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RESEARCH

Subjects of History: Foucault on the Emergence of Conflictual Nationhood and Biopolitics

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Scholarship often overlooks Foucault's 1976 lecture-course, where he illuminates a historical shift from a system of sovereignty to a biopolitical apparatus. Locating discourses in the early modern period that developed or provided historicized codings of social relations, Foucault explores how such discourses contained embedded references to a 'war of the races,' of which a key element was an assertion of the presence of strife or division *within* the body politic. In particular, Foucault indicates how Thomas Hobbes' juridically-oriented theory countered this discourse of perpetual strife, and how discourses of the French nobiliary reaction furthered it. This article argues that Foucault's understanding of biopower and its emergence from such historical discourses sheds light on the history of nationalism, helping to understand the modern political experience of subjectivity as circumscribed by tensions operating within modern nation-states and also as mobilized towards national objectives.

Keywords: hobbes; foucault; biopower; populism; history; civil war; race

1. The Emergence of Histories of Populations

The nation-state is central to contemporary political identities. Exploring the formation of this crucial concept, Michel Foucault saw that historical discourse in the seventeenth and eighteenth centuries was shaped by important changes in the conception of governmental power, and suggests how these contributed to the then-emerging notion of the nation-state.¹ Accordingly, historical discourses highlighted by Foucault illuminate an important shift regarding the construction and exercise of governmental power, which can provide a greater understanding of how modern power operates: from a system of 'sovereignty,' via disciplinary power, to a biopolitical apparatus. This article will demonstrate how Foucault's lecture-course *Society Must Be Defended* is a crucial text for tracing the production of this movement from concern for sovereignty to concern for population, via a discussion of conquest or rather the 'right of conquest' in early modern political thought. In doing so, this article will argue that we can gain a richer understanding of the emergence of nation-state, biopolitics and our own political identities by exploring Foucault's research concerning the historical emergence of these phenomena. This trajectory ultimately affects the apparatus of subjectivity and its relations, particularly as manifested through national identity. This article will further indicate how Foucault places into relief the relations of forces that produced an age in which identity is pegged to sexuality.

Important discussions of Foucault's notion of biopower have been made from the perspective of political science and political theory. Joanna Oksala, for example, provides a political reading of Foucault's concept of biopower in context of the legacy of western political theory, engaging Foucault with the issue of 'the social question' presented by Hannah Arendt.² In addition, while Thomas Lemke situates Foucault's notion of biopower into the field of empirical political science,³ Paul Patton differen-

¹ I am grateful to the anonymous peer reviewers of this article for their helpful suggestions, and to Jim Bernauer for mentoring the early phases of research. Thanks especially to Lisa Walters for valuable editorial assistance. Any errors in this article are my own.

² Joanna Oksala, "Violence and the Biopolitics of Modernity," *Foucault Studies* 10 (2010): 23. See also note 117 below.

³ Thomas Lemke, *Eine Kritik der politischen Vernunft* (Berlin: Argument, 1997) and Lemke, "From State Biology to the Government of Life," *Journal of Classical Sociology* 10, no. 4 (2010): 421–38. Lemke's

tiates Foucault's political thought and notions of biopower from typically 'juridical' paradigms that inhabit the liberal and utilitarian traditions.⁴ Although Oksala, Lemke and Patton have shed light on biopower's relation to western political thought, to date, scholarship has not traced the emergence of biopower and its effects upon modern subjectivity and the political form of the nation-state. In order to do so, it is necessary to explore more closely the texts *Society Must Be Defended* and *The Will to Know*, where Foucault identifies a conflict and shift in the discourse regarding history and political sovereignty (as well as from a discourse of *reproduction* to a discourse of *procreation*).⁵ A full understanding of this transformation requires a grasp of another rearrangement, one which Foucault claims involved a movement away from a juridico-political paradigm towards a historico-political model. This latter difference is most fully explored in the first half of *Society Must Be Defended*, and provides the stakes for Foucault's argument about Thomas Hobbes' influential view on sovereignty in relation to premodern systems of power.

In what follows, we will sketch Foucault's move toward historiographical analysis in *Society Must Be Defended* and his discernment of a turn in the early modern period toward historico-political discourse, and therewith a 'counter-history' that carried with it certain implications for the concept of a nation and a state (§§2–3). Following on that, this article traces Foucault's discernment of an epistemic sort of shift in the 'speaker of history' (*i.e.*, a change in the use of history) with particular manifestations in mid-seventeenth century England (§3–4) and early-eighteenth-century France (§5). Foucault's analysis of the first describes the discursive relations and strategy of earlier forms of 'populist discourse'; his analysis of the latter

analysis aims at a clearer view of the empirical object of the notion of 'biopolitics,' and helpfully traces the appearance of an idea of 'biopolitics' in the field of political science as far back as 1922, while noting the changes the idea underwent in the 1960s and 1970s. This situates Foucault's development of a "historical" notion of biopolitics "against the naturalist and the politicist reading" (Lemke, "From State Biology," 429).

⁴ Paul Patton, "Life, Legitimation, and Government," *Constellations* 18, no. 1 (2011): 35–45.

⁵ For another reading of Foucault's *The Will to Know* alongside the Collège de France lectures, see Penelope Deutscher, "Foucault's *History of Sexuality, Volume I: Re-Reading Its Reproduction*," *Theory, Culture & Society* 29, no. 1 (2012): 119–37.

shows how a particular discourse of history and nations manifested as a disdain for administrative knowledge, regarding such knowledge as a 'site of usurpation.'

Overall, we wish to make the case for reading Foucault's considerations in *Society Must Be Defended* as identifying a genealogical point of emergence for a certain political speech and positioning of the speaking subject, henceforth from which historical discourse gained precedence over the juridical. This article argues (esp. §6) that this discursive or epistemic shift, that produced a non-judicial discourse emphasizing national identities, is a condition of the emergence of biopower.

There are significant thematic connections between *Surveiller et punir*, *La Volonté à savoir* and *Il faut défendre la société*. Yet most commentary on biopolitics in Foucault has touched only lightly on his 1976 lecture-course, *Society Must Be Defended*.⁶ To some degree, the reception of SMBD as a lecture-course has been overshadowed by the fact that two of its lectures were published at a significantly earlier date than the rest. The edition *Power/Knowledge*, containing a selection of interviews and writings by Foucault, was published in 1980 and included versions of the first two lectures of 1976. These first two lectures (of 7th and 14th January) are concerned largely with methodological questions, ending with an introduction to the theory of sovereignty. However, the entirety of the 1976 lecture course did not follow until 1997 in French publication and 2003 for its English translation.⁷ Thus, methodological concepts from these lectures were in circulation among scholars well before there was wide access to the entire set of *Society Must Be Defended* lectures with its detail. This may be one reason why scholars have perhaps devoted less attention to Foucault's larger or more focused claims concerning historiography. The current article is in part an effort to elucidate some insights of Foucault's course as a whole, while showing how the neglected SMBD lecture-course provides crucial insight into contemporary political subjectivity, the national state and biopolitics.

⁶ One exception is R.d. Crano, "Genealogy, Virtuality, War (1651/1976)," *Foucault Studies* 11 (2011): 156–78, discussed below.

⁷ Michel Foucault, *Il faut défendre la société* (Paris: Seuil/Gaillimard, 1997). English translation: Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975–76*, trans. David Macey (New York: Picador, 2003). Hereafter abbreviated in the text as SMDB.

Another factor in the reception of Foucault's historiographical considerations may be the tendency of English-speaking readers of *Discipline and Punish* to focus on Foucault's account of panopticism and analysis of Bentham for the critique of modern institutions it encompasses, while skimming over the less modern analysis of the 'least body of the condemned' (along with the narrative of Damien the regicide), with its reference to Kantorowicz's research on the juridical status of the body of the king during the Medieval and Renaissance period. Yet a close analysis of Foucault's description of historiographical discourses indicates more precisely his view of the relations of historical forces that led to discourse marked by biopower and a biopolitical mode of governmentality.⁸

Foucault's historiographical deliberations might be seen by some as a brief side-track between his study of surveillance, prisons and panopticism, and his articulation of a critical history of neoliberalism; or possibly thought to be an archival diversion in the interstice between the 'genealogical' and 'ethical' periods of Foucault's career. But they are significant for laying out some of the ground of his account of biopower. An understanding of his researches in *Society Must Be Defended* is also critical for grasping the links that bridge his 'genealogical' and 'ethical' periods, and more importantly for comprehending the connection between his published books of this period and his lecture-courses, particularly during the period between the appearances of the first two volumes of *The History of Sexuality*.⁹ Foucault's discussion in *Society Must Be Defended* points toward the emergence of biopolitical discourse

⁸ Indeed, Fassin stresses the significance of the Foucauldian analysis, arguing that '[c]ontemporary societies are characterized less by the emergence of biopower than by the imposition of biogovernmentality.' He means this term to emphasize "the construction of meaning and values of life instead of the exercise of forces and strategies to control it." Didier Fassin, "Another Politics of Life Is Possible," *Theory, Culture & Society* 26, no. 5 (2009): 48, 52, <https://doi.org/10.1177/0263276409106349>.

⁹ R.d. Crano, for example, in view of Foucault's aim to write a 'history of the present,' considers SMDB in the light of Foucault's earlier essay on Nietzsche, which was an earlier articulation of 'genealogy' as a programme. Crano embraces genealogy's "profusion of lost events" and emphasizes the role of disparity, dissension and "dissociation of the self" in this method: "Indeed, Foucault's various archival projects must be seen as attempts to estrange the contemporary moment from itself, to make history for the present by delineating, in hitherto unforeseen ways, our difference from what we were. In this sense, the Levellers and Diggers should be seen less as kindred spirits and more as alternative marks for self-dissension." (Crano, "Genealogy, Virtuality, War," 163, quoting Foucault, *Society*, 142, 145.)

in the period from the seventeenth to the nineteenth century, via some detailed discussion centered around the writing of history. The shift to life and the growth and health of populations was a *discontinuity* in political discourse and practice that still manifests in the subjectivity of modern and contemporary Western societies; it is historically dependent, Foucault suggests, on the use of the writing of history as a productive and controlling strategy constructing life as its object.

As John Marks has noted, what Foucault terms *biopower* "emerges at the end of the 18th century as a supplement to disciplinary power, [and] has a new object; the 'multiple-body' of the *population*."¹⁰ According to Foucault, the study of 'governmentality' should examine "the modern state in a general technology of power that assured its mutations, development, and functioning."¹¹ Foucault contended that the notion of governmentality—an apparatus wherein the civil government of a state views itself as governing *persons*—first emerged in Western societies during the seventeenth century. Although Patton has contended that "[t]he concepts of biopolitics and biopower do not play a major role in Foucault's work," SMBD reveals that biopower in relation to historical discourse is key for understanding contemporary modes of power, including the emergence of the nation-state.¹² Foucault's first discussions of governmentality are situated within, or immediately subsequent to, an account of biopower, suggesting that biopower (or biopolitics) is the main modern and contemporary form of governmentality.¹³

¹⁰ John Marks, "Foucault, Franks, Gauls," *Theory, Culture & Society* 17, no. 5 (Oct. 2000): 140. (Italics in original.)

¹¹ Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, trans. Graham Burchell (New York: Picador, 2009), 120.

¹² Patton, "Life, Legitimation and Government," 35.

¹³ Although it is not clear that Foucault was yet using the term 'governmentality' in 1976, his work immediately subsequent to SMBD does so. In particular, the 1978 lecture-course *Security, Territory & Population* includes a lengthy elaboration of what could be meant by 'governmentality.' What is clear from that course is that Foucault meant an analysis of governmentality to follow immediately from, or even be encompassed under, the description(s) of biopower he had undertaken in *Society Must Be Defended* and also *La Volonté du Savoir* (see Foucault, *Security, Territory, Population*, 1, 109, 115–9). John Marks has connected the two terms rather directly: "[W]hereas the sovereign model was based on the power to 'kill and allow to live' ('*faire mourir et laisser vivre*') biopower—which will also be reformatted as 'governmentality' in Foucault's later work—reverses this formula, having the power to 'foster life and allow to die' ('*faire vivre et laisser mourir*')." (Marks, "Foucault, Franks, Gauls," 140–41).

2. Models of Political Discourse on Sovereignty

The theme of the body-politic or political body (or the difference and identity thereof), launched in the first part of Foucault's *Surveiller et punir*, continues through even the later lectures of SMBD, and is at stake in the closing chapter of *La volonté du savoir* as well. An additional and contextual aspect of the fairly close connection between these texts is the apparent inspiration Foucault took from Ernst Kantorowicz.¹⁴ The work of Kantorowicz cited by Foucault, *The King's Two Bodies*, itself has an interesting history of reception, and it is tempting to draw an analogy between its reception history that of Foucault's own 1976 lecture course. Though first published in English in 1957, it was three decades beyond that—an entire generation—when translations of *The King's Two Bodies* appeared in Italian, French, and German.¹⁵ While the work had much time to circulate, it may be, as Bernhard Jussen suggests, that it is referenced more by influence than to the detail of its argument; and it seems that this influence took hold in other disciplines somewhat more quickly than its author's own. Indeed, Jussen has described Foucault's "homage to Kantorowicz in *Surveiller et Punir*" as the main catalyst for the very belated spirited interest in *The King's Two Bodies*.¹⁶ A major aspect of Kantorowicz concerns law and the semiotics of law in the Renaissance period; likewise Foucault's *Society Must Be Defended* outlines different paradigms of what we might call the semiotics of sovereignty and political authority in the early modern period, as well as the discourses which constructed and supported them.

When it appeared on the scene, Kantorowicz' book was escaping and contorting known disciplinary boundaries. Foucault must have found it appealing to slide into this amorphous interstice of a history of ideas. Thus, a renewed interest in Kantorowicz was propelled by Foucault into the 1980s and the translations of *The King's Two Bodies*, while Anglophone interest in that study of 'medieval political

¹⁴ Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (1957; repr., Princeton: Princeton UP, 1997).

¹⁵ Bernhard Jussen, "The King's Two Bodies Today," *Representations* 106, no. 1 (May 2009): 102–17. See Jussen, nn. 2–7 for representative works derived from Kantorowicz in German between 1978 and 2008.

¹⁶ Jussen, "King's Two Bodies Today," 104.

theology' or what Bernhard Jussen identifies as 'constitutional semantics' had waned. However the case may be, Foucault's analysis of Hobbes in *SMBD* could be viewed as a progression from Kantorowicz's discussion of Medieval and Renaissance law, since (despite his preference for monarchy) Hobbes is generally taken to initiate the theories of sovereignty of the modern era. Hence, Foucault's lecture-course *Society Must Be Defended* undertakes to problematize the discourse of Hobbes, which is the political discourse of the social contract in modernity, as well as problematizing the early-modern framework of the 'nation.'

In order to elucidate the historical forces and discourses which Foucault believed led to biopower, we need first to identify and clarify Foucault's notions of the *juridico-political* and *historico-political*. In *Society Must Be Defended*, Foucault uses these two terms to mark a difference between two types of political discourse. This difference concerns the assumed locus of sovereignty, and so also the construction and form of the political sphere. The juridical discourse of sovereignty entails the supremacy of law embodied in the sovereign, and favors sovereign-subject relations in the sense that the governed are subject to law. Foucault concedes that this mode has theological undertones, as the genealogy of its European form is closely tied to medieval Christology. The human or civil law of the state is conceived as a necessarily imperfect image of an eternal and more perfect 'divine Law.'¹⁷ It is not accidental that the juridico-political attitude can be closely associated with the age of monarchies, since it holds the unitary state personified by the monarch or King to be the embodiment of the law and its supremacy. For this model, to act 'politically' is to legislate, to give law. The law, furthermore, was typically equated with the will of the king. However, acknowledgement of medieval theocratic undertones should not obscure a view of how this discourse persisted into the modern philosophical era. Foucault in fact describes Hobbes' *Leviathan* as a variant of this type of discourse.

Accordingly, to the extent that Hobbesian political philosophy reinforces the juridico-political view, it is not very radical despite its insistence that authority derives from the consent of the governed. (As Hobbes posits that the sovereign enjoys a sort

¹⁷ On this point, see Kantorowicz, *The King's Two Bodies*, pt. IV, 87–192.

of grant of authority "by every particular man in the Commonwealth" which is both a consent to be governed, and the formation of a unity in the artificial person of the state.)¹⁸ Foucault opines that

[Hobbes] is in fact being reassuring: he always speaks the discourse of contracts and sovereignty, or in other words, the discourse of the State. After all, philosophy and right, or philosophico-juridical discourse, would rather give the State too much power than not enough power.¹⁹

Thus Foucault understands the Hobbesian and juridical position as situated in right (*droit*), and identifies its most visible ideological consequence: that it tends to favor a strong state and administration. (Also noteworthy is that Foucault here credits 'philosophy' with a role supporting state power.)

Unlike Hobbes and juridico-political thought, republicans and radical dissenters during the English civil war of the seventeenth century espoused a very different understanding of power, which Foucault identifies as *historico-political discourse*. This view holds that the governed are the *subjects of government*, and the right to govern is derived from the will of the people rather than being subject to the will of the monarch. Hence, in this discourse, the focus of political organization is the population rather than the sovereign. Political action is de-coupled from Law (*i.e.*, the Christocentric concept of divine Law). Republicans, for example, held that their rebellion against the Law and sovereign was legitimate.²⁰ Furthermore, historico-political discourse holds (*contra* Hobbes) that "political power does not begin when

¹⁸ This act of establishment is thus "to appoint one man, or assembly of men, to bear their person; and every one to own and acknowledge himself to be author of whatsoever he that so beareth their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgements to his judgement." Thomas Hobbes, *Leviathan: With Selected Variants from the Latin Edition of 1668*, ed. Edwin Curley (Indianapolis: Hackett, 1994), ch. XVII, 109.

¹⁹ Foucault, *Society Must Be Defended*, 98–99.

²⁰ Foucault adds that the historico-political discourse that arose in England by the 17th century also involved the view that, "Law is not pacification, for beneath the law, war continues to rage in all the mechanisms of power, even in the most regular. War is the motor behind institutions and order. In the smallest of its cogs, peace is waging a secret war." Foucault, *Society*, 50.

the war ends" and "there is no such thing as a neutral subject." That is, neither the monarch nor the Law is 'neutral,' as they are seen as having been put in place not by agreement, but through a (possibly ancient) conquest or usurpation. Therefore the beginning of the state is not necessarily the end of strife. This discourse also involves the view that the body politic is heterogeneous. According to Foucault, this viewpoint means, that "we are all inevitably somebody's adversary." This political discourse thereby makes the assumption that strife continues in society even under an established government, and there is no coalescence of the different groups within the social body under the Law. It is an attitude that challenged the juridico-political model by denying the significance (or effectiveness) of the unity of the sovereign power, and assuming that "a binary structure runs through society."²¹

Historico-political discourse of this sort emerged in the early modern period, and held implications for not only historiography, but also understandings of the concept of nation. At that point it was "the first time the binary conception has been articulated with a specific history."²² Hence, the different elements or factions within the social body, or within the body politic of a nation, come to be identified in terms of specific histories and historical outcomes not subsumed under the history of the state. For instance, "according to this definition, the nobility was a nation, and the bourgeoisie also was a nation."²³ Eventually this discourse was marked by an identification of sovereign states with nationalities, leading to modern nation-states. With this comes a predilection for descriptions of the political in historical as well as conflictual terms.

Foucault further shows how this discursive position was employed by the French aristocracy against the centralizing tendencies of the eighteenth-century state. Yet this discourse certainly did not remain exclusively a tool of aristocratic ideology. Indeed, it had been deployed earlier, by the economically radical factions in the English Civil War of the previous century.²⁴ (Hence, this discourse is a tool whose

²¹ Foucault, *Society*, 50–51.

²² Foucault, *Society*, 51.

²³ Foucault, *Society*, 142.

²⁴ See Foucault, *Society*, 107–9, and Quentin Skinner, *Visions of Politics, vol. 3: Hobbes and Civil Science* (Cambridge: Cambridge UP, 2002), 238–63.

function stands independent of its user.) At stake in either case is the problematization of the question of whether a state can or should include more than one nation—a matter not normally at issue within juridico-political discourse.

Historico-political discourse, by contrast, might involve conflict of various historical descriptions of a people, or of the (competing) component peoples of a state. Yet these conflicts seem less important for Foucault's analysis than the idea that along with the general shift towards historico-political discourse, a certain type of speaking subject was produced. So, Foucault speaks of those who speak of history:

[T]here is a new speaking subject: someone else begins to speak in history, to recount history; someone else begins to say "I" and "we" as he recounts history; someone else begins to tell the story of his own history; [...] to reorganize the past, events, rights, injustices, defeats, and victories around himself and his own destiny [...]. The subject talks about events that occur beneath the State, that ignore right, and that are older and more profound than institutions.²⁵

This moment indicates for Foucault the production of a new mode of subjectivity, one that would encourage and construct certain positions for speaking within the structures of nationality.

So Foucault's history of thought highlights two important discursive constructions of the body politic and its power: first, the 'speaker' of history is located in the political body more often than the stately head, as it were: the discourse becomes one in which the king or state need not be regarded as the most important actor. Second, it eventually becomes thought that history can be written in terms of a *struggle at a level below* that of the sovereigns and governments of states, and that the events that most need to be recounted are found *outside* of institutions, into which they are not incorporated. This second aspect of the shift provides the history of "injustices" and "defeats" that are organized in terms of this new speaker who hails from below or outside of the institutional and administrative apparatus.

²⁵ Foucault, *Society*, 133–34 (*Il faut defendre*, 116).

Scholarship to date has overlooked these details regarding the production of a political subject who speaks historically. Yet the advent of biopolitical power around the nineteenth century seems, in Foucault's view, to be conditioned on this earlier shift of the speaking in (of) history.

One may, as does R. d. Crano, view this shift as the articulation of a counter-history, one that "seeks to create a new people" insofar as Foucault sheds light on the history of the radical Diggers and Levellers during the seventeenth century.²⁶ Crano argues that such alternative political discourses were suppressed or eradicated by the advent of the Hobbesian modern state.²⁷ However, as discussed above, Foucault emphasizes heterogeneity in historico-political thought, and indicates that such discourses never were entirely eradicated, but instead continued being effective, though somewhat suppressed. Foucault himself takes pains to situate the strategic use of this discourse at the point of its deployment, which is why he spends a substantial amount of time discussing what the Hobbesian account—of politics and of the formation of a body-politic—is and is not, and emphasizes the discursive context that Thomas Hobbes found and was responding to when he wrote *Leviathan*.

3. Commonwealths and Conquest

In order better to understand the ways SMBD traces the emergence of nation-states, contemporary political subjectivity and biopower, it is necessary to consider Foucault's discussion of Hobbes's account of power in relation to English civil war political thought, as well as Kantorowicz who described the *dual* personality of Renaissance monarchy. As mentioned above, the initial framework of analysis in *Surveiller et Punir (Discipline and Punish)* relies for its problematization of historical discourse on the analysis of Kantorowicz's *The Kings Two Bodies*.²⁸ Foucault's analysis reveals how looking backward into historical political thought provides insight into the development of our own.

²⁶ Crano, "Genealogy, Virtuality, War," 174.

²⁷ Crano, "Genealogy, Virtuality, War," 175.

²⁸ Kantorowicz documents how the high-medieval rediscovery of Roman law was a major factor in the emergence of the Renaissance concept of monarchy.

While Kantorowicz's work describes the Medieval and Renaissance belief and legal doctrine that the sovereign had a natural body as well as an eternal, unchanging mystical body passed from monarch to monarch, Hobbes' *Leviathan* asserts the necessity of a *unitary* sovereign person. Hobbes' theory of sovereignty posits that an exclusively political person or actor can be created, an artificial person whose will is a 'real unity' of the wills of all the individuals it represents, as well as "an exact model of those very individuals." Rather than eternal and unchanging, as a model of the polity, the sovereign is artificial. Foucault comments that

[this] sovereign is therefore an artificial individuality, but also a real individuality. The fact that this sovereign is a naturally individual monarch does not alter the fact that he is an artificial sovereign; and when an assembly is involved the sovereign remains an individuality, even though a group of individuals is involved [...]. This mechanism consists solely of the interplay between a will, a covenant, and representation.²⁹

Hence Foucault emphasizes that Hobbes considers politics to be much more concerned with artifice than with nature. The *artifice* of Hobbes' sovereign also highlights the intersection of will and representation in the Hobbesian theory. Indeed, the Revolutionary period in England involved serious debates about what it means to say that the Sovereign is a representative, and when Hobbes uses the concept 'person,' the word still bears a close relationship to the idea of 'personation.' (In Latin, *persona* is the ordinary word for a theatrical mask; actors represent speech and action, and in the early seventeenth century *representation* was still primarily an aesthetic concept.)³⁰

²⁹ Foucault, *Society*, 94.

³⁰ Skinner, *Hobbes and Civil Science*, 182. Skinner also made this point in the 2005 Robert P. Benedict Lectures, delivered at Boston University in March and April, 2005, especially the first two lectures, "Hobbes on Representation," 29 March and 31 March, 2005. The current author was fortunate to attend these lectures, enhancing this project. See also Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge UP, 2008), xv–xvii.

Theorizing, then, that a sovereign is not a 'natural person' but an actor, Hobbes dispenses with the di-corporal divine king of Renaissance thought described by Kantorowicz, in favor of a unitary sovereignty. The sovereign person does not exist apart from its creation and authorization by the body politic, and in this sense it is wholly artificial: there is no natural or divine person who bears Hobbesian sovereignty. One should be mindful that this is primarily a *representative unity*: the Hobbesian sovereign is supposed to represent solely the body politic.

Yet on Foucault's reading, *Leviathan's* impact does not stem from its being directed against any specific theory, but rather its effort to *undo* a certain *strategy* for fusing a particular mode of historical discourse with political theory or 'civil science.' On Foucault's analysis, Hobbes' argument is not so much aimed against Divine Right or republican theory, but rather against a widespread rhetoric, "not so much a certain discursive content that had to be refuted, as a certain theoretical and political strategy that Hobbes specifically wanted to eliminate and render impossible [...] a certain way of making historical knowledge [*savoir*] work within the political struggle."³¹ The discursive strategy may encompass and ground several theories, even theories at odds with each other in many respects.

While Foucault provides a historically-minded analysis of Hobbes, his analysis does not only consider the Hobbesian substitution of unity over Kantorowicz's duality. The concern for Foucault is less on the question of who or what is the sovereign power, and more on the often-overlooked contextual and discursive question, who is Hobbes' adversary in *Leviathan*? That is, against which trend or position in political discourse did Hobbes draw up his own theory? Foucault's reply is that Hobbes' own claims are placed (and should be read) in opposition to one of the more significant, and discursively effective, ways of grounding legitimacy in the England of his era (that is, the Civil War period). This was the appeal to the Norman Conquest of 1066, and to the fact of conquest more generally as a foundation of monarchy. Foucault presents the argument that *Leviathan* is set over and against a discourse of Norman Conquest, that was a component in the political thought of many authors of the time, notably

³¹ Foucault, *Society*, 97; *Il faut défendre*, 84.

Gerrard Winstanley and John Milton. The Leveller John Warr, for instance, charged that "The laws of England are full of tricks, doubts and contrary to themselves; for they were invented and established by the Normans, which were of all nations the most quarrelsome and most fallacious in contriving of controversies and suits."³² As this quote hints, it was common for the Levellers and other revolutionaries to assess Norman institutions to be the cause of systematic injustices of the law. This is the strategy Hobbes argues against: the discourse of 'Normanism' or the 'Norman Yoke.'

Foucault argues that the narrative of the Norman Yoke stemmed from a type of historical consciousness that came to ground an understanding of public right, and that this motif was used politically in seventeenth-century England; its legacy is such that, behind certain arguments about the power of the king or parliament and the status and optimal representation of the body politic, there lay "a certain historical knowledge pertaining to wars, invasions, pillage [and] the effects of all these acts of war, all these feats of battle, and the real struggles that go on in the laws and institutions that apparently regulate power."³³ Discerning this way of filtering understanding of laws and institutions through an account of invasions and the like, Hobbes addresses a discursive strategy that is both philosophical and historical. He attempts, Foucault insists, to eliminate war from the question of sovereignty; just as much, he wishes to eliminate the question of the Conquest or Norman Yoke from political discourse.³⁴

As Quentin Skinner has made clear, chroniclers and historians of medieval England had been keenly interested "in the question of what exactly happened at the time of the Norman invasion," and they usually "regard it as obvious that the English were conquered and subdued [...] They generally accept that the coming of the Normans annulled the Saxon institutions of government, and that a new legal system was enforced by the will of William the Conqueror."³⁵ The debate concerned

³² Foucault, *Society*, 107, note 27.

³³ Foucault, *Society*, 98; *Il faut défendre*, 84–85.

³⁴ For an extended discussion of Hobbes' place in relation to the theory of the Norman Conquest and the subsequent 'Whig history,' see Skinner, *Hobbes and Civil Science*, 238–63.

³⁵ Skinner, *Hobbes and Civil Science*, 241–42.

what exactly that event meant for the history of English legal and political institutions. This debate continued through the Restoration of 1688. Thereafter, subsequent to the Restoration, the Whigs' account of English history tended to insist on the continuity of Anglo-Saxon institutions beyond the Norman Conquest. On the contrary, late eighteenth-century historians such as David Hume would emphasize "the 'complete subjection' of the English in 1066," and perceived the beginnings of a new and different society at that point, opining that the ancient Saxons were "very little advanced beyond the rude state of nature" and incapable of submitting to government.³⁶

4. *Leviathan*: Averting 'the stigmata of the foreign presence'

Foucault's brief account of English history, backgrounding his discussion of Hobbes, chooses not to emphasize the subjection of the English to the Normans in 1066, even as he admits that the Conquest was manifest "in the practice of the law." His lecture calls attention to the friction entailed by this arrangement, declaring that

the law was the stigmata of the foreign presence, the mark of another nation. In legal practice, right was formulated in a foreign language, and what I would call the 'linguistic sufferings' of those who could not defend themselves in their own language were compounded by the fact that the law looked foreign. The practice of the law was inaccessible in two senses.³⁷

Indeed, legal proceedings as well as disputes between the lower and royal courts had to take place in French.³⁸ The 'Norman' aristocracy of England and its courts of law remained French-speaking for centuries after 1066. As legal proceedings were

³⁶ Skinner, *Hobbes and Civil Science*, 241–42. See also David Hume. *The History of England From the Invasion of Julius Caesar to the Abdication of James the Second*, Vol. I (1688; New ed., Boston: Aldine, 1887), 165–67, 328.

³⁷ Foucault, *Society*, 100.

³⁸ This topic has also been explored by Christopher Hill, who cites John Warr's appeal against the 'Norman Yoke' in his tract *The Corruption and Deficiency of the Laws of England* [1649] (Christopher Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution*, (New York and London: Penguin, 1975), 272.

conducted in (Norman) French, a linguistic separation was generated between the Anglo-Saxon population and those who controlled the levers of power. Even in the seventeenth century there was "a sharp awareness—even among the broad popular masses—that the Conquest had produced a longstanding division, and that it was a historical fact."³⁹

Foucault identifies a view of medieval England comprising "a whole history of rebellions, each of which had specific political effects;" a historical memory that could signal and activate "the presence and effects of the Conquest." This memory, which might be considered a sort of "subjugated knowledge" as described in the initial lectures, allowed for an historicized coding of social relations in historical form:

There was, then, a whole series of elements that allowed major social oppositions to be coded in the historical form of one race's conquest and domination of the other. This coding, or at least the elements that made it possible, was very old. [...] [C]onflicts—political, economic, and juridical—could, in other words, easily be articulated, coded, and transformed into a discourse, into discourses, about different races.⁴⁰

Contrary to David Hume's subjectionist account, Foucault adopts the view that the Norman Conquest could still furnish a ready supply of grievances as the seventeenth century developed; England's rebellions could serve as reminders of "the presence and effects of the Conquest," fueling discourses about 'different races' that were conquered.⁴¹ The discourses of the problematic relations of right embedded in the language of law and the right of conquest for the justification of Sovereignty had not dissipated, and were available and active when Hobbes was writing.

In seventeenth-century England, juridico-political discussions of the rights of the people and the rights of the sovereign used the same kind of vocabulary

³⁹ Foucault, *Society*, 99; *Il faut défendre*, 85.

⁴⁰ Foucault, *Society*, 101; *Il faut défendre*, 87.

⁴¹ Foucault, *Society*, 101; *Il faut défendre*, 87.

[generated] by the event of the Conquest, or the relationship that gave one race domination over the other, and of the vanquished's rebellion—or the permanent threat of rebellion—against the victors. And so you will find the theory of races, or the theme of races, in the positions of both royal absolutism and the parliamentarians or parliamentarists, and in the more extreme positions of the Levellers and the Diggers.⁴²

Foucault's argument is that Hobbes challenged the relevance of this historical discourse about Normanism and the Norman 'race;' that Hobbes instead framed the question of legitimacy within a philosophico-political notion of sovereignty, and not an historico-political one. This is why *Leviathan* advances the thesis that war and hence the Conquest do not matter; that conquest is never the essential element in the assignment of sovereignty—not even in acquired territories.⁴³ Rather, the essential thing is the consent of the governed or the vanquished, and their willingness to be personated in the designated sovereign person. In short, Hobbes is trying to make it harder to construe the Conquest as an injury by one race, the Norman French (having become England's ruling class), over the other, the Anglo-Saxon English. Overall, Foucault's thesis claims that Hobbes' political discourse employed a strategy of replacing historical justifications with philosophical ones: The fulcrum of debate will be not historical injuries and their rectification, but the consent to be governed. Hobbes comes down squarely on the side of the philosophico-juridical justification of sovereignty.

This is a somewhat counter-intuitive reading of *Leviathan* with respect to the discursive context of Hobbes' time. While Hobbes in fact lived through the English Civil War and some of the wars of religion in Europe, and *Leviathan* does feature the central construct of the 'war of all against all' as a deductive starting-point, Foucault surmises that the outcome of the Hobbesian theory was that war and conquest are

⁴² Foucault, *Society*, 101–2.

⁴³ See Foucault, *Society*, 94–99. See also *Society*, 102–3 for Foucault's remarks on Blackwood's *Apologia pro regibus* (1581) for its comparison of the Norman Conquest of England with the Spanish colonization of the Americas, and the effect of colonial practice on Western juridico-political structures.

immaterial to questions of sovereignty. This then means that historical events are not paramount. So Foucault challenges overly simple readings of Leviathan, which would have Hobbes saying "that war is everywhere from start to finish." Instead, Foucault argues,

Hobbes' discourse is in fact saying quite the opposite. It is saying, war or no war, defeat or no defeat, Conquest or covenant, it all comes down to the same thing: 'It's what you wanted, it is you, the subjects, who constituted the sovereignty that represents you.' The problem of the Conquest is therefore resolved. At one level, it is resolved by the notion of the war of every man against every man; at another, it is resolved by the wishes—the legally valid will—expressed by the frightened losers when the battle was over.⁴⁴

The Hobbesian hypothesis of a general war of every one against every one entails that no particular war of a group against another matters to sovereignty and political legitimacy. And a conquest should end in an admission of defeat, which is at the same time a sort of consent to be governed. So war and nature are not at stake in Hobbes' political philosophy so much as the representation of the body politic and consent of the governed. Applied to the English case, the historical questions over the legitimacy of Norman rule and Norman laws can simply be avoided. Foucault regards this as an ingenious workaround for the problem of conquest and interrogations of the legitimacy of sovereignty derived from conquest. By positing a natural condition of war, Hobbes escapes from a discourse of battles, conquest, and history, into a relatively stable, less necessarily contentious and more juridical 'discourse of the State.'⁴⁵

⁴⁴ Foucault, *Society*, 98; *Il faut défendre*, 85–6.

⁴⁵ Hobbes refers to contemporary debates about representation in Chapter xix of *Leviathan* ("Of the Several Kinds of Commonwealth by Institution and of Succession to the Sovereign Power"). He writes rather sardonically: "And I know not how this so manifest a truth should of late be so little observed: that in a monarchy he that had the sovereignty from a descent of six hundred years was alone called sovereign, had the title of Majesty from every one of his subjects, and was unquestionably taken by them for their king, was notwithstanding never considered as their representative." (*Leviathan*, ch. xix[3], 119.) Here Hobbes asserts the legitimacy of the English monarchy's succession from William

Thanks to this theory, the legitimization of the state can appeal to contract rather than to conquest, forming the basis of modern political discourse. As a takeaway, Foucault holds that those who utilize philosophico-juridical discourse must be "secretly grateful to [Hobbes] for having warded off a certain insidious and barbarous enemy."⁴⁶ This barbarous enemy "is the discourse that could be heard in the civil struggles that were tearing the State apart in England at this time." In this discourse, Foucault observes, both sides made claims deriving from the Conquest: one side claiming to be the conquerors (or their descendants) and so legitimate rulers by the right of conquest; the other side insisting that they had neither given up the fight nor conceded defeat, so not acknowledging the right claimed by those in power. This is "the discourse of struggle and permanent civil war that Hobbes wards off by making all wars and conquests depend upon a contract, and by thus rescuing the theory of the State."⁴⁷ Thus Hobbes, by advocating for a contractual right and established institutions, tried to "eliminate [...] the use that was being made, in both historical discourse and political practice, of the problem of the Conquest."⁴⁸ The lurking barbarism here seems to be the possibility that perhaps no idea of political legitimacy would avoid appealing to a continuing war within the body politic, and that theories of right would have collapsed under the discursive weight of the right of Conquest.⁴⁹ Although Hobbes is regarded as the founder of modern political theory,

the Conqueror, as well as denying the theory of Parliamentary sovereignty on the grounds that the representative function here is contained in the monarchy.

In a comment on the passage, Edwin Curley, following Tricaud, has noted the dilemma that Hobbes' figure of six hundred years does not seem entirely precise (Curley, ed., in Hobbes, *Leviathan*, 119n2). However, Hobbes' reason for this phrasing becomes clearer when considering that Winstanley and the Levellers were already using this figure; thus, it was a sort of shorthand in discourses addressing issues of royal legitimacy and the Norman Conquest. Thus, Foucault's observation that Hobbes is responding to the present discourses of the 'Norman Yoke' is supported.

⁴⁶ Foucault, *Society*, 98; *Il faut défendre*, 85–86.

⁴⁷ Foucault, *Society*, 99.

⁴⁸ Foucault, *Society*, 98.

⁴⁹ Foucault curiously credits Hobbes as becoming the "'father of political philosophy'" by his "rescuing the theory of the State." He continues, suggesting that this moment was a deep crisis for the philosophy of right: "When the State capitol was in danger, a goose woke up the sleeping philosophers. It was Hobbes" (Foucault, *Society*, 99).

his view of conquest portrays a sovereignty that does not require any preëxisting elements of nation or national populations.

The idea of a polemical matrix to which Hobbes was responding and against which he justified a relatively absolutist concept of sovereign power has occasionally been analyzed by critics. What scholarship has often overlooked, yet Foucault considers quite important to note, is that Hobbes' war of all against all never takes place. Therefore, Foucault observes, it is the Hobbesian approach that a modern state's sovereignty should be deduced on philosophical grounds rather than strictly historical ones. Rather than having to discuss and debate particular historical battles—with their factions, interests, conquests, and ideologies—one can appeal to the specter of a general and utterly chaotic natural condition.⁵⁰

That which Foucault calls "Hobbes' opposite number" or "the discourse of the Norman Yoke," is read by Crano as something *vanquished* by Hobbes' efforts in articulating the Leviathan theory of sovereignty and absolutism. On this account, Normanism, the discourse about English history favored by the Diggers and Levellers, 'lost,' and it is left to Foucault to recover its traces. While there is something to be said for the view of Foucault's project as an attempt to recover lost or displaced knowledges, the risk in Crano's interpretation of *SMBD*, with its focus on the roles played by disciplinary power and exclusion in Foucault's account, is that of overlooking the genealogy of populism or populist discourse that Foucault uncovers, which reveals the emergence of the later notion of a national population as the source of political legitimation. Citing *SMBD*, Crano contends that

Running alongside the English civil wars, we see, between Hobbes and his opposite numbers, a 'clash between the history of sovereignty and the history of race war.' One pushes violence to the frontiers of the state, renders war a matter of international relations, and so unites a people as one homogeneous mass. The other tears the state apart at the seams, introduces

⁵⁰ This success in separating the reality of sovereignty from its history is not, however, the entire story that Foucault wants to tell. He also wishes to show that it is *the relations between these two possible legitimations* that allow for the foundations of modern biopower.

intrastate fault lines along the coordinates of nation and state, and aims not to pacify but to enrage; and it does all this by reaching into the virtual sphere to re-pose the 'problematizations' determinant of socio-political individuation.⁵¹

Hobbes is seen here as providing a theoretical resistance to the social pressures of the English Civil War, and the organization of the sovereign authority or 'Leviathan' in Hobbes is meant to *displace* war to a relationship between sovereignties (or other 'artificial persons'). Crano understands Hobbes as removing the discourse of the Norman Yoke and effectively suppressing its agonistic view of the monarchical authority:

This discourse of race war is the revolutionary counter-history that Hobbes' book, by slyly suturing the nation back into the state, effectively eradicates. It told of the invasions and injustices underlying the legitimation of Norman rule in the eleventh century. This 'history-as-demand,' as Foucault has it, 'intruded upon all the historical work that the monarchist jurists were undertaking in order to recount the uninterrupted history of the power of the kings of England.'⁵²

Crano's reading here regards Hobbes as being at pains to construct a theory that would make it seem as if the Conquest did not take place, and emphasizes the Diggers and Levellers' account portraying the Conquest as the beginning of what would be, in Foucault's words, "[a] state of nonright that invalidates all the laws and social differences that distinguish the aristocracy, the proper regime, and so on."⁵³ The Diggers and Levellers perceived the laws as instruments of power and ways of promoting 'vested interests' (not as the furthering of the advent of harmonious relations among earthly people). In Crano's interpretation, this Leveller concept of the Conquest is (or

⁵¹ Crano, "Genealogy, Virtuality, War," 175.

⁵² Crano, "Genealogy, Virtuality, War," 175.

⁵³ Crano, "Genealogy, Virtuality, War," 175, quoting Foucault, *Society*, 78.

has now been) "forgotten [...] masked by the social relations codified in legal apparatuses and political institutions that ward off the political usage of the past."⁵⁴

While Crano is right to note that Foucault's research means to recover and 'resituate' the specific circumstances and context of Hobbes' political theory at the historical point of its emergence, we should not fully accept Crano's statement that Hobbes' analytical model is "obsolete."⁵⁵ Foucault himself seems to take pains to describe the *radical* aspects of Hobbes' way of solving the dilemmas of the Conquest, sovereign authority, and the body-politic.⁵⁶ Or perhaps the Hobbesian account should be considered as consisting of an obsolete *description* but a radical *prescription*.

Crano aims to show how "what returns" in the SMDB lectures is "not the event of the Conquest *per se*, but the form of its 'play' that haunts the present and stokes the fires of insurrection."⁵⁷ Viewing SMDB as an effort by Foucault for disrupting the "statist" claim that historical knowledge can avoid the political, Crano regards this text as

[replaying] historical knowledges that [...] reject the diversionary stories of great men and their episodic wars in favor of 'continu[ing] the war by deciphering the war and struggle that are going on within all the institutions of right and peace.'⁵⁸

Although it perspicaciously acknowledges Foucault's lecture-course as an instance of his earlier, Nietzschean precept that "knowledge is not made for understanding; it is made for cutting,"⁵⁹ Crano's essay does not quite hone in on the Diggers and Levelers' discourse as a tool wielded against the elite social and political classes of the

⁵⁴ Crano, "Genealogy, Virtuality, War," 175.

⁵⁵ Crano, "Genealogy, Virtuality, War," 176.

⁵⁶ Consider, for example, Foucault's discussion of Hobbes' "third form of sovereignty" and its constitution around a "radical will that makes us want to live," such that "Sovereignty is always shaped from below." Foucault, *Society*, 95–96.

⁵⁷ Crano, "Genealogy, Virtuality, War," 176.

⁵⁸ Crano, "Genealogy, Virtuality, War," 176–77, quoting Foucault, *Society*, 171.

⁵⁹ Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-Memory, Practice*, ed. Donald F. Bouchard, trans. Donald F. Bouchard and Sherry Simon (Ithaca: Cornell UP, 1977), 154.

time, in the name of an ancient English or British people arguing their rights had for a long time been under usurpation. Furthermore, Crano maintains that they aimed for an "irrevocable incision between Nation and State, Saxon and Norman, subject and crown."⁶⁰ Yet Foucault's conclusions about their rhetoric (I would argue) are not so certain. What Foucault describes in *SMBD* is more of a permanent war, or a durable *episteme* of war centered, at this point in its genealogy, in the rhetoric of the 'Norman Yoke,' that could become reactivated and re-appropriated (or arguably misappropriated), as necessary, to disrupt and upset the central nervous system of the body politic.⁶¹

Though it is true that Foucault wishes to grapple with the history of discourses of history which tend towards the "hidden renewal of violence and exclusion,"⁶² he does *not* suggest Hobbes eradicated the other discourse and its information or local knowledge. While Foucault indicates it does seem the case that Hobbes wanted to retort the Diggers and Levellers on the topic of the Conquest, it is not that Hobbes thought that William's Conquest in 1066 did not take place. Foucault instead wants to show how Hobbes presents the distinct argument that *the Conquest does not matter*.⁶³ For Hobbes, historical conquests do not matter as much as the social contract or the formation of the juridical sovereign. Hobbes regards this formation as an act of will; and the consent or concession of the Conquered is all that is needed for

⁶⁰ Crano, "Genealogy, Virtuality, War," 174.

⁶¹ Crano's essay appears sometimes to portray Winstanley (1649) with the Diggers and Levellers as reacting *against* a unified concept of a sovereign person and a consistent concept of "universality" of law "dreamt of by philosophico-political discourse and its blind faith in a common share... and its presupposition of *recognizable victory* and an end to war." But historically, these groups appear in English discourse and political life at a time when such unity hardly existed or hardly had consistent effective force, that is, during the English Civil War. It was not the case that there was a 'sovereign power' à la *Leviathan* to complain against. Indeed, Winstanley's tract preceded the English Bill of Rights by a generation. Crano suggests that the Diggers and Levellers propose to "construe difference as internal to and constitutive of modern political society." Nevertheless, the English Civil War era really marks *the point of emergence* of modern political society: it seems an inconsistency to regard the Diggers and Levellers as considering themselves or the political order they lived in as 'modern.' For in 'establishment' Anglophone political thought, it is Hobbes and Locke themselves (today they are members of the canon of political philosophy) who initiate modernity. (See Crano, "Genealogy, Virtuality, War," 175–76; cf. Foucault, *History of Sexuality*, 135–36; and below, page 42.)

⁶² Crano, "Genealogy, Virtuality, War," 174.

⁶³ Foucault, *Society*, 97–98.

the legitimacy of the State. Laws might indeed be traps—but the Hobbesian account emphasizes that there is no clear way out of the trap but (civil) war. Hence, the juridico-political thought of Hobbes does not allow for a heterogeneous concept of a nation with competing histories or a history of injustices and defeat. Unlike Hobbes, historico-political discourse recognizes that strife continues in society, a concept that this article will later show to be crucial for understanding the emergence of nation-states and modern modes of power.

5. The Historiography of France and Administrative Power

The Hobbesian approach to political legitimacy based on contract thus competed with an English discourse of the Norman conquest. Foucault notes a similar juxtaposition in the French context. The French discourses he discusses do not seem *à la* Hobbes to make the state ahistorical with respect to its generation. Rather, they show a tendency to replace one account of the historical causes of political realities with a different one. While, in England, Normanization was acknowledged as a *fait accompli* for historical purposes, in France the question of national origin remained subject to dispute. One result of this, highlighted by Foucault, was a difference in the manner of constructing history so as to justify the present regime.

As Ann Laura Stoler argued in one of the first analyses of Foucault's 1976 Collège de France lectures, a close relationship between those lectures and *History of Sexuality, vol.1* (particularly its concluding chapter) is encapsulated in the fact that "both texts are concerned with the emergence of an alternative discourse to that of sovereign right."⁶⁴ A discourse of sovereign right, Foucault insists, preceded the emergence of disciplinary power. The latter is, according to Foucault, "absolutely incompatible with relations of sovereignty; disciplinary power is therefore a "nonsovereign power."⁶⁵ The discourse of sovereignty or sovereign right was the discourse that had exasperated Petrarch in the 14th century, who asked "Is there nothing more to history than the praise of Rome?"⁶⁶ Petrarch's formula "praise of Rome"

⁶⁴ Ann Laura Stoler, *Race and the Education of Desire* (Durham, NC: Duke UP, 1995), 59.

⁶⁵ Foucault, *Society*, 35–6.

⁶⁶ Foucault, *Society*, 74.

encapsulates the discourse of sovereign right, the practice of both ancient Roman society and medieval society.⁶⁷ In sovereign power, the right to rule was typically described as an *imperium* continuous with the Romans and universal in character. The middle lectures of the *Society Must Be Defended* course are largely concerned with describing counter-discourses to this strategy of sovereign right, and their emergence in the early-modern era, and their representation of certain differential relations of power and social-political relations.

The beginning of Foucault's sixth lecture, given on 11 February 1976, explains that sovereign power as a discourse is modeled in Petrarch's complaint, that all history was done in such a way to be about the continuity of royal *imperium* since the Roman Caesars. The Middle Ages was "unaware [...] that it was not, or was no longer, antiquity," and "Rome was perceived as having been divided into a thousand channels that flowed through Europe, but all these channels led, it was believed, back to Rome."⁶⁸ The national histories of this time "took as their starting point a certain Trojan myth":

All the nations of Europe claimed to have been born of the fall of Troy. Being born of the fall of Troy meant that all the nations, all the States, and all the monarchies of Europe could claim to be Rome's sisters. The French monarchy, for instance, was supposed to be descended from Francus, and the English monarchy from a certain Brutus. All these great dynasties claimed the sons of Priam as their ancestors, and that guaranteed a link of genealogical kinship with ancient Rome [...]. Rome is, then, present within the historical consciousness of the Middle Ages, and there is no break between Rome and the countless kingdoms that we see appearing from the fifth and sixth centuries onward.⁶⁹

Troy served as the founding national myth throughout medieval Europe, demonstrating that the notion of modern nation states, with distinct national histories

⁶⁷ Foucault insists on placing Petrarch in the Middle Ages rather than the beginning of the Renaissance.

⁶⁸ Foucault, *Society*, 74–5.

⁶⁹ Foucault, *Society*, 75.

separate from others, had yet to emerge. According to Foucault, these 'Trojan' national myths indicated that sovereignty and power was unified and legitimate:

until the end of the Middle Ages and perhaps beyond that point, we had a history—a historical discourse and practice—that was one of the great discursive rituals of sovereignty, of a sovereignty that both reveals and constituted itself through history as a unitary sovereignty that was legitimate, uninterrupted, and dazzling.⁷⁰

Much of Foucault's analysis in *Society Must Be Defended* can be focused through an initial hypothesis in Lecture 4: that, at the end of the Middle Ages, this Sovereign right was challenged by a "counter-history of dark servitude and forfeiture[...] the counter-history of the twin and simultaneous declaration of war and of rights."⁷¹

In the case of France, a narrative had circulated in the Middle Ages about French descent from the Franks, in which their origins were attributed to a mythical King Francus, son of Priam and (like Aeneas) a survivor of the Trojan War. Thus the Franks were said to be, like the Romans, descended from the Trojans. This implied that the French monarchy was an institution parallel to that of the Roman emperor. It also implied that the French monarchy did not originate within Gaul.

Why, Foucault asks, was it necessary or important even during the Renaissance, to circulate a legend that "completely elides both Rome and Gaul"? This is not a story that can be determined as fact or even as a tentative speculation, and these "astonishing" elisions lead him to regard it as a "discourse with a specific function." That function is not an account of origins, but a lesson in public right; and "it is *because* it is a lesson in public right that there is no mention of Rome."⁷² The story about the son of Priam and the origins of the French was, Foucault surmises, part of a discourse of sovereignty. This discourse entailed that the national Sovereign wields a universal sort of imperium similar in quality, reach, and right to that held by the

⁷⁰ Foucault, *Society*, 73.

⁷¹ Foucault, *Society*, 73.

⁷² Foucault, *Society*, 115–6.

ancient Roman Emperors, with which it stands in essentially continuous succession, which is somewhat comparable to Kantorowicz's description of the English notion of an eternal and mystical sovereign body that passes from monarch to monarch.

A similar phenomenon occurred in Germany in 1531 when Beatus Rhenanus had advanced the 'Germanic thesis,' which gained currency in the Hapsburg lands. While admitting that the Germans were not Romans, it holds that the Germans inherited the Roman imperium; and adds further that the Franks who invaded Gaul were Germans. This narrative provided a way to claim that "Gaul, or the land of the Gauls that is now France, is therefore a subordinate part of the universal monarchy of the Hapsburgs for two reasons: right of conquest and victory, and the Germanic origins of the Franks."⁷³ This thesis was apparently reintroduced into France and popularized by François Hotman in 1573, but with a slight adjustment. While Hotman also declares the Franks to be Germans (not Trojans), he states that they *defeated the Romans*, rather than saying they defeated the Gauls, as Rhenanus had it.

So while Rhenanus and Hotman both regard the Franks who invaded Gaul as Germans, Hotman crucially maintained that the Franks had defeated the Romans and driven them out. With this, Hotman's thesis *negated* the Hapsburg claim of imperium.⁷⁴ As in the case of the English discourses, these French and German historians felt compelled to address, as a matter of asserting a juridical right to rule, the question of who had conquered whom, and who should be regarded as the descendants of the conquerors.

The importance of Hotman's thesis in Foucault's eyes is that "it introduces, at much the same time that we see it appearing in England, the basic theme of the invasion (which is both the cross the jurists have to bear and the king's nightmare) that results in the death of some States and the birth of others." He further explains that

From now on, the great problem in public right will be [...] 'the other succession' or in other words: What happens when one State succeeds another? What happens—and what becomes of public right and the power of

⁷³ Foucault, *Society*, 118.

⁷⁴ Foucault, *Society*, 117–9.

kings—when States do not succeed one another as [a result of] a sort of continuity that nothing interrupts, but because they are born, go through a phase of might, then fall into decadence, and finally vanish completely? Hotman certainly raises the problem of the two foreign nations that exist within the State—but I do not think that the problem he raises is any different, or very different, from that of the cyclical nature and precarious existence of States.⁷⁵

So, Foucault identifies here a crucial moment of differentiation and turn from pre-modern to modern assumptions about states, history, and sovereignty. Previously, in Europe, sovereignty was seen as a continuity from Rome; although rulers might succeed or take over from one another, they still inherited a sovereignty that could claim ancient authority such that "The king's right is a Roman right."⁷⁶ But in the sixteenth century Hotman seems to identify another type of succession, one which posits that a state or kingdom may undergo so far a decline, that its successor state (subsequent to invasion) is a completely new entity.

Hotman seems to have opposed claims based on Roman affiliation. For his variant position, it seemed necessary to appeal to an ancient right that would pre-empt monarchical claims to an imperium tracing to the right of conquest. As Foucault explains, Hotman's thesis of 'Franco-Gallia' was a way of saying,

'No, it is not true, the King of France does not have the right to exercise a Roman-style imperium over his people.' Hotman's problem is therefore not the disjunction between two heterogeneous elements within the people; it is the problem of how to place *internal* restrictions on monarchic power.⁷⁷

Foucault deduces that Hotman's story was meant to establish that it was the Romans, not the Germans, who had been foreigners in Gaul. He constructed a narrative in which the Gauls regarded the Romans, never the Franks or Germans, as foreigners. The Roman Imperium was foreign to Gaul. Out of this belief or narrative,

⁷⁵ Foucault, *Society*, 119.

⁷⁶ Foucault, *Society*, 116.

⁷⁷ Foucault, *Society*, 120.

the Frankish invasion of Gaul could be rendered as something on the order of a war of liberation; and furthermore, the story supported the notion of a 'Germanic Constitution' or 'basic law' holding that the people's assemblies were sovereign, a principle then understood as violated by the establishment of absolutism in the French monarchy of the sixteenth century.⁷⁸

Like with the English Revolutionaries' views of history and nation, Hotman raised "the problem of the two foreign nations that existed in France," but Foucault surmises that it was not his intention to dwell on this. To the extent that this issue was perceived, it played a role in a juxtaposed relation to those theories of public right which problematized the King's (or Sovereign's) succession, including that of Hobbes in the following century. In Foucault's view, then, the historical claims of Rhenaus and Hotman made it more difficult to assert the continuity and uninterrupted authority of the state. The emergence in the sixteenth century of historical accounts that posited the capture of administrative power by one group from another group, via conquest or invasion, meant that

henceforth, and given this basic discontinuity, it is obvious that it is no longer possible to recite a lesson in public right whose function is to guarantee the uninterrupted nature of the genealogy of kings and their power.⁷⁹

Furthermore, by the seventeenth century the relations of legitimacy and succession were becoming formulated *in terms of states and not kings*; and this opened up possibilities for articulating discourses in which two nations are said to exist within the state. When early in the eighteenth century, Boulainvilliers (as we shall see below) pointed out the presence of a duality within the nation, this seemed to constitute a break with the dominant framework of political thought.

The notion of a duality within the nation forms a key component necessary for the formation of biopolitics (especially when combined with the idea of a natural popular sovereignty embedded in Hotman's version of the Germanic thesis), because

⁷⁸ Foucault, *Society*, 121.

⁷⁹ Foucault, *Society*, 120.

among the antecedents of contemporary practices of governmentality are descriptions of nations containing populations that might divergently grow or decline, which may stand in tension and competition with each other. Such populations might be reckoned the source of political legitimacy, but this was a later articulation of the idea of governmentality. As Foucault points out, "No author writing at the time of the Wars of Religion accepted the idea that there was a duality—of race, origin, or nations—within the Monarchy."⁸⁰

While the English narratives of history asserted the persistence of a standing war against the Norman Yoke from below, the French historians Foucault discusses were concerned first, as with Hotman, that French monarchic authority not be identified with Rome. By the eighteenth century this discourse had developed to a point where it perceived a war infused into the middle of society.⁸¹ And if such a condition was present, it could be used as a fulcrum of a resistance to or manipulation of the growth of administrative power. Thus, Boulainvilliers and others advanced a claim about power that did not involve foreign conquest, so in one regard their discourse resembles that of Hobbes: they did not justify sovereign power via an appeal to the Roman *imperium*.⁸²

The viewpoint eventually emerged from this, that there might be a duality (of origins or nations) within the state. In treating the emergence of this idea, Foucault is careful to assert that

The introduction of the theme of national dualism was not a reflection or expression of either the civil or social wars, the religious struggles of the Renaissance [...]. It was a conflict, an apparently lateral problem or something

⁸⁰ Foucault, *Society*, 119.

⁸¹ Stuart Elden, "The War of Races and the Constitution of the State: Foucault's *Il faut défendre la société* and the Politics of Calculation." *Boundary 2* 29, no. 1 (March 1, 2002): 143. <https://doi.org/10.1215/01903659-29-1-125>.

⁸² Henri de Boulainvilliers' three-volume work *État de la France* was published posthumously in 1727–28. Foucault maintains that the early nineteenth-century historians Augustin Thierry and François Guizot were following a discourse descended from Boulainvilliers' (Foucault, *Society*, 137, 142). See also note 98 below.

that has usually—and, I think, wrongly, as you will see—been described as a rearguard action, and it made it possible to conceptualize two things that had not previously been inscribed in either history or public right. One was the problem of whether or not the war between hostile groups really does constitute the substructure of the State; the other was the problem of whether political power can be regarded both as a product of that war and, up to a point, its referee, or whether it is usually a tool, the beneficiary of, and the destabilizing, partisan element in that war.⁸³

This raises the possibility of refuting "the implicit thesis that the social body is homogeneous (which was so widely accepted that it did not have to be formulated)." And that produced a further set of issues for the French monarchy:

because it raises what I would call a problem in political pedagogy: What must the prince know, where and from whom must he acquire his knowledge, and who is qualified to constitute the knowledge of the prince? To be more specific, this was quite simply the issue of how the duc de Bourgogne should be educated.⁸⁴

So, Louis XIV commissioned a report or survey on the state of France. This report was received by the duc de Bourgogne's entourage—comprised largely of nobles critical of Louis XIV's regime "because it had eroded their economic might and political power"; they appointed Boulainvilliers to present it to the Duke, commissioning Boulainvilliers to abridge, explain and interpret the report.⁸⁵

Foucault remarks that Boulainvilliers' text is "an attempt to put forward theses favorable to the nobility." But furthermore,

the most important feature of Boulainvilliers's text, and of this recoding of the reports [presented] to the king, is the protest against the fact that the knowledge given to the king, and then to the prince, is a knowledge

⁸³ Foucault, *Society*, 126–27.

⁸⁴ Foucault, *Society*, 127.

⁸⁵ Foucault, *Society*, 128.

manufactured by the administrative machine itself. It is a protest against the fact that the king's knowledge of his subjects has been completely colonized, occupied, prescribed, and defined by the State's knowledge about the State.⁸⁶

Boulainvilliers also tries to bring a new sort of knowledge under the king's attention: a historical knowledge, or historico-political knowledge. He constitutes this historico-political style as a weapon against administrative knowledge, and thence it becomes, at least under the circumstance of absolutism, a warning about the manipulation of royal power. Administrative knowledge is regarded as a site of usurpation; but this is only part of a strategy "to get outside right; to get behind right and slip into its interstices"—that is, to work around the then-usual manner of determining and regarding who has the right to govern, and how law and justice are acknowledged.⁸⁷ So Foucault's claim is that Boulainvilliers' report was not an account of the development of public right, but rather an "attempt to attack public right at the roots." At its introduction, historico-political discourse meant to demonstrate

that the very edifice of right—even its most valid institutions, its most explicit and widely recognized ordinance—is the product of a whole series of iniquities, injustices, abuses, dispossessions, betrayals, and infidelities committed by royal power, which reneged on its commitment to the nobility, and by the *robins* or legal small fry who usurped both the power of the nobility and, perhaps without really realizing it, royal power.⁸⁸

Such a type of knowledge would eventually become necessary for the exercise of modern biopower, inasmuch as it claims an interest in the promotion of the health and welfare of a national population. The system of absolute monarchy would comfortably assume that the social body was homogenous, because in juridical terms there was little difference between it and the King himself. The new 18th-century

⁸⁶ Foucault, *Society*, 128.

⁸⁷ Foucault, *Society*, 131.

⁸⁸ Foucault, *Society*, 131.

development in the discourse of the 'war of the races' effectively disrupted this assumption, in Foucault's view.⁸⁹

Boulainvilliers' report identified a knowledge that was "manufactured by the administrative machine itself. Foucault shows that Boulainvilliers' concern was that this administrative knowledge occluded a more authentic knowledge of the king's subjects. The State's knowledge about the State always had a juridical tint. The problematized question behind Boulainvilliers' report is therefore: "Must the king's knowledge of his kingdom and his subjects be isomorphic with the State's knowledge of the State?"⁹⁰

In short, Boulainvilliers' report expressed a counter-knowledge from the nobility in opposition to the administrative apparatus. There is a deep distrust of administration and juridical knowledge latent in his report, which was trying to demonstrate to the King an ever-present risk of subterfuge; he formulated the history of right as a denunciation of betrayals. The goal was to show the prince the existence of the possibility for "usurpations of which he was unaware," that is, usurpations that might derive from the *greffiers* or administrative class, and to remind him of bonds with the nobility, "even though it was in his interest to forget them and to let them be forgotten."⁹¹

Boulainvilliers put history at the service of the *struggle* between the nobles and the administration for influence. Henceforth, history might not always be a discourse of continuity when applied to the political realm. His report takes the central administration as its adversary, treats the Kingdom as a group of regions in tension with each other, and generally supports the nobles' struggle against administrative power.⁹² It may be regarded as a manifestation of the wish and attempt of the nobility "to reoccupy the knowledge of the prince."⁹³ A bit later on,

⁸⁹ See Foucault, *Society*, 117–9, 126, 190.

⁹⁰ Foucault, *Society*, 128.

⁹¹ Foucault, *Society*, 131.

⁹² Boulainvilliers' report was produced in three volumes, the second of which contains a set of long briefs on the institutions and situations of the different provinces (*generalités*), each prepared by the *intendants* of the provinces. These briefs are given titles '*Extraits du mémoire*.' (The intendants at this time, after 1680, held a permanent position in a fixed region.)

⁹³ Foucault, *Society*, 164.

eighteenth century historians (such as Augustin Thierry) would tend to consider war to be infused into the middle of society.⁹⁴ By then, "the sovereign is no longer one with the city, the state, or the nation and thus emerges 'the possibility of a plurality of histories.'"⁹⁵

The discourse of sovereign power had made juridico-political claims to ground and legitimate its exercise, but the new discourse is described (in the third lecture) as "the first historico-political discourse on society."⁹⁶ Foucault uses the middle lectures to trace and call attention to the descent of such discourses from the Franco-Gallia thesis. He regards this discourse as containing at its point of emergence "double contestations—popular and aristocratic—of royal power."⁹⁷ This flexibility gives it much staying power, and as Stoler remarks,

In both its bourgeois and aristocratic form, it is an instrument of political opposition and struggle against sovereign rule. It reappears in the revolutionary texts of the abbé Sieyès and Augustin Thierry and by the late nineteenth century it underwrites racist biology and eugenics [...]. It is an ambiguous discourse harnessed to different political projects, a discourse combining erudite and subjugated knowledges, guaranteeing its broad dissemination and wide appeal.⁹⁸

As Stoler observes, this discourse could and did appear in both bourgeois and aristocratic forms, but later appeared in revolutionary texts (such as Sieyès and Thierry). It is the outcome of the process of discursive reversals, appropriations, and transformations. Many of these involved the appropriations of the discourse of a 'war of the races' which began to emerge late in the Renaissance. The historico-political strategy could eventually become disseminated as a sort of view from below, arguably making

⁹⁴ See Elden, "War of the Races," 130–33.

⁹⁵ Stoler, *Education of Desire*, 70.

⁹⁶ Foucault, *Society*, 49.

⁹⁷ Stoler, *Education of Desire*, 65; see Foucault, *Society*, 58; *Il faut défendre*, 52. The current English translation by David Macey reads "a twofold—popular and aristocratic—challenge to royal power."

⁹⁸ Stoler, *Education of Desire*, 65, 65n11 (for information on English editions of Thierry's major works). See also note 113 below.

it in Foucault's eyes more of a framework for rhetoric and argument than a commitment to a particular set of facts.

A Foucauldian summary of the outcome of the newer view of history and nations is that "in short, the history of some is not the history of others."⁹⁹ The notion of 'biological racism,' which deployed an apparatus concerned with normalization, purity and abnormality, developed later on. Yet it is with the emergence of historico-political discourse, a discourse that posits the conflict of societies within the state—the *heterogeneity* or dis-unity of the body politic and a continual war within a nation—that we can see why "Foucault suggests that modern racism is not the product of a mentality or ideology, but that it is linked to a specific technology of power."¹⁰⁰ This indicates how there are "overlappings and interactions" between the *dispositifs* of sovereignty, discipline and biopower, even though they each are said to characterize different historical periods.¹⁰¹

6. Another Subject of History

What we learn by studying *Society Must Be Defended* is that it is possible to identify and document the discursive shifts in modernity which made the subject of history be the *nation* as we basically understand it now. As a driving and motivating actor of history, it displaced, or at least struggled to displace, the monarchical state (and the broad *imperium*) as the subject of history. Foucault saw this discursive movement as a sort of countering of a hegemonic discourse. As Stoler and Chloë Taylor have observed, Foucault treats these Renaissance and early-modern histories of the French state as genealogies and 'counter-histories.'¹⁰² Historico-political discourse led to a discourse of 'the war of the races,' which provided counter-historical strategies, notably to the French nobiliary reaction. Yet in Stoler's view, Foucault's interest is broader. It is:

⁹⁹ Stoler, *Education of Desire*, 70 (quoting M. Foucault, *Difendere la Società* [Florence: Ponte alle Grazie, 1990], 57. Here Stoler reads the fourth lecture (28 January 1976) as containing Foucault's first grounds for "his use of the term 'racism' and 'racist discourse' exclusively for the nineteenth century"; so read, the lecture constitutes an elaboration on a prominent aspect of *The History of Sexuality*.

¹⁰⁰ Marks, "Foucault, Franks, Gauls," 141.

¹⁰¹ Marks, "Foucault, Franks, Gauls," 141.

¹⁰² Chloë Taylor, "Race and Racism in Foucault's Collège de France Lectures," *Philosophy Compass* 6, no. 11 (November 2011): 746–56.

not only to register the disappearance of this counter-history, but to identify the political dynamics of historical narratives generally. This counter-narrative [...] signals a paradigmatic shift in the function of European historical knowledge as an instrument of permanent war. And the very language and project of revolution is subsumed by it. [...] The project of revolution and the counter-history of race in the nineteenth century do not coexist *par hasard*; their etymologies are one and the same, derived from the recovery of an earlier discourse on the war of races.¹⁰³

The discourses of race war drew from developing counter-histories, demonstrating how the advent of the historico-political way of thinking lay in its establishment of another subject speaking in the field of history. Boulainvilliers had located a historical subject that could stake a claim from outside of power and against power, a subject that would speak of history without praising Rome, thereby providing a basis for race war theories. And yet it became possible at times to also identify this new subject as bearing the nation or national interest, even though it often represented a part rather than the whole of that entity. Henceforth, it was not necessary to write history's political actions as stemming from the top of the state.

The medieval style of histories that were only the 'praise of Rome' were meant to "dazzle with the glory they describe." In Chloë Taylor's description,

By dazzling, they defeat resistance before it can arise. These are precisely the kinds of history that genealogies refute, and 'race war' discourses thus appear as other historico-political discourses that rebut the universalizing and teleological histories of those in power. Early race war discourses stated that the histories of the kings were lies, that the power of these kings did not go back to Rome but to recent and unjust battles. They make clear that the laws of the kings are unstable and about to be overturned.... Early race war discourses unearthed the voices of those silenced by history and prophesied a different future.¹⁰⁴

¹⁰³ Stoler, *Education of Desire*, 71.

¹⁰⁴ Taylor, "Race and Racism," 751.

Taylor also observes that when Foucault adverts to Clausewitz' famous maxim in the third lecture, he means to focus on *mapping the genealogy* of "the idea that politics is war, and thus that war is perpetual, [which] predated Clausewitz and resonated throughout the 17th, 18th, and 19th centuries. Foucault argues that this claim was the rallying-cry of a counter-historical discourse."¹⁰⁵ He provides a genealogy in the 1976 lecture-course that indicates how paradoxical this is:

By the late Renaissance, private warfare was being prohibited by sovereigns, and war became something that occurred between states or at a state's frontiers rather than within its borders. From this time onwards, only the state can legitimately wage war [...]. Paradoxically, at this moment when society ceases to be saturated with war, a discourse develops that says that societies are in fact in a continual state of war. War, according to these discourses, is 'a permanent social relationship, the ineradicable basis of all relations and institutions of power.' Politics is war.¹⁰⁶

Foucault suggests that such 'perpetual war' discourses were a form of resistance to power; and the discourse was such that at various times its use could be shifted between the aristocracy, middle class, and working class, each of which would at various times use the discourse of 'perpetual war'—that is, the discourse of an insufficiently acknowledged fissure in the national society or the body politic, probably stemming from a historical injury, perpetuated by the law of the sovereign, or the rule of the monarch, or the laws formed by the administrative class. Whence the possibility of effectively claiming that the present

law is not one of peace, is not inevitable, but is the result of temporary conquest and injustice. Race war discourse insists that the nation is not at peace even if it is not at war with other states: the monarch's power is not uncontested, but is violent and unstable.¹⁰⁷

¹⁰⁵ Taylor, "Race and Racism," 749.

¹⁰⁶ Taylor, "Race and Racism," 750.

¹⁰⁷ Taylor, "Race and Racism," 750.

This sort of rhetorical position of recounting *history from outside the apparatus of political power* (or legitimacy) could be employed by various parties challenging various relations, even as nothing prevents it from becoming the discourse employed by power and legislative authority itself. Foucault notes that in both the French and the English cases, power and authority became less central to historical narrative:

The subject who speaks in history is therefore displaced, but the subject of history is also displaced in the sense that the very object of the narrative is modified. The modification of the first, earlier or deeper element now allows rights, institutions, and even the land itself [...] to be defined in relation to this new subject. The subject talks about events that occur beneath the State, that ignore right, and that are older and more profound than institutions.¹⁰⁸

Thus, Foucault credits "Boulainvilliers and the reactionary nobility of the late eighteenth century" with having effected a displacement of the subject of history and the object of its narrative.¹⁰⁹ In most cases the 'authentic' historical subject actually becomes the other-than-the-King. Because of these historico-political strategies and their disruption to the unity of right and rulership, the discourse of the state and political legitimacy shifts away from the sovereign model. Moreover, the field of political relations has been changed. There is a new subject or subjectivity, which assumes the place of a component of history; and a nation instead, or at least in precedence, of law and state. Discourse on government will henceforth be able to emphasize historical discourse rather than juridical discourse.

Not least because Hobbes had made the innovation of defining the Sovereign as a purely *artificial* person, sovereignty operating within the new historico-political discourse could disconnect itself from the state (imagined as the King's body

¹⁰⁸ Foucault, *Society*, 133–34; *Il faut défendre*, 116.

¹⁰⁹ Foucault, *Society*, 133.

politic) and then connect itself with society.¹¹⁰ 'Society,' the new locus of history, gets described as an association or body of individuals, governed in a certain way, that has "its own manners, customs, and even its own law." Foucault perceived that from the development of these discourses there emerged "the something that begins to speak in history, that speaks of history, and of which history will speak, is what the vocabulary of the day called a 'nation.'"¹¹¹

In the eighteenth century the definition of the 'nation' was still contested, and Foucault notes the contrast between the 'statist' way of defining a nation (which focused on the idea that a nation of people was bounded by frontiers) and the more polemical definition of the aristocratic counter-histories. The latter offered a definition according to which "the nobility was a nation, and the bourgeoisie was also a nation [...]. [A] nation that does not stop at the frontiers but which, on the contrary, is a sort of mass of individuals who move from one frontier to another, through States beneath States, and at an infra-State level."¹¹² Foucault notes that even nineteenth century historians such as Augustin Thierry and François Guizot employed this "fluid, shifting" notion of a nation.¹¹³

Foucault's analysis of Boulainvilliers' report dramatically influenced his theses on sexuality. The significance of the eighteenth-century turn in the writing of history, in his view, was its relocation of an important site or source of knowledge. This generated an epistemological displacement of the king and the administration, even as it posits that the aristocratic interests, and their viewpoint on the nation, had been

¹¹⁰ Quentin Skinner, *Visions of Politics, vol. 3: Hobbes and Civil Science*, 177–208; see also Skinner, "States and the Freedom of Citizens," in *States and Citizens: History, Theory, Prospects*, ed. Quentin Skinner and Bo Stråth (Cambridge and New York: Cambridge UP, 2003), 11–27; and Daniel Runciman, "The Concept of the State: The Sovereignty of a Fiction," in *States and Citizens*, 28–38.

¹¹¹ Foucault, *Society*, 134.

¹¹² Foucault, *Society*, 142–43.

¹¹³ Augustin Thierry was the author, among other works, of *Histoire de la conquête de l'Angleterre par les Normands: de ses causes et de ses suites jusqu'à nos jours* (1851). François Guizot wrote the three-volume *Histoire de la civilisation en Europe* (1828) and five-volume *Histoire de la civilisation en France* (1829–32); he also served as foreign minister during the reign of Louis-Phillipe of France; in the 1840s he opposed initiatives to widen suffrage by eliminating a tax requirement for balloting.

suppressed. Inasmuch as the ideology of Boulainvilliers' report is descended from François Hotman's account of history, it is sympathetic to the view that the King of France is not a Roman-style emperor, an implicit denial of political universalism.

Foucault views this as a moment of emergence in a struggle over a discourse for describing the body politic: Boulainvilliers projects a France that is multiple, with diversely regional nodes of power/knowledge of ancient right; and he positions these in contrast to the central and appointed administration of the *greffiers* and *intendants*.¹¹⁴ His report resists the monarchic regime's monopoly on the levers of knowledge. It argues that the knowledge of the administration, which lacks a certain historical sense, does not provide an accurate account of the body of the nation. This report was written at a historical point where governmental power was beginning to move away from rule by deduction, or the checking of forces, instead shifting its orientation toward the purpose of expanding the social body and enhancing its force. This manifests the tension between the model of reproduction and the model of procreation that is already part of the generative field for Boulainvilliers' report on the state of France. The deployment of power for the aim of a procreative generation of forces is 'biopower,' in Foucault's terminology; it is the paradigm of governmentality which would flourish in the nineteenth and twentieth centuries.

Arguably, Boulainvilliers contributed much to the placement of the discursive object of this biopolitics, an object already complicated with Hotman's concern for the possibility of dual or multiple nations within a society. In parallel ways, Foucault's view of the problematization of sexuality in the twentieth century identifies its object primarily as an epistemological rubric, regarded as a source of knowledge, even as a pattern in a systematization of knowledge. The knowledge at stake in this case is that of the subject. Granted, this knowledge of subjectivity pertains to a more granular level of objects than countenanced in Boulainvilliers' report, which observed populations and classes and some historical cycles that had gained currency for historians in the Renaissance. Yet it is a knowledge pertaining to society, regarding which

¹¹⁴ Sean Gerard Ferrier, "The View from Below: Political Concepts in Michel Foucault's Later Work" (PhD diss., Boston College, 2008), 124–30. (On Foucault's concepts of 'emergence' and 'genealogy').

elements of society are relatively stronger or weaker. Of course, as Foucault indicated in *The History of Sexuality*, the most interesting question on this point is not why was such a knowledge or experience of the eighteenth-century nobility repressed, but why did they say it was repressed?¹¹⁵ The eighteenth-century aristocracy in France claimed the king had suppressed their influence, and that the King's administration did not represent the most useful or important *dispositif* of knowledge about the realm.

7. Conclusion

This discussion has aimed to show that with his historiographic researches, centered on the lecture-course *Society Must Be Defended*, Foucault aims to indicate how discourses of resistance to the 'administrative state' became possible in the early modern era, emerging out of a rhetoric (or political narrative) of conquest and of posited 'ancient' usurpations of the rights of the polity, or of the regional nobility. Foucault traces such discourse back into the early 17th century. This discursive strategy did generate, on this account, a sort of epistemological displacement of the juridical and sovereign aspects of state government, so as to move to the fore, and eventually privilege, 'national' and even populist discourses around political legitimacy.

Foucault's concluding chapter on "The Right of Death and Power over Life" in volume 1 of *The History of Sexuality* indicated that prior to the (let us say) Romantic Era, juridical power had operated by deduction, not enhancement;¹¹⁶ it was enriched with levies rather than with growth. The biopolitical shift affected subjectivity insofar as it invoked a normalization of individuals and their bodies, to rationalize and render predictable the prospects of the species, or of the social body, or of the nation and its population(s). Subsequently, an optimization of procreation would justify the functions of government and its subjects.¹¹⁷

¹¹⁵ Cf. Michel Foucault, *The History of Sexuality: v.1 An Introduction* (1978, Vintage Books ed., 1990), 9.

¹¹⁶ 'prélèvement,' Foucault, *History of Sexuality*, 136.

¹¹⁷ Hannah Arendt (from a different angle than Foucault) gives another account of normalization, concluding that the development of mass society leads to a governmental situation where, "[s]ince the laws of statistics are perfectly valid where we deal with large numbers, it is obvious that every increase

Foucault notes the significance of the fact that modern writings of history included accounts of historical forces that had produced fissures and differentiations within populations, because such fissures could jeopardize strategies of national power, and create the specter of a friction that might not be overwhelmed by an absolute authority. Thus, what emerged was a historico-political discourse that largely discards the idea that the social body is homogenous (or could easily become so). That is to say, it discards a key assumption or postulate of the earlier juridico-political forms of regime. During the Renaissance, the uses of history had begun to put this unity into question. Foucault's *Society Must Be Defended* is important for tracing this attitude in the emergence of modern nation-states and pointing out an apparatus of a distinctly *historical* field of knowledge that underlies governmentality in our era. The discourse(s) that supplanted the juridico-political with histories of peoples seem to have eventually yielded a discourse of the *nation* that became a component in the strategy of 'power over life.' They also yielded a rhetoric of (persistent) division or strife within the body-politic or social body. More analysis and research could certainly be done according to Foucault's suggestion that the normalization of persons according to a *procreative* governmentality has largely supplanted an earlier *reproductive* one. The latter, 'procreative' form of governmentality would place the individual citizen or member of a nation into some responsibility for the propagation of the social body and thus the health of the national body politic, a function largely unnecessary with a system legitimized through juridical-sovereign power.

The other insight of *Society Must Be Defended* highlighted here concerns a subjectivity of *nationality*, whereby a discursive apparatus instills one (as a political subject) with the sense that one belongs to or within a nation, and is therewith a member of the social body while also part of the history or historical movement of

in population means an increased validity and a marked decrease of 'deviation.' Politically, this means that the larger the population in any given body politic, the more likely it will be the social rather than the political that constitutes the public realm" (Arendt, *The Human Condition*, [Chicago and London: University of Chicago Press, 1958], 42–43. Fassin has a discussion of Foucault's account of biopolitics vis-à-vis Arendt's discussion of "The Social Question" (in Fassin, "Another Politics of Life," 48–54; see also Ferrier, "The View from Below," 277–84).

a nation. While one's national identity and attitude toward the social body would appear to be a subjective position, the surrounding political discourse fits national identities into histories (or legends) of war, strife and injury that also make truth-claims bearing upon that subjectivity, and as Foucault points out, operationalizes these discursive claims to a political discourse that divides and identifies 'us' and 'them.' As we have seen, Foucault shows that political discourse of our era of national states has brought this sense for talk about history, as it were, into alignment with a political discourse that affirms the presence of a continual war within society and between different parts of the body politic.¹¹⁸ Indeed, it is probably not intuitive how an ideation of national citizenship can dwell so comfortably with the discourse of a sort of civil war, or these with the instilled attitude of bearing individual responsibility for the future of the social body via one's sex and procreation. But as noted here, Michel Foucault did attempt, in his lecture-course *Society Must Be Defended*, to describe how it came about.

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¹¹⁸ It is to be noted that Foucault insists that such a heterogeneity within the body politic was not conceived prior to or even during the era of the Wars of Religion; in fact, the "thesis of the unity of the state was reinforced throughout the Wars of Religion; thus the idea and its tactics are is of relatively modern vintage (see Foucault, *Society*, 144–5).

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