

COPYRIGHT NOTICE:

Edited by Thomas Blom Hansen and Finn Stepputat: Sovereign Bodies

is published by Princeton University Press and copyrighted, © 2005, by Princeton University Press. All rights reserved. No part of this book may be reproduced in any form by any electronic or mechanical means (including photocopying, recording, or information storage and retrieval) without permission in writing from the publisher, except for reading and browsing via the World Wide Web. Users are not permitted to mount this file on any network servers.

For COURSE PACK and other PERMISSIONS, refer to entry on previous page. For more information, send e-mail to permissions@pupress.princeton.edu

Introduction

Thomas Blom Hansen and Finn Stepputat

ON EMPIRE AND SOVEREIGNTY

The attack on the World Trade Center in September 2001 aimed at what Al-Qaeda saw as the heart of America's global empire. The subsequent reactions in America and the rest of the world demonstrated that sovereignty and its ultimate expression—the ability and the will to employ overwhelming violence and to decide on life and death—have been reconfigured in the last decades of the twentieth century. The “war on terror” and the attacks on Afghanistan and Iraq demonstrated that underneath the complex structures of power in modern, liberal societies, territorial sovereignty, and the foundational violence that gave birth to it, still remains the hard kernel of modern states—an intrinsically violent “truth” of the modern nation-state that remains its *raison d'être* in periods of crisis. *Jus ad bellum*, the possibility of waging war against those one declares as enemies remains a central dimension of how a state performs its “stateness.” At the same time, these reactions also vindicated Hardt and Negri's assertion that “imperial sovereignty” of the twenty-first century differs from earlier forms of imperial power (Hardt and Negri 2000, 161–204). As opposed to earlier eras, today's empire of global network-power has no outside. The enemies, or “deviants,” within this space of moral-political-economic domination are all “within,” and are often former allies of the U.S. government. In the simplified view of the Bush administration, these constitute an “axis of evil” that must be punished and disciplined in preemptive military strikes to secure internal peace in the United States and among its allies. The sovereign prerogative is to declare who is an internal enemy, and the “war on terror” is a war on internal enemies—within nation-states now policed under new stringent security acts, and within the global empire where legality and rights have been suspended for those declared “illegal combatants” and incarcerated in Afghan prisons, Guantanamo Bay, and other “spaces of exception.”

The global transformations of politics, economy, and culture have been explored in various ways by theorists of globalization and inter-

national relations.¹ Their obvious merits notwithstanding, these works still maintain an unbroken link between state power, sovereignty, and territory. Sovereignty resides in the state, or in institutions empowered by states, to exercise sovereign power in supra national institutions and within the nation-state defined by its territory and the control of its populations. The emphasis in this body of literature remains on sovereignty as a formal, *de jure* property whose efficacy to a large extent is derived from being externally recognized by other states as both sovereign and legitimate. This taking effective sovereignty for granted is questioned by Stephen Krasner (1999) in his influential work, “Sovereignty: Organized Hypocrisy.” Krasner shows how international sovereignty and the principles of nonintervention are being breached in numerous ways by imposition as well as agreement, but in his account, sovereignty remains inherently linked to territory and the state power of states. It seems that sovereignty cannot be imagined independently of the state.

This volume questions the obviousness of the state-territory-sovereignty link. In tune with a line of constructivist scholarship in International Relations theory (e.g., Kratochwill 1986; Ruggie 1993; Biersteker and Weber 1996) we conceptualize the territorial state and sovereignty as social constructions. Furthermore, we suggest to shift the ground for our understanding of sovereignty from issues of territory and external recognition by states, toward issues of internal constitution of sovereign power *within states* through the exercise of violence over bodies and populations.

In the *Philosophy of Right*, Hegel remarks that during “the feudal monarchy of earlier times, the state certainly had external sovereignty, but internally, neither the monarch nor the state was sovereign” (Hegel [1821] 1991, 315). This “internal sovereignty” of the modern state was only possible under “lawful and constitutional conditions,” in a unitary “Rechtsstaat” whose “ideality” would show itself as “ends and modes of operation determined by, and dependent on, *the end of the whole*” (316, emphasis as in original). Hegel makes it clear that this modern “ideality” of sovereignty can only be realized insofar as local and familial solidarities of “civil society” are sublated to expressions of patriotism through the state, particularly in situations of crisis (316). Even in this, the most systematic thinker of the modern state, sovereignty is not the bedrock of state power but a precarious effect—and an objective—of state formation.

Building on insights from a previous volume that sought to “denaturalize” the postcolonial state (Hansen and Stepputat 2001), and motivated

¹ Notably Sassen (1996); Ong (1999); Jackson (1999); Brace and Hoffman (1997); Held (2000), to mention but a few.

by global events, we propose in this volume to take a fresh and ethnographically informed look at the meanings and forms of sovereignty in the same postcolonial zones of the world. Our aims are threefold.

First, we suggest that sovereign power and the violence (or the threat thereof) that always mark it, should be studied as practices dispersed throughout, and across, societies. The unequivocal linking of sovereign power to the state is a historically contingent and peculiar outcome of the evolution of the modern state system in Europe since the Westphalian peace in 1648. The discipline of International Relations has for decades assumed states to be both normal, that is, with *de facto* legitimate control of their populations and territory, and identical, that is, with similar interests, strategies, and expected patterns of action.² To become a normal sovereign state with normal citizens continues to be a powerful ideal, releasing considerable creative energy, and even more repressive force, precisely because its realization presupposed the disciplining and subordination of other forms of authority. We suggest that sovereignty of the state is an aspiration that seeks to create itself in the face of internally fragmented, unevenly distributed and unpredictable configurations of political authority that exercise more or less legitimate violence in a territory. Sovereign power, whether exercised by a state, in the name of the nation, or by a local despotic power or community court, is always a tentative and unstable project whose efficacy and legitimacy depend on repeated performances of violence and a “will to rule.” These performances can be spectacular and public, secret and menacing, and also can appear as scientific/technical rationalities of management and punishment of bodies. Although the meanings and forms of such performances of sovereignty always are historically specific, they are, however, always constructing their public authority through a capacity for visiting violence on human bodies.

Second, the chapters in this volume foreground the ethnographic detail and the historical specificity in studies of sovereignty and its correlate, citizenship and other forms of institutionalized practices belonging to a state and/or a community defined by, but not delimited by, a territory. All contributors, whether anthropologists or not, focus on the historically embedded practices and cultural meanings of sovereign power and violence, and the *de facto* practices of citizenship and belonging in a wide range of contexts. The focus is unequivocally on the performance of sovereign power within nations, and on the precarious construction and maintenance of localized sovereign power through

² For a good critique of these assumptions, see Bartelson’s more philosophical critique of realism (Bartelson 1995, 12–52). Cynthia Weber’s incisive study of sovereignty as simulation produced through acts of international intervention (Weber 1995), and Biersteker and Weber’s volume on the social construction of sovereignty (1996).

exercise of actual or “spectral” violence—transmitted through rumors, tales, and reputations. The issue at stake is *de facto* recognition of sovereign power by local and discerning “audiences” who often pay their dues to several authorities at the same time. Taken together, the contributions make it clear that although sovereign power always seeks to project itself as given, stable and natural, it never completely manages to achieve the status of a “master signifier” that can stabilize a social order and a set of identities.³

Third, we believe that the complex history of the reconfiguration of sovereign power and citizenship in colonial and postcolonial societies demonstrates something important, and uncomfortable, about the permutations of these concepts. Colonial forms of sovereignty were more fragmented and complex, more reliant on spectacles and ceremony, and demonstrative and excessive violence, than the forms of sovereign power that had emerged in Europe after several centuries of centralizing efforts. These differences were rooted in indirect rule at a distance, to pragmatic reliance on local, indigenous forms of rule and sovereignty, and tied to the efforts at asserting racial and civilizational superiority. European states never aimed at governing the colonial territories with the same uniformity and intensity as were applied to their own populations. The emphasis was rarely on forging consent and the creation of a nation-people, and almost exclusively on securing subjection, order, and obedience through performance of paramount sovereign power and suppression of competing authorities. Demonstrative violence and short term economic exploitation were constitutive of colonial rule and took precedence over long-term economic rationalities.⁴ As a result, the configurations of *de facto* sovereign power, justice, and order in the postcolonial states were from the outset partial, competing, and unsettled.

We believe that by zooming in on the historical production and actual practices of sovereign bodies—from states, nations, communities, self-appointed big-men and leaders, to mobile individuals and political outfits—outside the metropolitan hearts of empire, this volume can

³ The poststructuralist questioning of a reasoning and unified subject and the Lacanian notion of the subject as irredeemably split has in International Relations been translated into an analogous critique of sovereignty and the sovereign state as a governing “master signifier” capable of stabilizing social identities. This critique aims at deconstructing the sovereign state as the privileged subject and actor in the international system, whose fragile constitution is concealed by formal recognition and a fiction of permanence (Edkins, Persram, and Pin-Fat 1999).

⁴ For a succinct account of how European powers applied “Westphalian” norms of diplomacy and engagement in their approach to European states and “Christian nations” while applying other, more brutal and crude methods in dealing with African and Asian kings and with the Chinese and Ottoman empires, see Strang (1996).

qualify and complicate understandings of power and sovereignty both in the postcolonial world and in “the West”; it can open new conceptual fields in the anthropology of politics; and it can demonstrate the need for more embedded and “emic” understandings of what sovereign power actually means.

IMAGINING THE “MORTALL GOD”: SOVEREIGNTY AND THE SECRET OF POWER

“The main point of sovereign majesty and absolute power consists of giving the law to subjects in general without their consent.” (Bodin 1992, Book 1, 23)

The modern notion of sovereignty as the ultimate and transcendent mark of indivisible state power emerged in Europe from the complex power struggles between the Vatican and the kings of northern and western Europe. As the idea of the ultimate authority vested in the Pope and the Holy Emperor began to crumble in the Renaissance and post-Reformation world, kings and their states increasingly became loci of both secular and divine authority. In his classic account, Laski argues that, “Luther was driven to assert the divinity of states, that the right of a secular body might be made manifest. [. . .] The state became incarnate in the Prince” (Laski 1950, 45). The rising urban bourgeoisie in many European states put their weight behind the kings in the protracted conflicts with the landed aristocracy, challenging the latter’s rights to land, taxation, and eminence. The results were varieties of absolutist power, unification of territory, and centralization of the administration of the state, as well as elevation of royal power from being bestowed through acts of investiture by the political bodies of the estates, to become originary, indivisible, and above contestation. The sovereignty of the king now became the central principle of power, a mystical and metaphysical secret, beyond the reach or comprehension of ordinary men and only answerable to the divine law. As famously put by Thomas Hobbes: “The multitude so united in one person, is called a common-wealth. This is the Generation of that great LEVIATHAN, or rather (to speak more reverently) of that Mortall God, to which we owe under the Immortal God, our peace and defense” (Hobbes 1991, 120).

This configuration of power had roots in older conceptions of kingship, not least in the late-medieval political-theological notion of “the King’s Two Bodies,” analyzed subtly by Ernst Kantorowich. In the figure of the king, two bodies were united, the “natural body” of the living king, and the more eternal and encompassing “body politic” which

expressed the office, the estates, and the majesty of the royal institution. The latter was superior to the former, and the body politic is often described as a *corpus mysticum*, a mystical body that was eternal and could not die along with the natural body. In spite of this articulation of theological concepts in the sphere of politics, there was a clear acknowledgment of royal power as not being sacred in itself, but being embedded in and dependent on the recognition of his subjects, as well as the blessings of the Church (Kantorowicz 1957, 7–23).

In contrast to this older acknowledgment of royal power as fragile and embedded, the notion of absolute rule posited a constitutive and unbridgeable distance between the sovereign and the subjects, and imposition of the will of the sovereign on the body politic. As Maritain puts it in his critique of sovereignty: “Either sovereignty means nothing, or it means supreme power separate and transcendent—not at the peak but above the peak—and ruling the entire body politic from above. That is why this power is absolute (ab-solute, that is non-bound, separate) and consequently unlimited” (Maritain 1969, 47). This configuration of sovereignty had been in gestation for a long time in Western Europe. Kings tried to carve out a space between the localized power of feudal lords, and the deeply entrenched notion of *imperium*—embodied in the Holy Roman Empire and the power of the Vatican to legislate, overrule and excommunicate disobedient kings.⁵

Hobbes’s notion of the Covenant, by which subjects give up their right to rule themselves and grant it to the overlord in exchange for protection, defined the origin of sovereign power in acts of violence that were foundational exactly because they expressed an excessive and overpowering resolve to rule on part of the king. In spite of the imputed stability and self-evidence of the Covenant, most of Hobbes’s argument circled around how sovereign power could be delegated and exercised in ways that would not undermine the status of the sovereign (esp. Hobbes 1991, 121–39). The most cursory glance at the violent constructions of centralized states of this era makes it plain that the preservation of the majesty of the sovereign king always was threatened by war and popular insubordination. The model of sovereign kingship was also from the outset challenged by other notions of legitimacy and representation of power.⁶

⁵ The elaboration of a theory of the inalienability of sovereignty was at the heart of these efforts from the twelfth century onward. As shown by Riesenber, both theorists of law as well as theologians contributed to a new idea of legitimate power and public office defined as a relationship between individual subjects and the king, rather than mediated by the estates or the *res sacrae*, the realm and property of the church (Riesenber 1956).

⁶ See, e.g., van Gelderen’s recent account of how notions of *civitas* and *respublica* in the early Dutch republic in the sixteenth century challenged and undermined the idea of kingship as the only legitimate representation of the estates (van Gelderen 2003).

The violent and yet precarious character of sovereign power was expressed even more clearly in Jean Bodin's earlier discussion of what he called the "true marks of sovereignty." As Bodin puts it: "To be able to recognize such a person—that is, a sovereign—we have to know his attributes (*marques*) which are properties not shared by subjects. For if they were shared, there would be no sovereign prince" (Bodin 1992, 46). These marks were not necessarily bodily marks or forms of dress but first and foremost a specific type of actions that by their resolve and sheer force affirmed the status of the sovereign power as indivisible, transcendent, and self-referring. Bodin enumerates ten different marks, or abilities, that mark sovereign power: to give laws and change them at will (without consent of the subjects); to wage war against opponents or enemies of the state; to appoint the highest officials of the state only at its own will; to have the last judgment (*dernier ressort*) in legal disputes and thus also the power to pardon and grant freedom to prisoners irrespective of the law; to coin and validate money within the state; to impose tax on subjects or to delegate that right to officials or lesser lords; to confiscate land and assets; to use a royal seal to validate and authorize; to change the language of his subjects; and to reserve the exclusive right for himself to bear the title of "majesty" (46–88).

What is implicit but never spelled out in Bodin's text is that sovereignty is an *effect* of these actions, and that sovereignty needs to be *performed* and reiterated on a daily basis in order to be effective, and to form the basic referent of the state. Just like power only can be known through its effects, sovereignty also was here defined as a performative category, an ontologically empty category organized around a mythical act of foundational violence, or what Derrida has called a *coup de force*, a self-referential founding of the law as ground (Derrida 1992). If sovereignty is fiction, as Runciman has proposed in a similar vein (Runciman 2003), it is made real and reproduced through ritualized, everyday confirmations of this royal violence: the giving and enforcement of laws, the killing of criminals as well as enemies of the state, or of those who did not pay due respect to the king, and so on.

The absolutist and authoritarian states developed and matured in response to the insubordination, energy, and immense creativity released by the renaissance notion of the immanence of the world, that is, the independence of the human world from the divine and the transcendent (Hardt and Negri 2000–1, 97–101). These states sought to control increasingly mobile and literate populations and evermore restless and assertive estates within the body politic. The language of sovereign power now downplayed its self-born and self-referring character and turned to increasingly moralizing and inclusive registers, positing the sovereign as serving God's will, as well as the people by obeying the

moral laws of society. In Pufendorf's classical treatise *On the Duty of Man and Citizen* (1673), sovereign power is described as founded on the consent of the people which can only be maintained if the sovereign provides safety to the people and rules in a virtuous and prudent way. The relationship between ruler and subject is described in terms of duties of the citizens but also of the sovereign who should enforce "public discipline so that the citizens conform to the precepts of the laws not so much through fear of punishment as by habituation" (Pufendorf [1673] 1991, 152).

Considering the rhetoric of sovereign power being exercised in the name and service of the people, the emergence of "the people" in the eighteenth century political debates as the ultimate source of sovereignty appears less discontinuous than sometimes made out to be. "The people" and notions of popular sovereignty were slowly invented in various forms in different states in Europe and in North America (Morgan 1988), but were never equated with what Spinoza termed "the multitude," that is, the actually existing mass of subjects. "The people" was made up of small groups of educated, wealthy, and propertied men, and of representatives of the estates—free peasants, artisans, burgers, and so on. By virtue of their control of property, of their domestic life and family, and of themselves (*qua* their Christian conscience and interiorized belief that supposedly controlled their actions), they were accorded a measure of sovereignty as individuals. Whereas the king and his *corpus mysticum* had symbolized and embodied sovereignty, the popular sovereignty was an even more abstract and transcendent principle and yet embodied in the ideal citizen, the man who is reasonable *qua* his reason, his self-control, and his property. As Lefort has remarked, democracy made political power and thus sovereignty into an "empty place," a mystical source of power that only could be temporarily manifested through representation of "the people" by "mere mortals" (Lefort, 1988, 17). The crucial marks of sovereign power—indivisibility, self-reference, and transcendence—were now embedded in the citizens. Violence was now fetishized as a weapon of reason and preservation of freedom of the citizens vis-à-vis the threats from outsiders, from internal enemies, and from those not yet fit for citizenship—slaves and colonial subjects.

The French and American revolutions did, however, open several disjunctures between people and state. The absolute monarch had represented sovereign power and the state encompassing "the people" within the body politic. Now the state and "the people" could no longer be identical and the state could become unrepresentative, illegitimate, and worthy of destruction. This crystallization of popular sovereignty did not curb the authoritarian possibilities inherent in the modern state

but created the possibility of a new and more intensive merging of state and people. New intensive and “caring” forms of government of welfare, economy, and morality had developed in towns and cities across the German speaking Central Europe in the seventeenth century. This so-called *cameralism* and the strong local patriotism it engendered became a central inspiration for the emerging nation states.⁷ As nation-states developed from the eighteenth century onward they engaged in a protracted labor to make the elusive “people” appear in tangible forms: in a shared history, in common sets of symbols emerging from everyday life (language, customs, religious life, etc.), clear boundaries, and not least, in rituals of death (punishment of traitors) and sacrifice (death and heroism in war and service of the nation) reproducing the national community. As George Mosse has pointed out, this paved the way for a direct representation of the people in mass-spectacles and the aestheticization of politics that characterized fascism. “The chaotic crowd of the ‘people’ became a mass-movement which shared a belief in popular unity through a national mystique. The new politics provided an objectification of the general will” (Mosse 1975, 2). Popular sovereignty became increasingly synonymous with national sovereignty and the people was now produced as citizens of the nation-state and their “political love” for the nation produced in schools, in the army, through innumerable institutional and disciplinary practices, pedagogy, art, songs, war, and worship (Weber 1977). The system of sovereign territorial states that had come into being after the Westphalian peace in 1648 only came into its full flourish on the European continent in the nineteenth century.

Domination of the non-European world, the race for commerce and territory, was intrinsic to this formation of sovereignty, just as the colonial world provided an essential ground for the formation of dominant ideas of nation, morality, domesticity, culture, and religion in the Western Europe. As Barry Hindess points out in this volume, vast colonial populations became integral to the international system of states as “noncitizen populations”; an illiberal and authoritarian parallel world whose subjects were permanently subordinated, serving as labor, soldiers and markets for proper and liberal European states. Similarly, the colonial territories only enjoyed a quasi-sovereignty by virtue of being the appendices to the metropolitan states.

As in the early modern period, the language of legality was the pre-

⁷ These towns, both the *Reichsstädte* formally under the Holy Roman Empire, and the *Landstätt* under the jurisdiction of local princes, enjoyed a wide array of rights and sovereignty in legal and economic matters. See Walker (1971) and Pasquino (1991). These rights and sovereignties all disappeared in the course of the rise of the unified German Reich in the nineteenth century.

ferred expression of sovereign power of the nation-state. “The people” began to acquire an altogether more stable, homogenized and orderly form as citizens were governed by law, and as states demanded primary and indivisible loyalties to the nation in return for a measure of rights. The twentieth-century history of the modern nation-state in the Western world revolved centrally around protracted struggles for recognition of citizenship rights to wider sections of the population—women, the working class, nonwhite individuals and communities, immigrants and so on—but also the granting of a wider and deeper set of rights and entitlements. In T. H. Marshall’s classical account, the notion of citizenship began with civil rights, for example, rights to property and to a fair trial in which proper individual citizens could claim *habeas corpus* (lit. the right to claim and present one’s body in front of a court), which curtailed the exercise of arbitrary state violence by defining the body of the citizen as an integral part of the sovereign body of “the people” and thus entitled to due process. The next phase was that of formal political rights to vote, to freedom of speech and assembly, in order to create political bodies representing the people and the nation; and the third phase was the social rights of the twentieth-century welfare states, in which citizenship meant access to an ever widening set of economic entitlements (Marshall 1977). As is well known, this politics of recognition (Taylor 1994) has continued to expand and proliferate, now including the recognition of a large number of cultural, religious, and sexual minorities in still more countries in the world. As we will return to later, this is a complex process with many forms driven by internal political compulsions, by increasing flexibilization of citizenship rights across national boundaries, as well as an ever more powerful discourse of human rights that impel states to grant rights, or resist from repressive measures in order not to damage their international reputation and standing within an elusive but effective “international community.”

In this “age of rights” (Bobbio 1996), it seemed possible, until very recently, to claim that the exercise of sovereignty in its arcane and violent forms was becoming a thing of the past, that sovereignty now finally rested with the citizens, at least in liberal democracies. The world order after September 11, 2001, seems to belie this optimistic assumption, and it may be useful to revise the standard history of what Foucault somewhat reluctantly called “democratization of sovereignty.” The languages of legality have, he argued, “allowed a system of rights to be superimposed upon the mechanisms of discipline in such a way as to conceal its actual procedures—the element of domination inherent in its techniques—and to guarantee to everyone, by virtue of the sovereignty of the state, the exercise of his proper sovereign rights” (Foucault 1994, 219). The crucial point is that, today, sovereignty as embodied in

citizens sharing territory and culture, and sharing the right to exclude and punish “strangers,” has become a political common sense, or what Derrida calls “ontotopology” (Derrida 1994), that defines the political frontlines on immigration in Europe, on autochthony and belonging in Africa, on majoritarianism and nation in South Asia and so on. In order to assess and understand the nature and effects of sovereign power in our contemporary world, one needs to disentangle the notion of sovereign power from the state and to take a closer look at its constituent parts: on the one hand, the elusive “secret” of sovereignty as a self-born, excessive, and violent will to rule; on the other hand, the human body and the irrepressible fact of “bare life” as the site upon which sovereign violence always inscribes itself but also encounters the most stubborn resistance.

SOVEREIGN BODIES: VIOLENCE, LAW, AND BIO-POLITICS

It was Foucault’s *Discipline and Punish: The Birth of the Prison* that more than any other work brought questions of the body to the center stage of contemporary understandings of power. The first chapter analyzes how the bodies of the condemned in their vulnerability mark “the symmetrical, inverted figure of the king” (Foucault 1977, 29), of the surplus power or excess that, as we saw above, is the mark of sovereign power. Analyzing how public torture and executions in the seventeenth and eighteenth centuries were carefully arranged to symbolically punish the limb that “committed the crime,” often executing people at the scene of the crime, Foucault argues that, “Its aim is not so much to re-establish balance as to bring into play, as its extreme point, the dissymmetry between the subject who has dared to violate the law and the all-powerful sovereign who displays his strength [. . .] the punishment is carried out in such a way as to give a spectacle not of measure, but of imbalance and excess” (49).

The body of the criminal, naked and humiliated was, in other words, the necessary double of sovereign power, its necessary surface of inscription. The tortured body transformed itself into something else, an object of collective projections of the plebeian crowd whose presence was essential to these performances of sovereignty. To some spectators, the tortured body, purged of the evil at the moment of death, became pure and almost sacred, as the sheer stubbornness of life in the bodies that refused to die became a counterpoint to royal might. The condemned sometimes became popular heroes, symbols of the injustices of the sovereign, and in many cases ineffective executioners were attacked by crowds, prisoners freed, or the dead bodies of the condemned taken

care of and given a decent burial by insurgent crowds. Foucault notes that these “disturbances around the scaffold” provided an important impetus to the rethinking of the system of prisons and punishments from the eighteenth century onward (44–69). Another motive driving the invention of the modern prison and correctional system was that the arbitrariness, the “archaic arrogance [. . .] exaggerations and loopholes” of the “super-powers of the monarch” allowed for a certain “right to illegality” at all levels of society (80) that accorded even the lowest strata a “space of tolerance” that was readily and obstinately defended. These two forms of excess, spectacular and arbitrary royal sovereignty, and the “infra-power of acquired and tolerated illegalities” of the common people came together in their most dangerous and unpredictable form around the spectacles of public executions (89).

The reaction was, as is well known from Foucault’s subsequent work, the invention of modern prison system that concealed sovereign violence within thick walls, made the condemned into “the property of society, the object of collective and useful appropriation” (109). In the penitentiaries the criminals were supposed to exercise penance and cleanse their souls but, more important, to subject their bodies to a range of new correctional disciplines that unlike the marks of sovereign power left by torture, left “traces, in the form of habits, in behavior” (131). This was in Foucault’s view a set of political technologies of the body whose functioning through minute and pedantic disciplines were fundamentally different from the archaic forms of sovereign power. This new political anatomy and its dispersed effects on individual bodies were, Foucault argued “absolutely incompatible with the relations of sovereignty,” which always “encompasses the totality of the social body” (Foucault 1994, 218) and expresses itself through a language of law and legal codification.

It seems, however, that some of the manifestations of what Foucault saw as an archaic exchange between sovereign power and the simple life of condemned bodies are still very much with us. Prison revolts or, even more effectively, hunger strikes among prisoners are often used to great symbolic effect. Not unlike the sacralization and purity of the dying or tortured body on the scaffold, the emaciated body and the suffering of the hunger-striking prisoner destroying his/her own body, transforms the prisoner from a criminal to an almost sublime and purified figure. Allen Feldman provides another striking example of this in his analysis of the “Dirty Protest” among IRA prisoners who refused to wash their bodies or wear clean clothes. Through this use, if not suspension, of their own bodies initiated a broad and powerful protest against the prison authorities that only consolidated their moral leadership among inmates as well as outside the prison walls (Feldman 1991, 167–211).

There are other examples of similar uses of the body that defies disciplinary power and challenges more conventional manifestations of sovereign violence: the civil disobedience campaigner who willingly submits his/her body to be beaten and put in prison and thus renders state power both excessively brutal and strangely impotent at the same time; or the more extreme case of the suicide bombers, whose determination to die make them manifestations of a sovereignty of will and of the individual body. Like other manifestations of sovereignty, such display of will, sacrifice and disregard of death appear both frightening and awe-inspiring as it thematizes the almost sacred character of life itself. Even in situations of total control, exception from legality, and psychological humiliation, as in the camps at Guantanamo Bay, it is imperative to keep the bodies of the prisoners alive and in good health in order not to be seen to violate the ultimate—biological life itself.

The “secret” of sovereignty seems, in other words, still to be defined in the tension between the will to arbitrary violence and the existence of bodies that can be killed but also can resist sovereign power, if nothing else by the mere fact of the simple life force they contain. If sovereign power originates in excessive and exceptional violence that wants nothing or sees nothing beyond its own benefit or pleasure, its object, but also its ultimate resistance, is found in the simple life of bodies that desires nothing beyond itself and the simple moments of pleasure of everyday life. This fundamental embeddedness of sovereignty in the body was at the center of Georges Bataille’s exploration of the concept and its meaning in the modern world. To Bataille, sovereignty is not merely an archaic form of power and subordination but articulated more fundamentally in attitudes, or acts, beyond the realm of utility and calculation. “Life beyond utility is the domain of sovereignty” (Bataille 1991, 198).⁸ Sovereign enjoyment is excessive and beyond the needs of those enjoying. A sovereign command does not calculate minutely what it wants, but inadvertently reproduces obedience *qua* its very gesture of disregard of danger and death (225–30). Sovereignty resides in every human being and shows itself in the desire to enjoy and revel in brief moments of careless freedom, in sexual ecstasy, in moments of simple nonanticipatory existence, when an individual experiences “the miraculous sensation of having the world at his disposal” (199). This was the original condition of man in “his non-alienated condition [. . .] but what is within him has a destructive violence, for example the violence of death” (214).

A part of Bataille’s essay anticipates Foucault’s work by arguing that

⁸ Georges Bataille’s work on sovereignty was written in the early 1950s but was not published until the 1970s as volume 8 (*La Souverainite*) in a series entitled *Oeuvres Completes* (1970–1988). The text referred to here is the English translation.

modern bourgeois society, and communism with even more determination, have striven to eradicate the wastefulness, irrationality and arbitrariness at the heart of sovereignty: both as a mode of power, as a mode of subordination driven by the subject's projection of their own desire onto the spectacle of wasteful luxury of the court and the king, and as a space for arbitrary and spontaneous experiences of freedom and suspension of duties. The essence of Bataille's proposition is that because the exercise of sovereignty is linked to death, excessive expenditure (*depenser*) and bodily pleasure can neither be contained by any discipline, nor be fully "democratized" into an equal dignity of all men. Because sovereignty revolves around death, the ultimate form of expenditure beyond utility, it constitutes in Mbembe's words an "anti-economy" (Mbembe 2003, 15).

To Bataille, sovereignty has no positive existence but is a miracle intrinsic to human existence and can only be determined through what he calls a "negative theology" that captures the "miraculous moments" (241) in which sovereignty is experienced: in the awe of the leader or the king, in the disregard of death, of timidity, of prohibitions. Because sovereignty flows from the assertion of a basic life force that foregrounds the body and the senses rather than the intellect, it is ultimately connected with the will to take life, and to give up one's life but not in a calculated and rational fashion. Sovereignty is the opposite of "faintheartedness" and Bataille writes: "Killing is not the only way to regain sovereign life, but sovereignty is always linked to a denial of the sentiments that death controls" (221). In Bataille's view, the divine is the ultimate sovereign phenomenon, organized around an unknowable but indivisible void, a "deep unity of NOTHING" (234), that only can be known through its effects, the enchantment it generates, the imagination it fires and the objects it sacralizes.⁹ To Bataille, the mystery of sovereignty has an irrevocably archaic quality, an "animality that we perceive in sovereignty" whose reappearance as various forms of irrational excess upsets and disturbs the ideals of equality and reciprocity forged in modern bourgeois societies (and those under communism). Echoing Mauss's notion of gift-giving as an inherently unequal form of reciprocity because the giver always retains more than he/she gives, Bataille argues that "the universal aspiration of the sovereignty of the gift giver" (347), that is, the desire to impress, assert and dominate through excessive expenditure inevitably presents a problem for the bourgeois sense of "proportionality" (348).

⁹ The generative link between violence and the sacred in the act of sacrifice is well known in the anthropology and sociology of religion from Durkheim to Otto but received its most exhaustive and philosophically inflected treatment in the work of Rene Girard (1977).

Bataille tried to understand sovereignty as a common denominator for what we may call the “gift of power”—the mystery of the will to power of certain individuals, the charisma that violence, selfishness, and ruthlessness generate—and he identified its origins in elementary life force that expresses itself in extraordinary actions and moments. For all its subtle insights, it is not surprising that Bataille’s work has been accused of rearticulating themes in the philosophical “vitalism”—from Nietzsche’s ideas of the willpower of a future superior being, Bergson’s biological ideas of the *elan vital* as an irrepressible life force, to Heidegger’s much deeper ontological reflections, and even Merleau-Ponty’s writings on emotional and embodied intensities. But, unlike these writers, Bataille shifted the emphasis from searching for the sources of the will to understanding will as an effect that is deducted from violence and other sovereign acts. However, on the whole, vitalist thinking had a troubled and ambiguous relationship with rightwing politics and critiques of modernity throughout the twentieth century.¹⁰ The crux of this problem lies in Bataille’s somewhat impoverished analysis of modern bourgeois society as governed by lifeless, disciplinary and commercial logics, and his view of sovereignty, the sacred, and the elementary forces of life as residues of an archaic age.

The positing of sovereignty as a mark of something originary, of a will that is self-born and unaccountable and yet vitalizes the dull procedures of modernity, was even more pronounced in Carl Schmitt’s earlier and controversial work on “political theology” from 1920. Written in the context of the upheavals following World War I, Schmitt’s work on “the political” as an agonistic relation between friends and foes (Schmitt [1932] 1976) was deeply skeptical of parliamentary democracy and of rationalist or idealist notions of justice that in his view basically relied on only superficially secularised Christian ideas of mercy and salvation. Instead, Schmitt proposed the Hobbesian “decisionist” argument that law does not reflect the norms of a society but rather the will, the fortitude and authority of those who decide what is law. “For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists” (Schmitt 1985, 13).

The key concept for Schmitt was here the notion of the “exception”

¹⁰ The fascination of violence and its capacity for purification and generating authenticity was along with celebration of fortitude and manliness mainstays in the cultural formations that led to Fascism. It was given literary expression by many, but most forcefully perhaps by Ernst Juenger (1996). The celebration of revolutionary violence also has a long history on the Left, from Sorel’s fascination with the “clarity” of the confrontation of “the masses” with authority (2000), to Che Guevara’s sublimation of guerilla warfare into acts of “love of the people” (MacLaren 2000).

(*Ausnahme*), which encapsulates what Bataille calls the “sovereign moment” in that it is a conceptual and normative void from where the law can be given but also where the vitality of the decision shows itself: “In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition” (15). In Schmitt’s view, sovereignty does not have the form of law; it lies behind, and makes possible the authority of the law. The specificity of the legal form lies not in content or style but in a certain excess, a surplus content that precisely is the trace of a decision: “That constitutive, specific element of a decision is, from the perspective of the content of the underlying norm, new and alien. Looked at normatively, the decision emanates from nothingness” (33).

Although Schmitt’s decisionism on the surface may appear as hard-nosed realism, it is crucially dependent on a vitalist conception of modernity and democracy as weak, formalistic, and dull social forms. In the view of Schmitt and his many contemporaries who were sympathetic to Nazism, modern society remains dependent on the passion and intensity derived from archaic and premodern phenomena such as religion, war, the magicality of the decision, and the sovereign power of the leader.

Although sovereignty and state power is implicitly equated throughout Schmitt’s work, his idea of the decision has a wider application and resonates in many ways with Bataille’s idea of sovereignty as the sensual and embodied antithesis of the normative and customary. Both agree that sovereignty and its traces are ubiquitous and important in modern societies, always appearing under the sign of something excessive, or exceptional. Yet, for all the power attributed to the sovereign decision or moment, sovereignty is beyond definition, it is a “nothingness,” a force or will that only can be known in the moment of its appearance.

In the recent work of Giorgio Agamben, one finds a highly creative attempt to combine the insights of Schmitt, Bataille, Kantorowicz, and others, and yet, through a Foucauldian optic, to get beyond the unmistakably metaphysical and vitalist tenor of their expositions. Agamben rejects Foucault’s notion of sovereignty as an archaic form of power superseded by modern biopolitics and suggests that, “the production of a biopolitical body is the original activity of sovereign power. In this sense biopolitics is at least as old as the sovereign exception” (Agamben 1998, 6).

Instead of beginning with Hobbes, the absolutist state and the origins of sovereign power in Christian theology, Agamben argues that “bare life,” or simple biological life, “has the peculiar privilege of being that whose exclusion founds the city of men” in the Western political tradi-

tion (7). In antiquity, the city and community proper consisted of free men and citizens—whereas women, slaves, outcasts, and other forms of life, that is, the majority of human beings, were excluded from the political community, and yet remained internal and crucial to society and economy.

This “inclusive exclusion” is captured in the Roman concept of *homo sacer*, the sacred man who is expelled and banished from the community and who may be killed by members of the community—but not sacrificed as he is not worthy of this gesture of honor before the divine. This figure, the outlaw, the *Friedlos*, or the convict, was historically the symbol of the outside upon whose body and life the boundaries of the political community could be built. The expulsion of someone who used to have rights as a citizen, or simply to categorize some individuals in a society as a form of life that is beyond the reach of dignity and full humanity and thus not even a subject of a benevolent power, is the most elementary operation of sovereign power—be it as a government in a nation-state, a local authority, a community, a warlord, or a local militia. At the same time, Agamben shows the figure of the sovereign to be ambiguous—a figure whose status and corporeality appears as fragile and ambivalent but also exempted from the rules of ordinary life as that of his double, the *homo sacer*, the figure symbolizing simple, mute and bare life (Agamben 1998, 49–103).

This logic of sovereign violence that founds the political community by excluding various forms of “bare life” has not disappeared with the emergence of modern biopolitical forms of governance. On the contrary. The essential operation of totalitarian power was to reduce the population to pliable bodies that could be improved, shaped, and regimented, but also exterminated if deemed unnecessary or dangerous. This operation, which aimed at containing and negating the “sovereign moments” and spontaneity of life that Bataille describes, had its counterparts in the rise of disciplinary institutions and welfare governmentality in Western democracies. In both cases this amounted to a “politicization of life” as well as a “medicalization of politics”: a political rhetoric using metaphors of contamination and diseases of the body politics, and political rationalities that employ health, risk, balance, and prophylactic action as justifications for a range of interventions, from immunization programs to eugenics. Through these medical and corporeal metaphors, the body-as-organism popularized in nationalist ideology and political romanticism, returned once again as a privileged trope of society and community.

To Agamben, “the state of exception,” the sovereign sphere deciding on the exclusion of “bare life” (*zoe*), has remained constitutive of the political community. It has acquired even more force as the empirical

“multitude” of individuals have been incorporated into the political community of “the people” through franchise, citizenship, and universal entitlements in many nation-states in the twentieth century. The exception appears in three forms. First, as ideologies and institutions of improvement of “the people”—always haunted by the connotations of being poor, undisciplined and plebeian—seeking to produce good citizens and thus constitute proper life of the community and the state. Second, the exception appears as decisions on the status of life and death as new medical technologies blur and dissolve erstwhile definitions death and as genetic engineering undermine definitions of biological life. Increasingly, biological life subjected to the authoritarian and illiberal underside of liberal democracies (Hindess 2001b), is not merely in prisons and asylums, but within the citizen’s own body—tissue, genes, or irrationalities beyond the control of the individual, legislated by the state or patented by corporations. Third, the exception is to be found in the camps of asylum seekers and refugees in many parts of the world. In this space, the displaced, the poor and the disenfranchised are governed as life outside the community while they are prepared for orderly entry into the *polis*. Agamben argues, that “the camp” has become an important, if not constitutive, metaphor of modernity, an ideal space of governance, order, categorization and discipline that in multiple forms functions as the necessary but uncomfortable and sometimes disavowed support of the reproduction of “normal” citizenship and community life (Agamben 1998, 166–80). Although immigration and accelerated movement of people around the world undoubtedly has brought the illiberal, exclusive, and sometimes openly racist dimensions of democracy and nation-states to the fore, it is equally clear that even the richest nations in the world are unable to contain and control these movements.¹¹

The readings of sovereignty that we find in Bataille, Foucault, and Agamben go against the grain of the conventional canonical definitions of Western political discourse where the sovereign state is defined as the bedrock of a “civilized” international order. These readings afford us to understand the fragility and perpetually violent character of this order. They also afford us to understand the configuration of colonial and postcolonial sovereignties not as deformed or incomplete, but as polymorphous and yet vital to the so-called Westphalian system of nation-states by virtue of constituting almost permanent zones of “exception.”

¹¹ The ambiguity of actual migration regimes are related to the continuing demands for cheap and flexible labor in the United States and Western Europe where border controls also are constrained by internationally codified rights and by public opinion.

COLONIAL AND POSTCOLONIAL CONFIGURATIONS OF SOVEREIGNTY

Over the last decade or more, a rich body of scholarship on colonialism has firmly established that the colonial world was integral to the formation of law, public institutions, cultural identities, and ideologies of rule in Europe. Technologies of public health management, crowd control, and urban planning were developed and experimented with in the colonial world (Mitchell 1988); consolidation of unitary sovereign rule in the European nation states was informed by experiments with sovereignty in the colonial world (Sen 2002); the disciplining and management of sexuality was prompted by the encounters with what was seen as an excessive sexual culture in the colonial world that would corrupt especially the lower classes in Europe (Stoler 1995, 2002); and notions of the self-restrained Western self, of literature, of “true” religion, and of the necessity of a cultural canon was prompted by the desire to present the West to the colonized people through modern education and missionary work (Asad 1973; Comaroff and Comaroff 1991, 1997; van der Veer 2001; Visvanathan, 1990, 1998). These efforts at rule, control, and generation of knowledge of the colonial worlds, as well as of the new unsettling realities of industrial modernity in the Western world, revolved around differences of culture, race, and civilization.

Colonial sovereignty defined itself in the mercantile and military logic of conquest, exploitation, and “civilization” by competing European states, and their encounters with local ideologies of rule and different notions of sovereignty. Local rulers or empires were sometimes defeated, but as often used as allies against other powers, especially in the seventeenth and eighteenth centuries when European presence in Asia and Africa was very tenuous. Colonial sovereignty was constructed slowly and piecemeal and oscillated between confrontation and alignment, between spectacular representation of European might and culture, and incorporation of local idioms and methods of rule. The establishment of a permanent administration and coherent territorial and economic control with the colonial territories, the fixing of borders and the extension of elements of metropolitan administration arrived rather late in the history of colonialism. By the late nineteenth century, the “Westphalian system” had become the dominant system regulating relations between so-called civilized nations and their colonies, while the uncolonized world of the Ottoman and Chinese empire, the kingdom of Siam, and so on were treated according to more brutal and “illegal” standards (imposition of fiscal control, conquest of mandate areas, confiscation of property, military punishment, etc.). These for-

mally sovereign states were in practice treated like “nonstate” entities—pirates, privateers, mercenary armies—that for centuries had presented an onerous problem to the dominant European powers (Thomson 1989).

As a result of this gradual process, and the controlling principle of colonial legislation and colonial subjects as permanently exempted and different from rule “at home” in Europe, colonial sovereignties became (1) partial and provisional; (2) spectacular and yet ineffective in their exercise of territorial and social control; and (3) marked by excessive and often random violence. Our proposition, similar to that of Hannah Arendt (1951), is that colonial sovereignty remained a naked version of modern sovereign power, the raw “truth” and racist underside of the modern state.

Although the forms of colonial rule and their strategies of legitimization differed a great deal between Asia, Africa, and Latin America, there were nonetheless several commonalities across time and space: the constitutive differences of race, class, and status, the incorporation of small elites into the edifice of power, and the subjection of vast populations of “inferior” or “rude” civilization. Running the risk of making undue generalizations, let us briefly sketch the formations of colonial sovereignty, and its postcolonial progenies along the four broad themes that the contributions to this volume revolve around. First, the formation of public authority through the language and performance of “the law” and the creation of public domains and specified entitlements for various groups. Second, the marking of territories and populations as domains and properties of sovereign authority—nations, communities, and states—enacting their authority through violence and rituals. Thirdly, the inscription of sovereign power upon bodies of subjects, that is, production of a variety of “bare life” as objects of punishment and exercise of authority. Finally, we take a look at more recent reconfigurations of sovereignty and citizenship in the last few decades in response to the increasing transnational movements of labor, “experts,” and refugees.

RACE, LAW, AND CITIZENSHIP

Sixteenth-century colonization of Latin America sought to construe sovereignty through a combination of rule of law and spectacular violence. In 1542, when “the New Laws” were introduced, “the time of the conquerors gave way to the time of the lawyers” (Sherman 1983, 175). Sweeping reforms undid the spatial and temporal organization of the pre-Columbian regimes by resettling the Indian population in strictly regulated towns for their administration and Christianization. Fully

equipped with Church, council, prosecutor, and jail, the towns were meant to provide the Indians with “natural law, *policía* (good Christian customs) and government” (Viceroy Toledo, quoted in Abercrombie 1998, 247). Regulations dealt explicitly with “public” space as well as the design of Indian houses, which should facilitate surveillance. Indian authorities had certain judicial powers but major offenses and penalties, such as death penalty, amputation of limbs, and cutting off ears, was the realm of the Spanish judges (242–45). Indians and non-Indians were subjected to two separate systems of administration, the Two Republics, the obligation to pay labor services and tribute/tax being one of the major differences. Until the eighteenth century, non-Indians were not allowed to settle in Indian towns, while Indians had little access to cities and urban markets and could not occupy public offices. Legal, cultural, and educational institutions were under royal control, and the reign was highly legalistic, leaving less room for representation, even to creoles, than the contemporary regimes in Spain and Portugal.

Over time, the vastness of the empires, the geographical challenges, the demographic decline and the primacy of effective accumulation of wealth to fund the Crown’s projects in Europe forced the administration to rely on existing indigenous elites, to reinvent pre-Colombian institutions for labor extraction, such as the *mita*, and to allow the creoles and settlers more room for private enterprise and encroachment on Indian land and labor. Territorial sovereignty was limited to a network of towns, cities, mines, haciendas, and plantations, and several regions remained unsettled until the late nineteenth century despite the efforts of military expeditions, by official or private armies, militias, or *bandeirantes*. The stifling fear of Indian or black slave rebellions was endemic throughout the colonial period and inspired extraordinary harsh measures of deterrence and punishment.

In the aftermath of the Independence wars, the territorial sovereignty of the new nations were less than self-evident. Towns and provinces were close to establishing a semblance of local sovereignty, and the notion of *patrias chicas*—small fatherlands—has remained meaningful well into the twentieth century. In the postcolonial landscape, the French centralizing tradition had little attraction compared to, for example, the Spanish 1812 Constitution, which provided increased power to provincial elites and some autonomy for municipalities (Mallon 2002; Thompson 2002). As much recent scholarship has shown, nineteenth-century nationalism in Latin America must be thought of in the plural as provincial elites and popular movements appropriated the ideas of nation and citizenship. The paradigmatic figure of postcolonial Latin America was the Caudillo, the military officer who forged al-

liances between local, popular movements, and factions of provincial or regional elites, engaging in struggles for regional autonomy or central power on the basis of private and official armies, militias, and guerillas (Walker 1999). This constant struggle over territorial control and social authority amongst local officials, local strongmen, and popular movements has remained a defining feature of Peruvian politics for more than a century.

As export economies advanced in the second half of the nineteenth century, state incumbents were enabled to establish permanent, professional armies and invest in infrastructural development which enhanced territorial and military control. The presence of army or police was episodic and everyday security and law enforcement was mainly taken care of by hacienda owners, voluntary police, and local strongmen with whom government representatives had to negotiate their presence and obligations. Throughout the nineteenth century, few governments in Latin America were able to generate statistics on population and economy (Centeno 2002).

The constitutions of the newly independent states in Latin America endorsed principles of popular sovereignty on the paper, but governmental practices were increasingly permeated by scientific racism and the idea that the country should be ruled by “a few good men.” The undoing of colonial institutions and the gradual advance of liberal land and labor reforms removed the relative protection Indians used to enjoy. To the white elite they became the main problem of civilization and modernization to be solved by extermination, by improvement and whitening of the race through mixture with European migrant men as in the Argentinean case, or through education and culture of the indigenous population. Thus, rather than becoming citizens of the new nation-states, they were, as Stepputat shows in the case of Peru in this volume, often reduced to subjects of indirect government by local strongmen, landowners and others who took up local government offices. As indianness increasingly became associated with the rural hinterland of modernizing towns, the colonial bifurcation of the population along racial lines and the de facto exclusion of Indians from enjoying citizenship became an enduring feature of modern Peruvian history, even though racial categories vanished from public discourse in the twentieth century.

In postrevolutionary Mexico, the forging of citizenship took place through the rhetoric of *mestizaje* and a number of related state practices, as Ana Maria Alonso shows in her contribution to this volume. The celebration of *mestizaje* and the idea of “the cosmic race” emerged as a challenge to North American imperial sovereignty and a reversal of the negative stereotyping of Mexicans as mongrels. Although *mestizaje* os-

tensibly celebrates how racial mixing of Indians and whites has produced a new indigenous Mexican, it is still suffused by racial thinking. Its ideologues regarded the process as one of white blood uplifting and invigorating a stagnant and inferior Indian race thereby homogenizing and normalizing the national citizenry. However, distinctions based on color and other bodily marks remain powerful in Mexico.

The British and Dutch colonial empires in Asia were run by private capital for almost two centuries. Territorial control was only secured gradually through war or through alignments with, or subordination of local kings and notables. Questions of adjudication of conflicts, of taxation and of converting military conquest and predatory economies into quasi-permanent settlements regulated by what was regarded as civilized law, was a slow and gradual process. Both in the Dutch Indies and in British India, the arrival of white women and a growing number of poor whites meant that earlier paternalist forms of colonisation gave way to more systematic rule. The protection of the purity of races became more prominent, miscegenation was discouraged, and racial distinctions hardened. “Racist ideology, fear of the Other [. . .] were not simply justifications for continued European rule and white supremacy [. . .] but directives aimed at dissenting European underlings” (Stoler 2002, 25).

British India was undoubtedly a laboratory of colonial rule. Here, a range of legal forms, forms of punishment, control, models of competing sovereignties, and entitlements were tried and developed only to be applied later elsewhere in the colonial world. In his contribution to this volume, Hansen argues that despite its apparently august position, law, and an extensive system of legal regulation remained merely one of several forms of sovereignty in India. Adjudication within communities, reified by colonial rule, as well as local strongmen and other informal authorities were, and still remain, as important and enduring sources of authority in India as that of the modern legal form.

The colonial and postcolonial state has several faces: one was the benevolent face that allowed the proper, respectable and educated citizens to exercise certain rights, to form an embryonic civil society and a public sphere that allowed for a measure of criticism of both the state, its laws and its institutions. After independence, national citizenship was manufactured as the cultivation of a certain attitude and ethos of participation and responsibility among the educated vis-à-vis the life of the nation and the state.

The other face was more authoritarian and more violent, a more naked representation of sovereign power of the state—whether as police brutality against popular movements, or as robust bio-political interventions in the field of health, sanitation, and slum clearances. As in

the case discussed by Chatterjee in this volume, communities and individuals from the slums and the “popular” worlds negotiate and bargain with the state authorities and politicians in order to secure livelihoods, or to prevent evictions. This sphere of direct encounters between the state and the postcolonial subjects not yet ready to be fully included in the life of the state and civil society as citizens constitutes what Chatterjee calls “political society.” Chatterjee characterizes this sphere as governed by forms of community life and rationalities that are radically different both from those of the Indian state, and those of civil society.

Whereas colonialism in Asia generally had assumed the existence of relatively codified, if decayed and decadent, forms of political authority among the colonized, the assumptions concerning Africa were rather different. The people of the continent were generally seen as being part of that awesome and cruel nature (Mudimbe 1988). Violence was intrinsic to this world and the people of Africa were seen either as subhuman or, at best, as unfinished and childlike human beings who needed paternalist care and firm rule in order to evolve (Mbembe 2001, 173–89). The scramble for Africa after 1870 resulted in a quick and often exceedingly brutal form of colonization. It was sovereignty exercised in an almost elementary form upon populations that *a priori* were reduced to the state of bare life. Colonization was a pure act of founding violence, a miracle in Bataille’s sense, argues Mbembe: “That act consists not only in ordaining without limits, but also in freeing oneself from reality’s limits” (Mbembe 2001, 188). Colonial sovereignty in Africa was organized around a perpetual violence that like in Asia and Latin America exceeded earlier forms of sovereign might in terms of its brutality, scale, and systematicity. The use of indiscriminate force created, in Mbembe’s words, “infinite permutations between what was just and what unjust, between right and non-right . . . (this) conspired to allow an arbitrariness and intrinsic unconditionality that may be said to be the distinctive feature of colonial sovereignty” (26).

Colonial administration certainly took place as a permanent, tropical, exception from common law applicable in Europe. Administrators did not have to comply with ordinary rules of bureaucratic rationality and the colonial world was from the outset marked by corruption, random and unaccountable violence, impunity, and systems of semifeudal patronage. Sovereign power was “circular,” not aiming at constructing a “public interest” or a colonial middle class like in India but merely “absolute submission” (32). The belief in living in a self-created world bred a peculiar racial narcissism. Here aristocratic lifestyles, a “tropical gothic,” and notions of heroism and adventure of an archaic past could be enjoyed and enacted by the petit-bourgeois colonial officer (Ander-

son 1990, 150). Brutal inscription of sovereign power upon bodies had also been a feature of precolonial African kingdoms but with colonialism a new idea of control of bodies and populations within precisely measured territories emerged. As Jeffrey Herbst has pointed out, precolonial kingship in Africa was defined as power over people and power radiated from centers of royal power whilst its efficacy faded as one moved away from these centers, into the almost infinite spaces of a sparsely populated continent (Herbst 2000, 40–55). Physical movement away from such centers was easy, and control of people, a scarce resource, was a perennial problem in large parts of Africa. The definition of states and sovereignty in terms of territorial unity evolved in the late colonial period but the linking of people to land, and of ethnicity to territory, only emerged as a powerful ideology of autochthony in the post-colonial states (240–42).

This form of sovereign power that Mbembe fittingly calls *commandement* was based on a deep and almost unbridgeable division of race inscribed in law, in economy and in (the absence of) rights. The result was what Mamdani has called an enduring bifurcation of the colonial state (Mamdani 1996). The urban areas were under direct rule, governed by law and bestowing rights on “civilized men” that is, white settlers and colonizers, whereas the natives living in the cities only enjoyed a limited set of civil rights, such as a right to property, but also often enjoying some opportunities of education and other forms of paternalist “grooming” and improvement. The vast majority of the colonized populations lived under indirect rule, or under the customary law that different colonial regimes over time codified if not invented.¹² This bifurcation was never complete and the proliferating mission stations in the countryside saw themselves as islands of order, aiming at imparting “civilization” by more benevolent means such as new disciplines of the body, obedience to the Christian God, and so on (Comaroff and Comaroff 1991, 1997). Using the example of the structure of kingship in the Zulu kingdom, Mamdani argues that precolonial kingship often was far removed from the despotic and arbitrary powers given to the chiefs under colonialism. In contrast to the centralized and violent assertions of royal power in Europe, the Zulu kings were elected among their peers, and disobedience to the king, even attempts at regicide or desertion of the king and tribe, was at the most punished with a fine of

¹² These systems gave rise to the legal pluralism that characterizes most African and other postcolonial societies and have been explored by a large number of studies. Native customary laws were for instance mapped in Zambia by Max Gluckman (Gluckman 1955, 1969) and “traditional” myths of power and kingship explored in a structuralist analysis by Luc de Heusch (Heusch 1982). Among the proliferating studies of legal pluralism, Sally Falk Moore’s work still stands out as a classic (Moore 1978).

cattle (44). There were of course major differences between areas and colonial strategies. Territories as Congo, Angola, and Mocambique were scantily but brutally administered, whereas in settler colonies (Kenya, South Africa, and Rhodesia) the promotion of commercial farming and the allocation of “communal” land for African peasants played a key role in the evolution of a more intensive and morally inflected strategies aiming at incorporating and subordinating Africans within the economy and the state (Munro 1998).

In spite of vast differences between territories and continents, there is little doubt that the territorial control of colonial states generally was patchy and highly uneven; their monopoly of violence was at best incomplete—often farmed out to chiefs, community leaders, or other dispensers of indirect rule—but always excessive and spectacular; their biopolitical strategies mainly aimed at urban areas, seen as loci of law and civilization, aiming at producing subjects rather than citizens and always circumscribed by race and imperatives of order and economic frugality.

POSTCOLONIAL ANXIETIES, DEATH, AND THE RITUALS OF STATE

If the colonial state was built on the assertion of sovereignty without a referent, anticolonial movements strove to produce *national people* that could fill the void, and become the referent that made the power of the state legitimate. Once in charge of the erstwhile colonial administrative apparatus, the new national elites devoted enormous energy and pedagogical ingenuity to the task of converting colonial subjects into national citizens—capable of responsible public conduct, loyal to the state and prepared to accept their responsibility as the backbone of society in return for privileges and recognition from the state. To this day, the production of citizenship—understood as display of patriotic loyalty and of “civic conduct” in the public domain rather than formal or effective political rights—takes place as much in schools as in the streets, or at the ballot box, in societies like Mexico, India, Nigeria or Turkey. In schools, children are taught patriotism as a supreme value, and citizenship is not necessarily linked to freedom or rights.¹³ Drawing on anti-colonial ideology, the sovereignty of postcolonial nations have been rooted in the supposed autochthony of colonized people in “their” territories. The ostracization and killing of nonautochthonous “aliens”

¹³ This marks another vast field of research but, to mention a few works on state formation and education, see for Mexico Morales-Gomez (1990) and Vaughan (1997); for Peru, Wilson (2001); for India, see V. Benei (2000) and N. Kumar (2001); for Turkey, see Navaro-Yashin (2002, 188–204).

have haunted postcolonial nations from Indonesia to India and East Africa. In their contribution to this volume, Jean and John Comaroff show that powerful notions of autochthony and naturalized ideas of origins have surfaced in an anxious postapartheid South Africa. Panics regarding “invasions of alien plants” into the country are metonymically related to, and fueled by, arrival of large numbers of migrants from the rest of Africa, derogatorily known as *makwerekwere*.

The traces of the colonial state, or the culture of colonialism, have not withered away, however. Sovereignty in the postcolonial world has in many ways remained provisional and partial, despotic and excessively violent. As Jackson (1990) has pointed out in his work on “quasi-states,” the difference between legal and effective sovereignty was huge in the newly independent states. In many, territorial control has been heavily militarized often because of conflicts with neighboring states—as in South Asia, East Asia, and the Middle East—or in the name of national security when armed groups have challenged state sovereignty—as in many countries in Latin America. Often the internal cohesion and the monopoly of violence has remained as fictional and incoherent as during colonial rule. In parts of Africa, the territorial sovereignty of the postcolonial states has been eroded by to such an extent that it only exists in a formal sense, devoid of any monopoly of violence and replaced by zones of unsettled sovereignties and loyalties. These sovereignties are claimed and exercised by rebel armies, ethnic communities promoting powerful notions of autochthony, transnational Christian and Muslim organizations, vigilante groups, and economic networks, multinationals, and mining concessions governing large areas and numbers of people by what Mbembe calls “private indirect government” often including private security and police forces (Mbembe 2000, 2001, 66–101).

Interpreting the current “dispersion of state power and fragmentation of society” across Africa in Bataille’s terms, Mbembe argues in this volume that sovereignty increasingly is performed through excessive expenditure of money, foreign goods, human life, and so on. This pattern has in turn given rise to a cultural repertoire of hypermasculine militarism that from Sierra Leone to Congo has literalized the notion of the political as a state of “generalized war.”

The state still exists but merely as one of several possible dispensers of violence and coercion, and one of several instruments of taxation and exploitation. The often debated failure of post colonial states to develop into functioning bureaucracies that can underpin democratic rule has often been reduced to a relative absence of civil society and the preponderance of patrimonial structures and charismatic politics that have their roots in “traditional” African forms of power and prestige. But as

pointed out by several scholars, the transference of already fictionalized/utopian notions of civil society from European society to Africa fails to understand how the history of sovereignty on the continent has left it deeply fragmented and bereft of meaningful notions of shared publics, and impartial civilities.¹⁴ For all its fragmentation, impotence, and the *de facto* regime of impunity it often protects, the state remains both a powerful and lethal instrument in the hands of repressive and dominant elites, as it can be a locus of utopian hopes for the future as in Uganda or South Africa, or a symbol of the armed ethnic and “racialized” community as in Rwanda or Zimbabwe.¹⁵

Although many states in Asia appear more in control of territory and economy, the authority of the state is neither uncontested nor compelling. Equally powerful forms of *commandement* construct ethnic, national, or religious communities as sovereign entities that demand space, recognition, and annihilation of its perceived enemies in what is seen as a life and death struggle for the survival of the community or the nation. Examples of such disjunctions between the sovereignty of the state and the sovereignty of the nation-community abound. They all revolve around the right to kill and punish and dehumanize the ethnic other with impunity in the name of a higher cause: the ongoing civil war in Sri Lanka, the recurrent anti-Muslim pogroms in India in the name of “protection” of the Hindu majority, the Islamic radicals who fight for the “liberation” of Kashmir, or the Islamists in Indonesia, Pakistan, or Malaysia who put loyalty to the Ummah and Islamic injunctions of the Sharia above that of the nation-state and its legal edifice.

One of the defining characteristics of “communal riots” and massacres unfolding from Indonesia, over India to sub-Saharan Africa is that state agencies like their colonial predecessors, construct them as cataclysmic “events without actors.” They are seen as spontaneous outbursts of anger and irrationality of the masses. Only in very rare cases are rioters arrested and prosecuted as these events in practice are treated as collective imbalances in society, often as legitimate forms of revenge and inevitable political performances, not criminal offences, or challenges to the formal sovereignty of the law. Needless to say, this has rendered an enormous space for impunity for ethnic and religious mil-

¹⁴ See J. Comaroff and J. Comaroff (1999a); Karlstrom (1999); Bayart (1986). For a classical view of patrimonialism in Africa, see Clapham (1982) and Bayart (1993), for a more sophisticated view that stresses cultural repertoires of action and authority.

¹⁵ For Rwanda, see, for example, Mamdani 2000; for Burundi, see Lemarchand (1996); and, for Zulu nationalist politics, see Mare (1992). For a highly interesting interpretation through the prism of sovereignty of the spectacular violence and anticolonial “racialisation” that characterizes Zimbabwe’s current “suicidal governance” in Zimbabwe, see Worby (2003).

itants and *de facto* sovereignty of ethnic and religious communities within the state across Asia and Africa.

The presence of the state in Latin America is simultaneously highly conspicuous and clandestine, as Taussig argues. The presence of the notion of the state, of a ubiquitous and frightening power is linked to the way “violence and reason blend—of ghosts and images, and, above all, of formless, nauseating, intangibility. [. . .] the invisibility of security forces and strategic confusion as to numbers and force of bodies of armed men acting in the name of the state” (Taussig 1997, 121–22). Although the presence of the state in Latin America is manifested in competitive public spectacles and populist performances, perfected among others by Fujimori in Peru, the continent has a longstanding tradition of clandestine and deadly violence. Thousands disappearing in the night, wars on “social evils” from crime and drugs to migrants and people fleeing from rural violence, and so on are recurring elements in Latin American history. Whether the invisible and death squads operating in the dark of the night, actually work on behalf of state institutions, or against their will, is difficult to know with certainty. But given a long history of state-sponsored terror, ordinary people do not hesitate to name the state as being the actor behind such acts. Another “truth” of sovereignty—that its fragility that makes it dependent on being performed and reiterated through resolute violence in order to show its “true marks” as Bodin said—has left its mark on populations throughout the postcolonial world.

In this situation of fragile, eroding, and contested sovereignty, and faced with mounting expectations of high profile presence and benevolence, governments often stage high-profile spectacles to make themselves visible. The theater of conspicuous performance of power over life in the postcolony described by Mbembe for Cameroon (Mbembe 1992); the performance of the authoritarian possibilities of the state in India in the 1970s (Tarlo 2000); or the conspicuous display of state power and its roots in an autochthonous past by the Nigerian state through enactment of a modern version of the colonial *darbar* (Apter 1999a), or its obverse, the proliferation of scams and tricksters in the transnationalized Nigerian economy (Apter 1999b), have their roots in the peculiar colonial sovereignty.

The “weakness” of everyday stateness is often countered by attempts to make state power highly visible. In this endeavor, issues of security, crime, and punishment occupy a privileged arena for performance of sovereign power. The peculiar quasi-state of northern Cyprus, analyzed by Navaro-Yashin in this volume, exists because of a continuing Turkish military presence on the island. The regime seeks nonetheless to reiterate its own legitimacy through incessant parades, rhetoric and

spectacular and excessive signs of its own existence—gestures that largely are ignored by the population. Yet, the anchoring of the unrecognized “republic” on a clearly demarcated territory and its exercise of control through a clandestine network of men—known for their excessive brutality and determination—rooted in the underground movement of the 1960s, has until now managed to reproduce an effective, if deeply traumatic, Turkish-Cypriot identity.

BODY, LOCALITY, AND INFORMAL SOVEREIGNTY

Colonial biopolitics shared many rationalities and modes of intervention with similar policies in Europe but the methods of disciplining, of persuasion and negotiation did not aim at creating responsible and self-governing individuals as Cruikshank points out in the context of the early twentieth-century United States (Cruikshank 1999). By contrast, colonial biopolitics took the form of generalized indirect rule and generally aimed at governing groups and communities at a distance. The worlds of the colonial subjects remained somewhat opaque and impenetrable and were always approached through what was assumed to be local and “natural leaders” of communities and localities. Motivated by important economic interests and the attempt to continue racial domination, colonial forms of biopolitics received their most comprehensive form in South Africa. As Steffen Jensen demonstrates in his exploration of a township in Cape Town in this volume, multiple government reports have in the course of the twentieth century diagnosed “colored” people as inherently criminal and thus in need of both paternalist care and firm regulation. In spite of this massive governmental regulation, actual power over life and death in the colored townships lies with local gangsters rather than a dreaded police force.

The colonial bifurcation of populations into educated, respectable quasi-citizens entrusted with governmental and civic responsibilities and the uneducated, innocent masses that could be turned into dangerous passion-driven mobs in need of strict policing, also persisted in many postcolonial states. The “multitude” still needed to be groomed, educated, policed and governed with a firm hand in order to evolve into a proper “people-nation.” The relationships between the state and the popular world have often been violent. This “political society” is the locus public authority incarnated in the ubiquitous “big men”—the tough, self-made criminal-strongman-fixer-and politician who increasingly dominate the political life in slums and townships in South Asia, and many parts of Africa and South East Asia. These men command zones of local sovereign power not entirely “penetrated” or governed

by the state—neither by biopolitics, nor by languages of legality—and are still approached by governmental agencies through mediators as it happened during colonial rule.

Decisions on life, death, punishment, rewards, taxation, and territorial control are made every day by dispensers of justice that owe their standing to their own reputations, the fear and respect they command, and their capacity for violence. As Lars Buur points out in his analysis of informal community courts in South Africa in this volume, these institutions have roots in the colonial past but they are not mere residues, or reappearances, of precolonial “traditional” power that have survived colonial rule and encounters with modernity. They are, on the contrary, entirely modern forms of power and authority, a zone of sovereignty informed by the morality and self determination of community so celebrated during the struggle against apartheid, now devised to enforce public morality and reinscribe patriarchal power upon bodies of young men and women in the townships.

Hansen’s exploration of “repertoires of authority” in urban India, in this volume, demonstrates that those who define and wield informal sovereignty often are accomplished business people, activists, local politicians as well as criminal figures.¹⁶ They have managed to capture, privatize or make semi-autonomous territories, institutions, identity forms, and practices in the interstices of the fragmented configuration of sovereign power in the modern city-scapes. India’s dynamic democracy has enabled these men to present themselves as populist heroes, representing manly virtues (*mard*) and defending neighborhoods and community life. J. F. Bayart captures a similar phenomenon in Africa in the ubiquitous “trickster” as an enduring cultural model of the daring, creative, and highly mobile individual—physically and socially—who may end up as a respected businessman or political figure (Bayart 1999).

As we saw above in the brief history of modern sovereign power, it needs bodies and “bare life” to manifest itself. Although the sovereignty of the nation or community can be inscribed upon the dead body of an ethnic or racial other, and the authority of local strongmen is manifested by their punishment of deviants or “outsiders,” the other of the state is always a murky, secretive, and ubiquitous world of the traitor, the spy, and the gangster. As Siegel shows in the context of Indonesia in the 1980s and 1990s, the Suharto regime was adept in a politics of vague rumors and allegations that produced a steady flow of stories in the tabloid and popular press about mysterious “criminals” in Jakarta. These stories created a climate of fear, a sense of a ubiquitous and un-

¹⁶ For examples of such forms of power mixing business and politics in urban Pakistan, see Verkaaik (1999); or in urban India, see Hansen (2001b).

definable enemy, and allowed the police and other agencies of the state to constantly perform its part as a guarantee of normalcy and safety (Siegel 1998).

In Mumbai, the figure of the Muslim gangster combines many of the moral ambiguities and the opacity of the metropolis, with allegations of loyalty to Pakistan. The dreaded figure of the Muslim gangster don had been built up in the popular press for decades and in 1998 the police launched a sustained offensive against the underworld. In the following years, hundreds of alleged gangsters, or what the police called “notorious characters” perished in nocturnal shoot-outs and encounters (Hansen 2001b, 185–93).

The gangster, the underworld, or the informal sovereign who has become “a law unto himself” are, in other words, central to the endeavors of governments and police forces to produce legitimacy, and to perform the sovereignty of the state. Likewise, both the underworld and the imputed amorality or corruption of state functionaries are central to the production of its opposite, “the community,” as a sovereign repository of moral values and authentic sociality. Criminality as a “zone of darkness” is, in brief, the perennial outside, an unruly and originary source of sovereign life, and thus a necessary condition for any claim to establish and defend a social order.

POSTCOLONIAL CITIZENSHIP IN THE EMPIRE

The neoliberal global order that has arisen after the Cold War has undoubtedly weakened the capacity of most non-Western states to protect their own markets and currencies, or to regulate the economic flows across its borders. The shock and feelings of vulnerability vis-à-vis the huge but strangely anonymous forces of global finance capital are palpable in countries like India and South Africa that until the early 1990s had sheltered their economies behind high tariffs and heavily interventionist economic regimes.

As Saskia Sassen has put it, sovereignty is being “unbundled”—away from the nation-state and into new and partially global and supra national arenas and institutions that have created new rules constraining the possible actions of states. Examples are the emerging international legal regimes regulating trade, investment and arbitration, the international human rights regimes, the World Trade Organization (WTO), the European Union, environmental agreements, and so on (Sassen 1996, 1–30). The classical counterposition of the sovereignty of the nation-state pursuing territorial control and the interests of transnational companies in evading control does not obtain anymore. As

Sassen notes, territories are being “denationalized,” not by compulsion but by being literally farmed out to global capital as “special economic zones” of free trade and investment. This implies that states are willing to construct “graduated sovereignty” over territory, economy, and also labor, as Ong notes in the context of South East Asian states as Malaysia or Indonesia (Ong 1999, 214–39). But it also implies an expansion and flexibilization of the meaning of citizenship in several respects. First of all, a new type of citizenship, that of “economic citizenship,” is emerging. It does not belong to citizens, Sassen argues, but to “. . . firms and markets, particularly the global financial markets, and it is located not in individuals, not in citizens, but in global economic actors” (Sassen 1996, 38). These global players can demand concessions and protection from states, tax holidays, disciplined labor, macro-economic stability, and so on, in return for investment, jobs, and hard currency. The highly skilled labor, consultants, and professionals who accompany, work for, and facilitate the work of such large “corporate citizens” have acquired unprecedented options in terms of mobility and flexibility of access to various nation-states—a process Ong traces in the context of the Chinese diaspora (Ong 1999, 110–58). In this world of fast information flows, effective lobbying, and the ability to generate capital across the globe, the nation-state appears weak, eroded, and increasingly porous.

States remain, however, crucial players in the transnational movement of people, labor, ideas, and loyalties. The expanding transnational spaces that now stretch across oceans and continents and also have become important targets for governmental intervention and attempts to retain or renew loyalty to the “old” country. In her contribution to this volume, Ong shows that alongside highly educated Chinese transpacific, multi-sited families, there is a large and impoverished and marginalized group of Chinese migrants seeking entry into North America. Such heterogeneous groups have widely different relationship with the Chinese state and are treated very differently by North American authorities.

The notion of “diaspora,” of loss of homeland and original culture, now proliferates among transnational populations. Upward mobile and politically conservative professionals and business people promote diasporic sentiments and sentimental attachments to the homeland. Proliferating “diasporas” crystallize in diverse transnational entrepreneurial networks, and cultural, religious, and political organizations and often receive handsome backing from governments in the nation-states of their origin. There are successful attempts not only to retain loyalty and secure remittances from transnationalized citizens but also to assert the sovereignty of the nation-state beyond its territorial boundaries. One obvious example is how the secular Turkish state for decades discreetly has supported the dispatching of religious teachers in order

to retain and renew the loyalty of the large populations of *gastarbeitern* all over Europe. The Turkish government has discouraged Turks from taking up citizenship in their new countries of residence and has insisted on the obligation of young men who have grown up in Hamburg, Geneva, or Oslo to serve their time as conscripts in the Turkish military. Van der Veer's analysis in this volume of the recruitment of IT engineers in India to work in the United States provides another example of the crucial and continuing role of both state regulation and national imaginaries. Van der Veer shows that this process of "body shopping" goes hand in hand with the consolidation of conservative Hindu notions of Indian culture and the proliferation of support for militant Hindu nationalism among these affluent and successful expatriates.

The government of India now offers so-called People of Indian Origin cards, or dual citizenship to people of Indian origin as far as four generations back. These cards provide a type of quasi citizenship in India and constitute only a minor part of a larger effort by the right-wing Indian government to convert diverse, often wealthy populations of Indian origin into a permanently attached "expatriate nation," or a "global Indian family" (Hansen 2002). This practice has produced intransigent problems of racial or cultural determination of indianness and has in practice moved the definition of Indian citizenship away from the formal principle of *jus soli* toward a racially tinged *jus sanguinis* principle. In general, languages of blood have reemerged, which may be taken as a symbol of the resurgence of "long distance nationalisms" (Anderson 1994). Although diasporic dynamics and transnational nation-state formation were largely invisible in the post-World War II period, transmigrants were seen as important participants in nation-state formation in the late nineteenth century, in the countries they left, as well as where they arrived. Today, in a very different configuration of states, capital, ideology, and transnational movement, racialized national definitions of eligibility legitimate the actions of states of origin, but also of the attempts of host-governments to control human mobility (Glick-Schiller 1999).

The world of mobile and transnational citizens of the empire's global network capital is vastly different, and separated, from, the world of the ordinary labor migrant, the international refugee, or the illegal alien living in the large cities across the world. Toward these groups of people who perform essential low wage service-functions in the ever more informalized global economy, nation states appear as "hard" and impenetrable as ever. Often loathed among the more sedentary populations, as well as among highly paid mobile professionals, these groups are blamed for rising social costs and social unrest in Europe, for unemployment and destabilization of the nation in Southern Africa and in

South Asia, and so on. International migrants are subjected to the harshest measures available to contemporary nation-states.

In Western Europe, illegal migrants or asylum seekers are kept confined in camps and are the objects of much public interest. “Diasporic” loyalties, religious practices, and links to the homeland of the ordinary migrant are treated as a problem and a manifestation of disloyalty to their new country of residence. Oivind Fuglerud’s contribution to this volume explores how the Norwegian authorities inscribe a hegemonic set of “cultural values” upon its territory and population as it seeks to control, know, and domesticate non-European refugees. Fuglerud demonstrates that such cultural and historical rhetoric is informed by the exercise of the sovereign right to decide on exclusions from the community. As Michael Walzer has argued, admission and exclusion “suggest the deepest meaning of self-determination” (1983, 62). Although the camp may be the implied rationality of much governance, or the attempts to govern, most encounters between migrants and the communities they live among take place beyond the control of the state, and beyond ordered camps or refugee centers.

Similar problems face the much larger populations of migrants and illegal aliens living in the large cities across the postcolonial world, although the capacity and will of governments to regulate and occasionally deport these groups vary a great deal. In countries in East Asia, in Malaysia, and in Saudi Arabia, the import, and frequent deportation of labor from neighboring countries take place with much determination and brutality. Countries such as India, Indonesia, South Africa, or Mexico are both unable and unwilling to exercise strict governmental control over the vast flow of bodies across their borders, and in and out of their cities. Instead, migrants are at the mercy of local forms of sovereignty and do frequently become the object of hateful pogroms and harassment by organizations claiming to protect the interests and culture of autochthonous citizens of the respective states. The migrant and the illegal alien is often linked to the anonymous and opaque dangers of the city and its underworld(s). Groups of “diasporic” young men are increasingly perceived as security threats in the heart of Western metropolises.

Migrants have, in other words, emerged as the “bare life” of our times—the in-between forms of life, uncoded substances without fixed belongings, unprotected by “their” states (unlike the skilled workers in the global knowledge economy), that is, a form of human life upon which the sovereignty of states, of ethnic/religious communities and local strongmen can be performed and “natured,” as the Comaroffs put it.

These areas of exceptions are, in more than one sense, manifested by

the refugee camps administered by the U.N. system that dot conflict-ridden parts of the non-Western world. Turner's contribution to this volume explores the complex and overlapping forms of sovereignty at work in a camp for Hutu refugees from Burundi. He shows that the "benevolent" and highly professional authoritarianism of the U.N. seeks to reduce the refugee to "pure victims"—an entire population in suspension—but also that this project constantly is pierced and undermined by the return of other, and older forms of sovereign power, such as exile political formations and local strongmen.

Modern states seek not only to produce citizens who are responsible and amenable to rational self-governance. They also seek to make these citizens bearers of the sovereignty of the nation and the state and thus, in a sense, produce their own ideal cause: the eighteenth-century idea, that the sovereignty of the state is the sum of, and expression of, the aggregate of each individual citizen. Thus, beneath the governance through reason and norms, lies the imperative of obedience to the rules, and further yet, the performance of violence and the armed protection of the community—Home Guards, civil patrols, the armed forces, and so on. The assertion in Western states after September 11 of the "hard kernel" of sovereignty is, among many other things, manifested in substantial expansions of these forms of domestic defense forces, or the huge Homeland Security program in the United States, many of which are based on voluntary commitments from citizens. These institutions—the armed heart of the sovereign nations—are both the instrument of national integration (as in the United States and Israel) and simultaneously closed to anyone considered culturally or religiously "alien."

The production of sovereignty through the nation and the state are, in other words, often exclusive projects that inadvertently presuppose and produce large numbers of poor, marginalized, or ethnic others as outsiders, people who are not yet ready to become citizens or included in the true political-cultural community. The state finds itself in constant competition with other centers of sovereignty that dispense violence as well as justice with impunity—criminal gangs, political movements or quasi-autonomous police forces that each try to assert their claims to sovereignty. In such situations, the state is not the natural and self-evident center and origin of sovereignty, but one among several sovereign bodies that tries to assert itself upon the bodies of asylum seekers, "terrorists," or mere criminals.