



# The Mexican Exception

Sovereignty, Police,  
and Democracy

Gareth Williams



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*For Cris*

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And let no one suppose that in seeking for something beyond them we are anxious to make a sophistical display at any cost; we only undertake this inquiry because all the constitutions with which we are acquainted are faulty.

—Aristotle

It is precisely the exception that makes relevant the subject of sovereignty, that is, the whole question of sovereignty.

—Carl Schmitt

Even though we know so little about what “democracy” should mean, it is still necessary, through a kind of precomprehension, to know something about it. We must move toward the horizon that limits the meaning of the word, in order to come to know better what democracy will have been able to signify, what it ought, in truth, to have meant.

—Jacques Derrida

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## Introduction

I began to write this book in the summer of 2005. On July 22, 2005, a Brazilian citizen, Jean Charles de Menezes was shot seven times in the head by officers of the London Metropolitan Police in the Stockwell Tube Station. In the wake of the terrorist attacks of July 7, the Metropolitan Police had implemented their secret shoot-to-kill policy—named “Operation Kratos”—which had been designed and developed in the aftermath of the 9/11 terrorist attacks on New York and Washington, DC. In its direct reference to the second compound in words such as *democracy* or *aristocracy*, Operation Kratos alluded to the force that underlies the partitions of the political community. It referred to sovereignty as a standing reserve of force at the heart of society’s distribution of powers and privileges. With Menezes’s death, the state’s claim to legitimate violence had been tragically undermined, and the subsequent investigations and inquest did little to guarantee justice.

Clearly there is nothing new in the relation between law, force, and the democratic social order. But after almost half a century of political philosophy announcing the advent of new paradigms of power based on the regularization of populations and economies, it appeared that Menezes’s death, when taken in conjunction with many of the policies of the Bush administration after 9/11, indicated that the traditional rights of the sovereign to kill or suspend guarantees while remaining free from legal obligation were witnessing a powerful resurgence. In the context of the international “War on Terror,” the liberal democracies of the West seemed to be embracing force as a fundamental procedure internal to the defense of good order, over and above the management and administration of the population by the liberal optimization of collective well being and prosperity. While purporting to guarantee security measures defending, or immunizing, society against the random elements inherent in a population of living beings, sovereign power itself appeared to be the random element and Menezes’s death highlighted the difficulty in measuring interactions between, on one hand, the vast anatomy of social powers that regularize everyday life and, on the other hand, the state’s sovereign decision to define the political arena by imposing and acting on a distinction between the

characteristics of a friend and those of an enemy. The indistinctness in the relation between the sovereign decision to kill and the administrative regulation of good order seems to call for a reconsideration of sovereignty itself, not only in a discussion of which individual or group of individuals should be hegemonic, but also in a conceptual and practical reconsideration of the mere fact of sovereignty. But clearly this entails a parallel conceptual and practical reconsideration of the mere fact of democracy in its relation to sovereign power and the faulty immunization of society against disorder, violence, and lawlessness.

As the Menezes case hit the headlines, events in Mexico also seemed to lend enormous historical and political weight to Jacques Derrida's observation in *Rogues* that the idea of sovereignty is being put to a critical test at the current time. As he observed, the contemporary world bears witness "more and better than ever (for we are not talking about something absolutely new) to the fragility of nation-state sovereignty, to its precariousness, to the principle of ruins that is working it over—and thus to the tense, sometimes deadly, denials that are but the manifestations of its convulsive death throes" (2005, 154). What can be understood by this reference to the principle of ruins that lies at the heart of sovereign power, that "works it over," and thereby forces it to confront and propagate violence in the name of democratic peace and sovereign order? For Derrida, our ability to understand this principle entails accounting for reason's relation to sovereign exceptionality, and to the state's partial, incomplete, and always ongoing attempts to immunize or inoculate society, and itself, from the threat and experience of violence, disorder, or lawlessness. Since the end of the Institutional Revolutionary Party's (PRI) domination in the 2000 presidential elections, Mexico has become a particularly significant arena for reconsideration of the mere fact of sovereignty. By the end of summer 2005, it was clear that Mexico was bracing itself for another chapter in its barbed relation to sovereign legitimacy and democratic rule. As the 2006 presidential elections loomed on the horizon, the outgoing government of National Action Party (PAN) President Vicente Fox was trying (and, more significantly, failing) to hold former PRI President Luis Echeverría accountable for criminal acts sanctioned and committed against sectors of the population in the late 1960s and early 1970s. The underlying question in this entangled legal process was whether a former president could in fact be brought to justice or whether he would always be an exception to the rule of law. Simultaneously, the neoliberal political and economic elites were gearing up to discredit, by almost any means possible, the populist challenge of the Democratic Revolutionary Party (PRD) candidate, Andrés Manuel López Obrador. In June 2005 the Zapatista Army of National Liberation (EZLN) announced its intentions to withdraw from the presidential elections in the name of a different approach to the political (their "Other Campaign"), while in the process accusing López Obrador of

being nothing more than business as usual rather than a legitimate alternative to the ruling PAN or PRI, which had dominated the political and institutional course of the twentieth century. In the months running up to the elections, the country saw the civil unrest and brutal police response that made San Salvador Atenco a household name. The country also witnessed the military deployment and remarkable violence unleashed by the thousands of police who were sent by the governor of Oaxaca to break up the teachers' strike that would later form the nucleus of the Popular Assembly of the Peoples of Oaxaca.

In what would prove to be the most contentious presidential elections since the 1988 election of Carlos Salinas de Gortari, the 2006 presidential elections were accompanied by vociferous claims of fraud. In the end Mexico's Federal Electoral Institute resolved the electoral stand off by recounting approximately 9 percent of the vote and declared the conservative PAN candidate Felipe Calderón the winner on September 5, 2006. Within days of coming to power in these hotly contested elections, President Calderón defined the future of his presidency by declaring war on the drug cartels. Since then, over forty thousand soldiers have been deployed in Mexican territory, and it is calculated that the conflict has claimed the lives of over thirty-five thousand people. Fighting the drug cartels has cost a fortune in military expenditures, and this struggle has had a hugely negative impact on Mexico's image abroad, even leading to speculation in some official circles in the United States that Mexico might be a failed state.

In Mexico the war on the cartels has sparked a debate on the nature of sovereign power and its relation to democracy. Carlos Fazio was perhaps the first to call attention to the increasing militarization of public security in Calderón's Mexico, noting that current conditions are like the suspension of citizens' guarantees that accompanied militarizing the state of Chiapas after the EZLN uprising of 1994. Published in *La Jornada* in December 2006, Fazio's "Hacia un estado de excepción?" ("Toward a State of Exception?") observes in no uncertain terms that the state's ability to mediate social conflict has given way to the open use of force, inaugurating what he calls the discretionary ground of the *new law*: that is, President Calderón's state of exception. Fazio is by no means the only appraisal of the Mexican "state of exception" in recent years. In its 2008 annual report, "Human Rights Under Siege: Public Security and Criminal Justice in Mexico," the Centro de Derechos Humanos Miguel Agustín Pro-Juárez (Miguel Agustín Pro-Juárez Human Rights Center) in Mexico City called for the need to further regulate the use of force in interactions between police and civilians. In his opinion piece published in *La Jornada* on March 24, 2009, Luis Hernández Navarro observed that the militarization of the northern territories undermines the constitution and is thereby carrying Mexico down the path to martial law. On March 31, 2009, Dan La Botz of Mexican Labor News and Analysis posted an appraisal of

the current situation titled “Mexico: A State of Exception? Or a State of Disintegration? A Panorama of Criticism of the State in Mexico.” On the same day the freelance journalist Kristin Bricker posted her report titled “Regime of Exception: Mexico’s Two-Track Justice System” in which she evaluates the potentially prejudicial implications of the legal reforms currently being sponsored and funded by the US Congress under the auspices of “Plan Mexico.”

While these appraisals help us understand the complexity of the current situation in terms of rights violations and the use of force, they all share the idea that the state of exception—sovereign power’s ability to decide on its exceptional status in relation to the law—is a historical and institutional aberration in a democratic society because democracy can reign only when the state of exception is rendered obsolete.

In this book I take a different, less idealistic, tack. Contrary to the essentially ahistorical notion that the state of exception is indeed an exception—in Fazio’s terms, the *new law* of the state of exception—I consider sovereign exceptionality to be absolutely integral to our understanding of modern and contemporary cultural history. The social pact and the application of the law do not give us insight into the historical interactions and structures of Mexican society. Rather, it is conflict and the state of exception that reveal how society functions. This is, in my mind, the case in any modern society. The question, then, is not how to render the state of exception obsolete in the name of democracy but how to think the exception through in conjunction with sovereign power’s relation to the modern rationalization and regularization of democratic life. From the outset, then, I should shed some light on the key concepts that underlie my approach to the modern cultural history of sovereignty, police, and democracy in the specific context of the Mexican exception.

### **Sovereignty, Biopolitics, Police**

In the course of the last half century, much has been said of life as a political concept, and of *biopolitics* and *biopower* as nomenclatures for the regularization and optimization of life on a collective scale. As Roberto Esposito notes in *Bios*, biopolitics has opened up a completely new phase in contemporary reflection on sovereign power: “From the moment that Michel Foucault repropounded and redefined the concept (when not coining it), the entire frame of political philosophy emerged as profoundly modified. It wasn’t that classical categories such as those of ‘law’ [*diritto*], ‘sovereignty,’ and ‘democracy’ suddenly left the scene—they continue to organize current political discourse—but that their effective meaning always appears weaker and lacking any interpretive capacity” (2008, 13). Clearly, in order to grasp the historical shifts in the status of the political concept of sovereignty, and therefore in order to approach the question

of the Mexican exception, we should turn to the notion of “the biopolitical” as taken up by Michel Foucault in the mid-1970s. However, this does not mean we have to remain exclusively within the framework provided by that term or its genealogy. In other words, it is not clear to me if “the biopolitical” is a completely accurate term for the analysis of the historical and cultural specificities of sovereign power and democracy in modern and contemporary Mexico. “The biopolitical” is certainly useful and to a large extent descriptive, but my sense is that it is only partially so and should be used only sparingly, rather than as a blanket term to describe the processes of Mexican modernity tout court. I am interested therefore in exercising utmost care in using the term in the specific context of Mexican state and culture formation in the twentieth century.

In order to approach biopolitics, we should consider the classic definition of sovereignty. In Thomas Hobbes’s *Leviathan*, which is perhaps the epitome of the classical definition of the term, the passion that inclines men to peace is fear of death (1985, 188). It is fear of, and desire for protection from, death inflicted either by foreign invasion or by fellow subjects that institutes and sustains the covenant and authority of a social order unified under the will and command of a transcendent common (i.e., shared) power. Hobbes is very clear. The only way to erect a common power capable of defending men from foreign invasion and “the injuries of one another, and thereby to secure them in such sort . . . is, to conferre all their power and strength upon one Man, or upon one assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will . . . This is the Generation of that great LEVIATHAN, or rather (to speake more reverently) of that *Mortall God*, to which wee owe under the *Immortall God*, our peace and defence . . . and he that carryeth this Person, is called SOVERAIGNE, and said to have *Souveraigne Power*; and every one besides, his SUBJECT” (227–28). The sovereign, who can come to power by pure force, “as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by Warre subdueth his enemies to his will, giving them their lives on that condition” (228), or by the consent of the multitude, as “when men agree amongst themselves, to submit to some Man, or assembly of men, voluntarily, on confidence to be protected by him against all others” (228), is a mortal god with the right to decide over the life and death of his subjects. This sovereign decision over the right to take life or to let live is the absolute basis of all political titles and social distinctions. The sovereign decision precedes the emergence of the political and legal order, which is to say that, in miraculous fashion, the sovereign cannot be held accountable according to the terms of the legal order to which he gives rise. This is because, in Hobbes’s formulation, whatever the sovereign “doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice” (232). In other words, the sovereign decision institutes the law

and suspends the law at will and with utmost impunity; that is, the essence of sovereign power is located in the miraculous ability of the sovereign to legally suspend the laws that his subjects are legally banned from suspending or even transgressing. In the twentieth century Carl Schmitt took a similar position, as he identified the core of power as being the sovereign's ability to proclaim regimes of exception and suspend constitutional order: "Sovereign is he who decides on the exception . . . The exception in jurisprudence is analogous to the miracle in theology" (2005, 5, 36). Ultimately what we encounter is a paradox: the exceptional obligation to obedience is both a cause and effect of the state's existence since it simultaneously precedes and follows the formation of supreme power (Virno 1996, 198). As Foucault puts it, "The theory of sovereignty presupposes the subject; its goal is to establish the essential unity of power, and it is always deployed within the preexisting element of the law . . . Subject, unitary power, and law; the theory of sovereignty comes into play, I think, among these elements, and it both takes them as given and tries to found them" (2003, 44). The essential unity of power summarized in the theory of sovereignty is a police discourse that "tends to affirm and increase the power of the state, to make good use of its forces, to procure the happiness of its subjects and chiefly the maintenance of order and discipline, the regulations that tend to make their life convenient and provide them with the things they need to live" (2003, 366).<sup>1</sup>

In Foucault's lectures at the Collège de France, however, there is an important recognition of a distinctive yet supplementary relation between the classical theory of sovereignty and what he comes to call modern biopolitics. In "*Society Must Be Defended*" Foucault connects what he calls biopolitics to the emergence of new regulatory mechanisms and technologies of power in eighteenth-century Europe, which were designed to rationalize and calculate (i.e., to suture and measure the exercise of instrumental reason in its relation to) human life in order to immunize the collective against the random or heterogeneous elements inherent in the social body. Biopolitics refers specifically to the following:

A set of processes such as the ratio of births to deaths, the rate of reproduction, the fertility of a population, and so on . . . the form, nature, extension, duration, and intensity of the illnesses prevalent in a population . . . public hygiene . . . insurance, individual and collective savings, safety measures . . . Biopolitics deals with the population, with the population as political problem, as a problem that is at once specific and political, as a biological problem and as power's problem . . . The mechanisms introduced by biopolitics include forecasts, statistical estimates, and overall measures . . . Security measures have to be installed around the random element inherent in a population of living beings so as to optimize a state of life . . . it is, in a word, a matter of taking control of life and the biological processes of man-as-species and of ensuring that they are not disciplined, but regularized. (2003, 243–47)

Biopolitics is therefore the name for new mechanisms and calculations of power that emerged with the transition from the classical territorial—or police—state to the modern time of capital. If the police state is grounded in the unity of political and economic domination, biopolitics is the diffusion of technoscientific knowledge throughout the social sphere. In *Security, Territory, Population* Foucault defines biopolitics as the treatment of the population “as a set of coexisting living beings with particular biological and pathological features, and which as such falls under specific forms of knowledge and technique” (2007, 367). Biopolitics therefore refers to forms of power that perhaps do the state’s work for it but that are not necessarily the result of decisions taken at the heart of the state apparatus. It is power in the name of the modern ratio, but not necessarily the power of the state set in motion via the essential unification of sovereign subject, power, and law.

But we still need to be more specific. What Foucault traces in his work, from *The History of Sexuality* and *Discipline and Punish* to the lectures that compose “*Society Must Be Defended*”; *Security, Territory, Population*; and *The Birth of Biopolitics*, is the far-reaching technoscientific shift in the role and function of the Latin notion of *civitas* that emerged as a result of the fabrication of an increasingly bourgeois order in Europe and beyond from the seventeenth century to the present. At first glance, it would appear that Foucault’s formulation of biopolitics as the regularization of life and of the technoscientific management of man-as-species is wholly antithetical to the Hobbesian image of the sovereign unity of power and law (“The Leviathan”) standing over society. But Foucault observes that biopolitical power is not absolutely heterogeneous or antagonistic to the traditional rights of the sovereign. First, he emphasizes the classical concept of sovereignty in terms of its right to decide over life and death:

You know that in the classical theory of sovereignty, the right of life and death was one of sovereignty’s basic attributes . . . What does the right of life and death actually mean? Obviously not that the sovereign can grant life in the same way he can grant death. The right of life and death is always exercised in an unbalanced way: the balance is always tipped in favor of death. Sovereign power’s effect on life is exercised only when the sovereign can kill. The very essence of the right of life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life. It is essentially the right of the sword. So there is no real symmetry in the right over life and death. It is not the right to put to death or to grant them life. Nor is it the right to allow people to live or to leave them to die. It is the right to take life or let live. And this obviously introduces a startling dissymmetry. (2003, 240–41)

However, Foucault then suggests an important shift:

I think that one of the great transformations political right underwent in the nineteenth century was precisely that, I wouldn’t say exactly that sovereignty’s



old right—to take life or let live—was replaced, but it came to be complemented by a new right which does not erase the old right but which does penetrate it, permeate it. This is the right, or rather precisely the opposite right. It is the power to “make” live and “let” die. The right of sovereignty was the right to take life or let live. And then this new right is established: the right to make live and to let die. (2003, 241)

Foucault reiterates this complementary yet converse relation between classical sovereignty and the biopolitical optimization of modern life:

Beneath that great absolute power, beneath the dramatic and somber absolute power that was the power of sovereignty, and which consisted in the power to take life, we now have the emergence, with this technology of biopower, of this technology of power over “the” population as such, over men insofar as they are living beings. It is continuous, scientific, and it is the power to make live. Sovereignty took life and let live. And now we have the emergence of a power that I would call the power of regularization, and it, in contrast, consists in making live and letting die. (2003, 247)

Sovereign power is still the traditional right to take life and let live. But top-down sovereignty, the mortal god of the Leviathan presiding over society in its miraculous exceptionality, is now supplemented by the infiltration and proliferation throughout society of a multiplicity of immanent power and force relations that amount to—indeed, are coextensive with—a whole productive anatomy or technology of social power that, through the workings of regularization, blurs the distinction between sovereign power and everyday life.

In this new arrangement the political is no longer defined *exclusively* by the boundary that separates the exceptional rights of the sovereign from those underlings who live in his shadow. Now the boundary between sovereign power and life, between the normal and the abnormal, the proper and the improper, or the friend and the enemy, is socially ubiquitous and has therefore become as much a question of technocratic or technoscientific regulation and management as it is of force. In biopolitics sovereignty has become so profoundly socialized that it orients everyday life, via the exercise of reason, toward the bourgeois pursuit of good order, well being and prosperity.

As a result, “biopower” becomes a name for the endless redrawing of the boundary between the political and the everyday in modern disciplinary and postmodern control-oriented societies. In the move away from the territorial state of the sovereign monarch, sovereignty has become increasingly dispersed and decentered yet at the same time increasingly entrenched in everyday life. As Foucault puts it, thanks to the advent and extension of biopolitics, “a battlefield runs through the whole of society, continuously and permanently, and it is this battlefield that puts us all on one side or the other. There is no such

thing as a neutral subject. We are all inevitably someone's adversary" (2003, 50–51). The political realm is no longer exclusively the result of the sovereign decision and exception as it was in the Hobbesian model. Now the power of sovereignty is coextensive with the social body in its entirety, and as the political realm in the capitalist mode of production becomes increasingly saturated and subsumed by the regularization of market forces, social battlefronts succumb to increasing individualization.

Giorgio Agamben has taken up the question of the increasingly ubiquitous nature of sovereign power and the ever-changing boundary between politics and life in *Homo sacer: Sovereign Power and Bare Life*. In this work the origin of the political in the Western tradition can be located in what Agamben considers to be the separation between two terms that both referred to different forms of what we now call "life": "The Greeks had no single term to express what we mean by the word 'life.' They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: *zoe*, which expressed the simple fact of living common to all living beings (animals, men, and gods), and *bios*, which indicated the form or way of living proper to an individual or a group" (1998, 1). Agamben proposes that in the classical (Aristotelian) formulation, simple natural life was excluded from the polis in the strict sense and remained confined—as merely reproductive life—to the sphere of the *oikos* (home; 2). However, under modern and contemporary biopolitical regimes the classical separation between organized social life (*bios*) and simple natural life (*zoe*) has shifted drastically:

The decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoe*, right and fact, enter into a zone of irreducible indistinction. At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. When its border began to be blurred, the bare life that dwelt there frees itself in the city and becomes both subject and object of the conflicts of the political order, the one place for both the organization of State power and emancipation from it. (1998, 9)

According to Agamben, bare life was the constitutive outside of the sovereign realm, and as constitutive outside, not simply outside the political realm but positioned by sovereign power as the outside on which the political construed itself. Bare life is both the place for the organization of state power (still the effect of its dialectical capture by the sovereign decision) and the place for emancipation (a potential excess that undoes the sovereign realm from within).

But Jacques Derrida warns against an important oversimplification in Agamben's main formulations in *Homo Sacer*. Analyzing a passage from Aristotle's *Politics*, Derrida notes, "in this text, as in so many others of Plato and Aristotle, the distinction between *bios* and *zoe*—or *zen*—is more than tricky and precarious; in no way does it correspond to the strict opposition on which Agamben bases the quasi totality of his argument about sovereignty and the biopolitical in *Homo Sacer*" (2005, 24). Agamben's appropriation of, and distancing from, Foucault tends to empty out the historical specificity of modern biopolitics in favor of "a metaphysical reading of the originary and infinite state of exception that has since its exception eroded the political foundations of social life" (Campbell 2008, xxii). However, in contrast to Agamben's metaphysics of sovereign exceptionality, it is the historical specificity of Foucault's analysis of biopolitics that interests me more. It is also Foucault's specificity that ultimately leads me to look more toward the idea of police (understood as the direct governmentality of the sovereign qua sovereign, or as what Foucault calls the permanent coup d'état [2007, 339]) than I do toward that of biopolitics in my specific analysis of Mexican political culture. I do not mean that Mexican modernity is not biopolitical. I do mean that we have to know how, when, and for what reasons we use the term. In order to explain this further, I should first address what the origin of biopolitics is in Foucault's formulation.

The birth of biopolitics is the result of the modern advent of political economy in relation to the liberal art of governmental rationalization. Biopolitics, in other words, is the name for the regime of truth that potentializes the capitalist mode of production via the principle of *self-limitation of government*. The practice of the liberal self-limitation of governmental reason, carried out in the name of governmental reason but, more important, in the name of the political economy of capital allows for the extension of the modern biopolitical *ratio*. Liberalism is "a rationalization which obeys the internal rule of maximum economy . . . Liberal thought does not start from the existence of the state, finding in government the means for achieving that end that the state would be for itself; it starts instead from society, which exists in a complex relation of exteriority and interiority vis-à-vis the state" (2008, 318–19). This means that biopolitics emerges as a new art of government via the liberal critique of sovereign power understood as the unity of police reason (reason of state). It forms part of the conceptual history of the police abolition of disorder, but it moves beyond the expression of power of the sovereign body. Governmental rationality is no longer the rationality of the sovereign himself, of whomever it is who can say "me, the state" (312). It is the existence of that sovereign rationality in conjunction with the overlapping and interplay between the art of government according to truth, the art of government according to the rationality of the sovereign state, the art of government according to the rationality of economic agents, the art

of government according to the rationality of the governed themselves, and so on (313). Biopolitics is the distribution and diffusion throughout society of the liberal art of *laissez faire* political, social, institutional, and economic regularization that administrates the acquiescence and consent of collectivities, the functional distribution of social powers, the systematized allocation of places and roles, and the institutional procedures for legitimizing those distributions *from beyond* the specific political decisions taken by the state apparatus.

This is where Mexican cultural history disrupts, but does not completely undermine, the legitimacy of the Foucaultian formulation of biopolitics. Mexican modernity tends to turn European liberal modernity at least partially on its head. Under colonial conditions the Bourbon Reforms of the eighteenth century helped forge a period of prosperity that was accompanied and sustained by the penetration of Enlightenment thought, modern philosophy, science, and increased regulation of private and public customs and styles (Viqueira Albán 1999, xvi–xviii). However, in Mexico modernity is not inaugurated via the bourgeois self-limitation of governmental reason carried out in the name of collective well being, prosperity, and happiness. Nineteenth-century Mexican liberalism certainly utilized the discourse of governmental self-limitation to challenge the power of the Catholic Church, and it embraced scientific positivism to forge the conditions of secular rationalism. But as any reading of Justo Sierra shows us, Mexican modernity was inaugurated on the whole by the post-colonial quest for a police state capable of creating the good order and sovereign mastery that would allow for the implantation and extension of bourgeois rule. The quest for the unity of economic and political domination is the lasting inheritance of both the dictatorship of Porfirio Díaz and the Mexican Revolution of 1910–20. Social regularization might have been a partial by-product of this implantation, but it was not its driving force. In other words, modernity in Mexico has been predicated on the permanent application of state power in the construction of social order, rather than on the self-limitation of state power via a legal system guaranteeing individual rights and limiting public power. As Arnaldo Córdova puts it, in Mexico “the law not only legitimates the state, it breaks down all barriers that obstruct the state’s practice . . . In Mexico democracy means conciliation of, and by no means disagreement with, power. It is not a conquest that has to take away from the state, but something that only the state can achieve . . . The essential thing is that the 1917 Constitution installed a political regime that positioned itself automatically above all social groups, forcing them either willingly or by force to live in common, and upon that basis committed to guarantee their existence or not” (1973, 244–45). In the official postrevolutionary discourse of Mexican modernity, then, popular will was deposited in the Constitution and from there passed into the state, thereby implying that the will of the state *was* and *is* the de facto will of the people

and vice versa (247). Roger Bartra's insights are significant in this regard: "In contrast to other countries, our revolutionary myths did not emerge from the biographies of heroes and tyrants, but from the idea of the fusion of the masses with the State, of the *Mexican* people with the *revolutionary* government . . . National culture is identified with political power in such a way that whoever wants to break the rules of authoritarianism will immediately be accused of renouncing—or, worse, of betraying—national culture" (1996, 188–89).

Mexican modernity was predicated, not on the principle of self-limitation of government, nor on the quest for the biopolitical regularization of society, but on the consolidation of a police state understood as the direct governmentality of the sovereign qua sovereign. Modernity in Mexico was orchestrated by a total state that strived at all times to suppress the duality of state and society. Circumstances became a central component of this order, and as Córdova reminds us, a general principle that animated the modern police state in Mexico was the broad freedom granted to the sovereign in order to act as he thought fit: "The fact that on many occasions it has become a regime of circumstance is something the juridical ordering of the country has foreseen and wanted" (1996, 247). Mexican modernity, at least up until the economic crisis of 1982 and the emergence of technocratic neoliberalism at the heart of the PRI state apparatus, is predominantly (though not exclusively) a *police* project, understood as a permanent coup d'état: "It is the permanent *coup d'Etat* that is exercised and functions in the name of and in terms of the principles of its own rationality, without having to mold or model itself on the otherwise given rules of justice" (Foucault 2007, 339). Foucault is signaling here that the everyday workings of the "police" cannot be separated from the sovereign state of exception. Indeed, he is signaling that sovereign exceptionality is central to the exercise of police.

For this reason, in *The Mexican Exception* I avoid Agamben's metaphysical reading of the originary and infinite state of exception eroding the political foundations of social life since its inception. I do not reject his work on sovereignty completely, but I find it considerably more productive to emulate the historical and cultural specificity of Foucault, while at the same time recognizing the ways in which that specificity does not explain the intricacies of the Mexican exception. For this reason, I refer to biopolitics in the Mexican context only in the final sections of the last chapter, where the principle of the self-limitation of government emerges in the context of the 1982 economic crisis. For the remainder of the book, I prefer to use the term *police* in relation to Mexican cultural history, while at the same time realizing that the genealogy of the term itself is not unrelated to the genealogy and practice of biopolitics. The question now, though, is how I conceptualize the police in relation to sovereignty, democracy, and the political in the context of the Mexican exception.

### Sovereignty, Police, Democracy

Jacques Rancière makes an important distinction between *police* and the political that is bound directly to the possibility of challenging the self-immunization of the order of society: “Politics is generally seen as the set of procedures whereby the aggregation and consent of collectivities is achieved, the organization of powers, the distribution of places and roles, and the systems for legitimizing this distribution. I propose to give this system of distribution and legitimization another name. I propose to call it *the police*” (1999, 28). For Rancière *police* refers to the calculations of a power that lays claim continually to the notion of the political as the management of abundance and consent. It inscribes the suppression of politics (102): “From Athens in the fifth century B.C. up until our own governments, the party of the rich has only ever said one thing, which is most precisely the negation of politics: there is no part of those who have no part” (14). Alongside Foucault, Rancière understands the police as a mode of government tied up with the category of “man” and his “happiness.” It is *reason* in the service of “the continuous act of creation of the republic” (Foucault 2007, 259). As such, one kind of police might be infinitely preferable to another. Rancière draws on Foucault’s legacy and explains the notion of the police in the following terms: “I do not identify the police with what is termed the ‘state apparatus.’ The notion of a state apparatus is in fact bound up with the presupposition of an opposition between State and society in which the state is portrayed as a machine, a ‘cold monster’ imposing its rigid order on the life of society . . . The police is first an order of bodies that defines the allocation of ways of doing, ways of being, and ways of saying, and sees that those bodies are assigned by name to a particular place and task” (1999, 29). However, taking into consideration the specific conditions of Mexican sovereign power and democracy, my sense is that while the concept of the police might be heterogeneous to the idea of the state apparatus (and the sovereign decision), it can never be wholly disassociated from it. After all, state violence is the product of sovereign commands issued as a result of specific interests just as much as it is a response to the police allocation and regularization of ways of doing, being, and saying. The everyday workings of police cannot be separated from the sovereign state of exception in Mexico. Indeed, as we will see in the course of these pages, *police* is central to the exercise of sovereign exceptionality.

Rancière’s use of the term *police*, however, is curious. He distinguishes it from the state apparatus, almost as if it were a synonym for Foucaultian *biopolitics*. However, he is careful not to use it in terms of Foucault’s technoscientific regularization of life via the rational administration of man-as-species. Rather, Rancière refers to *the police* more than anything because he is interested in developing a notion of the political that does not conform to the rules of the biopolitical. He

prefers the term *police* for two reasons: (1) Police (*polis*) is the common denominator in the relation between the classical inheritance of political Aristotelianism and the modern reevaluation of the identification of the people with the figure of the subject of sovereignty, in a post-Enlightenment epoch characterized by new pronouncements and theories of popular sovereignty; (2) This allows for the elucidation of a longstanding distinction between the police and the political, thereby opening up the question of democracy as an egalitarian encounter with the police order. Rancière can certainly draw on the legacy of Foucault, but he cannot use the term *biopolitics* because this term conflates the police with politics. For Rancière, there is no transformational politics available to us either in the inner workings of the police or in biopolitics. This is an important proposition for reevaluating the conditions of democracy in modern and contemporary Mexico.

The democratic notion of the political in Rancière is the opposite of *police*, while remaining at all times bound up with it for, as he puts it, in order for politics to occur “there must be a meeting point between police logic and egalitarian logic” (1999, 34). For Rancière democracy—egalitarian logic—is the non-determining disruptive appearance of a people, rather than the consolidation of a particular collective life-form: “Democracy is more precisely the name of a singular disruption of this order of distribution of bodies as a community that we propose to conceptualize in the broader concept of the police. It is the name of what comes and interrupts the smooth working of this order through a singular mechanism of subjectification” (99). Democracy—the disruptive, ruinous appearance or coming of the demos—is the unbinding of the relation between administration (the functional relation between authority and calculation) and the immanent life of society: “Political activity is whatever shifts a body from the place assigned to it or changes a place’s destination. It makes visible what had no business being seen, and makes heard a discourse where once there was only place for noise; it makes understood as discourse what was once only heard as noise” (30). Jacques Derrida affirms that “there is no sovereignty without force, without the force of the strongest, whose reason—the reason of the strongest—is to win over everything” (2005, 101). The sovereign reason of the strongest (*police*) characterizes those included under the banner of their own exclusion as mere noise, as the murmurs of the incomprehensible, spontaneous, or irrational within the ordered field of the political. If this is the case, then the egalitarian principle of ruin that always haunts the reason of the strongest is central to any notion of *democracy*, since it brings forth the language of something other than the mere organization and reproduction of bodies in a fully subjected (i.e., scripted) community. It announces something other than the order of a citizenry located within the calculated management and proportioning of places, powers, and functions. The egalitarian principle of ruin brings forth onto the terrain of *police* a language not set up in advance, precisely at that place where mere noise was audible before.

*The Mexican Exception* is an attempt to pry open a space in Mexican cultural history, and in its thorny relation to democracy, for those egalitarian languages not set up in advance. In order to provide the ground for such an alternative approach to the political, I structure each chapter around particular historical sequences and events that shed light on the ongoing question of political democracy in postrevolutionary Mexican society. I therefore consider the development of Mexican modernity through certain moments in which there are indeed ordering forces present, but forces that perhaps have not yet summoned their institutional rule into full view, or in which sovereignty is characterized more by will and force than it is by law or consent. Each chapter therefore recuperates an interregnum or particular historical sequence that I consider to be of fundamental importance for understanding the relation between culture and state, or collective life and law, in modern Mexico. In particular, each moment or historical sequence (which might refer to the events of a particular day, week, number of months, or even decades) grasps the relation between culture and the sovereign exception in its multiple manifestations.

Moreover, I consider each historical moment or sequence to be the staging of a relation to language. As such, within each historical sequence I examine a particular “speech scene” or encounter between heterogeneous (i.e., police and egalitarian) languages. In these speech scenes there is a disagreement between social actors (e.g., disputes between peasants and intellectuals over words such as democracy, equality, freedom, proletariat, worker, revolution). In such scenes we see that it is in the struggle between rich and poor that politics is installed at the heart of society and that the assumptions of democracy are created, worked through, and processed. Democracy in *The Mexican Exception*, then, is not just a type of Constitution or a form of society that politics then has to process on a day-to-day basis. It is the assumption and installation of egalitarian language at the heart of society’s distributions of value, privilege, and prestige. Democracy, in other words, is the momentary interruption or suspension of the police order. By giving these interruptions specific historical sequences—their own particular temporal dynamics and moments of disagreement—*The Mexican Exception* uncovers the underlying stakes and subjugated democratic stories of the political in modern Mexico. It is through the question of language and language’s relation to the encounters between police logic and egalitarian logic that *The Mexican Exception* stakes its primary claim for a countergenealogy of the political that has never been fully immunized by the police order of twentieth- and twenty-first-century Mexico.



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