Sovereign power and the hybrid nomadic subject in Hardt and Negri’s *Empire*

Dr. Bert Wigman  
School of Psychology and Sociology  
Central Queensland University  
b.wigman@cqu.edu.au

Abstract

Hardt and Negri’s book *Empire* (2000) attempts a synthesis of Marxian and poststructuralist ideas. Extensive use is made of Foucault’s concepts of sovereign power, disciplinary power, the swarming of disciplines and biopower. At the same time, there are important divergences from Foucault in the use of these concepts. A critical review shows that Hardt and Negri tend to assimilate sovereign and disciplinary forms of power, leading to a negative and repressive view of hegemonising power. This leads further to a somewhat abstract and impoverished view of subjectivity as being either totally dominated or totally resistant. By contrast, Foucault argues that sovereign and disciplinary forms of power are quite different, and that modern forms of power tend to be positive and productive, whether these forms are hegemonising or resistant. It is suggested that engagement with the literature on governmentality, neglected by Hardt and Negri, leads to a more concrete and nuanced view of the relations between power and subjectivity.

Hardt and Negri’s *Empire* (2000) is an ambitious work which attempts to map a new emerging order of rule at a global level, a postmodern imperial order rather than a modern imperialist order. Their argument incorporates political and philosophical discourses of sovereignty from the 13th century to the present, as well as economic, social and political history over the same time frame. Key elements of Marx are combined with ideas from a wide range of contemporary poststructuralist and postmodernist work, especially that of Foucault, Deleuze and Guattari. They have brought together a vast array of philosophical, political, historical and sociological materials and ideas and attempted a new synthesis, analysing the relations of productivity, power, discourse and subjectivity in the emerging globalised framework. Hardt and Negri conceive of a struggle between the forces of capitalist sovereignty and the multitude, a struggle going back to the Renaissance. The creative powers and
struggles of the multitude are always trying to develop democratic elements of republican discourses, while the sovereign powers are always trying to contain this multitude. Different forms of sovereignty represent different attempts to try and limit the creative power of the multitude through constitutional and juridical frameworks of legitimation and control. The modern nation-state is one such attempt, which managed for a long time to maintain a partial ‘resolution’ of the fundamental contradiction between sovereignty and the multitude. With the advent of globalisation, there has been a decline in the sovereignty of nation-states, but not a decline in sovereignty as such. Rather a new global form of sovereign power now governs the world, a form they characterise as ‘Empire’ rather than ‘imperialism’:

In contrast to imperialism, Empire establishes no territorial center of power and does not rely on fixed boundaries or barriers. It is a decentered and deterritorialing apparatus of rule that progressively incorporates the entire global realm within its open, expanding frontiers. Empire manages hybrid identities, flexible hierarchies, and plural exchanges through modulating networks of command (2000: xii-xiii; italics in original).

This paper cannot of course address the many facets of this complex argument. It does not attempt an overall review or evaluation of the book. Rather there is a specific focus on Hardt and Negri’s analysis of the relationships between sovereign power, disciplinary power and subjectivity. Hardt and Negri’s analysis draws heavily on the work of Foucault (especially Discipline and Punish and The Will to Knowledge) but also diverges from it in important respects. There is a conflation of a number of forms of power which Foucault saw as distinct.

While there is a large secondary literature on Empire, including two edited volumes (Balakrishnan 2003; Passavant and Dean 2004), there does not seem to have been much attention paid to the use of Foucault’s work in this book, despite the authors’ heavy reliance on Foucaultian themes and concepts. Many reviewers (e.g. Atzert 2006; Schultz 2006; Thompson 2005) simply accept the book as Foucaultian without further inquiry. Callinicos goes so far as to say that the book is ‘Marx re-written as Foucault’ (2001: 40, cited in Thompson 2005). This paper argues that there are problems in the way in which Hardt and Negri use Foucault’s ideas. Attention to these problems not only points to a rather loose interpretation of Foucault, but also to significant problems in Hardt and Negri’s views on power and subjectivity.
The main focus is on the book *Empire*. While Hardt and Negri’s later book *Multitude* (2005) introduces a number of new themes relevant to this paper, particularly the relation between war and biopower, the basic analytical framework, as briefly outlined at the start of this paper, remains the same, and the book has the same problems as *Empire* in terms of conflating the various forms of power described by Foucault.

Hardt and Negri use a number of key Foucaultian concepts and arguments in their exposition of the relationship between sovereignty and the multitude—sovereign power; disciplinary power; biopower; the dispersed, network, relational character of power; the swarming of the disciplines beyond their original institutional locations to encompass the whole of social life; and the ways in which this swarming involves the development of various forms of self-discipline.

However, there are also some important differences between Hardt and Negri and Foucault. Hardt and Negri have a tendency to see sovereign power on the one hand, and disciplinary power together with biopower and governmentality on the other, as operating together in a direct and unmediated fashion, whereas Foucault sees them as quite different in character.

Hardt and Negri say, for example, that:

> The absoluteness of imperial power is the complementary term to its complete immanence to the ontological machine of production and reproduction, and thus to the biopolitical context. (2000: 41)

> Rule is exercised directly over the movements of productive and cooperating subjectivities (2000: 319).

Elsewhere Hardt and Negri use the metaphor of the two-headed eagle of the Austro-Hungarian monarchy, but with the heads turned inward, each attacking the other:

> The first head of the imperial eagle is a juridical structure and a constituted power, constructed by the machine of biopolitical command.

> The other head of the imperial eagle is the plural multitude of productive, creative subjectivities of globalization that have learned to sail on this enormous sea. (2000: 60)

The term ‘biopolitical command’ in particular suggests a total synthesis of sovereign powers of command and the disciplinary microphysics of power, and an uninterrupted flow between them (see further 2000: xv, 255, 327-30, 339, 346, 348).
Foucault on the other hand, in *Discipline and Punish* (1979), draws a broad historical contrast between sovereign and disciplinary forms of rule, seeing a transition from law to norm, from absolute powers of command to a stress on techniques of improvement in a situation of formally free markets and formally free political institutions. Sovereign power continues to exist in the disciplinary regime, but its character and its relation to other forces are radically transformed. Sovereign power becomes invested or colonised by disciplinary power, with processes of normalising individualisation replacing the absolute moral codes of the sovereign regime. Sovereign power remains as a reserve power, to be used for those totally unable or unwilling to participate in the disciplines, but the typical microphysical relations of power assume quite different forms. These forms involve not only direct flows through and structuring of bodies but also the social creation and care of the ‘soul’, with the help of various medical, psychological, sociological and other human sciences. The disciplines in both these senses institute new forms of hierarchy based around distance from the norm, subverting the formally egalitarian principles of modern forms of sovereignty.

In *The Will to Knowledge* (1998), his next book, Foucault introduces the concept of biopower, a broader concept which encompasses two poles—microphysical disciplinary power as well as the management of the population as a whole. Disciplinary power operates at the individual level as an ‘anatomo-politics of the human body’. The other pole of biopower is a ‘biopolitics of the population’, which is essentially a series of ‘regulatory controls’, or regulatory interventions by the state, concerned with the health, welfare and well-being of the population as a whole. The population is, from the 17th century onwards, increasingly conceived of and analysed in biological terms, as a ‘species body’ which serves as the basis for biological processes—rates of birth and death, levels of health, life expectancy and so on, together with the conditions which cause these to vary. Originally separate, these two poles were connected with each other from the start of the 19th century as a ‘great bipolar technology’, a key linkage being through the deployment of sexuality (Foucault 1998: 139; Dreyfus and Rabinow, 1983:134-5).

For the sake of convenience, I will continue to use ‘disciplinary power’ to refer to Foucault’s conception of contemporary forms of rule, rather than using the more encompassing term of biopower. It is important to note, however, that both forms of
biopower are conceived of as techniques of power, in contrast to the institutions of power associated with sovereignty (Foucault 1998: 141).

Hardt and Negri tend to collapse all of these distinctions in their conception of a totalising sovereign power.

The contrast between sovereign and disciplinary societies is further highlighted when we consider the question of subjectivity. The importance of the ‘soul’ in Discipline and Punish, together with the individualising character of the disciplines, already points to Foucault’s later focus on subjectivity as a key dimension of social practice. However, there is a tendency in Discipline and Punish to see this subjectivity as being produced by the institutions in a one-directional way, in terms of disciplinary power exercising a dominant hold over subjectivity. Foucault’s later work on governmentality, the history of sexuality, and technologies of the self, points to a more active notion of subjectivity, with the active analysis, training and modification of the self by each individual being seen as a vital part of the network of power in disciplinary societies.

Hardt and Negri make brief references to governmentality (2000: 88, 327-8), but do not take up the theme in a sustained fashion; technologies of the self are not discussed at all. Unlike their presentation of a more-or-less direct relation between sovereign powers of command and the capillary flows of discipline, Foucault and other scholars who have taken up the governmentality idea (for example, Burchell et al. eds. 1991; Rose and Miller 1992; Rose 1999a; Rose 1999b) refer to indirect and mediated forms of power relations in disciplinary societies. A defining characteristic of the transformed sovereign power in such societies is a principle of self-limitation—of not intervening in the ‘natural’, self-organising free market on the one hand, and a limitation of the powers of sovereignty through parliamentary democracy on the other. Modern forms of power tend to rule ‘at a distance’ (Rose and Miller 1992), through the subjective choices of the individual, rather than through direct command or constraint. These ‘free’ choices are mediated by various human-science experts, and bodies of expertise, that are formally independent of state power. The state may try to channel these choices in particular ways, and relies on at least some degree of correspondence between these choices and broader political requirements, but it does not directly dictate the choices unless it absolutely has to. Disciplinary societies promote various ‘technologies of the self’, an active interrogation of and working on a
culturally valorised interior psychic domain, and the associated work on techniques of communication and self-presentation (Martin et al. eds.1988).

This gives a more concrete content to the notion of the swarming of disciplines and the articulation of sovereign and disciplinary forms of power. The accreditation of the disciplines creates a multiplicity of local centres of power, each organised by the techniques and bodies of knowledge specific to them. This calculated distance between sovereign and disciplinary power is a defining characteristic of disciplinary societies for Foucault. It applies not only to the explicitly disciplinary institutions and mechanisms, but also to the ‘private’ institutions of the free market economy and the nuclear family. The state treats these latter institutions as more-or-less ‘natural’ and autonomously functioning spheres, which do not require detailed control but which can rather be left largely to their own specific modes of operation; the state simply sets down certain parameters and certain procedures of regulation meant to ensure their continued healthy functioning.

This aspect of Foucault is not taken up by Hardt and Negri, and in fact it tends to be elided by their interpretation of a direct connection between sovereign and disciplinary power. It is suggested here that this leads to problems in Hardt and Negri’s analysis of subjectivity. Their model of subjectivity tends to be bipolar—either imprinting of disciplinary urges by the sovereign powers, or total resistance to these powers—‘order against desire’ (2000: 74).

In the first category, they refer, for example, to ‘….the incessant whisperings of disciplinary logics within subjectivities themselves….’ (2000: 330); and they claim that even under postmodernism ‘….subjectivities are still produced in the social factory’ (2000: 196; cf. also 244). The other pole is given by their view of the proletariat/multitude as the real motor of history. It is the democratic struggles of the multitude that provide the life force of the system—their productive powers, creativity, nomadism and resistance; their ‘will to be against’ (2000: 210). Mass migrations of workers, for example, are seen as expressions of the ‘….irrepressible desire for free movement’ (2000: 213). Production—now involving the production of the self and of society—also reflects this life force (2000: 365).

This leads necessarily to a negative, repressive view of modern sovereign power, despite the extensive reliance on the concept of biopower. This sovereign power is
conceived of in a different way from the way Foucault conceives it, as a general apparatus of power that flows relatively smoothly from the heights of sovereignty through to the capillary mechanisms of the disciplines. For Hardt and Negri, sovereign power tends to become equated with this whole apparatus, and this whole apparatus is imbued with a negative, repressive character, in contrast to Foucault’s insistence on the positivity of modern forms of power, whether these forms are hegemonising or resistant. This repressive view of hegemonising power can be seen clearly in the following passage:

Indeed, the relationship that imperial government imposes on the virtuality of the multitude is simply a static relationship of oppression. The investments of imperial government are essentially negative, deployed through procedures intended to order coercively the actions and events that risk descending into disorder. In all cases the effectiveness of imperial government is regulatory and not constituent, not even when its effects are long-lasting (2000: 360-1; see also 62, 391)

This view distracts attention from the positive aspects of hegemonising power, and particularly the way in which it operates through subjectivities, not simply in a relation of domination but rather through the incitement and promotion of particular forms of self-interest and self-improvement. The distance between sovereign power and the regulation of the self in modern configurations of power creates a space within which there are real stakes and real choices, even if these choices are circumscribed and unequally distributed. Modern power thus operates in a significant sense through freedom, rather than through direct control and command.

The swarming of disciplines and what Hardt and Negri postulate as the hybridisation of subjectivities associated with this remain somewhat abstract concepts in their book because of their repressive view of Empire and bipolar model of subjectivity.

Rather than a hybridised but nonetheless dominated subjectivity, a closer engagement with the literature on governmentality would point to concrete mechanisms of self-transformation and self-improvement. These mechanisms may have hegemonising effects, but in an indirect and mediated way, through their greater or lesser degree of convergence with broader socio-political objectives. They rely on the active, creative involvement of subjects, no matter how circumscribed and unequally distributed this sphere of activity may be. Freedom in this argument is not simply a bourgeois
ideology but a real and effective part of the way in which hegemony is created in disciplinary societies.

A bipolar model of subjectivity may be useful in a direct political sense, of galvanising people for progressive action, but it obstructs analysis of modern hegemonising forms of power which are characterised by a more complex configuration of subjectivities. These subjectivities may involve various forms of accommodation with ‘the system’ in a quest for self-betterment, rather than a simple choice of domination or resistance. The mass migrations of workers under globalisation might then be seen as part of a desire to be incorporated within Empire, rather than as the expression of a primordial nomadic drive resistant to Empire (cf. Bull 2004).

It is suggested that there are advantages in retaining Foucault’s views on the positivity of modern forms of power relations, and in using the governmentality literature to create a more nuanced and concrete account of the relations between power and subjectivity. This also leads to a more concrete and differentiated view of power relations, with multiple centres and types of power, rather than a primordial conflict between sovereignty and multitude.

References


