

Update articles

Bioethics as a way of resistance to biopolitics and biopowers

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Abstract The work attempts to deconstruct the concepts of biopolitics and biopower and seeks to create conditions for a correct action of bioethics, understood both as an analytical tool and normative of the morality of biopolitics and biopower and as practical application in the form of democratic resistance and dissidence with respect to morally questionable purposes, resulting from biopolitical practices and the improper use of such concepts to perform them. Their assumption is that the concepts of biopolitics and biopower are used most of times, in an inconsistent way or as *passe-partout* words, which affects its power of intelligibility for understanding the profound changes in contemporary society, including with respect to perceptions of itself while a 'living system'. Deconstruction is therefore a necessary pre-operation due to the subsumption of ethics to politics, supposedly legitimized by the common reference to "life", indicated by the Greek word *bios*, which, however, reveals itself inextricably linked to *zoé*, if not subsumed to this. Finally, this paper discusses the proposals for biopolitical democracy and democratic biopolitics, showing the need for a bioethical control of biopolitics.

Key-words: Bioethics. Biopolitics. Control. Justice. Immunity.

This work attempts to deconstruct the concepts of biopower and biopolitics and aims to detect the contradictions resulting from the misuse of these two concepts, showing some interpretative conflicts involved. Deconstruction is understood here in the sense given by Derrida, that is, a practice of critical reading of the speeches that take refuge in the concepts of biopower and biopolitics and a method - or strategy - to analyze the existing imaginary and symbolic constructions, but highlighting the need to reconstruct what has been forgotten or repressed in them, from what anyone believes that ethics cannot be deconstructed: justice - which can also be understood as a principle, both formal and substantive in any ethics and / or policy. The conception of justice as originates from

the formal principle of Aristotle, who considered it the architectural virtue that sustains and should govern the common life.

For Derrida, this procedure for the dismantling of categories, concepts and speeches, thanks to the practice of critical reading, is achieved through a *thinking of structured genealogy of its concepts as faithful and internal way as possible, but at the same time external, determining that what this story could conceal or forbid, becoming history through this repression somehow interested*.¹

The assumption of this approach is that deconstruction is a necessary condition for bioethics to be able to fulfill not only its dual descriptive and normative role in relation to moral facts, i.e., of rational and impartial analysis of the morality of the facts of biopolitics and biopower, proposing rules to regulate the conflicts involved, but also to provide support to the recipients of these facts, thanks to justice, which, for Derrida, would be that which cannot be deconstructed and that encourages and legitimizes the project of deconstruction. Furthermore, it also assumes the existence of the roles of resistance and dissidence regarding the attempts to subsume the bioethical problematic and the biopolitical problematic, i.e., of submitting or subsuming ethical questioning to supposed pragmatic needs of a political realism, considered the most concrete, effective and legitimate in its management of bodies, populations and life in general, but which may in fact be a mere cynicism and justification for biopolitical practices that continue to be morally questionable because they are *unjust*.

Particularly, the operation of deconstruction has a practical effect, because it can be considered a necessary condition in order a pluralistic and secular bioethics can be rebuilt as a tool of resistance to the *unfair* effects resulting from uses and abuses of biopolitics, having as a paradigmatic reference the authoritarian and bioethical power represented by Nazism. In short, deconstruction is an analytical and interpretative method of moral conflicts placed on biopolitics, but also a practical tool that justifies bioethical practices questioning biopolitics and biopower.

In fact, the concepts of *biopolitics* and *biopower* are used often on an inconsistently and unnecessary way, or as *passe-partout* words (or *clichés*), including two in the field of bioethics², reason why it seems to be necessary their deconstruction so a field of criticism of the existing can be rebuilt, as can be that of bioethics, grounded by '*undesconstructability*' of justice that makes *deconstruction possible*³.

Thinking in terms of genealogy, when it comes to *biopolitics* and *biopower* a mandatory reference and the text by Michel Foucault's *The Will to Knowledge*, 1976, in which, its final chapter presents a first systematic reflection of these two concepts, relating them with the forms of power (and power-knowledge) on the vital processes in the fields of health and hygiene, production and reproduction, but trying to avoid any kind of *anthropologism* in their approaches⁴.

Another author who became a constant reference and Giorgio Agamben, with the work *Homo sacer: Sovereign Power and Bare Life*, published in 1995, which incorporates the concept of biopolitics, but deconstructs the concepts of bare life and *homo sacer* and focuses its attention on the power devices over the biological body, having as a paradigmatic reference the concentration camp⁵.

A third author also became, recently, a reference. He is Roberto Esposito, who in 2004 launched *Bios: Biopolitics and Philosophy*, in which he retakes and reconfigures the project of Foucault and Agamben, aimed at the concept of biopolitics from the deconstruction of the concept of *bios* and relating biopolitics and *tana* politics to understand the enigma of biopolitics and try its affirmative reconversion, i.e., in terms of *democratic biopolitics* or biopolitical democracy, but without distinguishing the two possible reconfigurations ⁶.

However, none of the three authors made explicit reference to bioethics which, on the contrary, is made by bioethicists dealing with biopolitics, as it is the case of sanitary bioethics, which, however, must face this confrontation with biopolitics, including with the internal criticism that would have detected *internal faults and failures that have led to suggest the replacement of the shortcomings inherent to an applied ethics for a more effective and robust biopolitics* ⁷. Therefore, the need to see what, indeed, may indicate the terms *biopolitics* and *biopower*, and which they are or may be, the relationship between *biopolitics*, *biopower*, and *bioethics*, or, rather, between the so-called political realism personified by biopolitics and biopower, and the political justice, personified by a correctly interpreting and acting bioethics.

The problematic biopolitics word

The word *biopolitics* appears in the *Houaiss Dictionary of Portuguese Language*, which gives the following ambiguous definition: an interdisciplinary science that studies the integration and reconciliation of modern society and its institutions with the infrastructure of basic organic support (nature, climate, soil health, water purity etc.) ⁸. But the word does not appear in the *Novo Aurelio of the 21st Century*.

Such ambiguity does not appear to be due to chance, since what characterizes biopolitics would be a clear conceptual vagueness, since that the concept of *biopolitics* appears crossed by an *uncertainty* [that] *prevents any stable* connotation [and that] seems to make him not only the instrument but also an object of a harsh political and philosophical confrontation about the configuration and the fate of our time, raising the question of knowing: how a policy that will be directly addressed to it should be thought? ⁹

One of the consequences relevant to bioethics and the ambiguity and vagueness of the biopolitics concept allows it to be used to connote phenomena seemingly antithetical, as can be, on the one hand, contemporary policies for care, protection and welfare - as were and still are the public policies of democratic states - and on the other hand, the ways that *biotanatopolíticas* that conceived the state as a body that must be immunized against pathogenic elements - such as, for example, biocracy of Nazi politics.

On the first connotation, biopolitics applies to government practices defined as forms of biopower that, according to Foucault, aim to ensure and strengthen the population's health through the control and intervention over births, morbidities, skills and environment, and also through the control, management and intervention over the human body (the individual) and over the human species (this being understood more than as *polis* or society than as biological species).

In this case, the concepts of *bios* and *polis* may have two types of relationship: a) a relationship among themselves with no priority of a concept over another - that linguists

call *paratactic* and that may also be the form of an *interface*, or b) a relationship of subsumption of the first (*bios*) in relation to the second (*polis*) - called by linguists *hypotactic* - which corresponds roughly to the type of relationship existing in the Greek period.

This *hypotactic* relationship was recovered by Hannah Arendt, when the philosopher tries to restore the difference made by Aristotle (but unlit by modernity) between *bios* and *zoé*, understanding this as the biological life which man shares with other living beings and that as the specifically human life (...) full of events which can later be narrated as history and establish a biography¹⁰. But in this second circumstance, rather than a interface between *bios* and *polis* we have a subsumption which can be either the *bios* of the *polls* - that is that the case referred to by Aristotle and Arendt - as an annexation (*Anschluss*) of the *polis* to *bios*, that is, a policy submitted to biology and its laws, as was certainly the case in Nazi biocracy.

However, a clear distinction between the two conceptions is not always easy to do, and one of such *amphibologies* or conceptual duplicity can be seen in public health itself, where sanitary policies seem to oscillate between the poles of *medicalization of life*, encouraged, mainly by the pharmaceutical industry¹¹, and politics itself (we could say), encouraged by the sanitary movement which led to the Unified Health System (SUS) and established focal points between health sciences, political science, human science and social movements. That is, where aspects of biopolitics and biopower are manifest in the fact that sanitary policies manage, discipline and control the bodies, lives, morbidity and death of populations under their responsibility (or management) but leaving uncovered the question of the ethical and bioethical aspects involved by becoming the inclusion of life in the devices of biopolitics and biopower applied to the perception and management of collective health. And this seems to be one of the priority tasks of sanitary bioethics, which shall begin its work analyzing its possible links with biopolitics and biopower.

The biopolitics-biopower- bioethics set ad its relationship with *bios*

The conceptual relationships between *biopolitics*, *biopower* and *bioethics* can be detected by analyzing the common reference to the prefix *bios*, noting that the relationship is not necessarily the same for the three and that this is due probably to the problematic use of the concept 'life' in bioethics and [to] their interfaces [established] with the biopolitical praxis and the biopower devices¹², which are not very clear.

For Agamben, behind this ambiguity there would be a real indistinction between the *zoé* and *bios* concepts themselves, which for the Greeks (who created such terms) indicated realities distinct from life as a whole: the simple natural life (*zoé*) and a particular way of life (*bios*), i.e., life in general and qualified lifestyle that is typical of men, immersed in the *biological* body and [in the] *political* body¹³. This distinction will be eliminated from the Modernity, when confusion will be installed between the two concepts that Agamben considers the *decisive fact* in the origin of the totalitarian biopolitics of the twentieth century. When *bios* and *zoé*, *right and fact*, enter into a zone of irreducible blur, one can affirm that this entry of *zoé* in the sphere of *polis*, the politicization of bare life as such, constitutes the decisive event of modernity, which marks a radical transformation of the political-philosophical categories classic thinking¹⁴.

Thus, the blurring may become confused when we consider that *bioethics*, *biopolitics* and *biopower* have as a common reference the *bios* concept, allowing, for example, that to one speaks, on the one hand, on life ethics, politics of life and power of life, but also, on the other hand, in ethics about life, politics, about life and power over life. But this common reference to the *bios* term does not allow so say that it is the same meaning of *life* being referred to, even assuming the classic distinction between *bios* and *zoé*, since the two prepositions *of* and *about* indicate different relationships between *politics* and *life*. In particular, the reference to *bios* made by the *biopower* / *biopolitics* - in which the first refers to devices for the effective exercise of power over life represented by biopolitics and the second to the policy *aimed to implement and manage biopower* - has in fact a nature different from that of bioethics, when this is understood as bioethics of *life* and not on power against biopower, i.e., as empowerment of citizens.¹⁵

Moreover, until the present moment, it has not been established any consensus on relations between biopolitics and biopower or between potency and power. There is, for example, some who consider that the relationship paratactic relationship *biopower-biopolitics* (which is in substance Foucault's position) can be seen as an *biopower* / *biopolitics* opposition. This dichotomy between the two concepts is considered, for example, by Toni Negri and Michael Hardt, who define biopower - represented by power of the *crowd* - as opposed to biopolitics or as a form of resistance to it¹⁶.

This form of resistance can, for example, be seen as a rejection of the repressive hypothesis according to which modern power censures, interdicts and represses freedom and desire, since the power would be less what prevents than what produces, and life is not simply the victim of its repression. Upgrading its resources and potentialities biopower [would give] to life the necessary weapons to its emancipation, as if life should pass through biopower to access to a full system of subjectivity. So biopower would reveal *from the exterior the productive dynamism immanent from vital powers, exploring them and moving them, being, therefore, a transformation of this power over life in a power of life, to find again the conditions for a fully developed life.*¹⁷ . However, according to Jacques Rancière, this would eventually reaffirm a life rooting of politics¹⁸ - which, as discussed below, may represent one of its most questionable forms, according to its full biocratic version.

The need to deconstruct biopolitics

As shown by Esposito⁶, the term *biopolitics* (or *bio-politics*) has conceptual background since at least the early twentieth century, with the appearance of the *geopolitical conception of vital space* and *biogeographic state*¹⁹ or that of State understood as an *organism*, which would have anatomy and physiology of its own to be protected by state medicine²⁰

In 1911 the term *biopolitics* emerges, with the following explanation: the term 'biopolitics' means a policy that should consider two aspects of nation: first, the increase in population and competition, and secondly, the individual attributes of human that are available to fill posts of responsibility in the State.²¹

In 1920 appears the term biopolitics (without hyphen) associated with a vitalistic conception of State, conceived as a *body* with natural instincts and impulses, but still

leaves space for the specificities of *bios*: *this strain characteristic of life itself (...) led me to call such his discipline biopolitics, by analogy with [a] biology; it is better understood when one considers that the Greek word 'bios' means not only the natural, physically life, but still but also in an equally significant measure the cultural life. This designation is also intended to express that dependence on the laws of life that society expressed herein and promotes the state itself [to] the role of arbitrator or at least of a mediator*²².

When spelled *bio-politics* the word reappears with the installation of Nazi biocracy when *bios* is subsumed to *zoé* and *bio-politics* will be understood as the study of the risks and diseases of the social body, and associated to the question of the immune defense to be assumed by policy²³. The many meanings of biopolitics were preserved throughout the twentieth century. For example, biopolitics perceived as a policy guided by the life sciences as²⁴ or as a strategy of compatibilization between the human gender and the environment²⁵, with respect to linkages between politics and life sciences, in particular the subsumption of politics and biology.

But the term is also re-semanticized in a neohumanist key after the defeat of Nazism: [a] biopolitics does not deny [the] blind forces of violence and the will of power, nor the self-destructive forces that exist in man and in human civilization [because] *these forces are elemental forces of life. But biopolitics denies that such forces are fatal and that cannot be contradicted and directed by spiritual forces - the forces of justice, charity, clarity, the truth*²⁶.

In this respect it is worth remembering also the "ontopolitica" conception of Edgar Morin, aimed at subtracting the evolution of mankind from economicism and productivism in favor of *a multidimensional policy of man, so that all paths of life and all the ways of politics begin to meet and interpenetrate themselves, and announce a ontopolitics, respecting more and more and globally the human being*²⁷.

Finally, we must remember the neo-naturalistic concept, a trend that is still present and that refers to nature as a parameter for determining politics, influenced by Darwinism (Social), ethology and sociobiology: [biopolitics and the] *term commonly used to describe the approach of the political scientists who use biological concepts (especially the Darwinian evolutionary theory) and techniques of biological research to study, explain, predict and sometimes also prescribe political behavior*²⁸.

It can be deduced from this rapid genealogy that the extension of the semantic field of *biopolitics* and from the Foucault conference in Rio de Janeiro, in 1974²⁹ and the subsequent publication of his book *The Will to Knowledge*, in 1976, the term biopolitics spread among scientists concerned in studying and understanding the social and political transformations of our time.

In the 1974 lecture, Foucault had used the term *bio-politics* associating it to the body and medicine, regarding it as a capitalistic strategy: *for the capitalistic society the bio-politics is what is important before anything else: the biological, the somatic, the corporeal. The body is a bio-political reality; medicine is a biopolitical strategy*²⁹. Subsequently he moved away from previous conceptions of biopolitics, although it shares its criticisms to modernity: *'Biopolitics' should be understood as the way by which, from the eighteenth century, it was sought to rationalize the problems posed for*

*governmental practice by the phenomena peculiar of a set of living being while population: health, hygiene, birth, longevity, race*³⁰.

In another text he specifies the meaning of *biopower*: *it seems to me that one of the fundamental phenomena of the nineteenth century has been, [and] is that the power has assumed life, in a perspective that we could call welfare. It is, so to speak, a catching of power over man as a living being, of a kind of statization of the biological, or at least a trend toward to what we could call the statization of the biological (...) something that is no longer an anatomo-politics of human body, but that would call a 'biopolitics of the human species'*³¹.

In the critical evaluation by Esposito – recognizing the Foucauldian change in the genealogy of biopolitics as we understand it today – *in a few years, the notion of 'biopolitics' (...) opened a completely new phase of contemporary reflection. Since Foucault (...) proposed again and reclassified the concept, the whole quadrant of political philosophy was profoundly modified. It did not left the scene [classical categories] as those of 'right', 'sovereignty' or 'democracy' (...). But his meaning effect is increasingly weak [and] the normalization process increasingly invades ample spaces*³².

Three references: Foucault, Agamben and Esposito

When talking about biopower and biopolitics the first mandatory reference is almost always an affirmation of the final chapter of *History of sexuality I- The will to know* – in which Foucault writes: *for millennia man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question*³³. And in this text the author introduces the term biopolitics by writing: *we must speak of 'biopolitics' to designate what makes life and its mechanisms enter in the field of explicit calculations and makes power-knowledge a change agent of human life*³⁴.

Another important reference is *Homo sacer: the sovereign power and bare life*, by Agamben⁵, in which the author develops the concepts of *bare life* and *homo sacer* in order to rethink the categories of *biopolitics* and *biopower*, the light of the Nazi pragmatic biocracy and its extermination device (Shoah), represented by the *concentration camp*. In a subsequent text, he considered that in contemporary biopolitics there would not be actually a submission of the *bios* to *zoé*, but rather a mysterious disconnection between them: *in our culture has always been the human was always thought as an articulation and a conjunction of a body and a soul, of a living being and a logos of a natural element (or animal) and a supernatural, social or divine element. We must instead learn to think man as that which results from the disconnection of these elements and examine [the] practical and political mystery of separation*³⁵.

In the genealogy done by Agamben what would prevail in the current biopolitical debates would point out to an indistinction between the *zoé* and *bios* concepts, where the disappearance of such distinction would correspond to the emergence of totalitarian biopolitics of the twentieth century. For him, in this case, the terms *bios* and *zoé*, *right and fact*, *enter into a zone of irreducible indistinction, because its current use reveals the entry of zoé in the sphere of the polis, the politicization of bare life as such, [which*

would make] the decisive event of modernity, which marks a radical transformation of the political-philosophical categories of classic thought³⁶.

In this sense, *the double fundamental category of Western policy not [would be] that friend-enemy, but bare life-political existence, zoé-bios, inclusion-exclusion*. A conclusion that derives from the fact that *politics exists because man is the living being who, in language, separates and opposes to it the very bare life itself and, at the same time, remains in a relationship with it in an inclusive exclusion, since modern democracy compared to the classic one [has] a claim and a release of zoé, [and because] it seeks constantly to transform the same bare life in terms of life and [find], so to speak, bios zoé³⁷*.

In short, *the implication of bare life in the political sphere constitutes the original nucleus – although disguised - of sovereign power*. One could say that the production of a biopolitical body is the original contribution of the sovereign power and *that biopolitics is, in this sense, at least as old as the sovereign exception, since putting biological life in the center of its calculations the modern state [redirects] to light the secret link that unites the power to bare life³⁸*.

The third reference is the work *Bios: Biopolitics and philosophy*, by Esposito. For him, what would characterize the concept of *biopolitics* would be not only its patent conceptual indefiniteness - highlighted by Agamben - but also – and more radically - a *biologist* view of biopolitics, that would make it morally and politically dangerous, since *a policy built directly on the bios has the risk of overlapping violently bios to policy³⁹*. The author also criticizes what he considers an anthropological reductionism of biopolitics since in, *the concept of biopolitics is in danger of losing weight to the point of losing its identity, becoming a form of traditional humanism⁴⁰*, in fact incapable of facing the challenges represented in the inter-relationship between life and politics.

Finally, to Esposito, we should also refuse the *naturalistic* conception, due to confusion between the descriptive aspect and the prescriptive aspect in which it holds itself and that would actually make the argumentation and justification circular. Indeed, in this conception the resulting notion of biopolitics is this time sufficiently clear, but if the political behavior is inextricably wired in the size of the bios and the bios is what binds man to the sphere of nature, the only possible politics shall be that already registered natural in our natural code. In this case, every argumentation would be based in a rhetorical circuit in which theory does not interpret reality, but reality dictates a theory to confirm it. That is, the enigma of biopolitics seems solved - but in a way that gives as an assumption exactly what ones was looking for.⁴¹

Esposito also notes that, apparently, all the confusion seems to arise from the very word *bios*, because *if we put our trust to the Greek lexicon (...) more than to the term bios, understood in the sense of 'qualified life' or 'way of life, 'biopolitics refers to the zoé dimension, i.e., of life in its simplest biological expression, or to the line of conjunction along which bios emerges over the zoé also naturalizing itself. But [because of] from this change in terminology the idea of biopolitics seems to be in a zone of double indiscernibility⁴²*.

Therefore, it could be said that there is a *dual indiscernibility* in the concept of biopolitics, resulting from the fact that it is *inhabited by a term that does not suit it - and*

that assumes risks even to distort its more remarkable features. In this semantic context the term *zoé* would become a problematic definition since it would refer to a conception of life absolutely natural (...) without any formal connotation what would be something unthinkable, even today, when the human body appears more challenged, and even literally crossed by the technique⁴².

One can therefore say that in his work of deconstruction Esposito would have detected the *unthought (or indeed the repressed) of biopolitics*⁴³. The *unthought*, indeed, would orient it but would have been forgotten by those who highlight the concepts of *homo sacer* and the state of exception while constituent characteristics of biopolitics (Agamben) as per those that refer to a kind of vitalism in its biopolitics of the crowd (Negri). This *unthought*, detected by Esposito, and what the author calls the *immunitary paradigm* associated with the practices of protection against all kinds of risks, since the bacteriological contagion until the so-called terrorism⁴⁴. Such paradigm would be for him, a mechanism subjacent to biopolitics that would allow avoiding difficulties of its conceptual vagueness. Indeed, in the *immunitas bios and nomos, life and politics, [are indeed] the two components of a single, inseparable, set that only makes sense from the relation between them*. Thus, immunity would not only be the relation that connects life to power, but the power to preserve life, since contrarily to everything that involves the concept of biopolitics - understood as a result of the meeting which at one point occurs between the two component elements – of this point of view there is no power external to life, just as life never occurs outside the relations of power. For this reason, in this case, politics could only be seen as a possibility or the instrument to preserve life and immunization as a negative protection of life⁴⁵.

Contradictory effects of conceptual vagueness of *biopolitics*

The conceptual vagueness of *biopolitics* seems to allow us to use this concept to indicate phenomena as diverse as the public *biopolicies* for assistance, protection and welfare of democratic states on the one hand, and ways to *biotanatopolítica*, as was the case of Nazi *biopolitics (or biocracy)*, on the other hand. The two situations that the term *biopolitics* seems to make indistinguishable, shall however, be analytically distinguishable and practically distinct.

In the first case, the term biopolitics emerges from an inter-relationship (or interface) between *bios* and *polis* and refers to welfare policies aimed at guaranteeing and strengthening the health of the population, thanks to devices or the prevention, control, management and intervention over individual human body and over the population, not necessarily identifying itself with a policy on the human species (although may be related to the immunitary paradigm). In the second case, what emerges is a policy where individuals and human populations are conceptually subsumed to the human species, to be (supposedly) protected from pathogens, i.e., instead a relationship (or interface) between bios and polis we have a subsumption (which in fact is an annexation) of polis to bios. In short, a policy subjected to biology and its laws.

But, as pointed out earlier, the *bios* and *polis* concepts have two possible logical relationships: 1) the interrelationship with no priority of a concept over the other (*paratactic*); 2) a subsumption of a term to the other (*hypotactic*). In turn, the second form of relationship between *bios* and *polis* has two possible variants: the subsumption of the *bios* to *polis* (which corresponds to the kind of relationship that existed for

Aristotle) and the subsumption of *polis* to *bios* and, in turn, from *bios* to *zoé*, as probably still occurs in immunitary policies.

Despite these logical distinctions, duplicity of meaning (or amphibology) persists today, and is a source of conceptual confusion and practically of possible authoritarian slippage supposedly legitimized by science of life and by the immunitary-type protective policies. And that's exactly what leads to need to deconstruct biopolitics and, from this deconstruction, trying to apply the bioethics tools to detect morality (which includes *immorality*) of biopolitics and biopower. From this analysis it may then reconstruct forms of resistance on behalf of what cannot be subject to deconstruction: justice.

The form of resistance, represented by the bioethics should, however, comply with certain conditions. First, it should not be seen as substitute (or representative) of social control (which is indeed a guarantee of democracy), but as a tool of *resistance* to service of possible *democratic control of the control*, represented by the power exercised by biopower and biopolitics. Secondly, it should make accounts with the actual political consequences resulting from the moral imperative and social justice, what can be possible from the point of view of an *intervention bioethics* [understood as] *the analysis of macro collective problems and conflict*⁴⁶, in turn coupled to a *bioethics of protection*, understood not only as a *descriptive and normative tool*, but particularly as a *protection against threats to 'bare life' and as 'minimum' moral indispensable for the existence of organized social life*⁴⁷.

However, this position should consider the criticism, internal to the bioethics itself, according to which bioethics would be a *discipline at risk*, due to his alleged *excessive academicism*, focused on *specific and irrelevant problems* when compared with the *great themes as social inequity, public sanitary policies, ecological crisis*, which would be in fact being assumed or attached by biopolitics, and should, therefore, *prevent its appropriation from other sides, away from specific agenda of bioethical thought*⁴⁸. From Indeed, this *risk* condition of bioethics can be considered as a stimulus for power a bioethics think-resistant, which would include both an *intervention bioethics* as a *bioethics of protection*, but knowing that it only become possible if there is a deconstruction predicted category of biopolitics and biopower, as well as the essential criticism of unjustified annexation of bioethics to biopolitics.

Final considerations

What can we tentatively conclude from such deconstruction of the ambiguous and dense category of biopolitics? From this entry in the political field of notion of biological life? The answer is not simple if we consider that biopolitics *is not based on a philosophical assumption [but] of concrete events*⁴⁹, and should therefore do the accounts with facts which, in turn, should be weighted with undesconstructible justice – according to Aristotle – and the architectural virtue of social life.

The paradigmatic example of this process goes back to the *Nazi biocracy* which, in addition to resulting in a depoliticization of modern philosophy (as intended by Arendt), came to disarrange and reverse the political categories previously defined, historically founded on the separation *zoé / bios* and on the lexical priority of *bios* over *zoé*. That is, the entry on the scene of the notion of *life* - the dual *bios* and *zoé* dimension – crossed

and transformed by the tools and devices of the biotechnoscientific paradigm not only mixed up the previous relationship, but also obscured the complexity of relationships between these categories, when applied to the phenomenon of life in its articulations with politics, technique, science, the interests involved, the production and consumption.

To Esposito, it would be precisely *the force of biopolitical perspective that would arise from the ability of reading this tangle and this conflict, this displacement and this implication*. Otherwise - he asks - what would happen when life, perceived as *zoé* and not as *bios*, that before the validity of the biopolitical paradigm was 'out' of the political sphere, breaks into such dimension, exploding its alleged autonomy and shifting the discourse of the modern political philosophy on an irreducible ground to the traditional terms - democracy, power, ideology?⁵⁰

The author warns, however, that one should know that *biological life of individuals and population [settled down a long time ago] in the center of all significant political decisions, which forces us to a paradigm shift, since the model of medical healing has become not just the privileged object, but the very form of political life, i.e., a policy that only in life finds the only source of possible legitimacy*⁵¹.

Referring to the *radical heterogeneity* represented by Nazism and its biocracy he believes that from the biopolitical standpoint *the twentieth century, and even the entire course of modernity - which he considers that started with Machiavelli - is not determined, decided, by the superficial and contradictory antithesis between totalitarianism and democracy, but for that, much deeper, because it belongs to the field of wildlife conservation, among history and nature, between historicization of nature and naturalization of history*. Moreover, this dichotomy could not simply be reconducted to a *symmetrical bipolarity, since that nature - understood in the biological sense, as Nazism has done - is not a anti-history, a philosophy or ideology opposite of the story but a non philosophy and a non ideology. Not a political philosophy, but a political biology, a policy of life and about life reversed into its opposite and, therefore, a producer of death*⁵².

All this has an important consequence which should not be forgotten, because when *this bodily dimension becomes the real interlocutor - temporarily subject and object - of the government, what is being discussed is, before all, the principle of equality that becomes inapplicable to something like the body, constitutively unlike any other criteria each time definable and modifiable*. In this case, what would be being withdrawn was not only the principle of equality, but a whole series of distinctions or *oppositions on which it is based [the] whole conception of modern politics from which it is generated: that means those between public and private, artifice and nature, law and theology*. Thus, when the body replaces, or 'fills', the abstract subjectivity of the corporation, it becomes difficult, if not impossible, to distinguish what concerns the public sphere of what concerns the private one [but also] what belongs to the natural order and what may be subjected to the intervention of technique, with all the issues of ethical character [that] this choice implies⁵³.

To Esposito, the reason for this lack of distinction and the conflicts it inevitably entails and that *human life is exactly that about what the public and the private, natural and artificial, politics and theology are intertwined by a bond that no majority decision will*

be able to undo, since the revolt of life of in the power devices marks the eclipse of democracy, at least of democracy as we have imagined it so far, which would mean to think in another kind democracy - compatible with the ongoing biopolitical change, henceforth irreversible⁵³. And the author ends his questioning leaving an open question: *But where to look, how to think, which may mean, today, a biopolitics democracy or a democratic biopolitics - capable of influencing over the bodies, but for the sake of the bodies?*⁵⁴ It assumes this is something very difficult to tell on a determined manner, since at the moment it is something we can only glimpse, even though we know that to enable a line of thought in this direction we have to get rid of all old philosophies of history and all conceptual paradigms concepts that lead them⁵⁴.

And what would be the role of bioethics in all this? I believe it is possible to consider it as an alternative to biopolitics, contrary to what seems to suggest Esposito, who considers that in the very field of biopolitics the evidence of a democratic biopolitics or a *democracy biopolitics* would be found, capable of stimulating policies in favor of the bodies and not about them. However, this suggestion may question: first if a democratic biopolitics and a biopolitical democracy were indeed the same thing or if the second would not have in itself the conditions to become inevitably biocracy a supposedly legitimated by a biomedical or sanitary model but in fact morally and politically objectionable; secondly, if the entry of life as object of political concern and the consequent filling up the *abstract subjectivity* of traditional legal personality may involve abuses against the fundamental rights, morally and politically questionable, too.

Thus, based on the *undesconstructible principle of justice*, appointed by Derrida, bioethics can, in principle, mediate regulatory issues involved by biopolitics and biopower, that is, the relationships established between *bios* and *zoé*, between them and the *polis* and between them and *techne*. But what would be the legitimacy of bioethics to do this? I think it is the resistance to the biopolitics reduction the political (in fact a zoopolitics with the glaring exception of the bios, if we think in Nazi biocracy). I believe that such resistance can be realized from the own tools for this field, respecting the specifics of each knowledge involved to establish dialogue with the various forms of knowledge and power involved. Or, perhaps, resistance occurs only by *profanation*⁵⁵ of the so-called natural 'inevitable' established between biology and politics by the biopolitical paradigm. But the sense of profanation should be understood in this case as a displacement, without abolishing what one intends to displace. A displacement of power devices that would allow return to common use spaces that [power] had confiscated. And that is what deconstruction, along with the bioethics of protection and bioethics intervention, seems to jointly perform in *polis*

Resumo

A bioética como forma de resistência à biopolítica e ao biopoder

O trabalho intenta desconstruir os conceitos de biopolítica e biopoder e objetiva criar condições para uma atuação correta da bioética, entendida tanto como ferramenta analítica e normativa da moralidade da biopolítica e do biopoder quanto como aplicação prática sob a forma de resistência e dissidência democrática com relação aos efeitos moralmente questionáveis, resultantes das práticas biopolíticas e dos usos inadequados de tais conceitos para realizá-las. Seu pressuposto é o de que os conceitos de biopolítica e biopoder são utilizados, na maioria das vezes, de forma inconsistente ou como palavras *passé-partout*, o que afeta seu poder de inteligibilidade para entender as

profundas transformações da sociedade contemporânea, inclusive com relação às percepções de si enquanto ‘sistema vivo’. A desconstrução constitui, portanto, uma operação prévia necessária devido à subsunção da ética à política, supostamente legitimada pela referência comum à “vida”, indicada pela palavra grega *bíos*, a qual, no entanto, se revela inextricavelmente vinculada a *zoé*, quando não subsumida a esta. Por fim, o trabalho discute as propostas de democracia biopolítica e de biopolítica democrática, mostrando a necessidade de um controle bioético da biopolítica.

Palavras-chave: Bioética. Biopolítica. Controle. Justiça. Imunidade.

Resumen

La bioética como forma de resistencia a la biopolítica y al biopoder

El trabajo intenta desconstruir los conceptos de biopolítica y biopoder y objetiva crear condiciones para una actuación correcta de la bioética, entendida tanto como herramienta analítica y normativa de la moralidad de la biopolítica y del biopoder como aplicación práctica bajo la forma de resistencia y disidencia democrática con relación a los efectos moralmente cuestionables, resultantes de las prácticas biopolíticas y de los usos inadecuados de tales conceptos para realizarlas. Su presupuesto es el de que los conceptos de biopolítica y biopoder son utilizados, la mayoría de las veces, de forma inconsistente o como palabras *passe-partout*, lo que afecta a su poder de inteligibilidad para entender las profundas transformaciones de la sociedad contemporánea, inclusive con relación a las percepciones de sí en tanto ‘sistema vivo’. La desconstrucción constituye, por tanto, una operación previa necesaria debido a la subsunción de la ética a la política, supuestamente legitimada por la referencia común a la “vida”, indicada por la palabra griega *bíos*, la cual, no obstante, se revela inextricablemente vinculada a *zoé*, cuando no subsumida a ésta. Por fin, el trabajo discute las propuestas de democracia biopolítica y de biopolítica democrática, mostrando la necesidad de un control bioético de a biopolítica.

Palabras-clave: Bioética. Biopolítica. Control. Justicia. Impunidad.

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Received: 5.29.2010 Approved:11.8.2010 Final approval: 11.10.2010

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