

SOCIETY MUST BE DEFENDED

In order to conduct a concrete analysis of power relations, one would have to abandon the juridical notion of sovereignty. That model presupposes the individual as a subject of natural rights or original powers; it aims to account for the ideal genesis of the state; and it makes law the fundamental manifestation of power. One would have to study power not on the basis of the primitive terms of the relation but starting from the relation itself, inasmuch as the relation is what determines the elements on which it bears: instead of asking ideal subjects what part of themselves or what powers of theirs they have surrendered, allowing themselves to be subjectified [*se laisser assujettir*], one would need to inquire how relations of subjectivation can manufacture subjects. Similarly, rather than looking for the single form, the central point from which all the forms of power would be derived by way of consequence or development, one must first let them stand forth in their multiplicity, their differences, their specificity, their reversibility: study them therefore as relations of force that intersect, interrelate, converge, or, on the contrary, oppose one another or tend to cancel each other out. Finally, instead of privileging law as a manifestation of power, it would be better to try and identify the different techniques of constraint that it brings into play.

If it is necessary to avoid reducing the analysis of power to the scheme suggested by the juridical constitution of sovereignty, if it is necessary to think about power in terms of force relations, must it be deciphered, then, according to the general form of war? Can war serve as an effective analyzer of power relations?

This question overlays several others:

- Should war be considered as a primary and fundamental state of things in relation to which all the phenomena of social domination, differentiation, and hierarchization are considered as secondary?
- Do the processes of antagonism, confrontation, and struggle between individuals, groups, or classes belong, in the last instance, to the general processes of warfare?
- Can the set of notions derived from strategy or tactics constitute a valid and adequate instrument for analyzing power relations?
- Are military and war-related institutions and, in a general way, the methods utilized for waging war, immediately or remotely, directly or indirectly, the nucleus of political institutions?
- But perhaps the question that needs to be asked first of all is this one: How, since when and how, did people begin to imagine that it is war that functions in power relations, that an uninterrupted combat undermines peace, and that the civil order is basically an order of battle?

That is the question that was posed in this year's course. How was war perceived in the background of peace? Who looked in the din and confusion of war, in the mud of battles, for the principle of intelligibility of order, institutions, and history? Who first thought that politics was war pursued by other means?

A paradox appears at a glance. With the evolution of states since the beginning of the Middle Ages, it seems that the practices and institutions of war pursued a visible development. Moreover, they tended to be concentrated in the hands of a central power that alone had the right and the means of war; owing to that very fact, they withdrew, albeit slowly, from the person-to-person, group-to-group relationship, and a line of development led them increasingly to be a state privilege. Furthermore and as a result, war tends to become the professional and technical prerogative of a carefully defined and controlled military apparatus. In short, a society pervaded by warlike relations was slowly replaced by a state equipped with military institutions.

Now, this transformation had scarcely been completed when there

appeared a certain type of discourse on the relations of society and war. A historico-political discourse—very different from the philosophico-juridical discourse organized around the problem of sovereignty—makes war the permanent basis of all the institutions of power. This discourse appeared shortly after the end of the wars of religion and at the beginning of the great English political struggles of the seventeenth century. According to this discourse, which was illustrated in England by Coke or Lilburne, in France by Boulainvilliers and later by Du Buat-Nangay,¹ it was war that presided over the birth of states: not the ideal war imagined by the philosophers of the state of nature but real wars and actual battles; laws are born in the middle of expeditions, conquests, and burning cities; but war also continues to rage within the mechanisms of power—or, at least, to constitute the secret driving force of institutions, laws, and order. Beneath the omissions, illusions, and lies that make us believe in the necessities of nature or the functional requirements of order, we are bound to reencounter war: it is the cipher of peace. It continuously divides the entire social body; it places each of us in one camp or the other. And it is not enough to find this war again as an explanatory principle; we must reactivate it, make it leave the mute, larval forms in which it goes about its business almost without our being aware of it, and lead it to a decisive battle that we must prepare for if we intend to be victorious.

Through this thematic, which I have characterized loosely thus far, one can understand the importance of this form of analysis.

1. The subject who speaks in this discourse cannot occupy the position of the universal subject. In that general struggle of which he speaks, he is necessarily on one side or the other; he is in the battle, he has adversaries, he fights for a victory. No doubt, he tries to make right prevail, but the right in question is his particular right, marked by a relation of conquest, domination, or antiquity: rights of triumphant invasions or millennial occupations. And if he also speaks of truth, it is that perspectival and strategic truth that enables him to win the victory. So, in this case, we have a political and historical discourse that lays claim to truth and right, while explicitly excluding itself from juridico-philosophical universality. Its role is not the one that lawmakers and philosophers dreamed of, from Solon to Kant: to take a position between the adversaries, at the center of and above the conflict, and impose an armistice, establish an order that brings reconciliation. It is a matter of positing a right stamped with dissym-

metry and functioning as a privilege to be maintained or reestablished, of asserting a truth that functions as a weapon. For the subject who speaks this sort of discourse, universal truth and general right are illusions and traps.

2. We are dealing, moreover, with a discourse that turns the traditional values of intelligibility upside down. An explanation from below, which is not the simplest, the most elementary, the clearest explanation but, rather, the most confused, the murkiest, the most disorderly, the most haphazard. What is meant to serve as a principle of decipherment is the confusion of violence, passions, enmities, revenges; it is also the web of petty circumstances that decide defeats and victories. The dark, elliptical god of battles must illuminate the long days of order, labor, and peace. Fury must account for harmonies. Thus, at the beginning of history and law one will posit a series of brute facts (physical vigor, force, character traits), a series of chance happenings (defeats, victories, successes or failures of conspiracy, rebellions or alliances). And only above this tangle will a growing rationality take shape, that of calculations and strategies—a rationality that, as one rises and it develops, becomes increasingly fragile, more and more spiteful, more closely tied to illusion, to fancy, to mystification. So we have the complete opposite of those traditional analyses which attempt to rediscover, beneath the visible brutality of bodies and passions, a fundamental, abiding rationality, linked by nature to the just and the good.

This type of discourse develops entirely within the historical dimension. It undertakes not to measure history, unjust governments, abuses, and acts of violence with the ideal principle of a reason or a law but, rather, to awaken, beneath the form of institutions or laws, the forgotten past of real struggles, of masked victories or defeats, the dried blood in the codes. It takes as its field of reference the undefined movement of history. But at the same time it is possible for it to draw support from the traditional mythical forms (the lost age of great ancestors, the imminence of new times and millennial revenge, the coming of a new kingdom that will wipe out the ancient defeats): it is a discourse that will be able to carry both the nostalgia of decaying aristocracies and the ardor of popular revenges.

In summary, as against the philosophico-juridical discourse organized in terms of the problem of sovereignty and law, this discourse which deciphers the continued existence of war in society is essentially

a historico-political discourse, a discourse in which truth functions as a weapon for a partisan victory, a discourse at once darkly critical and intensely mythical.

This year's course was devoted to the emergence of that form of analysis: how was war (and its different aspects—invasion, battle, conquest, victory, relations of victors and vanquished, pillage and appropriation, uprisings) used as an analyzer of history and, in a general way, of social relations?

1. One must first set aside some false paternities—that of Hobbes, in particular. What Hobbes calls the “war of all against all” is not in any way a real historical war but a game of representations by which each measures the danger that each represents for him, estimates the others' will to fight, and calculates the risk he himself would be taking if he resorted to force. Sovereignty—whether it involves a “commonwealth by institution” or a “commonwealth by acquisition”—is established not by an act of bellicose domination but, rather, by a calculation that allows war to be avoided. For Hobbes it is nonwar that founds the State and gives it its form.²

2. The history of wars as wombs of states was doubtless outlined in the sixteenth century at the end of the wars of religion (in France, for example, in the work of Hotman³). But it was mostly in the seventeenth century that this type of analysis was developed. In England, first, in the parliamentary opposition and among the Puritans, with the idea that English society, since the eleventh century, was a society of conquest: monarchy and aristocracy, with their characteristic institutions, were seen as Norman imports, while the Saxon people preserved, not without difficulty, a few traces of their original freedoms. Against this background of martial domination, English historians such as Coke or Selden⁴ restored the chief episodes of England's history; each of these is analyzed either as a consequence or as a resumption of that historically primary state of war between two hostile races with different institutions and interests. The revolution of which these historians are the contemporaries and sometimes the protagonists would thus be the last battle and the revenge of that ancient war.

An analysis of the same type is also found in France, but at a later date and, above all, in the aristocratic circles of the end of the reign of Louis XIV. Boulainvilliers will give it the most rigorous formulation; but this time the story is told, and the rights are asserted, in the name

of the victor. By giving itself a Germanic origin, the French aristocracy lays claim to the right of conquest, hence of eminent possession, upon all the lands of the realm and of absolute dominion over all the Gallic or Roman inhabitants; but it also claims prerogatives with respect to royal power, which would have been established originally only by its consent, and which should always be kept within the limits established back then. The history written in this way is no longer, as in England, that of the perpetual confrontation of the vanquished and the victors, with uprising and extracted concessions as a basic category; it will be the history of the king's usurpations or betrayals with regard to the nobility from which he descended, and of his unnatural collusions with a bourgeoisie of Gallo-Roman origin. This scheme of analysis, taken up again by Freret⁵ and especially Du Buat-Nançay, was the object of a whole series of polemical exchanges and the occasion of substantial historical research up to the Revolution.

The important point is that the principle of historial analysis was sought in the duality and the war of races. Starting from there and going via the works of Augustin⁶ and Amédée Thierry⁷, two types of decipherment of history will develop in the nineteenth century: one will be linked to class struggle, the other to biological confrontation.

This year's seminar was devoted to a study of the category of "the dangerous individual" in criminal psychiatry. The notions connected with the theme of "social defense" were compared with the notions connected with the new theories of civil responsibility, as they appeared at the end of the nineteenth century.

NOTES

- 1 Sir E. Coke, *Argumentum Anti-Normannicum, or an Argument Proving, from Ancient Stories and Records, that William, Duke of Normandy, Made No Absolute Conquest of England by the Word* (London: Derby, 1682); J. Lilburne, *English Birth Right Justified Against All Arbitrary Usurpation* (London, 1645); *An Anatomy of the Lord's Tyranny and Injustice* (London, 1646); Count H. de Boulainvilliers, *Mémoire pour la noblesse de France contre les ducs et pairs* (n.p., 1717); *Histoire de l'ancien gouvernement de la France, avec XIV lettres historiques sur les parlements ou états généraux* (The Hague: Gesse et Neaulne, 1727), 3 vols.; *Essai sur la noblesse de France, contenant une dissertation sur son origine et son abaissement* (Amsterdam, 1732). Count L.-G. Du Buat-Nançay, *Les Origines ou l'Ancien Gouvernement de la France, de l'Italie, de l'Allemagne* (Paris: Didot, 1757), 4 vols.; *Histoire ancienne des peuples de l'Europe* (Paris: Desaint, 1772), 12 vols.
- 2 T. Hobbes, *Leviathan, or the Matter, Form and Power of a Commonwealth Ecclesiastical and Civil* (London: Crooke, 1651); *Léviathan: Traité de la matière, de la forme et du pouvoir de la république ecclésiastique et civile*, trans. F. Tricaud (Paris: Sirey, 1971).

- 3 F. Hotman, *Discours simple et véritable des rages exercés par la France, des horribles et indignes meurtres commis es personnes de Gaspar de Coligny et de plusieurs grands seigneurs* (Basel: Vaullemand, 1573); *La Gaule françoise* (Cologne: Bertulphe, 1574).
- 4 J. Selden, *England's epinomis* (1610), in *Opera omnia* (London: Walthoe, 1726), vol. 3: *De Jure naturali et gentium juxta disciplinam Ebraeorum libri septem* (London: Bishopius, 1640); *An Historical Discourse of the Uniformity of the Government of England* (London: Walbancke, 1647).
- 5 N. Freret, *Recherches historiques sur les moeurs et le gouvernement des Français, dans les divers temps de la monarchie: De l'origine des Francs et de leur établissement dans les Gaules*, in *Oeuvres complètes*, vols. 5-6 (Paris: Moutardier, 1796); *Vues générales sur l'origine et le mélange des anciennes nations et sur la manière d'en étudier l'histoire*, *ibid.*, vol. 18.
- 6 A. J. Thierry, *Histoire de la conquête de l'Angleterre par les Normands, de ses causes et de ses suites jusqu'à nos jours* (Paris: Tessier, 1825), 2 vols.; *Récits des temps mérovingiens, précédés de considérations sur l'histoire de France* (Paris: Tessier, 1840), 2 vols.
- 7 A. J. Thierry, *Histoire des Gaulois, depuis les temps les plus reculés jusqu'à l'entière soumission de la Gaule à la domination romaine* (Paris: Sautelet, 1828), 3 vols.