

From Sovereignty to War: Foucault's Analytic of Power

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VERENA ERLENBUSCH, DEC 12 2015

The concept of power is arguably one of the central concepts of political philosophy. Yet, political philosophy, especially in its Anglo-American form, has largely neglected the question of power, inquiring instead into the best form of state and government, the nature of political obligation, and the principles of justice motivating the institutional and procedural structure of the state. As a "theory of the state" (Wolff, 2013, p. 796), political philosophy in this tradition considers power in terms of state power, its source, purpose, justification, and limitations (see Gaus, 1996; Habermas, 1996, 1984; Nozick, 2013; Pettit, 1999; Rawls, 1999; Sandel, 1998). Thus, to the extent that it takes up power as an object of philosophical inquiry at all, it theorizes it on the model of classical sovereignty, that is, indivisible, absolute, and supreme power of a state. This power is said to issue from a social contract, in which individuals agree to submit to a sovereign who guarantees order and security. On this model, power is essentially state power, which is exercised in top-down fashion according to a distinction between what is permitted and what is prohibited (Bodin, 2004; Hobbes, 2003; Locke, 1980; Rousseau, 1987).

Foucault's Critique of the Classical Theory of Sovereignty

While the strength of the classical theory of sovereignty is its clear specification of the source, legitimacy, and limits of state power, its weakness is its inadequacy to account for how power actually functions in society. This argument has received much attention in the work of the French philosopher Michel Foucault, who claimed that the analytic model of sovereignty dominant in political theory has serious shortcomings with regard to an analysis of actual practices of power in two respects. On the one hand, conceiving of power exclusively in terms of sovereignty limits our understanding of power to state power and fails to recognize that power extends beyond the state and is exercised in institutions like the family, in relationships between physicians and patients as well as teachers and students, or in the workplace (Foucault, 2008, 2006, 1995, 1994, 1990). What is more, the state actually relies for support on these localized relations of power. "The state," Foucault explains, "is superstructural in relation to a whole series of power networks that invest the body, sexuality, the family, kinship, knowledge, technology, and so forth" (Foucault, 1980, p. 123). Even if physicians, psychiatrists, correctional officers, scientists, and even parents may work in the service of the state, they do so not because their power derives from state sovereignty, but because their power has been brought under state control.

On the other hand, Foucault observes that a characteristic feature of power is that it "doesn't only weigh on us as a force that says no; it also traverses and produces things, it induces pleasure, forms of knowledge, produces discourse" (Foucault, 1980, p. 120). Based on his genealogies of madness, disease, delinquency, and sexuality (Foucault, 2008, 2006, 2004a, 1995, 1994, 1990), he shows that since the seventeenth century, new technologies of power have emerged that differ sharply from practices of sovereign power typical of a state. According to Foucault, the classical privilege of sovereign power is the "right to *take* life or *let* live;" sovereignty manifests itself as a right to kill when the sovereign's existence is in danger (Foucault, 1990, p. 136). Foucault cites the public spectacle of torture as an example of a form of punishment reflective of sovereignty. Because the law represents the will of the sovereign, a violation of law is simultaneously an attack on the sovereign. As a consequence, those who break the law not only ought to be punished for their transgression, but they must be prosecuted as enemies of the state who challenge the authority and existence of the sovereign. On this view, punishment is an act of war waged in defense of the sovereign (Foucault, 1995). In contrast to the repressive mode of sovereign power expressed as the right to end life, new forms of power began to emerge in the seventeenth and eighteenth centuries that sought to manage, optimize, and

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increase life. Foucault calls these forms of power bio-power, which, he argues, developed in two main forms. The historically first form were the disciplines, an anatomo-politics of the human body, which had as its main target the body of the individual. The second form focused on the body of humans as a species and, as a biopolitics of the population, deployed regulatory controls to manage the processes of life such as reproduction, mortality, morbidity, life expectancy, and so on.

Foucault is clear that these two technologies of bio-power relied on one another for support and were connected through a series of practices and relations. To decrease the rate of mortality associated with a particular disease, for instance, states relied on disciplinary mechanisms that ensured proper hygiene, healthy dietary habits, or the immunization of individuals. He also takes care to note that the appearance of technologies of bio-power did not result in the disappearance of sovereignty. "We should not see things as the replacement of a society of sovereignty by a society of discipline, and then of a society of discipline by a society, say, of government," Foucault argues (Foucault, 2007, p. 108). Rather, modern societies rely on practices of sovereignty, discipline, and biopolitics, which are made to work in concert. This means, however, that practices of power traditionally attributed to sovereignty are modified because they serve a new purpose: once a society operates in a bio-power mode, killing can no longer be exercised in defense of the sovereign, but can only be justified if it serves the protection, defense, and salvation of the social body. That is, the power to kill is made subservient to a larger project of the administration of life.

The problem for political theory is that it has failed to develop analytic tools appropriate to study both new forms of power and modified practices of old forms of power. Put differently, not only is the classical theory of sovereignty inadequate to account for a kind of sovereignty that is no longer indivisible, absolute, and supreme, but it also lacks analytic models to theorize productive forms of power. As a consequence, Foucault insists, we must "abandon the model of Leviathan" and "study power outside ... the field delineated by juridical sovereignty and the institution of the State" (Foucault, 2004b, p. 37). "What we need," Foucault maintains, "is a political philosophy that isn't erected around the problem of sovereignty or, therefore, around the problems of law and prohibition. We need to cut off the king's head. In political theory that has still to be done" (Foucault, 1980, p. 122). But if an empirically more accurate understanding of contemporary relations of power indeed requires political philosophers to give up on a notion of power moored in sovereignty, law, prohibition, and repression, then what principle can help us grasp power as it is actually exercised?

A New Analytic Model of Power

Foucault addresses this question in much detail in "*Society Must Be Defended*" (2004b), his 1975/76 lectures at the Collège de France, where he seeks to articulate an empirically informed theoretical model for analyzing power. For this purpose, he examines a range of historical discourses and practices, according to which power was understood "first and foremost in terms of conflict, confrontation, and war" (Foucault, 2004b, p. 15). Foucault shows that in these discourses, war is not a speculative philosophical principle, as it is for theorists like Hobbes, but rather refers to a real war. Specifically, he demonstrates that war emerges as a principle of intelligibility of power in the political struggles of sixteenth-century England and France, where it was deployed by subjugated groups to challenge the legitimacy of sovereign power. According to Foucault, this historical discourse understood political relations as relations of domination resulting from bellicose relations between different races, by which were meant groups distinguished by language, religion, geographical origin, and custom, such as Normans and Saxons in England or Franks and Gauls in France (Foucault, 2004b, p. 77). What appeared as right, law, and obedience from the perspective of the conquering race was domination, violence, and enslavement from the vantage point of the conquered. The discourse of race war deployed by the conquered races, in other words, served as a means to demonstrate that the unity and legitimacy of state power established by the juridical theory of sovereignty was fictitious; instead, the power of the state was the product and, in fact, continuation of conquest and invasion and of the subjugation of one race by another. Put differently, the discourse of race war challenged the classical theory of sovereignty and revealed its function as a theoretical tool to retroactively justify illegitimate relations of domination (see also Agamben, 1998; Butler, 2004; Erlenbusch, 2013, 2012).

Foucault's genealogy of the historical discourse of race war not only reveals war as an analytically useful and empirically grounded principle for making sense of power relations, but also offers an important, yet troubling insight

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about the persistence of war as a strategic mechanism of contemporary relations of power. Foucault argues that the notion of race war came to play a key role in reconciling old techniques of sovereign power with more recent forms of bio-power. Specifically, the discourse of race war allowed for the justification of the old sovereign right to kill in biopolitical societies concerned with the optimization of life. For one of the main challenges posed by the advent of forms of bio-power, Foucault argues, was how "the power of death, the function of death, [can] be exercised in a political system centered upon biopower" (Foucault, 2004b, p. 254). The solution, he suggests, was found in a modified form of the historical discourse of race war.

Over the course of the eighteenth and nineteenth centuries, this discourse underwent two series of transcriptions, by which it was transformed into modern biological racism, on the one hand, and socialist racism, on the other. These forms of racism no longer distinguish between a race of oppressors and an oppressed race, but between the human race – or more precisely, a particular idealized image of humanity – and those elements who threaten its health and vitality: the sick, the disabled, the mad, the criminal, the sexually deviant, and so forth. On this account, racism does not refer to discrimination against and oppression of other races, but as a "principle of exclusion and segregation" meant to protect the health and integrity of the social body against abnormal elements internal to it (Foucault, 1990, p. 61). It is "a way of introducing a break into the domain of life that is under power's control: the break between what must live and what must die" (Foucault, 2004b, p. 254). By identifying those who must die so that the people may live, racism understands social relations as war-like relations in which the old sovereign right to kill is waged in the name of the health of the population.

While Foucault's use of the term racism is admittedly uncommon and controversial, it allows us to identify the tight connection and common aim of various forms of biopolitical regulation and normalization that are not usually regarded as connected (Kelly, 2004; McWhorter, 2009; Taylor, 2011). Put differently, by describing what we might call ethnic racism, sexism, ableism, homophobia, transphobia, Islamophobia, and other forms of oppression as "racism against the abnormal" (Foucault, 2004a, p. 316), we can recognize their shared goal in the production of a pristine social body, protected from and purified of any elements considered dangerous. It is only in the name of this goal that the old sovereign right to kill can be justified in an economy of power concerned with the investment, optimization, and maximization of human life.

To appreciate the continued relevance of Foucault's analysis, one only has to consider increased border security (also here, here, and here) and vetting processes for asylum seekers in the context of the current "refugee crisis;" calls for a new "Fortress Europe" (also here and here); and representations of refugees as a terrorism threat, a threat to Christian values, a threat to social, economic, and political stability, and a source of anti-semitism and threat to women's rights, gay rights, and gender equality. Foucault's work draws our attention to the fact that in an age characterized by mechanisms of exclusion of those who threaten the human race and, thus, have to be annihilated, war, not sovereignty, is political strategy. It also ought to be the analytic principle of power.

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Verena Erlenbusch is Assistant Professor of Philosophy at the University of Memphis. Her main research lies at the intersection of Political Philosophy and Contemporary European Philosophy (especially Foucault and Critical Theory). Her current research project brings to bear Foucault's genealogy on the phenomenon of terrorism. Her publications include "Terrorism and Revolutionary Violence: The Emergence of Terrorism in the French Revolution" in *Critical Studies on Terrorism*; "Terrorism: Knowledge, Power, Subjectivity" in *Critical Methods in Terrorism Studies*; "How (Not) to Study Terrorism" in *Critical Review of International Social and Political Philosophy*; "The Place of Sovereignty: Mapping Power with Agamben, Butler, and Foucault" in *Critical Horizons*; and "The Concept of Sovereignty in Contemporary Continental Political Philosophy" in *Philosophy Compass*.