

**Guy Senese and Gerald Wood**

**LIKE THE OTHER KINGS HAVE:  
A THEORY OF SOVEREIGNTY AND THE PERSISTENCE OF  
INEQUALITY IN EDUCATION**

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## **INTRODUCTION**

“We have a gym but it is for lining up. I think it is not fair,’ Yet another of Alliyah’s classmates asked me, with a sweet misspelling, if I knew the way to make her school into a ‘good’ school—“like the other kings have”—and ended with the hope that I would do my best to make it possible for “all the kings” to have good schools.

Jonathan Kozol, 2005, p. 44

Public education discourse is dominated by nostalgia for an idea of humanity, which has existed more strongly in high culture discourse than it has in public schools. Political liberal and conservative discourses agree that the process of compulsory public education is an expression of the state as it works to justly distribute “life chances” through the exercises of schooling and the credentials that ensue from those exercises. The debate is centered on whether the exercises are just. This paper is an attempt to apply a developing scholarship on the concept of sovereignty to this old problem, and particularly to help explicate a deeper level of resistance to change regarding educational inequality.

Drawing from Hannah Arendt, Carl Schmitt, and from the Italian philosopher and philologist Giorgio Agamben, this re-visitation of the concept of sovereignty is a Foucauldian excavation of the substrate of feudalism and imperial Romanism, whose ancient tropes of property and humanity work like a parasite on the body of public education, appearing periodically right under its skin. (Agamben, 1998, Schmitt, 1985) This work suggests the power of pre-Christian even pre-“European” enlightenment ideas, toward a deeper archeology of exclusion. The paper is motivated by my exhaustion as an observer of the seemingly never ending “problem” of education and its persistent inequality of means.

For the past four years, we have worked with a small public charter school called Mountain English Spanish Academy (MESA). Guy Senese has been on the board of directors for four years. Gerald Wood joined the board of directors last year after being active for three years and after seeing the children from the school attend a Friday partnership program at the institution where we teach, Northern Arizona University.

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Located in the lowest SES region of Flagstaff, Arizona, this small (45 students) school serves Latino 90%, and Native American 9% students. Depending on the time of year, there are one or two Anglo students. Beyond board service Dr. Wood has a particularly extensive service and student centered research project connection, having developed after-school and weekend programs in student leadership and community democracy. We share the belief that professors should be strong enough to survive leaving the university and find a home in community school practice--a project for and with the community. We have witnessed the courage of students trying to get an education in increasingly difficult circumstances. We have watched progress made, then dismantled by administrators, who, like ministers to nobility, serve the property of the school district at the expense of our students. We have seen the unequal treatment of our students when compared to their more propertied counterparts in this small district.

In the opening excerpt of this paper, taken from Jonathan Kozol's The Shame of the Nation, he writes that Alliyah's classmate replaced the word "kids" with "kings." He let his imagination run to what that might mean, in a world where public goods are so distributed along social class and racial lines. The metaphor we draw is the royal exclusion, the education for that nobility which claims such privilege, for the kings among us.

### **"The Whole Why World"**

Witnesses like Jonathan Kozol bring observational and theoretical expertise to the numbing reality that life in school is persistently; cancerously growing more prejudiced against what Dewey called the overall growth and development of every child. This complements Dewey's moral meaning of democracy: a condition where life itself is an education for all, and this notion of "overall growth and development." That schools fail to meet this ideal seems to have gone beyond a failure of progress. We can only reflect unhappily the lack of progress toward realizing these ideals amid an earlier struggle to undo race based educational privilege, and to undo an unjust and misguided war. The rapid re-segregation of American schools, their miserable inequalities, and the dubious battle for Iraq, all seem like a recurring bad dream.

Kozol writes:

The letter that affected me the most, however, had been written by a child named Elizabeth. ‘It is not fair that other kids have a garden and new things. But we don’t have that,’ said Elizabeth. “I wish that this school was the most beautiful school in the whole why world.” Kozol, p. 40

In another elementary school, which had been built to hold 1,000 children but was packed to bursting with some 1,500, the principal poured out his feelings to me in a room in which a plastic garbage bag had been attached somehow to cover part of the collapsing ceiling. “This,” he told me, pointing to the garbage bag, then gesturing around him at the other indications of decay and disrepair one sees in ghetto schools much like it elsewhere, “would not happen to white children.” Kozol, p. 41

The state educator, from the most conservative to the most radical liberal, seems always a triage director in capitalism’s exploitation of the sign value of the public institution in the search for surplus labor. Hannah Arendt’s “surplus population” (Arendt, 1958) becomes what for Italian philosopher Agamben calls “bare life” in the state organized competition for who becomes political life, real life. (Agamben, 1998) Schools become the administrators of the distribution of diminished and diminishing life chances in a globalizing, monopoly capitalist American economy.

We realize the many troubling consequences of this thesis. But, there is a developed scholarship, which identifies political liberalism as a “liberty” defined precisely because others are, “rightfully” not free. Public schools may not be “failing” but succeeding by virtue of their necrophilia power.

This has been another troubling year of war, and we are compelled to comment in this paper on the issues of relative “humanity” that relate to the “sovereign.” We are in a time where we witnessed the organization and establishment of secret tribunals, state sponsored torture, and the dissolution of the Great Writ of habeus corpus, the right to face one’s accuser. These trends relate to Agamben’s argument that we celebrate free humanity in a shadow of state ordained inhumanity, which is expanding at this writing.

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We forget that principles, which are established at one level of state scrutiny, are expressions of deep ethics that circumscribe our polity as a whole. Is the inhumanity of public school selection the genesis of our current deadness to inalienable human rights? Justice, giving what is due is at the heart of the distribution of public goods, and education. Kozol reflects the sovereign in the following language, where the governmentally administered diminishment in value of the children of the poor begins even before the age of five or six, when they begin their years of formal education in the public schools.

### **OFF THE MESA**

Many of our students are undocumented in the United States. Their families have been impacted by the neo-liberal policies of the last ten years. The school began as a dual language project teaching in both English and Spanish. However, in Arizona's rightist politics, teaching or even speaking a language other than English has been outlawed. English only zealots are a part of the political class in Arizona for whom these students are simple elements at the disposable bottom of the division of labor.

MESA five years ago resembled the sort of progressive project one saw replicated for poor and marginal children nationwide. Its slide and our struggle mapped directly over the US reinvigoration of economic royalism of recent years. The racism of English-only comes in the context of limits placed on the opportunity to meaningfully attain English competency. ELL programs are window dressing on the failed effort to include property-less Latinos. Globalization and neo-liberalism, along with the American appetite for illegal drugs, have created moderate to severe chaos in Mexico. Many of our students are economic refugees from conditions which have developed there.

Large international capital has crowded out small capitals and driven down prices of commodities. Peasants retreat to el Norte. Some verities continue, and we see how Marx writes in 1844, reflecting on the falling rate of profit that promotes consolidation, and we reflect on capitals seeking richer fields for exploitation toward maximizing profit. "If, however, this large capital is opposed by small capitals with small profits, as it is under the presupposed condition of intense competition, it crushes them completely. The

necessary result of this competition is a general deterioration of commodities, adulteration, fake-production and universal poisoning, evident in large towns.” (Marx, Manuscripts, 44, 1987)

He could have been writing today about the Maquiladora factories in Mexico border towns where “working conditions remain poor. Turnover rates average between 15 percent and 25 percent of the labor force per month. The average work-life of a maquila worker is only ten years because of injuries, health problems, and the firing of women workers who become pregnant. All along the border, the land, the water, and the air are thick with industrial and human waste. The National Water Commission reports that the towns and cities, strapped for funds, can adequately treat less than 35 percent of the sewage generated daily. About 12 percent of the people living on the border have no reliable access to clean water. Nearly a third live in homes that are not connected to sewage systems. Only about half the streets are paved.” (Hart-Landsberg, 2002).

We have seen the economic implosion due to asset valuation scandals in every sector, and also seen the virulent anti-immigrant sentiment of corporate media moralists like Lou Dobbs of CNN. Reading Marx, we again reflect on the revolutionary potential of those suffering today as they did in 1844. Aside from this is the fact of alienation of this proletariat in their migrant lives. A liberal like Kozol keeps shouting about conditions that never change. Some wonder why. We think it is worth including the mechanics of Marxian analysis, yet going beyond it to consider the collective unconscious in the landscape of capitalism. This reaches beyond mechanics of hegemonics and false consciousness.

Marx argued that the industrial basis for the emancipation of humanity came from industrial sciences and the development of private property. For Agamben, Rome is foundational even to this analysis. Schacht’s analysis of alienation, now classic, is useful here. Schacht discusses Hegel’s view of alienation in his *Phenomenology*, in a section entitled “Lordship and Servitude.” “The lord or master who lives off the production of his servants is deprived of his own “self-existence,” which is derived from productive activity. Thus, ironically the master is deprived from the outset of the exploitative relationship. Schacht P. 77

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The exploitation of the Mexican migrant is doubled now by his exile from his language in school, and from the numbness of a school district that increasingly would exile these students from the student body in our area. For the first four years, MESA was housed in a local elementary school. It had the support of the district, which in fact held its charter. Its mission and vision, to provide bilingual education had a home there, until recently. In September, given four days notice, our students were evicted from the building. We had four days to find a new home. Our refrain became, “If this school had been full of the Country Club kids (a sector of Flagstaff) this would not be happening.” (Flagstaff Demographics, 2009) The school board would argue their fiduciary responsibility to the District, saying that they had 11,000 students to worry about, and we only had 45.

We found it in an empty storefront, where the school now resides. We attended District board meetings and protested, and worked to place a sympathetic article in our local paper. The district had been a partner in developing and running the school. However, English only, the certification of NCLB and anti-immigrant sentiment served MESA up on a platter.

The students in the school were themselves a victim of racism and exclusion in the local district schools. They were criminalized, suspended, and expelled at a rate certainly beyond that of their Anglo peers. Through our work in the community, we heard anecdotal stories of students who were given one year suspensions and turned away from school after school within the district. Students who enrolled were later told they could not stay once the school received student files. Mexican students who raised concerns about being called “wetbacks” or “spics” were ignored by teachers and administrators. The complexity of their lives and the desperation of parents, some who were already being deported, or lived in hiding, meant nothing to district officials. Yet the parents of these children are and were still folding clothes in the laundry, making beds for the Grand Canyon tourists, and washing dishes in every restaurant in town. The profits of their exploitation are well known in Flagstaff and beyond.

I go back to Schacht regarding the deadening effect on those who profit from exploitation. It is a kind a deprivation which creates further distance between the “Lord and the servant.” For the servant, industrial and agricultural exploitation begins in

Mexico, and continues here, exacerbated by the numbness of the public and school administrators.

We witnessed time and again board members serving the needs of the Flagstaff Unified School District (FUSD) public, and worry about their fiduciary responsibility to them, while disregarding the district's abandonment of our students, who would be on the street if not for MESA. (FUSD, 2009) These were also largely members with what we believe were ties of solidarity to the students, two Latinos and two African Americans. In every case, their defense was allegiance to the District. We could not help see the feudal metaphors.

Agamben refers to archetypal frames of feudalism and its bedrock, the Roman Empire. His analysis of exclusion, sovereign exclusion, is centered on the notion of a "justice" that is defined by property, the lordship and service classes. It is a division of labor with metaphoric, literary power. Plato's archetypal excavation of justice in education stems from ancient Greek notions of the connection between teaching, the state, and that "good life" which depend on the process of education.

It starts as a discussion of debt, of paying what is owed, and in the search for justice, money/property use/exchange becomes the tangible starting point for Plato's symbol of imbalance. Imbalance is the condition of lack, of need that is at the heart of conditions of justice. I am out of balance, unjust, it is suggested when I owe something to another. It is agreed that justice is the condition of paid debt. At this point the earliest paradox appears in the series of famous dialectics in the Republic. "Should I," offers Socrates, "pay back the sword I borrowed from a friend, who in the interval, has become mad, and has vowed to kill me, if only he could get his hands on a weapon?" (Plato, 1967, Pp. 11-14) At that juncture, the Republic and its search for justice turns on the issue of reason, reasonableness. Any condition of justice must consider reason. Thus, property, legacy and status, using money for rational purpose become symbolic in the Republic. The dialectic moves then to determine a solution for the seeming elenchus. It is only to the friend that I must concern myself with proper payment. I owe nothing to an enemy. And justice lies in "helping friends and harming enemies." It is at that point when the notion of justice in the republic begins to turn on sovereignty, and on the power of the sovereign entity (the state?) to determine both justice and the object of the just act.



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The friend/enemy distinction is central to the discussion of sovereignty here and in its relation to persistent problems in liberal discourse around the distribution of life chances in public education. The “friend” is that person seen as part of our field of influence and connection, the person we include as a part of our “common-wealth,” and who shares with us common destiny and life chances. The “enemy” is that individual who has neither the rights nor the identity that qualifies for personhood.

At this early point in the dialogue, Plato’s theatrical sense tells him that it is time to unleash the counterweight of realpolitik. The sophist Thrasymachus enters violently, he who later would figure in the trial of Socrates as one of the citizens in Athens and who voted to condemn Socrates for “corrupting the youth of Athens.” He threatens Socrates physically, and states simply that, justice is no more than the interest of the strong. (Plato, 1967, Pp. 23-30) In one brief brilliant stroke, the problem of politics through the ages, that is the contest between reason and raw power, is foreshadowed. Socrates is able to charm and calm Thrasymachus; the early readers of this dialogue could only think that later Thrasymachus would have his satisfaction at the “unjust” trial for the ages. Power, inscribed in the notion of the sovereign, becomes the fulcrum of justice. As we watch justice go back to its own vanishing point, at that point we see the sovereign. It is justice seen as simply, the will of power and those who control power and the field of discourse.

This section of the Republic resonates with classical liberal notions of freedom, happiness, justice and the political, which are at the center of democratic theory in the West. We ask students to entertain the question: What do we owe to students? What is our debt? We ponder the differences between how we answer this question depending on the race, ethnicity and economic means of a school community. The Republic begins in the “friend-enemy” distinction. The poor and their children are “sovereign exception” of Carl Schmitt, taken through Giorgio Agamben as a way to understand the seeming intractability of unjust distribution of life chances through public education. In Schmitt’s “political theology” the enemy is circumscribed in life by a satanic metaphor which Judeo-Christianizes Hannah Arendt’s “banality of evil,” and evil’s “flight into invisibility.” (Schmitt, 1985) The existence of “the enemy” is obscured by “techno-industrial progress.” “Measured by the consistency with which economic rationalism, having erected the system of unswerving objectivity, cultivates and furthers such

objectivity to the point where every government proves to be superfluous since ‘things govern themselves.’ The moral meaning of the age is found in the life of the good bourgeois, who is “the born embodiment of the system of accountability and calculation. ....The bourgeois is the promoter and the ultimate fulfillment of the ‘age of security’ all in one.”

Nothing is more important to the bourgeois than his security; security for life and limb, security from divine and human encroachment upon his private existence, security for undisturbed doings and dealings, security from any interference with the increase and enjoyment of his possessions. Nothing is more important to him than himself and his property. (Meier, 1985, p. 10) This is a harder conception of the liberal citizen than the Rawlsian calculus, where we can correct our focus on inequality of means, and refocus on equality of ends.

### **The Sovereign Exception**

All these phenomena rest on bedrock of sovereignty and its limits, where what Agamben calls the “sovereign exception” might work to explain the persistence of inequality, and injustice in the political distribution of life chances through public education.

The simplest notion of sovereignty is the domain of a monarch. Some scholars, Agamben argues, trace “*sovereignty*’s essence back to the enduring mystical authority thought to survive a pope in the Roman Catholic Church. Most trace *sovereignty* back historically to the Treaty of Westphalia, in 1648 (which ended the Thirty Years’ War and curtailed internecine religious warfare and the power of the Holy Roman Empire), and philosophically to the work of Jean Bodin and Thomas Hobbes. (Burns, 2004) There are two related, but different uses of the term “sovereignty.” The first is as a descriptor for overarching power of a political entity, a “state.” This word is now used in the press that is used for example to discuss the power of Iraq to determine the fate of its citizens. The second is a counter rhetorical use: an effort to use the power of the word against its own historic meaning. “Bio-power,” to use Foucault’s term, (Foucault, 1977) or “Necro-politics” to use Agamben’s, defines the sovereign as that who has the power over life and death, the final power. (Norris, 2000) (Agamben, 1998) Life and death is muted by the

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rationalization and organization of human chances and futures. The prize is Kenneth Strike's human "flourishing" and full citizenship. (Strike, 2004) The contest over who may gain access to "citizenship" in a larger sense is a life and death struggle. Citizenship confers on its subject the right to exist without an "identity." The liberal subject confers value on the hyphenated American. Kozol's witness cannot exist without his notice that children of color are being treated as objects of lesser value. However, it is the existence of these children, which defines the boundary of the sovereign.

Again, Greek contributions to democratic theory are special both for beginning to give scope and range of power for conduct of the state to "citizens." However, just as important in this is the relegation of others, slaves, metics (foreign born city dwellers) women and those without significant property to realm outside the circle of citizenship. For Plato, the citizen is that person capable of reason, and it is precisely that capacity which distinguishes citizen from barbarian, stranger. Early this century German political philosopher Carl Schmitt would begin a line of inquiry that bores to the heart of the sovereign as the place where life is valued, and outside the sovereign as the place where life is not, where, in Giorgio Agamben's phrase, "bare life" exists as a condition of an inhuman life, lived in struggle, by humans. Agamben's work draws on Schmitt, and Foucault to develop a notion of life in citizenship, which exists in the liberal subconscious as much as in the surface of dialogue. Agamben's Homo Saucer, sacred man, that person who may be killed without murder. This is the state ordained, sacred death of the vile, yet paradoxically, sacred (God serving, state serving, Order serving) person.

The sovereign, for Schmitt, is that religious source of power, which action is the essence of Reason. Agamben derives this "sacred man" from its source in Roman law. In Roman life, like Greek life, the good life is lived by the citizen largely due to the work of the barbarian, the slave. It would be easy to historicize Schmitt, and relegate his influential "friend-enemy" theory as an extension of Schmitt's own mid-century German exceptionalism and anti-Semitism. But for Agamben, it was Schmitt's genius to show that the modern "political" is bounded by and constitutive of, this distinction. It is an "existential battle" where the enemy is not subject to "moral, aesthetic, or any other valuation, but rather has 'to be treated objectively'; he is the enemy who must be fended

off.’ It is finally the ‘real possibility of physical killing’ to which the concepts of friend, enemy, and battle’ must refer and continue to refer,’ which guarantees the scholarly implementability of Schmitt’s criterion.” (Meier, 1995, p. 29)

Kozol’s witness, which has drawn continuing attention to the “failure” of the public school to “serve” the working class, public, particularly the public “of color.” This invites a troubling thesis, that it is precisely this “failure” which, ironically, bolsters the existing sovereign. For example, do liberal citizen color codes serve to warn against potential exclusions based on historic exclusions of colonialism, to make more porous the sovereign boundaries or to better outline the racist boundaries of the sovereign? The second choice would be Foucault’s “biopower” at its essence. This power controls the identity, the growth, and the life of the child in the body politic. It circumscribes a place outside the circle of “citizenship” where “barbarians” exist. This idea has been present since Athens, where the slaves, barbarians, and metics (non-citizen servants) lived. It is their life, which is only meaningful as far as it serves those at the center of power. This is the privileging of a kind of political “whiteness” in an early margin.

The problem of the suffering of the marginalized public school child is that it comes not in spite of but as a consequence of institutions of the liberal state. Agamben sees the intractability of this suffering as a necessary outcome of the history of the liberal mind, which thrives in irony. The Liberal bourgeois, stripped of the ability to theorize his/her own position in the circle of the sovereign, is Foucault’s panoptical witness to life that for Agamben in his reading of the Roman “homo sacer” may be “killed” without the commission of homicide: a liberal vestige of the Greek and Roman good life, where this life is built on slavery, on sacrifice. The “death” of the child is not unnatural, but exculpatory for the “health” of the gods of state.

It was Arendt (1958) who asked whether the concentration camps were violations of the norms of human rights, or were they the inevitability of the Cartesian mind, the organizer of human flesh for state goals. For her they were, paradoxically, both. Her argument is present in this pre-European analysis of Agamben. Yet for him, unlike for Arendt or Walter Benjamin, this paradox does not arise from Cartesian materialism, and humans made for use until they die, never having realized their potential. These are humans made for death, straightaway. A dark vision to be sure, but perhaps one finally

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up to the challenge of Kozol's thirty year witness of constant suffering, and up to the twisted spectacle of say, the dead children of Iraq, or Katrina's flotsam. The black child in the worst public school system in America is hurricane debris, before and after the storm. The corpse of New Orleans after Katrina is the apotheosis of the St. James Infirmary. And sure enough, Kozol would weep again. His reflex is almost reassuring, like a good graveside hymn. Our involvement in MESA and its struggle showed the measure of neglect that is not accidental, but inherent to the system of ordained privilege undergirding public education.

It is Agamben's genius to recognize the hidden calculus of un-freedom lying behind the bromides of democratic liberal talk. In a subtle, powerful analysis of Aristotle's metaphysics, he locates the paradox. Sovereign power becomes the state of nature, so the sovereign power is both constituting power and constituted power and maintains itself in relation to both. It lives at the point of indistinctness between the two. He shows where Schmitt discovers the vanishing point of the absolute righteousness of power constituted in the sovereign. Power ceases to be strictly a political concept, conceived in the polis, but a category of ontology.

## **Kozol's Knot**

In early Athens, one could only apply the calculus of rational treatment to those in the circle of citizenship. Outside lived Agamben's "bare life." These are not part of the sovereign, therefore are for our use or may be deprived of life for our pleasure. Kozol's witness places before us a Gordian Knot. Undo it and the kingdom of justice is yours. Nobody has been able to untie it. In Agamben's analysis of sovereignty, Kozol's Knot persists because liberal ideology is weighted with neglect of the realities of classical liberal "democracy" as a model for European forms which obscure the humanity of the sovereign subject and the inhumanity of the Other, the outsider. This is Schmitt's "friend-enemy" theory. The friend is *Sui generis*, the citizen, and vice versa. Liberal public education looks from this vantage point like years of fussing over, and never untying Kozol's knot.

Is it “political” life where children must be sacrificed? Aristotle’s “good life” “cannot exist” without the concentration camp, the slave, and the barbarian. These children are not killed, but they exist in extremis, in neglect, which leans toward physical and psychic death. The bourgeois is numb to them because they exist as “bare life,” a constituent of social order, where the zero sum game of property acquisition and protection is the meaning of the state.

### **Education Rights as Human, not Citizen Rights.**

The weak protection of rights talk comes from that fact that the human, (Kozol’s child?) only deserves protection in courts outside the state. The child “without property” is bare life, not a political subject except by rhetorical appeal to human rights. Equal protection under the law is a fiction of liberal rhetoric, when it requires enforcement, and is not natural to the state of liberal politics. Property based inequality is the result of the “sovereign exception.” Property based inequality, as it affects public rights to common wealth, is then, the result of the “sovereign exception:” that there can be a state sponsored area for humans, which is “rights free” because while controlled by the sovereign, it is outside the sovereign, it is “subject.” This vestige of feudalism is alive and well, feeding energy to the modern liberal state.

### **The City of Pigs**

In “Giorgio Agamben and the Politics of the Living Dead” Andrew Norris (2000) takes us back the first part of Plato’s Republic. He cites how Glaucon loses patience with the discourse about those things that Socrates is equipping the city with. It is built from the needs of “mere life” the life of animals. This “city of pigs” must be unreal, and the search for justice must continue in a city where real human desires exist, desires for luxury. It is from this that justice and injustice grow.

In this new “feverish city” ... “the aspiration to satisfy more than the needs of life will require the sacrifice of life in war.” (Norris, p. 44) This “just city” literally breeds its

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inhabitants from bare life. Agamben becomes for Norris the thinker who highlights best Aristotle's distinction in the Politics between bare life (to zen) and the good life (eu zen) Modern man however is an "animal whose politics places his existence as a living being in question. Modernity is qualitatively different than previously, more political, even essentially so." (Norris, year, p. 41) P. 41

Bare life is a necessary part of the good life, in that the good life is both what bare life is not and what bare life becomes, "as if politics were the place in which life had to transform itself into good life and in which what had to be politicized were always already bare life" ...But since political life defines itself in terms of its genesis from and its nonidentity with bare life, political life is defined by its relation with the nonrelational.<sup>9</sup> "Exteriority ... is truly the innermost center of the political system, and the political system lives off it" (Norris, 2000 p. 42) In this paradox lies the heart of the matter, that the political cannot exist without relation to bare life. All identities outside the center rely on the center for their names.

Sovereignty, on this account, is not simply a moment of the rise of the nation-state, but instead an expression of the inner dynamics of the logic of politics. A war waged to protect or expand economic power must, with the aid of propaganda, turn into a crusade and into the last war of humanity. This is implicit in the polarity of ethics and economics, a polarity astonishingly systematic and consistent. But this allegedly nonpolitical and apparently even anti-political system serves existing or newly emerging friend-and-enemy groupings and cannot escape the logic of the political. (Norris, 2000 p. 86)

It appears that for Agamben, through Arendt, Foucault and Schmitt, the foundation of modern liberalism is to sacralize the Other--A death but not a murder, a death in service of the sovereign. Fitzpatrick tells that like Kozol's lost children, In Latin, sacer means vile, ignominious, and also august, reserved for the gods. They are objects of our reverence and at the same time, they are refuse. They are not directly "killed" but are moved along a road toward seriously diminished life chances when compared to their "citizen" counterparts. This is not what the "the other kings have." In the "whole why world" ill health, bad work, and short chances await.

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A simple examination of the text of the Declaration of 1789 shows that it is precisely bare natural life—which is to say, the pure fact of birth—that appears here as the source and bearer of rights. Yet it has too often been forgotten that this formula, which is so highly determined politically, has, in truth, an innocuous juridical origin. The formula is nothing other than the concise expression of the two criteria that, already in Roman law, served to identify citizenship (that is, the primary inscription of life in the state order): *ius soli* (birth in a certain territory) and *ius sanguinis* (birth from citizen parents). Sovereignty is coming to operate internationally in the same manner it was always capable of operating domestically: outside the boundaries of law, and ruling directly over life...the life addressed appears – from the standpoint of sovereign power – as indifferent life whose status is determined by the sovereign decision.

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Fitzpatrick is less satisfied than Caldwell or Norris regarding Agamben’s analysis. “It has to be a puzzle how Giorgio Agamben’s evocation of ‘an obscure figure of archaic Roman law’ has assumed such a purchase on recent political and philosophical thought. This is the enigmatic figure of ‘homo sacer (sacred man)’, a figure which for Agamben embodies ‘bare life’ What is ‘bare’ about the life of homo sacer is that it can be taken by anyone, and that this is to be done without sacrificing that life (Agamben 1998: 71). Bare life is in this way ‘before’ the law. It can be, and indeed can only be, taken away without the law’s authority or mediation. Such an exceedingly bare life is, for Agamben, manifested in the modern period of Foucault’s notion of



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biopower. Bare life is the object of that power. Yet, for Agamben, Foucault has to be 'corrected', or at least completed, in terms that would advance what Foucault supposedly relegated – a persistent and illimitable sovereign power dealing death. (p. 73).

FUSD, 2009. Flagstaff, Arizona demographics.  
<http://flagstaffaz.usl.myareaguide.com/demographics.html>

Flagstaff is located in one of the most scenic and culturally rich areas of the US. Located 65 miles from the Grand Canyon and at the edge of the Navajo and Hopi Indian nations. It is a city of 52,000 people. Home values in the Country Club area are \$322,460 - \$375,035. In the Sunnyside area, where MESA is located in a storefront, home values are half of that range. About 11,500 students attend the district's 19 schools. The district includes 12 K-six elementary schools, three traditional high schools, four middle schools and one alternative combination high school and middle school.

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Again, Norris sees Schmitt where sovereignty "is the point at which the law enters into relation with that which has no legal standing."

"With the rise of sovereignty we witness the rise of a form of life that corresponds to it. 'The sovereign sphere [sfera] is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice [sacrificio], and sacred life [sacra] that is, life that may be killed but not sacrificed is the life that has been captured in this sphere' Agamben does not define the sacred in terms of "what is set apart for worship of the deity." He is interested in the more fundamental question of the logic of sacrifice (from Latin sacrificium, from sacr-, sacer, holy, cursed) as revealed in the life that is sacred (from Latin sacrare, also from sacr-, sacer). What Agamben terms sacred life is, like the sovereign, both within and without the legal order (or, as its etymology suggests, both holy and cursed). "Sacredness is ... the originary form of the inclusion of bare life [nuda vita] in the judicial order, and the syntagm homo sacer names something like the originary 'political' relation, which is to say, bare life insofar as it operates in an inclusive exclusion as the referent of the sovereign decision."(Norris, p. 49)

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We cannot help but relate conditions under the current "war" on "terror" when reflecting on Moreiras' 2004 observation of Schmitt's The Theory of the Partisan "(It) must be read as a supplement to the 1932 essay, where Schmitt had already foreseen the possibility that the accomplishment of a liberal closure of the world might prompt a new dispensation of the political, in terms that one cannot avoid associating to our contemporary situation: War is condemned but executions, sanctions, punitive expeditions, pacifications, protection of treaties, international police, and measures to assure peace remain. The adversary is thus no longer called an enemy but a disturber of peace and is thereby designated to be an outlaw of humanity." See Alberto Moreiras, A God Without Sovereignty. Political Jouissance. The Passive Decision, Pp. 71-108. The New Centennial Review 4.3 (2004) 71-108, p. 86

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