

Corona Crisis: Life versus Freedom?

A crise do Coronavírus: Vida versus Liberdade?

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1. Introduction

Today, in the time of the COVID pandemic, it appears that we are all outlawed until we become legible and legitimate subjects again, so much so that states have started considering providing immunity certificates¹ to people. We are all simultaneously, albeit disproportionately, abandoned and subjected to the law and to a system which has pushed us into a situation of vastly differentiated experiences of the pandemic. We realize the conditions of our being only when the threat of death begins to appear imminent. At the outset, the world leaders² present to us a reality which makes it appear that all life is sacred – principally and ethically, worth preserving – *but* the virus is of a catastrophic proportion and therefore, some lives are inevitably going to be sacrificed. Death-by-disease forms the

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1 ET ONLINE, 2020.

2 US President Donald Trump spoke about “war against the Chinese virus” (BENNET, 2020); UK Prime Minister Boris Johnson announced, “We must act like any wartime government”. While the Israeli Prime Minister Benjamin Netanyahu spoke of the “war against an invisible enemy”. “We are in a war” in which “nothing should divert us” from fighting an “invisible enemy” said the French President Macron (TAKIEDDINE, 2020).

background as an inevitable truth on which a borrowed life stands as its fragile promise; thus, rendering people as permanent suspects and potentially expendable. Today, government hospitals don't have sufficient beds and doctors are facing an ethical dilemma of saving one life over another. The need of the hour is to think of immediate structural interventions to mitigate the crisis as well as understand the recurring nature of the crisis of capitalism which is adept at recuperating anti-statism. In response to the pandemic, States were pushed into assuming a pro-active role in mediating the flow of capital towards propelling a graduation into a new mode of relations in society. The task ahead of us involves thinking of upending the existing global capitalist order which inscribes and assimilates resistance against systemic exploitation without falling for the trap of defining the struggle as a direct negation of State's "imposition" of wearing masks and restrictions on collectivising in and as publics. We must remember to not view State's interventions which are geared towards greater consolidation of surveillance systems as separated from the capitalist economy of which it is a part nor subtract it of the class interests it embodies.

Cities seem especially ephemeral³ during a pandemic, where a majority⁴ of working people are locked-out while the city observes a 'lock-down', and staying home has become a patriotic gesture against the movement of abandoned workers who are falling off the frames of the nation as wartime casualties⁵. The pandemic did not only end up revealing how badly broken the system is, as many have pointed, but also ends up exposing how the system was precisely built to preserve its own brokenness, a system which thrives on structural production of inequalities. The city fortified by containment and its carceral logic touches upon everyone, which has now reached its limit. Forced to acknowledge our own dependence on the underbelly with which a constant and deep contact it maintains despite and through the mediated relations of un-touch – it is the excluded bodies on whom the law functions most severely through abandonment. Many working-class people confronted the stigma of being seen as potential carriers while being pushed into precarity and deprivation that is symptomatic of and compounded by

3 INDOREWALA, 2020. Also see: CHHABRIA, 2020.

4 PRIYA, 2020.

5 GUPTA, 2020.

institutionalized caste order⁶, class antagonism, and police brutality— leaving the under-class with no option but to persist or perish⁷.

With connectivity and interactivity assuming digital form, we experience efforts being made towards a digital transference of social antagonisms; the isolation we face is a manifestation of subjective and social alienation, which during the pandemic was at a loss of authorisation by a structure of life. While there remains a gaping digital divide between and among people and countries, this new mode of digital relations also subdues realities of structural inequalities which get clouded by a negativistic fear of authoritarian regimes of control being instituted through datafication of social processes. While these fears are not misplaced and reflect a legitimate anxiety, as the advances in artificial intelligence⁸ (which had seemingly set in motion the fourth industrial revolution⁹) that are being deployed to monitor the transmission of the virus also fuel the technologies of surveillance by the deep State as well as contribute to filling reservoirs of data which becomes an endless stream of digital footprints to mine to profit. The concern for data-driven economies is no small matter and will have a structuring role in forming social-digital bubbles. It is also important to flag that contrary to what is being imagined as an inevitable preparatory ground for “machines replacing every contact – every contagion – between human beings”¹⁰, is also reflective of a crisis of social relations that are mediated by an invisible totality that structures a globalised network of market and the political economy of capitalism. The Corona-crisis has further deepened¹¹ and exacerbated the already existing crisis in Indian society, despite the many protests being staged by migrant workers, the government belatedly responded to the situation by making ‘emergency’ provisions for workers to return home giving them a small window to squeeze themselves home or remain where they are with their abysmal wages¹² – with the state using the police to ‘persuade’¹³ workers

6 BLOOMBERG, 2020 and ASHRAFI, 2020.

7 KAUNTIA, 2020.

8 SOLTANI, 2020.

9 WALCOTT, 2020.

10 KLEIN, 2020.

11 SEN, 2020.

12 FEMINISM IN INDIA, 2020.

13 WIELENGA, 2020.

to remain tied¹⁴ to the cities despite their own deprivation. Laying bare the relations of production, and the presupposed social distance as included exclusion of the underclass on which society rests.

The pandemic exposed us to the hitherto concealed relations of antagonisms in society, which in the absence of fundamental equality keep manifesting in new forms of appearance, “that is precisely this paradoxical freedom, the form of its opposite, which closes the circle of ‘bourgeois freedoms’”¹⁵. Today, it is clear that despite the calls for physical distance, self-enclosure of social life is not possible to do so without disproportionately rendering some lives at risk to ensure the survival of others; such that basic functions of ensuring water supply, food, electricity, sanitation is met despite of lockdowns¹⁶. Our social relations have always been instructed by a transparent mediation of a web of socially exploitative relations which conceals its own trace. It is precisely this invisible logic which gets foregrounded more explicitly during the corona-crisis, thus collapsing the coordinates of our socio-symbolic reality which was hitherto spared of confronting its own alienated reality.

A rising techno-capitalist boom threatens to not just reconstitute human interactions and intimacies, but also to restructure the very production processes of surplus extraction. Thus, forcing us to confront immanent contradictions in capitalism as well as the newly emerging subjectivities of knowledge-machine based systems which will redefine the very terms of our being along with our notions of freedom, authority and individual will. A newly emerging world fears for its privacy and security while being hooked to the digital space, stepping out of which seems far from possible. Almost in a tautological manner, then, the political field has been dominated with concerns of security which posits privacy as a defence against surveillance, while the system simultaneously pushes for a socialisation of data-mining as the method of self-protection. A range of data is being collected that is qualitatively of a different order from the kind that we had gotten used to offering to the State. Over and above that which was used for the tabulation of census – genetic information,

14 EXPRESS NEWS SERVICE, 2020.

15 ZIZEK, 2013, pp. 16-17.

16 TEWARI, 2020b.

sexual patterns, biometric data, political views¹⁷, etc are being collected in order to seemingly facilitate the identification of 'healthy' from the 'unhealthy' bodies and for the apparent ease of transfer of medical access to people. This biosecurity turn of the mode of social ordering, disciplining, administration and governance is what Giorgio Agamben identifies as a paradigmatic shift. Of course, the logic of separating the "healthy" bodies from the "unhealthy" ones along biomedical terms presupposes its function - to produce a self-justification for technology to be deployed against persecuted minorities, dissenters, political others, underclass as had been seen many times.

This paper examines Agamben's interventions on the pandemic which makes us nostalgic for the previous regimes of un-freedom against the fear of dystopian technological futures. At the heart of Agamben's assertion lays an emphasis on the 'primordial or pre-political' rituals of burial, practices of collective mourning, celebration of life that makes us distinctly human. While all of these rituals are of much importance, they do not signify an unchanging "essence" of human life but have emerged in and through social and political practices. Therefore, a revolutionary challenge to the pandemic and a self-engendered crisis of capitalism is not to merely hold onto the last vestiges of freedom in a bid to prevent the degeneration of social fabric, fast crumbling into desolation and destitution; but also, to climb while lifting, to preserve existing freedoms while undoing the structural basis for the conditions of unfreedom.

The first part of the essay explores the relation of crisis and capitalism at a moment of transition into surveillance capitalism and how it paradoxically produces an opening for – both a sliding into fascism and an escalated neoliberalism or revolutionary change by a radical overhauling of the system.

I will examine the relation between liberty and security, preservation of life and freedom which have been severed by a ubiquitous bio-technological security regime. I contend that Agamben while being sympathetic to the need to fight surveillance capitalism and State authoritarianism, offers a critique that remains tethered to the existing social coordinates, holding an attachment with the status quo – circumscribed as it is, by existing un-freedoms.

17 SAPKALE, 2020.

Following that, I go on to demonstrate why Agamben's views on the pandemic are logically consistent with his understanding of the biopolitics, thus offering a critical appraisal of both his recent political interventions and earlier expositions. His concern for withering of human bonds, sociality, and consolidation of authority by the State, while being real concerns for us, are raised and addressed in a manner that is premised on the idea of an innate human capacity to freedom. Empty calls for protection of freedom from State overreach risk obscuring how freedom is restrained in capitalist relations and are systematically produced to reproduce conditions of inequality. Such a notion of freedom simultaneously undermines the simultaneous production of a revolutionary subjectivity which struggles to survive beyond its means to make ends meet.

2. Pandemic, a Launch-Pad for Surveillance Capitalism?

Agamben's recent interventions on the pandemic suggest that the conditions of the virus, which he assumes is not far worse in degree or proportion than the flu¹⁸, is being leveraged by the capitalists and the state which has turned it into a 'health terror,' in order to substantiate its own juridical overreach in getting their technological apparatus underneath people's skin. According to Agamben, by leveraging the corona-crisis and turning it into a 'health terror,' the State wants to serve the interests involved with the intent to deepen policing of people's mobility and freedoms by inaugurating an unencumbered 'biosecurity paradigm'. In his rush to arrive at the conclusion of anti-statist form of politics, he transposes the nature of this 'emergency,' with that of the 'war on terror'¹⁹, in which the dominant sections of society go on uninterrupted while the war largely remains the State's business: "In which the State was able to create a sphere of indistinction in which any state of being could be made to appear as an emergency!"²⁰. Agamben writes²¹:

18 AGAMBEN, 2020c.

19 KLEIN et al, 2015.

20 ZIZEK, 2002.

21 AGAMBEN, 2020g.

We have no reason to doubt it, without minimizing the importance of the epidemic we must ask ourselves if it justifies measures limiting freedom that have never before been implemented in the history of our country, not even during the two world wars.

While the parallels to an emergency aren't all that outlandish, it only offers a provisional view of social reality. My only refrain is that we should not anticipate the lethal potential of surveillance, sampling, testing, as also those experienced in the lockdown, border control, reorganisation of migration and mobility as shifts in patterns of studying securitarian discourses that are of biopolitical significance alone. Lest we risk mystifying the problem by succumbing to the temptation of assigning to the present a dystopian imaginary, which dissolves our ability to trace the continuities and discontinuities that the surveillance and state form held before the pandemic and simply read it as an intensification of an abstract notion of an ever-expanding state power. In narrowly positing life against freedom when survival has been sequestered between viral conditions of transmission of disease. The moment demands that we neither deny the potential dangers of a surveillance society, nor undermine the threat to life posed by the virus, nor overlook the singularity of this historical phenomenon in which rapid shifts in a society steeped in contradictions are underway with contradictory effects²².

The virus doesn't seek consent, it presumes culpability, anybody can host it, but the pandemic presupposes a sphere of contact – a system of social relations organized in such a way that the virus could have a global spread. Despite our instance of physical distancing, it is social distance that we cannot afford to make in a global political economy where contact and not merely touch becomes crucial for the spread to travel. As Andrew Liu remarks²³,

22 Resonant of the concerns raised by Agamben, Maya John weighs in on the trouble with seeing the pandemic as of singular prominence, though from a different logic: "Conversely, the adverse medical conditions prevalent among the labouring poor and poorer regions continue to be left unidentified by the lax disease surveillance/monitoring. Thus, whilst some diseases, like Covid-19, gain singular prominence by being declared epidemics/pandemics by the scientific community, scores of infectious diseases and illnesses affecting largely the poor are brushed aside as 'ordinary.'" (JOHN, 2020).

23 LIU, 2020.

the so-called “Wuhan virus” points to the utterly mundane way that countless nodal points around the world, including “second-tier” Chinese cities, are interwoven more tightly than ever across global circuits of commerce, education, and tourism.

Thus, the sphere of contact and not, touch alone, forms the basis of risk of transmission, as also forms the basis for social relations, human bonds and exchange. Therefore, any universalisation of the virus which does not account for the social integration of a global world falls short of explaining the instance of the rise of the “pandemic”.

I had previously²⁴ demonstrated that one of the ways to understand the virus is that we accept it as a natural force, not insofar as we see it as a manifestation or realization of an inevitable doom that the human-race brought upon itself but rather in accepting that the virus has its own internal dynamics at a molecular level – a phenomenon of its coming into contact with humans to assume another life. This can be broken down to two levels:

- a) The *internal contradictions of the virus* are acted upon by the *conditions of its production, i.e., at the wet markets* of Wuhan for it to give birth to a novel coronavirus.
- b) Thus, the network of these global *inter-relations then forms an internal basis* upon which the virus breeds along which the coronavirus finds its passage to *become a pandemic*.

Upon the first contact, a chain of transmissions is triggered. Subsequently along the networks and relations of contact, the co-production and re-production of the virus breeds on this network of social relations through which it travels. Therefore, it becomes necessary to trace the chain of contact, in order to estimate the virus’ spread and to understand the scale of its reproducibility. Along the way, the virus remains a live subject, fighting against its own internal limitations to mutate and adapt to conditions that are unfamiliar and unknown. Thus, we are exposed to the interplay of two sets of contradictions—between existing classes - on whom the pandemic works differently - and the contradictions between the old and the yet-to-appear society, thus dynamically altering the very organization of supply and value chains of the market and social relations.

24 TEWARI, 2020a.

1. The virus is acting upon the internal contradictions of society, deepening the already existing antagonisms and class struggle, as also transforming labour-capital relations, therefore reconstituting class formations.

2. The changes in human-animal, nature-social relations are acting upon the internal contradictions of animal microbes and turning them into deadly pathogens, while also giving rise to newer variants such as the African Swine Fever Virus. So, while there is a diversification within the pedigree of zoonotic virus, another virus is spread among pigs causing high fatality. Even in a purely anthropocentric sense, this will further impact and organize consumption patterns of markets for humans, while altering human relationship to food chains and animal life.

As was pointed out in this piece, by Anibal Garcia²⁵, “in order to map these microbial ‘social’ dynamics, we need to not only know how viruses interact biologically, but also how human-human and human-nonhuman bodily engagements reshuffle viral relations themselves in unpredictable ways”.

An overemphasis on the techniques of governance and political regimes misses the underlying force that directly breeds the ground for emergent fascism. We did not see an outright enforcement of emergency in many parts of the world, to then resort to diagnosing these as instances of “undeclared emergencies” or incipient forms of a normalised exception, short-circuits analysis. Instead of a direct abrogation of rights, we found the very meaning of rights and safety getting internally reconstituted on an ideological matrix of systemic production of immobility and security, in and through the course of the pandemic. This does not just reflect a discursive shift in the exercise of state power but also marks a break in the state form. Crucially, the social field has been insurrected by a virus, thus exposing the constitutive illiberalism that guides liberal democracies, by rendering open the wound of a broken promise of universalism of equality which inscribes us all in a permanent state of emergency. Todd McGowan²⁶ observes:

In the eighth thesis of “On the Concept of History,” anti-fascist theorist Walter Benjamin differentiates between the declaration of a state of emergency

25 GARCIA, 2020.

26 MCGOWAN, 2020.

and a “real state of emergency.” The point is to transform the declared state of emergency into a real emergency that would shake the foundations of a capitalist society.

One cannot merely transpose the nature of this ‘emergency,’ as Agamben does by deploying the frame of ‘war on terror,’ in which the daily routine of a majority of people goes on uninterrupted even as the state (in) visibly wages a war on a section of people within and outside its border. Insofar as the State’s response is seen as an attempt at mitigating the crisis with repressive force (policing, lockdown, surveillance) in order to suppress a real emergency (revolt, uprising or revolution), the parallel to a ‘war on terror’ can be drawn but only superficially. Another way that ‘war on terror’ can be invoked is in the way that the State creates a ‘sphere of indistinction’ in which any and all states of appearance and being could be made to seem like an emergency. Anyone is a potential threat, directly reducible to new intensification of authoritarian possibilities to declare statelessness and rightlessness – which coincidentally frames the very ontological condition of political life in Agamben’s world view. So how is this paradigm of biosecurity, any different from the constitutive role of law? Is it different at all and if it is, then is it a difference in *form* of State power, alone? According to Agamben, it is a logical culmination of the ontological function of sovereignty, the colonisation of life by rendering it vulnerable and reducible to its bare form.

Despite being a critic of teleology, Agamben preemptively forecloses the dialectical process of refusal of the present order which carries in it the capacity to be followed by a struggle to reconstitute the order, anew. Rather, his imagination stops at the need to *refuse* the present surveillance system with urgency, and therefore, is geared towards the anticipation of the worst! All forms of classification, enlisting, survey, data-collection, forms of recognition are entangled in Agamben’s *state of fear*, posing an imminent threat to life with increased policing, polarisation and vigilantism and yet, it is a data-driven economy which is both new as well as intensifies biopolitical investment in the political field. While this may be true, adequate reasons are not provided by Agamben to establish such a claim except for the fear of authoritarian modes of control, regulation, discipline and subjection being raised. I would say that it is precisely this ability for liberal democracies to internally negate (securitise/precarity) and undercut that

which it claims to provide (security/protection) that becomes its own legitimating tool as well as source of authorisation of social relations through such a non-relation. In its failure to stabilise a steady proxy for the pandemic, the absence of the face of the Other is being met with the notion of an “invisible enemy of the virus;” against whom the State must enforce “exceptional measures” for combat.

People across the political spectrum are invested in emphasizing the COVID-19 pandemic as a logical outcome of human transgressions or systemic excesses. The many ways of analysing the profoundly disorienting present range from seeing the pandemic:

1. As a crisis of the anthropocene, a logical outcome of unrelenting expansion of neoliberal privatization which could have been anticipated but not prevented save for being deferred or delayed;²⁷
2. As a natural progression of an objective historical repetition²⁸ of the originary and constitutive violence of political life or;
3. As a necessary “shock” to repeat cyclical disasters accrued by capitalism.²⁹

Yet, the dominant response to the virus has been one of damage control, where country’s leaders are seen making appeals as if the virus is not a part but apart from the social relations that it acts upon. As if it was indeed a ‘Chinese virus,’ an exotic thing against which heroism of our individual ‘responsibility’ to ‘stay home,’ is the only defense. As if by avoiding social interaction, we will not be touched by its implications, rather, in fact, in avoiding it – we are already implicated by its logic. Misrecognition of systemic failures has made us rely on technological, surveillance-expanding surgical solutions to cement³⁰ the rot that the pandemic has exposed us to, which seems to posture as our “best bet”³¹. Such a reading suffers from a myopia in which no heed is paid to the disproportionate effects of the lockdown which nonetheless required the working sections of society to cater to the other half which could afford being immobilized and digitally plugged into social/cloud connectivity, missing entirely the point about

27 KOTHARI et al, 2020.

28 AGAMBEN, 1998.

29 SOLIS, 2020.

30 KRISHNAN, 2020.

31 DAVIS, 2020.

structural inequalities. In the face of the pandemic, the political field seems to have undergone qualitative shifts – giving birth to newer relations of production and technologies of subjection and that necessarily implicates the dynamics of its resistance; where the re-making and (un)making of the social order remains open to be ceased by subjective forces to revolutionise the expansion of capital to dismantle it; even as it self-engenders new material ingruentias by discontinuing with its own past modes of operation.

2.1 An Ethical Killing or an Avoidable Political Paradox?

A suspended animation grips us all when the present forms of social domination and power have not yet been abolished nor negated but are simply looming in mid-air, in so far as the virus has no juridical form, no ideological determinacy and it manifests only as a symptom, living in and through us. On the left, the diagnosis has been to view this moment as one in which the local economy is being gobbled up by international capital giving it a semblance to a wave of neoliberalism 2.0, as imperialist international capital advances along with fascistic resurgence at the national level to erode democracy. Such a reading takes stock of the escalated movement towards privatisation in the interests of international capital but doesn't do much to explain it, presenting class struggle in a reductive shape. Naomi Klein's shock doctrine along with the notions of "disaster capitalism"³², has gained credence in the recent past to denote a predatory quality to the aggressive and accelerated logic of privatization and corporatization. Today the nation wants us to save our money, but tomorrow, it would want us to shop to return debts accruing aid to the West. Klein is right in her claim to find resonances to neo-liberal capitalism, insofar as privatization has again become necessary by its own preventive logic of averting the crisis of capitalism.

Yet, I contend that the pandemic is not a mere opportunity to toe in the line of monopoly capitalists, but the very production of monopoly capitalism is a result of the internal crisis in capitalism and its logical outcome. In saying this, I run the risk of banally repeating the inevitability of capital's self-expansive implosion. Yet, the cyclical crises of capitalism don't invariably index the untenability of an unbridled neo-liberalism and therefore, does not foreclose the space for resistance but rather deepens the need

32 KLEIN, 2020.

for struggle. Rather than seeing privatization as market fundamentalism, which is defined as an aberration to liberal democratic capitalism, perhaps we ought to reconsider the very process of valuation of social relations under capitalism as necessarily contradictory and self-negating. Therefore, instead of demanding a property-owning democratisation of available resources that are seeped in capitalist valuation, we must re-articulate our fears of proletarianisation, precarity and socialisation of labour under monopolistic capitalism in non-revisionist terms. For that, what becomes important is to study the internal contradictions in capital and the “movement of opposites in different things, and on the basis of such analysis, to indicate the methods for resolving”³³.

Klein sees the pandemic as a smokescreen for gigantic leaps in capitalism, even though things are much more in flux than ever and while capitalism has much more leverage than revolutionary subjective forces, which are in disarray, she holds the possibility for resistance as that which cannot be side-stepped but is urgent. Class struggle, then, gets displaced onto the *apparent* antagonism between democracy and capitalism or nature versus humans or corporates versus governments, human values and digital subjection. Class struggle accrued by systemic social antagonisms is then externalised as a fight between an abstract rich against a contingent poor. Capitalism, thus is reduced to its symptoms, rendering the systemic production of structural class conflict as incidental and seeks resolution within the liberal universe. I would apprehend that the signs are not *only* telling of ‘a mere repetition of a familiar neoliberal script’³⁴ or an endlessly spurious reproduction of bare life but also evidences that the patchwork of a post-World War II consensus³⁵, that tried to broker peace between labour and capital, is now in tatters. It is worth recalling Stuart Hall³⁶ here, who wrote,

ruling ideas are not guaranteed their dominance by their already given coupling with ruling classes. Rather, the effective coupling of dominant ideas to the historical bloc which has acquired hegemonic power in a particular

33 MAO, 1971, p. 90.

34 CORBETT, 2020.

35 TACIK, 2020.

36 HALL, 1986, pp. 28-44.

period is what the process of ideological struggle is intended to secure. It is the object of the exercise-not the playing out of an already written and concluded script.

Thus far from being a closed loop cycle of self-reinforcing negativity, we are presented with an opening, a window for a radical alternative.

The economist Jayati Ghosh³⁷ echoes Klein's disaster capitalism framework to observe how the government is whipping its baton under its cover. However, the State is not simply using the pandemic to consolidate power but sees in the conditions imposed by the pandemic, *a threat to its own survival* and "the security commodity attempts to satiate through consumption what can only be achieved through revolution"³⁸. Capitalism itself struggles to evaluate and assign value to the knowledge based and data driven economy it aspires to create. To reproduce conditions for capitalism against its own internal development of contradictions has not been a seamless but a fettered and fragmented expansion of capital's ability to "self-revolutionize" in the face of its own internal limit³⁹. We see that the very process of production, extraction, commodification of information and data is not as smooth as it appears. Far from being a smooth transition into techno-capitalism or surveillance capitalism or even post-humanist capitalism that is instrumentalising the State to further capital's ends, there is a simultaneous co-constituting of the State form within in relation to an international capitalist monopoly.

We have to simultaneously do the work of negating through our struggle, how the pandemic has come to falsely signify uniformity in its experience and effects by presuming it as a shared "human condition" as well as productively negate the social conditions which produce a stratified society through relations of abandonment, exploitation. Adrian Johnston gives us valuable insight about the Hegelian proposition of "tarrying with the negative"⁴⁰ and how it can be used to demonstrate that the implosion of the old authority does not automatically imply the birth of anarchy or even the birth of a new social order, and yet if anything, the crisis presents itself

37 SAMPATH, 2020.

38 RIGAKOS, 2020.

39 ZIZEK, 2013.

40 JOHNSTON, 2008.

as a radical opening for change which can be clenched both by people's struggles as well as capital. The question for me is not only if we would have stomached such technological interventions – as it is for Agamben – without the common goal to win a 'war' against the virus; but what is an embodied and material freedom going to look like from here-on and how has it been abstracted thus far?

3. Liberty or Security? Forced Choice of Unfreedom?

With a drastic escalation of biosecurity intervention to regulate the impact of the pandemic, a wider chasm is being drilled into an already fragmented society, where the access to public health and education is engulfed by large corporate stakes. For Agamben, the aporia of law – promise of protection for its own preservation – is captured and infinitely repeated till bare life is brought from the margins to the centre stage, as the norm. Agamben offers us reflections on the bare life which inhabits this 'zone of indistinction' where human life has been redefined through a renewed valuation according to health – which has become the State's *raison d'être* to self-expand its powers.

However, such a position grants the State an ideological fixity and permanence which is in fact not rooted in history. Take for example, how most governments have leaned towards privacy-focused apps that use Bluetooth signals to create an anonymous profile of a person's whereabouts. Others, like Israel, use location and cell phone data to track the spread of the virus. Israel-based private security firm NSO Group, known for making mobile hacking tools⁴¹, is leading one of Israel's contact-tracing efforts. We simultaneously see the hollowness of the discourse of sovereignty and data security unfolding in the court of law, in a manner in which the private players and hired mercenaries⁴² claim immunity on the lands of their partner States. NSO argues that, even if the court accepts WhatsApp's allegations as true, United States' courts lack both personal and subject-matter jurisdiction⁴³ to hear the case. NSO's arguments concerning jurisdiction predominantly relies on the doctrine of foreign sovereign immunity, thus

41 WHITTAKER, 2020.

42 MCFATE, 2020.

43 BUCHANAN et al, 2020.

raising a question whether a private company assert state immunity in legal proceedings to which the State is not formally a party? The limit of the juridical-legal discourse is also getting exposed – with the nexus of big data and deep State becoming apparent – thus, making room for the need to question and reconstitute the very terms of the nation-state’s regulation of digital and physical borders and its corresponding laws.

Agamben writes⁴⁴:

We will have to continue to observe the same directives and that “social distancing,” as it has been called with a significant euphemism, will be society’s new organizing principle. And, in every case, what we have accepted submitting to, in good or bad faith, cannot be cancelled.

While Agamben doesn’t merely see the virus as a ploy deployed to deepen the States but understands it as a pretext for the inauguration of an authoritarian political regime. He sees the pandemic as a perfect excuse under whose cover biomedical and digital excesses can be produced, justified and legitimated. He also marks this historical juncture as one from where there can be no return, an unravelling nightmare whose consequences can only be judged at its end when the centre of the gravity would already have been shifted towards normalising the exception. According to Agamben, the shift would result in the ‘anomie’ of the pandemic casting its shadow on the emergent future – for good or bad, the laws applicable to the pandemic will assume a lease of life beyond the contingency. While he is correct in observing that the social-natural mannerisms, sociality, relations of exchange and regimes of identification that were, can no longer hope to “return” to the old normal, it is precisely a breakdown of this assumed social naturality that also marks the possibility of a new order as well as indexes the very shifting field of our political and social reality. Indeed, we weren’t expecting to cruise through a crisis of a scale as this while a majority of people died in silence, lacking access to health care facilities? That change is inevitable is a truism, and it can by all means be asserted that we are all inhabiting a zone of indistinction where the coordinates of a new social order are in the making as the old order is self-subverting.

44 AGAMBEN, 2020f.

What needs to be explained is what kind of a world are we entering? Is it a new mode of subjection qua surveillance or one in one which the very modes of production of value chains exceeds post-industrial capitalism's automation? These are questions that would require in-depth engagement for us to answer them. In the meanwhile, let us now turn to Agamben's interventions and study them closely.

Agamben writes, "In a perverse vicious circle, the limitation of freedom imposed by governments is accepted in the name of a desire for safety, which has been created by the same governments who now intervene to satisfy it"⁴⁵. While recognizing the limitations of *surgical* interventions made by the State on COVID which stress on an expanded surveillance, knee-jerk restrictions there is also a simultaneous need for a productive force to create alternate systems. Agamben says⁴⁶, "Modern politics is from start to finish a biopolitics, where the ultimate stake is biological life as such. The new fact is that health is becoming a legal obligation that must be fulfilled at all costs". Let alone fulfilling the obligation at all costs, the costs have hitherto prevented the State from assuming greater responsibility towards people's welfare. Agamben ends up invoking a notion of freedom which is abstracted from social relations which must be preserved for its own sake as if the idea of who constitutes human freedom and indeed, human is fixed from the outside.

The demand for universal and free health care, for example, should not be seen through the lens of mere anti-statist reasoning for it ought not to be *de facto* seen as a deepening of the (existent) State form's security apparatus in society; such a logic risks obscuring the very condition of social existence while also assigning a false permanence, ideological fixity and futurity to state intervention on principle. Agamben exhibits a tendency to make the intensification of surveillance-security apparatus seem like an aberration, when "what is in question is the design of a paradigm of government whose effectiveness far exceeds that of all forms of government that the political history of the West has so far known"⁴⁷. It is understandable why anyone would be concerned about depending on the State and strengthening its institutions for necessary support, in its present config-

45 AGAMBEN, 2020a.

46 AGAMBEN, 2020b.

47 PETERS, 2020.

uration and, indeed, an uncritical reliance on the State would merely result in nationalisation and deepening the “problem” of the pandemic. The question is whether that would help us overcome inequalities while preserving the structures that would mediate socialism. However, strengthening by cornering and challenging the state and its institutions to push for social welfare measures need not give the government more power over people than it already does possess to “make live” or “let die”⁴⁸. When self-enclosure, privatizing space, immobilising people proved inadequate it made more apparent the need for social movements to work towards building community level structures for survival-pending revolution while simultaneously defying the brutal force of suppression of revolt. This third option of creating dual power is left unexplored by Agamben. What is perhaps required at this point is a Hegelian double-negation,

a determinate negation of the normative consensus — the implicit background of economic neoliberalism— that sustains them; a productive negation that would both preserve their emancipatory potentials while also negating their alienating sociocultural effects⁴⁹.

3.1 Renounce your Pain?

On the one hand, Agamben is unable to resolve why people who let such restrictions be placed on themselves – all the hard earned ‘freedoms’ of mobility, enterprise, socializing – all lost to a disease? On the other hand, he is convinced of the expansion of the sovereign authority over life through an elaborate biopolitical surveillance regime. The discourse on securitization then appears to be a contest between freely floating signifiers on health, medicine, biology, virology, terror, that merely attaches itself with the greed of the state and capitalists due to the *immanent* self-maximising logic of power.

Despite knowing the limits and internal negation of law, Agamben expresses shock and dismay at how the constitutionalists, jurists, priests could *let such a thing* happen, as if, there is an idea of incorruptible free-

48 FOUCAULT, 2008.

49 JOHNSTON, 2008.

doms and people are ‘letting’⁵⁰ it be corrupted because they are blinded by their survival instinct and willing to sacrifice anything in itself in return. He faults the Church for lending modern science the space to replace religion and implores jurists to act against the motion towards a totalizing regime of control⁵¹ that would render life to a purely vegetative form risking complete depletion of existing modes of social bonds and *forms* of relations. He fails to account for why people are able to immerse themselves in the ideological fantasy and alternative digital fetish offered by capital while offering themselves to the test of capital with little option but to risk death without work or at work by attributing to them a pure will.

The kind of unity at the level of humanity that Agamben presupposes is mistakenly grounded on a pre-political notion of unity-of-species as human-beings. In fact, no such solidarity exists for all humans in a class society to coalesce rather solidarity and political unity emerges from and through political struggle and not as a ready-made starting point of emancipation. Despite pleading for an overwhelming need for resistance against as ‘infringement’ of sociality by the State, he ends up appealing to religious and legal institutions which might inadvertently reify and congeal the authority of the ‘custodians of morality,’ in jurists and Popes. Paradoxically, his skepticism of the State does not extend itself to the ideological apparatus of the State. Does this *not come as a stand-in for sovereign power* itself⁵²?

In pleading with jurists to preserve the moral-legal order and grant us the right to mobility and ‘free’ association, is he not appealing for mercy from the powers that be and affirming his faith in its institutions⁵³? While I have no principled-political opposition to such an appeal, if anything in India we saw religious institutions distributing food at a time when food shortages were severe. I, however, just wish to point out how it logically betrays the framework of sovereign exception. It is strange, given his intent, but perfectly logically consistent, that Agamben would secretly appeal for the preservation of a reified lifeless form of bourgeois democracy. Agamben obscures the class basis of struggle and therefore, even when he re-

50 ZIZEK, 2013, pp. 30-31.

51 AGAMBEN, 2020f.

52 SHARPE, 2009.

53 “This is why even a great judge is a Master figure: he always somehow twists the law in its application by way of interpreting it creatively” (ZIZEK, 2013, p. 502).

jects the narrow conceptions of liberal democratic rights, he paradoxically grants them their privileged status in society – with his silent omission of critique of capitalism, both as a system of global economy and of capitalist economic relations beneath the self-valorizing discourse of human life. He confuses and substitutes the need for a life-affirming political struggle with an injunction to protect and preserve existing rights – despite his own contention with the human rights paradigm, his critique remains tethered to a liberal bourgeois order – and entitlements produced by capitalist relations at the behest of liberal democratic institutions.

Moreover, Agamben fails to challenge the morphological divide between security and liberty which is built in and through the capitalist system. Thus, suggesting that the pandemic was a pretext to accelerate control is not only far-fetched, but logically flawed, for it undermines the very phenomenon it is concerned about:

1. It obscures the contradictory, crisis-ridden nature of capitalism⁵⁴.
2. Presumes that if the restrictions on movement were not placed on people, then under ‘normal’ times when the vision of the future is not so clouded and the right to democratic dissent would never have allowed for such ‘totalitarian’ impositions. Discounting the possibility that in anticipation of and to quell revolts, such rights could have been seized and suspended.
3. Forgets that this surveillance apparatus is not new and even as part of the biopolitical framework, is part of the process of subjectivation of democratic subjects, who regularly *volunteer* their data and information on social media and in their everyday life.

The virus will and has produced different effects while still being able to uphold its own universal—some countries will see a sliding into authoritarian⁵⁵ regimes, some may witness famine, some witness riots, others may see strikes or potential coups and people’s uprisings. There has been a temptation to suggest that the virus, *by itself*, is universal and in-

54 Such “(...) evolutionist reading of the formula of capital as its own limit is inadequate: the point is not that, at a certain moment of its development, the frame of the relation of production starts to constrict further development of the productive forces; the point is that it is this very immanent limit, this ‘internal contradiction,’ which drives capitalism into permanent development” (ZIZEK, 2013, p. 53).

55 MILLS, 2020.

discriminate but the social system of concrete universality of capital⁵⁶ is itself designed to govern with de-totalizing effects; and therefore, it was never going to be experienced uniformly across the social plane. Despite the liberal concern for an emerging totalitarian society, the effects of this indiscriminate virus will be borne differentially along axes of marginality and vulnerability while also re-territorializing newer margins and generalising the conditions hitherto impacting the margins to the centre of polity and society. I argue against the need to render the crisis as one which solicits an abstract fight against right wing authoritarian control (fuelled by techno-capitalism) by reducing it to an ethical revolt against statist overreach to subdue social life; this perspective misses the essence of un-freedoms sustained by capitalism's ethos of persist-or- perish which comes at the cost of human life, since the struggle to persist is simultaneously a movement towards perishing of human life, its resources and the planet. Thus, the only way to seriously contest fascism or totalitarianism is through class struggle such that freedom for all is birthed from the nested conditions of un-freedom that we experience as freedom; as Lenin⁵⁷, argued,

It is only when the “*lower classes*” *do not want* to live in the old way and the “*upper classes*” *cannot carry on in the old way* that the revolution can triumph. This truth can be expressed in other words: revolution is impossible without a nation-wide crisis (affecting both the exploited and the exploiters).

By obscuring class struggle, the idea of a classless society for Agamben and for Foucauldian biopolitics, rather expresses a latent prehistoric relic or a pre-ideological future of a shared negativity that conjoins people as a community of human species, a human race⁵⁸ by virtue of their shared mortality trapped in a debased polity⁵⁹. This classless society firmly remains a pre-political idea which is not a prelude to justice but precludes the possibility of justice in tracing liberation to the mythical return to an

56 ARTHUR, 2008.

57 LENIN, 1920.

58 FOUCAULT, 2003, p. 245.

59 “There is no autonomous space in the political order of the nation-state for something like the pure human in itself is evident at the very least from the fact that, even in the best of cases, the status of refugee has always been considered a temporary condition that ought to lead either to naturalisation or to repatriation. A stable stature for the human in itself is inconceivable in the law of the nation-states” (AGAMBEN, 2000, p. 20).

ontological, authentic, *lost object* of *zoe*. Therefore, in fearing what is to come, he risks losing sight of what has already been here. It is not as if the capitalist looks for a new world to suit its productive capacities: he does though self-confessed, turn a crisis into an opportunity. It is rather “the ‘normal’ state of capitalism which is the permanent revolutionizing of its own conditions of existence”⁶⁰. For Agamben, this inoperativity of human life in itself marks a “radical open-endedness of human potentiality – is inextricable from an existential gambit for happiness rather than mere survival”⁶¹. If quality of existence is measured in happiness as an abstract materiality, then ‘mere survivalism’ is the normal condition for life, in which all forms of happiness, attachments and human sensibilities are strained and stained by an invisible totality. Agamben eternalizes and naturalises human relations, as if they were pre-given forms of bonds emerging from Nature itself and have been corrupted by the mere form of nation-states, to the point that it attaches an a priori quasi-religious meaning to life in which human values seem like post-ideological truths hovering over social “impositions” of inequality.

3.2 State: Protector or Patriarch?

Agamben’s reflections rightly flag the rise of the surveillance measures⁶² as a threat, as also in marking this historical conjuncture as a turning point for governance but are misplaced in the way that he posits the pandemic as a *mere pretext*⁶³ to impose an authoritarian mode of governance. From meeting people in public to kissing them, everything can be an invitation for the State to intervene and criminalise but then this logic is extended to derive complicity in conforming to State enforced lockdown and isolation. To be fair, it appears that Agamben wants us to study the implications for a society whose members are all rendered potentially outlawed wherein the birth of a new normative and new normal awaits us. He wants us to reevaluate the rights and freedoms that are taken for granted which may cease to exist and yet it is precisely that which he falls short of grasping.

60 ZIZEK, 2013, p. 53.

61 AGAMBEN, 1996, pp. 3-4.

62 SIRCAR, 2020.

63 “What was evident to careful observers — namely, that the so-called pandemic would be used as a pretext for the increasingly pervasive diffusion of digital technologies — is being duly realized” (AGAMBEN, 2020d).

Further, he writes⁶⁴,

Thus it was possible to witness the paradox of leftist organizations traditionally accustomed to claiming rights and denouncing violations of the constitution, accepting without any reservation limitations of the freedoms decided by ministerial decrees devoid of any legality and which even fascism had never dreamed of being able to impose.

His primary grouse is that the State which is being invoked as the parent-patriarch-God is being hailed to preserve lives by self-appointing itself to discipline unruly masses. His discomforts are understandable since the states that we have are not the states from which one can expect much accountability. Agamben's submission is that the response to fight the crisis is being directed and led by the same forces that are culpable in its creation. This is manifest in how up until now, the move towards data surveillance, facial recognition, monitoring of circulation of bodies, was seen as a 'privacy' threat but soon the overarching logic guiding these practices would be one of necessity, where the idea of the private rests on the delimiting, restricting, freezing and shrinking people's mobility driven towards self-preservation against one's own liberties. In this sense, the virus is closer to being a vanishing mediator⁶⁵ because it brings about its own disappearance by means of its own doctrine – the very notion of privacy no longer represents the preservation of the right to mobility but rests in the act of restricting it and has been internally hollowed.

Yet, he goes a step further to suggest that the left appears to have bought into the phenomenal construct of the State's narrative of framing the virus as a pandemic, and therefore, as a health-security crisis and a medical emergency. Agamben fears that the Left seems to be acquiescing to the State over (false?⁶⁶) alarmist concerns against people's freedom. According to Agamben, we seemed to have uncritically embraced – with-

64 AGAMBEN, 2020e.

65 ZIZEK, 1991, p. 183.

66 "An entire conception of the destinies of human society is under question, in a perspective that in many respects seems to have taken the apocalyptic idea of an end of the world from waning religions [...]. It is legitimate to ask whether such a society can still be defined as human or whether the loss of sensitive relationships, those of the face, of friendship, of love can be truly compensated by an abstract and presumably entirely fictitious health security" (AGAMBEN, 2020e).

out sufficiently doubting let alone refusing – the State’s assumption of the role of saviour and protector. While it is true that the lockdown was a setback for the very imagination for mass politics and civil society and yet, it is also true that socio-political organizations had promptly coalesced into forming structures of aid, subsistence and support for the vulnerable, to hold the state accountable through juridical-legal apparatus in order to mitigate the effects of the lockdown, which were both a necessary yet limited intervention. Against Agamben’s contention that we may have only facilitated the consolidation of State’s power by offering ourselves to its technology-legal regime of control, there has been a mounting resistance against State policies in disregard of the COVID guidelines. We find that the abstract hope for justice attached with law has been diminishing more rapidly in the face of the crisis, confrontation and conflict with the ruling classes. So much so that the state has to rely on outright police power in various parts of the world against the rising protests; to regulate and manage the discontent of people and to surgically stitch up its own lack of vitality in preserving a capitalist social order in the face of a pandemic. Therefore, when people demand accountability from the State and ask it to do more for public welfare, instead of strengthening the sovereign logic, it is rather the dubious promise of protection that they reject.

Moreover, far from the claim that people, (a) aren’t able to apprehend or comprehend the threat of surveillance; (b) or are unable to stage protest against such technology on account of forceful isolation; (c) or remain uncritically attached to surveillance solutions against their near-destitute existence; the purported reasons for people’s non-refusal to technological intrusions could also be that it is barely radical to isolate the demand against surveillance.

3.3 Behold, a Revolutionary Subjectivity

The existing restrictions on mobility exposed a gaping hole at the heart of the containment measures – where some were locked in their homes while others continued to serve in invisibility. This reflects an ordinary violent reality of capitalist social economy. It would, thus, be unfair to uncritically get implicated in the discourse of harsh rules when the rule in fact has shown to be rife with internal fragmentations, exceptions and splits, which is precisely what paves the way for fascism of all kinds to take hold

from the micro to the molar scale⁶⁷ – where anti-refugee attacks, instances of domestic violence, anti-Chinese racial violence, brutal repression of the working-class revolts.

This, however, also opens up space in which resistance explodes to challenge the ideological overgrowth of the capitalist system. Rigakos⁶⁸ writes,

Fundamentally, capitalism is *damned to be (in)secure* since it is based on the incessant dispossession and exploitation of the working class. Marx knew all too well that private property, based on blood and plunder, has always been rationalized in the name of security. This notional insight is revolutionary in itself, but when concretized and understood as the motor for creating productive workers, the security-industrial complex reveals itself, both materially and ideologically, as “the blast furnace of global capitalism”, fuelling the conditions for the system’s perpetuation while feeding on the surpluses it extracts.

If we were to consider all of the above as the starting point of the conversation, we would not be deluded into believing that people would simply ‘renounce’⁶⁹ their social reality and ideological fantasies. Simply because people are made self-aware and conscious of the harms of social media, surveillance apparatus does not become the basis for its ethical renunciations. Evidencing the truth of risks of surveillance capitalism doesn’t propel people in and out of homeostasis imposed by the processes of production of capitalist relations. Agamben’s concern seems to be resolute in his focus on security discourses and its potential to engulf us all in totalitarian society, for which he relies on making an exposition of law and legal instruction instead of also observing how the law itself is inhibited by the crisis of capital which is fuelling shifts in social, moral and juridical norms in society.

However, with the society under ferment, the approach of the storm is felt everywhere – the fetishist representation of people as the embodi-

67 NIXIT, 2020.

68 RIGAKOS, 2020.

69 AGAMBEN, 2020f.

ment of democracy⁷⁰ stands ruptured from within to forge a unity based in a shared negativity. A universality built upon the shared threshold of a universalised precarity of life that will only realise freedom for all by undermining the current un-freedoms and by dismantling the systemic reproduction of inequality. To me, the threat of loss of freedom or human values is neither imminent nor as abstract as Agamben makes it out to be, rather, freedom has always been centrally placed within the social relations from which it has emerged as a historical synthesis of struggles that cut through time. Many countries of the “third world”, have risen up⁷¹ against their political regimes, against proxy wars, there also have been instances of self-organized, sporadic and spontaneous conflicts with the administration that have been witnessed in countries where mass action has been disabled with forceful repression. Italy itself was one of the first few places to see a steep increase in fatality rate, when many workers had come out to stage a general strike⁷² in the middle of the lockdown precisely because the factories had clandestinely continued their operations. An overwhelming mass of people on the streets of the United States⁷³, protesting the occupation of West Bank⁷⁴, risking exposing themselves to the virus and police violence. We are but compelled to notice how juridical and social norms have both been pierced and insurrected by revolutionary subjectivity. They are not out there trying to seek a sensible equilibrium of what it entails to be human – which is but decided at different points in accordance with the ideology which has a hegemonic hold over its determination - positing social antagonism as a matter of conflicting human rights. To be sure, the pandemic does impose its universal as a shared background along which people can be unified towards an emancipatory politics that identifies the problem not in a constructed enemy but in the very terms of organization of social relations. This is something that follows from *Homo Sacer*.

70 SPAETH, 2020.

71 Protests in Colombia, Nigeria, Haiti, Chile, Bolivia, Indonesia, Thailand against the imperialist powers and monarchy.

72 LEFT VOICE, 2020.

73 ZIZEK, 2020.

74 AL JAZEERA, 2020.

4. A Critique of Mythical Abstraction

According to Agamben, bare life is the life that inhabits the sovereign exception, where he models bare life around the notion of the *homo sacer* as existed under Roman law as the person who can be “killed but not sacrificed.” It is this relation of the ban that allows for the application of law to the exceptional case in longer applying and in withdrawing from it. Agamben’s theory of sovereign power is constituted through the very production of the political order as its basis in the state of exception, rather than a Schmittian notion of the sovereign power being wrested in the hands of “he who creates exception”. Agamben, contra Schmitt, is more interested in how the state of exception can occupy the space of the rule, which is owed to the *originary structure* of the law – and the internal split between *bios* and *zoe* that forms the logic of sovereignty.

Agamben’s thesis culminates in the claim that the camp forms the *nomos*⁷⁵ of modernity. He finds that modernity requires exception to increasingly become the rule, to a point where we are left muddled in a zone of indistinction. Thus, according to him, the catastrophe of modernity is consequence of the dissolution of the arbitrary separation of form of life (*bios*) and natural or biological life (*zoe*) to a point where bare life is not only differentiated from political existence but becomes the foundation of the political in the camp. He fears that the state of exception would assume the norm to a point where the political unit of life will be bare life – that the very potentiality of everyone being outlawed is presumed. Until we are qualified as ‘healthy’, we are under the scanner of suspicion and therefore, culpable in the logic of production of bare life. Agamben’s argument given its assertion that the life of *homo sacer* “has an eminently political character and exhibits an essential link with the terrain on which sovereign power is founded”⁷⁶. According to him, only bare life is authentically political and the nation’s citizens are subordinated to the bio-politically organized legal

⁷⁵ *Nomos* is a concept Agamben borrows from Carl Schmitt who sees law (as anarchy) and separate from justice (defense of state of order), and in fact opposed it. Where the liberal, Jewish, universal law stands abstracted from the concrete ground of people, state and life. He therefore sees *nomos* as a concept which is rooted to the ground as representing the idea of justice to and by German law, which of course had its grounds in anti-semitism. “The camp – and not the prison – is the space that corresponds to this originary structure of the *nomos*” (AGAMBEN, 1998, p. 19).

⁷⁶ AGAMBEN, 1998, p. 26.

system's possibility to at any time decide the extent of each individual's rights. Each citizen-subject is never once and for all either 'in' or 'out' but is rather on the threshold, the starkest manifestation of which is the figure of the refugee.

The heart of biopolitics, in Agamben's understanding, is that mere life (*zoe*), and not qualified meaningful life (*bios*), is what is at stake in politics. This radical ontological incompleteness is what Agamben takes as a condition for the endless cycle of production of bare life, as life marking its own ephemeral threshold, in which the boundaries of being are rendered indistinct (between divine and profane law) and yet or because of it, remains, within the subjecting force of law. Agamben's notion of human life as opposed to political life is essentially individualistic – *mere life*⁷⁷ – as something *fundamentally outside of social relations*, and constitutively foreclosed, as a single unit, and therefore his defense of freedom to exist socially, writ large, only proverbially invokes a collectivity as it rests on the fundamental refusal to engage in/with human efforts. In presupposing a life outside of the social, according to him the development of naked life is hindered by political existence, which is why within the sphere of the political, the individual is destined to the doom of bare life and cannot emerge as a subject – but is condemned to be either bare life or waiting to be so. Human action is only ever maintained as a relation of exception – the limit of which is reconstituted by a limit relation *a la* sovereign decision. The sphere of the sovereign decision then suspends law in the state of exception and thus implicates bare life within it – to be marked in or out is to be already inhered in its logic.

Today, it can be said that what we are witnessing is not just a stripping of people's liberties through the exception rather it is the manifestation and instantiation of the anomie colonising the norm, as Agamben fears. There is a generalisation of the margins taking place, with precarity, policing, surveillance becoming ubiquitous; where the fate which was hitherto reserved for people who were from working sections of society is one that's being extended to other classes in an environment of universal precarity,

77 "The fundamental activity of sovereign power is the production of bare life as originary political element and as a threshold of articulation between nature and culture, *zoe* (as natural life of human, animal) and *bios* (as qualified life preserve for human). Today it is not the city but rather the [concentration] camp that is the fundamental biopolitical paradigm of the West" (AGAMBEN 1998, p. 102).

atomisation, vulnerability and uncertainty. If we take these instances for itself alone, there is nothing wrong in these observations except the difference lies in how we make sense of it. While Agamben does not directly propound a liberal-privacy discourse, he ends up batting for bourgeois freedoms in his lamentations of their loss. In isolating freedom as a moral imperative to refuse state regulation, it appears that his primary concern then seems to be protecting and privatizing our space such that the working class' fate is not extended to others. In fact, their un-freedoms are even rationalized as *immanent* conditions of power, thus Agamben ends up repeating a bourgeois discourse on life in which abstract freedoms and agentic choices are made sacred, instead of illuminating on the fundamental non-choice of freedom that has animated and mediated class conflict in society.

5. Conclusion

The exceptionalism that Agamben attributes to the present form of surveillance capitalism comes at the cost of offering any real critique of capitalism and is geared more towards condemning the abhorrent violence and violations of freedoms than of the class differentiated structure itself. A blanket rejection of technological advancements or anxiety towards modern science fails to grasp the question of social inequalities and confuses technological outgrowth with authoritarianism. In order to actually question the logistics, ownership of means of production of informational technology we need to understand its relation to capital. Without questioning the very basis of structural production of technology - where its knowledge, power, innovation is geared - we end up teleologising a very particular development of social formations as innately authoritarian. Thus, short-circuiting the need to think about overhauling a system which produces conditions that counter-pose life and livelihood, security and safety, freedom and survival.

Paradoxically, the absence of paranoia over a regime of control foregrounds class struggle better than a direct challenge to and outright rejection of pandemic-imposed restrictions; "The ruling class will always allow security to triumph over liberty because, from the start, liberty has never been intended as a counter-weight to security. It is always liberty *for the sake* of security. Liberty has always been security's lawyer"⁷⁸. Therefore,

78 RIGAKOS, 2020.

the pandemic burdened and deepened capitalism's tirade for the victims of who were already at the receiving end of the crisis and contradictions of capitalism. In the naked display of inequalities evident in the graded insecurities across society, we are pushed to confront the limits of the notions of privacy, liberties, rights – however conservative or liberal – for what they are rather than appealing to what they appear to be. This stems from a fundamental misrecognition on his part to see the crisis in isolation from the socio-political field, or “in other words, the crisis is not just the result of inadequate financial regulations; it expresses ‘the intrinsic difficulty to make immaterial capital function like capital and cognitive capitalism to function like capitalism’”⁷⁹. We are able to recognise these recurring crises as symptomatic of the systemic logic of capital. It is precisely because the field of existing relations posits a fetishist attachment as a means for its own disavowal, in order to preserve and renew the coordinates of crumbling socio-symbolic order. Security solutions too are one such fetish, simultaneously preserving while concealing the exploitative social edifice on which the glass structures of capitalism stand.

Therefore, Agamben's worry of surveillance is marked by a liberal-democratic anxiety. Rendering impossible the possibility for re-appropriation of life from its entanglement with capital – which in the present social configuration posits livelihood and life in oppositional terms. By collapsing the question of social security with technological security solutions for the fear of deeper penetration of governmental technologies; we risk rendering the suffering imposed by the capitalist production system on the working class as an ontological fact that cannot be helped. Withstanding state's disciplinary overreach, digital displacement of social production is not a problem that can be isolated from the crisis of capitalism that the pandemic has exacerbated while also being symptomatic of the same. The dual crises pandemic and capitalist has imposed on people, stripping them off of their jobs, their means of livelihood and yet, our collective (in)ability to mourn losses, kiss, touch have always been marked and internally fettered by class struggle – where a majority of people don't even have homes to isolate themselves in, in the first place. His ethical-political act of empty defiance fails to account for a self-fragmentary alienation and contradictory social reality.

79 ZIZEK, 2015, p. 33.

Agamben reconciles the gap of pure self referentiality of universal history and logic of progress of world history in the pre-political, while accepting that the lost form of pure life cannot be actualized in *any determinate form* but can live though in its mere *refusing* of the present to return to the original fracture, original experience, initial position⁸⁰ to welcome a *becoming of non-statism*⁸¹. For Agamben form is itself its own function, and the problem is the very juridical ‘form-of-life.’ Matthew Sharpe writes, “Agamben is driven into his political messianism by the transcendental logic of his analyses of ‘the political’, one which by its nature occludes meaningfully political distinctions by instead seeking out their ontological grounds”⁸². Here, the Brechtian paradox of happiness serves an important reminder: “you must not run too desperately after happiness, because you do you might overtake it and happiness will remain behind you”⁸³. In *failing to* account for the absencing presence of mere life as effectuating the existing field of political life, he discounts the possibility for an overtaking of the existing conditions⁸⁴. Subjective alienation cannot be re-appropriated through mere rejection of the present without the construction of a new order would not suffice without reconstructing social relations! If our freedom is to be measured it would be measured against what is no longer conceivable for us to be relegated to the moment before the revolutionary act or rupture. Adrian Johnston gives us valuable insight about how Žizek’s preoccupation with the Hegelian proposition of “tarrying with the negative” is used to demonstrate that the implosion of the old authority does not automatically imply the birth of anarchy or even the birth of an alternate configuration of social order, if anything it is a demonstration of subversive power to the existing order.

The idea of human freedom cannot be measured against an abstract continuity with the past rather the past can only be redeemed in relation

80 BROPHY, 2015, p. 250.

81 “There is no autonomous space in the political order of the nation-state for something like the pure human in itself is evident at the very least from the fact that, even in the best of cases, the status of refugee has always been considered a temporary condition that ought to lead either to naturalisation or to repatriation. A stable stature for the human in itself is inconceivable in the law of the nation-states” (AGAMBEN, 2000, p. 20).

82 SHARPE, 2009.

83 ŽIZEK, 2013, p. 195.

84 ŽIZEK, 2013, p. 191.

to the revolutionary transcendental subjectivity of the present and as Benjamin⁸⁵ writes,

The concept of historical progress of mankind cannot be sundered from the concept of its progression through a homogeneous, empty time. A critique of the concept of such a progression must be the basis of any criticism of the concept of progress itself.

Freedom assumes meaning towards a creation of a world where equality between and among people is not only a word but a deed. Where equality rests on mutuality of freedoms and is not sequestered by the narrow logic of mere liberty-as-self-preservation. Rather it is one which strives towards creating a shared social ground for future communities to thrive not through indifference, passivity, tolerance, charity but through modes of social exchange that does not rest on competing self-interests as its basis.

The problem is not that Agamben is less hopeful or optimistic or that he lacks an imagination of an active political subject let alone an active principle of social transformation but that he has mystified social relations to a point that he cannot account for the struggle between structural antagonisms beyond dualisms – of pure life and inevitable death as the guiding principle to understand modes of subjection to power – which is burdened on the paradoxically undead bare life. This has led him to prematurely despair the loss of an abstract ideal of humanity to pure survivalism. Thus, bare life is *constitutively* on the side of death as it is conceived without the social embodiment of life and labour, therefore, it always ends up failing to account for the modes of production that pave the way for new modalities of subjection and discipline and the very need for the political field to be mired in a zone of indistinction – on which socio-symbolic conflicts pay out. His persistent neglect of the ramifications of internally negating notion of ‘human’⁸⁶ that always already excludes to represent certain personhood(s), re-production of conditions for such contradictory existence and the social basis for recurring antagonisms and struggles.

85 BENJAMIN, 1942, pp. 262-63.

86 “Agamben imagines the field of bare life as eradicating divisions among humans along the lines of race, religion, nationality, or gender, because it creates a substance that, albeit in its debasement, transcends traditional social and political markers” (WEHELIYE, 2014).

The pandemic thus, is a “threshold”⁸⁷ on which the very terms of the old political order are put to test and under contestation! The “limit-relation” between life and death, living people and embodied labour⁸⁸ and its dead abstraction is being re-constituted by the universal signifier of the virus to create a new social order which cannot be preserved from the top, and will not find refuge on a ‘higher’ plane of existence. At the onset of the virus, it is precisely the channel of social mediation of human relations that has come to be ‘contaminated,’ such that all norms of exchange, interactions, visibility, affection are determined in relation to a viral potential which has assumed a universal signification. Against our fears of a paralyzing regulatory apparatus – whose fight is characterized as a class of people and not as a species – at a time when the empty democratic representation is dissolved – where each one is supposed to separate and represent themselves as atomized risky bodies, people have come together in many parts of the world. The myriad ways in which the temporality of the pandemic seems to be passing through people’s subjectivities is evidence of why no isolated battles have been waged against the apparent corruption of human bonds but are being articulated and challenged through the struggles for complete systemic change.

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