

## **Zones: Beyond the Logic of Exception?**

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### **Abstract**

Over the past five decades the proliferation of economic zones has been crucial to the emergence of Asian economic power. With historical precedents in ancient free ports, pirate enclaves, and colonial concessions, zones have become crucial spaces of labor and production. They are sites in which globalized forms of capital and logistics interact with populations and administrative bodies to augment the conditions for profit-making and accumulation. How are we to understand the political and legal constitution of zones? In an important sense they are spaces of exception since states create them by sectioning off locations in which foreign investors enjoy exemptions to law and other forms of normative regulation. These exceptions, however, are often established by normative means and are almost always partial. Exceptional forms of rule in zones tend to exist alongside domestic civil laws, opportunistic applications of international law, and diverse norms and standards promulgated by corporate actors. Zones can at once be spaces of exception and spaces saturated by competing norms and calculations. They are strategic sites in which to test the applicability of Agamben's work on sovereignty, exception and governmentality to the contemporary Asian context. Mindful of the plurality of zones across Asia, the paper highlights mutations in these forms of power to explore how zones disarticulate jurisdiction from territory, produce new kinds of laboring subjects, and prompt processes of spatial and social reorganization.

### **Keywords**

economic zones, sovereignty, exception, Agamben, labor, Asia

“Except Asia”—I have to admit an intense attraction to the concept that gives a name to this special issue of *Concentric: Literary and Cultural Studies*. It is an attraction, I have also to admit, which overpowers my interest in those names and concepts that populate that part of the title that follows the colon: “Agamben’s Work in Transcultural Perspective.” What does this name of “Except Asia” suggest about the objects over which it casts its shadow: Agamben’s work, on the one hand, and transcultural processes, on the other? From the start the editors of this special issue have insisted that the title is not meant to establish an equivalence between the terms Asia and exception. It is not a matter of exceptionalism where Asia masquerades as a particular that at once eludes and embodies the qualities of a globalized universalism, whether of capital, an imperial West or a dominant liberalism. Aside from the fact, as Wang Hui reminds us, that Asia is a Western construct, there is the reality of contemporary Asia—as different from itself as from its others and a laboratory for experimenting with new ways of being global. How then are we to understand the concept of “except Asia”? This paper engages with this question by investigating what seems to be one of the most prevalent and controversial forms of exception in contemporary Asia—the economic zone.

Agamben’s work offers a powerful apparatus for understanding the logic of exception. His explorations of exceptionalism are based in an engagement with the political theology of Carl Schmitt and a view of the camp as “the biopolitical paradigm of the West” (*Homo Sacer* 181). Part of my purpose in this paper is to ask what becomes of this “biopolitical paradigm” when it shifts away from “the West.” In examining the existence of economic zones in Asia, I do not simply claim that they enact a transfer or translation of the political or juridical form of the camp to other hemispheric climes. For a start, there are many different types of zones and they are by no means geographically restricted to Asia. Guangwen Meng identifies at least sixty-six terms to describe what are generally known as economic zones. These have a variety of political and legal structures and cannot be generalized to a specific form. My argument is that although zones in one sense are sites of exception in which foreign investors enjoy exemptions from law and other normative arrangements, they are in the biopolitical sense the opposite of the camp. This is because their exceptionality is usually established within a normative frame and exists alongside a proliferation of norms that apply within their borders. However, the zone is also a paradigmatic space. It displays the biopolitical relations specific to contemporary capitalism, while the camp, in Agamben’s analysis, exhibits the political theological workings of sovereign power. Indeed, the emphasis Agamben gives to sovereignty reflects a focus on the theological as opposed to the

economic and material that extends throughout his work. This is particularly evident in his attempt to address the economic in a theological frame in *The Kingdom and the Glory*. Moving between this text and earlier installments of the *Homo Sacer* series, the sections of this paper that engage with Agamben's work seek to discern the limits of his thought for understanding capital's contemporary operations in transcultural perspective.

The paper is divided into three sections. The first positions the analysis of zones with respect to current Asian capitalism, Agamben's theories of exception, and the global politics of regionalism that contrasts Asia and the West. I point to practices of translation that both trouble and assist the attempt to make European theories, such as those of Agamben, operative in the Asian context. The second part of the paper examines the political functioning of zones with respect to what Agamben calls in *The Kingdom and the Glory* "the bipolar machine" of sovereignty and governmentality. Drawing on the work of scholars such as Aihwa Ong and Partha Chatterjee, I explore the limits of Agamben's approach for understanding the political structure of Asian economic zones. The third and final section of the paper focuses on the legal workings of zones, comparing them with the exceptional structure of the camp as described by Agamben. Here I ask what is paradigmatic about zones and, drawing on Agamben's text "What is a Paradigm?" (in *The Signature of All Things*), suggest that the study of zones requires us to approach claims about the paradigmatic status of the camp skeptically. Overall the paper seeks to rethink the debate about sovereignty outside of a theological frame, investigating how sovereignty has changed with processes of globalization, shifted away from a unitary state base, and melded with governmental powers.

### **Translating the Zone**

Let me return to the provocation "Except Asia." It is tempting to understand this as an imperative. In his *Asia as Method*, Kuan-Hsing Chen approaches Asia, in all its heterogeneity, as a ground or "method" for projects of "deimperialization" that seek to challenge or remove the "capital-driven forces which seek to penetrate or colonize all spaces on the earth with unchecked freedom" (4). Such an approach has the attraction of positioning the Asian region as a space for counter-hegemonic globalization, but ultimately must confront the problem of its privileging of Asia in this regard. It is valid to ask why Latin America or Africa might not equally present themselves as sites for the contestation of dominant global forms of economy and culture, as occurs, for instance, in the work of Latin American coloniality scholars

like Arturo Escobar and Anibal Quijano or in the writings of critical African thinkers such as Achille Mbembe. Chen's appeal to the "rise of Asia" as a "historical condition" and "pervasive structure of sentiment" that enables such "new imaginings" is haunted by this possibility (214). By placing the study of economic zones at the center of inquiry, this paper questions the view of Asia as an exception to the "unchecked freedom" of capitalist globalization (4). I suggest that zones introduce exceptions into Asia in ways that show how the global dominance of capital is increasingly disentangled from a world order centered on the primacy of Europe or the West.

The "rise of Asia" has been driven by emergent and novel forms of capitalism that can no longer be understood as Western practices transplanted into postcolonial or even communist Asia. In ways different to Africa or Latin America, Asia has become a site for the reinvigoration and reinvention of the social relation of capital in new and powerful ways. Indeed, Asian varieties of capitalism are themselves globally expansive as evidenced by the activities of companies such as Foxconn in countries such as Slovakia, Turkey, and Russia, or the concession made by the Greek government in 2009 of part of the port of Piraeus to the Chinese state-owned company Costco. Far from arguing that the specificity of such activity lies in past or present patterns of colonialism, there is a need to recognize that capital's expansiveness was global from its start, even as it was also subject to processes of heterogenization that made specific sites or regions ripe for its development across certain historical periods. Asia today is one such region and its economic zones are sites specifically tailored to the accumulation of capital at a global scale. To discern what is exceptional about these spaces we need an understanding of exception neither as a simple departure from global convention nor as an ontological suspension of norms and normativity grounded in the putative unity of the sovereign nation-state.

Agamben's concept of exception, as elaborated in texts such as *Homo Sacer* and *The State of Exception*, extends and contests the Schmittian understanding of exception as the prerogative of sovereign decision. Many readers will be familiar with the debate surrounding this concept: its political theological heritage, its positioning of sovereign power both inside and outside the law, its attachment on the one hand to Aristotelian notions of potentiality and on the other to modern state sovereignty, the claims for its stripping of rights from subjects, its tension with the notion of *nomos* or the spatial order and orientation of law, and, last but not least, the argument, prevalent in Walter Benjamin, that exception has become the rule. Apart from the fact that Agamben's theory of exception displays a heavy Western

patrimony, it presupposes a strong theory of sovereignty and a unified state apparatus. As Akhil Gupta writes, Agamben “does not worry about whether” the sovereign decision “is effective in creating a state of exception.” Agamben operates with a unitary notion of the state “insofar as he assumes that a decision to declare a state of exception is tantamount to its de facto existence” (45). If one considers a pluricentered, multilevel, and decentralized state and dispersed patterns of overlapping sovereignty such as those pertaining in economic zones, it is difficult to sustain the theoretical dualisms that characterize Agamben’s discussion of the state of exception and bare life. This is as much a problem when it comes to engaging with states and zoning technologies in other continents and hemispheres as it is with regard to Asia. The question of translating Agamben’s theories into Asian contexts is thus one about their wider empirical applicability as well as one about the civilizational binaries that tend to structure the representation of such translation.

Let me say that I have no problem, given sensitivity to a politics of translation that questions the reproduction of civilizational divides, with such application of Agamben’s concept of exception in Asian situations, if that is the right word to describe how concepts rub up against material circumstances. I know that the genealogy of concepts is often multiple, that they wander, that in so doing they mutate, and that this process is rife with noise and conflict. Aside from the idea of “traveling theory,” which was discussed by Edward Said in the 1980s and identifies “a discernible and recurrent pattern to the movement” of ideas and theories, this process has become much more complex and discordant today (*The World* 226). The movement of concepts across global space and time need not strip them of political relevance. As Said recognized in a later essay entitled “Traveling Theory Reconsidered,” such transfer and translation can also be politically felicitous. The mobilization of the concept of exception in texts dealing with Asian realities such as Aihwa Ong’s *Neoliberalism as Exception*, or Partha Chatterjee’s *Lineages of Political Society* does not strike me as a violent importation of European theory into an Asian context, although I realize this reading is inevitable and indeed provides part of the meaning and gestural politics of these works. In this kind of intercontinental and theoretical translation, the substance and meaning of concepts themselves shift. Such movements can and do occur in the other direction, as happened for instance with the dissemination of subaltern theory from the city of Kolkata. That said the global production of knowledge is subject to geo-cultural hierarchies, which are no more apparent than in the world of academia. Despite the way in which the rise of Asian universities is redefining the global politics of the academy, there is still a sense in which European thought, especially when

commodified as theory and packaged in English translation with the imprimatur of US university presses, carries a cachet that does not apply to its Asian variants. It would be foolish to believe that the scars of history can be removed, especially when dealing with issues of political translation and civilizational transfer.

To reiterate the three main points made so far: 1) capital's globalization does not imply its universalization but its taking root in conditions of historical difference—the politics of confronting capitalism as a foreign import to Asia weakens its relevance at a time when Asian varieties of capitalism are themselves globally expansive; 2) the concept of exception has both political resonance and problems of empirical applicability in this context; and 3) this resonance and these problems do not remove the concept and its use from the politics of translation. The suspension of these points between economics, politics, and culture guides my attention to the question of zoning.

The zone has a long history, stemming from ancient free ports, pirate enclaves, Hanseatic cities, and colonial concessions. But it has assumed a certain prominence in discussions of contemporary economic and political transitions in Asia. This is not to deny the presence of zones in Central and Latin America, their recent multiplication in Africa, or even their presence on the European continent, as the above mentioned case of Piraeus illustrates. However, it is in Asia—and particularly China, India, Malaysia, Taiwan, the Philippines, South Korea and Indonesia—that zoning strategies have been most prevalent and globally controversial. In their book *Special Economic Zones in Asian Market Economies*, Connie Carter and Andrew Harding define the zone generically as “any zone or area in Asia which operates under a special legal or regulatory framework and offers incentives to enterprises to locate or which are located within the specific area” (4). It is usual to note, as does Jonathan Bach, that the past half century has seen a proliferation not only in the number of zones but also in their type. By now there are so many different kinds of zones—from the duty free export zone to the tourist zone, the offshore processing center to the science park, the tax haven to the education city, the transshipment port to the industrial corridor—that it is difficult to give them a stable typology or name. But whatever the name or type of zone and whatever the juridical and technical parameters underlying its spatial delimitation and logistical functioning, the zone plays a transformational role in contemporary logics of sovereignty and accumulation. It thus provides a strategic site to investigate what Agamben calls in *The Kingdom and the Glory* the “bipolar machine” of power, which articulates sovereignty and governance, politics and

economy, in the elaboration and exercise of management over all aspects of social life (62).

## **Between Sovereignty and Governance**

*The Kingdom and the Glory* is for me a singularly problematic and challenging text. This is not only because it suggests, as Sandro Mezzadra (2013) writes, that “the decision taken at a certain point in some theological debates on the trinity in the first centuries of the Christian age shaped once for all the destiny of each individual living on the planet earth from that moment onwards until today, regardless of the geographic location of that particular individual.” Elsewhere I have discussed how *The Kingdom and the Glory* neglects the dimension of labor in arguments about economy and pursues a celebration of inoperativity that leads to a rather contemplative politics. Incidentally, this is also a feature of Agamben’s more recent *Opus Dei*, which turns attention to the archaeology of duty in Christian liturgy and modern ethical philosophy and law. I agree with Agamben, however, that there is a need to critically probe the concept of *opus*, which leaves its trace on the modern concept of work—arguably the most neglected in Hannah Arendt’s threefold classification of human activity: action, labor, work. My interest in the concept of *opus* lies not in the need to conceive a politics and ethics that lies beyond duty and will, an exercise that (as Agamben discovers in the case of Heidegger) seems bound to reinscribe these terms. Rather, as Mezzadra and I have outlined in a recent piece published in *Radical Philosophy*, it concerns the operative dimensions of contemporary capitalism—its extractive, financial, and logistical operations—which, in recent times, have become ever more subject to algorithmic processes of coordination.

The study of zones is not the only way to open up such questions of operation. The current debate about high frequency trading in finance, for instance, points to a geographical dispersal of capitalist operations in ways that work against the spatial delimitation or clustering of such activities. As Matthew Tiessen explains, today’s algorithmic trading creates “a potentially more geographically distributed network of (financial) centers that derive their potency not so much from their being at the intersection of trade routes or from their being located where capital and commerce is concentrated, but by being geospatially located according to a sort of mathematics-of-in-between-ness—that is, by being optimally located in geographical space in a way that minimizes the impediments of time.” Tiessen refers to the necessity to locate the hardware associated with algorithmic financial

trading, such as server farms, in sites where the time for electronic information to travel across networked fibers to the screens of traders is balanced such that no particular individual or firm is advantaged. It should go without saying this calculative and optimizing approach to geographical distribution also requires spaces of commercial and capital concentration between which to operate, and that research on these sites allows a politically potent investigation of the intersections between *opus* and exception.

The zone is a territory for organizing and orchestrating capital's operations. As such, it is also a site of intensive labor and a spatial container of advanced logistics and services. This involves not only a spatial demarcation or "fix," as David Harvey famously calls it, but also infrastructural, administrative, and political arrangements that apply between actors in the zone—actors that are almost always active in other sites if not self-consciously global in their operations. If the centralization of legal, political, and economic function has historically made the nation-state the essential political unity globally, the zone registers the partial undoing of these processes and the emergence of a new political topography of territory, strongly connected to the spaces of global flows of capital, goods, information, and people. As Ann Laura Stoler shows, such spatial strategies have precedents in the "legal and political fuzziness of dependences, trusteeships, protectorates and unincorporated territories" that were "part of the deep grammar of partially restricted rights in the nineteenth- and twentieth-century imperial world" (137). They also intervene in contemporary logics of dispossession and primitive accumulation, as has been particularly evident in the Indian debates about special economic zones, which, although they have many precedents (the Kandla Export Processing Zone established in 1965 is often mentioned as the first in Asia), were established officially by an act of parliament in 2005.

The politics of peasant resistance to land acquisition for zoning purposes has been intense across the subcontinent. Particularly prominent have been episodes of successful peasant struggle in West Bengal's Singur and Nandigram. In his *Lineages of Political Society*, Partha Chatterjee understands such struggles to invite a governmental response that allows a continuation of primitive accumulation through the reversal of its effects. Through a "calculative, almost utilitarian use of violence," Chatterjee argues, peasants invite "the state to declare their case an exception to the rule," making such governmental responses "irreducibly political rather than merely administrative" (229-31). Here we see a productive mutation of the concept of exception in the Indian context. In this case, exception describes a suspension of the norm, but not in the sense of stripping dispossessed populations

of rights. Rather, it involves a governmental departure from normal administrative procedures that facilitates direct political negotiations with these populations in ways that enable the reversal or remediation of the effects of dispossession. Such an understanding of exception reflects the fact that these dispossessed populations are not involved in a narrative of transition, where their loss of livelihood compels them toward wage labor, but are “unlikely to be absorbed into the new sectors of capitalist growth” (212). Most importantly, the governmental accommodation of these populations allows for the continuation of primitive accumulation. In other words, the partial reversal of the effects of primitive accumulation provides the rationale for further efforts and effects of dispossession.

Interestingly, there are affinities between this use of the concept of exception and that pursued by Aihwa Ong in the East and South East Asian contexts. In *Neoliberalism as Exception*, Ong uses the concept of exception to describe “an extraordinary departure in policy that can be deployed to include as well as exclude” (5). At stake in this play of inclusion and exclusion is something slightly different than the governmental accommodations toward peasants that Chatterjee discusses in the Indian context. For Ong, the exception appears as a positive creation of “opportunities, usually for a minority, who enjoy political accommodations and conditions not granted to the rest of the population” (101). Although she discusses this in relation to groups such as middle-class Muslim women in Malaysia and maids in Hong Kong, it applies more often to opportunities created for agents of “transnational power rooted in mobile capital” (137). This is where Ong’s discussion of exception crosses her analysis of the political logic of zoning technologies, or what she calls “graduated sovereignty” (75-96). A term coined in her earlier book *Flexible Citizenship*, graduated sovereignty refers to “the state’s flexible experiments with sovereignty.” It has two dimensions: “a) the different modes of governing segments of the population who relate or do not relate to global markets; and b) the different mixes of legal compromises and controls tailored to the requirements of special production zones” (55).

Ong’s approach registers how under contemporary capitalist conditions the relation of sovereignty to territory is coming under strain. Although the establishment of a zone definitely involves a sovereign gesture, it is an act that is increasingly separated from state power. This is not only because zones are increasingly established at the prerogative of private-public partnerships—a common arrangement, for instance, in India. There are also multiple non-state actors and legal orders that operate in zones, configuring infrastructural arrangements and labor relations as well as organizing the spatial and temporal

relations between zones and other territorial formations. As Sven Opitz and Ute Tellmann argue in a recent article entitled “Global Territories: Zones of Economic and Legal Dis/connectivity,” zones show how territory increasingly exists not as a space for the exercise of exclusive sovereign power but as a political technology that organizes social and economic relations in both spatial and non-spatial ways. They are sites where the mutations of sovereign power become particularly apparent. In their domain, sovereignty no longer vouchsafes, as Agamben writes in *Homo Sacer*, “the very condition of possibility of juridical rule and, along with it, the very meaning of State authority” (18). To understand the changing face of power in zones we need a less monolithic conception of sovereignty—one that accounts for the effects of globalization, moves beyond notions of mutually exclusive territories, and recognizes sovereignty’s increasing incapacity, as Saskia Sassen puts it, “to legitimate and absorb all legitimating power, to be the source of law” (*Territory, Authority, Rights* 415).

This is not to argue that the zone can be subtracted from the logic of exception and explained exclusively in the normative language of governance and governmentality. Doubtless the power exercised in zones can be understood as a form of global governmentality in the sense of the term given by Wendy Larner and William Walters—a set of practices and assemblages of knowledge and power that “problematize the constitution and governance of spaces above, beyond, between and across states” (2). But this is not a governmentality that can be easily removed from sovereign gestures or imperatives. Indeed, as I will argue later, it is framed by them. Both in its entanglement with juridical arrangements and its relation to territory, the zone embodies a heterogeneous constitution of sovereignty that mixes state, corporate, nongovernmental, and intergovernmental actors. It thus remains a testing ground on which to assess the political actuality of the “bipolar structure” that, for Agamben, allows sovereignty and governmentality to “constitute the two elements or faces of the same machine of power” (*Kingdom* 229-30). Its relation to exceptionalism cannot be simply dismissed.

### **A Saturation of Norms**

The legal structure of zones is as diverse as their many types. In the most extreme cases, zones are fully exempt from civil law and government control. They are not considered part of the territory of the state that houses them and are governed by a legal entity or zone authority that can freely negotiate with corporations and foreign governments. In most instances, however, they are what

Bach calls “nested spaces of exception” (114). This means that their exemptions are partial or, as Keller Easterling explains, mixed “with domestic civil law, manipulated by business to create opportunistic mixtures of international law, and sometimes adopted fully by the host nation.” Whatever the legal arrangements that hold within zones, they are usually spaces where there exist exemptions to laws or international compacts pertaining to labor, environment, sanitation, health and safety, or human rights. This means they are often sites of carceral labor discipline, unsafe work practices, environmental degradation, dispossession, exploitation, and the dominance of market logics over territorial rights. Importantly, the existence of such conditions in zones cannot be attributed entirely to the host country. They are also the result and responsibility of the businesses that operate in these spaces and those that connect to them through global supply chains. These are often transnational corporations headquartered in cities far from the location of zones themselves.

The question is whether such exemptions lead to the production of what Agamben famously calls “bare life.” Although I do not wish to deny the analytical validity of this category, it seems to me that zones do not unilaterally lead to such stripping of rights from the subject. Apart from the question of the constitution of living labor and productive power of the *bios* emphasized by Antonio Negri in his critical engagement with Agamben, this is empirically evident in the fact that workers’ organization and resistance frequently occurs in zones. The research undertaken by Sri Wulandari and colleagues at the Hong Kong-based Asia Monitor Resource Centre as part of a project called “New Ways of Organizing” has definitively demonstrated this. Looking at zones in Indonesia, India, Malaysia, the Philippines, and China, Wulandari and colleagues find evidence of spontaneous strikes, community activism, unions working to radicalize workers in zones, and, in China, the maturation of the labor movement to the point that negotiations with individual enterprises has become possible. It is a wider matter to question the theoretical applicability of the category of bare life *tout court*, but the presence of labor organization and workers’ resistance in zones certainly suggests a scenario that does not so definitively waver between sovereign exception and legal plenitude.

Apart from the fact of organization and resistance, there is the riddle of why businesses operating in zones do not always push labor, health, and environmental standards to the bottom line. This is a phenomenon increasingly observed in the case of large corporations who seek to protect their global reputations in the face of a consumer class conscious of global inequalities and environmental issues. In a world where producers are highly aware of the complicated trade-offs between such

standards and the value of commodities and brands, there are distinct economic benefits for firms that adopt ethical stances as strategies for fashioning their identities in the context of global humanitarian and environmental rhetorics. Pun Ngai, in an essay entitled “Reorganized Moralism: The Politics of Transnational Labor Codes,” registers the growing importance of such corporate codes and their relevance for labor conditions standards among multinationals operating in China. For Pun, these codes present “a form of reorganized moralism in an increasingly globalized Chinese context.” She explains: “the principle of reorganized moralism involves reworking neoliberal principles operating at the micro-workplace level not only to rearticulate labor rights practices from the corporate point of view but also to move into the sphere of labor rights and labor protection, a domain supposedly belonging to the role of the state and civil society” (88). Pun sees such private governmental strategies as a “moral façade” that “creates the impression that transnational capital is protecting the rights of Chinese labor from a despotic regime” (88-89).

It is important not to lose sight of this reading, but I believe that such codes need to be read not only with regard to the moralism that they certainly embody but also in relation to transformations of law. The German legal theorist Gunther Teubner claims that “unlike when they were first spawned” corporate codes “are no longer mere public relations strategies; instead they have matured into genuine civil constitutions.” For him, these charters and standards “beg the same question as *lex mercatoria*, internet law and other global regimes in which private actors make rules, the binding nature of which is not guaranteed by state power, yet which display a high normative efficacy” (263). The point is not to pass judgment on the efficacy of such codes, which is a matter that can only be settled by empirical investigation, but to register the normative arrangements that frequently apply in zones. Teubner points to the emergence of a new body of law and paralegal norms alongside national and international law. This consists not only of corporate codes but also professional agreements, best practices, standards, and routines. The vision is one of a globally circulating plurality of norms which are at once conflicting and negotiable but also spreading at a faster pace than formal law. Easterling takes this argument further by extending it to the software and infrastructural underpinnings of contemporary global systems of production and distribution: She writes: “Massive global systems—meta-infrastructures administered by public and private cohorts, and driven by profound irrationalities—are generating *de facto*, undeclared forms of polity faster than any even quasi-official forms of governance can legislate

them—a wilder mongrel than any storied Leviathan for which there is studied political response.”

Take the example of a Hong Kong-owned IT factory located in the Songjiang Industrial Zone on the outskirts of Shanghai that I visited as part of a project called Transit Labour: Circuits, Regions, Borders (<http://transitlabour.asia>). At the final step of the supply chain, the printed circuit boards manufactured in this site find their way into a variety of commodities which are packaged and branded by so-called Original Equipment Manufacturers (OEMs), among them globally recognized brand names such as Apple, Canon, Ericsson, Foxconn, NEC, Pioneer, Sanyo, and Sony. These OEMs issue the factory with certificates attesting their adherence to industry and client determined environmental protocols. These include standards such as ISO14001 for the promotion of “effective and efficient environmental management,” RoHS (Restriction of Hazardous Substances Directive), WEEE (Waste Electrical and Electronic Equipment Directive) as well as OEM mandated standards such as SS-00259, a Sony Corporation Technical Standard pertaining to environment-related controlled substances.

Adherence to these protocols directly affects the production of value at other points in the supply chain. Beyond their function in supply chain management, the certificates confirming compliance have become linked with branding devices that offer reassuring and desirable messages to environmentally conscious consumers. This production of value occurs through a multiplicity of industry and individual regulation mechanisms, increasingly monitored by private agencies rather than sovereign entities. It also functions in multiple and ambivalent ways—compliance may reflect actual improvements in labor standards or workplace health and safety—bringing producers and consumers into a web of relations shaped by logistical processes. These protocols, which are accompanied by a host of corporate codes, charters, recommendations and best practices have acquired a legal weight that is no longer anchored to the sovereign power that Foucault saw as superseded by governmentality but is rather fragmented through plural domains which are at once globally extensive and sectorally bound.

This leads to a very different understanding of the political and legal space of the zone than that implied by either the Schmittian notion of exception or Hans Kelsen’s assumption of an autonomous *Grundnorm*. Far from being only a site where normative arrangements are suspended, the zone is a space saturated by competing norms and calculations that overlap and conflict. In this sense, it is the inverse of the camp. But this does not mean the zone is any less a violent and worrisome space than the camp. Within the gaps and consonances created by these

multiple norms as well as the tight tussles that their local translations enter into with competing orders and material circumstances, there are opportunities created for exploitation, dispossession, and environmental degradation. It is only a matter of finding the discrepancies, playing them off against each other, using one to cover for another, citing them selectively, or applying them unevenly at different points along the supply chain. What concerns me are not only the legal and political implications of these globally circulating norms but also the way in which their framing or orchestration makes possible the productivity of capital.

## Conclusion

In *Border as Method, or, the Multiplication of Labor*, Mezzadra and I argue that such framing or orchestration reveals the trace of sovereign power within the constitution of the economic zone. Apart from the sovereign gesture implied in the institution of the zone's spatial borders, there are practices of orchestration that are intensively manifest within zones and that frame the multiple governmental and normative regimes operative within them. Here we see an important current rearrangement of the relations between sovereignty and governmentality. At stake is not merely the parallel and mutually dependent operation of these two kinds of power, as implied by Agamben's notion of the "bipolar machine," but rather their blurring. To detect this growing indistinction, however, it is necessary to tear away the mystical veil of sovereignty and reveal its heterogeneous constitution. Our position has some resonance with Sassen's claim that "sovereignty is being partly disassembled, including *formally*, over the last 20-30 years." Sassen contends that sovereignty "remains a key systemic property but its institutional bases diversify" ("When" 30). We push this argument a step further to describe what we call the "sovereign machine of governmentality." The concept is meant to register not only sovereignty's partial disaggregation from the state but also how it frames and orchestrates governmentality. By this view, sovereignty "is at the same time immanent to governmentality—because it tends to be subjected to its rationality—and transcendent to its devices—because it retains its autonomy, otherwise it would not be possible for it to act as a supplement of governmentality" (Mezzadra and Neilson, *Border* 203-04).

Such an approach to sovereignty seems more productive for understanding what is happening in Asian economic zones than Agamben's view of the camp as "the biopolitical paradigm of the West" (*Homo Sacer* 181). Whereas I contend that the zone is the inverse of the camp in perpetuating rather than suspending norms, I

also suggest there is something paradigmatic about it. Far from being a site of exception that allows the establishment of labor conditions or logistical practices that are radically different from those that exist outside it, the zone makes obvious and singularly manifest that which is often obscure or hidden in wider economic or social domains. In other words, it renders visible and legitimizes arrangements that are frequently informal or emergent in the economy at large. In his essay “What is a Paradigm?,” Agamben explains that the paradigm “is excluded from the rule not because it does not belong to the normal case, but, on the contrary, because it exhibits its belonging to it” (*Signature* 14). The economic zone is paradigmatic in this way. It belongs to the “normal case,” but, because the conflictual and overlapping normative regimes that crystallize within it also exceed its borders, it displays its belonging in an excessive way. Interestingly Agamben continues his discussion by remarking that the paradigm “is the symmetrical opposite of the exception: whereas the exception is included through its exclusion, the example is excluded through the exhibition of its inclusion” (*Signature* 14). Here we find a precise registration of the relation between the zone and the camp. The former is paradigmatic insofar as it displays the wider biopolitical tendencies of capitalist globalization. The paradigmatic qualities of the camp are paradoxical insofar as the paradigm is “the symmetrical opposite of the exception” and this sets up a tension that can only be resolved by referring biopolitical power to theological precepts.

Based in a political theological understanding of the exception, Agamben’s view of sovereignty encounters the untranslatable as it drifts beyond the epistles of St. Paul and its other genealogical sources. Let me be clear. I have nothing against theology, which is an important intellectual pursuit within certain religious and cultural contexts, but the importation of theological concepts into political thought can be perilous, particularly when transcultural processes are at stake. Agamben’s radical theological heritage, which is the source of much of his philosophical elegance and erudition, is also the asset that makes the political translation of his work in the Asian context most treacherous. It is worth remembering this as we face the formidable task of tracking and understanding the global reach and effects of contemporary Asian capitalism. The perspective I have offered seeks to remove sovereignty from this monotheistic inheritance and to register its partial disconnection from state power and territoriality. Doubtless there is more work to do, but this seems a fruitful, if not necessary, strategy for probing the deep attractiveness held by the concept that gives this special issue its name—“Except Asia.”

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[Received 15 December 2013; accepted 5 May 2014]