An Actor on Multiple Stages: the EU as a Local, Regional and Global Power

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Administering populations through exceptionalism and governmentality: a case for indistinctness or an aporetic relation?

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This theoretical study aims to answer where normality ends and where exception begins in politics. This distinction is crucial to understand not only the management of populations and subjects but also the very nature of political power. To do that, I readdress concepts such as governmentality and exceptionalism using examples from the late European context: the management of "normal" data subjects and the administration of "exceptional" groups such as refugees. In light of this, the paper argues that the borderline which traditionally has separated exceptionality and governmentality is not blurred. It simply does not exist anymore. Due to the impossibility to separate those dimensions, the result is that exceptionalism can be expanded through governmentality whereas normalization seems to give an orientation to this dual phenomenon in every political decision.

Keywords: exceptionalism, governmentality, personal data, refugees

> *On July 16, 2015, Merkel addressed a group of teenagers in the northern city of Rostock in a talk titled "Good Life in Germany." One of the teenagers, a Palestinian girl named Reem, explained in fluent German that she and her family were threatened with deportation. She said, "I have goals like everyone else. I want to go to university like them." She added, "It's very unpleasant to see how others can enjoy life, and I can't myself." Merkel responded that there* Were *"thousands and thousands" of refugees like her and that Germany "just can't manage" to help them all. According to reports, Merkel stopped midsentence and whispered, "Oh Gott," as Reem began to cry. The chancellor walked over to the girl and tried to console her, stroking her shoulder and telling her she had "done a good job" (Das has du doch prima gemacht); Connolly 2015.*

Introduction

When it comes to the administration of populations within a sociopolitical order, one of the political problems is related to the execution of power. At least in the current European democracies, one of the causes of the political crisis is related to the question of who really decides, creates and governs. But this problem goes further than identifying who is authorized to represent or exercise the collective will, it is also related to the act of governing, to the creation of rules, to the commission of violence, to the act of caring, founding a sociopolitical order or even starting a revolution. That is, rather than asking what power is and who rules, it is also important to understand how power is executed or how it is transformed/transforms their objects.

In light of that, my hypothesis argues that one of the most important problems in politics is related to normal and exceptional powers to decide, create and govern. Analyzing exceptionality and normality in politics not only could clarify how

populations are governed and administrated, but it also can shed light upon the very nature of power in different circumstances and contexts. Thus, the main objective is to answer where normality ends and where exceptionalism begins in politics. To reach the objective, I formulate a discussion in the realm of the political theory to verify what type of dialogic relationship exists between normality and exception. The discussion is exploratory and inductive in order to analyze those concepts. It does not validate or contrast theoretical frameworks to construct analytical models. However, scrutinizing the nature of power allow me to postulate theoretical categories that enable a new understanding of every political decision that can be applied in multiple research projects in this realm.

In the first part, I expose the concepts of governmentality and exceptionalism as well as their connection with two European cases of political subjects that experience the problem of sovereignty: personal data subjects and refugees. I have chosen those cases because both serve as paradigmatic examples for governmentality and exceptionality, respectively. Both cases serve to exemplify how the relation between governmentality and exceptionalism is constructed to manage populations and subjects in "normal" and "exceptional" circumstances.

Considering that the relation between both terms is more problematic than the mere juxtaposition of concepts and examples, the second part of the article discusses the attempts to distinguish between governmentality and exceptionalism. Based on the work of Regan Maynard Burles (2016), I deconstruct that relation looking at the "infinitesimal" or microscopic level of political decisions, to the microphysics of power. At this level, every decision presents an exceptional and governmental component that cannot be dissociated. As the decision on the state of exception is a political decision that must be thought on how to apply it to a specific situation (like the coup d'état), this is equally the case for every decision and rule which tries to implement the exception in every circumstance (to sustain the raison d'état). Therefore, at the microscopic level, the borderline between exceptionality and governmentality, or the separation between them, is impossible to be established even with clear examples from the management of personal data and refugees. In light of that, I draw a brief epistemological evolution that allows understanding that impossible separation. In addition, I formulate categories to allocate both terms: "exceptional normalization" and "normal exceptionalism". Since both concepts are mixed but still recognizable, the categories try to avoid the post-modern problem that mistakes governmentality and exceptionality in every place and at every time. The conclusion reaffirms that any attempt to separate normality (governmentality) and exceptionalism constitute an *aporia*, a no solution, and points out to some consequences for politics.

Part One

Power is both generative (starts) and generates (continues) political life. It is generative because it must be constructed upon some foundation, i.e. a limited space and a certain period, and it generates because it needs to reproduce its own conditions of

survival. In that sense, the problem of sovereignty is a problem of separation between its capacity to promote exceptional generative conditions and its ability to sustain itself in normal or continuous generating situations. Therefore, we must gaze at the central relationship between exceptionality and normalization.

Sergei Prozorov (2005) reallocates the problem of sovereignty in a double spatial and temporal dimension. The generative characteristic of sovereignty is constructed in extraordinary temporal moments of foundation (such as rebellion, a crisis, a new Constitution or an alternative government) and outside spatial objects (such as rules and individuals placed in the fringes and even outside the center of the sociopolitical order). In the same logic, the generating characteristic of sovereignty is related to normalization of the moments to govern every day and in internal spatial objects which comprises the sociopolitical order. In sum, exceptionality is a spatially outside and temporality in the singular moment whereas normalization is spatially inside and temporally routine.

Either in normalization or in exceptionality, sovereignty shows it multifunctional characteristics that could be combined in different analysis. For instance, Jacqueline Best (2003) argues that finance global governance blurs the borderline bet*we*en normalization and exceptional sovereignty not only because it ignores and changes states jurisdictions but because it reinforces mutual sites of power between governments and financial elites to create exceptional decisions, such as avoiding the bankrupt of banks that are "too big to fail". Giorgio Agamben (1998), meanwhile, infers the sovereignty capacity to ban or regulate unwanted lives as the epitome of sacred violence and authority visualized in special circumstances and places from the ancient Roman empire to the modern concentration camp.

The combination and the increasing indistinctness between normalization and exceptionality have been transformed by the statement that the exception is the new rule especially in our times of War on Terror, economic crises and social convulsion. The exception has become an element of regular policies. Hence, it is said that power takes place in times of emergency, but it also works throughout a dissemination of tools and mechanisms observed every day. While the line between them may be blurred, arguably it is extremely difficult to distinguish between exceptions that are produced by normalization, or normalization produced by exception. To verify this, it is essential to revisit some ideas related to normalization and exceptionalism.

Governmentality and the management of subjects

To understand power and sovereignty, it is crucial to unveil the hidden mechanism and places where power is executed. The execution of sovereignty has several forms beyond regular norms and institutional dimensions. It is enhanced by rhetorical, discursive, heuristic and genealogic tools that could be unmasked and reconstructed. One of these attempts to unveil power was made by Michel Foucault in the late 20th Century. Opposite to what is stated by official politicians and bureaucrats, for Foucault, power is not something that can be appropriated, possessed or inherited; it

is not something that can be localized, for example, on the top functions of a political structure neither does it work through subordination. "Power is never completely found in one site" (Foucault, 1978: 40). We need to understand power, according to Foucault, as a flexible and subterranean mechanism that can be conducted (but not possessed) by institutions. The norms (legal doctrines, medical diagnosis, and teachers' speeches) are effective because they have a non-visible component that conducts and constitutes themselves as means *of* power, not *for* power. This amorphous and subterranean power that never can be fully encountered represents the end of the *Geisteswissenschaft* dream that interpreted rational rules as mechanisms that can tame the total reality for the sake of human liberation and emancipation, a dream shared as well with the Enlightenment thinking. In Foucault, emancipation projects consist of replacing a form of power with a new/old one. For example, the Kantian imperative based on the evolution of consciousness and good actions for the liberty of men could no longer be considered as a final destination for politics. In addition, revolutionary attempts against the concentration of power in a superstructure of domination do not imply in the art of "not being governed in any way" (Foucault, 1991: 12), but in the substitution of the mechanisms of power without altering its very nature.

In *Society Must Be Defended*, *The Birth of Biopolitics* series, and *Security, Territory, Population*, Michel Foucault stated a concernment regarding the status of power in "normal" conditions in his description of *governmentality*. Governmentality is a genealogical inquiry which questions the boundaries of power in every situation, government action and reason. This reason, the mentality of government, affects and produces a new realm of thought called 'politics.' According to Foucault, governmentality does not simply imply only force and law. It produces a new understanding of the political by amorphous and unconscious tools where the appearance, the attraction, and the non-explicit dispositives are also important to elaborate a particular way of thinking and of programming the specificity of government in relation to sovereignty. Since politics goes beyond the mere relation between sovereign and subjects; governmentality is related to the management of discipline across various domains and institutions (religious, medical, educational, military) that produce political order through processes of routinization and normalization. Normalization, as Foucault explains, does not divide normal and abnormal. Normalization for him is "a distribution of normality" in which the aim is "to reduce the most unfavorable, deviant normalities in relation to the normal, general curve" (1978/2007: 60-62). In doing so, power is able to construct its generating component or auto-referential logic which sustains itself every day and under normal circumstances.

Governmentality, meanwhile, can be related to "biopolitics" in order to manage subjects and populations. Foucault wrote that biopolitics consists of a set of rules, a political regime, that "exerts a positive influence in life, [with] endeavors to administer, optimize and multiply it, subjecting it to precise controls and comprehensive regulations". It is a situation where power is applied to the "function of administering

life" (Foucault, 1979/2008: 137-8). In that sense, governmentality uses biopolitics to focus "on the body" as this entity serves to biological and political processes: "reproduction, birth, mortality, health, life expectancy, longevity and all the conditions that regulate them" (ibid.: 139). Since this interpretation, other scholars have also worked life outcomes from power. Giorgio Agamben refers to biopolitics as the inclusion of human life in the calculations of power (1998); while Michel Dwellon and Luis-Lobo Guerrero express this as the concept of "power over life" (2008: 265).

More than a disciplinary mechanism, Foucault's biopolitics in governmentality acts like an apparatus of control exerted over a population as a whole or, as a global mass. Biopolitics, thus, refers not only to mere administrative tools and tactics to govern individuals; rather it is related to conducting a social experience in a certain place where all individuals are goals and means to the deployment of a diffused power. Besides, biopolitics is not delimitated to biological processes. This concept is useful to understand the regulation of bodies and populations even in virtual domains. As the cyberspace overlaps with the physical reality and the former emulates the latter, informational subjects act as well as targets for biopolitics and governmentality. In that sense, the management of personal data can be considered as a form for biopolitics. In turn, personal data –unified or dispersed, attached to concrete devices or abstracted into digital flows of information- is also an object of governmentality.

If personal data is a piece of information extracted from an individual, that piece must be considered as a strategic component of one person instead of his/her ontological image or essence. Personal data can be interpreted by philosophical terms (as the abstraction and the identification of the "being"), by technical means (such as analogical registers, digital codes, and fragmented information from a data subject), judicial means (for example, separating the owner and the processor of this data, and creating rights for consent and deletion of information). Through an economic perspective, some scholars like Arvidsson (2007) have suggested that personal data is a kind of resource captured and extracted by those who control informational infrastructure. Hence, personal data is the new gold mine of our era, the motive for many disputes to access and control it.

Since personal data is not concentrated in a single place or social domain, and because it defines individualities in a political regime, the regulation and the battles over personal data are cases for governmentality. In the European Union, to legislate this matter, the European Parliament has defined the Directive 95/46/EC (replaced by the "General Data Protection Regulation" approved in 2016 and enforceable since May 2018) to regulate the procedures and transfers of personal data. Other examples are the Directive 2002/58/EC for the protection of privacy and data in electronic communications; and the Regulation (EC) 45/2001, which allowed the creation of the "European Data Protection Supervisor" (EDPS) and Data Protection Authorities (DPAs). The DPAs have consultation and cooperation roles and support organizations across the Union to perform their obligations to protect personal data rights such as access, consent, rectification, and cancelation of data. Moreover, the Decision 2008/977 (Council on Justice and Interior Affairs) regulates the protection of personal data in the

context of police and judicial cooperation as well as in terms of Criminal Law. This Decision regulated data protection similarly to the previous "third pillar" of the Union and is applied to police and judicial data exchanges between the Member States. In the "Area of Freedom, Security and Justice" (AFSJ), there are important personal data systems such as the Schengen Information System (SIS_), the Customs Information System (SIA), the Information Visas System (VIS) and the European Police Agency (Europol).

The legal norms and data systems above are important to regulate data subjects and their rights. Since data subjects give relevant information that can be used to government strategies, to create commercial campaigns, and to identify behavioral patterns, personal data regulation is an object for governmentality in the European Union. Considering that power is not concentrated in centralized official governments (even if they can adopt surveillance methods to monitor populations), power over personal data present visible and subterranean forms that connect governments, Internet Service Providers, Telecommunication companies, and other types of bureaucracies. Moreover, personal data analysts connect personal data from many individuals to sort, categorize, identify threats and separate "normal from abnormal" subjects in different databases. In terms of numbers, personal information is extracted and processed mainly inside the European Union and is being used in everyday politics to regulate normality in populations. Yet, personal data could also be related to exceptional politics and "abnormal" times as I will demonstrate below. First, it is time to understand the characteristics of exceptionalism for the management of subjects and one paradigmatic example: the case of refugees.

Exceptionalism and the management of subjects

For Carl Schmitt, the political order can trace its very logic at the moment of its foundation, to the original decision on who is the enemy. In *The Concept of the Political* and *Political Theology,* he argues that the binary distinction between friend/enemy is the first political act, the criterion by which all other political fields such as morality, arts, and economics are determined. Inclusion/exclusion, beauty/horribleness, and useful/useless dichotomies are based on that first distinction. This initial decision is exceptional because it is reserved to the sovereign, and it is by this capability that the sovereign is acknowledged. Schmitt is concerned in this foundation or generative moment rather than in the everyday mechanisms of the administration of government. Hence, the friend/enemy distinction, the capability to generate exceptionalism, defines the practice of normal politics and is connected to the essence of the political. The truly sovereignty characteristic is related to the foundation, to decide the "us and them".

Based on the Schmittian exceptionalism, the theory of the state of exception reformulated by Giorgio Agamben (1998, 2005) has been also very elusive to understand sovereignty. This reformulation has added two important points. The first is that exceptionalism draws boundaries between political life (*bios*) and abject, disqualified or bare life (*zoe*). The second is that state of exception produces not only

sovereignty and the political community, but also its mirror image of bare life, i.e. a life that can be killed with impunity. Agamben's (1998) discusses the creation of 'bare life' as the original gesture of sovereignty and points out the ways in which sovereignty is constitutive of politics. In a state of exception where the sovereign is exempted from all legal rules, subjects no longer enjoy the protection of the legal order. Bare life is the point of internal exclusion enacted by sovereignty; it is a life that is not set outside the political order but remains included as exclusion. The state of exception is explicitly linked with fascism in Agamben's work, but this raises questions about the forms of politics in current democracies as well. As stated by Claudia Aradau (2009), Agamben's legacy has fostered extensive analyses: The war in Iraq (Diken and Laustsen, 2005); refugee camps and airport holding zones (Salter, 2008); humanitarian intervention (Edkins, 2012); counterterrorist lawmaking (Neal, 2012); and the shoot-to-kill policies of the London police (Vaughan-Wwelliams, 2007) have all been recognized as exceptional practices by means of which the life of some people is reduced to bare life.

In that sense, it is of no surprise that the last refugees' waves in Europe[1] have been interpreted as objects of bare life. As boats of refugees are turned back to sea (Klepp, 2013), refugee centers are set on fire, and Syrian refugees are imagined as connected to the violent November 2015 attacks in Paris (Holmes and Heide Castañeda, 2016), the refugee person is connected to the figure of bare life.

Indeed, recent anthropological research on refugees has drawn on Giorgio Agamben's (1998) conception of "bare life." For Agamben, the refugee is removed from the political realm and exists in opposition to those persons within a particular mode of life or qualified life. The refugee is the biopolitics figure who is deprived of social, political, and economic rights as attested by Merkel's word in the prologue. Of course, this interpretation must not be considered as an absolute condition. As Seth Holmes and Heide Castañeda (2016) argue, refugees are multiple and diverse, and they are differentially involved in making political and symbolic claims. For those authors, refugees are not simply "bare life" removed from the realm of the political, but rather "political actors whose subjectivities are shaped by the uneven social and symbolic environments in which they simultaneously are positioned and position themselves" (Williams, apud. Holmes and Castañeda, 2016: 20).

For Carl Levy (2010), the refuges policies in the European Union must be linked to the other methods of dealing with a flow of persons coming into the EU, demonstrating that pragmatic, legal, and ethical pressures have shaped the refugees question in a complex fashion. "Although it has worrying legal and ethical implications, the present regime nevertheless is not as straightforward or as stark as the followers of

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[1] The European Commission called this the "largest global humanitarian crisis" of our time (ECHO 2015, 1). In the first nine months of 2015, more than 487,000 people arrived on Europe's Mediterranean shores, twice the number for all of 2014 (Banulescu-Bogdan and Fratzke, 2015). Many of them were Syrians fleeing their country's civil war, which began in 2011; since then, almost 429,000 Syrians have applied for asylum in Europe (UNHCR, Over one million sea arrivals reach Europe in 2015. Disponible: http://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html [02/16/2018]).

Giorgio Agamben interpret them" (Levy, 2010: 97). According to Levy, the regression of the Liberal State to a universe of camps in the EU zone is not happening as this interpretation failed to capture the entire social reality. Despite recognizing that Levy`s work is previous to the largest refugees waves in the last years, I disagree with him. In my vision, Levy understands Agamben´s state of exception only in terms of bare life. However, sovereign powers do not act only by excluding and turning subjects into bare life. Bare life is only the tip of the iceberg of a sovereignty that works across several domains deploying visible and subterranean tools to administer "outsiders" and "exceptional" individuals. It is true that the refugee's situation was not shaped only by extraterritorial zones and states of exception. The borderlines of the EU are porous and many of those subjects were politically integrated but not without controversial points such as cultural integration and security concerns.

Moreover, if refugees are as diverse as other groups, this diversity does not entail in a heterogeneous treatment in the face of official powers. Comparing to other groups, official rulers speak of the refugees in a homogeneous fashion, implementing heuristic tools and legal norms that are guided by defensive and suspicious discourses. Whereas personal data of regular European citizens are to be protected by extensive regulations that guarantee the "good" management of populations and the individuality of each citizen, refugees are a collectivity that coalesces the management of the "different", the "new", the "strange". In that sense, a Euro-Mediterranean system of management was created to handle those subjects. Lives perishing in the Atlantic, the Mediterranean, and the Sahara are just one sinister form of administration compared to the chain of extraterritorial camps and legal agreements that were established with third countries, such as the one signed with Turkey in 2016 to restrain new waves of refugees from the Middle East.

In that sense, bare life is just one piece of a puzzle where sovereignty is capable of deploy exceptional but also governmentality measures to manage refugees. For example, joint naval patrols or bilateral agreements are governmentality and biopolitics tools oriented to groups that are treated in a different fashion than tourists and economic migrants. Integrated Border Technologies, formal rules to distribute refugees within State Members (Dublin Pacts I and II), informal detentions in camps and even illegal human smuggling are diverse governmentality tools that work for the sake of exceptionalism.

In short, if refugees cannot be considered as simple subjects of bare life, they awake exceptionalism responses even by governmentality trends. To manage these individuals, exceptionalism seems to be accurate to define their situation. Even if one can detect a multi-level series of statuses to manage this group, "the EU and its Member States are not geared to accept automatically refugees as the life's blood for the future of their national societies" (Levy, 2010: 103). In countries like Greece, the refugee crisis increased a level of xenophobia in response to their presence, while it also shaped the strategic behavior of political parties and of natives (Sekeris and Vasilakis, 2016). "And until the process of dissolution of the nation-state and its sovereignty has come to an

end", as stated by Agamben, "the refugee is the sole category in which it is possible today to perceive the forms and limits of a political community to come". (Agamben, 1995: 114).

So far I have shown the ideas attached to governmentality and exceptionalism. When both are analyzed in specific cases, such as in personal data and in the management of refugees, those concepts overlap each other and any distinction turns difficult to be formulated. Thus, I will discuss the relationship between those terms.

Part Two

Discussion: The *aporia* between governmentality and exceptionalism

As expressed above, normalization is the routinization of politics, the everyday exercise of power. This could be related to the Foucauldian governmentality which seeks to deploy certain dispositives such as biopolitics. These dispositives aim the equilibrium, discipline, growth as well as the administration of populations through the intervention of individuals to produce a biological subject. Meanwhile, exceptionality could be represented by the Schmittian sovereignty ability to decree the normality and the deviation. Power can limit the sociopolitical order in terms of its range and its internal/external division, eliminating political "enemies" or creating Agambian states of exception to manage bare life. Power, thus, operates to command and to secure a territory, and in doing so, it produces a subject of right.

Either by establishing biological subjects or by determining subjects of rights, the problem of power is still not resolved because now it hinges on the question of legitimacy, in who decides to deploy dispositives for governmentality or who decides to promote exceptionality. This question is extremely central to make any distinction between exceptionalism and governmentality. In that sense, Walter Benjamin (1978) interrogates the distinction between legitimate and illegitimate violence; between legally sanctioned violence and violence condemned by law. In *Critique of Violence* (*Zur Kritik der Gewalt*), confronted with the question of legitimacy, Benjamin reaches a Schmittian conclusion in which the authority extracts its legitimacy by a founding act of violence repeated afterward. To Benjamin, every law is conditioned by a historical origin which determines its subsequent legality and procedures. To be considered legal, the law always must refer to this origin in a permanent circular movement. But even in Benjamin`s conclusion, exceptionalism cannot be automatically separated from normality (and governmentality). For example, as Maynard Burles argues in the case of the police:

> In the institution of the police, writes Benjamin, founding and preservation become mixed: in this authority, the separation of law-making and law-preserving violence is suspended. This is because the police are never able to simply apply the generality of the law to the specificity of a particular case. In deciding on situations that do not fall completely under the legal code, the police participate not only in preservation but also in founding. Police violence is lawmaking, for its characteristic function is not the promulgation

of laws but the assertion of legal claims for any decree, and law preserving, because it is at the disposal of these ends. In this sense, the lawmaking function of the police is exceptional, as it occurs in a situation where no direct application of the law is possible. It is this ability to decide in the face of the impossibility of the exact application of the law that constitutes sovereignty. The police, for example, intervene 'for security reasons' in countless situations in which no clear legal situation exists. As Derrida describes it, the police arrogate the law each time the law is indeterminate enough to open a possibility for them. The police thus contain, for Benjamin, the exceptional violence of foundation as well as the preserving violence of law-enforcement (Burles, 2016: 57).

As shown in the quotation, police institutions need to replicate the law in several circumstances that are different from each other. It means that law-making and law-application are intertwined in such a way that the borderline that separates them is blurred. Moreover, this borderline is simply abolished as the police interpretation of the law is simultaneously law-creation and law-implementation. Police action generates the rule by the fact that they preserve and implement that rule at the same time. For security reasons, institutions such as the police re-adapt and implement exceptionality in politics. The law does not encompass all the situations in which institutions act and it is impossible to assimilate and implement a law with one hundred percent of completeness. Therefore, as expressed by Maynard Burles, there is no more pure foundation or pure position of law than there is a purely preserving violence. In Derridian terms: "Positing is already iterability, a call for self-preserving repetition. Preservation in its turn refounds so that it can preserve what it claims to found. Thus, there can be no rigorous opposition between positing and preserving" (idem.: 58).

In the same way, the borderline between Coup d'État and Raison d'État disappears because breaking with the legal order implies in deploying a new governmentality. Disruption is an agency of preservation by foundation. Yet, governmentality grounded on raison d'État is not only conservative, it consists of "the continuous act of the creation of the republic." (ibidem.: 166) The preservation embodied in the *raison d'État*, in this sense, is done through continual refounding situations, the regular re-creation of its conditions of possibility. Transposing these terms to previous examples, it is possible to recognize that the management of the refugees has a characteristic of permanent *coup d'État*, the defense of one exceptional moment of founding –the EU institutions and its foundation. At the same time, the management of refugees cannot be interpreted outside the governmental rationality of preservation embodied by the *raison d'État* –the governmentality to preserve and re-create the EU every day.

Considering again personal data and the refugees' management, one can express that even in the tiny administrative procedures politics readapts the sovereign decision to the minimum details. Every judicial and administrative decision in those examples has a gray zone, a moment of unrecognition from the pre-established legal content. The leeway for interpretation embodied in every decision allows a strategic readaptation of

the rule rather than converting every decision maker in an absolute ruler. Moreover, the separation between the rule and its application remain not traceable in the last detail because of that leeway. In other words, the same decision encompasses exceptionalism and governmentality. At every moment, a legal or administrative task is repeatedly executed by some institution. In that sense, exceptionality is not allocated only to special circumstances or emergency times, neither is governmentality to quotidian practices. As the decision on the state of exception is a political decision that must be thought on how to apply it to a specific situation (like the coup d'état), this is equally the case for every decision and rule which tries to implement the exception in every circumstance (to sustain the raison d'état). Thus, at the microscopic level, the borderline between exceptionality and governmentality, or the separation between them, is impossible to be established. When an exception is taken seriously, the concept lends itself to an analysis of the "infinitesimal mechanisms" of the decision. Social and political life constantly escapes pre-established rules. This allows the concept of exception access to the everyday practices in its tiniest moments and circumstances.

The impossibility to strictly delimit where exceptionality ends and normality begins is exemplified in the decision taken by middle-ranked workers and public officials. That impossible distinction can be observed from the design of algorithms that process personal data, to the bureaucrat that audits companies according to the interpretation of the Law, to the police officer who decides the people that must be granted with political asylum or refugee status. Even the desolated waters of the Mediterranean Sea turn into zones of exceptionality and normality. The exceptional force of power, therefore, must not be interpreted at the edge of special moments. It is constantly executed at the tiniest capillarity zones of decision-making and at the diverse places of political action. Maynard Burles argues that, until now,

> […] one characteristic that the theoretical attempts to refigure the governmentality/exception dichotomy share is that they tend to work by locating sovereignty in a particular place or time. […] Yet these attempts to locate sovereignty inevitably fall prey to the very spatiotemporal distinctions (norm/exception, inside/outside) they seek to escape. Claiming that somewhere or other (border, war prison, camp, reservation, etc.) is an 'exceptional space' or that someone or other (refugee, sex worker, migrant, detainee, etc.) exists [*only*] in a 'state of exception' assumes too easily that a simple distinction can be made between exceptional and normal (2016: 87).

Due to the impossibility to set the borderline between exceptionality and governmentality, as they embody every political practice, it can be said that when examined together, trying to allocate them to a certain time and space implies in an aporetic exercise: the act of demonstrating the indemonstrable. Given their relation to law, authority, and government, exploring the relation between exception and governmentality is particularly useful for showing what politics is. I agree with Maynard Burles in the impossibility of identifying this borderline, especially in spatiotemporal dimensions, such as special/normal circumstances and outside/inside dichotomies. However, this impossibility does not imply that the difference between

both concepts was erased. The deconstruction of their particular location in the social reality does not mean that they have converged into a single phenomenon in which is impossible to recognize each other. It is simply not possible to know where or how is the line separating them. The aporetic separation of exception and governmentality, then, should not be treated as a problem to be solved, but rather understood as a flexible relation that has existed from the first complex societies in the past to the present. What has changed is our perception and realization of the aporetic characteristic of exceptionality and governmentality. The understanding of the relationship between exceptionality and governmentality has moved from a traditional view to the deconstruction of its dichotomy. See *Figure 1*.

Figure 1: Exceptionality and Governmentality separation
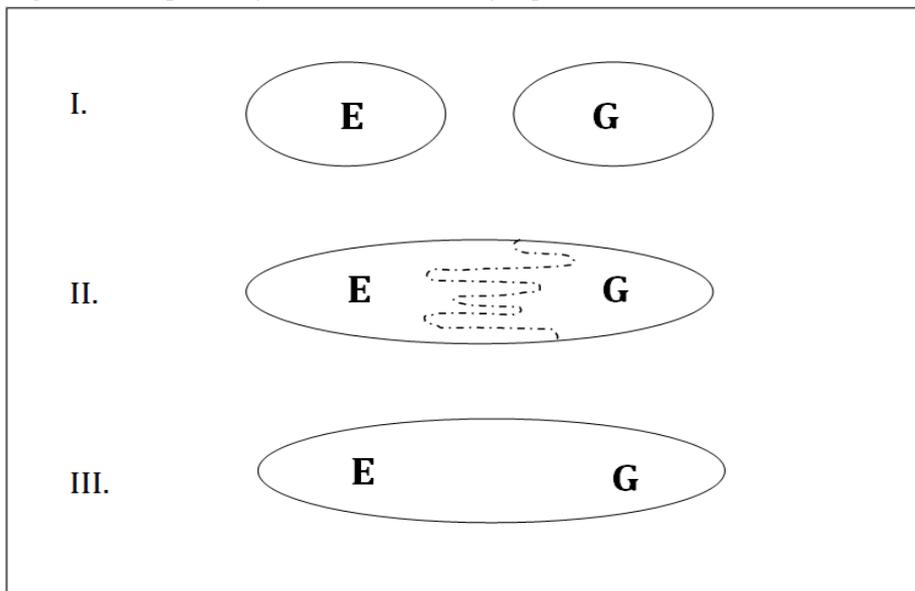
Source: Author

    Figure 1 suggests that, traditionally, Schmittian exceptionality, "E", and Foucauldian governmentality or normalization, "G", were understood as separated attributes as in the situation *I*. In this situation, exceptionality and governmentality have a binary relationship. They are located in spatiotemporal dichotomies that were delimited by a clear borderline separating singularity/normality, external/internal, foundation/routinization, coup d'état/raison d'état and so on. In the situation *II*, through a deconstruction of their location and practices, and by appealing to scholars such as Maynard Burles, exceptionality extends its dominion and melts into governmentality. In this encounter, the borderline between them is blurred like the lines of a surrealist image. Here, normality converges with exceptionality. This blurred line is attested in the work of different scholars, as in the case in which the sovereign could decide upon the bare life (Agamben, 1998) and where the zones of indistinction between security and terror spread across the planet (Diken and Laustsen, 2002; 2005). In the situation *III*, it is possible to suggest that the borderline between exceptionality and governmentality disappears. Like the particle-wave dual characteristic of light in physics, the microscopic analysis of the jurisdiction interpretation and of administrative decisions show that exceptionality and governmentality are a dual characteristic of politics that

cannot be separated. Currently, it is considered that the wave-particle duality is a concept of quantum mechanics according to which there are no fundamental differences between particles and waves: particles can behave like waves and vice versa. In the same allegory, exceptionality-normality duality is the core of old and modern politics. There is no fundamental separation between exceptionality and governmentality insomuch the former can work and is performed through the latter and vice-versa.

The impossibility to build a dam between exceptionality and governmentality, either by legal measures or informal practices has a remarkable effect. The *aporia*, the no-way or no-solution between exceptionality and governmentality, indicates the impossibility to deploy or think about the best practices to set the limits to contain one of those values. Ultimately, creating closed compartments where governmentality will become isolated from exceptionality measures is an illusion. But the fact that both cannot be separated does not mean the victory of an irreconcilable indistinction between them. That is, even if they are not separable, the incidence of one of their poles will prevail upon its counter-part, implying in situations where exceptionality proliferates in a higher scale than normality.

In quantum mechanics, the uncertainty principle infers that there is a fundamental limit to the precision with which certain pairs of physical properties of a particle, known as complementary variables, such as position x and momentum, can be known. For instance, if light behaves at the same time as particle and wave, there is a limit to measure both behaviors at the same instant and with a satisfactory level of accuracy. In the political world, and some physicists might agree, things could reach a degree of greater complexity. Whereas exceptionality and governmentality are attached to each other, it is still possible to infer the existence of exceptional and normal situations. But to what extent one can infer that a certain action or political decision is exceptional in its normality or that this same action is normal in its exceptionality? Seeking an accurate quantitative measurement of those terms in the style of physics must not be a concernment of political scientists by the fact that the comprehension of the social reality works with different approaches and tools than those of natural sciences. However, it is important to avoid the indeterminism in which exceptionality and governmentality are mistaken or barely recognized. The disappearance of the borderline between those features must not imply in their inconsequent confusion.

If a lack of measurement or uncertainty principle prevails to analyze exceptionality and governmentality, then we may return to the situation *II*, where it is possible to recognize exceptionality and normality with inaccuracy and in a false spatiotemporal location (the camp, the stateless, the refugee, the postmodern world, the world after 9/11, and so on). As expressed in the situation *III*, this article supports the abolishment of the borderline between exceptionality and governmentality as well as their confinement to a certain place (geographic or virtual) and time (historical or invented). Both terms are simultaneously present at the same time and place in every political decision and juridical interpretation, from the top of the administration to the bottom level of one organization. But it does not mean that a "top" political decision has

the same magnitude of exceptionalism compared to decisions adopted in lower ranks. Thus, I postulate a variance of both terms in a typology where exceptionality and governmentality present distinct "concentrations". See *Figure 2*.

Figure 2: Samples of Exceptionality and Governmentality
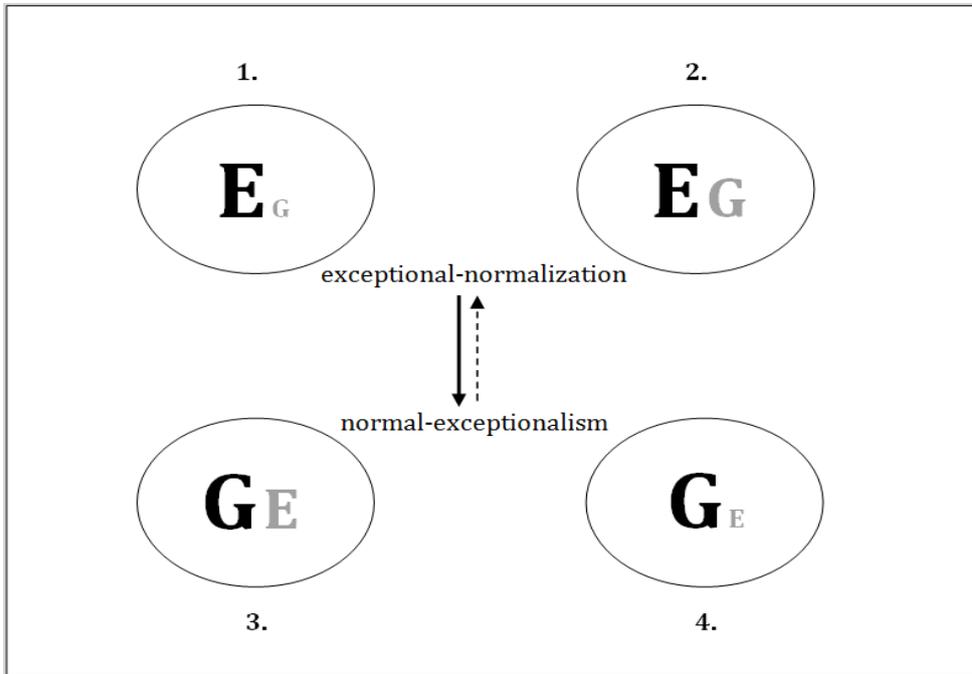
Source: Author.

In *Figure 2*, I use the allegory of chemical concentration in the sense of liquid solutions composed of solvents and solutes. Considering that exceptionalism and governmentality are "liquid" concepts to understand the problem of sovereignty, they can be differentiated in a scale of concentrations.

In sample 1, the scale (magnitude, presence, incidence, and perception) of the solvent exceptionality, "E", is higher than the solute normality or governmentality, "G". The former increases its concentration in sample 2 where exceptionality prevails over governmentality. Both samples 1 and 2 are examples of "**exceptional normalization**". They indicate political decisions in which governmentality hinges on exceptionality without a borderline between them. Governmentality here is constructed and altered according to exceptionality. For example, the refugees' camps, the Agambian bare life, the Guantanamo prison, the martial law, and other spatiotemporal cases where exceptionality was traditionally located, continue to be exceptional ones in our interpretation. However, they also contain governmentality components normalizing the higher impetus of exceptionality. Even the illegal camps of detention have managerial tools of administration that sustain their governmentality.

Light uses the double particle-wave characteristic to reach the unobservable darkness in the cosmos and to refract across tiny folds of observable matter. In the same way, *exceptional normalization* can be observed across macro political levels and

micro-political decisions. In sample 1, the macro level can be exemplified by international agreements established with third countries that promote refoulement and ignore human rights violations in refugees' camps. At the micro level, one example is when public officials or private contractors act with total discretion and impunity after deviations of conduct and abuses against civilians. The sample 2 could also be also related to sensitive spatiotemporal cases but on a lesser scale than in the previous sample. It still indicates an *exceptional normalization* category that is found either at macro and micro political levels.

In sample 3, the scale (magnitude, presence, incidence, and perception) of the solvent normality or governmentality, "G", is higher than the solute exceptionality, "E". That difference increases in sample 4. Samples 3 and 4 are examples of "**normal exceptionalism**". Both samples refer to actions or decisions where exceptionalism is oriented to generate politics according to governmentality without a separation between them. That is, exceptionalism is conducted by governmentality. For example, the quoted analysis of the police institution by Walter Benjamin is a case where the everyday jurisdiction interpretation must tame exceptionalism with the intention to normalize or create governmentality. Here, exceptionalism is restrained by an impetus to manage and administrate populations by tolerated continuous exceptions. Sample 4 is a spatiotemporal case where the discretional level to interpret, reproduce and redefine a governmentality dispositive (such as law, administrative rule, moral value, deontological code, and so on) is very low, meaning that there is less room to re-edit rules and governmentality dispositives. The sample 3 repeats this logic but with a higher leeway for exceptionality in the governmentality dispositive. It could be said that both samples 3 and 4 –but especially the latter- tend to stabilization and routinization in social systems. Yet, their interpretation should not be mistaken with rigid and heavy bureaucratic rules that jeopardize flexibility and innovation.

In short, samples 1 and 2 seek to enhance normalization through a greater amount of exceptionality. Meanwhile, samples 3 and 4 promote normality with a lesser amount of exceptionality. These samples try to solve the postmodern problem of indistinctness between normalization and exceptionality. They introduce degrees where traditional dichotomies are replaced by exceptionality and normalization as components of the same political decision. These ingredients are so intertwined that they are not separable even by a blurred line. Moreover, from our perspective, normalization dominating exceptionalism could be deemed as the goal or the horizon of politics, even if this scenario is not permanent or fully accomplished (see arrows in the Figure). The more politics promotes the *exceptional normalization* category, the more it aims to reach the *normal exceptional* category (full downward arrow). That is, exceptional politics also has the intention to create or restore a scenario of *normal exceptionalism*. Even disgusting and violent politics pursue ulterior goals or "good" objectives. If political revolutions (like those committed by groups of different political spectrum in the last century), and the creation of exceptional powers in one organization (like intrusive surveillance and unchecked powers of security agencies), turned out into

disastrous politics, it does not mean that these exceptional examples did not intend to normalize an ulterior panorama (either for the sake of social justice, liberty, welfare, or security). It is not absolving their intentions and their actions; it just indicates that normalization is pursued even by greater amounts of exceptionality. However, since exceptionality cannot be separated from governmentality, those attempts retained societies or sent them back into the "exceptional-normalization" category (dotted upward arrow). In those cases, governmentality was executed through greater concentrations of exceptionality, including the use of abject methods and the adoption of vicious circles of violence.

The samples in the figure must be understood in symbolic terms. At this moment there is no intention of creating a set of methods to classify political actions according to those samples. The identification, classification, and assessment of the exceptionality-governmentality trends fostered by politics could be interesting and fruitful. But this work will be difficult insofar as governmentality is deployed also by subterranean tools like secrecy, dissuasion and not "visible" intentions. However, the terminology used in the figure could be used to assess qualitatively the management of subjects, in domains that traditionally were considered either as normal or exceptional ones. Therefore, exceptionality-governmentality dualism, as well as the categories of exceptional-normalization and normal-exceptionalism, can be useful to shed light upon the "microscopic" aspects of politics. In that sense, this figure can explain why the most common dispositives of governmentality to manage personal data of "normal" citizens are permeable to exceptionalism. Categorizing and sorting individuals are not detached from generative moments of foundation and re-creation of norms. Meanwhile, the most exceptional measures to manage "undesired" people are composed by governmentality trends that "normalize" their situation and define the maintenance of the political order as a whole.

Conclusion

From the theoretical discussion above, it is possible to draw two conclusions: 1) exceptionalism can be expanded through governmentality and vice-versa because they constitute an inseparable dual political phenomenon. 2) Normalization seems to give an orientation to this dual phenomenon, even when exceptionality overcomes governmentality with abject methods. However, one can argue that those conclusions still do not answer correctly this: how does one differentiate *exceptional normalization* and *normal exceptionalism*? This work insists on maintaining the identification of exceptionalism and governmentality despite the impossibility to set a borderline between them. In our interpretation, both terms are present at the same time and location of a political decision, yet they have different concentrations. The samples above are symbolic representations of those concentrations and serve as an allegory of elementary particles contained at the very nature of macro and micro politics. But under a

microscopic examination, the problem of sovereignty persists in terms of identifying the "precise" concentration of exceptionalism and governmentality.

Ultimately, saying that a new "exceptional" measure corresponds with one sample is less important than knowing that it could result in the implementation of governmentality by exceptional trends, which in turn can affect the management of individuals and their basic rights. And in this and other examples, the recognition of the concentration of exceptionality and governmentality will depend on the sociopolitical position of the analyst. When it comes to analyzing politics, the concentration of those concepts relies on the "role of the scholar [and] in the reproduction and legitimation of the authority that sovereignty authorizes" as stated by Burles. Furthermore, if the problem of sovereignty is analyzed in its "microscopic" details unveiling a relation characterized by *aporia*, the problem itself depends on the very distinctions constitutive of political sovereignty. Thus, there is a tradeoff between eroding the bases which sustain politics, and the precise conditions for its analysis.

Rather than solving the *aporia* of power, this study has shown that we must be skeptical about the political decisions that seem normal ones. Each governmentality action promotes exceptionality by distinct concentrations. Even the best intentions and banal attempts to improve our political world are not disconnected of exceptional re-creations. Thus, the main contribution is to recognize that one political decision is at the same time exceptional and normal, instead of purely delimited to one of those terms. In that sense, utilitarian approaches in politics fail in one important fundament: the clear separation between means and goals. Political decisions, which aim ulterior goals despite specific methods, consist in separating the impossible. "Good" ends do not excuse "bad" means because these steps deploy, at the same time, governmentality and exceptionalism that redirect the evolution of politics to unforeseen consequences. For instance, it is possible to reach huge levels of exceptionalism, compared to violent politics adopted in Europe during the first part of the last century, just by promoting controversial normal decisions every day. The *exceptional normalization* category can be reached even by incremental steps.

Finally, if one wants to totally control or tame a certain political power, this will be an attempt to control the uncontrollable. Power has a dual characteristic (governmentality-exceptionality) that cannot be separated or circumscribed with precision. The lack of this separation implies that sovereignty (not only of States) can be performed by expected *normal exceptionalism* and also by unexpected *exceptional normalization* that escapes from the best rational practices, rhetorical arguments, and institutional designs. For good and evil, power, as light, run across the "infinite" darkness but also overcomes the "microscopic" barriers built against it.

References

Agamben, Giorgio. "We refugees", In *Symposium: A Quarterly Journal in Modern Literatures*, vol. 49, no. 2, pp. 114-119. Taylor & Francis, 1995.

———. *Homo sacer: Sovereign* power *and bare life*. Stanford University Press, 1998.

———. *State of exception*. University of Chicago Press, 2005.

Aradau, Claudia, and Rens Van Munster. "Post-structuralism, continental philosophy and the remaking of security studies." In *The Routledge Handbook of Security Studies*, pp. 89-99. Routledge, 2009.

Arvidsson, Adam. "The logic of the brand." Vol. 36. Università degli Studi di Trento. Dipartimento di Sociologia e Ricerca Sociale, 2007

Banulescy-Bogdan, Natalia; Fratzke, Susan. "Europe's migration crisis in context: why now and what next". *Migration Policy Institute*, 2015, vol. 24.

Benjamin, Walter. "Critique of Violence." In Reflections, edited by Peter Demetz. U.S.A.: Schocken Books, 1978.

Best, Jacqueline. "From the top–down: The new financial architecture and the re-embedding of global finance". *New Political Economy*, 2003, vol. 8, no 3, p. 363-384.

Burles, Regan Maynard. "Exception and governmentality in the critique of sovereignty". *Security Dialogue*, 2016, vol. 47, no 3, p. 239-254.

Connolly, Kate. "Germany Greets Refugees with Help and Kindness at Munich Central Station." UK Guardian, September 3, 2015. Accessed March 10, 2018. http://www.theguardian.com/world/2015/sep/03/germany-refugees-munich-central-station

Diken, Bülent, and Carsten Bagge Laustsen. "Zones of indistinction: Security, terror, and bare life". *Space and culture* 5, no. 3 (2002): 290-307.

———. *The culture of exception: Sociology facing the camp*. Routledge, 2005.

Dwellon, Michael, and Luis Lobo-Guerrero. "Biopolitics of security in the 21st century: an introduction." *Review of International Studies* 34, no. 2 (2008): 265-292.

Edkins, Jenny, Michael J. Shapiro, and Veronique Pin-Fat. *Sovereign lives:* power *in global politics.* Routledge, 2012.

Foucault, Michel. *The history of sexuality, volume one*. Trans. Robert Hurley. New York: Pantheon (1978).

———. *Governmentality*. In *The Foucault Effect: Studies in Governmentality*. Edited by Graham Burchell, Colin Gordon, and Peter Miller. Chicago: University of Chicago Press, 1991.

———. *Society Must Be Defended: Lectures at the Collège de France*, 1975-1976. Edited by Mauro Bertani and Alessandro Fontana. Translated by David Macey. New York: Picador, 2003.

———. *Security, Territory, Population: Lectures at the Collège de France*, 1978. Edited by Michel Senellart. Translated by Graham Burchell. New York: Picador, 2007.

———. *The Birth of Biopolitics: Lectures at the Collège de France,* 1978-1979. Edited by Michel Senellart. Translated by Graham Burchell. New York: Picador, 2008.

Holmes, Seth M., and Heide Castañeda. "Representing the European refugee crisis in Germany and beyond: Deservingness and difference, life and death." *American Ethnologist* 43, no. 1 (2016): 12-24.

Klepp, Silia. 2013. "Europeanisation Spot. An Ethnography of the Frontex Nautilus II Mission." *Journal of Peace and Conflict Research* 2 (1): 36–69.

Neal, Andrew W. "Normalization and legislative exceptionalism: Counterterrorist lawmaking and the changing times of security emergencies." *International Political Sociology* 6, no. 3 (2012): 260-276.

Levy, Carl. "Refugees, Europe, camps/state of exception:"into the zone", the European Union and extraterritorial processing of migrants, refugees, and asylum-seekers (theories and practice)." *Refugee Survey Quarterly* 29, no. 1 (2010): 92-119.

Prozorov, Sergei. "X/Xs: Toward a General Theory of the Exception," *Alternatives: Global, Local, Political* 30, (2005): 82.

Salter, Mark B. *Politics at the Airport*. U of Minnesota Press, 2008.

Schmitt, Carl. *The Concept of the Political*. Translated by George Schwab. New Jersey: Rutgers University Press, 1976.

———. *Political Theology.* Translated by George Schwab. Cambridge, MA: MIT Press, 1985.

———. *Political Theology II.* Translated by Michael Hoelzl and Graham Ward. Cambridge: Polity, 2008.

Sekeris, Petros, and Chrysovalantis Vasilakis. *The Mediterranean refugees crisis and extreme right parties: Evidence from Greece*. Mikos, 2016.

Vaughan-Williams, Nick. "The shooting of Jean Charles de Menezes: New border politics?" *Alternatives* 32, no. 2 (2007): 177-195.