342.

¹⁹² Katzenstein, Peter J. 2003. "Same War: Different Views: Germany, Japan, and Counterterrorism." *International Organization* 57 (4). Pg. 732.

¹⁹³ Ibid., Pg. 733.

¹⁹⁴ Rasmussen, Mikkel Vedby. 2002. "'A Parallel Globalization of Terror': 9-11, Security and Globalization." *Cooperation and Conflict: Journal of the Nordic International Studies Association* 37 (3). Pg. 331.

Since discursive ‘hegemony,’ that is, a dominance of a discourse in any given society, facilitates adoption of institutions congruent with it, any hasty revision of basic beliefs and norms results in conceptual ambiguity and attempts at renegotiation and reconciliation of conflicts, such as, between the newly introduced laws and the traditional societal practices and beliefs, in particular and by way of illustration, between the U.S. Patriot Act and concerns for civil liberties. As such, the basic guarantees of essential civil liberties may become subject to greater scrutiny when conditions that have ensured an unobstructed protection of such liberties have altered as a result of external pressures and unforeseen challenges, i.e. intensification of terrorism or outside threats to national security. The minimization of liberties may very well be an accidental byproduct of governmental policy aiming at ensuring greater national security, or inversely, constitute a mean through which such security may be attained. In the words of J.R. Lucas: "just as we need men to interpret laws, so we need the laws to identify the men."¹⁹⁵ An *ad verbum* interpretation of the aforementioned statement solicits the law to stand as the arbiter of power, however, the law in the hands of the power is capable of legitimizing, in times of extreme socio-political crisis, selective acts against the public good and human dignity, or be that power which determines what shall henceforth constitute the good and dignity. Agamben contends that a selective suspension of legal norms and abrogation of civil liberties are a result of a calculated rationalization on the part of the state, which issues in a juridical paradigm set upon a skeleton of a permanent state of exception.

"[T]he extension of the military authority's wartime powers into the civil sphere, and a suspension of the constitution (or of those constitutional norms that protect

¹⁹⁵ Lucas, J.R. 1966. *The Principles of Politics*. (Oxford: Clarendon Press). Pg. 27.

individual liberties), in time the two models end up merging into a single juridical phenomenon that we call the state of exception."¹⁹⁶

Much of the up to now published research has concentrated on the causal and reactive accounts of terrorism. It has been acknowledged that "increased complexity on all levels of society and economy creates opportunities and vulnerabilities."¹⁹⁷ And that acts of terrorism, committed to "force the state to show its true repressive face"¹⁹⁸ often alter the government's, policy's, urban economy's and city administration's operational structure, followed by a restitution of autonomous governance and shift towards inter-governmental oversight and cooperation, adoption of new legal mechanisms, added responsibility and increased secrecy in their exercise. A society which exploits "momentary panic to impose long-lasting limitations on liberty"¹⁹⁹ must itself do so in measures so as not to destroy the democratic balance of power and cancel citizens' recourse to law. Whereas some contend that liberal democracies are able, by their very construction, to withstand such moral hazards as negotiation between the revocability of liberties and commitment to individual dignity in times of crisis,²⁰⁰ others argue that persistent inadequacies in respecting the Bill of Rights when foreign affairs are at stake

¹⁹⁶ Agamben, Giorgio. 2005. *State of Exception*. (Chicago: University of Chicago Press). Pg. 10.

¹⁹⁷ Crenshaw, Martha. 1981. "The Causes of Terrorism." *Comparative Politics* 13 (4). Pg. 381.

¹⁹⁸ *Ibid.*, Pg. 387.

¹⁹⁹ Balibar, Etienne. 2004. *We The People of Europe? Reflections on Transnational Citizenship*. (Princeton: Princeton University Press). Pg. 208.

²⁰⁰ Ignatieff, Michael. 2004. *The Lesser Evil: Political Ethics in an Age of Terror*. (Princeton: Princeton University Press). Pg. 11.

are not merely a question of the limits of resistance and survival of a democratic tradition, but serious shortcomings in its pragmatic exercise and a sign of rhetorical hypocrisy.²⁰¹

Since history itself is neither an exclusively sufficient nor an exhaustive justification for the perceptual and pragmatic response to the changing geo-political climate, nor can it serve as an ultimate and reliable *via media* between theory and abstraction, an evocation of a terminal ‘state of exception’ puts a moratorium on the democratic regimes’ will to reconcile competing claims on individual liberties vis-à-vis sporadic acts of violence. In view of the global character of the “war on terrorism” vis-à-vis civil liberties impacts, it is possible to distinguish five general trends:

- 1) Globalization makes the realization of universal security risks more salient and blurs the lines of distinction between traditional state-system categories.
- 2) Common security risks issue in comparable, parallel legal responses independent of state nomenclature and socio-political traditions of governance.
- 3) Direct civilian security risks and the general unpredictability of the scale and timing of terrorist attacks, tend to suspend public’s notions of and claims to inalienable rights to full and unobstructed liberty for the duration of the “global war on terrorism” rhetoric and sporadic recurrence of disclosed terrorist planning through highly publicized arrests or chronically resurging overt visibility of police activity.
- 4) Unmitigated state power in the area of security and monopoly on information gathering, control, and diffusion create relations of co-dependence, and

²⁰¹ Dorsen, Norman. 1989. "Foreign Affairs and Civil Liberties." *The American Journal of International Law* 83 (4). Pg. 850.

- 5) Any differences in approaches and responses to terrorism by state authorities ensue from different threat perceptions and historical experiences, as well as the intensity and the scale of perpetrated acts of terror.

The global “war on terrorism” has come to denote a policy stance by way of which this highly contested concept has come to symbolize both a rejection of, assault upon, and a defense against any activities referred to as “terrorism”. In view of innumerable proposals and the absence of an explicit United Nations definition of “terrorism,” partly due, as Bruce Hoffman in his book *Inside Terrorism* argues, to the “insidious” presence and ubiquity of the term in modern discourse and its historically changing meaning,²⁰² scholars have come to espouse variegated formulations, such as “the use of violence against random civilian targets in order to intimidate or to create generalized pervasive fear for the purpose of achieving political goals,”²⁰³ or,

“An anxiety-inspiring method of repeated violent action, employed by clandestine individual groups or state actors, for idiosyncratic, criminal or political reasons, whereby—in contrast to assassination—the direct targets of violence are not the main targets.”²⁰⁴

Martha Crenshaw holds “terrorism” to represent a “systematic inducement of fear and anxiety to control and direct a civilian population,”²⁰⁵ in addition to recognizing

²⁰² Hoffman, Bruce. 1998. *Inside Terrorism*. (New York: Columbia University Press). Pg. 13-15.

²⁰³ Alexander, Yonah. 1976. *International Terrorism: National, Regional and Global Perspectives*. (New York: Praeger). Pg. 14.

²⁰⁴ Schmid, Alex, et al. 1988. *Political Terrorism*. (New Brunswick: Transaction Books). Pg. 28.

²⁰⁵ Crenshaw, Martha. 1981. "The Causes of Terrorism." *Comparative Politics* 13 (4). Pg. 380.

terrorism as the result of an “elite disaffection”, or alternatively, as a “strategy of a minority ... that lacks other means” with a “reformist”, “anarchist” or “reactionary” slant aimed at an ever more “destructive and spectacular violence.”²⁰⁶ Title 22 of the United States Code, Section 2656f(d) harbors the following operational definition of terrorism, as “premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.” Moreover, the term “international terrorism” means “terrorism involving citizens or the territory of more than one country.”²⁰⁷ The United Nations General Assembly in the Resolution 60/1 reaffirmed that “acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments,” and that the “international community should take the necessary steps to enhance cooperation to prevent and combat terrorism.”²⁰⁸ Entailed in the above stated definitions is the notion of moral wrong and unjustifiability of terrorism as a political act of violence directed against persons with an intention of inflicting injury or harm. Framing of the concept in these terms, Virginia Held argues, precludes the possibility to question whether given acts of terrorism might be justified,²⁰⁹ especially in view of invasive structural violence of dominant neoliberal

²⁰⁶ Crenshaw, Martha. 1981. "The Causes of Terrorism." *Comparative Politics* 13 (4). Pg. 386.

²⁰⁷ U.S. Department of State. 2004. “Patterns of Global Terrorism”. 12 Jan. 2009. <<http://www.state.gov/documents/organization/45313.pdf>>. Pg. 12.

²⁰⁸ U.N. World Summit Outcome. 2005. 16 Mar. 2009.< <http://www.unodc.org/unodc/en/terrorism/Index.html>>

²⁰⁹ Held, Virginia. 1994. *Taking Sides*.(Guilford: The Dushkin Publishing Group). Pg. 292.

acts and discourses, and their respective impact on exogenous agents, who are neither the principal nor equal parties to the 'Western' monologue. It is important to observe that denunciations of "terrorism" are usually applied to the opponent and rarely to the tactics and acts of one's own government, or governments falling under a given acceptable rubric of conduct and tolerable rules of governance, by no means devoid of moral and legal culpability for perpetrations of "unofficial violence" or unintended collateral consequences.

Critical theory introduces an explanatory, practical and normative evaluation to the discussion of terrorism. Thinkers such as Alain Badiou view terrorism as an intrinsically propagandistic term that tends to obscure the nature, origins and causes of terrorist actions.²¹⁰ Along with Kapitan, Badiou criticizes the "obfuscatory and pernicious" contrasts made between the 'Western values' and terrorist projects, especially in view of the West's existential sins committed in the course of the wars of decolonization of the post-Second World War period.²¹¹ Castells, on the other hand, points to the changing ontology of the 'surveillance society' spurred by global networking and greater decentralization of technology.²¹² Lyon provides a normative evaluation of this current trend in terms of decreasing trust and solidarity, an emphasis on control rather than care, and further creation of cultures of fear, suspicion, and secrecy.²¹³

²¹⁰ Ojeili, Chamsy et al. 2006. *Critical Theories of Globalization*. (New York: Palgrave Macmillan). Pg. 123.

²¹¹ Ibid., Pg. 123.

²¹² Castells, Manuel. 2000. *The Information Age: Economy, Society and Culture – The Power of Identity*. (Oxford: Blackwell Publishing). Pg. 27.

²¹³ Lyon, David. 2003. *Surveillance after September 11*. (Cambridge: Polity Press). Pg. 44.

The instances of the latter would be the U.S. Department of Security, Patriot Act, F.I.S.A. Act, Protect America Act, passage of anti-terrorist legislation in the United Kingdom, addition of Articles 278b to 278d to the Austrian Criminal Code incorporating incrimination of terrorism, addition of terrorism's definition to Denmark's Penal Code and Belgium's, Greece's and Finland's Criminal Codes respectively.²¹⁴ Under the U.S.A. Patriot Act, for instance, the federal government may now: a) use foreign counterintelligence in domestic criminal investigations; b) carry out surveillance of any religious, civic, or political organization in the United States, without suspicion of wrongdoing; c) encourage private citizens to report on the "suspicious activity" of other people; d) under the "sneak and peak" warrants [covertly] enter a dwelling on the basis of "reasonable suspicion" alone without giving prior notice; e) carry out electronic surveillance and physical searches; f) access personal records of "United States persons" under Section 215 of the Act by requesting "any tangible thing (including books, records, papers, documents and other items), without that person's knowledge; g) carry out more extensive surveillance of members of domestic organizations, anti-war protesters and civil rights activists.²¹⁵

In addition, to adequately contextualize the "war on terrorism"/"terrorism" discourse vis-à-vis law it is necessary to do so with an aid and in terms of discourse theory. Habermas, in *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, argues that there is a "conceptual and internal relation, between the

²¹⁴ E.U. CFR-CDF. 2003. "The Balance Between Freedom and Security Within the EU" 24 Apr. 2009. <<http://www.statewatch.org/news/2003/apr/CFR-CDF.2002.report.en.pdf>>. Pg. 12.

²¹⁵ McCarthy, Michael T. 2002. "Recent Developments." *Harvard Journal on Legislation* 39 (2). Pg. 435-453.

rule of law and democracy.”²¹⁶ As such, law and democracy function due to a synthetic regard for law as both a system of coercive laws and a source of legitimacy of rules and norms implicit in the law *qua* law. “Modern law”, Habermas asserts, “lives off a solidarity concentrated in the value orientation of citizens and activity issuing from communicative action and deliberation...mediated ... by legal institutions and procedures [that cannot be] replaced by coercive law.”²¹⁷ Further, democratic procedure in terms of discourse theory, “makes it possible for issues and contributions, information and reasons to float freely; it secures a discursive character for political will-formation,”²¹⁸ which grounds and legitimizes the democratic process. In this context, globalization, in “creating a transnational space ... and extension of social spaces beyond their traditional confines,”²¹⁹ gives rise to new forms of power-contesting supranational alliances and networks of opposition and terror, which challenge the balance setting norm for international peace and efforts at intact preservation of the sovereign states system. Terrorism, according to Crenshaw, is designated to “disrupt and discredit”²²⁰ the process of government and constitutes, thus, the unintended third pillar, in addition to the national state and international organization, of power usurpation. The aforementioned transpires in Ulrich Beck’s theory of reflexivity and risk society, which regards terrorism as a

²¹⁶ Habermas, Jurgen. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. (Cambridge: The MIT Press). Pg. 449.

²¹⁷ Ibid., Pg. 33.

²¹⁸ Ibid., Pg. 448.

²¹⁹ Rasmussen, Mikkell Vedby. 2002. "A Parallel Globalization of Terror: 9-11, Security and Globalization." *Cooperation and Conflict: Journal of the Nordic International Studies Association* 37 (3). Pg. 326.

²²⁰ Crenshaw, Martha. 1981. "The Causes of Terrorism." *Comparative Politics* 13 (4). Pg. 386.

largely negative consequence of the processes of globalization themselves, and calls for creation of new types of responses to the ever changing modes of socio-political, cultural, and economic power confrontations.

Some argue that “war on terrorism” in its current usage has in itself a terrorizing effect in inducing reason-obscuring fear.²²¹ Others point to the term’s ill-defined, demagogic notion that provides a warrant for any government which wants to engage in ruthless suppression of dissidents, and dismiss it as both simplistic and self-serving.²²² Still others consider the global “war on terrorism” to be a mere “rhetorical device,” as the absence of “legally valid war on terrorism”²²³ delegitimizes, if not nullifies its claims. The pragmatic response to “war on terror” rhetoric has been a remarkably unanimous and rapid demonstration of NATO solidarity, and readiness for a collective response against any member.²²⁴ And the recurrent utilization or “literalizing” of the term has dissolved the legal boundaries between what a government can do in peacetime and what is allowed in war.²²⁵

On September 29, 2001, Justice Sandra Day O’Connor, quoted in the *New York Times* predicted that American citizens were likely to experience more restrictions on

²²¹ Brzezinski, Zbigniew. 2007. “Terrorized by ‘War on Terror’”. *Washington Post* B01. 11 Oct. 2007 <<http://www.washingtonpost.com/wpdyn/content/article/2007/03/23/AR2007032301613.html>>

²²² Flood, Christopher. 2002. “Some European Thoughts in the Wake of 9/11.” *South Central Review* 19 (2/3). Pg. 53.

²²³ Johnson, Chalmers. 2004. *The Sorrows of Empire*. (New York: Metropolitan Books). Pg. 294.

²²⁴ Flood, Christopher. 2002. “Some European Thoughts in the Wake of 9/11.” *South Central Review* 19 (2/3). Pg. 52.

²²⁵ Roth, Kenneth. 2004. “The Law of War in the War on Terror.” *Foreign Affairs*. 11 Oct. 2007. <<http://www.foreignaffairs.org/20040101facomment83101/kenneth-roth/the-law-of-war-in-the-war-on-terror.html>>

personal freedom than had ever been the case. “It will cause us”, Justice O’Connor asserted, “to re-examine some of our laws pertaining to criminal surveillance, wiretapping, immigration and so on.”²²⁶ Implicit in the remark is a belief in what Sniderman et al. in *The Clash of Rights: Liberty, Equality, and Legitimacy in Pluralist Democracy* term the “contestability of rights”, or a realization of a clash between external threats, civil liberties and society’s democratic principles and values. In consequence, due to protracted armed conflict, the notion of a perpetually indefinite state of war has supplanted the peace-time law enforcement rules with more permissive war-time international humanitarian law, characterized by suspension of the right to speedy trial (as trial occurs once conflict ends) and permitting acts of firing of shots at enemy combatants without warning. Congruently, as Hardt and Negri argue in *Empire*, the contemporary socio-economic and political climate has made it increasingly difficult for the “ideologues” to name a single, unified enemy” rather, the authors assert, “there seem to be minor and elusive enemies everywhere” – a phenomenon accompanied by the rising trend in “proliferation of minor and indefinite crises, or omni-crises.”²²⁷ In view of the above, the Club de Madrid working group, in its 2005 report, called for the rejection of the notion of the “war on terrorism” stating that it is “contrary to the basic principles of democracy and international law for any persons not to fall under the protection of the law”, especially in the instances when practices such as “indefinite detention without access to judicial review, extrajudicial execution, and inhuman and degrading treatment

²²⁶ Greenhouse, Linda. 2001. “In a New Climate of Unity, Justices Face Divisive Issues.” *The New York Times*. 15 Feb. 2009. <<http://www.nytimes.com/2001/10/01/us/in-a-new-climate-of-unity-justices-face-divisive-issues.html> >

²²⁷ Hardt, Michael and Negri, Antonio. 2000. *Empire*. (Cambridge: Harvard University Press). Pg. 189.

in the course of interrogations”²²⁸ have become the extralegal norm. In addition, the application of the term “war on terrorism” entails the possibility of indefinite human rights suspension, and sets a dangerous global legal precedent.

Despite its contentious nature, ‘war on terrorism’ is a referent point for any governmental/military/intelligence activity that aims at curbing acts of terrorism. The definition of ‘war’ or engaged warfare has, itself, undergone evolution and change, especially in spatial and temporal terms as the traditional battlefield is no longer delimited to specific physical place and time constraints imposed by observable military losses and casualties. The operational definition of war is understood to denote an “actual, intentional and widespread armed conflict between *political communities*.”²²⁹ Terrorist organizations fall under the rubric of “political communities”. As such, shifts in the ability to effectively target non-territorially established networks of terrorist organizations, have altered: a) the constitution of a battlefield; b) formal instruments for declaring war and establishing conditions for armistice, truce or legally documented and recognized surrender; c) the strategic approaches to combating a non-traditional enemy, a diffused network of agents and multiple adversaries, rather than a conventional army. The “war on terror” has altered the public’s perception and experience of war as a political means of mass mobilization, which called for utter individual self-sacrifice that was responsive to the climate of urgency and ubiquitous sense of patriotism, rather than

²²⁸ Club de Madrid. 2005. “Towards a Democratic Response.” 19 Feb. 2009. <<http://media.org/docs/CdM-Series-on-Terrorism-Vol-3.pdf>. >Pg. 13.

²²⁹ “War”.2005. *Stanford Encyclopedia of Philosophy*. 19 Feb. 2009. <<http://plato.stanford.edu/entries/war/>>

voluntary acknowledgment of its moral imperatives and claims. In *The Constitution and the Common Defense*, Walter Mills wrote:

“In a free society, foreign and military policies – especially when they risk or eventuate in war – can be justified only as they express a common good, or the total interest of the whole community. A free man cannot be compelled or even asked to sacrifice his life in battle for anything less; if he dies in the service of any private or partisan or class or special interest not his own, he dies a slave.”²³⁰

The global dimension of the “war on terror” has recalibrated notions of traditional practices and political values along with individual civic and moral obligations that attest to the conception of the common good. As such, contracted mercenaries and special interests have come to redefine the premises of justified military engagement and civic duty to the nation in general, and citizens’ needs in particular. The “war on terrorism” in its present ethical, strategic and legal ambiguity, has come to symbolize the Hobbesian state of war of the “West” against the indistinguishable mass of “Other”, and has become further exacerbated by a Foucauldian dispersion and readjustment of omni-present power relations. Therefore, it is imperative to ask about the impact of the “global” character of conflict on the political character and constitution of the political systems themselves and the socio-political, psychological, and economic security of citizens.

In the *Federalist No. 8* Alexander Hamilton expressed the following concern:

“Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will after time give way to its dictates. The violent destruction of life and property incident to war, the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to

²³⁰ Mills, Walter. 1959. *The Constitution and the Common Defense*. (New York: The Fund for the Republic).Pg. 5.

liberty to resort for repose and security to institutions which have a tendency to destroy their civil and political rights.”²³¹

The notion of security, Tehranian suggests, can be conceptualized in political, psychological, cultural and communicational terms. Political security encompasses freedoms of speech, conscience, and assembly. It is based on the principle that upholds and honors the right to life in a society where fundamental human dignity and rights are protected against the abuses of the government.²³² The 1948 UN Universal Declaration of Human Rights, which states that “all human beings are born free and equal” and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms serve as the founding documents institutionalizing this idea beyond the narrow political recognitions rendered to it by the nation state. Psychological security concerns the principles of freedom from fear, the right to privacy, and tolerance of differences.²³³ In normative literature, the principles of non-violence and the idea of being a good neighbor promulgated in the 1995 reports of the Commission on Global Governance have assisted in conceptualizing the theoretical basis for arms-control theorists, such as Thomas Schelling and his analysis of the psychology of threats, strategies of defense, coercion and violence, and Robert Jarvis’ study of the perception and misperception in international relations. Moreover, cultural security, which concerns the right to freedom of identity and communication security that covers issues concerning “freedom and

²³¹ Mills, Walter. 1959. *The Constitution and the Common Defense*. (New York: The Fund for the Republic).Pg. 5.

²³² Tehranian, Majid. 1999. *Worlds Apart: Human Security and Global Governance*. (London: I.B. Tauris Publishers).Pg. 44.

²³³ Ibid., Pg. 39.

balance of information flows and security of mediated and unmediated communication”²³⁴ are cited as having aided in the delegitimization of violence and development and empowerment of civil society in advancing democratization and security.

Implicit in the above discussion is the notion of civil liberties, without which none of the entitlements to security could be given salience. Civil liberties, defined as certain rights, such as the right to vote, the right to equality in public places without any interference or restriction from the government, the freedom of speech, expression, press, assemble, and worship have been bestowed to all U.S. citizens under the First Amendment to the Constitution. Civil liberties in Europe derive their statutory recognition from France’s 1789 Declaration of the Rights of Man of the Citizen and the 1950 European Convention of Human Rights and its Five Protocols, to which all EU countries are signatories. In Japan the 1947 Constitution and subsequent establishment of the Civil Liberties Bureau on February 5, 1948²³⁵ institutionally protect, promote and mediate between contentious claims to individual rights and liberties.

Within the realm of comparative political theory, justice in transition and the state’s legal responses to it, constrained both by a political and institutional tradition, are continually evaluated on the basis of a democratic norm. The strength of democratic

²³⁴ Tehrani, Majid. 1999. *Worlds Apart: Human Security and Global Governance*. (London: I.B. Tauris Publishers). Pg. 45-47.

²³⁵ Rosch, Joel. 1987. “Institutionalizing Mediation: The Evolution of the Civil Liberties Bureau in Japan.” *Law and Society Review* 21 (2). Pg. 243.

protections and institutions is paramount to political security in liberal states.²³⁶ The global “war on terrorism” acts as a catalyst in transitioning or modifying the conceptions and practices of justice and the logic of governance, which naturally issue in the extension of limits within which sovereign power is to be exercised. Because a liberal state perceives its fundamental *raison d’être* in consolidating a security arrangement which, by the nature of its constitution, aims to deter external threats to its ontology, Michael Ignatieff in his book *The Lesser Evil: Political Ethics in an Age of Terror* recognizes one of the central democratic paradoxes, when he asks:

“When democracies fight terrorism, they are defending the proposition that their political life should be free of violence. But defending terror requires violence. It may also require coercion, deception, secrecy and violation of rights. How can democracies resort to these means without destroying the values for which they stand?”²³⁷

What constitutes the “moral check” on seemingly unrestrictive and invasive power, when majority interests and entitlements to individual freedom and dignity that comprise a given polity are no longer the prudential limits on governmental action, or are revocable in times of existential crises? What ought to be the *modus operandi* in cases in which overt conflicts between security, construed under the rubric of the “war on terrorism”, and civil liberties arise? And whose security and liberty is more at risk in the abstractly defined conflicts? Is formal “accountability and visibility of the centralized

²³⁶ Tehrani, Majid. 1999. *Worlds Apart: Human Security and Global Governance*. (London: I.B. Tauris Publishers). Pg. 45.

²³⁷ Ignatieff, Michael. 2004. *The Lesser Evil: Political Ethics in an Age of Terror*. (Princeton: Princeton University Press). Pg. vii.

system's actions"²³⁸a sufficient public stipulation in monitoring and preserving individual's recourse to civil liberties?

Questions of this type are important, as conflicts or lack of broader consensus in the international definition of terrorism, and situational risk analysis of each country's counterterrorism measures reveal as many institutional tendencies and patterns as inconsistencies in adhering to the general, albeit, abstract norm of the global "war on terrorism." For instance, Denmark's 2002 anti-terrorism law in addition to forbidding instigation of "terrorism" or offering advice to "terrorists", and banning financing of "radical groups", also contains serious curbs on free speech, guaranteed in the Danish constitution, and significantly extends the powers of the police by sanctioning electronic eavesdropping on "suspected radicals" in a country with a long liberal tradition of tolerance. Moreover, the lack of legal instruments that can adequately address the changing policies on terrorism pre-charge detention in the United Kingdom, Norway, Germany, Spain, and Italy, to name but a few, have wide ranging human rights and civil liberties implications, as large variations in detention, charge and investigation proceedings often exceed the legal norm and undermine the civility and moral authority of countries engaged in such practices. The United Kingdom, for example, with the Terrorism Act of 2006, has put in place a twenty-eight day pre-charge detention law, and proposes to increase the detention period without official charge to fifty-six days.²³⁹ In

²³⁸ Dershowitz, Alan M. 2003. "The Torture Warrant: A Response to Professor Strauss" *New York Law School Law Review* 48. Pg. 158.

²³⁹ Russell, Jago: 2007. "Terrorism Pre-Charge Detention Comparative Study." The National Council for Civil Liberties. 9 Oct. 2007 <<http://www.liberty-humanrights.org.uk/publications/1-policy-papers/index.shtml>>. Pg. 4.

France, detention without charge for a terrorist suspect cannot exceed four days, in Spain ten days, and under Japan's proposed *Kyoubouzai Hoan* (conspiracy or collusion law) much tougher yet, as of 2006, unspecified measures are to take place in this domain. The U.S. Patriot Act allows the US Attorney General to detain without charge aliens suspected of terrorism for a period of seven days. An extreme variant of this detention practice is the U.S. Guantanamo Bay prison for the "unlawful combatants", not only beyond the protection of the laws of the United States and their call for specific charge on the basis of probable cause under the Fourth Amendment to the Constitution to prevent an "unreasonable" seizure, but falling under no explicit category of either the International Law or the Geneva Conventions on the treatment of prisoners of war. By virtue of specific designation, i.e. "enemy combatants", "radical groups" or "suspected radicals" governments actively engaged in the "war on terrorism" are able to circumvent explicit mandates of the law (national and international alike) and its authority to legitimize and delegitimize practices which the international community deems to be in strict violation of both civil liberties and human rights. In addition, interpretation of "self-defense" has been greatly widened and legal provisions and principles of the humanitarian law have become almost irrelevant.²⁴⁰ The psychologically ubiquitous and pervasive "war on terrorism" and resulting civil liberties curtailments, in the very vagueness and abstractness of its conceptual framework, affect most often countries,

²⁴⁰ Club de Madrid. 2005. "Towards a Democratic Response." 19 Feb. 2009. < <http://media.org/docs/CdM-Series-on-Terrorism-Vol-3.pdf> > Pg. 27.

citizens and institutions that have been the primary architects of the current socio-political order.

The current state of the US-EU “war on terrorism” discourse, as well as the passage and implementation of political, institutional and legal mechanisms that progressively inhibit the exercise of many of the fundamental individual freedoms, or alternatively penalize any such exercise with negligible due cause, redefine civic obligations and moral imperatives of private citizens and public officials, alike. A Foucauldian reading suggests that by stripping legal protections or altering their pragmatic application, the state, under autonomously defined conditions of ‘exception,’ amends the premises of the social contract, and re-constitutes itself through a series of exclusions, which transform the ‘abnormality’, ‘sporadicity’, and ‘crisis’ events into routinized, normal features of the globalizing world. The sovereign’s ‘power of the sword’ is reinforced by ‘policing’ technologies, which: (i) aim at the implementation of micro-practices that divide, isolate, and objectivize;²⁴¹ and (ii) aim to induce participatory self-scrutiny, self-examination, and confession in order to reactivate techniques of rehabilitation and normalization that are to eventuate in a voluntary choice of positioning oneself on the side of the right. The scale of the anomalous phenomena to which terrorism belongs, along with its often opaque and complex nature, reinvigorates, on the part of the state, the pursuit and utilization of the mechanisms of security [*despositifs de securite*] in order to better define the field of possible interventions. The disciplinarity of the bios which accompanies the curtailment of civil liberties operates

²⁴¹ Coleman, Mathew, Agnew, John. 2009. “The Problem with Empire” in Jeremy Crampton and Stuart Elden (eds.) *Space, Knowledge, and Power*. (Burlington: Ashgate Publishing). Pg. 321.

through the social body, which becomes, as a result, malleable under duress and conscious of its subjectivization through added, conspicuous and inconspicuous, techniques of surveillance. The problematic of the state of exception vis-à-vis the legal prerogatives of citizens affirmed by a liberal ethos is based on the question of longevity of the intermediate suspension of rights and the degree of insight into citizens' private sphere of socio-political existence. The exigency of democratic survival, however, depends upon the ability to decipher law from life, for in meeting the basic principles of justice and minimal rights of citizens, the democratic norms, according to Olssen, must protect three indissoluble conditions: (i) the basic rights of all citizens individually and as groups to freedom of speech, thought, assembly, expression, lifestyle, and choice; (ii) "that no person or group is manipulated into accepting values represented by public institutions"; and (iii) "that public officials and institutions are democratically accountable in principle and practice."²⁴² Democracy, as an equalizer of power relations and progenitor of dialogue and habits of non-dominance, inhibits gestation of narrow national interest and institutional regimes of exclusion enveloped in indefinite perception and rationalization of threat, which violate the liberal will of citizen subjects and dissolve their claims to unobstructed representation as a legal person, rather than mere political *corpus* subject to infinite command.

²⁴² Olssen, Mark. 2009. *Toward a Global Thin Community*. (Boulder: Paradigm Publishers). Pg. 211.

Case Study III: War Crimes, Refugeeism, and the Dilemmas of Citizenship

To be rooted, writes Simone Weil in *The Need for Roots*, is the most important and least recognized need of the human soul. Rootedness obliges and privileges, binds and deinvisibleizes. The geographical space allocated to growing roots, conveys social rank and political value, and naturalizes beings into the environment which they inhabit, and within the confines of which they become legitimated subjects and bearers of right. Aware of this basic human need for socio-psychological stability, the world community in Article 15 of the 1948 Universal Declaration of Human Rights extended protections over safe shelter and habitable human dwelling for thousands of displaced victims of forced “uprootings” of the 20th Century, induced by wars, military campaigns, occupations and political programs of denationalization and mass extermination. In times of forceful ascensions of some European powers and prompt dissolutions of others, during the period between the two world wars, the status of the Rights of Man became conjoined with the fates of nation-states. Thus, refugeeism, deemed a temporary condition and a by-product of some crisis event, was historically redressed either by assimilation, repatriation or naturalization. By promulgating every person’s right to citizenship, that is, the right to belong to a nation state, the United Nations moved from basic norms of the international law to a new cosmopolitan regime, a metajudicial proclamation of rights that was to apply universally; a promulgation, however, which never transgressed the immanent category of the nation-state, but reasserted it and took it

for the sole sovereign agent capable of turning a human being into a citizen.²⁴³ The universal declaration of the human rights, therefore, is not so much a document endowing and privileging the human sphere with rights, as an obligation imposed upon the state to mobilize itself and extend its generosity in declaring that human sphere a recognized political unit, and thus, by extension, ensure the state's own survival by admitting to naturalization those persons which make up its very own foundation for sovereignty and which show themselves as a fully integrated citizen-body. Social and political integration, through interiorization of the mechanisms of power proper to a given nation-state, transforms stateless alienation into disciplined subjectivity, a political aberration of refugeeism into the norm of citizenship. It is at this very moment, as Foucault observes, that "life has now become ... an object of power"²⁴⁴ and has been inescapably inscribed into its techniques of administration and technologies of biopower.

The United Nations commitment to universal human rights, best exemplified by its humanitarian interventionism, creates an institutional paradox. On the one hand, the organization constituted as a society of states with a global outreach, abolishes the statist paradigm of non-interference and sovereignty established by Hobbes, who insisted on the self-sufficiency of state units being in a state of nature in their relations with one another. On the other hand, due to lack of comprehensive theory of the global order, the United Nations cannot but integrate in and place under the protectorate of the state, the human agents which it sought, in the first place, to extricate from underneath its rule. The

²⁴³ Two criteria, surviving from the Roman code, serve to identify a subject as citizen: (i) *ius soli* – territorial birth; and (ii) *ius sanguinis* – blood-descent or birth from citizen-parents.

²⁴⁴ Foucault, Michel. 1994. "Les mailles du pouvoir" in *Dits et écrits* (Paris: Gallimard) Pg. 194.

victims of genocides, ethnic cleansings, and protracted civil wars generate a broad range of new positive and negative duties; and although the premise for intervention rests precisely on the assumption that neither their nor our humanity is exhausted by juridical citizenship, our collective destiny, nonetheless, is congealed by an institutional framework of the state vested with the power to acknowledge or annul our political existence.

Presently, there are close to sixteen million stateless noncitizens, populating regions of Bangladesh, Bhutan, Latvia, the Democratic Republic of Congo, Myanmar and Thailand. Displaced by migration, refugee flights and ethnic expulsions, the often ignored and most vulnerable strata of the nameless mass of noncitizens, lacking adequate proof of citizenship, remain without basic rights to schooling, healthcare, gainful employment and property ownership, and *de facto* lie outside the bounds of equitable legal protection.²⁴⁵ Does statelessness, then, present us with an opportunity to envision a realm of existence devoid of habitual recourse to legal citizenship, or a Sisyphean burden that persists in the proliferation of its own limits?

Cosmopolitans claim that it is incumbent upon us to expand our moral imagination and recognize the fluidity and heterogeneity of social affiliations and narratives, in order to redress the ills of legal and socio-psychological uprootedness and offer a program for organizing political entities and human persons in accordance with

²⁴⁵ In its 2007 Global Trends Report on Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons, the UNHCR (The UN Refugee Agency), estimates that there are: 11.4 million Refugees under UNHCR mandate; 4.6 million refugees under UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) mandate. Bringing the total number of refugees to 16 million; 26 million conflict generated internally displaced persons (IDPs); 25 million natural disaster IDPs. Bringing the total number of IDPs to 51 million. In sum, the total number of refugees and IDPs is 67 million.

cosmopolitan ethics that go beyond state sovereignty and, thus, redefine the political condition of being human. A viable mean encapsulated in the Cosmopolitan Harm Conventions (CHCs),²⁴⁶ which obliges states to apply the minimum principle of *primum non nocere* – above all, do no harm – permits for a rationalization of an international moral code by effectively aiding in regulating the interactions between human agents and states. In its form, cosmopolitan harm conventions entreat states bound by them to make no legally relevant distinctions between the insiders and outsiders, and accept the premise that insiders do not have the moral right to impose insecurity and fear on other societies, and finally recognize that the boundaries of moral community “are not identical with, but extend beyond, the frontiers of their bounded political community.”²⁴⁷ David Held enumerates eight universal principles through which equal significance of each human person can be protected. They are: (i) equal worth and dignity; (ii) active agency; (iii) personal responsibility and accountability; (iv) consent; (v) collective decision-making about public matters through voting procedures; (vi) inclusiveness and subsidiarity; (vii) avoidance of serious harm; (viii) sustainability.²⁴⁸ Seyla Benhabib, on the other hand, postulates the already unprecedented normative instantiations of the global civil society, which show themselves in the agencies of negotiation, articulation, observation, and

²⁴⁶ Cosmopolitan Harm Conventions (CHCs) “are laws or conventions that protect the individual or substate communities from the evils perpetrated by states (like war, conquest and other forms of damage caused by aggressive states in pursuit of their trade, investment, environmental and political interests).” (Linklater, Andrew. 2002. “Cosmopolitan Harm Conventions” in Steven Vertovec and Robin Cohen (eds.) *Conceiving Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 17.

²⁴⁷ Linklater, Andrew. 2001. “Citizenship, Humanity, and Cosmopolitan Harm Conventions.” *International Political Science Review* 22(3). Pg. 264.

²⁴⁸ Held, David. 2005. “Principles of Cosmopolitan Order” in *The Political Philosophy of Cosmopolitanism*, ed. Gillian Brock and Harry Brighouse. (Cambridge: Cambridge University press.) Pg.12.

monitoring, processes of naming and shaming, sanctions, and humanitarian interventions that aim to attenuate the monopoly on full mobilization of state power against groups and citizens.²⁴⁹ As a pressing existential task and a duty to be made manifest in the third millennium, these approaches necessitate, however, above all, a renegotiation and reconfiguration of our current discursive commitments.

Precisely because citizenship has historically signified participation in the biopolitics of the state, and characterized itself by duties and obligations emanating from a developed *sensus communis*, its abrogation, in the case of refugeeism, seems an existential depravation. Agamben argues that such a state constitutes a state of exception, the bare life, abandoned by law and inhabiting a zone of juridical ambiguity.²⁵⁰ The more radical interpretation, however, would dare to suggest that refugeeism puts citizenship in question, whereby reduction of its learned practices to community, habitual recourse to political participation, superficial cultivation of virtues of patriotism, loyalty, piety and obedience to the community and the law inadvertently lead to an act of dissent and abstention sustained by a radical freedom from oppressive discourses centered around the political construction of the responsibilities of citizenship. In this vein of reasoning, Foucault suggests that the state of political dissidence and thus, by extension, also of existential ambiguity is “a significant agent of the spread of what could be called anti-statism, or state-phobia,”²⁵¹ which is nothing but a crisis of governmentality, of state and

²⁴⁹ Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg.71.

²⁵⁰ Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. (Stanford: Stanford University Press). Pg. 29.

²⁵¹ Foucault, Michel. 2008. *The Birth of Biopolitics: Lectures at the College de France 1978-79*. (New York: Palgrave Macmillan). Pg. 76.

civil society, and of politics of life experienced on a global scale. Finally, refugeeism may present itself as a Socratic “gadfly,” which not only contests the legal assumptions, dogmas, and underpinnings of citizenship, but serves as an “irritating moral and intellectual conscience”²⁵² of the globalizing world by questioning and inviting reexamination of dominant conceptions and binding categories of citizenship.²⁵³ It was, after all, the peripatetic Socrates, who embodied, as Steven Johnston contends, the critical homeless ethos, which demonstrated that neither the city nor the immediate community “can or should be the unquestioned site of identification, or of loyalty and allegiance.”²⁵⁴ Does it mean, then, as Dowden puts it, that “the deepest community is found not in institutions or corporations or churches, but in the secrets of a solitary heart”? Cosmopolitans would argue to the contrary, claiming that the “secrets of a solitary heart” ought to find moral and legal expression in the institutions, corporations, and churches of the modern megapolis.

Refugeeism, by its nature, necessarily decouples identity from citizenship, making the former, however, ineffable within the current confines of the political order so used to equating the absence of formally recognized juridical citizenship with automatic political alienation, followed by a withdrawal of public recognition. Rather than dispossession and existential erasure, the refugees’ state of temporary or prolonged statelessness is also a condition of effective suspension of rights and responsibilities. According to James

²⁵² Villa, Dana. 2001. *Socratic Citizenship*. (Princeton: Princeton University Press). Pg. xii.

²⁵³ I do not wish to reduce an uncertain and oppressive condition of refugeeism to an academic thought experiment, but to suggest that the oppressiveness of the condition lies precisely in the discourses and the consensus created around the concept and practices of citizenship, their static nature, and tailored, pragmatic cut which can only ‘fit’ state centric ideations.

²⁵⁴ Johnston, Steven. 2007. *The Truth about Patriotism*. (Durham: Duke University Press). Pg. 84.

Morrissey, refugeeism occurs when some aspect of the social environment is upset and presents an imminent threat to survival of the population, issuing in a precipitous, often undesired and unplanned flight.²⁵⁵ It is both an involuntary flight from the state and an exile of counter-resistance. As a historical fact, the dissolution of the Austro-Hungarian, Russian and Ottoman empires at the end of World War I introduced pronounced fissures into the European identity consciousness. Agamben contends that refugeeism of the period, “by breaking the identity between the human and the citizen and between nativity and nationality,” brought the originary fiction of sovereignty to crisis.”²⁵⁶ As such, when the state abuses its powers by impairing essential freedoms, violating basic rights, endangering social life, it rescinds its rights of sovereignty and representation. With its juridical legitimacy compromised, the state cannot claim the right to intervene nor put a delimiting hold on individuals.

“The state does not have an essence. The state is not a universal nor is it itself an autonomous source of power. The state is nothing else but the effect, the profile, the mobile shape of a perpetual stratification (etatisation) or stratifications ... In short, the state has no heart ... no interior ... The state is nothing else but the mobile effect of a regime of multiple governmentalities.”²⁵⁷

The state finds itself in crisis due to its perceived inability to account for and ‘know’ the mass of individuals that inhabit it, which prohibit its eventual descriptive characterizations of groups and specification of more encompassing criteria for normalization. Political dissidence, which refugeeism may fall under, should be

²⁵⁵ Morrissey, James. 1983. “Migration, Resettlement, and Refugeeism: Issues in Medical Anthropology”. *Medical Anthropology Quarterly*. Vol. 15 (1). Pg. 3.

²⁵⁶ Agamben, Giorgio. 1996. *Means without End*. (Minneapolis: University of Minnesota Press). Pg. 20.

²⁵⁷ Foucault, Michel. 2008. *The Birth of Biopolitics*. (New York: Palgrave Macmillan). Pg. 77.

perceived, Foucault contends, as primarily a crisis of governmentality, a struggle against totalization and objectification. Foucault claims that the condition of refusal of what the subject presents itself is a form of resistance to the spreading web of individuations and totalizations of modern power structures, a repudiation of the amalgam of closed totalities that constitute the sources of the self.

“We have to imagine and to build up what we could be to get rid of a political ‘double blind’ ... the political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state, and from the state’s institutions, but to liberate us both from the state and from the type of individualization which is linked to the state. We have to promote new forms of subjectivity through refusal of this kind of individuality which has been imposed on us for several centuries.”²⁵⁸

In *Means without End*, Agamben puts Foucault’s call for imaginative creation of forms of subjectivity to practice. By taking the Israeli-Palestinian conflict over Jerusalem as a concrete point of departure, and a site of war crimes, forced expulsions, migrations, and refugee flights, Agamben proposes a topologically innocuous solution with important juridical effects for international relations. His vision for a peaceful solution rests in Jerusalem’s becoming a capital of two separate states dispossessed of any real or symbolic territorial partitions, whereby its occupants enter into a ‘relation of reciprocal extraterritoriality.’²⁵⁹ Mutual sharing of one politically significant regional space between two communities attempts to elide the up to now defended concept of the right (*ius*) of the citizen and replace it with the concept of refuge (*refugium*) of one territorial space. The extraterritorial singular community permits its inhabitants, in a ‘condition of exodus

²⁵⁸ Foucault, Michel. 1984. *The Foucault Reader*. Paul Rabinow (ed.). (New York: Pantheon Books). Pg. 22.

²⁵⁹ Agamben, Giorgio. 1996. *Means without End*. (Minneapolis: University of Minnesota Press). Pg. 23.

from each other,' to nonetheless reciprocally 'in-determine' and 'articulate' each other. Further, the refugee territories as spaces of expulsion create perforated heterotopias, spaces of otherness that reflect and act back upon the territories of subsequent occupation; those, in turn, involuntarily internalize the images and constitute themselves in tandem. Agamben contends, that:

“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 recognize the refugee that he or she is – only in such a world is the political survival of humankind today thinkable.”²⁶⁰

In his 1967 lecture to the Cercle d'études architecturales entitled “Of Other Spaces”, Foucault turned his interest toward spatial analytics of what he termed as 'localized utopias' and 'counter-spaces'. In the attempt to sketch the parameters of socio scientific thought in relation to the dynamics of power, Foucault argued that spaces of normalization always coexist alongside alternative modes of subsistence set in different temporalities and spatialities that mark and mold counter-discourses, sites of transgression, and resistance. The 'other' spaces, being an articulate embodiment of counter-power, “a principle of political emancipation, and a model of social transformation, locus of self-fashioning,”²⁶¹ risk also becoming sites of domination and oppression. Concretely, the spaces of normalization embodied in efforts aimed at consolidating the nation-state of Israel, meet with counter-sites of Palestinian resistance, the spaces of existential deformation, alienation, emblems of severed possibilities, and incubators of moral-religious conflicts. Being far from benign counter-discourses, the

²⁶⁰ Agamben, Giorgio. 1996. *Means without End*. (Minneapolis: University of Minnesota Press). Pg.25.

²⁶¹ Kohn, Margaret. 2003. *Radical Space*. (Ithaca: Cornell University Press). Pg. 91.

seemingly marginalized Palestinian condition of continual exile and forced refugeeism embeds itself in the officially commissioned construction of Israeli state-centric politics, and inverts, reinterprets, contests, as well as reverberates its rational justification. The occupied territories are above all ‘heterotopias of crisis’ inhabited by individuals who, in their relation to the rest of the state-regulated global order, manifest themselves in crisis due to living a life within a strictly delineated and superimposed boundaries of the West Bank and its six hundred checkpoints by which lives are simulated and made inadvertently artificial. The problem of demographic propinquity and strategic emplacement shows itself in fenced settlements, which rather than abdicating politics to politics, are themselves extensions of state metanarratives, and a visible manifestation of a new political space based on the theme of ‘inclusive exclusion/exclusive inclusion.’ The walled settlements, as sanctuaries of expressively lived life of a citizen-subject, in themselves, constitute Foucauldian “counter-emplacements...in which...all the other real emplacements are simultaneously represented, contested, and inverted.”²⁶² Every architectural wall, writes Boyer, ‘functions as a machine of elimination;’ its primordial function lies in the ability to separate, exclude, “circumscribe and avoid those things that bear offence”²⁶³ Paradoxically, just as it was the West that thought itself more imprisoned by the Berlin Wall than the East, so Jerusalem today presents itself as that

²⁶² Foucault, Michel. 2008. “Of Other Spaces” in Michiel Dehaene and Lieven De Caeter *Heterotopia and the City*. (London: Routledge). Pg. 17.

²⁶³ Boyer, Christine. 2008. “The many mirrors of Foucault and their architectural reflections” in Michael Dehaene et al. (ed.) *Heterotopia and the City*. (London: Routledge). Pg. 66.

“city of split realities separated into two ideology camps compel[ing] those on each side to gaze over the wall at each other yet remain[ing] a captive of their own imaginary beliefs and ideals.”²⁶⁴

Two ideologies battling for the correct political *modus vivendi* that requires techniques to materialize it, and “discourses that will give form to the conjectures of our [human] psychology”²⁶⁵ manifest a need for architectural imagination, that is, a necessary discursive creativity which dares to uncover duplicities and take up Foucault’s question: “Through what system of exclusion, by eliminating whom, by creating what division, through what game of negation and rejection can society begin to function?”²⁶⁶ Rather than providing a readily articulated conclusion, Foucault urges to make the above inquiry a critical premise “an instrument of those who fight, those who resist and refuse what is. Its use should be in processes of conflict and confrontation, essays in refusal.”²⁶⁷

The Power of Resistance and the Foucauldian Ethics of Self-Creation

How is political refusal possible if the Foucauldian subject is always-already ingrained from within with a historical constitution, whereby any and all activities issuing from her conscious choice are delimited by an outcome of the techniques of individualization and socialization, which embody the dominant metanarratives of political orders? How are the achievement of ontological freedom imaginable and the

²⁶⁴ Boyer, Christine. 2008. “The many mirrors of Foucault and their architectural reflections” in Michael Dehaene et al. (ed.) *Heterotopia and the City*. (London: Routledge). Pg. 65.

²⁶⁵ Zenghelis, E. 2005. “Text and Architecture: Architecture as Text” in Martin van Schaik and Oskar Macel (eds.) *Exit Utopia*. (Munich: Prestel). Pg. 255.

²⁶⁶ Foucault, Michel. 1972. *The Archeology of Knowledge*. (New York: Pantheon Books). Pg. 28.

²⁶⁷ Foucault, Michel. 2000. “Questions of Method”, in James Faubion (ed.) *Essential Works of Foucault 1954-1984, Volume III: Power*. (New York: The New Press). Pg. 236.

project of individual self-creation sustainable? Precisely because Foucault's philosophy admits of instability and reversibility in the relations of power, it occasions an opening for freedom. As Wendy Brown in *States of Injury* observes, insofar as power always issues in resistance, the subject being capable of practicing resistance inevitably practices freedom. Power²⁶⁸ is never settled nor congealed into an unalterable form, but always dynamic, mobile, and operating within a complex realm of relational interdependencies. Resistance, as co-extensive with and always in a position of interiority rather than exteriority to the relations of power, is only actualized when power is manifest. Foucault writes:

“If there was no resistance, there would be no power relations. Because it would just be a matter of obedience ... So resistance comes first, and resistance remains superior to the forces of the process; power relations are obliged to change with the resistance.”²⁶⁹

Since Foucauldian power is not, as the liberal Enlightenment tradition holds, a negotiated attribute or a commodity possessed and exchanged, but a de-centered, multidirectional, intentional, non-subjective, and, in itself, subjectless and non-coercive ensemble of

²⁶⁸ From the 1980 exchange between Foucault and Michael Bess, published in *The History of the Present*, Issue 4 (Spring 1988). “Power should not be understood as an oppressive system bearing down on individuals from above, smiting them with prohibitions of this or that. Power is a set of relations. What does it mean to exercise power? It does not mean picking up this tape recorder and throwing it on the ground. I have the capacity to do so – materially, physically, sportively. But I would not be exercising power if I did that. However, if I take this tape recorder and throw it on the ground in order to make you mad, or so that you can't repeat what I've said, or to put pressure on so that you'll behave in such and such a way, or to intimidate you – well, what I've done, by shaping your behaviour through certain means, *that* is power. ... I'm not forcing you at all and I'm leaving you completely free – that's when I begin to exercise power. It's clear that power should not be defined as a constraining force of violence that represses individuals, forcing them to do something or preventing them from doing some other thing. But it takes place when there is a relation between two free subjects, and this relation is unbalanced, so that one can act upon the other, and the other is acted upon, or allows himself to be acted upon. Therefore, power is not always repressive. It can take a certain number of forms. And it is possible to have relations of power that are open.”

²⁶⁹ Foucault, Michel. 1997. *Ethics: Subjectivity, and Truth*. (New York: The New Press). Pg. 167

practices, it is necessarily countered, not with a “single locus of great Refusal”²⁷⁰ but with a multiplicity of micro- and macro- resistance(s), which

“To resist, it must be like power. As inventive, as mobile, and as productive as power. Like power, it must organize itself, coagulate and cement itself. Like power, it must come from below and distribute itself strategically.”²⁷¹

There are two distinct conceptualizations of resistance in Foucault’s philosophy, which Kevin Thompson and Mark Kelly label, as (i) negative; and (ii) positive. The former, articulated in Foucault’s *The Will to Knowledge*, characterizes itself by a practice of freedom from limitations. The latter, expressed in “The Subject and Power” concentrates on the practices of self-formation.²⁷² The two conceptions invariably rely upon the will, as that human capacity, agency, or a life force capable of insubordination, a Nietzschean ‘will to power.’ Foucauldian resistance is not to be understood in terms of a set of relativized political manifestos which lie beyond cross-examination and critique, rather, its ethical efficacy ought to be seen as always intimately bound with questions it can posit to its own fundamental rational calculus which motivates it; as resistance may very well be either on the side of or against the systems of control and domination. The human freedom from limitations is analogous to a Kantian “release from [one’s] self-incurred tutelage; tutelage, which is the man’s inability to make use of his understanding without direction from another.” Resistance cum critique institutes “the art of not being governed quite so much” as docile subjects of impersonal systems and tactics of power,

²⁷⁰ Foucault, Michel. 1990. *The History of Sexuality: An Introduction*. (New York: Vintage Books). Pg. 95-96.

²⁷¹ Foucault, Michel. 2001. *Dits et écrits*. (Paris: Gallimard). Pg. 267.

²⁷² Kelly, Mark. 2009. *The Political Philosophy of Michel Foucault*. (New York: Routledge). Pg. 105.

but as discerning observers of the forms of domination and prescient interpreters of their consequences. As such, subjects will not enjoin themselves to be reduced to mere reactive nodes dispossessed of positive means of resistance, but rather, subjects concerned with their own ontological self-understanding and constitution, from within which critique unravels.

The Socratic injunction of ‘know thyself’ issues in a Foucauldian genealogy, a method of disclosing historically layered discourses and power relations along with their motives and impacts upon human subjectivity. Foucault by analyzing three such variegated trajectories, as (i) pastoral power, (ii) disciplinary power, and (iii) biopower sets a distinctive premium on the return to the Greek conception of subjectivity enveloped throughout with a discriminating eye for the modes of self-enactment. In the passage worth citing at length, Foucault discloses the epochal transitions and rationales comprising the hermeneutics of the present self.

“I think that if one wants to analyze the genealogy of the subject in Western civilization, one has to take into account not only techniques of domination but techniques of the self. Let’s say: one has to take into account the interaction between these two types of techniques – techniques of domination and techniques of the self. One has to take into account the point where the technologies of domination of individuals over one another have recourse to processes by which the individual acts upon himself. And conversely, one has to take into account the points where the techniques of the self are integrated into structures of coercion or domination. This contact point, where the individuals are driven and known by others is tied to the way they conduct themselves and know themselves, in what we can call, I think, government. Governing people, in the broad meaning of the word ... is not a way to force people to do what the governor wants; it is always a versatile equilibrium, with complementarity and conflicts between techniques which assure coercion and processes through which the self is constructed and modified by oneself.”²⁷³

²⁷³ Foucault, Michel. 1999. *Religion and Culture*. Jeremy Carrette (ed.). (New York: Routledge). Pg. 162.

By comprehensively studying the relations between pastoral power and the ‘policing’ reason of the state, the relation between confessional techniques and the types of bodily subjectivity shrouded in the mortality of the flesh, Foucault deepens his analytics of the subject in order to derive optimum techniques for resistance. The recovery and reinstitution of the Greco-Roman ethics of aesthetic existence and accompanying it technologies of the self, or cultivation of the relations of oneself to oneself, i.e., self-writing, truthful speaking, abstinence, self-denial, appeal for guidance, exercise of free and deliberate choice, by which subjects conduct their own conduct, constitute for Foucault, the penultimate reversal of the relations of power.²⁷⁴ The Greco-Roman embrace of a ‘philosophical life’ permeated by moral reflection and an attendance, a return, to the self as ontologically prior to theoretical knowledge and care for the many, which a thoroughly political life demands, aims to ensure the subject’s freedom, while at the same time, making one an object of one’s own diligence.²⁷⁵ This existential condemnation of oneself to the self is not a limiting condition but an extension of deliberative space for a creative reconciliation of political rights and duties with inherently human capacities and opportunities. Ethics as self-creation requires a choice of a style of existence which materializes and actualizes a certain vision of the self, and for

²⁷⁴ Foucault departs from the knowledge of the self grounded in reason, or the Cartesian paradigm, and advances a philosophical care for one’s own self as fundamental to a new relationship between the subject, truth, and modes of power.

²⁷⁵ Foucault, Michel. 1988. *The Care of the Self*. (New York: Vintage Books). Pg. 47.

which it is always possible, Foucault contends, to make something altogether novel out of what it has been made into.²⁷⁶

²⁷⁶ Olssen, Mark. 2009. *Toward a Global Thin Community*. (Boulder/London: Paradigm Publishers). Pg. 44.

CHAPTER V
FOUCAULDIAN CRITICAL COSMOPOLITIANISM:
TERRA INCOGNITA?

*Let observation, with extensive view,
Survey mankind, from China to Peru;
Remark each anxious toil, each eager strife,
And watch the busy scenes of crowded life;
-Samuel Johnson*

*“Paragons of compassion: the great cosmopolitan souls, who
surmount the imaginary barriers that separate Peoples and who,
following the example of the sovereign Being who created them,
include the whole human Race in the benevolence.”
-Jean-Jacques Rousseau*

The evocation of Greco-Roman, and particularly Epicurean and Stoic theories of ethical self-enactment, constitutes but one, however, incidental connection of Foucault to contemporary conceptualizations of the cosmopolitan ethos. A second, less superficial opening for a Foucauldian approach to cosmopolitanism is contained in his emphasis on and relevant analytics of asymmetrical and layered distribution of power relations and the “rich possibilities of multiple realizations at the level of the discursive that enables varied articulations of the good,”²⁷⁷ presently occasioned and propelled by the complex processes of globalization. A third reason for advancing a Foucauldian reading of

²⁷⁷ Olssen, Mark. 2009. *Toward a Global Thin Community*. (Boulder/London: Paradigm Publishers). Pg. 201.

cosmopolitanism can be found in a clear challenge that such an enterprise vis a vis institutional embeddedness and normative construction of rights poses to Kantian rationalists, Rawlsian contractualists and Sandelian communitarians, who long claimed to have either advanced a pursuit of a cosmopolitan commonwealth, or warned against any such ‘utopian’ conjectures. In this chapter, I wish to explore the tensions and complementarities between Foucault’s political philosophy and cosmopolitanism, by first delving into the premises of cosmopolitan assumptions articulated by Seyla Benhabib, who follows a Kantian jurisprudential-morality, and Martha Nussbaum, who defends an ancient Greco-Roman political code; and second, by posing a set of reasons legitimizing a far more Foucauldian approach to cosmopolitics. It is important to remember that the fundamental question of the political discourse – “how to govern?” - predominant in the 15th and 16th centuries, with the inauguration of cosmopolitan thinking provides an opportunity for inquiring more profoundly into what Foucault set at the pedestal of his explorative theory: “how not to be governed like that, by that, in the name of principles such as that, in view of such objectives and by the means of such procedures.”²⁷⁸ This circumspect Foucauldian critical attitude which permits for ‘thoughtful indocility’ and ‘desubjectivization’ widens the horizons of “historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them.”²⁷⁹

The Grand Narratives and Cosmopolitan Itineraries

²⁷⁸ Foucault, Michel. 1996. “What is Critique?” in James Schmidt (ed.) *What is Enlightenment?* (Berkeley: University of California Press). Pg. 384.

²⁷⁹ Foucault, Michel. 1984. “What is Enlightenment?” in Paul Rabinow (ed.) *Foucault Reader*. (New York: Pantheon Books). Pg. 50.

In an attempt to make cosmopolitanism legible, it is essential, first, to draw upon three exit questions, which Seyla Benhabib in the book *Another Cosmopolitanism* (2006) utilizes in her explication of the theory's utilitarian and pragmatic application. Second, the provided analysis, instructed by the answers Benhabib offers, will provide the context for a succinct summation of an alternative view of a cosmopolitan ethic, advanced by Martha Nussbaum in her 2003 book *Cultivating Humanity*, 1994 *Boston Review* article, "Patriotism and Cosmopolitanism" incorporated in an edited tome, *For Love of Country?*, and her 1997 essay on "Kant and Stoic Cosmopolitanism." Lastly, alternative readings and decipherments of the political philosophy of cosmopolitanism will set the tone and context for future dialectical explorations that reach beyond the emphatic and schematic themes the authors under review proffer.

Following in the footprints of Arendt and Jaspers, who preceded the author in their reflections on the status of international law and the norms of international justice, Benhabib inquires after: (i) the ontological status of cosmopolitan norms in a postmetaphysical universe; (ii) the authority of norms that lack support of a sovereign vested with the power of enforcement, and; (iii) the ways of reconciling cosmopolitan norms with the fact of "divided humanity."²⁸⁰ In a brief response to her above posited promissory notes, the author of *Another Cosmopolitanism* rearticulates, and claims as her own, the meaning of cosmopolitanism *qua* order and norms. Hers is a distinctly Kantian understanding, flavored by a multiperspectival 'jurisgenerative politics' by which a meaning of rights is not only legally and politically contested by both the excluded and privileged political actors, but, above all, 'reposited,' 'resignified,' and 'reappropriated' –

²⁸⁰ Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 70.

in sum – reconstituted via differing situational approaches to the dilemmas of being and faring in the world of multiple and competing constellations of meaning and signifying. The ostensible commotion at the core of political process seems to contradict the legality of a well-ordered society guided by rules and norms for which a positive and postmetaphysical, rather than natural, ethical justification exists. In a universe of ‘disaggregated citizenship’, it is implied, one cannot rely on the singularity and commonality of collective identity for social support and moral sustenance which, up to now, have given one a tangible as well as symbolic confluence of the sense of self. This very paradox, embedded in the notions of boundedness and aggregation on the one hand,, and unscripted itineraries, on the other, which provoke an existential disenfranchisement and challenge the ‘habits of the heart,’ does not go unnoticed in Benhabib’s work. The proposed remedy is found in ‘democratic iterations’, which presume to offer normative and institutional solutions to the paradoxes of democratic legitimacy, and synthesize complex ways of “mediating the will- and opinion- formation of democratic majorities and cosmopolitan norms.”²⁸¹ What follows is a substantive account of newly recognized, largely optional, avenues of being an existent and a subject to the contents of cosmopolitan laws. The author recognizes the increased weight of proof and justification that rest upon those choosing to reach beyond the established cosmopolitan normativity citing crimes against humanity, genocide, and war crimes, which have been given a universal assignation of moral objectionableness, and which prohibit and deem incomprehensible the formation of legal defense, as perpetrations against, and paradigms of maladjustment to, the generalizable norms that ought to govern the behavior of

²⁸¹ Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 45.

sovereign states and extend political imagination of citizens. The resultant *novo ordo saeculorum* endows individuals, rather than states, with indivisible rights and claims. This, in turn, eventuates in a model of cosmopolitan law based less on non-binding treaties, propounded by the international law, and increasingly upon responsive legal authority which disciplines and emends the will of all sovereign political actors. The societal and political image proposed is that of

“...cosmopolitan norms [that] go beyond liberal international sovereignty by envisaging conceptual and juridical space for a domain of rights-relations that would be binding on nonstate actors as well as state actors when they come into contact with individuals who are not members of their own polities.”²⁸²

This all-inclusiveness is an outgrowth of the discourse theory of ethics, in the vein of which Benhabib voices her arguments for a necessary mediation between the moral and the political, and which articulates a “universalist moral standpoint”²⁸³ that is unlimited in the scope of subjects and themes the ‘moral conversation’ involves and engages.

Naturally, a secondary set of questions arises that pertains to: (i) the requirements, obligations, and values that the cosmopolitan norms impose upon acting persons, and; (ii) the provenance, sustenance, and enforcement of the ordering of the foregoing norms. In her response to point (ii) Benhabib asserts that only and exclusively, polities with strong democracies are capable of ‘universalist rearticulation’ and reconfiguration of citizenship,²⁸⁴ and that a Rawlsian version of ‘self-enclosed moral universes’ does not do justice to the dynamic reality of the politics of peoplehood *qua* negotiation. Her

²⁸² Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 24.

²⁸³ Ibid., Pg. 18.

²⁸⁴ Ibid., Pg. 69.

illustration of the French *l'affaire du foulard*, or the German *jus soli* naturalization laws, follows a developmental trajectory of rights that in their constitutiveness are nothing but, and above all, the effects of negotiations that seek to overturn the stringency of alienating categories. As to point (i), Benhabib contends that the same democratic polities over the course of the evolution of cosmopolitan norms – extending from crimes against humanity to norms extending to refuge and immigration – have absorbed reflexive gestures of ‘hospitality’ that re-constitute the boundaries of the demos and impose novel forms of civil and legal obligations to ‘aliens’, ‘foreign co-citizens’, and ‘third-country nationals.’ Here, Benhabib does not hide her predilection for Kantian ethics, and her deductions are informed by a specific view of the individual as a “citizen of a universal state of mankind.”²⁸⁵ Hospitality, so conceived, ascribes to the individual the status of being a “right-bearing person” and translates the language of morals to that of juridical rights,²⁸⁶ which do not expire with the crossing of state’s political borders. The author acknowledges that moral obligations and duties arising as a consequence of membership in bounded communities, or communities of place, and the moral perspective that one is required to adopt by virtue of one’s own humanity, inevitably result in tensions and, by extension, minimized receptivity toward the “other in which the ethical manifests itself.”²⁸⁷ To attenuate this discordant apprehension, the ethical dimension ought and must, Benhabib asserts, illuminate the juridico-political sphere, which is to narrate,

²⁸⁵ Kant, Immanuel. 1991. “Perpetual Peace: A Philosophical Sketch” in H.S. Reiss (ed.) *Kant: Political Writings*. (Cambridge: Cambridge University Press). Pg. 99.

²⁸⁶ Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 149.

²⁸⁷ *Ibid.*, Pg. 158.

express, and define the new contours of cosmopolitical citizenship, and in which individuals are “not only the objects but also the authors of the law to which they are subject.”²⁸⁸ The process of greater democratization of the increasingly ‘porous’ borders, on this reading, calls for the establishment of legal frameworks for navigating and coordinating the policies and practices that simultaneously (i) instill and maintain respect for essential human rights; (ii) consolidate and advance a sphere of communal inclusion of foreigners; (iii) create opportunities for public representation, and; (iv) recognize the rights to asylum and legal immigration. The above conditions, if met, would complement Kant’s ‘Third Definitive Article for Perpetual Peace,’ which Benhabib evokes, which stipulates measures and imposes limits upon the cosmopolitan right’s deference to and recognition of universal hospitality.

The uncoupling of the ideally-typical manifestations of citizenship, i.e. territorial integrity, residency, administrative subjection, cultural membership, and democratic participation, results in a de-emphasis on rights by entitlement and a greater recognition of moral claims to inalienable legal status irrespective of the primordial sources of origin. The proposed paradigm is far from reconciliatory, however, as the relationship between a cosmopolitan ethic and democratic self-governance, between grounded sovereignty and delinked human rights is far from being politically amicable and settled matter. Mediation of continuous semantic, ideational and pragmatic conflicts, rather than their totalization or transcendence, then, constitutes for Seyla Benhabib an apt preface to cosmopolitanism, which is capable of articulating via (a) democratic iterations, and (b) jurisgenerative politics, a form of political condition that insists less on an incautious

²⁸⁸ Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 168.

democratic consensus and compromise, and increasingly more on overlapping and interconnected networks of dissension and contestation that eventuate in better pronounced works of self-authorship.

Far from being an exhaustive and comprehensive footnote to political theory, cosmopolitanism, like the most regal of symphonic works, is subject to multiple variations on a single theme. Martha Nussbaum, in her edited volume *For Love of Country*, purports to present one such interpretation of the concept, while seeking to identify and define the multifaceted reverberations her Stoic-in-style and Kantian-in-notation philosophy evokes. Hers is a cosmopolitanism of exile, which is, by nature, Janus-faced. Nussbaum extends the practices of citizenship and absolves them of a strictly territorial reality via cultivation of three capacities: (i) a distanced capacity for critical self-examination and context-boundedness; (ii) an ability to see oneself as a citizen of the world, bound to others by ties of moral concern, rather than a citizen of a strictly delineated and delimited local region or group, and; (iii) a capacity for a generous narrative imagination, which is to confer a privileged and empathy-inducing insight into the emotions and desires of persons. The undertones of Stoicism, which saw education for world citizenship as requiring a transcendence of the definition of oneself that was thickly embedded in the context of group loyalties and identities, are generative. Thus the transcendent *telos*, which Nussbaum recognizes and cultivates in her philosophical output, lies not in the agent's submission to the conventional prescripts of the polis, but in recognition and loyalty to moral virtue, irrespective of the agent's associative proximity, kinship or citizenship, which are but elements of happenstance rather than substantive constructs of one's own and one's circumstantial political ordering. Therefore, proper

internalization of the moral law mandates that “reason and moral capacity” of human agents ought to attract our first allegiance and respect. Cosmopolitanism is intrinsically valuable, Nussbaum contends, “for it recognizes in people what is especially fundamental about them, most worthy of respect and acknowledgment: their aspirations to justice and goodness and their capacities for reasoning ...”²⁸⁹ Yet, one of the greatest obstacles to rational deliberation, Nussbaum admits, is the ‘unexamined feeling’ that one’s customs and preferences are the natural and neutral expressions of superior humanity.

What renders the rationalist views of Stoicism and Kantianism relevant, for Nussbaum, is their undivided focus on the non-arbitrary rational human core, fully capable of setting itself an ambitious goal of transcending the confining and the parochial. In “Kant and Stoic Cosmopolitanism” Nussbaum writes this about her intellectual allies: “[theirs was] a politics based upon reason rather than patriotism or group sentiment ...that was truly universal rather than communitarian ... one that was active, reformist, and optimistic rather than given to contemplating the horrors or waiting for the call of Being.”²⁹⁰ In Nussbaum’s accounts and visions of the cosmopolitan ethos the worth of reason in each and every human being, revered by the Stoics as the *causa efficiens* of moral law that dictates the principles and normative imperatives that are to guide all human conduct and ordering of the social life of beings and communities, occupies a super-ordinate position. Unlike Benhabib’s sober cosmopolitanism imbued with legal doctrinaire and empathically abstemious pronouncements that ground

²⁸⁹ Nussbaum, Martha C. 2002. *For Love of Country?* (Boston: Beacon Press). Pg. 8.

²⁹⁰ Nussbaum, Martha C. 1997. “Kant and Stoic Cosmopolitanism.” *Journal of Political Philosophy* 5. Pg. 2.

themselves in the rigidity of universally recognized norms, Nussbaum's version insists on the emotive residuals that mold the contours of our rational capacities and filter and order them according to the political and social roles the agents are called upon to play. "In generous engagements with a stranger," Nussbaum writes, "we enact a duty of the moral imagination ... we never do meet a mere abstract 'human being'. But we meet the common in the concrete, as well as the concrete in the common."²⁹¹ Entering thus as far as possible, into the experiences of others via 'generous imaginings,' defines the framework of cosmopolitan largesse, which sanctions a continuous, rather than sporadic and isolated, spontaneous and generous imagination of other persons, in order to eliminate the inherently aversive structural position of 'foreignness.' This romanticized view of "cultivating our humanity in a complex, interlocking world," Nussbaum contends, "involves understanding the ways in which common needs and aims are differently realized in different circumstances."²⁹² The narrative imagination, then, enables one to enact oneself as an intelligent participant in the dramatic circumstances of others, which, in turn, requires a developed moral common sense and critical rationality.

Such alternative visions of political reality are not immune from criticism. Leo Marx in his article, "Neglecting History" (1994), asks:

"If cosmopolitanism is as superior among conceivable views of the world as [Nussbaum] persuasively demonstrates, why has it so rarely been adopted? Why has its appeal been so largely restricted to small, eccentric, avant-garde, or elite groups? Why have institutions like the League of Nations or the United Nations, or movements like the World Federalist failed to elicit widespread support? Why do more parochial – nationalistic – creeds usually carry the day?"²⁹³

²⁹¹ Nussbaum, Martha C. 2002. *For Love of Country?* (Boston: Beacon Press). Pg. 141.

²⁹² *Ibid.*, Pg. 10.

²⁹³ Marx, Leo. 1994. "Neglecting History." *Boston Review* (October/November). Pg.17-21.

An apt, yet far from intellectually satisfying, however, basally legitimate is the Aristotelian response. Recognizing that virtues, as opposed to vices, are harder to indulge in, as they require a prolonged lesson in consistent moral habituation, discipline and courage, the cosmopolitan ethos, like virtue and good manners, will not have the staying power when met with gruff and uncouth temperaments. Moreover, as Derrida himself in *On Cosmopolitanisms and Forgiveness* points out, the difficulty in negotiating and reconciling a “contradictory imperative” of unconditional hospitality, which the Kantian cosmopolitan pathos prescribes, with conditional political and legal rights to residence, multiplies moral difficulties and conflicts between an obliging duty and a jurisprudential right. Nussbaum, along with her eminent predecessors, the Cynics and the Stoics, recognizes that the worth of reason and moral purpose does not necessarily abide with social rank and status, national origin or location. Yet, reason alone, sustained by an emotive referent, is to be the effluent source of self-legislating moral conduct that does not obtrude the expression of one’s personality and identity.

Setting reason at the pedestal and granting it an irrevocable status capable of thrusting individuals into the universe of cosmopolitan ethos presents it with a structural problem. As Roxanne Euben points out, a vernacular idiom constituted by European culture around which contemporary philosophies of cosmopolitanism gravitate, “evinces and reinforces the valorization of a particular stance of skepticism toward certain modes of belonging and knowing that is itself the product of a specific genealogy rooted in a particular culture and religious tradition.”²⁹⁴ In sum, the purported ecumenicalism of cosmopolitanism is still but a provincial articulation of geographically and

²⁹⁴ Euben, Roxanne L. 2006. *Journeys to the Other Shore*. Princeton: Princeton University Press). Pg. 181.

philosophically enclosed conditions that rarely “transpire beyond the coordinates of Euro-American time and space.”²⁹⁵ A true cosmopolitan sensibility requires of agents an equally weighted Occidental and Oriental framework of reference, wary of constructing reality from the ill-articulated scrap heaps of historically and politically marginal investitures.

The reciprocity in mutual disclosures via the language of rights, particularly human rights, may be a potent step in the direction of untying the inherently rooted from the circumstantial and accidental, the obscure and nebulous from the authentic and honest, and the intransigent from the mutable and malleable. The existential task before the readers and writers of the cosmopolitan *magna moralia* is not to iconize an image, but naturalize the practice, by dissenting from the quotidian routines bereft of awe and wonder about the lives of those whose mnemonic repositories, representational systems, and imaginary conjurations are not of our own making, but from whose endearing touch

“everyone walks away richer, not having received grace and surprised ... but richer in himself, newer to himself than before, broken open, blown at and sounded out by a thawing wind, perhaps more unsure, tenderer, more fragile, more broken, but full of hopes that yet have no name, full of new will and currents, full of new dissatisfaction and undertows ...”²⁹⁶

The project of cosmopolitanism, as outlined by Benhabib and Nussbaum, ought not to be conceived as a mere idealistic or abstract figment of human imagination or a contrivance of a discerning intellectual sensitivity, but as an increasingly tangible possibility that will test and unravel the ingenuity of human thought and reason in consolidating a political reality with a more pronounced humanistic and cosmopolitical orientation.

²⁹⁵ Euben, Roxanne L. 2006. *Journeys to the Other Shore*. Princeton: Princeton University Press). Pg. 181.

²⁹⁶ Nietzsche, Friedrich. 1967. *Ecce Homo*. New York: Vintage Books. Pg. 269.

Governance and Governmentality in an Era of Globalization

Organizational dimensions of globalization suggest patterns of global stratification; as globalization transforms the organization, distribution and exercise of power, it creates hierarchies and asymmetries of power and control of access to global networks and infrastructures. Concurrently, transnationalization of political activity, itself, takes place in the context of greater internationalization of the state. It is seen by proliferation of social movements, associations, and ‘citizen democracy’ by means of which the populous comes to exert power across national borders. Globalization, and alongside it, cosmopolitanism, as the two conceptually contested concepts, are essentially appraisive, internally complex and relatively open to disputes about the proper standard of meaning and use. One may come to restrict cosmopolitanism²⁹⁷ to an ontological plane reified by an existential paradox, that is, a dynamic state of being enmeshed in and yet standing apart, ethically, from the parochial, rooted and static identity. The concept is conceived in the context of and often accompanied by the phenomenon of globalization. Held et al. in *Global Transformations* capture a three-fold internal dynamic of the process of globalization.²⁹⁸ The authors’ articulated perception of globalization centers on

²⁹⁷ Appadurai, Pollock, and Bhabha define cosmopolitanism thus: “Cosmopolitanism is a project whose conceptual content and pragmatic character are not only as yet unspecified but also must always escape positive and definite specification, precisely because specifying cosmopolitanism positively and definitely is an uncosmopolitan thing to do.” (From *Cosmopolitanism*, Pg. 1). Benhabib sees cosmopolitanism as a celebration of the compromising of boundaries between cultures, and as envisaging a world order of settled jurisprudential norms. Kant perceived cosmopolitan largesse as exhausted by the ‘union of wills’, which defines the framework of ‘cosmopolitan right’ limited to conditions of universal hospitality. Nussbaum’s cosmopolitanism reverberates Diogenes’ claim of “allegiance to the worldwide community of human beings” and views “all claims to national or other identity as morally irrelevant.”

²⁹⁸ Globalization as a corpus of ideas, processes, and interactions embodies a substantial transformation in the spatial organization of social relations and transactions, assessed in terms of their increasing (i) extensity of regularized interactions and networks of social relations, (ii) intensity of global

widening, deepening and speeding up of worldwide interconnectedness visible in all aspects of contemporary social life. Also William Scheuerman, distinguishes five core features of globalization: (i) *deterritorialization*, the increasing occurrence of social activities independently of geographical location of the participants involved; (ii) *social interconnectedness*, the ongoing reorganization of human relations beyond geographical and political boundaries; (iii) *acceleration of social life*, the proliferation of high-speed transport, communication and information technology; (iv) *long-term process*, which concerns not sudden or recent events but involves long-term constituents of modern society; (v) *multi-pronged process*, where features of globalized society display themselves in different domains of social activity, such as economics, politics, environmental problems, media and culture, law and ethics, military technology and defense. As a heterogeneous development which lacks precise definition, the sheer impact of the scale of social and economic change induces a sense of political fatalism and chronic insecurity, as the tempo and ubiquity of change seem to outstrip the capacity of national governments and individual citizens to control, contest and resist it. In view of the above, political space and political community are no longer defined and limited by the national, statist-oriented framework. Increasingly the phenomenon of power diffusion signifies emerging multilayered governance, marked by development of

interconnectedness, (iii) velocity and institutional, structural, and distributive impacts of global flows, which collectively generate [unprecedented] transcontinental and interregional flows, [new] and more diffused modes and nodes of activity and interaction, and provide [new] opportunities for the exercise and contestation of power (Held, David. 1999. Global Transformations).

regional and global institutions and laws governing the administration and management of globalization.²⁹⁹

However theoretically fecund the debate on the seemingly limitless horizons of globalization and the range of possibilities ensuing as a result of its unprecedented transformationist underpinnings, it is important to underscore that neither globalization nor cosmopolitanism have dissolved the functional basis of the organizing principle - the state - the very structure which the theories' most avid followers purport to increasingly marginalize, initiating thus a process of gradual withering way of the state, and by extension, a withering away of nation-bound identities reinforced by a citizen status. Any perceived weakening of states, Rosenau argues, "has not been followed by authority vacuums ... so much as it has resulted in a vast growth in the number of spheres in which authority has moved."³⁰⁰ In addition, the emergence of state-nations, micro-nations, region-nations, and regional unions brought the problems of identity and territorial affiliation to the fore of socio-political debate. The state's sole, autonomous, sovereign and capacious authority in forming and deciding the questions of identity-politics, Hall and Biersteker³⁰¹ argue, on the domestic and international arena has been significantly dislodged. A pertinent question arises, therefore, as to the extent to which the citizen-

²⁹⁹ Increasingly, transnational processes of and contests to globalization extend themselves beyond national borders, and ensue in what is referred to as a 'transnational civil society.' On the basis thereof, Held concludes that the idea of democracy can no longer be based on atomistic and sheltered political communities or territorial nation-states, and that citizenship in a democratic polity itself must involve a mediating role. (Held, David. 2000. "The Changing Contours of Political Community").

³⁰⁰ Rosenau, James. 1999. "Toward an Ontology of Global Governance" in *Approached to Global Governance Theory*. Martin Hewson and Timothy J. Sinclair. (New York: State University of New York Press). Pg. 294.

³⁰¹ Hall, Ronald and Biersteker, Thomas. 2002. *The Emergence of Private Authority in Global Governance*. (Cambridge: Cambridge University Press).

subject, and on this reading, the self-enacting cosmopolitan citizen,³⁰² ought to rely upon the state for her political identity, socio-cultural guidance, and moral fruition in an era of pronounced globalization.

Transformationists, such as Rosenau and Giddens, unlike their skeptical counterparts, Hirst and Thompson, who share a penchant for mythologizing the phenomenon, admit that the contemporary patterns of globalization profoundly change the constitutional and operational basis of states and societies. The logic of governance is now exposed to multiple challenges emanating from: (i) interregional networks, systems of interaction, and exchange; (ii) deterritorialization and reterritorialization of socio-economic and political space that issue in subnationalization, regionalization, supranationalization of economic zones, mechanisms of governance and cultural complexes; (iii) polyarchy, a mixed actor system, which replaces a ‘visible presence of rule’ with the ‘invisible government’ of banks, companies, international organizations, and quasi-supranational institutions. This, in itself, does not imply that the sovereign and legitimate position of the state as the principal political actor has been annulled; rather, a Foucauldian lens of analysis would suggest the changing “logic or rationality of government by which civil society is redefined from a passive object of government to be acted upon ... into an entity that is both an object and a subject of government.”³⁰³ The amalgams of non-state actors, rather than acting to usurp power from the centralized state

³⁰² Contemporary accounts of cosmopolitan democracy consist in articulating conditions for cosmopolitan citizenship qua multiple citizenship. Thus, Held’s account of cosmopolitan democracy, for instance, implies the demand for multiple citizenships in (i) the geographically local communities, (ii) the country or region-based communities, and (iii) the inter-national or cosmopolitical communities. (Held, David. 2000. “The Changing Contours of Political Community”).

³⁰³ Neuman, Iver and Sending Ole Jacob. 2006. “Governance to Governmentality: Analyzing NGOs, States, and Power.” *International Studies Quarterly* 50(3). Pg. 652.

authority, are directly implicated in the processes of its diffusion, creating a web of power relations on a scale never before encountered. The state, Guehenno contends, being no longer the main mediator between the general public good and the public administrative apparatus, has transmogrified into a sum total of networks of highly specialized administrative agencies, which, through their effective mobilization, ensure the state's continued legitimacy.³⁰⁴ Thus, the generators of expert knowledge provided by mercenary organizations, armies, and corporations, rather than the general will, public consensus and public interest, dictate the proper means of governance and come to constitute the logical components of new global governmentality. The foundation of the new modes of governmentality is not so much the bare sovereign power as it is knowledge; although, it is progressively more difficult, in a constantly networked world, to distinguish when and in what capacity, and under what guise, the Baconian "knowledge is power."

David Held in "The Changing Contours of Political Community" credits the nation-state with an enduring and 'immensely powerful' capability, that of an unmitigated access to a "formidable range of resources, bureaucratic infrastructural capacity and technologies of coordination and control."³⁰⁵ Yet, "it is no longer self-evident," Scheuerman argues, "that nation-states can be described as self-sufficient schemes of cooperation for all the essential purposes of human life ... as the political units are now subject to increasingly deterritorialized activities ... over which they have limited control, and they find themselves nested in webs of social relations whose scope

³⁰⁴ Guehenno, Jean-Marie. 1999. *L'avenir de la liberte. La democratie dans la mondialisation*. (Paris: Flammarion). Pg. 44.

³⁰⁵ Held, David. 2000. "The Changing Contours of Political Community" in Barry Holden (ed.) *Global Democracy: Key Debates*. (London: Routledge). Pg. 21.

explodes the confines of national borders.”³⁰⁶ Martin and Schumann³⁰⁷ suggest that the decline of state as an organizing principle of economic life augurs a transition in power concentrations - from democratically organized electorates to an unaccountable global web of financiers. The presumption of unaccountability calls therefore for the enactment of new moral imperatives, or as Vaclav Havel stresses, an equation of globality with responsibility, which in a world of unqualified interdependence permits for structuring communities that transcend parochial affiliations defined by narrow national interests and territorial loyalty, without compromising, however, the objective mutual trust of all actors involved. Likewise, Seyla Benhabib contends that the transcendence of the nation-state is occurring in “the direction of the privatization and corporatization of sovereignty”, rather than in the direction of cosmopolitanism, by which public power of democracy and popular sovereignty is endangered by private commercial and administrative competence.³⁰⁸

In their article, “Governance to Governmentality: Analyzing NGOs, States, and Power,” Ole Sending and Iver Neuman recognize the accelerating influence of the non-governmental sphere, composed of non-state actors, in reorienting the focus of modern states to forms of knowledge and technical means for optimizing global governance. However, because government, for Foucault, signifies a “range of techniques and practices, performed by different actors, aimed to shape, guide, and direct individuals’

³⁰⁶ Scheuerman, William. 2006. < <http://plato.stanford.edu/archives/sum2006/entries/globalization/> > Pg. 3.

³⁰⁷ Martin, H, Schumann, H. 1997. *The Global Trap: Globalization and the Assault on Democracy and Prosperity*. (London: Zed Books). Pg. 40.

³⁰⁸ Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 177.

and groups' behavior and actions in particular direction"³⁰⁹ the types of non-state actors in existence also reflect the changing governmental rationality concerned with the perpetuation of its productive operation of power and definition of its matrix of competence. Thus, rather than standing apart, Sending and Neuman argue, NGOs (i) are integral to the practices of governing in modern society in their capacity to mobilize 'technologies of agency'; (ii) are rarely in opposition to the political power of the state, but rather, make up its most central feature in their ability to carry out regulatory functions and assure of the state's indissoluble existence and legitimacy.³¹⁰ In sum, the authors imply that NGOs constitute the appendages of the state capable of articulating and channeling its evolving rationality, as well as identifying new sources for the conferral of legitimacy upon governmental entities and their practices.³¹¹ Sending and Neuman note that the micro-level relations between the state and non-state actors in cases involving the antipersonnel land-mines ban, regional development, and advocacy for reproductive health and rights permit the latter to institutionalize themselves as privileged loci of knowledge and technical expertise that lay the groundwork for international advocacy and policy. The multiplayer and polyarchic networks of non-governmental, inter-governmental and corporate entities which comprise the state under globalization are not implicated, however, in a zero-sum game through which the authority of the former is enhanced at the expense of the latter. The kind of new governmentality emerging, the authors argue, is clothed in practices, techniques, and rationalities of rule

³⁰⁹ Neuman, Iver and Sending Ole Jacob. 2006. "Governance to Governmentality: Analyzing NGOs, States, and Power." *International Studies Quarterly* 50(3). Pg. 656.

³¹⁰ Ibid., Pg. 658.

that: (i) are progressively better defined by autonomous political subjects possessing the expertise and ability necessary to responsibly align themselves with and channel the political will-formation crucial for governing; (ii) enhance the operations of political power *through*, rather than *on* civil society; (iii) permit for governing *through* autonomous subjects, rather than *on* passive objects.³¹² It is precisely the interactive exchange between the subjects, non-governmental, and governmental entities that defines the limits of state's intervention and its ubiquitous regulatory function and issues in the practices of counter-action, which, as the next sections will show, articulates the premises for the Foucauldian theory of international citizenship.

Diffused Nation-States and the Challenges of Self-Enactment

In his book, *The Global Soul*, Pico Iyer, an author of a hybrid Indian-British identity, raised the problematic of permanent transience, disorientation and disconnection accompanying citizenship in the “International Empire” made up of an unprecedented opacity of ‘fusions’ and ‘confusions.’ Iyer describes the state of privileged “homelessness” as a site of sporadic but discrepant affiliations and a state of tentative bliss issuing from a lack of binding obligations to one fixed community. In this condition of neither exile nor expatriation nor refugeeism, the global soul, Iyer writes, lives in the:

“metaphorical equivalent of international airspace ... his currency might be air miles (40 percent of which are now earned on the ground), and the main catechism he knew by heart might involve ‘fastening your seat-belt low and tight across your lap.’ His memories might be set in airports that looked more and more like transnational cities, in cities that looked like transnational airports. Lacking a binding sense of ‘we’, he might nonetheless remain fiercely loyal to a single

³¹² Neuman, Iyer and Sending Ole Jacob. 2006. “Governance to Governmentality: Analyzing NGOs, States, and Power” *International Studies Quarterly* 50(3). Pg. 668.

airline ... His sense of obligation might be different ... and his sense of home, if it existed at all, would lie in the ties and talismans he carried round with him. Insofar as he felt a kinship with anyone, it would, most likely, be with other members of the Deracination-state.”³¹³

Communitarians, such as Amitai Etzioni, voice concerns over the interweaving of identities that complicate the process of socialization and consensus-building on the uniform moral code, of which the state and civil society have, traditionally, been the main enforcers and promoters. It is, above all, the anchoring of individuals in communities, Etzioni contends, that permits them to remain independent of the state and to resist its pressures. A visible absence of such social foundations opens isolated individuals to totalitarian pressures.³¹⁴ Alasdair MacIntyre goes even further in asserting that the communitarian³¹⁵ context is an indivisible and non-negotiable condition for the establishment of the moral self. To divest oneself of context or the ‘moral starting points’, MacIntyre argues, and thus transcend the dimensions of local and communal identity, inevitably leads to individual moral vacuity; for when the fundamental grounds and instruments for proper moral flourishing provided by the community are eliminated, the possibility of holding any reason for maintaining a moral disposition toward humanity is extinguished. An individual being upon transcending the dimensions of the local-communal identity, MacIntyre contends, in seeking and “aspiring to be at home

³¹³ Iyer, Pico. 2000. *The Global Soul*. (New York: Vintage Books). Pg. 19.

³¹⁴ Etzioni, Amitai. 2001. *The Monochrome Society*. (Princeton: Princeton University Press). Pg. 226.

³¹⁵ Communitarianism denotes “a perspective on ethics and political philosophy that emphasizes the psycho-social and ethical importance of belonging to communities, and which holds that the possibilities for justifying ethical judgments are determined by the fact that ethical reasoning must proceed within the context of a community’s traditions and cultural understandings.” (Buchanan, Allen. 1998. “Community and Communitarianism”).

anywhere” becomes a “citizen of nowhere”³¹⁶ - a persona of displaced moral obligations, devoid of any grounding moral constitution and instruments for personal ethical flourishing. An individual, when the need shall arise, and upon conspiring to sublimate any patriotic volitions, may thus elect to acknowledge and privilege abstract and distant interests of humanity over the immediate interests of the state [nation-state] of which she remains a *de jure* citizen - as an entity *sine qua non* that encapsulates, communitarians hold, the only substantive and normative prescriptions for a genuine exercise of moral concern. Arendt reverberates the claim to an undivided devotion to one’s ‘moral starting points’ by emphasizing that a “citizen is by definition a citizen of a country among countries” and cannot simultaneously hold dual and often conflicting loyalties, and be thought to honor them equally well, for “nobody can be a citizen of the world as he is the citizen of his country.”³¹⁷ With the affirmation of a monolithic identity tied to singular citizenship comes a rejection of moral relativism often accompanying more resolute claims to an unbounded deontological horizon lying at the core of cosmopolitan largesse. Sharon Anderson-Gold in her book *Cosmopolitanism and Human Rights* (2001) suggests that as far as individual citizens and states coexist in a state of mutual external influence, citizens are not completely subordinated to states in their claims to legal standing, and their legal personality is neither expressed nor exhausted by their nationality.

It is precisely in the cultivation of “international citizenship” that Foucault saw an opening for resistance to the sole monopoly of the state in articulating the acceptable threshold of tolerance. In “Confronting Governments: Human Rights” in a three point

³¹⁶ MacIntyre, Alasdair. 1981. *After Virtue: A Study in Moral Theory*. (London: Duckworth Press). Pg. 156.

³¹⁷ Arendt, Hannah. 1968. *Men in Dark Times*. (New York: Harcourt Brace & Company). Pg. 84.

manifesto published in *Liberation* in June of 1984, Foucault summarized the obligations and responsibilities of the new individual right to international citizenship, which include: (i) an obligation to speak out against every abuse of power irrespective of its authorship and victimhood. “After all,” Foucault asserted, “we are all members of the community of the governed, and thereby obliged to show mutual solidarity.”³¹⁸ (ii) A duty of the international citizenship to “always bring the testimony of people’s suffering to the eyes and ears of governments ... The suffering of men must never be a silent residue of policy. It grounds an absolute right to stand up and speak to those who hold power.”³¹⁹ (iii) “A new right of private individuals to effectively intervene in the sphere of international policy and strategy.”³²⁰ With this Foucault inaugurates a new political reality in which the will of individuals is “to make a place for itself” by “wrestling ... little by little and day by day”³²¹ with the monopoly of governmental right to decide the means and tactics for international intervention. Foucault points to the rising role international non-governmental organizations, such as Amnesty International or Terre des Hommes, play in attacking the roots of the expressed political rationality of the state and its manifestations of power. These new extraterritorial formations engaged with a “practical critique that takes the form of a possible transgression”³²² effectively ‘cut off the head of the king’ by

³¹⁸ Foucault, Michel. 2006. “Confronting Governments: Human Rights” in *The Chomsky-Foucault Debate on Human Nature*. (New York: The New Press). Pg. 212.

³¹⁹ Ibid., Pg. 212.

³²⁰ Ibid, Pg. 212.

³²¹ Ibid., Pg. 212.

³²² Foucault, Michel. 1984. “What is Enlightenment?” in Paul Rabinow (ed.) *The Foucault Reader* (New York: Pantheon Books). Pg. 45-46.

freeing themselves from under the hold of the exclusive ‘juridico-discursive’ model of uncontested state sovereignty.

The emerging ‘world culture’ reinforced by values and goals of transnational actors has a potential of highlighting the ways by which the up-to-now irreconcilable normative and practical conceptualizations of political justice, liberty, and equality can become not only more transparent, but dialogically engaged across borders. The ‘augmentation of the meaning’³²³ and re-assignment of rights claims, which ultimately follow, can result in the growth of the political authority of individuals, who in a newly occasioned public sphere negotiate their political status, that between agents and subjects, and thus turn from docile bodies into subjects vested with identity. Situating deliberation at the exterior of the state unit provides an opportunity for the definition and consolidation of the parameters of transnational activism, which ceases to regard citizenship and national membership as the exclusive minimum standard commanding gestures of altruism and political philanthropy. This assertion is not foreign to Foucault, who, according to Mark Olssen, offers a political understanding of a deliberative association of non-governmental actors, which is premised not merely on a single universal principle, but on a distributive intent which aims at the minimization of domination and the “equalization or balance of countervailing powers on a global scale” instrumental in determining the means and ends of governance.³²⁴ This point is well articulated in James Bohman’s *Democracy across Borders*, who proposes a model for global democracy based upon a de-centered model of democratic equality and a

³²³ Benhabib, Seyla. 2006. *Another Cosmopolitanism*. (Oxford: Oxford University Press). Pg. 49.

³²⁴ Olssen, Mark. 2009. *Toward a Global Thin Community*. (Boulder: Paradigm Publishers). Pg. 202.

republican precept of non-domination. In its failure to provide a sufficient condition for democracy, Bohman contends, fixed national borders, as a limit to democratic deliberation, must be rethought in order to permit for alternative and more pluralistic fora for public deliberation. The proposed ‘decentered’ model of democracy is thus to “proceed across overlapping local, national, continental, and international communities and jurisdictions collaborating with one another in tandem, and with all citizens retaining the power to initiate deliberation and set the rules that will guide political activity.”³²⁵ Embedded in the above is a call for a minimal right to contestation, a Foucauldian resistance, which rationalizes and problematizes the normalized procedural, juridical, and political status quo. It is, initially, a principally linguistic-discursive analysis concerned with unraveling the constructive components of the system of inclusions and exclusions, and theories in which they are rooted. It is not however, a wholly communicative act which presumes, as Habermas does, that the force of a better argument wins out. Rather it is a site of struggles premised upon layers of interactions between mass publics and governmental institutions, which ensue as a result of political decentralization and dispersion of the loci of power.³²⁶ In sum, the practical implementation of the right to contestation and the possibility of its multiple realizations requires: (i) “that rights be assigned to all”; (ii) “openness and symmetrical organization of power relations between individuals, countries, groups, agencies” be ensured; (iii) “institutional structures both within and beyond the nation-state to assure access to the means of expression and

³²⁵ Schattle, Hans. 2009. *Democracy Across Borders – Book Review* in *Perspectives on Politics* Vol. 7 (2). Pg. 397.

³²⁶ Bohman, James. 2007. *Democracy across Borders: From Demos to Demoi*. (Cambridge: MIT Press). Pg. 44.

redress” be instituted; (iv) a “public institutional system of legal aid, rights of protection, assistance, of exit, and relocation” be established; (v) a global ethic of ‘life-affirming’ constructive norms that “guide institutions and determine the practices that constitute convention and custom”³²⁷ be enacted to ensure a vibrant civil society invested with a power to check the merits and demerits of the governmental power.

Cosmopolitan Ontology

On an ontological plane of analysis the proliferation of fragmented lifestyles of choice or of necessity inevitably induces an uninhibited feeling of ‘standing among partial men for the complete man, and an appraisal not of personal wealth, but of the common wealth.’³²⁸ An increased sense of a “fluid and fragmented self” negates the universalized position of one true, unified, and fixed self and privileges a Foucauldian view of the historical subject as constituted by discursive practices, and abiding by an imperative of creating oneself as a “work of art.” Since, as Mark Poster contends, the “capitalist culture confines self-constitution to the activity of work,”³²⁹ it is possible to speak of the liberal post-Westphalian self-constitutional ethos as exhausted within the political borders of a nation-state. After all, it was the theory of democracy that presupposed a congruence and an overlapping network of codependences between the “demos, citizenship, electoral mechanisms, the nature of consent, and the boundaries of

³²⁷ Olssen, Mark. 2009. *Toward a Global Thin Community*. (Boulder: Paradigm Publishers). Pg. 214-216.

³²⁸ Emerson, Ralph Waldo. 1996. “The Poet” in *Emerson Essays and Poems*. (New York: Literary Classics). Pg. 448.

³²⁹ Poster, Mark. 1993. “Foucault and the Problem of Self-Constitution” in John Caputo and Mark Yount (eds.) *Foucault and the Critique of Institutions*. (University Park: Pennsylvania State University). Pg. 78.

the nation-state.”³³⁰ The rise of hybrid counter-identities under globalization, which, Scholte argues, “decenter the self,”³³¹ upset stability and narrative continuity, and as such, manifest a radical change in the responses of subjects to the effects of power relations, auguring a necessity for the reevaluation of social codes and predominating models for political engagement. So far as there can be no identity without nationhood, through which an individual becomes existentially totalized, politically transparent, and intelligible, the cosmopolitan ethos, which inverts the above politico-judicial discourse, breaks-up the state’s monopoly on socio-political terminal definition of identity, and calls forth for an alternative *modus vivendi* by which the subject thinks herself a part of humanity, and whose fate cannot be separated from that of which she is a member.³³² The Foucauldian cosmopolitan subject is, therefore, one who through critical deliberation, investigates historical events that have led to the understanding of the self as a member of bounded and exclusionary community of citizen-subjects, and who, assisted by a mature understanding of her own self-constitution, seeks “to give new impetus ... to the undefined work of freedom.”³³³ This knowledge of the self, however, Foucault contends, cannot be separated from the corrective care of the self, or desubjectification through which the subject “unlearns what one has learned, or unbecomes what one has

³³⁰ Held, David. 2000. “The Changing Contours of Political Community.” In Barry Holden (ed.) *Global Democracy: Key Debates*. (London: Routledge). Pg. 18.

³³¹ Scholte, Jan. 2005. *Globalization: A Critical Introduction*. (New York: Palgrave MacMillan). Pg. 253.

³³² Increasingly, salient debates on economic instabilities, environmental degradation, military technology and defense systems, humanitarian interventionism, legal legitimacy and ethical equity, testify to the social interconnectedness and call for solutions based on an ‘all affected principle’ of structured global response.

³³³ Foucault, Michel. 1984. “What is Enlightenment?” in Paul Rabinow (ed.) *The Foucault Reader*. (New York: Pantheon Books). Pg. 46.

become”³³⁴ resisting not only normalization, but also tending toward that free, vigilant self, which the subject has never quite been before.

Critics of the aesthetics of the self, as propounded by Foucault, chief among them, Richard Wolin, Charles Taylor, Nancy Fraser, and Jurgen Habermas, contend that a narcissistic preoccupation with the integrity of the self, its style of being, and its ethics of existence precludes any possibility of holding a more encompassing concern for and duty toward others. Not only do the aforementioned critics posit an existentially counterintuitive argument, by which internal self-determination and self-definition do not require an *a priori* understanding of and feeling oneself an individual saturated with reason and emotion, but invalidate the relational possibilities with other human beings, which are naturally contingent upon and follow from mature self-examination. Graham Longford’s reading of Foucauldian project of self-enactment suggests that rather than feeding on ‘personal gratification’ and self-aggrandizement, the care of the self occasions rather than suppresses the recognition of obligations and responsibilities to others.³³⁵ For the instructions for self-fashioning borrowed from ancient Greeks implicitly aim to weaken the fixity and stability of identity, revealing not only its contingency as a product of habits, universalizing narratives, and inherited practices, but opening a field of possible future actualizations, which awaken curiosity and promote interest in a plethora of highly differentiated identities. In being wary of articulating models for self-enactment which would reproduce the stifling closure of routine social practices, Foucault’s

³³⁴ McGushin, Edward F. 2007. *Foucault’s Askesis*. (Evanston: Northwestern University Press). Pg. 106.

³³⁵ Longford, Graham. 2001. “‘Sensitive Killers, Cruel Aesthetes, and Pitiless Poets’: Foucault, Rorty, and the Ethics of Self-Fashioning”. *Polity* 33 (4). Pg. 587.

aesthetics of the self meets the preconditions for experimental and productive cosmopolitan existence, “whose conceptual content and pragmatic character are not only as yet unspecified but also must always escape positive and definite specification, precisely because specifying cosmopolitanism positively and definitely”³³⁶ would be an exceedingly un-cosmopolitan thing to do. Since the cosmopolitan ethos increasingly calls for transformation in the system of ethics, the adoption of the Greco-Roman ensemble of practices, advocated by Foucault, as a model aimed at the enactment of oneself as a work of art through a method of genealogical inquiry that “separate[s] out from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking what we are, do, or think,”³³⁷ creates room for reflexive action and “leaves individuals the liberty to transform the system”³³⁸ of inhibitive constraints and restraints.

Dreyfus and Rabinow attribute to Foucault a certain cosmopolitanism that neither condones universalism nor sides with relativism, but which advocates an engaged ethos. Thus, rather than uncovering “deep truths”, an engaged Foucauldian subject is to concern herself with “invent[ing] new ways of thinking” in order to resist being led passively by those who claim an exclusive, categorical political mandate for defining the direction of her thought.³³⁹ The prescribed morality that is to preside over the subject’s task of critiquing the functional basis and logical underpinnings of institutions is to take the form

³³⁶ Breckenridge, Carol A. et al. 2000. *Cosmopolitanism*. (Durham: Duke University Press). Pg. 1.

³³⁷ Foucault, Michel. 1984. “What is Enlightenment?” in Paul Rabinow (ed.) *The Foucault Reader* (New York: Pantheon Books). Pg. 46.

³³⁸ Foucault, Michel. 1982. “Sexual Choice, Sexual Act: An Interview with Michel Foucault” *Salmagundi* No. 58-59. Pg. 10-24.

³³⁹ Kelly, Mark. 2009. *The Political Philosophy of Michel Foucault*. (New York: Routledge). Pg. 130.

of a transformative morality centered on the incessant analysis and questioning of the elemental consistency of norms embodied by the system. Such questioning cannot be effectively conducted unless the questioner constitutes oneself as a subject of moral conduct and evaluates, in tandem, the substance of one's own consciousness by developing, as Foucault suggests in *The History of Sexuality Volume II : The Use of Pleasure*, a "relationship with the self" sustained by self-reflection, self-knowledge, self-examination, accompanied by the decipherment of the self by oneself, and the transformations that one seeks to accomplish with oneself as object.³⁴⁰ This descriptive prescription by internal reflection on the nature of moral intuitions unravels the essential content of the political program and constitutes an instrument, which Foucault identifies as inherent and fundamental to all three categories of existence: emancipation, resistance, and self-enactment. Such an enterprise of enacting permanent resistance as a guarantee of freedom is inevitably sacrilegious in its attitude toward habits qua predetermined dispositions, which have been "made a virtue out of a necessity." However, only through such a dissidence, and a continuous, layered, reciprocal dialectical exchange between theses and antitheses, can a Foucauldian subject judge when "morality collapse[s] into a mere set of mores – manners, customs, conventions to be changed at will,"³⁴¹ and never be self-satisfied or complacent toward those moral standards and institutional regimes, which as long as they are socially accepted are never dreamt of being doubted, contested, or revoked.

³⁴⁰ Foucault, Michel. 1985. *The History of Sexuality, Volume II: The Use of Pleasure*. (New York: Vintage Books). Pg. 29.

³⁴¹ Arendt, Hannah. 2003. *Responsibility and Judgment*. (New York: Schocken Books). Pg. 54.

Conclusion: The Horizons of Cosmopolitan Democracy

“La liberte c’est l’exile et je suis condamne a etre libre.”

- Jean Paul Sartre

Since the early times of recorded writings, a human subject has sought both selfhood and order, divine perfection and the experience of lived reality. The systems of thought, refracted in a myriad of institutional set ups, readily ascribed either to appearances of comfortable conventionalism or overreaching radicalism. Historical scrutiny places a cosmopolitan ethos, according to Thomas Schlereth, within the intellectual confines of an ideal rather than a much sought after practical doctrine. One which invested itself with description of latent manifestations of institutional narrow mindedness, but which ultimately failed in providing prescripts for its effective overcoming. An ethos which, in its Stoic disdain for patriotism, aspiration toward harmonious international relations, belief in the primacy of personal dignity, devotion to reason and equal moral worth irrespective of socio-political affiliation, and the emphasis on the rule of law, acknowledged an early defeat with the resilient paradigm of the nation-state. Yet, the conditions of existence and the appealing logic of transnationalism propelled by the currents of globalization, rather than serving as an ultimate graveyard to the cosmopolitan project of freedom, have seemed to revive the ideal anew and offered a fecund ground for its practical incorporation into the systems of governance and doctrines of law. It is no accident that Thomas Pogge contemplates the inscription of Rawlsian ‘original position’ into the system of justice, and the neo-Kantian paradigms proffer duties to non-compatriots, and the neo-liberal theorists argue for the extension of

principles of democracy to non-governmental actors, regional political entities, and citizens intent on mediating the ethical, moral, and political norms with pressing existential problems of environmental, humanitarian, or military nature.

As Foucault himself admitted, the 19th century was a century of utopia; the 20th and a dawning 21st century is one of heterotopia, in the absence of which “dreams dry up, and espionage replaces adventure.”³⁴² The ‘prosaic sobriety’ of the international theater of political life is disturbed with Foucault’s meticulous multi-linear analysis of the systems and relations of power, and it is this very analytical-critical gaze of the Foucauldian subject, which prohibits the “reality to appear ready-made, the self, conventional, irresponsible, and dogmatic.”³⁴³ Since, as Jean-Marie Guehenno contends, the democratic associations of the future will be associations of reason, and at the same time, associations of memory and ambitious creations of our freedom, as well as always fragile inheritances of our history,³⁴⁴ the “labor of diverse inquiries” and interrogation of their rationalities will always implicate, in the process, a “historical ontology of ourselves” which works on our limits and gives “form to our impatience for liberty.”³⁴⁵ This is the very call echoed by the cosmopolitan ethos, whose horizons must also be problematized in order to give dimension to the arts of self-creation and governance in an era of globalization.

³⁴² Foucault, Michel. 2009. “Of Other Spaces” in Michael Dehaene and Lieven de Caeter (eds.) *Heterotopia and the City*. (London: Routledge). Pg. 22.

³⁴³ Gasset, Jose Ortega. 1941. *History as a System*. (New York: W.W. Norton & Company). Pg. 239.

³⁴⁴ Guehenno, Jean-Marie. 1999. *L’avenir De La Liberte. La Democratie Dans La Mondialisation*. (Paris: Flammarion). Pg. 150.

³⁴⁵ Foucault, Michel. 1984. “What is Enlightenment?” in Paul Rabinow (ed.). *Ethics, Subjectivity, and Truth*. (New York: The New Press). Pg. 315-317.

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