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ISBN 978-0-674-03511-9



9 780674 035119

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Commonwealth

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commonwealth
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and Negri's thought, it also stands alone and is entirely accessible to readers who are not familiar with the previous works. It is certain to appeal to, challenge, and enrich the thinking of anyone interested in questions of politics and globalization.



Photo of Antonio Negri (left) and Michael Hardt by Nora Parcu

MICHAEL HARDT is Professor of Literature and Italian at Duke University. ANTONIO NEGRI is an independent researcher and writer. They are coauthors of *Empire* (Harvard) and *Multitude*.

THE BELKNAP PRESS OF
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Cambridge, Massachusetts

Design: Jill Breitbarth



When *Empire* appeared in 2000, it defined the political and economic challenges of the era of globalization and, thrillingly, found in them possibilities for new and more democratic forms of social organization. Now, with *Commonwealth*, Michael Hardt and Antonio Negri conclude the trilogy begun with *Empire* and continued in *Multitude*, proposing an ethics of freedom for living in our common world and articulating a possible constitution for our common wealth.

Drawing on scenarios from around the globe and elucidating the themes that unite them, Hardt and Negri focus on the logic of institutions and the models of governance adequate to our understanding of a global commonwealth. They argue for the idea of the “common” to replace the opposition of private and public and the politics predicated on that opposition. Ultimately, they articulate the theoretical bases for what they call “governing the revolution.”

Though this book functions as an extension and a completion of a sustained line of Hardt

COMMONWEALTH HEALTH

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Michael Hardt

Antonio Negri

**THE BELKNAP PRESS OF
HARVARD UNIVERSITY PRESS**

Cambridge, Massachusetts

2009

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Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Hardt, Michael, 1960–

Commonwealth / Michael Hardt, Antonio Negri.

p. cm.

Sequel to “Empire” and “Multitude.”

Includes bibliographical references and index.

ISBN 978-0-674-03511-9 (cloth : alk. paper)

1. International organization. 2. International cooperation. 3. Globalization.

I. Negri, Antonio, 1933– II. Title.

JZ1318.H368 2009

321.02—dc22 2009012652

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PREFACE: THE BECOMING-PRINCE OF THE MULTITUDE

People only ever have the degree of freedom that their audacity wins from fear.

—Stendhal, *Vie de Napoléon*

Power to the peaceful.

—Michael Franti, "Bomb the World"

War, suffering, misery, and exploitation increasingly characterize our globalizing world. There are so many reasons to seek refuge in a realm "outside," some place separate from the discipline and control of today's emerging Empire or even some transcendent or transcendental principles and values that can guide our lives and ground our political action. One primary effect of globalization, however, is the creation of a common world, a world that, for better or worse, we all share, a world that has no "outside." Along with nihilists, we have to recognize that, regardless of how brilliantly and trenchantly we critique it, we are destined to live in *this* world, not only subject to its powers of domination but also contaminated by its corruptions. Abandon all dreams of political purity and "higher values" that would allow us to remain outside! Such a nihilist recognition, however, should be only a tool, a point of passage toward constructing an alternative project. In this book we articulate an ethical project, an ethics of democratic political action within and against Empire. We investigate what the movements and practices of the multitude have been and what they can become in order to

discover the social relations and institutional forms of a possible global democracy. “Becoming-Prince” is the process of the multitude learning the art of self-rule and inventing lasting democratic forms of social organization.

A democracy of the multitude is imaginable and possible only because we all share and participate in the common. By “the common” we mean, first of all, the common wealth of the material world—the air, the water, the fruits of the soil, and all nature’s bounty—which in classic European political texts is often claimed to be the inheritance of humanity as a whole, to be shared together. We consider the common also and more significantly those results of social production that are necessary for social interaction and further production, such as knowledges, languages, codes, information, affects, and so forth. This notion of the common does not position humanity separate from nature, as either its exploiter or its custodian, but focuses rather on the practices of interaction, care, and cohabitation in a common world, promoting the beneficial and limiting the detrimental forms of the common. In the era of globalization, issues of the maintenance, production, and distribution of the common in both these senses and in both ecological and socioeconomic frameworks become increasingly central.¹

With the blinders of today’s dominant ideologies, however, it is difficult to see the common, even though it is all around us. Neoliberal government policies throughout the world have sought in recent decades to privatize the common, making cultural products—for example, information, ideas, and even species of animals and plants—into private property. We argue, in chorus with many others, that such privatization should be resisted. The standard view, however, assumes that the only alternative to the private is the public, that is, what is managed and regulated by states and other governmental authorities, as if the common were irrelevant or extinct. It is true, of course, that through a long process of enclosures the earth’s surface has been almost completely divided up between public and private property so that common land regimes, such as those of indigenous civilizations of the Americas or medieval Europe, have

been destroyed. And yet so much of our world is common, open to access of all and developed through active participation. Language, for example, like affects and gestures, is for the most part common, and indeed if language were made either private or public—that is, if large portions of our words, phrases, or parts of speech were subject to private ownership or public authority—then language would lose its powers of expression, creativity, and communication. Such an example is meant not to calm readers, as if to say that the crises created by private and public controls are not as bad as they seem, but rather to help readers begin to retrain their vision, recognizing the common that exists and what it can do. That is the first step in a project to win back and expand the common and its powers.

The seemingly exclusive alternative between the private and the public corresponds to an equally pernicious political alternative between capitalism and socialism. It is often assumed that the only cure for the ills of capitalist society is public regulation and Keynesian and/or socialist economic management; and, conversely, socialist maladies are presumed to be treatable only by private property and capitalist control. Socialism and capitalism, however, even though they have at times been mingled together and at others occasioned bitter conflicts, are both regimes of property that exclude the common. The political project of instituting the common, which we develop in this book, cuts diagonally across these false alternatives—neither private nor public, neither capitalist nor socialist—and opens a new space for politics.

Contemporary forms of capitalist production and accumulation in fact, despite their continuing drive to privatize resources and wealth, paradoxically make possible and even require expansions of the common. Capital, of course, is not a pure form of command but a social relation, and it depends for its survival and development on productive subjectivities that are internal but antagonistic to it. Through processes of globalization, capital not only brings together all the earth under its command but also creates, invests, and exploits social life in its entirety, ordering life according to the hierarchies of economic value. In the newly dominant forms of production that

involve information, codes, knowledge, images, and affects, for example, producers increasingly require a high degree of freedom as well as open access to the common, especially in its social forms, such as communications networks, information banks, and cultural circuits. Innovation in Internet technologies, for example, depends directly on access to common code and information resources as well as the ability to connect and interact with others in unrestricted networks. And more generally, all forms of production in decentralized networks, whether or not computer technologies are involved, demand freedom and access to the common. Furthermore the content of what is produced—including ideas, images, and affects—is easily reproduced and thus tends toward being common, strongly resisting all legal and economic efforts to privatize it or bring it under public control. The transition is already in process: contemporary capitalist production by addressing its own needs is opening up the possibility of and creating the bases for a social and economic order grounded in the common.

The ultimate core of biopolitical production, we can see stepping back to a higher level of abstraction, is not the production of objects for subjects, as commodity production is often understood, but the production of subjectivity itself. This is the terrain from which our ethical and political project must set out. But how can an ethical production be established on the shifting ground of the production of subjectivity, which constantly transforms fixed values and subjects? Gilles Deleuze, reflecting on Michel Foucault's notion of the *dispositif* (the material, social, affective, and cognitive mechanisms or apparatuses of the production of subjectivity), claims, "We belong to the *dispositifs* and act within them." If we are to act within them, however, the ethical horizon has to be reoriented from identity to becoming. At issue "is not what we are but rather what we are in the process of becoming—that is the Other, our becoming-other."² A key scene of political action today, seen from this vantage point, involves the struggle over the control or autonomy of the production of subjectivity. The multitude makes itself by composing in the common the singular subjectivities that result from this process.

We often find that our political vocabulary is insufficient for

grasping the new conditions and possibilities of the contemporary world. Sometimes we invent new terms to face this challenge, but more often we seek to resurrect and reanimate old political concepts that have fallen out of use, both because they carry powerful histories and because they disrupt the conventional understandings of our present world and pose it in a new light. Two such concepts that play particularly significant roles in this book are poverty and love. The poor was a widespread political concept in Europe, at least from the Middle Ages to the seventeenth century, but although we will do our best to learn from some of those histories, we are more interested in what the poor has become today. Thinking in terms of poverty has the healthy effect, first of all, of questioning traditional class designations and forcing us to investigate with fresh eyes how class composition has changed and look at people's wide range of productive activities inside and outside wage relations. Seen in this way, second, the poor is defined by not lack but possibility. The poor, migrants, and "precarious" workers (that is, those without stable employment) are often conceived as excluded, but really, though subordinated, they are completely within the global rhythms of biopolitical production. Economic statistics can grasp the condition of poverty in negative terms but not the forms of life, languages, movements, or capacities for innovation they generate. Our challenge will be to find ways to translate the productivity and possibility of the poor into power.

Walter Benjamin, with his typical elegance and intelligence, grasps the changing concept of poverty already in the 1930s. He locates the shift, in a nihilistic key, in the experience of those who have witnessed destruction, specifically the destruction wrought by the First World War, which casts us in a common condition. Benjamin sees, born out of the ruins of the past, the potential for a new, positive form of barbarism. "For what does poverty of experience do for the barbarian? It forces him to start from scratch; to make a new start; to make a little go a long way; to begin with a little and build up further."³ The "barbaric" productivity of the poor sets out to make a common world.

Love provides another path for investigating the power and

productivity of the common. Love is a means to escape the solitude of individualism but not, as contemporary ideology tells us, only to be isolated again in the private life of the couple or the family. To arrive at a political concept of love that recognizes it as centered on the production of the common and the production of social life, we have to break away from most of the contemporary meanings of the term by bringing back and working with some older notions. Socrates, for example, reports in the *Symposium* that, according to Diotima, his “instructor in love,” love is born of poverty and invention. As he tries to elaborate what she taught him, he claims that love tends naturally toward the ideal realm to achieve beauty and wealth, thus fulfilling desire. French and Italian feminists argue, however, that Plato has Diotima all wrong. She guides us not toward the “sublimation” of poverty and desire in the “fullness” of beauty and wealth, but toward the power of becoming defined by differences.⁴ Diotima’s notion of love gives us a new definition of wealth that extends our notion of the common and points toward a process of liberation.⁵

Since poverty and love might appear too weak to overthrow the current ruling powers and develop a project of the common, we will need to emphasize the element of force that animates them. This is in part an intellectual force. Immanuel Kant, for example, conceives of Enlightenment in terms of a force that can banish the “fanatical visions” that result in the death of philosophy and, moreover, can win out over every policing of thought. Jacques Derrida, following this “enlightened” Kant, brings reason back to the force of doubt and recognizes the revolutionary passion of reason as emerging from the margins of history.⁶ We too believe that such intellectual force is required to overcome dogmatism and nihilism, but we insist on the need to complement it with physical force and political action. Love needs force to conquer the ruling powers and dismantle their corrupt institutions before it can create a new world of common wealth.

The ethical project we develop in this book sets out on the path of the political construction of the multitude with Empire. The

multitude is a set of singularities that poverty and love compose in the reproduction of the common, but more is required to describe the dynamics and *dispositifs* of the becoming-Prince of the multitude. We will not pull out of our hats new transcendentals or new definitions of the will to power to impose on the multitude. The becoming-Prince of the multitude is a project that relies entirely on the immanence of decision making within the multitude. We will have to discover the passage from revolt to revolutionary institution that the multitude can set in motion.

With the title of this book, *Commonwealth*, we mean to indicate a return to some of the themes of classic treatises of government, exploring the institutional structure and political constitution of society. We also want to emphasize, once we recognize the relation between the two terms that compose this concept, the need to institute and manage a world of common wealth, focusing on and expanding our capacities for collective production and self-government. The first half of the book is a philosophical and historical exploration that focuses successively on the republic, modernity, and capital as three frameworks that obstruct and corrupt the development of the common. On each of these terrains, however, we also discover alternatives that emerge in the multitude of the poor and the circuits of altermodernity. The second half of the book is a political and economic analysis of the contemporary terrain of the common. We explore the global governance structures of Empire and the apparatuses of capitalist command to gauge the current state and potential of the multitude. Our analysis ends with a reflection on the contemporary possibilities for revolution and the institutional processes it would require. At the end of each part of the book is a section that takes up from a different and more philosophical perspective a central issue raised in the body of the text. (The function of these sections is similar to that of the Scholia in Spinoza’s *Ethics*.) These together with the Intermezzo can also be read consecutively as one continuous investigation.

Jean-Luc Nancy, setting out from premises analogous to ours, wonders if “one can suggest a ‘Spinozian’ reading, or rewriting, of

[Heidegger's] *Being and Time*.”⁷ We hope that our work points in that direction, overturning the phenomenology of nihilism and opening up the multitude’s processes of productivity and creativity that can revolutionize our world and institute a shared common wealth. We want not only to define an event but also to grasp the spark that will set the prairie ablaze.

PART 1

REPUBLIC (AND THE MULTITUDE
OF THE POOR)

I’m tired of the sun staying up in the sky. I can’t wait until the syntax
of the world comes undone.

—Italo Calvino, *The Castle of Crossed Destinies*

1.1

REPUBLIC OF PROPERTY

The two grand favourites of the subjects, liberty and property (for which most men pretend to strive), are as contrary as fire to water, and cannot stand together.

—Robert Filmer, "Observations upon Aristotle's Politiques"

Thus, at its highest point the political constitution is the constitution of private property.

—Karl Marx, *Critique of Hegel's Philosophy of Right*

On an Apocalyptic Tone Recently Adopted in Politics

A kind of apocalypticism reigns among the contemporary conceptions of power, with warnings of new imperialisms and new fascisms. Everything is explained by sovereign power and the state of exception, that is, the general suspension of rights and the emergence of a power that stands above the law. Indeed evidence of such a state of exception is easy to come by: the predominance of violence to resolve national and international conflicts not merely as last but as first resort; the widespread use of torture and even its legitimization; the indiscriminate killing of civilians in combat; the elision of international law; the suspension of domestic rights and protections; and the list goes on and on. This vision of the world resembles those medieval European renditions of hell: people burning in a river of fire, others being torn limb from limb, and in the center a great devil engorging their bodies whole. The problem with this picture is that its focus on transcendent authority and violence

eclipses and mystifies the really dominant forms of power that continue to rule over us today—power embodied in property and capital, power embedded in and fully supported by the law.

In popular discourse the apocalyptic vision sees everywhere the rise of new fascisms. Many refer to the U.S. government as fascist, most often citing Abu Ghraib, Guantanamo, Faluja, and the Patriot Act. Others call the Israeli government fascist by referring to the continuing occupations of Gaza and the West Bank, the use of assassinations and bulldozers as diplomacy, and the bombing of Lebanon. Still others use “islamofascism” to designate the theocratic governments and movements of the Muslim world. It is true, of course, that many simply use the term “fascism” in a general way to designate a political regime or movement they deplore such that it comes to mean simply “very bad.” But in all these cases when the term “fascist” is employed, the element it highlights is the authoritarian face of power, its rule by force; and what is eclipsed or mystified, instead, is the daily functioning of constitutional, legal processes and the constant pressure of profit and property. In effect, the bright flashes of a series of extreme events and cases blind many to the quotidian and enduring structures of power.¹

The scholarly version of this apocalyptic discourse is characterized by an excessive focus on the concept of sovereignty. The sovereign is the one who rules over the exception, such authors affirm, and thus the sovereign stands both inside and outside the law. Modern power remains fundamentally theological, according to this view, not so much in the sense that divine notions of authority have been secularized, but rather in that sovereign power occupies a transcendent position, above society and outside its structures. In certain respects this intellectual trend represents a return to Thomas Hobbes and his great Leviathan that looms over the social terrain, but more fundamentally it replays the European debates of the 1930s, especially in Germany, with Carl Schmitt standing at its center. Just as in the popular discourses, here too economic and legal structures of power tend to be pushed back into the shadows, considered only secondary or, at most, instruments at the disposal of the sovereign power. Every modern form of power thus tends to be collapsed into

sovereignty or fascism, while the camp, the ultimate site of control both inside and outside the social order, becomes the paradigmatic topos of modern society.²

These apocalyptic visions—both the scholarly analyses of sovereign power and the popular accusations of fascism—close down political engagement with power. There are no forces of liberation inherent in such a power that, though now frustrated and blocked, could be set free. There is no hope of transforming such a power along a democratic course. It needs to be opposed, destroyed, and that is all. Indeed one theological aspect implicit in this conception of sovereignty is its Manichean division between extreme options: either we submit to this transcendent sovereignty or we oppose it in its entirety. It is worth remembering that when Left terrorist groups in the 1970s claimed that the state was fascist, this implied for them that armed struggle was the only political avenue available. Leftists today who talk of a new fascism generally follow the claim with moral outrage and resignation rather than calls for armed struggle, but the core logic is the same: there can be no political engagement with a sovereign fascist power; all it knows is violence.

The primary form of power that really confronts us today, however, is not so dramatic or demonic but rather earthly and mundane. We need to stop confusing politics with theology. The predominant contemporary form of sovereignty—if we still want to call it that—is completely embedded within and supported by legal systems and institutions of governance, a republican form characterized not only by the rule of law but also equally by the rule of property. Said differently, the political is not an autonomous domain but one completely immersed in economic and legal structures. There is nothing extraordinary or exceptional about this form of power. Its claim to naturalness, in fact its silent and invisible daily functioning, makes it extremely difficult to recognize, analyze, and challenge. Our first task, then, will be to bring to light the intimate relations between sovereignty, law, and capital.

We need for contemporary political thought an operation something like the one Euhemerus conducted for ancient Greek mythology in the fourth century BC. Euhemerus explained that all

of the myths of gods are really just stories of historical human actions that through retelling have been expanded, embellished, and cast up to the heavens. Similarly today the believers imagine a sovereign power that stands above us on the mountaintops, when in fact the dominant forms of power are entirely this-worldly. A new political Euhemerism might help people stop looking for sovereignty in the heavens and recognize the structures of power on earth.³

Once we strip away the theological pretenses and apocalyptic visions of contemporary theories of sovereignty, once we bring them down to the social terrain, we need to look more closely at how power functions in society today. In philosophical terms we can think of this shift in perspective as a move from *transcendent* analysis to *transcendental* critique. Immanuel Kant's "Copernican revolution" in philosophy puts an end to all the medieval attempts to anchor reason and understanding in transcendent essences and things in themselves. Philosophy must strive instead to reveal the transcendental structures immanent to thought and experience. "I call all cognition transcendental that is occupied not so much with objects but rather with our mode of cognition of objects insofar as this is to be possible *a priori*."⁴ Kant's transcendental plane thus occupies a position not wholly in the immediate, immanent facts of experience but not wholly outside them either. This transcendental realm, he explains, is where the conditions of possibility of knowledge and experience reside.

Whereas Kant's transcendental critique is focused primarily on reason and knowledge, ours is aimed at power. Just as Kant sweeps away the preoccupations of medieval philosophy with transcendent essences and divine causes, so too must we get beyond theories of sovereignty based on rule over the exception, which is really a hold-over from old notions of the royal prerogatives of the monarch. We must focus instead on the transcendental plane of power, where law and capital are the primary forces. Such transcendental powers compel obedience not through the commandment of a sovereign or even primarily through force but rather by structuring the conditions of possibility of social life.

The intuition that law functions as a transcendental structure

led entire schools of juridical and constitutional thought, from Hans Kelsen to John Rawls, to develop Kantian formalism in legal theory.⁵ Property, which is taken to be intrinsic to human thought and action, serves as the regulative idea of the constitutional state and the rule of law. This is not really a historical foundation but rather an ethical obligation, a constitutive form of the moral order. The concept of the individual is defined by not *being* but *having*; rather than to a "deep" metaphysical and transcendental unity, in other words, it refers to a "superficial" entity endowed with property or possessions, defined increasingly today in "patrimonial" terms as shareholder. In effect, through the concept of the individual, the transcendent figure of the legitimation of property is integrated into the transcendental formalism of legality. The exception, we might say, is included within the constitution.

Capital too functions as an impersonal form of domination that imposes laws of its own, economic laws that structure social life and make hierarchies and subordinations seem natural and necessary. The basic elements of capitalist society—the power of property concentrated in the hands of the few, the need for the majority to sell their labor-power to maintain themselves, the exclusion of large portions of the global population even from these circuits of exploitation, and so forth—all function as an *a priori*. It is even difficult to recognize this as violence because it is so normalized and its force is applied so impersonally. Capitalist control and exploitation rely primarily not on an external sovereign power but on invisible, internalized laws. And as financial mechanisms become ever more fully developed, capital's determination of the conditions of possibility of social life become ever more extensive and complete. It is true, of course, that finance capital, since it is so abstract, seems distant from the lives of most people; but that very abstraction is what gives it the general power of an *a priori*, with increasingly universal reach, even when people do not recognize their involvement in finance markets—through personal and national debt, through financial instruments that operate on all kinds of production from soybeans to computers and through the manipulation of currency and interest rates.

Following the form of Kant's argument, then, our transcendental critique must show how capital and law intertwined together—what we call the republic of property—determine and dictate the conditions of possibility of social life in all its facets and phases. But ours is obviously an unfaithful, tendentious appropriation of Kant, which cuts diagonally across his work. We appropriate his critical perspective by recognizing that the formal structure of his epistemological schema corresponds to that of the power of property and law, but then, rather than affirming the transcendental realm, we seek to challenge it. Kant has no interest in overthrowing the rule of capital or its constitutional state. In fact Alfred Sohn-Rethel goes so far as to claim that Kant, particularly in the *Critique of Pure Reason*, strives “to prove the perfect normalcy of bourgeois society,” making its structures of power and property appear natural and necessary.⁶

But our quarrel here is not really with Kant. We merely want to use the tools he provides us to confront today's dominant powers. And we should highlight, finally, how the practical consequences of this transcendental critique of the republic of property overcome the powerlessness and bitter resignation that characterize the “transcendent” analyses of sovereignty and fascism. Our critique of capital, the republican constitution, and their intersection as transcendental forms of power does not imply either absolute rejection or, of course, acceptance and acquiescence. Instead our critique is an active process of resistance and transformation, setting free on a new footing the elements that point toward a democratic future, releasing, most significantly, the living labor that is closed within capital and the multitude that is corralled within its republic. Such a critique thus aims at not a return to the past or creation of a future ex nihilo but rather a process of metamorphosis, creating a new society within the shell of the old.

Republican Rights of Property

The term “republicanism” has been used in the history of modern political thought to name a variety of different, competing, often

conflicting political tendencies. Thomas Jefferson, late in his life, reflecting on the early years of the American Revolution, remarks, “We imagined everything republican which was not monarchy.”⁷ There was certainly an equal if not greater range of political positions designated by the term in the English and French revolutionary periods. But one specific definition of modern republicanism eventually won out over the others: a republicanism based on the rule of property and the inviolability of the rights of private property, which excludes or subordinates those without property. The propertyless are merely, according to Abbé Sieyès, “an immense crowd of *bi-ped instruments*, possessing only their miserably paid hands and an absorbed soul.”⁸ There is no necessary or intrinsic link between the concept of republic and the rule of property, and indeed one could try to restore alternative or create new notions of republic that are not based on property. Our point is simply that the republic of property emerged historically as the dominant concept.⁹

The course of the three great bourgeois revolutions—the English, the American, and the French—demonstrates the emergence and consolidation of the republic of property. In each case the establishment of the constitutional order and the rule of law served to defend and legitimate private property. Later in this chapter we explore how the radically democratic processes of the English Revolution were blocked by the question of property: a “people of property” faced off against “a multitude of the poor.” Here, instead, we focus briefly on the role of property in the U.S. and French revolutions.

Just a decade after the Declaration of Independence affirms the constituent power of the American Revolution and projects a mechanism of self-government expressed through new, dynamic, and open political forms, the *Federalist* and the debates surrounding the drafting of the Constitution limit and contradict many of these original elements. The dominant lines in the constitutional debates aim to reintroduce and consolidate the sovereign structure of the state and absorb the constituent drive of the republic within the dynamic among constitutional powers. Whereas in the Declaration

constituent power is defined as fundamental, in the Constitution it is understood as something like a national patrimony that is the property and responsibility of the government, an element of constitutional sovereignty.

Constituent power is not stripped from constituted public law but, rather, blocked (and expelled from the practices of citizenship) by the relations of force that the Constitution is built on, most important the right to property. Behind every formal constitution, legal theorists explain, lies a "material" one, where by material constitution is understood the relations of force that ground, within a particular framework, the written constitution and define the orientations and limits that legislation, legal interpretation, and executive decision must respect.¹⁰ The right to property, including originally the rights of slaveholders, is the essential index of this material constitution, which bathes in its light all other constitutional rights and liberties of U.S. citizens. "The Constitution," writes Charles Beard in his classic analysis, "was essentially an economic document based upon the concept that the fundamental private rights of property are anterior to government and morally beyond the reach of popular majorities."¹¹ Many scholars have contested Beard's claim that the founders in drafting the Constitution were protecting their own individual economic interests and wealth, but what remains unchallenged and entirely convincing in his analysis is that the participants in the debate saw the Constitution as founded on economic interests and the rights of property. "The moment the idea is admitted into society that property is not as sacred as the laws of God," writes John Adams, for example, "and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."¹² The sacred position of property in the Constitution is a central obstacle to the practice and development of constituent power.

One extreme but significant example of the effect of the right of property on the Constitution is the way it transforms the meaning of the right to bear arms. This right is affirmed in the seventeenth- and eighteenth-century Anglo-American tradition as the collective right to achieve and defend freedom, and it calls for the

constitution of popular armies or militias rather than standing armies, which are understood to be necessarily tyrannical.¹³ In the United States this tradition has been almost entirely obliterated, and the Second Amendment has been given the opposite meaning: that each is the enemy of all; that each must be wary of those who want to steal her or his property. From the transformation of the right to bear arms in the defense of private property follows a general reversal of all the central constitutional concepts. Freedom itself, which many cast as characteristic of U.S. political thought, in contrast to the principles of justice, equality, and solidarity of the revolutionary French experience, is reduced to an apology for capitalist civilization. The centrality of the defense of property also accounts for the pessimistic conception of human nature, which is present but secondary in the revolutionary period and comes to the fore in the constitutional debates. "But what is government itself," James Madison writes, for example, "but the greatest of all reflections on human nature? If men were angels, no government would be necessary."¹⁴ Freedom becomes the negative power of human existence, which serves as a bulwark against the descent of the innate conflicts of human nature into civil war. But at the bottom of this notion of natural conflict is the struggle over property. The armed individual is the only guarantor of that freedom. *Homo politicus* becomes nothing other than *Homo proprietarius*.

In the case of the French Revolution, the centrality of property rights develops in an extraordinarily dynamic and at times violent way. A simple look at the successive revolutionary French Constitutions (and, specifically, the Declarations of the Rights of Man and Citizen that serve as their prologues) from 1789 to 1793 and 1795 gives a first indication of how the development of constitutional thought is constantly governed by the demands of property. For example, the right to property is affirmed in almost identical terms in all three versions (in Article 2 of the 1789 and Article 1 of the 1793 and 1795 Constitutions), but whereas in 1789 and 1793 the right to property is linked with the right of "resistance to oppression," in 1795 it is related only to "security." As far as equality is

concerned, whereas in Article 6 of 1789 and Article 4 of 1793 it is defined as a basic right of each subject (and thus also applies to property), in Article 6 of 1795 the mandate of equality is subordinated to the rule of the majority of citizens or their representatives. Equality becomes increasingly formal, increasingly defined as a legal structure that protects wealth and strengthens the appropriative, possessive power of the individual (understood as property owner).

A more substantial and complex view of the centrality of property in the republic emerges when we focus on how the traditional conception of “real rights”—*jus reale*, the right over things—is rediscovered in the course of the French Revolution. These “real rights,” property rights in particular, are clearly no longer those of the ancien régime insofar as they no longer establish a static table of values and set of institutions that determine privilege and exclusion. In the French Revolution “real rights” emerge from a new ontological horizon that is defined by the productivity of labor. In France, however, as in all the bourgeois revolutions, these real rights have a paradoxical relation to emerging capitalist ideology. On the one hand, real rights are gradually given greater importance over the universal, abstract rights that seemed to have prominence in the heroic Jacobin phase. Private property at least points toward the human capacity to transform and appropriate nature. Article 5 of the 1795 Constitution, for example, reads, “Property is the right to enjoy and use one’s own goods, incomes, the fruit of one’s labor and industry.” As the revolution proceeds, however, there is a shift in the point of reference from the abstract terrain of the general will to the concrete one of the right and order of property.¹⁵ On the other hand, real rights, which constitute the foundation of rents and incomes, are opposed to “dynamic rights,” which stem directly from labor, and although dynamic rights appear to predominate over real rights in the early revolutionary period, gradually real rights become hegemonic over the dynamic ones and end up being central. Landed property and slave property, in other words, which appear initially to have been subordinated as archaic conditions of production, cast aside in favor of the dynamic rights associated with capitalist ideol-

ogy, come back into play. Moreover, when the right to property becomes once again central within the constellation of new rights affirmed by the bourgeois revolutions, it no longer stands simply as a real right but becomes the paradigm for all the fundamental rights. Article 544 of the 1804 Code Civil, for example, gives a definition of property that characterizes notions still common today: “Ownership is the right to enjoy and dispose of things in the most absolute manner, provided they are not used in a way contrary to law or regulations.”¹⁶ In the dominant line of European political thought from Locke to Hegel, the absolute rights of people to appropriate things becomes the basis and substantive end of the legally defined free individual.

The centrality of property in the republican constitution can be substantiated from a negative standpoint by looking at the Haitian Revolution and the extraordinary hostility to it. By liberating the slaves, of course, Haitian revolutionaries should be considered from the perspective of freedom more advanced than any of their counterparts in Europe or North America; but the vast majority of eighteenth- and nineteenth-century republicans not only did not embrace the Haitian Revolution but struggled as well to suppress it and contain its effects. For the subsequent two centuries in fact, historians have excluded Haiti from the great pantheon of modern republican revolutions to such an extent that even the memory of the revolutionary event has been silenced. The Haitian Revolution was an unthinkable event from the perspective of contemporary Europe and the United States, centrally, no doubt, because of deeply embedded ideologies and institutions of racial superiority, but we should also recognize that the Haitian Revolution was unthinkable because it violated the rule of property. A simple syllogism is at work here: the republic must protect private property; slaves are private property; therefore republicanism must oppose the freeing of the slaves. With the example of Haiti, in effect, the republican pretense to value freedom and equality directly conflicts with the rule of property—and property wins out. In this sense the exclusion of the Haitian Revolution from the canon of republicanism is powerful evidence

of the sacred status of property to the republic. It may be appropriate, in fact, that Haiti be excluded from the list of republican revolutions, not because the Haitian Revolution is somehow unworthy of the republican spirit but, on the contrary, because republicanism does not live up to the spirit of freedom and equality contained in the Haitian rebellion against slavery!¹⁷

The primacy of property is revealed in all modern colonial histories. Each time a European power brings new practices of government to its colonies in the name of reason, efficiency, and the rule of law, the primary “republican virtue” they establish is the rule of property. This is evident, for example, in the “Permanent Settlement” established in Bengal by British colonial authorities and administrators of the East India Company in the late eighteenth century to guarantee the security of property, especially landed property, and bolster the position of the Zamindar, the existing Bengali propertied class, thereby solidifying taxation and revenue. Ranajit Guha, in his analysis of the debates leading to the settlement, puzzles over the fact that such a quasi-feudal land settlement could have been authored by bourgeois Englishmen, some of whom were great admirers of the French Revolution. Guha assumes that European bourgeoisies compromise their republican ideals when ruling over conquered lands in order to find a social base for their powers, but in fact they are just establishing there the core principle of the bourgeois republics: the rule of property. The security and inviolability of property is so firmly fixed in the republican mentality that colonial authorities do not question the good of its dissemination.¹⁸

Finally, with the construction of the welfare state in the first half of the twentieth century, public property gains a more important role in the republican constitution. This transformation of the right to property, however, follows the capitalist transformation of the organization of labor, reflecting the increasing importance that public conditions begin to exert over the relations of production. Despite all the changes, the old dictum remains valid: *l'esprit des lois, c'est la propriété*. Evgeny Pashukanis, writing in the 1920s, anticipates

this development with extraordinary clarity. “It is most obvious,” Pashukanis claims,

that the logic of juridical concepts corresponds with the logic of the social relationship of commodity production, and that the history of the system of private law should be sought in these relationships and not in the dispensation of the authorities. On the contrary, the logical relationships of domination and subordination are only partially included in the system of juridical concepts. Therefore, the juridical concept of the state may never become a theory but will always appear as an ideological distortion of the facts.¹⁹

For Pashukanis, in effect, all law is private law, and public law is merely an ideological figure imagined by bourgeois legal theorists. What is central for our purposes here is that the concept of property and the defense of property remain the foundation of every modern political constitution. This is the sense in which the republic, from the great bourgeois revolutions to today, is a republic of property.

Sapere Aude!

Kant is a prophet of the republic of property not so much directly in his political or economic views but indirectly in the form of power he discovers through his epistemological and philosophical inquiries. We propose to follow Kant's method of transcendental critique, but in doing so we are decidedly deviant, unfaithful followers, reading his work against the grain. The political project we propose is not only (with Kant) an attack on transcendent sovereignty and (against Kant) a critique aimed to destabilize the transcendental power of the republic of property, but also and ultimately (beyond Kant) an affirmation of the immanent powers of social life, because this immanent scene is the terrain—the only possible terrain—on which democracy can be constructed.

Our affirmation of immanence is not based on any faith in the immediate or spontaneous capacities of society. The social plane of

immanence has to be organized politically. Our critical project is thus not simply a matter of refusing the mechanisms of power and wielding violence against them. Refusal, of course, is an important and powerful reaction to the imposition of domination, but it alone does not extend beyond the negative gesture. Violence can also be a crucial, necessary response, often as a kind of boomerang effect, re-directing the violence of domination that has been deposited in our bones to strike back at the power that originated it. But such violence too is merely reactive and creates nothing. We need to educate these spontaneous reactions, transforming refusal into resistance and violence into the use of force. The former in each case is an immediate response, whereas the latter results from a confrontation with reality and training of our political instincts and habits, our imaginations and desires. More important, too, resistance and the coordinated use of force extend beyond the negative reaction to power toward an organizational project to construct an alternative on the immanent plane of social life.

The need for invention and organization paradoxically brings us back to Kant, or, really, to a minor voice that runs throughout Kant's writings and presents an alternative to the command and authority of modern power. This alternative comes to the surface clearly, for example, in his brief and well-known text "An Answer to the Question: 'What is Enlightenment?'"²⁰ The key to emerging from the state of immaturity, the self-sustained state of dependency in which we rely on those in authority to speak and think for us, and establishing our ability and will to speak and think for ourselves, Kant begins, recalling Horace's injunction, is *sapere aude*, "dare to know." This notion of Enlightenment and its defining injunction, however, become terribly ambiguous in the course of Kant's essay. On the one hand, as he explains the kind of reasoning we should adopt, it becomes clear that it is not very daring at all: it compels us dutifully to fulfill our designated roles in society, to pay taxes, to be a soldier, a civil servant, and ultimately to obey the authority of the sovereign, Frederick II. This is the Kant whose life is so regularly ordered, they say, that you can set your watch by the time of his

morning walk. Indeed the major line of Kant's work participates in that solid European rationalist tradition that considers Enlightenment the process of the "emendation of reason" that coincides with and supports the preservation of the current social order.

On the other hand, though, Kant opens the possibility of reading the Enlightenment injunction against the grain: "dare to know" really means at the same time also "know how to dare." This simple inversion indicates the audacity and courage required, along with the risks involved, in thinking, speaking, and acting autonomously. This is the minor Kant, the bold, daring Kant, which is often hidden, subterranean, buried in his texts, but from time to time breaks out with a ferocious, volcanic, disruptive power. Here reason is no longer the foundation of duty that supports established social authority but rather a disobedient, rebellious force that breaks through the fixity of the present and discovers the new. Why, after all, should we dare to think and speak for ourselves if these capacities are only to be silenced immediately by a muzzle of obedience? Kant's critical method is in fact double: his critiques do determine the system of transcendental conditions of knowledge and phenomena, but they also occasionally step beyond the transcendental plane to take up a humanistic notion of power and invention, the key to the free, biopolitical construction of the world. The major Kant provides the tools for stabilizing the transcendental ordering of the republic of property, whereas the minor Kant blasts apart its foundations, opening the way for mutation and free creation on the biopolitical plane of immanence.²¹

This alternative within Kant helps us differentiate between two political paths. The lines of the major Kant are extended in the field of political thought most faithfully today by theorists of social democracy, who speak about reason and Enlightenment but never really enter onto the terrain where daring to know and knowing how to dare coincide. Enlightenment for them is a perpetually unfinished project that always requires acceptance of the established social structures, consent to a compromised vision of rights and democracy, acquiescence to the lesser evil. Social democrats thus never rad-

ically question the republic of property, either blithely ignoring its power or naively assuming that it can be reformed to generate a society of democracy and equality.

The social democratic projects of Jürgen Habermas and John Rawls, for example, aim to maintain a social order based on transcendental, formal schema. Early in their careers Habermas and Rawls both propose more dynamic concepts oriented toward social transformation: Habermas works with a Hegelian notion of intersubjectivity that opens the possibility for radical productive subjective capacity, and Rawls insists on a “difference principle” whereby social decisions and institutions should benefit most the least advantaged members of society. These proposals, albeit in different ways, suggest a dynamic of social transformation. In the course of their careers, however, these possibilities of social transformation and subjective capacity are diluted or completely abandoned. Habermas’s notions of communicative reason and action come to define a process that constantly mediates all social reality, thus accepting and even reinforcing the given terms of the existing social order. Rawls constructs a formal, transcendental schema of judgment that neutralizes subjective capacities and transformative processes, putting the emphasis instead on maintaining the equilibrium of the social system. The version of social democracy we find in Habermas and Rawls thus echoes the notion of Enlightenment of the major Kant, which, despite its rhetoric of emendation, reinforces the existing social order through schemas of transcendental formalism.²²

Anthony Giddens and Ulrich Beck propose a version of social democracy whose basis is much more empirical and pragmatic. Whereas Habermas and Rawls require a point of departure and mediation that is in some sense “outside” the social plane, Giddens and Beck start “inside.” Giddens, adopting a skeptical standpoint, attempts to fashion from the empirical and the phenomenal level an adequate representation of society in the process of reform, working, one could say, from the social to the transcendental plane. When society refuses to comply, however, when ghettos in revolt and social conflicts sprouting all around make it impossible to maintain an idea

of reformist mediation emerging directly from social reality, Giddens takes recourse to a sovereign power that can bring to conclusion the process of reform. Paradoxically, Giddens introduces a transcendental project and then is subsequently forced to violate it with such an appeal to a transcendent power. Ulrich Beck, more than Giddens and indeed more than any other social democratic theorist, is willing to set his feet solidly in the real social field and deal with all the ambiguous struggles, the uncertainty, fear, and passions that constitute it. Beck is able to recognize, for example, the dynamics of workers’ struggles against the factory regime and against factory closings. Although he can analyze the exhaustion of one social form, however, such as the modernity of the factory regime of production, he cannot grasp fully the emergence of new social forces. His thinking thus runs up against the fixity of the transcendental structure, which even for him ultimately guides the analysis. Modernity gives way to hypermodernity in Beck’s view, which is really, in the end, only a continuation of modernity’s primary structures.²³

Analogous social democratic positions are common among contemporary theorists of globalization as diverse as David Held, Joseph Stiglitz, and Thomas Friedman. The Kantian resonances are not as strong here, but these theorists do preach reform of the global system without ever calling into question the structures of capital and property.²⁴ The essence of social democracy in all these various figures is the proposition of social reform, sometimes even aimed at equality, freedom, and democracy, that fails to draw into question—and even reinforces—the structures of the republic of property. In this way social democratic reformism dovetails perfectly with the reformism of capital. Social democrats like to call their modern project unfinished, as if with more time and greater efforts the desired reforms will finally come about, but really this claim is completely illusory because the process is blocked from the outset by the unquestioned transcendental structures of law and property. Social democrats continue faithfully the transcendental position of the major Kant, advocating a process of Enlightenment in which, paradoxically, all elements of the existing social order stay firmly in place.

Reforming or perfecting the republic of property will never lead to equality and freedom but only perpetuate its structures of inequality and unfreedom. Robert Filmer, a lucid seventeenth-century reactionary, recognizes clearly, in the passage that serves as an epigraph to this chapter, that liberty and property are as contrary as fire and water, and cannot stand together.

Such neo-Kantian positions may appear harmless, even if illusory, but at several points in history they have played damaging roles, particularly in the period of the rise of fascism. No one, of course, is blameless when such tragedies occur, but from the late nineteenth century to the 1920s and 1930s neo-Kantianism constituted the central ideology of bourgeois society and European politics, and indeed the only ideology open to social democratic reformism. Primarily in Marburg (with Hermann Cohen and Paul Natorp) and Heidelberg (with Heinrich Rickert and Wilhelm Windelband) but also in Oxford, Paris, Boston, and Rome, all the possible Kantian variations blossomed. Seldom has an ideological concert been as widespread and its influence as profound over an entire system of *Geisteswissenschaften*. Corporate bosses and syndicalists, liberals and socialists divided the parts, some playing in the orchestra, others with the chorus. But there was something profoundly out of tune in this concert: a dogmatic faith in the inevitable reform of society and progress of spirit, which meant for them the advance of bourgeois rationality. This faith was not based on some political will to bring about transformation or even any risk of engaging in struggle. When the fascisms emerged, then, the transcendental consciousness of modernity was immediately swept away. Do we have to mourn that fact? It does not seem that contemporary social democratic thinkers with their transcendental illusion have any more effective response than their predecessors to the risks and dangers we face, which, as we said earlier, are different from those of the 1930s. Instead the illusory faith in progress masks and obstructs the real means of political action and struggle while maintaining the transcendental mechanisms of power that continue to exercise violence over anyone who

dares to know and act rather than maintaining the rules of an Enlightenment that has become mere routine.

We will try instead in the pages that follow to develop the method of the minor Kant, for whom daring to know requires simultaneously knowing how to dare. This too is an Enlightenment project, but one based on an alternative rationality in which a methodology of materialism and metamorphosis calls on powers of resistance, creativity, and invention. Whereas the major Kant provides the instruments to support and defend the republic of property even up to today, the minor Kant helps us see how to overthrow it and construct a democracy of the multitude.

1.2

PRODUCTIVE BODIES

In girum imus nocte
 Et consumimur igni.
 (We traveled through the night
 And were consumed / redeemed by fire.)
 —Guy Debord

From the Marxist Critique of Property . . .

Karl Marx develops in his early work—from “On the Jewish Question” and the “Critique of Hegel’s Philosophy of Right” to his “Economic and Philosophical Manuscripts”—an analysis of private property as the basis of all capitalist legal structures. The relationship between capital and law defines a paradoxical power structure that is at once extraordinarily abstract and entirely concrete. On the one hand, legal structures are abstract representations of social reality, relatively indifferent to social contents, and on the other, capitalist property defines the concrete conditions of the exploitation of labor. Both are totalizing social frameworks, extending across the entire social space, working in coordination and holding together, so to speak, the abstract and concrete planes. Marx adds to this paradoxical synthesis of the abstract and the concrete the recognition that labor is the positive content of private property. “The relation of private property contains latent within itself,” Marx writes,

the relation of private property as *labour*, the relation of private property as *capital* and the *connection* of these two. On the one hand we have the production of human activity as *labour*, i.e. as

an activity wholly alien to itself, to man and to nature, and hence to consciousness and vital expression, the *abstract* existence of man as a mere *workman* who therefore tumbles day after day from his fulfilled nothingness into absolute nothingness, into his social and hence real non-existence; and on the other, the production of the object of human labour as *capital*, in which all the natural and social individuality of the object is *extinguished* and private property has lost its natural and social quality (i.e. has lost all political and social appearances and is not even *apparently* tainted with any human relationships).²⁵

Private property in its capitalist form thus produces a relation of exploitation in its fullest sense—the production of the human as commodity—and excludes from view the materiality of human needs and poverty.

Marx’s critical approach in these early texts is powerful but not sufficient to grasp the entire set of effects that property, operating through law, determines over human life. Many twentieth-century Marxist authors extend the critique of private property beyond the legal context to account for the diverse material dynamics that constitute oppression and exploitation in capitalist society. Louis Althusser, for one, clearly defines this shift in perspective, configuring it in philological and scholastic terms as a break within Marx’s own thought from his youthful humanism to his mature materialism. Althusser recognizes, in effect, a passage from the analysis of property as exploitation in terms of a transcendental form to the analysis of it in terms of the material organization of bodies in the production and reproduction of capitalist society. In this passage critique is, so to speak, raised to the level of truth and at the same time superseded, as philosophy gives way to politics. In roughly the same period Max Horkheimer, Theodor Adorno, and other authors of the Frankfurt School, especially when they confront the conditions of U.S. capitalist development, operate a corresponding shift within Marxism: emphasizing the breakdown of the conceptual boundary between structure and superstructure, the consequent construction of mate-

rially effective ideological structures of rule (corresponding to Althusser's "ideological state apparatuses"), and the accomplishment of the real subsumption of society within capital. The result of these diverse interventions is a "phenomenologization" of critique, that is, a shift to consider the relationship between critique and its object as a material *dispositif*, within the collective dimension of bodies—a shift, in short, from the transcendental to the immanent.²⁶

This shift moves toward a perspective that had been difficult to recognize within the Marxist tradition: the standpoint of bodies. When we credit this shift to Althusser and the Frankfurt School, we do so rather maliciously because we are convinced that the real passage, which is only intuited or suspected on the scholastic level of such authors, is accomplished on the level of theory developed within militancy or activism. The journals *Socialisme ou barbarie* in France and *Quaderni rossi* in Italy are among the first in the 1960s to pose the theoretical-practical importance of the standpoint of bodies in Marxist analysis. In many respects the investigations of worker and peasant insurgencies in the South Asian journal *Subaltern Studies* develop along parallel lines, and certainly there are other similar experiences that emerge in the Marxist analyses of this period throughout the world. Key is the immersion of the analysis in the struggles of the subordinated and exploited, considered as the matrix of every institutional relationship and every figure of social organization. "Up to this point we have analyzed capital," Mario Tronti writes in the early 1960s, but "from now on we have to analyze the struggles as the principle of all historical movement."²⁷ Raniero Panzieri, who like Tronti is a central figure in *Quaderni rossi*, adds that although Marxism is born as sociology, the fundamental task is to translate that sociological perspective into not just political science but really the science of revolution. In *Socialisme ou barbarie*, to give another example, Cornelius Castoriadis emphasizes that revolutionary research constantly has to follow and be redefined by the forms of the social movements. And finally Hans-Jürgen Krahl, in the midst of one of those extraordinary discussions at the heart of the German socialist youth movements that precede the events of 1968, insists on

the break with every transcendental concept of the revolutionary process such that every theoretical notion of constitution has to be grounded in concrete experience.²⁸

It is interesting in this context to look back at the 1970 Situationist manifesto titled "Contribution à la prise de conscience d'une classe qui sera la dernière." What is fascinating about this avant-garde text is certainly not its ridiculous Dadaist declarations or its sophisticated "Letterist" paradoxes but rather the fact of its being an investigation of the concrete conditions of labor, one that is able to grasp in initial and partial but nonetheless correct terms the separation of labor-power from the control of capital when immaterial production becomes hegemonic over all the other valorization processes. This Situationist worker investigation anticipates in some extraordinary ways the social transformations of the twenty-first century. Living labor oriented toward producing immaterial goods, such as cognitive or intellectual labor, always exceeds the bounds set on it and poses forms of desire that are not consumed and forms of life that accumulate. When immaterial production becomes hegemonic, all the elements of the capitalist process have to be viewed in a new light, sometimes in terms completely inverted from the traditional analyses of historical materialism. What was called "the transition from capitalism to communism" takes the form of a process of liberation in practice, the constitution of a new world. Through the activity of conducting a worker investigation, in other words, the "phenomenologization" of critique becomes revolutionary—and we find Marx redivivus.

This entry of the phenomenology of bodies into Marxist theory, which begins by opposing any ideology of rights and law, any transcendental mediation or dialectical relationship, has to be organized politically—and indeed this perspective provides some of the bases for the events of 1968. This intellectual development recalls in some respects the scientific transformations of the Italian Renaissance three centuries earlier. Renaissance philosophers combined their critique of the scholastic tradition with experiments to understand the nature of reality, combing the city, for example, for animals

to dissect, using their bistoury and scalpels to reveal the functioning of individual bodies. So too the theorists in the 1950s and 1960s, when, one might say, modernity arrives at its conclusion, recognize the necessity not only to develop a philosophical critique of the Marxist tradition but also to ground it in militant experience, using the scalpels that reveal, through readings of the factory and social struggles, the new anatomy of collective bodies.

Many different paths trace this passage in European Marxist theory. The fundamental genealogy no doubt follows the development of workers' struggles inside and outside the factories, moving from salary demands to social demands and thus extending the terrain of struggle and analysis to reach all corners of social life. The dynamic of struggles is not only antagonistic but also constructive or, better, constituent, interpreting a new era of political economy and proposing within it new alternatives. (We will return in detail to this economic transformation and the constituent struggles within it in Part 3.) But other important intellectual developments undoubtedly allow and force European Marxist theorists to move toward a standpoint of bodies. The work of Simone de Beauvoir and the beginnings of second wave feminist thought, for example, focus attention powerfully on the gender differences and hierarchies that are profoundly material and corporeal. Antiracist thought, particularly emerging from the anticolonial struggles in these years, put pressure on European Marxist theory to adopt the standpoint of bodies to recognize both the structures of domination and the possibilities for liberation struggles. We can recognize another, rather different path toward the theoretical centrality of the body in two films by Alain Resnais from the 1950s. *Night and Fog* and *Hiroshima mon amour* (written by Marguerite Duras) mark the imaginary of a generation of European intellectuals with the horrors of the Jewish Holocaust and the atomic devastation in Japan. The threat and reality of genocidal acts thrusts the theme of life itself onto center stage so that every reference to economic production and reproduction cannot forget the centrality of bodies. Each of these perspectives—feminist thought, antiracist and anticolonial thought, and the consciousness

of genocide—forces Marxist theorists of that generation to recognize not only the commodification of laboring bodies but also the torture of gendered and racialized bodies. It is no coincidence that the series of classic studies of the discontent and poverty of the human spirit—from Freud to Marcuse—can be read as an encyclopedia of colonial-capitalist violence.

The paradox, though, is that even in the moment of capital's triumph in the 1960s, when bodies are directly invested by the mode of production and the commodification of life has rendered their relations entirely abstract, that is the point when, immediately within the processes of industrial and social production, bodies spring back onto center stage in the form of revolt. This returns us to the primordial necessity of bourgeois society we analyzed earlier, that is, the right of property as the basis of the republic itself. This is not the exception but the normal condition of the republic that reveals both the transcendental condition and the material foundation of the social order. Only the standpoint of bodies and their power can challenge the discipline and control wielded by the republic of property.

... To the Phenomenology of Bodies

Philosophy is not always the owl of Minerva, arriving at dusk to illuminate retrospectively a waning historical period. Sometimes it anticipates history—and that is not always a good thing. In Europe reactionary philosophies have often anticipated and posed the ideological bases for historical events, including the rise of fascism and the great totalitarianisms of the twentieth century.²⁹ Consider, for example, two authors who dominate European thought in the first decades of the century and effectively anticipate the totalitarian events: Henri Bergson and Giovanni Gentile. Their work helps us trace another important genealogy that brings us back to the phenomenology of bodies with a new and powerful perspective.

The essential anticipatory element of this stream of early-twentieth-century European thought, which has a profound influence on reactionary political ideologies, is its invention of a philoso-

phy of life that poses at its center an ethics of radical action. Vitalism, which unleashes a destructive fury on the critical tradition, transcendental epistemologies, and Kantian liberal ideology, has such influence in part because it corresponds to some of the dominant political and economic developments of the times. Capitalist command has been thrown into crisis by the first serious expressions of the workers' movement as a subversive force, and capital's stable values seem to be threatened by a chaotic relativism. Capitalist ideology needs to return to its beginnings, reaffirming its values, verifying its decision-making powers, and destroying every obstacle posed by mechanisms of social mediation. Such a context provides fertile soil for a blind and proud voluntarism. Vitalism, which Bergson configures as flux and Gentile as a dialectic without negativity, presents a powerful ideology for affirming a hegemonic will. Transcendental abstraction pays the price as the conception of history is forced to mold itself to the teleology of power. Bergson ends his life a Catholic and Gentile a fascist: that is how history reenters their thought. When history is believed to be threatened by an absolute relativism, religious values or voluntaristic affirmations seem the only alternative.

The great historicist thinkers of the period are also caught between these two poles: either relativism or a religious/voluntarist escape. The lines are already clear, for example, in the late-nineteenth-century exchanges between Wilhelm Dilthey and Graf Paul Yorck von Wartenburg. For Yorck relativism means cynicism and materialism, whereas for Dilthey it opens the possibility of a vital and singular affirmation within and through the historical process.³⁰ This debate prefigures, in epistemological terms and in the relationship between history and event, the tragedies of twentieth-century Europe in which the event and transcendence take horrifying forms in the long "European civil war" and historicism comes to mean simply political disorientation, in the various figures of fascism and populism. The destruction of the critical tradition and the dissolution of neo-Kantianism is one necessary prerequisite for the vitalist

positions to become hegemonic in the confused scene of European cultural and political debates.

Phenomenology emerges in this context to operate an anti-Platonic, anti-idealist, and above all anti-transcendental revolution. Phenomenology is posed primarily as an attempt to go beyond the skeptical and relativist effects of post-Hegelian historicism, but at the same time it is driven to rediscover in every concept and every idea modes of life and material substance. Reflecting on the complex legacy of Kantianism and the violent consequences of vitalism, phenomenology pulls critique away from transcendental abstraction and reformulates it as an engagement with lived experience. This immersion in concrete and determinate being is the great strength of twentieth-century phenomenology, which corresponds to the transformation of Marxism that we traced earlier, from the critique of property to the critique of bodies.

Martin Heidegger marks out one influential path of phenomenology, but one that fails to arrive at the critique and affirmation of bodies that interests us here. His thought is permeated by a brooding reflection over the failure of modernity and destruction of its values. He brings phenomenology back to classical ontology not in order to develop a means to reconstruct being through human productive capacities but rather as a meditation on our telluric condition, our powerlessness, and death. All that can be constructed, all that resistances and struggles produce, is here instead disempowered and found "thrown" onto the surface of being. What phenomenology casts out—including Bergsonian vitalism, Gentile's voluntarism, and historicist relativism—Heidegger brings in the back door, positing it as the fabric of the present constitution of being. Heidegger's notion of *Gelassenheit*, letting go, withdrawing from engagement, for example, not only brings back the earlier vitalism and voluntarism by confusing history with destiny but also reconfigures them as an apology for fascism. "Who would have thought reading *Being and Time*," Reiner Schürmann reflects, "that a few years later Heidegger would have entrusted the *Da-sein* to someone's will? This institution

of a contingent will that rules over the *Da* determines the anthropology, the theology, and the populism of Heidegger's thought."³¹ The critique and affirmation of bodies that characterizes phenomenology's revolution in philosophy thus gets completely lost in Heidegger.

This Heideggerian trajectory, however, should not obscure the much more important path of phenomenology that extends from Edmund Husserl to Maurice Merleau-Ponty. Even though closed in the speculative cage of the transcendental, imposed by the German academy, Husserl spends his life trying to break down the consistency of the subject as individual and reconstruct subjectivity as a relation with the other, projecting knowledge through intentionality. (This project leads him in the 1930s to denounce the development of the European sciences and the crisis of their ethical content, when capitalism and national sovereignty, imperialism, and war have usurped their goals and meaning.) In Merleau-Ponty being-inside the concrete reality of bodies implies an even more fundamental relation to alterity, being among others, in the perceptive modalities and the linguistic forms of being. And the experience of alterity is always traversed by a project to construct the common. Immanence thus becomes the exclusive horizon of philosophy, an immanence that is opposed not only to metaphysical transcendence but also to epistemological transcendentalism. It is no coincidence, then, that this path of phenomenology intersects at this point, in Merleau-Ponty and others, with Marxist critiques of law and the rule of property, of human rights as a natural or originary structure, and even of the concept of identity itself (as individual, nation, state, and so forth). Phenomenology, of course, is not the only philosophical tendency in this period to cast aside transcendental critique and operate such a construction from below that affirms the resistance and productivity of bodies; we have elsewhere investigated similar propositions, for example, in the materialist traditions that bring together a constitutive Spinozist ethics with a Nietzschean critique of fixed values. But phenomenology highlights perhaps more strongly than others the fundamental relation between corporeality and alterity.

Tracing the genealogy of phenomenology through the work of Merleau-Ponty in this way also provides us with a particularly illuminating perspective on the work of Michel Foucault. In his analyses of power we can already see how Foucault adopts and pushes forward the central elements, posing being not in abstract or transcendental figures but in the concrete reality of bodies and their alterity.³² When he insists that there is no central, transcendent locus of power but only a myriad of micropowers that are exercised in capillary forms across the surfaces of bodies in their practices and disciplinary regimes, many commentators object that he is betraying the Marxist tradition (and Foucault himself contributes to this impression). In our view, though, Foucault's analyses of bodies and power in this phase of his work, following a line initiated by Merleau-Ponty, really make good on some of the intuitions that the young Marx could not completely grasp about the need to bring the critique of property, along with all the transcendental structures of capitalist society, back to the phenomenology of bodies. Foucault adopts many disguises—*larvatus prodeo*—in his relationship with Marxism, but that relationship is nonetheless extremely profound.

The phenomenology of bodies in Foucault reaches its highest point in his analysis of biopolitics, and here, if you focus on the essential, his research agenda is simple. Its first axiom is that bodies are the constitutive components of the biopolitical fabric of being. On the biopolitical terrain—this is the second axiom—where powers are continually made and unmade, bodies resist. They have to resist in order to exist. History cannot therefore be understood merely as the horizon on which biopower configures reality through domination. On the contrary, history is determined by the biopolitical antagonisms and resistances to biopower. The third axiom of his research agenda is that corporeal resistance produces subjectivity, not in an isolated or independent way but in the complex dynamic with the resistances of other bodies. This production of subjectivity through resistance and struggle will prove central, as our analysis proceeds, not only to the subversion of the existing forms of power but also to the constitution of alternative institutions of liberation.

Here we can say, to return to our earlier discussion, that Foucault carries forward the banner of the minor Kant, the Kant who not only dares to know but also knows how to dare.

The Vanishing Bodies of Fundamentalism

“Fundamentalism” has become a vague, overused term, which refers most often to belief systems that are rigid and unyielding. What unites the various fundamentalisms to a surprisingly large degree, however, is their peculiar relation to the body. At first glance one might assume that fundamentalisms provide an extreme example of the corporeal perspective that is central to biopolitics. They do indeed focus extraordinary, even obsessive attention on bodies, making all their surfaces along with their intake and output, their habits and practices the object of intense scrutiny and evaluation. When we look a bit closer, though, we see that fundamentalist vigilance about the body does not allow for the productivity of bodies that is central to biopolitics: the construction of being from below, through bodies in action. On the contrary, the preoccupation of fundamentalisms is to prevent or contain their productivity. In the final analysis, in fact, fundamentalisms make bodies vanish insofar as they are revealed to be not really the objects of obsessive attention but merely signs of transcendent forms or essences that stand above them. (And this is one reason why fundamentalisms seem so out of step with contemporary power structures: they refer ultimately to the transcendent rather than the transcendental plane.) This double relation to the body—at once focusing on it and making it disappear—is a useful definition for fundamentalism, allowing us to bring together the various disparate fundamentalisms on this common point and, through contrast, cast into sharper relief the characteristics and value of the biopolitical perspective.

The major religious fundamentalisms—Jewish, Christian, Muslim, and Hindu—certainly all demonstrate intense concern for and scrutiny of bodies, through dietary restrictions, corporeal rituals, sexual mandates and prohibitions, and even practices of corporeal mortification and abnegation. What primarily distinguishes funda-

mentalists from other religious practitioners, in fact, is the extreme importance they give to the body: what it does, what parts of it appear in public, what goes into and comes out of it. Even when fundamentalist norms require hiding a part of the body behind a veil, headscarf, or other articles of clothing, they are really signaling its extraordinary importance. Women’s bodies are obviously the object of the most obsessive scrutiny and regulation in religious fundamentalism, but no bodies are completely exempt from examination and control—men’s bodies, adolescents’ bodies, infants’ bodies, even the bodies of the dead. The fundamentalist body is powerful, explosive, precarious, and that is why it requires constant inspection and care.

The religious fundamentalisms are also united, however, at the same time, in their ultimate dissolution of bodies into the transcendent realm. The fundamentalist religious focus on the body really looks through it like an x ray to grasp the soul. If dietary restrictions were merely a matter of the health of the body, of course, they would simply constitute an elaborate nutritionist’s guide, and dictates about consumption of pork or beef or fish would rely on issues of calories and food-borne diseases. What goes into the body, however, is really important for what it does and means for the soul—or rather for the subject’s belonging to the religious community. These two issues are in fact not very distant, because the health of the soul from this perspective is just one index of gauging identitarian belonging. Similarly the clothing covering the body is an indication of inner virtue. The ultimate eclipse of the body, though, is clearest in fundamentalist notions of martyrdom. The body of the martyr is central in its heroic action, but that action really points to a transcendent world beyond. Here is the extreme point of the fundamentalist relation to the body, where its affirmation is also its annihilation.

Nationalist fundamentalisms similarly concentrate on bodies through their attention to and care for the population. The nationalist policies deploy a wide range of techniques for corporeal health and welfare, analyzing birthrates and sanitation, nutrition and housing, disease control and reproductive practices. Bodies themselves constitute the nation, and thus the nation’s highest goal is their pro-

motion and preservation. Like religious fundamentalisms, however, nationalisms, although their gaze seems to focus intently on bodies, really see them merely as an indication or symptom of the ultimate, transcendent object of national identity. With its moral face, nationalism looks past the bodies to see national character, whereas with its militarist face, it sees the sacrifice of bodies in battle as revealing the national spirit. The martyr or the patriotic soldier is thus for nationalism too the paradigmatic figure for how the body is made to disappear and leave behind only an index to a higher plane.

Given this characteristic double relation to the body, it makes sense to consider white supremacy (and racism in general) a form of fundamentalism. Modern racism in the nineteenth and twentieth centuries is characterized by a process of “epidermalization,” embedding racial hierarchies in the skin—its color, smells, contours, and textures.³³ Although white supremacy and colonial power are characterized by a maniacal preoccupation with bodies, the corporeal signs of race are not entirely stable and reliable. The one who passes for white but is not poses the greatest anxiety for the white supremacist, and indeed the cultural and literary history of the United States is filled with angst created by “passing” and racial ambiguity. Such anxieties make clear, though, that white supremacy is not really about bodies, at least not in any simple way, but rather looks beyond the body at some essence that transcends it. Discourses on blood that gesture toward ancestry and lineage, which constitute the primary common link between racisms and nationalisms, are one way this essential difference beyond the body is configured. Indeed recent racial discourse has migrated in certain respects from the skin to the molecular level as biotechnologies and DNA testing are making possible new characterizations of racial difference, but these molecular corporeal traits too, when seen in terms of race, are really only indexes of a transcendent racial essence.³⁴ There is finally always something spiritual or metaphysical about racism. But all this should not lead us to say that white supremacy is not about bodies after all. Instead, like other fundamentalisms it is characterized by a double relation to the body. The body is all-important and, at the same time, vanishes.

This same double relation to the body indicates, finally, how economism should be considered a type of fundamentalism. At first sight economism too is all about bodies in their stark materiality insofar as it holds that the material facts of economic relations and activity are sufficient for their own reproduction without the implication of other, less corporeal factors such as ideology, law, politics, culture, and so forth. Economism focuses primarily on the bodies of commodities, recognizing as commodities both the material goods produced and the material human bodies that produce and carry them to market. The human body must itself constantly be produced and reproduced by other commodities and their productive consumption. Economism in this sense sees only a world of bodies—productive bodies, bodies produced, and bodies consumed. Although it seems to focus exclusively on bodies in this way, however, it really looks through them to see the value that transcends them. Hence “the metaphysical subtleties and theological niceties” of economism in both its capitalist and socialist forms.³⁵ From this perspective actual bodies, of humans and other commodities, are ultimately not the object of economism; what really matters is the quantity of economic value that stands above or behind them. That is why human bodies can become commodities, that is, indifferent from all other commodities, in the first place, because their singularity disappears when they are seen only in terms of value. And thus economism too has a typically fundamentalist relation to the body: the material body is all-important and, at the same time, eclipsed by the transcendent plane of value.

We need to follow this argument, however, through one final twist. Even though all of these fundamentalisms—religious, nationalist, racist, and economic—ultimately negate the body and its power, they do, at least initially, highlight its importance. That is something to work with. The deviation from and subversion of the fundamentalist focus on the body, in other words, can serve as the point of departure for a perspective that affirms the needs of bodies and their full powers.

With regard to religious fundamentalism, one of the richest and most fascinating (but also most complex and contradictory) ex-

amples is the biopolitical potential that Foucault glimpses in the Islamic popular movements against the shah's government in the year leading up to the Iranian Revolution. On commission from the Italian newspaper *Corriere della Sera*, he makes two week-long visits to Iran in September and November 1978 and writes a series of brief essays in which he recounts in simple, often moving prose the development of the uprising against the regime, offering basic political analyses of the relations of force in the country, the importance of Iran's oil in the cold war, the political power of the shah, the brutality of the repression, and so forth. In the essays Foucault, of course, does not endorse political Islam, and he clearly insists that there is nothing revolutionary about the Shiite clergy or Islam as such, but he does recognize that, as it had in Europe and elsewhere in other historical instances, religion defines the form of struggle in Iran that mobilizes the popular classes. It is easy to imagine, although he does not use these terms, that Foucault is thinking about the biopolitical powers of Islamic fundamentalism in the Iranian resistance. Just two years earlier he published the first volume of his *History of Sexuality*, and soon afterwards he would deliver his lectures at the Collège de France on the birth of biopolitics. So it comes as no surprise that in these essays he is sensitive to the way that in the popular movements religious forces regulate with such care daily life, family ties, and social relations. In the context of the rebellion, he explains, "religion for them was like the promise and guarantee of finding something that would radically change their subjectivity."³⁶ We have no intention of blaming Foucault for the fact that after the overthrow of the shah a repressive theocratic regime took power, a regime against which he protested. What we find most significant in his articles instead is how he recognizes in the religious fundamentalism of the rebellion and its focus on bodies the elements of a biopolitical power that, if deployed differently, diverted from its closure in the theocratic regime, could bring about a radical transformation of subjectivity and participate in a project of liberation.

For nationalism we do not need any such complex example to recognize the potentially progressive elements contained within it.

Particularly during the course of national liberation struggles, nationalisms have served as the workbench for the experimentation of numerous political practices.³⁷ Think, for example, of the intensely corporeal nature of oppression and liberation that Frantz Fanon analyzes while working as a psychiatrist in the midst of the Algerian Revolution. The violence of colonialism that runs throughout its institutions and daily regimens is deposited in the bones of the colonized. Dr. Fanon explains that, as in a thermodynamic system, the violence that goes in has to come out somewhere: it is most commonly manifested in the mental disorders of the colonized—a violence directed inward, self-inflicted—or in forms of violence among the colonized, including bloody feuds among tribes, clans, and individuals. The national liberation struggle, then, is for Fanon a kind of training of the body to redirect that violence outward, back whence it came, against the colonizer.³⁸ Under the flag of revolutionary nationalism, then, tortured, suffering bodies are able to discover their real power. Fanon is well aware, of course, that once independence has been achieved, the nation and nationalism become again an obstacle, closing down the dynamics that the revolution had opened. Nationalism can never fully escape fundamentalism, but that should not blind us to the fact that, particularly in the context of national liberation struggles, nationalism's intense focus on bodies suggests biopolitical practices that, if oriented differently, can be extraordinarily powerful.

We have to approach the fundamentalism of white supremacy a bit ironically to see how it provides an opening toward a biopolitical practice through its focus on the body. The Black Power movement in the United States in the 1960s and 1970s, to give one example, transforms and revalues the epidermalization of human differences that grounds racist thought. Black Power focuses on the surfaces of the body—skin color, hair quality, facial features, and so forth—but not to whiten skin or straighten hair. Becoming black is the aim, because not only is black beautiful but also the meaning of blackness is the struggle for freedom.³⁹ This is not so much an anti-racist discourse as a counterracist one, one that uses the focus on