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Answer to a question on anti-Semitism. ~ Hobbes on war and sovereignty. ~ The discourse on the Conquest in England: royalists, parliamentarians, and Levellers. ~ The binary schema and political historicism. ~ What Hobbes wanted to eliminate.

OVER THE LAST WEEK or two, a certain number of questions and objections, some written and some oral, have been addressed to me. I would be quite happy to discuss these with you, but it is difficult in this space and this climate. In any case, you can come and see me in my office after the lecture if you have questions to ask me. But there is one question I would like to try to answer, first because I have been asked it several times and second because I thought I had already answered it in advance, but I have to conclude that my explanations were not sufficiently clear. I have been asked: "What does it mean to say that racism takes off in the sixteenth or seventeenth century, and to relate racism solely to the problems of the State and sovereignty, when it is well known that, after all, religious racism (and religious anti-Semitism in particular) had been in existence since the Middle Ages?" I would therefore like to go over something I obviously did not explain adequately or clearly.

I was certainly not trying for one moment to trace the history of racism in the general and traditional sense of the term. I do not want

to trace the history of what it might have meant, in the West, to have an awareness of belonging to a race, or of the history of the rites and mechanisms that were used to try to exclude, disqualify, or physically destroy a race. I was—and in my own view, I am—trying to look at the emergence in the West of a certain analysis (a critical, historical, and political analysis) of the State, its institutions and its power mechanisms. This analysis was made in binary terms: The social body is not made up of a pyramid of orders or of a hierarchy, and it does not constitute a coherent and unitary organism. It is composed of two groups, and they are not only quite distinct, but also in conflict. And the conflictual relationship that exists between the two groups that constitute the social body and shapes the State is in fact one of war, of permanent warfare. The State is nothing more than the way that the war between the two groups in question continues to be waged in apparently peaceful forms. Having established that, I would like to show how an analysis of this type is obviously articulated with rev-olutionary hopes, an urgent call for rebellion, and also a politics of rebellion or revolution. That, and not racism, is my basic problem.

It seems to me that there are reasonable historical grounds for saying that this way of making a political analysis of power relations (which are seen as relations of war between two races that coexist within a single society) does not, or at least not in the first instance, have anything to do with the religious problem. You will find that this analysis was actually formulated, or was being formulated, at the end of the sixteenth century and the beginning of the seventeenth. In other words, the divide, the perception of the war between races predates the notions of social struggle or class struggle, but it certainly cannot be identified with a racism of, if you like, the religious type. It is true that I haven't talked about anti-Semitism. I intended to say a bit about it last time, when I was discussing this theme of the race struggle in very general terms, but I did not have time. What I think we can say—but I will come back to this later—is this: Insofar as it is a religious and racial attitude, anti-Semitism had so little influence on the history I was trying to trace for you that it does not have to be taken into account until we reach the nineteenth century. The old

religious-type anti-Semitism was reutilized by State racism only in the nineteenth century, or at the point when the State had to look like, function, and present itself as the guarantor of the integrity and purity of the race, and had to defend it against the race or races that were infiltrating it, introducing harmful elements into its body, and which therefore had to be driven out for both political and biological reasons. It is at this point that anti-Semitism develops, picking up, using, and taking from the old form of anti-Semitism all the energy—and a whole mythology—which had until then been devoted solely to the political analysis of the internal war, or the social war. At this point the Jews came to be seen as—and were described as—a race that was present within all races, and whose biologically dangerous character necessitated a certain number of mechanisms of rejection and exclusion on the part of the State. It is therefore, I think, the reutilization within State racism of an anti-Semitism which had de-veloped for other reasons that generated the twentieth-century phe-nomena of superimposing the old mechanisms of anti-Semitism on this critical and political analysis of the struggle between races within a single society. That is why I did not raise either the problem of religious racism or the problem of anti-Semitism in the Middle Ages. I will, on the other hand, try to talk about them when I come to the nineteenth century. As I have already said, I am ready to answer more specific questions.

Today I would like to try to look at how war began to emerge as an analyzer of power relations at the end of the sixteenth and the beginning of the seventeenth century. There is, of course, one name that we immediately encounter: it is that of Hobbes, who does, at first glance, appear to be the man who said that war is both the basis of power relations and the principle that explains them. According to Hobbes, it is not just *a* war that we find behind order, behind peace, and beneath the law. It is not *a* war that presides over the birth of the great automaton which constitutes the State, the sover-eign, or Leviathan. It is the most general of all wars, and it goes on at all times and in every dimension: "the war of every man against every man."[1] Hobbes does not simply claim that this war of every

man against every man gives birth to the State on the morning—which is both real and fictional—on which Leviathan is born. It goes on even when the State has been constituted, and Hobbes sees it as a threat that wells up in the State's interstices, at its limits and on its frontiers. You will recall the three examples of permanent warfare that he cites. He says first that when, even in a civil state, a man takes a journey, he locks his doors, because he knows that thieves are permanently at war with those they rob.[2] He then gives another example: in the forests of America, there are still savage people who live in a condition of war against one another.[3] And even in our States of Europe, what are relations between States, if not those of two men "having their weapons pointed, and their eyes fixed on one another"?[4] So even when the State has been established, the threat of war is there: there is a war in any case. Hence the problem: First, what is this war that exists before the State, and which the State is, in theory, destined to end? What is this war that the State has pushed back into prehistory, into savagery, into its mysterious frontiers, but which is still going on? And second, how does this war give birth to the State? What effect does the fact that it was born of war have on the constitution of the State? What stigmata does war leave on the body of the State once it has been established? These are the two questions I would like [to consider] briefly.

What, then, is this war, the war that Hobbes describes both as going on before the State is established and as leading to its constitution? Is it a war that is being waged by the strong against the weak, by the violent against the timorous, by the brave against cowards, by the great against the common people, or by arrogant savages against timorous shepherds? Is it a war that is articulated around unmediated and natural differences? You know that this is not at all the case in Hobbes. The primitive war, the war of every man against every man, is born of equality and takes place in the element of that equality. War is the immediate effect of nondifferences, or at least of insufficient differences. Hobbes in fact says that if there were great differences, if there really were obvious visible disparities between men, it is quite obvious that the war would immediately come to an end. If there

were marked, visible, or great natural differences, then one of two things would happen; either there really would be a clash between the strong and the weak—and that clash or that real war would immediately end with the victory of the strong over the weak, and their victory would be definitive precisely because of the strength of the strong; or there would be no real clash because, being aware of, seeing and noting their own weakness, the weak would surrender even before the confrontation began. If, says Hobbes, marked natural differences did exist, there would therefore be no war because either the relationship of force would be established from the outset by an initial war that precluded the possibility of its continuation; or that relationship of force would remain virtual, precisely because the weak are timorous. If, then, there were a difference, there would be no war. Differences lead to peace.[5] And what happens in a state of nondifference or insufficient difference—in a state in which we can say that differences do exist, but that they are tiny, ephemeral, minute, unstable, disorderly, and undistinguished? What happens in this anarchy of minor differences that characterizes the state of nature? Even a man who is a little weaker than other men, than the other man, is sufficiently similar to the strongest man to realize that he is strong enough not to have to surrender. So the weak man never gives up. As for the strong man, he is never strong enough not to be worried and, therefore, not to be constantly on his guard. The absence of natural differences therefore creates uncertainties, risks, hazards, and, therefore, the will to fight on both sides; it is the aleatory element in the primal relationship of force that creates the state of war.

But what exactly is this state of war? Even the weak man knows—or at least thinks—that he is not far from being as strong as his neighbor. And so he does not abandon all thought of war. But the stronger man—or at least the man who is a little stronger than the others—knows, despite it all, that he may be weaker than the other, especially if the other uses wiles, surprise, or an alliance. So the weak man will not abandon all thought of war, and the other—the stronger man—will, despite his strength, try to avoid it. Now a man who wishes to avoid war can do so on only one condition: he must show

that he is ready to wage war, and is not prepared to abandon all thought of war. And how can he demonstrate that he is not ready to abandon all thought of war? Well, [by acting] in such a way that the other, who is on the point of waging war, begins to doubt his own strength and therefore abandons the idea; and the other man will abandon all thought of war only to the extent that he knows that the first man is not prepared to abandon the idea. So in the type of relations that are set in motion by these minute differences and these aleatory confrontations where the outcome is uncertain, what does the relationship of force consist of? Three series of elements are in play from the outset. First, calculated presentations: my presentation of the strength, of the other, my presentation of the other's presentation of my strength, and so on. Second, emphatic and pronounced expressions of will: you make it obvious that you want war, you demonstrate that you will not abandon the idea of war. Third, you use mutually intim idatory tactics: I am so afraid of waging war that I will feel safe only if you are at least as afraid of war as I—and, insofar as that is possible, more afraid of it than I. Which means, all in all, that the state Hobbes is describing is not at all a brutish state of nature in which forces clash directly with one another. In Hobbes's state of primitive war, the encounter, the confrontation, the clash, is not one between weap ons or fists, or between savage forces that have been unleashed. There are no battles in Hobbes's primitive war, there is no blood and there are no corpses. There are presentations, manifestations, signs, em phatic expressions, wiles, and deceitful expressions; there are traps, intentions disguised as their opposite, and worries disguised as cer tainties. We are in a theater where presentations are exchanged, in a relationship of fear in which there are no time limits; we are not really involved in a war. Which means, ultimately, that the state of bestial savagery in which living individuals devour one another can in no way be the primary characteristic of Hobbes's state of war. What does characterize the state of war is a sort of unending diplomacy between rivals who are naturally equal. We are not at war; we are in what Hobbes specifically calls a state of war. There is a text in which he states: "Warre consisteth not in Battel onely, or in the act of fight-

ing; but in a tract of time, wherein the Will to contend by Battel is sufficiently known."⁶ The tract of time designates, then, the state and not the battle, and what is at stake is not the forces themselves, but the will, a will that is sufficiently known, or in other words [endowed with] a system of representations and manifestations that is effective within this field of primal diplomacy.

We can therefore see how and why this state—and it is not a battle or a direct clash of forces, but a certain state of the interplay of representations—is not a stage that man will abandon forever once the State is born; it is in fact a sort of permanent backdrop which cannot not function, with its elaborate wiles and its complex calcu lations, once there is nothing to provide security, to establish differ ences, and finally to give the strength to one side and not the other. So, for Hobbes, it does not all begin with war.

But how does this state, which is not a state of war but a play of presentations that allows us, precisely, to avoid war, give birth to the State—with a capital S—to Leviathan and to sovereignty? Hobbes answers this second question by making a distinction between two categories of sovereignty: sovereignty by institution and sovereignty by acquisition.⁷ A great deal has been said about sovereignty by in stitution, and Hobbes's analysis of sovereignty is usually reduced to that. Things are in fact more complicated than that. You have a com monwealth by institution and a commonwealth by acquisition, and two forms of sovereignty within the latter. In all, we therefore have States by institution, States by acquisition, and the three types or forms of sovereignty that shape those forms of power. Let us first look at commonwealths by institution, which are the most familiar; it won't take long. What is it that [happens] in the state of war that puts an end to that state of war in which, I repeat, it is not war but the representation and threat of war that are in play? Well, men make decisions. But what decisions? Not simply to transfer part of their rights or their powers to someone—or to several people. They do not even decide, basically, to transfer their rights. On the contrary, they decide to grant someone—or an assembly made up of several people— the right to represent them, fully and completely. This is not a re-

lationship in which something belonging to individuals is surrendered or delegated; it is a representation of those individuals that is surrendered or delegated. The sovereign who is so constituted will therefore be equivalent to all those individuals. He will not simply have part of their rights; he will actually take their place, and the whole of their power. As Hobbes puts it, they appoint him "to beare their person."[8] And provided that this displacement does take place, the individuals who are presented in this way are present in their representatives; and whatever their representative—or in other words, the sovereign— does, they must do. Insofar as he represents individuals, the sovereign is an exact model of those very individuals. The 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. So much for commonwealths by institution. As you can see, this mechanism consists solely of the interplay between a will, a covenant, and representation.

Let us now look at the other way in which commonwealths can be established, at what else can happen to this or that commonwealth. Let's look at the mechanism of acquisition.[9] This is apparently something very different, even the very opposite. In the case of commonwealths by acquisition, it seems that we are dealing with a commonwealth that is founded on relations of force that are at once real, historical, and immediate. If we are to understand this mechanism we have to postulate the existence of not a primitive state of war, but a real battle. Take a State that has already been constituted in accordance with the model I have just described, the model of institution. Let us suppose that this State is attacked by another in a war, with real battles and decisions that are taken by force of arms. Let us suppose that one of the States that has been constituted in this way is defeated by the other: its army is defeated and scattered, and its sovereignty is destroyed; the enemy occupies its land. We are now involved in what we were looking for from the start, or in other words, a real war, with a real battle and a real relationship of force.

There are winners and losers, and the losers are at the mercy of the winners, at their disposal. Let us now look at what happens: the vanquished are at the disposal of the victors. In other words, the victors can kill them. If they kill them, the problem obviously goes away: the sovereignty of the State disappears simply because the individuals who make up that State are dead. But what happens if the victors spare the lives of the vanquished? If they spare their lives, or if the defeated are granted the temporary privilege of life, one of two things may happen. Either they will rebel against the victors, or in other words begin a new war and try to overthrow the relation of forces, which takes us back to the real war that their defeat had, at least for a time, interrupted; either they risk their lives, or do not begin a new war and agree to work for and obey the others, to surrender their land to the victors, to pay them taxes. Here we obviously have a relationship of domination based entirely upon war and the prolongation, during peacetime, of the effects of war. Domination, you say, and not sovereignty. But Hobbes does not say that: he says we are still in a relationship of sovereignty. Why? Because once the defeated have shown a preference for life and obedience, they make their victors their representatives and restore a sovereign to replace the one who was killed in the war. It is therefore not the defeat that leads to the brutal and illegal establishment of a society based upon domination, slavery, and servitude; it is what happens during the defeat, or even after the battle, even after the defeat, and in a way, independently of it. It is fear, the renunciation of fear, and the renunciation of the risk of death. It is this that introduces us into the order of sovereignty and into a juridical regime: that of absolute power. The will to prefer life to death: that is what founds sovereignty, and it is as juridical and legitimate as the sovereignty that was established through the mode of institution and mutual agreement.

Strangely enough, Hobbes adds a third form of sovereignty to these forms—by acquisition and institution—and states that it is very similar to the institution by acquisition that appears after the end of the war, and after the defeat. This type of sovereignty is, he says, the type that binds a child to its parents or, more specifically, its mother.[10]

Take, he says, a newborn child. Its parents (its father in a civil society, or its mother in the state of nature) could simply allow it to die, or quite simply have it put to death. It cannot, in any case, live without its parents, without its mother. And for years the child will, quite spontaneously and without having to express its will other than through manifestations of its needs, its cries, its fear, and so on, obey its parents, and do exactly what it is told to do because its life depends upon her and her alone. She will enjoy sovereignty over it. Now Hobbes says that there is no essential difference between the way a child consents to its mother's sovereignty in order to preserve its own life (which does not even involve an expression of the will or a contract) and the way the defeated give their consent when the battle is over. What Hobbes is trying to demonstrate is that the decisive factor in the establishment of sovereignty is not the quality of the will, or even its form or level of expression. Basically, it does not matter if we have a knife to our throats, or if what we want is explicitly formulated or not. For sovereignty to exist, there must be— and this is all there must be—a certain radical will that makes us want to live, even though we cannot do so unless the other is willing to let us live.

Sovereignty is, therefore, constituted on the basis of a radical form of will, but it counts for little. That will is bound up with fear, and sovereignty is never shaped from above, or in other words, on the basis of a decision taken by the strong, the victor or the parents. Sovereignty is always shaped from below, and by those who are afraid. Despite the apparent differences between the two great forms of commonwealth (a commonwealth of institution born of mutual agreement, and a commonwealth of acquisition born of a battle), the mechanisms at work are at bottom identical. No matter whether we are talking about a covenant, a battle, or relations between parents and children, we always find the same series: will, fear, and sovereignty. It is irrelevant whether the series is triggered by an implicit calculation, a relationship of violence, or a fact of nature; it is irrelevant whether it is fear—the knife at our throats, the weeping of a child—that gives rise to a never-ending diplomacy. Sovereignty will

be constituted in any case. Basically, it is as though, far from being the theorist of the relationship between war and political power, Hobbes wanted to eliminate the historical reality of war, as though he wanted to eliminate the genesis of sovereignty. A large part of the discourse of *Leviathan* consists in saying: It doesn't matter whether you fought or did not fight, whether you were beaten or not; in any case, the mechanism that applies to you who have been defeated is the same mechanism that we find in the state of nature, in the constitution of a State, and that we also find, quite naturally, in the most tender and natural relationship of all: that between parents and children. Hobbes turns war, the fact of war and the relationship of force that is actually manifested in the battle, into something that has nothing to do with the constitution of sovereignty. The establishment of sovereignty has nothing to do with war. Basically, Hobbes's discourse is a certain "no" to war. It is not really war that gives birth to States, and it is not really war that is transcribed in relations of sovereignty or that reproduces within the civil power—and its inequalities—the earlier dissymmetries in the relationship of force that were revealed by the very fact of the battle itself.

Hence the problem: To whom, to what, is this elimination of war addressed, given that no previous theory of power had given war the role that Hobbes so stubbornly denies it? Basically, what adversary is Hobbes addressing when, in whole sections—in a whole stratum, a whole line of it—of his discourse he obstinately repeats: But in any case, it does not matter whether there was a war or not; the constitution of sovereignties has nothing to do with war. I think that what Hobbes's discourse is addressing is not, if you like, a specific or determinate theory, or something that could be defined as his adversary, his partner in polemic; nor is it something that could be defined as the unspoken, unavoidable problem in Hobbes's discourse, which Hobbes is doing all he can to try to avoid. At the time when Hobbes was writing, there was in fact something that could be described not as his partner in polemic, but as his strategic opposite number. In other words, 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. What Hobbes is trying, then, not to refute, but to eliminate and render impossible—his strategic opposite number—is a certain way of making historical knowledge work within the political struggle. To be more specific, Leviathan's strategic opposite number is, I think, the political use that was being made in political struggles of a certain historical knowledge pertaining to wars, invasions, pillage, dispossessions, confiscations, robbery, exaction, and the effects of all that, 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.

In a word, what Hobbes wants to eliminate is the Conquest, and also the use that was being made, in both historical discourse and political practice, of the problem of the Conquest. Leviathan's invisible adversary is the Conquest. That enormous artificial man who made all the right-thinking men of the law and philosophers tremble so, that enormous silhouette in the frontispiece to *Leviathan*, which represents the king with his sword raised and with crosier in his other hand, was basically a right-thinking man. And that is basically why even the philosophers who were so critical of him really loved him, and why even the most timorous are enchanted by his cynicism. Although it seems to be proclaiming that war is everywhere from start to finish, Hobbes's 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. I think, then, that Hobbes may well seem to shock, but he 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, and while they do criticize

Hobbes for giving the State too much power, they are secretly grateful to him for having warded off a certain insidious and barbarous enemy.

The enemy—or rather the enemy discourse Hobbes is addressing—is the discourse that could be heard in the civil struggles that were tearing the State apart in England at this time. It was a discourse that spoke with two voices. One was saying: "We are the conquerors and you are the vanquished. We may well be foreigners, but you are servants." To which the other voice replied: "We may well have been conquered, but we will not remain conquered. This is our land, and you will leave it." It is this 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. And that is of course why the philosophy of right subsequently rewarded Hobbes with the senatorial title of "the father of political philosophy." When the State capitol was in danger, a goose woke up the sleeping philosophers. It was Hobbes.

Hobbes devotes whole sections of *Leviathan* to attacking a discourse (or rather a practice) which seems to me to have appeared—if not for the first time, at least with its essential dimensions and its political virulence—in England. This is presumably the result of a combination of two phenomena. First, of course, the precocity of the bourgeoisie's political struggle against the absolute monarchy on the one hand and the aristocracy on the other. And then there is another phenomenon: the sharp awareness—even among the broad popular masses—that the Conquest had produced a long-standing division, and that it was a historical fact.

The presence of William's Norman Conquest, which began at Hastings in 1066, had manifested itself and continued to do so in many different ways, in both institutions and the historical experience of political subjects in England. It manifested itself quite explicitly in the rituals of power as, until Henry VII, or in other words, until the early sixteenth century, royal acts specifically stated that the king of England exercised his sovereignty by right of conquest. They described him as an heir to to the Normans' right of conquest. That

formula died with Henry VII. The presence of the Conquest also manifested itself in the practice of the law, as procedures and proceedings took place in French, as did disputes between the lower courts and the royal courts. Formulated from on high and in a foreign language, 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 legally 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. Hence the demand that appears so early in medieval England: "We want a law of our own, a law that is formulated in our language, that is united from below, on the basis of common law, as opposed to royal statutes." The Conquest also manifested itself in—I am taking things somewhat at random—the presence of, the superimposition of, and the conflict between two heterogeneous sets of legends. On the one hand, we have a set of Saxon stories, which were basically popular tales, mythical beliefs (the return of King Harold), the cult of saintly kings (like King Edward), and popular tales of the Robin Hood type (and you know that Walter Scott—one of the great inspirations behind Marx[11]—drew on this mythology for *Ivanhoe*[12] and a number of other novels which were of great historical importance for the historical consciousness of the nineteenth century). In addition to this mythological-popular set, we also find a set of aristocratic and quasi-monarchical legends that grew up around the Normans and which were reactivated in the sixteenth century, or at the time when Tudor absolutism was developing. They are mainly about the legend of the Arthurian cycle.[13] This is obviously not exactly a Norman legend, but it is a non-Saxon legend. The Normans reactivated the old Celtic legends that lay beneath the Saxon stratum of the population. These Celtic legends could be quite naturally reactivated by the Normans and used to the advantage of the Norman aristocracy and monarchy because of the multiple relations that existed between the Normans and the Bretons in their country of origin—and in Brittany. So we have two powerful mythological sets that

allowed England to dream of its past and its history in two completely different ways.

What is much more important than all this is that, in England, a whole historical memory of rebellions, each of which had specific political effects, signaled the presence and the effects of the Conquest. Certain of these rebellions, such as Monmouth's Rebellion, which was the first, were no doubt racial in nature.[14] Others (like the rebellion that ended with the signing of the Magna Carta) placed checks on royal power and introduced specific measures to expel foreigners (most of whom were, as it happens, Poitevins and Angevins rather than Normans). What was at stake was the right of the English people, and that right was bound up with the need to expel foreigners. 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. Even in the Middle Ages, we find phrases like this in the chronicles: "The nobles of this country are descended from the Normans; men of lowly condition are the sons of Saxons."[15] Because of the elements I have just enumerated, conflicts—political, economic, and juridical—could, in other words, easily be articulated, coded, and transformed into a discourse, into discourses, about different races. And when at the end of the sixteenth century and the beginning of the seventeenth, there appeared new political forms of struggle between the bourgeoisie on the one hand and the aristocracy and the monarchy on the other, it was, logically enough, the vocabulary of race struggle that was used to describe [these conflicts]. This type of coding, or at least the elements that were available for this coding, came into play quite naturally. I say "coding" because the theory of races did not function as a particular thesis about one group versus another. The racial divide and the systematic opposition between races were in fact a sort of instrument, both discursive and political, that allowed both sides to formulate their own theses. In seventeenth-century England, juridico-political discussions of the rights of the people and the rights of the sovereign used the kind of

vocabulary [generated] by the event of the Conquest, or the relation-ship that gave one race dominion over the other, and of the van-quished'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 parliamen-tarians or parliamentarists, and in the more extreme positions of the Levellers and the Diggers.

An effective formulation of the primacy of conquest and domina-tion can be found in what I would call, in a word, "the discourse of the king." When James I told the Star Chamber that kings sat on the throne of God,[16] he was obviously referring to the theologico-political theory of divine right. But in his view, his divine election—which effectively meant that he owned England—had been prophesied and guaranteed by the Norman victory. And when he was still only king of Scotland, James I said that because the Normans had taken pos-session of England, the laws of the kingdom were established by them.[17] This had two implications. First, it implied that England had been taken into possession, and that all English lands belonged to the Normans and the leader of the Normans, or in other words, the king. It was insofar as he was the leader of the Normans that the king was effectively the owner or proprietor of the land of England. Second, it implied that the different populations over which sovereignty was exercised did not enjoy the same right; right was the very mark of Norman sovereignty. It was established by the Normans and, of course, for their benefit. And with a cunning that caused his adver-saries considerable embarrassment, the king, or at least those who spoke the discourse of the king, used a very strange but very impor-tant analogy. I think it was Blackwood who first formulated it in 1581, in a text entitled *Apologia pro regibus*. What he says is very cu-rious. "The situation of England at the time of the Norman Conquest must in fact be understood in the same way that we now understand America's situation vis-a-vis what had yet to be called the colonial powers. The Normans acted in England as people from Europe are now acting in America." Blackwood drew a parallel between William the Conqueror and Charles V. He said of Charles V: "He subdued a

part of the West Indies by force, he left the defeated to hold their property not by emancipation, but in usufruct and subject to certain obligations. Well, what Charles V did in America—and we regard it as perfectly legitimate as we are doing the same thing—is what the Normans are doing in England, make no mistake about it. The Nor-mans are in England by the same right that we are in America, that is, by the right of colonization."[18]

At the end of the sixteenth century we have, then, if not the first, at least an early example of the sort of boomerang effect colonial practice can have on the juridico-political structures of the West. It should never be forgotten that while colonization, with its techniques and its political and juridical weapons, obviously transported Euro-pean models to other continents, it also had a considerable boomerang effect on the mechanisms of power in the West, and on the appara-tuses, institutions, and techniques of power. A whole series of colonial models was brought back to the West, and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself.

That is how the theme of race conflict functioned in the discourse of the king. And the same theme of the Norman Conquest articulates the answer the parliamentarians gave when they challenged the dis-course of the king. The way in which the parliamentarians refuted the claims of royal absolutism was also articulated around this racial dualism and the fact of the Conquest. The analysis put forward by the parliamentarians and parliamentalists begins, paradoxically, by disavowing the Conquest, or rather by wrapping the Conquest up in a eulogy to William the Conqueror and his legitimacy. They said: Make no mistake about it—and here you can see how close we are to Hobbes—Hastings, the battle, the war itself, none of that is im-portant. Basically, William was indeed the legitimate king. And he was the legitimate king quite simply because (and at this point they exhumed a number of historical facts, some true and some false) Har-old—even before the death of Edward the Confessor, who had indeed designated William as his successor—had sworn that he would not become king of England, but would surrender the throne or agree to

let William ascend the throne of England. That could not have happened in any case: given that Harold died at the Battle of Hastings, there was no legitimate successor—assuming Harold to have been legitimate—and the crown therefore naturally reverted to William. And so it transpired that William was not the conqueror of England. He inherited rights, not rights of conquest, but the rights of the existing kingdom of England. He was heir to a kingdom that was bound by a certain number of laws—and also heir to a sovereignty that was restricted by the laws of the Saxon regime. Which means, according to this analysis, that the very things that made William's monarchy legitimate also restricted its power.

Besides, add the parliamentarians, if the Conquest had taken place and if the Battle of Hastings had established a relation of pure domination between Normans and Saxons, the Conquest could not have lasted. How do you expect—they say—a few tens of thousands of wretched Normans, lost in the lands of England, to have survived, and to have established and actually maintained a permanent power? They would simply have been murdered in their beds the night after the battle. Now, at least in the early stages, there were no major rebellions, which basically proves that the vanquished did not really regard themselves as having been vanquished and occupied by the victors; they effectively recognized the Normans as people who could exercise power. And that recognition, those nonmassacres of the Normans and this nonrebellion, validated William's monarchy. William, for his part, had sworn an oath and had been crowned by the archbishop of York: he had been given the crown, and in the course of that ceremony he had sworn to respect the laws which the chroniclers described as good and ancient laws that were accepted and approved. William made himself part of the system of the Saxon monarchy that existed before him.

In a text entitled *Argumentum anti-Normannicum,* which is representative of this thesis, we find a frontispiece that provides a parallel with the frontispiece to *Leviathan.*[19] It depicts in strip format a battle, two bodies of armed men (obviously the Normans and the Saxons at Hastings) and, between the two, the corpse of King Harold: so the

legitimate monarchy of Saxons is indeed a thing of the past. Above this, a scene, in larger format, depicts William being crowned. But the coronation is staged in this way: A statue called Britannia is handing William a piece of paper on which we can read "The excellent and most famous Laws of St Edward." King William is receiving his crown from the archbishop of York while another ecclesiastic is handing him a paper on which we see the words "Coronation Oath."[20] This is a way of showing that William is not really the conqueror he claimed to be, but the legitimate heir, an heir whose sovereignty is restricted by the laws of England, the recognition given him by the church, and the oath he has sworn. Winston Churchill—the seventeenth-century one—wrote in 1675 that William did not conquer England: it was the English who conquered William.[21] And it was, according to the parliamentarians, only after the transfer of Saxon power to the Norman king—a perfectly legitimate transfer—that the Conquest really began, or in other words, that all the dispossessions, exactions, and abuses of the law began. The Conquest was the long process of usurpation that began after the coming of the Normans, and it took the organized form of what was at this very time known as "Normanism" or the "Norman yoke,"[22] or in other words, a political regime that was systematically dissymmetric and systematically in favor of the Norman monarchy and aristocracy. And all the rebellions of the Middle Ages were directed against Normanism, not against William. When the lower courts insisted on enforcing the "common law" in the face of royal statutes, they were enforcing the rights of Parliament, which was the true heir to the Saxon tradition, and resisting the abuses of power committed by the Norman monarchy and the "Normanism" that had developed after Hastings and the coming of William. The contemporary struggle, that of the seventeenth century, was also an ongoing struggle against Normanism.

Now what was this old Saxon right, which as we have seen was accepted, both de jure and de facto, by William and which, as we have also seen, the Normans attempted to smother or pervert in the years following the Conquest? The Magna Carta, the establishment of Parliament, and the revolution of the seventeenth century were all

attempts to reestablish Saxon right. What was it? Well, it was a set of Saxon laws. The major influence here was a jurist called Coke, who claimed to have discovered—and who actually had discovered—a thirteenth-century manuscript that he claimed was a treatise on the old Saxon laws.[23] It was in reality entitled *The Mirrors of Justice*, and it was an account of a certain number of practices of jurisprudence, and of public and private law in the Middle Ages.[24] Coke made it function as a treatise on Saxon right. Saxon right was described as being both the primal and the historically authentic—hence the importance of the manuscript—right of the Saxon people, who elected their leaders, had their own judges,* and recognized the power of the king only in time of war; he was recognized as a wartime leader, and not as a king who exercised an absolute and unchecked sovereignty over the social body. Saxon right was, then, a historical figure, and attempts were made—through research into the ancient history of right—to establish it in a historically accurate form. But at the same time, this Saxon right appeared to be, and was described as, the very expression of human reason in a state of nature. Jurists such as Selden, for example, pointed out that it was a wonderful right and very close to human reason because in civil terms it was more or less similar to that of Athens, and in military terms, more or less similar to that of Sparta.[25] As for the content of its religious and moral laws, the Saxon State was said to have been similar to the laws of Moses, Athens, and Sparta, but the Saxon State was of course the perfect State. In a text published in 1647, we read that "Thus the Saxons became somewhat like the Jewes, divers from all other people; their laws honourable for the King, easie for the subject; and their government above all other likest unto that of Christ's Kingdome, whose yoke is easie, and burthen light."[26] As you can see, the historicism that was being used to challenge the absolutism of the Stuarts tips over into a foundational utopia in which the theory of natural rights merged into a positive historical model and the dream of a sort of kingdom of God. And this utopia of Saxon right, which had supposedly been

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*The manuscript has "were their own judges."

recognized by the Norman monarchy, was meant to provide the juridical basis for the new republic that the parliamentarians wished to establish.

You will encounter the fact of the Conquest for a third time, this time in the radical position of those who were most opposed not only to the monarchy but even to the parliamentarians, or in other words, in the more petit bourgeois—or more popular, if you like—discourse of the Levellers, the Diggers, and so on. But this time it is only in extreme cases that historicism tips over into the sort of utopia of natural rights I was talking about a moment ago. With the Levellers we find an almost literal version of the very thesis of royal absolutism itself. What the Levellers will say is this: "The monarchy is perfectly right to say that the invasion, defeat, and Conquest did take place. It's true, the Conquest did take place, and that has to be our starting point. But the absolute monarchy interprets the fact that the Conquest took place as providing a legitimate basis for its right. We, on the other hand, interpret the fact that the Conquest did take place, and that the Saxons really were defeated by the Normans, as meaning that the defeat marked, not the beginnings of right—absolute right—but of a state of nonright that invalidates all the laws and social differences that distinguish the aristocracy, the property regime, and so on." All the laws that function in England must be regarded as tricks, traps, and wickedness—this is John Warr's text *The Corruption and Deficiency of the Laws of England*.[27] The laws are traps: they do nothing at all to restrict power. They are the instruments of power. They are not means of guaranteeing the reign of justice, but ways of promoting vested interests. The first objective of the revolution must therefore be the suppression of all post-Norman laws to the extent that, either directly or indirectly, they impose the "Norman yoke." Laws, said Lilburne, are made by conquerors.[28] The entire legal apparatus must therefore be done away with.

Second, we must also do away with all the differences that set the aristocracy—and not just the aristocracy, but the aristocracy and the king, who is a member of the aristocracy—apart from the rest of the people, because the relationship between the nobles and the king, and

the people, is not one of protection, but simply one of plunder and theft. Lilburne said that William and his successors "made Dukes, Earles, Barrons and Lords of their fellow Robbers, Rogues and Thieves."[29] It follows that today's property regime is still the wartime regime of occupation, confiscation, and pillage. All property relations—like the entire legal system—must therefore be looked at again, from top to bottom. Property relations are completely invalidated by the fact of the Conquest.

Third, we have—say the Diggers—proof that the government, the laws, and property statutes are, basically, no more than a continuation of the war, the invasion, and the defeat, because the people have always seen governments, laws, and property relations as effects of the Conquest. The people have in a sense never ceased to denounce property as pillage, laws as exactions, and governments as domination. The proof is that they have never stopped rebelling—and for the Diggers, rebellion is nothing but the obverse of the permanent war. Laws, power, and government are the obverse of war. Laws, power, and government are the obverse of the war they are waging against us. Rebellion is therefore not the destruction of a peaceful system of laws for some reason. Rebellion is a response to a war that the government never stops waging. Government means their war against us; rebellion is our war against them. Previous rebellions have, of course, been unsuccessful—not only because the Normans won, but because the rich benefited from the Norman system and treacherously supported "Normanism." The rich became traitors, and the church became a traitor. And even those elements that the parliamentarians claimed would restrict Norman right—even the Magna Carta, Parliament, and the practice of the courts—are all basically part of the Norman system of exactions. The only difference is that part of the population now helps to run it: the most privileged and rich section of the population has betrayed the Saxon cause and gone over to the Norman side. The apparent concessions were in fact no more than acts of treachery and ruses of war. Far from agreeing with the parliamentarians that laws should be established to prevent royal absolutism from prevailing against the law, the Diggers therefore say that a

war declared in response to that war must free us from all laws. The civil war against Norman power has to be fought to the end.

From this point onward, the discourse of the Levellers will develop along several very different lines, few of which were very sophisticated. One was the truly theological-radical line which said, rather like the parliamentarians: Bring back the Saxon laws: they are our laws, and they are fair because they are also the laws of nature. And then we see the emergence of another form of discourse, which is rarely spelled out in so many words, and which says: The Norman regime is a regime of pillage and exaction, and it is the outcome of a war, and what do we find beneath that regime? In historical terms, we find Saxon laws. But weren't the Saxon laws themselves the outcome of a war, a form of pillage and exaction? Ultimately, wasn't the Saxon regime itself a regime of domination, just like the Norman regime? And shouldn't we therefore go further still—this is the argument we find in certain Digger tracts[30]—and say that any form of power leads to domination, or in other words, that there are no historical forms of power, whatever they may be, that cannot be analyzed in terms of the dominion of some over others? This formulation obviously remains implicit. We find it being used as a final argument, and it never really gives rise to either a historical analysis or a coherent political practice. Yet the fact remains that you see here the first formulation of the idea that any law, whatever it may be, every form of sovereignty, whatever it may be, and any type of power, whatever it may be, has to be analyzed not in terms of natural right and the establishment of sovereignty, but in terms of the unending movement—which has no historical end—of the shifting relations that make some dominant over others.

The reason I have dwelt so long on this English discourse about the race war is that I think we see here a binary schema, a certain binary schema; and for the first time, it functions in both a political and a historical mode, both as a program for political action and as a search for historical knowledge. A schematic dichotomy between rich and poor no doubt already existed, and it divided perceptions of society in the Middle Ages, just as it did in the Greek polis. But

this is the first time a binary schema became something more than a way of articulating a grievance or a demand, or of signaling a danger. This was the first time that the binary schema that divided society into two was articulated with national phemonema such as language, country of origin, ancestral customs, the density of a common past, the existence of an archaic right, and the rediscovery of old laws. This was a binary schema that also made it possible to interpret a whole number of institutions, and their evolution over a long period of history. It also made it possible to analyze contemporary institutions in terms of confrontation and in terms of a race war which was being waged both knowingly and hypocritically, but also violently. This is, finally, a binary schema which justifies rebellion not simply on the ground that the situation of the most wretched has become intolerable and that they have to rebel because they cannot make their voices heard (which was, if you like, the discourse of medieval rebellion). Here, now, we have a call for rebellion being formulated as a sort of absolute right: we have a right to rebel not because we have not been able to make our voices heard, or because the prevailing order has to be destroyed if we wish to establish a fairer system of justice. The justification for rebellion now becomes a sort of historical necessity. It is a response to a certain social order. The social order is a war, and rebellion is the last episode that will put an end to it.

The logical and historical need for rebellion is therefore inscribed within a whole historical analysis that reveals war to be a permanent feature of social relations. War is both the web and the secret of institutions and systems of power. And I think that this is Hobbes's great adversary. Whole sections of *Leviathan* are addressed to the opponents of any philosophico-juridical discourse that founds the sovereignty of the State. The reason why he wants so much to eliminate war is that he wanted, in a very specific and meticulous way, to eliminate the terrible problem of the Conquest of England, that painful historical category, that difficult juridical category. He had to get around the problem of the Conquest, which was central to all the political discourses and programs of the first half of the seventeenth century. That is what he had to eliminate. In more general terms, and

in the longer term, what had to be eliminated was what I would call "political historicism," or the type of discourse that we see emerging from the discussions I have been talking about, that is being formulated in certain of its most radical phases, and which consists in saying: Once we begin to talk about power relations, we are not talking about right, and we are not talking about sovereignty; we are talking about domination, about an infinitely dense and multiple domination that never comes to an end. There is no escape from domination, and there is therefore no escape from history. Hobbes's philosophico-juridical discourse was a way of blocking this political historicism, which was the discourse and the knowledge that was actually active in the political struggles of the seventeenth century. Hobbes was trying to block it, just as the dialectical materialism of the nineteenth century blocked the discourse of political historicism. Political historicism encountered two obstacles. In the seventeenth century, philosophico-juridical discourse was the obstacle that tried to disqualify it; in the nineteenth century, it was dialectical materialism. Hobbes's operation consisted in exploiting every possibility—even the most extreme philosophico-juridical discourse—to silence the discourse of political historicism. Well, next time I would like to both trace the history of this discourse of political historicism and praise it.

1. "During the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man." Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), p. 88. On the *bellum omnium contra omnes*, see also Hobbes's *Elementorum philosophiae secto tertia de cive* (Paris, 1642) (French translation: *Le citoyen, ou les fondements de la politique* [Paris: Flammarion, 1982]).

2. Hobbes, *Leviathan*, p. 89.

3. Ibid., pp. 89-90.

4. Ibid., p. 90.

5. Ibid., pp. 89-90.

6. Ibid., p. 88.

7. Throughout the following discussion, Foucault refers to chapters 17-20 of part 2 of *Leviathan* ("Of Common wealth").

8. Ibid., p. 120.

9. Ibid., chapter 20.

10. Ibid.; cf. *De Cive*, II, ix.

11. On Marx's reading of Scott, see Eleanor Marx-Aveling, "Karl Marx: lose Blutter," in *Osterreichische Arbeiter-Kalander fur das Jahr 1895*, pp. 51-54 (English translation: "Stray Notes on Karl Marx," in *Reminiscences of Marx and Engels* [Moscow: Foreign Languages Publishing House, n.d.]); F. Mehring, *Karl Marx: Geschichte seines Lebens* (Leipzig: Leipziger Buchbdruckerei Actiengesellschaft, 1918), vol. 15 (French translation: *Karl Marx, Histoire de sa vie* [Paris: Editions sociales, 1983]; English translation: *Karl Marx: The Story of His Life*, tr. Edward Fitzgerald [London: Allen and Unwin, 1936]); I. Berlin, *Karl Marx* (London: Butterworth, 1939), chap. 11.

12. The action of *Ivanhoe* (1819) is set in the England of Richard the Lion-Hearted; the France of Louis XI provides the backdrop for *Quentin Durward* (1823). *Ivanhoe* is known to have influenced A. Thierry and his theory of conquerors and conquered.

13. The reference is to the cycle of legendary traditions and stories centered on the mythical figure of the British sovereign Arthur, who led the Saxon resistance during the first half of the fifth century. These traditions and legends were first collected in the twelfth century by Geoffrey of Monmouth in his *De origine et gestis regum Britanniae libri XII* (Heidelberg, 1687) and then by Robert Wace in *Le Roman de Brut* (1115) and the *Roman de Rou* (1160-1174). This is the so-called Breton material that was reworked by Chrétien de Troyes in *Lancelot* and *Perceval* in the second half of the twelfth century.

14. Geoffrey of Monmouth's account of the history of the British nation begins with the first conqueror, the Trojan Brutus. It traces British history from the Roman conquests to the British resistance against the Saxon invaders and the decline of the Saxon kingdom. This was one of the most popular works of the Middle Ages, and introduced the Arthurian legend into European literature.

15. In the manuscript, Foucault adds "Chronicle of Gloucester."

16. "Monarchae proprie sunt judices, quibus juris dicendi potestam proprie commisit Deus. Nam in throno Dei sedent, unde omnis ea facultas derivata est." James I, *Oratio habita in camera stellata* [1616], in *Opera edita a Jacabo Montacuta* (Francoforti ad Moenum et Lipsiae, 1689), p. 253. "Nihil est in terris quod non sit infra Monarchiae fastigium. Nec enim solum Dei Vicari sunt Reges, deique throno insident: sed ipso Deo Deorum nominea honorantur." *Oratori habita in comitis regni ad omenes ordines in palatio albaulae* [1690], in *Opera edita*, p. 245. On the "Divine Right of Kings," cf. *Basilikon doron, sive De institutione principis*, in *Opera edita*, pp. 63-85.

17. "Et quamquam in aliis regionibus ingentes regii sanguinis factae sint mutationes, sceptri jure ad novos Dominos jure belli translato; eadem tamen illic cernitur in terram et subditos potestatis regiae vis, quae apud nos, qui cominos numquam mutavimus. Quum

spurius ille Normandicus calidissimo cum exercitu in Angliam transiisset, quo, obsecro nisi armorum et belli jure Rex factus est? At ille leges dedit, non accepit, et vetus jus, et consuetudinem regni antiquavit, et avitis possessionibus eversis homines novos et peregrinos imposuit, suae militiae comites; quemadmodum hodie pleraque Angliae nobilitas Normannicam prae se fert originem; et legis Normandicus scriptae idiomatem facilel trastantur auctorem, nihilomonis poesteri ejus sceptrum illud hactenus faciliter tenerunt. Nec hoc soli Normanno licuit: idem jus omnibus fuit, qui ante illum victa Angliae ges dederunt." James I, *Jus liberae Monarchiae, sive De mutuis Regis liberi et populi nascendi conditione illi subditi officiis* [1598], in *Opera edita*, p. 69.

18. "Carolus quintus imperator nostra memoria partem quandam occidentalium insularum, veteribus ignotam, nobis Americae vocabulo non ita pridem auditam, vi subegit, victis sua reliquit, non macipio, sed usu, nec eo quidem perpetuo, nec gratuito, ac immuni (quod Anglis obtigit Wilielmi nothi beneficio) sed in vitae tempus prestationi certa lege locationis obligata." A. Blackwood, *Adversus Georgii Buchanani dialogum, de jure regni apud Scotus, pro regibus apologia, Pictavis, apud Pagaeum* (1581), p. 69.

19. *Argumentum anti-Normannicum, or an Argument proving, from ancient histories and records, that William, Duke of Normandy made no absolute conquest of England by the word, in the sense of our modern writers* (London, 1682). This work had been wrongly attributed to Coke.

20. For the illustration of the frontispiece see "An Explanation of the Frontispiece" in *Argumentum anti-Normannicum*, pp. 4 ff.

21. W. S. Churchill, *Divi Britannici, being a remark upon the lives of all the Kings of this Isle, from the year of the world 2855 unto the year of grace 1660* (London, 1675), fols. 189-190.

22. The theory of the "Norman yoke" (or "Norman bondage") had been popularized in the sixteenth and seventeenth centuries by political writers (Blackwood, et cetera), by the "Elizabethan Chroniclers" (Holinshed, Speed, Daniel, et cetera), by the Society of Antiquarians (Selden, Harrison, and Nowell), and by jurists (Coke, et cetera). Their goal was to "glorify the pre-Norman past" that existed before the invasion and Conquest.

23. "I have a very auntient and learned treatise of the Lawes of this kingdom whereby this Realme was governed about 1100 years past, of the title and subject of which booke the author shal tel you himself in these words. Which summary I have intituled 'The Mirrors of Justice,' according to the vertues and *substances embellies* which I have observed, and which have ben used by holy customs since the time of King Arthur and C. [...] In this booke in effect appeareth the whole frame of the auntient common Lawes of this Realme." E. Coke, *La Neuf me Part des Reports de S. Edva Coke* (London, 1613), "Lectori/To the Reader," fol. 1-32, unpaginated. Cf. *La Huctieme Part de raports de S. Edr. Coke* (London, 1602), preface, fol. 9-17; *La Dix.me Part des Reports de S. Edr. Coke* (London, 1614) preface, fol. 1-48, contains an exposition of "the nationall Lawes of our native country." It should be noted that Coke also refers to *The Mirrors of Justice* in his *Institutes*. See in particular *The Fourth Part of the Institutes of the Laws of England* (London), chaps. 7, 11, 13, 25, but especially *The Second Part of the Institutes of the Laws of England* (London, 1642), pp. 5-78.

24. *The Mirrors of Justice* was originally written in French in the late fourteenth century, probably by Andrew Horn. The English translation of 1646 made the text a basic point of reference for all supporters—both parliamentarians and radical revolutionaries—of "common law."

25. Foucault is probably referring to *An Historical discourse of the Uniformity of Governments of England. The First Part*, 2 vols. (London, 1647), edited by Nathaniel Bacon on the basis of John Selden's manuscripts (see *An Historical and Political Discourse of the Laws and Government of England ... collected from some manuscript notes of John Selden ... by Nathaniel Bacon* [London, 1689]). Selden says of the Saxons that "their judicial were very suitable to the Athenian, but their military more like the Lacedominian" (p. 15; cf. chapters 4-43). See also Selden's *Analecton anglobritannicon libri duo* (Francofurti, 1615) and *Jani Anglorum* in *Opera omnia latina et anglica* (London, 1726), vol. 2.

26. *An Historical Discourse*, pp. 112-13.

27. John Warr, *The Corruption and Deficiency of the Laws of England* (London, 1649), p. 1: "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 quarrel-
some and most fallacious in contriving of controversies and suits." Cf. ibid., chaps. 2 and
3. See also *Administration Civil and spiritual in Two Treatises* (London, 1648), I, xxxvii. It
should be noted that Warr's phrase is cited in part in Christopher Hill, *Puritanism and
Revolution* (London: Secker & Warburg, 1958), p. 78.

28. See in particular John Lilburne, *The Just Man's Justification* (London, 1646), pp. 11-13; *A
Discourse betwixt John Lilburne, close prisoner in the tower of London, and Mr. Hugh Peters*
(London, 1649); *England's Birth-right Justified against all arbitrary usurpation* (London, 1645);
Regall tyrannie Discovered (London, 1647); *England's New Chains Discovered* (London, 1648).
Most of the Levellers' tracts are collected in W. Haller and G. Davies, ed., *The Levellers'
Tracts, 1647-1653* (New York: Columbia University Press, 1944).

29. *Regall tyrranie*, p. 86. The attribution of this tract to Lilburne is uncertain; R. Overton
probably collaborated on it.

30. The best known of the Digger texts, to which Foucault may be referring here, are the
anonymous manifesto *Light Shining in Buckinghamshire* (1648) and *More Light Shining in
Buckinghamshire* (1649). Cf. G. Winstanley et al., *To his Excellency the Lord Fairfax and the
Counsell of Warre the brotherly request of thos that are called diggers sheweth* (London, 1650);
G. Winstanley, *Fire in the Bush* (London, 1650); *The Law of Freedom in a Platform, or True
Magistracy Restored* (London, 1652). See also G. H. Sabine, ed., *The Works of Gerrard
Winstanley, with an Appendix of Documents Relating to the Digger Movement* (Ithaca, N.Y.:
Cornell University Press, 1941).

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*Stories about origins. ~ The Trojan myth. ~ France's
heredity. ~ "Franco-Gallia." ~ Invasion, history, and public
right. ~ National dualism. ~ The knowledge of the
prince. ~ Boulainvilliers's "Etat de la France." ~ The clerk, the
intendant, and the knowledge of the aristocracy. ~ A new subject
of history. ~ History and constitution.*

I AM GOING TO begin with a story that started to circulate in France
at the beginning, or almost the beginning, of the Middle Ages and
that was still in circulation during the Renaissance. It tells how the
French are descended from the Franks, and says that the Franks them-
selves were Trojans who, having left Troy under the leadership of
Priam's son King Francus when the city was set on fire, initially found
refuge on the banks of the Danube, then in Germany on the banks
of the Rhine, and finally found, or rather founded, their homeland in
France. I am not interested in what this story might have meant in
the Middle Ages, or in the role that might have been played by the
legend of the wanderings of the Trojans and of the founding of the
fatherland. I simply want to look at this issue: it is after all astonishing
that this story should have been picked up and gone on circulating
in an era like the Renaissance.[1] Not because of the fantastic character
of the dynasties or historical facts to which it refers, but basically
because this legend completely elides both Rome and Gaul. It elides
the Gaul that was the enemy of Rome, the Gaul that invaded Italy