

## Archaeology and/or Genealogy: Agamben's Transformation of Foucauldian Method

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Attentive readers of Giorgio Agamben's *Homo Sacer* project will no doubt have noticed Agamben's vacillating descriptions of his philosophical method as 'archaeology' or 'genealogy'. These terms derive most clearly from Michel Foucault, a fact that Agamben underlines by regularly situating the *Homo Sacer* project in relation to the French thinker, as development or completion of Foucault's work on governmentality, power and biopolitics (1998, p.3-7; 2011, xi-xiii). However, despite employing Foucault's terms, Agamben furnishes 'archaeology' and 'genealogy' with meanings which deviate significantly from Foucault's use. We will here return to Foucault's use of these terms to describe his method in distinct periods of his work, in order to illuminate the singular way that Agamben develops the archaeological and genealogical methodologies. I exemplify Agamben's approach through one of the later, more political-theological contributions to the *Homo Sacer* series, with the aim of helping to clarify the place that these apparently esoteric works occupy in the series' general political project. Finally, I show that Walter Benjamin is the key figure in the constellation informing Agamben's archaeological-genealogical approach and examine the philosophical consequences of Agamben's transformation of Foucault's methods.

### 1. Agamben's conflation of archaeology and genealogy

Agamben's 2008 book on method, *The Signature of all Things*, and its third chapter on 'Philosophical Archaeology', is the first place to look for an account of the significance of archaeology and genealogy for the *Homo Sacer* project. It is immediately notable that Agamben silently conflates Foucault's 'archaeological' and 'genealogical' approaches. Agamben begins with Foucault's 1971 essay, 'Nietzsche, Genealogy, History', where Foucault famously states that genealogy 'opposes itself to the search for origins' (Foucault, 1991a, p.77). Agamben, however, defines *archaeology* on this basis. He proceeds smoothly from Foucault's 1971 essay on genealogy to his earlier statements on archaeology in *The Order of Things* (1966) and *The Archaeology of Knowledge* (1969). In these works from the 1960s, Agamben notes, Foucault presents archaeology as an inquiry into the "historical a priori", where knowledge finds its condition of possibility' (2009, p.93). Noting the oxymoronic nature of the phrase, 'historical a priori', Agamben claims that, '[a]s in the 1971 essay', Foucault's use of the oxymoron 'aims to

underscore that it is not a matter of a meta-historical origin' (2009, p.93, my emphasis). On Agamben's account, *both* Foucault's archaeology of the 1960s *and* the genealogy of 'Nietzsche, Genealogy, History' are characterised by a search not for origins but for the emergence of modes of knowledge from the historical a priori.

Agamben therefore implies that there is a continuity in Foucault's method between the late 1960s and early 1970s, and he effaces any difference between Foucault's archaeological method, which defines the books from 1966 and 1969, and the genealogical approach that Foucault developed from 1970 onwards. This conflation of archaeology and genealogy is apparent in the *Homo Sacer* series. A year before his book on method effectively subsumes genealogy under the term 'archaeology', Agamben subtitles *The Kingdom and the Glory* (2007), 'For a Theological Genealogy of Economy and Government'. *Opus Dei* (2012) is an 'Archaeology of Duty', but the third chapter is titled 'A Genealogy of Duty'.<sup>1</sup> *The Highest Poverty* (2011) makes occasional reference to genealogy rather than archaeology. *The Use of Bodies* (2014) names among its tasks an 'archaeology of first philosophy' and a 'genealogy of the idea of life in modernity', and summarises the *Homo Sacer* project as an 'archaeology of politics' (2015, pp.115, 214, 263).<sup>2</sup> In these texts, as in *The Signature of All Things*, archaeology and genealogy appear to be, to use Agamben's phrase, in a zone of indistinction.

## 2. Foucault's archaeological and genealogical periods

This would not be remarkable were it not that the question of the distinction between these two approaches is an issue that emerged insistently in Foucault's work at the time, between the late 1960s and early 1970s, when his method apparently shifted. Moreover, this shift was a central concern of Foucault scholarship from the 1980s and 1990s. Influential books by Hubert Dreyfus and Paul Rabinow (1982) and Béatrice Han (1998) foreground Foucault's shift from archaeology to genealogy as a response to the 'methodological failure of archaeology'. Gary Gutting, for all his disagreement with Dreyfus and Rabinow over the nature of archaeological method and whether or not it failed, provides a similar account of the periodisation of Foucault's thought (1989, pp.267-72).

These commentators generally agree that Foucault employed the archaeological approach, with variations, in his early texts, with the method reaching its paradigmatic form in the mid- to late-1960s in *The Order of Things* and *The Archaeology of Knowledge*. *The Order of Things* traces the developments in the fields of what are now called linguistics, biology and political economy, between three 'epistemes' or historical blocks: the sixteenth century, the

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<sup>1</sup> Duty (*ufficio*) can also be translated as 'office': see the translator's note in Agamben, 2013, ix.

<sup>2</sup> Agamben refers at one point to 'an archaeology of ontology, or more precisely, a genealogy of the ontological apparatus' (2015, p.114).

classical age and the modern age. Within each episteme Foucault seeks the 'historical *a priori*' that provides the common unifying order across these disciplines (1970, xxii, xxiv). *The Archaeology of Knowledge* is the theoretical generalisation of Foucault's more concrete earlier work. It scales back the implicit claims in *The Order of Things* regarding the fixity of the periodisation of its epistemes and the determinative power of the historical *a priori*, whilst providing an ambitious account of the unity of discourses, the discontinuity between discourses, and the rules for the formation of objects, such as possible statements, within discourses.

'The Order of Discourse', Foucault's inaugural lecture at the Collège de France in 1970, marks the first public indication of his shift from archaeology to genealogy. Foucault no longer attends simply to the discursive practices studied in the *Order of Things* and *The Archaeology of Knowledge*, but now also to 'the effective formation of discourse' by nondiscursive practices (1981, p.71). The question of the *causality* behind epistemic discontinuities, bracketed in the archaeological phase, can now be addressed through attention to non-discursive practices and institutions: in short, to regimes and relations of power, which famously become central to Foucault's work in the 1970s (Dreyfus and Rabinow, 1982, pp.105-6; Gutting, 1989, p.271; Han, 1998, pp.74-5). Foucault's new emphasis on the relations of power implicated in the regulation of discourses is clear in the lecture:

in every society the production of discourse is at once controlled, selected, organised and redistributed by a certain number of procedures whose role is to ward off its powers and dangers, to gain mastery over its chance events, to evade its ponderous, formidable materiality. (1981, p.71)

The shift to a consideration of the non-discursive relations involved in the formation and regulation of discourse pushes Foucault to the more explicitly political considerations that characterise his now more celebrated analyses of power relations in his so-called 'middle period'.<sup>3</sup> He states that,

since, as history constantly teaches us, discourse is not simply that which translates struggles or systems, but is the thing for which and by which there is struggle, discourse is the power which is to be seized. (1981, p.52-3)

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<sup>3</sup> See Negri (2004) for an example of the common division of Foucault's *œuvre* into three phases: the early archaeological study, up to the end of the 1960s, of the 'emergence of the discourse of the human sciences'; the middle-period genealogical work of the 1970s on the 'relationship between knowledges and powers, on the emergence of disciplines, control and biopowers, the norm and biopolitics'; and the late turn in the 1980s to 'the analysis of the processes of subjectivation under the double perspective of the aesthetic relation to oneself and of the political relation to others'.

Foucault says in a later interview that his earlier archaeological period lacked ‘this problem of the ‘discursive regime’, of the effects of power peculiar to the play of statements’. He admits that his earlier work had ‘not yet properly isolated’ the ‘central problem of power’ (1991b, p.55). What emerges in 1970 in ‘The Order of Discourse’, at the point of Foucault’s shift from archaeology to genealogy, is the tying-together and mutual implication of power and knowledge. This provides the topic of the 1970–71 Collège de France lecture series: a ‘morphology’ of the will to know or the will to truth (Foucault, 2013).

The English-language commentaries on Foucault from the 1980s and 1990s disagree on the exact nature of the shift from archaeology to genealogy and the extent to which the earlier approach is left behind from 1970 onwards.<sup>4</sup> The separation is far from being cut and dried, Foucault’s work tending to resist fixed, stable distinctions, and the shift is best considered a development rather than an absolute break. Two features of the methodological change are clear, however. Firstly, the move from archaeology to genealogy accords greater attention to the *non-discursive* mechanisms that underpin the formation of discourses and positions of enunciation. From a general emphasis on the regularities of texts and statements in the 1960s, Foucault’s attention moves to the mechanisms governing the initial appearance and control of discourses, along with the processes of exclusion and inclusion within them. This develops into the analyses Foucault undertakes after 1970: of institutions, the power or will to truth, the micro-physics of power between individuals, and processes of subjectivation. The move is from the analysis of discursive discontinuities in the 1960s, to the work in the 1970s on the socio-political forces involved in these discontinuities.

Secondly, the shift around 1970 constitutes a more *explicitly political* project. Whilst *The Archaeology of Knowledge* was published the year after May 1968 (at which time Foucault was in Tunisia), the student uprising and its political consequences arguably only have their full impact upon Foucault’s project in the works written in their entirety after 1968.<sup>5</sup> ‘The Order of Discourse’, with its new emphasis on power relations, would then be Foucault’s first genuinely ‘post-’68’ text. This is not to say that there were not significant political stakes to the early works, but rather that Foucault’s critical engagement with the fundamental categories of the left gained a new urgency with the shift to the genealogical approach in the wake of May 1968.<sup>6</sup>

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<sup>4</sup> As briefly mentioned above, whereas Dreyfus and Rabinow (1982, pp.79–100) and Han (2002, p.38) consider the ‘failure’ of archaeology to spur Foucault’s ‘genealogical turn’, Gutting argues that ‘genealogy does not replace or even seriously revise Foucault’s archaeological method. It rather combines it with a complementary technique of causal analysis’ (1989, p.271).

<sup>5</sup> As Foucault states in a 1977 interview: before May ’68, ‘the mechanics of power in themselves were never analysed. This task could only begin after 1968, that is to say, on the basis of daily struggles at the grass-roots level, among those whose fight was located in the fine meshes of the web of power. This was where the concrete nature of power became visible...’ (1991b, p.58).

<sup>6</sup> For Foucault’s relation to Marxism, see Laval et al. (eds.) 2015. Eldon (2017) provides an account of the political stakes of Foucault’s development between 1969 and 1975, although he

### 3. Archaeology, genealogy, and subjugated knowledges

A commonly overlooked but useful account of Foucault's methodological shift appears in his 1976 Collège de France lecture series published as *Society Must be Defended*.<sup>7</sup> The first lecture has the feeling of a fresh start: this is when Foucault moved his lectures to 9:30 in the morning, to avoid the 'circus' that had accompanied the increasingly cult status of his weekly lecture. Foucault looks back on the work he has done since arriving at the Collège de France, and worries that it might have looked like 'the busy inertia of those who profess useless knowledge', or the 'great, tender, and warm freemasonry of useless erudition' (2003, pp.4-5). To distinguish his work from this freemasonry, Foucault relates his work of the previous years to antipsychiatry, sexual and gender politics, and other 'dispersed and discontinuous offensives' or local critiques of what Lyotard would later describe as grand narratives (2003, pp.5-6). Foucault dubs the focus of his recent work the 'insurrection of subjugated knowledges' (2003, p.7).

The phrase 'subjugated knowledges' means two things. On the one hand, it designates 'historical contents that have been buried or masked' in the systematic arrangements of institutions like the prison or the psychiatric apparatus (2003, p.7). These historical contents are the now-observed processes through which these institutions came into being; they can be revealed by patient scholarship in order immanently to critique the institutions. *The Birth of the Clinic* (1963) attempted this for the institution of modern medicine, through an analysis of the historical conditions of possibility for the medical gaze (1973, xix). On the other hand, 'subjugated knowledges' are positions that have been historically disqualified as naive, insufficient, nonconceptual: knowledge that is marginalised by officially sanctioned discourses, such as the voices of the patient, the nurse or the prisoner (2003, p.7).

Foucault rhetorically asks whether there is not

something very paradoxical about grouping together and putting into the same category of 'subjugated knowledges', on the one hand, historical, precise, technical expertise and, on the other, these singular, local

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overlooks the effects of May 1968 on the intellectual milieu in which Foucault worked after his return to France in 1969.

<sup>7</sup> Even Han, whose scholarship is comprehensive, makes only a passing reference to the 1976 Collège de France lectures (1998, p.1). Foucault's own retrospective accounts of his trajectory are often problematic as he subtly, and sometimes unconvincingly, reconceives his previous work in terms of the later developments of his project. However, approached with the necessary caution when it comes to taking this retrospective statement as definitive, Foucault's formulation of his move from archaeology to genealogy in *Society Must be Defended* provides useful coordinates for understanding his development.

knowledges, the noncommonsensical knowledges that people have, [...] [which have been] kept in the margins. (2003, p.8)

That is to say, are these two kinds of subjugated knowledge, the buried historical conditions of possibility of modern institutions, and the disqualified knowledge of marginalised subjects, not very different? On the contrary, Foucault answers, it is ‘the coupling together of the buried scholarly knowledge and knowledges that were disqualified by the hierarchy of erudition and sciences that actually gave the discursive critique of the last fifteen years its essential strength’ (2003, p.8). In both cases – the buried conditions of possibility and the disqualified knowledges – what is at stake is ‘a historical knowledge of struggles’.

Foucault defines genealogy as precisely the *combination* of these two approaches:

If you like, we can give the name ‘genealogy’ to this coupling together of scholarly erudition and local memories, which allows us to constitute a historical knowledge of struggles and to make use of that knowledge in contemporary tactics. (2003, p.8)

Genealogy is a politicised synthesis of erudite analysis and marginalised knowledge. It has as its target the couplet that is central to Foucault’s middle period: power/knowledge (2003, p.12). Genealogy, Foucault says, is far from ‘the attempt to inscribe knowledges in the power hierarchy typical of science’, but is rather the opposite: an attempt to ‘desubjugate historical knowledges, to set them free [...], to reactivate local knowledges [...] against the scientific hierarchicalisation of knowledge and its intrinsic power-effects’ (2003, p.10). Having identified knowledge that has been marginalised in the development of modern institutions and official forms of knowledge, genealogy does not seek to classify it, as this would simply treat it once more as the object of another, more powerful perspective. Rather, genealogy should free disqualified knowledge from its marginalised position and reactivate it for political ends.

On this basis, Foucault summarises the relation between archaeology and genealogy.

To put it in a nutshell: Archaeology is the method specific to the analysis of local discursivities, and genealogy is the tactic which, once it has described these local discursivities, brings into play the desubjugated knowledges that have been released from them. That just about sums up the entire project. (2003, pp.10-11)

The account sidesteps the debates in the commentary regarding whether or not archaeology ‘failed’ and was replaced. In terms of the two-fold characterisation of subjugated knowledges – as buried and disqualified – Foucault depicts archaeology

as an attention to the former: it unveils the buried conditions of possibility through ‘historical, precise, technical’ erudition, as in *The Birth of the Clinic*. Genealogy then connects the buried historical content unveiled by archaeology to marginalised knowledge, in order to revitalise the latter.

These statements in the 1976 lectures clarify the account of genealogy in ‘Nietzsche, Genealogy, History’. Genealogy is ‘grey, meticulous, and patiently documentary’ and ‘demands relentless erudition’ because it first requires archaeology’s technical analysis (1991a, pp.76–7).<sup>8</sup> This analysis unveils the buried conditions beneath what appears today as normal or unquestionable, such as the medical gaze or carceral punishment. Genealogy then connects this meticulous analysis to the reactivation of marginalised knowledge: in the 1971 essay, Foucault presents this through Nietzsche’s notion of *wirkliche Historie*, effective history. History becomes effective – and so not merely the dead past that Nietzsche criticises in the second of his *Untimely Meditations* – ‘to the extent that it places within a process of development everything considered immortal in man’ (1991a, p.87). Foucault highlights Nietzsche’s notion of *Entstehung*: this ‘emergence, the moment of arising’ of knowledge or a norm, is the ‘entry of forces’ and ‘play of dominations’ (1991a, 83–5). Norms are thus shown to have a history, and to have arisen in a particular context of warring interests.

A key result of effective history or genealogy in Foucault’s reading of Nietzsche is the ‘sacrifice of the subject of knowledge’ (1991a, p.95). This means that the knowing subject, such as the doctor or the criminologist, is no longer the comfortable possessor of objective knowledge. More generally, under genealogical analysis, knowledge does not attain ‘a universal truth’ but rather ‘releases those elements of itself that are devoted to its [i.e. knowledge’s] subversion and destruction’ (1991a, pp.95–6). This is the ‘insurrection of subjugated knowledges’ that Foucault describes in 1976, made possible by the genealogical combination of archaeological erudition and a politically-motivated reactivation of marginalised knowledge.

#### 4. Agamben’s archaeology-genealogy: tender, warm freemasonry?

There is therefore significant distance between Agamben’s purportedly Foucauldian archaeology-genealogy, in which the two terms are conflated and, at least in his book on method, apparently subsumed under the single heading of ‘archaeology’, and Foucault’s understanding of these terms. In contrast to the account Foucault gives in *Society Must be Defended*, Agamben writes in *The Signature of all Things*:

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<sup>8</sup> Foucault’s depiction of genealogy as ‘grey’ is an implicit reference to §7 of Nietzsche’s preface to the *Genealogy of Morality*.

Provisionally, we may call ‘archaeology’ that practice which in any historical investigation has to do not with origins but with the moment of a phenomenon’s arising and must therefore engage anew the sources and tradition. (2009, p.89)

Agamben stresses the temporal issue of the ‘moment of a phenomenon’s arising’: this does not radically diverge from ‘Nietzsche, Genealogy, History’, but rather foregrounds Foucault’s discussion of emergence (*Entstehung*) (Foucault, 1991a, p.83). However, Agamben presents Franz Overbeck, a theologian at Basel, a correspondent and close friend of Nietzsche’s, as the proper source for Foucault’s replacement of ‘origin’ with ‘descent’ or ‘emergence’ (Agamben, 2009, p.84). On this basis, Agamben turns to Overbeck’s distinction between prehistory and history (*Urgeschichte* and *Geschichte*). Prehistory is not that which is most ancient (*uralt*) but rather designates ‘the history of the moment of arising (*Entstehungsgeschichte*)’ (2009, p.85). Agamben suggests that Overbeck’s notion of ‘prehistory’ has the precise function of Foucault’s historical a priori.<sup>9</sup> Prehistory, like the historical a priori, is that which conditions knowledge in a given historical epoch. Noting that Overbeck had ‘long worked on the patristic sources’, Agamben’s definition of archaeology as *Entstehungsgeschichte* can claim, in the passage quoted above, that archaeology must ‘engage anew the *sources and tradition*’ (2009, p.87, 89, my emphasis).

This seems to be the crux of the difference between Agamben’s patient, philological discussions, often of theological texts, and Foucault’s focus, in his middle period, on bodies, governmentality and power/knowledge. Agamben has stated in an interview:

Foucault once said [...] that historical research was like a shadow cast by the present onto the past. For Foucault, this shadow stretched back to the seventeenth and eighteenth centuries. For me, the shadow is longer [...]. There is no great theoretical difference between my work and Foucault’s; it is merely a question of the length of the historical shadow. (Rieger, 2005, p.23)

On Agamben’s account, his approach differs, as he also writes at the start of *The Kingdom and the Glory*, only in that he extends the chronological limits of Foucault’s archaeology-genealogy (2011, xi). Leaving aside the fact that to make this claim one must ignore Foucault’s late turn to antiquity, Agamben’s suggestion that his conflation of archaeology and genealogy does not significantly differ from Foucault’s method is a misleading one. Agamben appears to remain,

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<sup>9</sup> Agamben, 2009, p.93; see Agamben, 2015, p.112, and Agamben, 2017, p.12: ‘Ce qu’Overbeck appelle «pré-histoire» (*Urgeschichte*) et Foucault «a priori historique» n’est pas simplement quelque chose de chronologiquement plus ancien, c’est plutôt l’histoire du «point de surgissement» (*Entstehung*)’.



methodologically, within the archaeological period of Foucault's thought. Agamben's political-theological works in particular, give patient, scholarly attention to the kinds of overlooked manuscripts which would for Foucault be the focus of the archaeologist. Agamben's analyses more closely resemble the painstaking archaeological discussions of texts from the sixteenth to the eighteenth century in the first half of *The Order of Things* than they do Foucault's work of the 1970s, when extra-discursive power was the ultimate target. If Agamben's conflation of archaeology and genealogy proceeds by subsuming genealogy under archaeology, can he be accused of ultimately indulging in what Foucault called the 'great, tender, and warm freemasonry of useless erudition'?

The broad answer to this is: clearly not. If we confine ourselves to the *Homo Sacer* series, the political stakes of particularly the first volume and *Remnants of Auschwitz* are clear. The reader of some of the later more theological-political treatises – *The Kingdom and the Glory*, *The Highest Poverty* and *Opus Dei* – could be forgiven, however, for wondering whether the emphasis in these texts has fallen too heavily on the dry, patient erudition of the archaeological method as Foucault defines it. To counter this, we shall consider Agamben's method in one of these texts, *The Highest Poverty*, in order to highlight the political significance of Agamben's conflation of archaeology and genealogy.

## 5. The biopolitical significance of monastic life

*The Highest Poverty* takes as its topic the attempts to produce a zone of indistinction between 'rule' and 'life' in the Franciscan monastic order. In his close attention to the rules of the monks, as set out in their *regulae*, the manuscripts detailing their mandatory hourly practices, Agamben identifies a form-of-life, a life inseparable from its form, in which rules and life completely determine and interpenetrate one another. The issue motivating Agamben's investigation is forecast in *The Time That Remains*: the creation of a positive biopolitics, or the transvaluation of biopolitics, through reflection on a messianic community.<sup>10</sup> In *The Time That Remains*, Agamben says of the Franciscan messianic community that, 'what mattered was to create a space that escaped the grasp of power and its laws, without entering into conflict with them, yet rendering them inoperative' (2005, p.27). This Franciscan endeavour explicitly motivates Agamben's analyses in *The Highest Poverty*:

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<sup>10</sup> Lorenzo Chiesa was attuned to this before the publication of *The Highest Poverty* (Chiesa, 2009, pp.114–5). The notion of 'the messianic' serves in Agamben's work to indicate 'nothing less than a qualitative change in how time is experienced': 'the relation of every moment, every *kairos*, to the end of time and to eternity' (Agamben, 2012, pp.4–5, 8). An exemplary clarification of Agamben's notion, with particular reference to Benjamin and the complex relation of both thinkers to theology and the secular, may be found in De La Durantaye, 2009, pp.366–82. For further discussion of the Benjaminian context, see the next section of the present work.

From the perspective that interests us here, Franciscanism can be defined – and in this consists its novelty, even today unthought, and in the present conditions of society, totally unthinkable – as *the attempt to realise a human life and practice absolutely outside the determinations of the law*. (2013, p.110)

Key to this externality to or exclusion from the law is, however, that Franciscan life is also included within it, in line with Agamben's reflections from *Homo Sacer* onwards on the collapse of the categories of exclusion and inclusion into a zone of indistinction.<sup>11</sup> The monastic rule is therefore submitted to the Pope and yet, as a hyper-rule or law beyond law, it escapes determination by Papal law.

Central to the success of this Franciscan strategy, as Agamben describes it, and thus to the deeper political intentions of this apparent digression into monastic practices, is a series of detailed equivocations around the concept of 'use'. In order to simply *be*, separate from the law, and thus to create a *life* that is not determined by sovereign power (or perhaps a positive biopolitics) the Franciscans must separate 'use' from 'right' and 'ownership'. To pursue a mendicant form-of-life free of the law, the monks must redefine the notion of the 'use' of things – clothes, food, shelter – so that the result is neither that they have a right to use these things, nor that their use implies their ownership. Agamben thus identifies the 'critical moment in the history of Franciscanism': when Pope John XXII's papal bull 'calls into question the possibility of separating ownership and use and in this way cancels the very presupposition on which Minorite *paupertas*' – that is, the 'highest poverty' of the Franciscan order – 'was founded' (2013, p.129). The Pope's discursive attack on Franciscan terminology is, for Agamben, the point at which the potentiality inherent in the monastic order was nullified.

The way that Agamben develops this account of interrupted potentiality is important for the relation between his method and its Foucauldian heritage. Agamben writes,

What is lacking in the Franciscan literature is a definition of use in itself and not only in opposition to law. The preoccupation with constructing a justification of use in juridical terms prevented [the Franciscans] from collecting the hints of a theory of use present in the Pauline letters, in particular in 1 Corinthians [...]. This could have furnished a useful argument against John XXII's theses on the use of consumable things as *abusus*. (2013, p.139)

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<sup>11</sup> On exclusion/inclusion, a 'fundamental categorial pair of Western politics', and the form of the exception, in which an element is included solely through its exclusion, see Agamben, 1998, pp.7–11.

A summary of *The Highest Poverty* in *The Use of Bodies* implicitly clarifies this passage: Agamben denies that what is at stake is simply whether the Franciscans could have provided a better *argument* for their redefinition of ‘use’; rather, what is at stake is their very conception of use:

the problem is not whether the Franciscan thesis, which ended up succumbing to the curia’s attacks, could have been more or less rigorously argued: instead, what would have been decisive was a conception of use that was founded not on an act of renunciation – that is, in the last analysis, on the will of a subject – but, so to speak, on the very nature of things. (2015, p.80)

The missed opportunity in the Franciscan moment is not the failure to give a sufficiently strong argument, but rather to have positively defined use in itself. This would have provided an ontological account of use (‘founded [...] on the very nature of things’). As Agamben states in *The Highest Poverty*:

Use, from this perspective, could have been configured as a *tertium* with respect to law and life, potential and act, and could have defined – not only negatively – the monks’ vital practice itself, their form-of-life. (2013, p.141)

The Franciscans missed the opportunity to reconceive ‘use’ positively as a ‘third thing’: in juridical terms, between law and life, and in ontological terms, between potential and act. Agamben emphasises the latter, ontological aspect. The Franciscans erred in ‘[h]olding firm to this conception of use as act and *energeia*’, rather than considering it as a relation between potential (*dynamis*) and act (*energeia*) (2013, p.140).<sup>12</sup>

Rather than following this thread further, we may remain on the level of method. In his discussion of the missed Franciscan opportunity, Agamben effectively takes a perspective *within* the 13<sup>th</sup>-14<sup>th</sup> century debates surrounding the monastic form-of-life. He finds a path not taken, a possible redefinition of the notion of ‘use’ which would have sidestepped the juridical paradigm in which the Franciscans became trapped and would instead have collapsed one of the great ontological distinctions in Western philosophy, between potential and act. The unactualised potential that Agamben locates in the struggles over the Franciscan

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<sup>12</sup> This latent reconfiguration of use as the relation between potential and act connects the analyses of *The Highest Poverty* with Agamben’s attempt to theorise a ‘modal ontology’ in part two of *The Use of Bodies*. The concept of mode is depicted as an attempt to think the ‘coincidence or indifference’ of potential and act (2015, p.161). Crucial to Agamben’s projected modal ontology is Spinoza’s ‘immanent cause’, which he connects to the notion of ‘use’: ‘[t]he immanent cause is [...] an action in which agent and patient coincide [...]. [I]n order to think the substance/modes relationship, it is necessary to have at our disposal an ontology in the middle voice, in which the agent (God, or substance) in effectuating the modes in reality affects and modifies only itself. [...] In a modal ontology, being uses-itself’ (2015, pp.164-5).

form-of-life has a direct significance, he implies, for our contemporary biopolitical existence. Had the Franciscans taken this path, the trajectory of history could have shifted and the relation between property, human existence and biopolitical control might have developed differently. *The Highest Poverty* thus points towards the last book in the *Homo Sacer* series and its ‘elaboration of a theory of use – of which Western philosophy lacks even the most elementary principles’ (2013, xiii).<sup>13</sup>

## 6. Agamben’s Benjaminian archaeology

What does this glance at *The Highest Poverty* reveal about Agamben’s conflation of Foucault’s archaeology and genealogy? Regarding Foucault’s definitions in *Society Must be Defended*, it is evident that Agamben does not simply subsume genealogy under archaeology, but draws the two into an equivalence or indistinction. *The Highest Poverty* patiently reconstructs an obscure moment in the political-theological history of ideas. What may appear at first sight to be the ‘tender, warm freemasonry’ of excessively detailed scholarship, instead functions in Agamben’s work as a return to a path not taken in the history of the West. Agamben’s treatment of this missed opportunity is undoubtedly circuitous, proceeding, in *The Highest Poverty*, by way of a dissection of reams of dense monastic *regulae* and Franciscan defences. But his aim is ultimately political: to reactivate a conception of ‘use’ which was available to the Franciscans and for which they laid the ground, but which they failed to develop. Agamben therefore pursues erudite, archaeological readings of dusty texts, and these, it seems, should be *in themselves* political. How can this be the case?

To answer this question, we must turn to the most important figure when it comes to Agamben’s transformation of Foucauldian method: Walter Benjamin. The influence of Benjamin on Agamben is well known. Agamben edited the Italian edition of Benjamin’s collected works and discovered important lost manuscripts, not least the book on Baudelaire that he tracked down in the Bibliothèque Nationale in 1981. Although Benjamin is a touchstone throughout Agamben’s work, the essays in *The Signature of All Things* might lead the reader to miss the *methodological* significance of the German-Jewish thinker. Agamben situates the three essays – on paradigms, signatures and philosophical archaeology – most

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<sup>13</sup> See the previous note. Agamben remarks that whilst Foucault explores the notion of ‘use’ in his 1981–82 Collège de France lectures, the concept of use-of-oneself ‘remains in the shadows’ in Foucault’s work on the care of the self (2015, pp.31–4). ‘Use’ is therefore one of many examples of Agamben’s engagement with Foucault on the level of philosophical content; this essay sets this aside to focus on the methodological level of their encounter. I also leave open the questions as to the extent to which Foucault’s late work – on ethics, on a more complex account of the subject, and on the care of the self – represents a further major *methodological* shift with respect to the genealogical approach of the 1970s; and, if it does, whether this has a bearing on Agamben’s transformation of archaeology and genealogy. My sense is that the latter question should be answered in the negative. I thank Jussi Palmusaari for raising these questions.

prominently in terms of Foucault's work, noting that the essays may well 'appear to be investigations on the method of Michel Foucault, a scholar from whom I have learned a great deal in recent years' (2009, p.7). In contrast, Benjamin is only explicitly discussed in passing (2009, pp.71-3, 95, 106). However, whilst acknowledging the centrality of Foucault to his discussions of method, Agamben remarks that this very centrality 'is because one of the methodological principles not discussed in the book – and which I owe to Walter Benjamin – is that doctrine may legitimately be exposed only in the form of interpretation' (2009, p.7). We shall see that Foucault is less the *source* of Agamben's method in the account given in *The Signature of All Things* than the subject of *interpretation*. By contrast, Benjamin's work provides not only Agamben's undiscussed methodological principle, but also the key to Agamben's interpretation of Foucauldian method.

De la Durantaye (2009, p.112) has noted that many of Agamben's works can be considered attempts to decipher what Scholem called the 'encrypted testament' that is Benjamin's *Theses on the Philosophy of History*.<sup>14</sup> Agamben makes regular reference to the *Theses* and to 'Convolute N' of the *Arcades Project*, which contains notes and further citations regarding the ideas that Benjamin compressed into the *Theses*. The methodological importance of these texts for Agamben cannot be underestimated. In Convolute N, Benjamin writes,

In studying Simmel's presentation of Goethe's concept of truth, I came to see very clearly that my concept of origin in the *Trauerspiel* book is a rigorous and decisive transposition of this basic Goethean concept from the domain of nature to that of history. Origin – it is, in effect, the concept of *Ur*-phenomenon extracted from the pagan context of nature and brought into the Jewish contexts of history. Now, in my work on the arcades I am equally concerned with fathoming an origin. (1999a, N2a,4)

As we saw above, Agamben's account of philosophical archaeology emphasises the replacement of 'origin' with the 'moment of a phenomenon's arising' in Nietzsche, Overbeck and Foucault. Benjamin claims here that his Arcades project seeks to 'fathom' an origin. In thesis XIV of the *Theses on the Philosophy of History*, Benjamin quotes Karl Kraus: 'origin is the goal' (1999b, p.252). Does Benjamin therefore retain the naïve notion of a return to an origin, which is overturned before and after him by Nietzsche, Overbeck and Foucault?

Benjamin's notion of 'origin' is clarified by a passage in Convolute N, often cited by Agamben.<sup>15</sup> Here, Benjamin discusses the 'historical index' of images, which determines that 'they attain to legibility only at a particular time' (1999a, N3,1).<sup>16</sup> Objects and texts from the past become readable or knowable at a certain

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<sup>14</sup> Likewise, Agamben calls the *Theses*, a 'testamentary compendium of [Benjamin's] messianic conception of history' (2005, p.141).

<sup>15</sup> For example, Agamben, 2005, p.141, 145; 2009, p.72.

<sup>16</sup> Benjamin uses 'image' (*Bild*) in a very broad sense. It encompasses, as Agamben writes, 'all

moment. This moment is Benjamin's famous 'now-time', *Jetztzeit*, a temporal point that flattens out the difference between past and present: 'what has been comes together in a flash with the now to form a constellation' (1999a, N3,1). The constellation formed by the bridging of the present and the past, through an object's 'now of knowability', effaces temporal difference in what Benjamin calls 'messianic time' (1999a, N3,1; 1999b, p.255). The historian attuned to this messianic now-time will 'seize hold of a memory as it flashes up at a moment of danger', perform a 'tiger's leap into the past', and 'blast open the continuum of history' (1999b, pp.247, 253, 254).<sup>17</sup> Benjamin conceives of now-time as an irruption of the past into the present, which destroys the linear conception of history.

Simmel, in the book on Goethe to which Benjamin refers in Convolute N, claims that Goethe's concept of truth is captured in the line, '*was fruchtbar ist, allein ist Wahr*' (only that which is fertile is true) (Simmel, 1913, p.21). Benjamin transposes Goethe's notion of truth in nature into his own notion of origin in history, insofar as objects *achieve fertility* in their moment of legibility that is now-time.<sup>18</sup> This *Fruchtbarkeit* of past objects is captured in Benjamin's affirmation of 'the indestructibility of the highest life in all things' (1999a, N1a,4). Texts and objects have an indestructible life because they will be revitalised in their future 'now of knowability'. Agamben acknowledges the importance of this conception when affirming his 'Benjaminian hermeneutic principle' at the end of *The Time That Remains*: 'every work, every text, contains a historical index which indicates both its belonging to a determinate epoch, as well as its only coming forth to full legibility at a determinate historical moment' (2005, p.145).

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things (meaning all objects, works of art, texts, records, or documents) wherein an instant of the past and an instant of the present are united in a constellation where the present is able to recognize the meaning of the past and the past therein finds its meaning and fulfilment' (2009, p.142). It is significant to both Benjamin and Agamben that 'image' encompasses texts, and is perhaps even predominantly characterised by them. In a famous note on 'dialectical images', Benjamin writes that 'the place where one encounters them is language' (1999a, N2a,3).

<sup>17</sup> In Convolute N, Benjamin compares the method of the Arcades project to 'the process of splitting the atom – liberat[ing] the enormous energies of history that are bound up in the "once upon a time" of classical historiography' (1999b, N3,4). This critique of 'once upon a time' reappears in the *Theses* (1999a, p.254).

<sup>18</sup> The 'Epistemo-Critical Preface' to the *Trauerspiel* book has a dense discussion of the concept of 'origin'. Again, in apparent contrast to Nietzsche, Overbeck and Foucault, Benjamin affirms a notion of origin (*Ursprung*) that is distinguished from emergence (*Entstehung*): origin has 'nothing in common with emergence' (1991, p.226). But Benjamin conceives of origin as a temporal break, at once concrete and a priori, that defines its own pre- and post-history: '[w]ith "origin" is not meant the coming-to-be of that which emerges, but rather that which emerges from coming-to-be and passing-away. The origin is a whirlpool in the river of becoming and in its rhythm drags the material of emergence into itself' (1991, p.226). Benjamin equates the origin with a monadic idea, which contains 'the image of the world', and so the real world is a 'task': an 'objective interpretation' can emerge only from a sufficiently concentrated attentiveness to such images (1991, p.228). Agamben briefly discusses these passages in an early essay (1988, p.180).

*The Highest Poverty* provides an example of a text coming to legibility in now-time: Agamben contends that we can now read the Franciscan redefinition of ‘use’ in a manner which the Franciscans themselves failed to. By returning to and reactivating this missed opportunity, Agamben seeks to question a fundamental contemporary political-ontological dogma: that ‘[o]nly what is effective, and as such governable and efficacious, is real’ (2013, xii-xiii).

Agamben’s Benjaminian principle entails that archaeology – as patient, erudite attention to dusty texts – can *itself have political effects*. No further genealogical step is required. This contrasts with Foucault’s approach in which archaeological erudition should be conjoined, in genealogy, with the reactivation of marginalised knowledge. As we have seen, from the 1970s onwards, Foucault’s genealogy seeks to facilitate the ‘insurrection of subjugated knowledges’ by highlighting the extra-discursive relations of power present in and around institutions, subjectivities and bodies, which sanction, exclude and produce discourses. In Agamben’s conflation of Foucault’s archaeology and genealogy, subjugated knowledges are reactivated not through genealogies of modern institutions and forms of knowledge, but through the archaeological analysis itself. For Agamben, moments internal to the history of ideas, philosophical and theological, have a potentiality that can be activated so as to affect biopolitical reality in the present.

The difference between Foucault’s and Agamben’s approaches is particularly stark in their accounts of the forces of history that are the ultimate subject of their analyses. Foucault writes in ‘Nietzsche, Genealogy, History’ that ‘[t]he forces operating in history are not controlled by destiny or regulative mechanisms, but respond to haphazard conflicts’ (1991a, p.88). Remaining close to Nietzsche, Foucault highlights the contingent forces that determine the historical shifts in the meaning and value of our notions: these forces are the struggles for power enacted by individuals and groups, which research can reveal in their empirical reality. By contrast, Agamben states in *The Signature of All Things* that ‘[t]he *archē* toward which archaeology regresses is not to be understood in any way as a given locatable in a chronology [...]; instead, it is an operative force within history’ (2009, p.110). The *archē* or origin is to be understood as a process of emergence, not as an empirical, chronological point. Agamben ascribes this notion to Foucault and Overbeck, but the force at work is not that of real, historical struggles over meaning and value. Rather, it is the force of the *archē* or origin itself: the force of the original exclusion that defines any particular political-theological-ontological notion, which has since reverberated throughout history, and the deactivating potential force that can be unleashed by newly interpreting the notion in the now-time of its knowability.<sup>19</sup>

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<sup>19</sup> *The Use of Bodies* gives us a good account of this operative force of the *archē* and Agamben’s attempt to deactivate it. In the ‘dialectic of the foundation that defines Western ontology’, the ‘strategy is always the same: something is divided, excluded, and pushed to the bottom, and precisely through this exclusion, it is included as *archē* and foundation’ (2015, p.264). In the

Agamben's references to archaeology and genealogy should therefore be understood not as faithful citations of Foucault but rather as interpretations of the French thinker's methodological concepts, conditioned by the more fundamental influence of Benjamin. In *The Time That Remains*, Agamben discusses Benjamin's practice of 'citation without quotation marks' (2005, p.138, translation modified).<sup>20</sup> Agamben convincingly argues that certain key terms in the *Theses on the Philosophy of History* – weak messianic power, the true *image* of the past that flees past, *now-time* as an *abridgement* of the entire history of mankind – are citations without quotation marks of the Pauline letters (2005, pp.139–44). Agamben concludes that 'the entire vocabulary of [Benjamin's] theses appears to be truly stamped Pauline [*appare di conio genuinamente paolino*]' (2005, p.144). Similarly, Agamben's account of his methodology, of archaeology, genealogy, origin and emergence, is best read as an exercise in citing Benjamin without quotation marks.

Agamben claims to draw his conceptions of archaeology and genealogy predominantly from Foucault, but, on closer attention, it is apparent that his Benjaminian interpretation of these methodologies conflates what in Foucault are two distinct approaches. Foucault's genealogical method, in the context of his growing concern with the issue of power in the 1970s, seeks to make a more direct political intervention than his archaeology, by bringing to light knowledge that has been marginalised by the 'haphazard conflicts' of the struggles for power throughout history. Agamben, by contrast, pursues detailed readings of obscure texts in the theological and philosophical archives of Western modernity, according

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figures studied throughout the *Homo Sacer* series,

the same mechanism is at work: the *archē* is constituted by dividing the factual experience and pushing down to the origin – that is, excluding – one half of it in order then to rearticulate it to the other by including it as foundation. Thus, the city is founded on the division of life into bare life and politically qualified life, the human is defined by the exclusion-inclusion of the animal, the law by the *exceptio* of anomie, governance through the exclusion of inoperativity and its capture in the form of glory. (2015, p.265)

The force of the *archē* is evident in the term itself:

The term *archē* in Greek means both 'origin' and 'command'. To this double meaning of the term there corresponds the fact that, in our philosophical and religious traditions alike, origin, what gives a beginning and brings into being, is not only a preamble, which disappears and ceases to act in that to which it has given life, but it is also what commands and governs its growth, development, circulation, and transmission – in a word, history. (2015, p.275)

<sup>20</sup> Cf. Benjamin, 1999a, N1,10: 'This work has to develop to the highest degree the art of citing without quotation marks [*die Kunst, ohne Anführungszeichen zu zitieren*]'. Agamben gives this latter phrase as '*l'arte di citare senza virgolette*', which is not well translated in the English version of *The Time That Remains* as 'the art of citing without citation marks'. On Benjamin's and Agamben's art of citing without quotation marks, see De La Durantaye, 2009, pp.145–7.



to an archaeological method that intends to be in itself political, without the need for a further, more concrete genealogical step. Agamben cites Foucault and Overbeck as the sources for the conceptions of 'origin' and 'emergence' that underpin his philosophical methodology, but, on my reading, the meaning that Agamben ascribes to these terms stems instead from Benjamin. Moreover, the political potency of Agamben's method covertly relies on Benjamin's conception of messianic time and the eruption of the past into the present in an object's 'now of knowability'. Agamben's entire methodological vocabulary is, to paraphrase him, truly stamped Benjaminian.

## Conclusion

I have sought to show that Agamben's references to the Foucauldian elements of his philosophical method must be read critically: Agamben does not straightforwardly borrow Foucault's conceptions of archaeology and genealogy, but rather subjects them to interpretation. This interpretation proceeds on the basis of notions inherited from Benjamin, a methodological influence so strong that I propose we consider Agamben's discussions of method to be citations of Benjamin without quotation marks. It is Benjamin's notions of history, origin, now-time and messianic time that allow Agamben to ascribe political potentiality to his erudite archaeological excavations.

'Method', Benjamin writes in the *Trauerspiel* book, 'is digression [*Umweg*]' (1991, p.208). Agamben in turn notes that reflection on method comes *after* practical application or extensive research; it is a matter of 'ultimate or penultimate thoughts, to be discussed among friends and colleagues' (2005, p.7). It is true that reflection on method is a belated diversion from the direct aim of philosophical work: the Greek roots of *meta-hodos* show it to be that which comes after (*meta*) the way (*hodos*). But it is nevertheless useful to clarify Agamben's approach, particularly in the context of his Benjaminian practice of citing without quotation marks (to say nothing of 'reading what was never written' [Benjamin, 1991, p.1238]). The political resources that Agamben ascribes to his own work are predicated, according to my reading of his method, on his affirmation of Benjaminian messianic time and the temporal collapse entailed by *Jetztzeit*. This does not necessarily mean that Agamben's thought is at heart theological or Christian.<sup>21</sup> It is the case, however, that Agamben's methodological transformation of Foucault requires the acceptance of Benjamin's fascinating but singular conception of history, if it is to share the political ambitions of Foucault's genealogy.

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<sup>21</sup> Pace Chiesa, who writes that 'Agamben is able to formulate a transvaluation of biopolitics only in the guise of a bio-theo-politics' and that 'Badiou is therefore correct in emphasising that Agamben's thought ultimately expresses a "latent Christianity" for which the heroic *homo sacer* of politics is silently turned into the *homo messianicus* of Christian religion' (2009, p.115).

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