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BIOPOLITICAL PRODUCTION

The "police" appears as an administration heading the state, together with the judiciary, the army, and the exchequer. True. Yet in fact, it embraces everything else. Turquet says so: "It branches out into all of the people's conditions, everything they do or undertake. Its field comprises the judiciary, finance, and the army." The police includes everything.

Michel Foucault

From the juridical perspective we have been able to glimpse some of the elements of the ideal genesis of Empire, but from that perspective alone it would be difficult if not impossible to understand how the imperial machine is actually set in motion. Juridical concepts and juridical systems always refer to something other than themselves. Through the evolution and exercise of right, they point toward the material condition that defines their purchase on social reality. Our analysis must now descend to the level of that materiality and investigate there the material transformation of the paradigm of rule. We need to discover the means and forces of the production of social reality along with the subjectivities that animate it.

Biopower in the Society of Control

In many respects, the work of Michel Foucault has prepared the terrain for such an investigation of the material functioning of imperial rule. First of all, Foucault's work allows us to recognize a historical, epochal passage in social forms from disciplinary society to the society of control. Disciplinary society is that society in which social command is constructed through a diffuse network of dispositifs or apparatuses that produce and regulate customs, habits, and productive practices. Putting this society to work and ensuring obedience to its rule and its mechanisms of inclusion and/or exclusion are accomplished through disciplinary institutions (the prison, the factory, the asylum, the hospital, the university, the school, and so forth) that structure the social terrain and present logics adequate to the "reason" of discipline. Disciplinary power rules in effect by structuring the parameters and limits of thought and practice, sanctioning and prescribing normal and/or deviant behaviors. Foucault generally refers to the ancien régime and the classical age of French civilization to illustrate the emergence of disciplinarity, but more generally we could say that the entire first phase of capitalist accumulation (in Europe and elsewhere) was conducted under this paradigm of power. We should understand the society of control, in contrast, as that society (which develops at the far edge of modernity and opens toward the postmodern) in which mechanisms of command become ever more "democratic," ever more immanent to the social field, distributed throughout the brains and bodies of the citizens. The behaviors of social integration and exclusion proper to rule are thus increasingly interiorized within the subjects themselves. Power is now exercised through machines that directly organize the brains (in communication systems, information networks, etc.) and bodies (in welfare systems, monitored activities, etc.) toward a state of autonomous alienation from the sense of life and the desire for creativity. The society of control might thus be characterized by an intensification and generalization of the normalizing apparatuses of disciplinarity that internally animate our common and daily practices, but in contrast to discipline, this control extends well outside the structured sites of social institutions through flexible and fluctuating networks.

Second, Foucault's work allows us to recognize the biopolitical nature of the new paradigm of power. Biopower is a form of power that regulates social life from its interior, following it, interpreting it,
absorbing it, and rearticulating it. Power can achieve an effective
command over the entire life of the population only when it be-
comes an integral, vital function that every individual embraces and
reactivates of his or her own accord. As Foucault says, “Life has
now become . . . an object of power.” The highest function of
this power is to invest life through and through, and its primary
task is to administer life. Biopower thus refers to a situation in
which what is directly at stake in power is the production and
reproduction of life itself.

These two lines of Foucault’s work dovetail with each other
in the sense that only the society of control is able to adopt the
biopolitical context as its exclusive terrain of reference. In the passage
from disciplinary society to the society of control, a new paradigm
of power is realized which is defined by the technologies that
recognize society as the realm of biopower. In disciplinary society
the effects of biopolitical technologies were still partial in the sense
that disciplining developed according to relatively closed, geometri-
cal, and quantitative logics. Disciplinariness fixed individuals within
institutions but did not succeed in consuming them completely in
the rhythm of productive practices and productive socialization; it
did not reach the point of permeating entirely the consciousnesses
and bodies of individuals, the point of treating and organizing them
in the totality of their activities. In disciplinary society, then, the
relationship between power and the individual remained a static one:
the disciplinary invasion of power corresponded to the resistance of
the individual. By contrast, when power becomes entirely biopoli-
tical, the whole social body is comprised by power’s machine and
developed in its virtuality. This relationship is open, qualitative,
and affective. Society, subsumed within a power that reaches down
to the ganglia of the social structure and its processes of development,
reacts like a single body. Power is thus expressed as a control that
extends throughout the depths of the consciousnesses and bodies of
the population—and at the same time across the entirety of
social relations.

In this passage from disciplinary society to the society of con-
trol, then, one could say that the increasingly intense relationship
of mutual implication of all social forces that capitalism has pursued
throughout its development has now been fully realized. Marx
recognized something similar in what he called the passage from
the formal subsumption to the real subsumption of labor under
capital, and later the Frankfurter School philosophers analyzed a
closely related passage of the subsumption of culture (and social
relations) under the totalitarian figure of the state, or really within
the perverse dialectic of Enlightenment. The passage we are refer-
ing to, however, is fundamentally different in that instead of focusing
on the unidimensionality of the process described by Marx and
reformulated and extended by the Frankfurter School, the Foucaul-
dian passage deals fundamentally with the paradox of plurality and
multiplicity—and Deleuze and Guattari develop this perspective
even more clearly. The analysis of the real subsumption, when this
is understood as investing not only the economic or only the cultural
dimension of society but rather the social bios itself, and when it is
attentive to the modalities of disciplinariness and/or control, disrupts
the linear and totalitarian figure of capitalist development. Civil
society is absorbed in the state, but the consequence of this is an
explosion of the elements that were previously coordinated and
mediated in civil society. Resistances are no longer marginal but
active in the center of a society that opens up in networks; the
individual points are singularized in a thousand plateaus. What
Foucault constructed implicitly (and Deleuze and Guattari made
explicit) is therefore the paradox of a power that, while it unifies
and envelops within itself every element of social life (thus losing
its capacity effectively to mediate different social forces), at that
very moment reveals a new context, a new milieu of maximum
plurality and uncontrollable singularization—a milieu of the event.

These conceptions of the society of control and biopower
both describe central aspects of the concept of Empire. The concept
of Empire is the framework in which the new omniversality of
subjects has to be understood, and it is the end to which the new
paradigm of power is leading. Here a veritable chasm opens up
between the various old theoretical frameworks of international
law (in either its contractual and/or U.N. form) and the new reality

of the power of Empire, and given its inability to touch biopower concretely in all its material aspects, imperial right can at best only partially represent the underlying design of the new constitution of world order, and cannot really grasp the motor that sets it in motion. Our analysis must focus its attention rather on the productive dimension of biopower.\textsuperscript{11}

The Production of Life

The question of production in relation to biopower and the society of control, however, reveals a real weakness of the work of the authors from whom we have borrowed these notions. We should clarify, then, the “vital” or biopolitical dimensions of Foucault’s work in relation to the dynamics of production. Foucault argued in several works in the mid-1970s that one cannot understand the passage from the “sovereign” state of the ancien régime to the modern “disciplinary” state without taking into account how the biopolitical context was progressively put at the service of capitalist accumulation: “The control of society over individuals is not conducted only through consciousness or ideology, but also in the body and with the body. For capitalist society biopolitics is what is most important, the biological, the somatic, the corporeal.”\textsuperscript{12}

One of the central objectives of his research strategy in this period was to go beyond the versions of historical materialism, including several variants of Marxist theory, that considered the problem of power and social reproduction on a superstructural level separate from the real, base level of production. Foucault thus attempted to bring the problem of social reproduction and all the elements of the so-called superstructure back to within the material, fundamental structure and define this terrain not only in economic terms but also in cultural, corporeal, and subjective ones. We can thus understand how Foucault’s conception of the social whole was perfected and realized when in a subsequent phase of his work he uncovered the emerging outlines of the society of control as a figure of power active throughout the entire biopolitics of society. It does not seem, however, that Foucault—even when he powerfully
grasped the biopolitical horizon of society and defined it as a field of immanence—ever succeeded in pulling his thought away from that structuralist epistemology that guided his research from the beginning. By structuralist epistemology here we mean the reinvention of a functionalist analysis in the realm of the human sciences, a method that effectively sacrifices the dynamic of the system, the creative temporality of its movements, and the ontological substance of cultural and social reproduction. In fact, if at this point we were to ask Foucault who or what drives the system, or rather, who is the “bios,” his response would be ineffable, or nothing at all. What Foucault fails to grasp finally are the real dynamics of production in biopolitical society.

By contrast, Deleuze and Guattari present us with a properly poststructuralist understanding of biopower that renews materialist thought and grounds itself solidly in the question of the production of social being. Their work demystifies structuralism and all the philosophical, sociological, and political conceptions that make the fixity of the epistemological frame an ineluctable point of reference. They focus our attention clearly on the ontological substance of social production. Machines produce. The constant functioning of social machines in their various apparatuses and assemblages produces the world along with the subjects and objects that constitute it. Deleuze and Guattari, however, seem to be able to conceive positively only the tendencies toward continuous movement and absolute flows, and thus in their thought, too, the creative elements and the radical ontology of the production of the social remain insubstantial and impotent. Deleuze and Guattari discover the productivity of social reproduction (creative production, production of values, social relations, affects, becomings), but manage to articulate it only superficially and ephemerally, as a chaotic, indeterminate horizon marked by the ungraspable event.

We can better grasp the relationship between social production and biopower in the work of a group of contemporary Italian Marxist authors who recognize the biopolitical dimension in terms of the new nature of productive labor and its living development in society, using terms such as “mass intellectuality,” “immaterial labor,” and the Marxian concept of “general intellect.” These analyses set off from two coordinated research projects. The first consists in the analysis of the recent transformations of productive labor and its tendency to become increasingly immaterial. The central role previously occupied by the labor power of mass factory workers in the production of surplus value is today increasingly filled by intellectual, immaterial, and communicative labor power. It is thus necessary to develop a new political theory of value that can pose the problem of this new capitalist accumulation of value at the center of the mechanism of exploitation (and thus, perhaps, at the center of potential revolt). The second, and consequent, research project developed by this school consists in the analysis of the immediately social and communicative dimension of living labor in contemporary capitalist society, and thus poses insistently the problem of the new figures of subjectivity, in both their exploitation and their revolutionary potential. The immediately social dimension of the exploitation of living immaterial labor immerses labor in all the relational elements that define the social but also at the same time activate the critical elements that develop the potential of insubordination and revolt through the entire set of laboring practices. After a new theory of value, then, a new theory of subjectivity must be formulated that operates primarily through knowledge, communication, and language.

These analyses have thus reestablished the importance of production within the biopolitical process of the social constitution, but they have also in certain respects isolated it—by grasping it in a pure form, refining it on the ideal plane. They have acted as if discovering the new forms of productive forces—immaterial labor, massified intellectual labor, the labor of “general intellect”—were enough to grasp concretely the dynamic and creative relationship between material production and social reproduction. When they reinsert production into the biopolitical context, they present it almost exclusively on the horizon of language and communication. One of the most serious shortcomings has thus been the tendency
among these authors to treat the new laboring practices in biopolitical society only in their intellectual and incorporeal aspects. The productivity of bodies and the value of affect, however, are absolutely central in this context. We will elaborate the three primary aspects of immaterial labor in the contemporary economy: the communicative labor of industrial production that has newly become linked in informational networks, the interactive labor of symbolic analysis and problem solving, and the labor of the production and manipulation of affects (see Section 3.4). This third aspect, with its focus on the productivity of the corporeal, the somatic, is an extremely important element in the contemporary networks of biopolitical production. The work of this school and its analysis of general intellect, then, certainly marks a step forward, but its conceptual framework remains too pure, almost angelic. In the final analysis, these new conceptions too only scratch the surface of the productive dynamic of the new theoretical framework of bio-power.\(^{17}\)

Our task, then, is to build on these partially successful attempts to recognize the potential of biopolitical production. Precisely by bringing together coherently the different defining characteristics of the biopolitical context that we have described up to this point, and leading them back to the ontology of production, we will be able to identify the new figure of the collective biopolitical body, which may nonetheless remain as contradictory as it is paradoxical. This body becomes structure not by negating the originary productive force that animates it but by recognizing it; it becomes language (both scientific language and social language) because it is a multitude of singular and determinate bodies that seek relation. It is thus both production and reproduction, structure and superstructure, because it is life in the fullest sense and politics in the proper sense. Our analysis has to descend into the jungle of productive and conflictual determinations that the collective biopolitical body offers us.\(^{18}\) The context of our analysis thus has to be the very unfolding of life itself, the process of the constitution of the world, of history. The analysis must be proposed not through ideal forms but within the dense complex of experience.

Corporations and Communication

In asking ourselves how the political and sovereign elements of the imperial machine come to be constituted, we find that there is no need to limit our analysis to or even focus it on the established supranational regulatory institutions. The U.N. organizations, along with the great multi- and transnational finance and trade agencies (the IMF, the World Bank, the GATT, and so forth), all become relevant in the perspective of the supranational juridical constitution only when they are considered within the dynamic of the biopolitical production of world order. The function they had in the old international order, we should emphasize, is not what now gives legitimacy to these organizations. What legitimizes them now is rather their newly possible function in the symbology of the imperial order. Outside of the new framework, these institutions are ineffectual. At best, the old institutional framework contributes to the formation and education of the administrative personnel of the imperial machine, the “dressage” of a new imperial élite.

The huge transnational corporations construct the fundamental connective fabric of the biopolitical world in certain important respects. Capital has indeed always been organized with a view toward the entire global sphere, but only in the second half of the twentieth century did multinational and transnational industrial and financial corporations really begin to structure global territories biopolitically. Some claim that these corporations have merely come to occupy the place that was held by the various national colonialismand imperialist systems in earlier phases of capitalist development, from nineteenth-century European imperialism to the Fordist phase of development in the twentieth century.\(^{19}\) This is in part true, but that place itself has been substantially transformed by the new reality of capitalisms. The activities of corporations are no longer defined by the imposition of abstract command and the organization of simple theft and unequal exchange. Rather, they directly structure and articulate territories and populations. They tend to make nation-states merely instruments to record the flows of the commodities, monies, and populations that they set in motion. The transnational corporations directly distribute labor power over various markets,
functionally allocate resources, and organize hierarchically the various sectors of world production. The complex apparatus that selects investments and directs financial and monetary maneuvers determines the new geography of the world market, or really the new biopolitical structuring of the world.  

The most complete figure of this world is presented from the monetary perspective. From here we can see a horizon of values and a machine of distribution, a mechanism of accumulation and a means of circulation, a power and a language. There is nothing, no "naked life," no external standpoint, that can be posed outside this field permeated by money; nothing escapes money. Production and reproduction are dressed in monetary clothing. In fact, on the global stage, every biopolitical figure appears dressed in monetary garb. "Accumulate, accumulate! This is Moses and the Prophets!".

The great industrial and financial powers thus produce not only commodities but also subjectivities. They produce agentic subjectivities within the biopolitical context: they produce needs, social relations, bodies, and minds—which is to say, they produce producers. In the biopolitical sphere, life is made to work for production and production is made to work for life. It is a great hive in which the queen bee continuously oversees production and reproduction. The deeper the analysis goes, the more it finds at increasing levels of intensity the interlinking assemblages of interactive relationships.

One site where we should locate the biopolitical production of order is in the immaterial nexuses of the production of language, communication, and the symbolic that are developed by the communications industries. The development of communications networks has an organic relationship to the emergence of the new world order—i.e., in other words, effect and cause, product and producer. Communication not only expresses but also organizes the movement of globalization. It organizes the movement by multiplying and structuring interconnections through networks. It expresses the movement and controls the sense and direction of the imaginary that runs throughout these communicative connections; in other words, the imaginary is guided and channelled within the communicative machine. What the theories of power of modernity were forced to consider transcendent, that is, external to productive and social relations, is here formed inside, immanent to the productive and social relations. Mediation is absorbed within the productive machine. The political synthesis of social space is fixed in the space of communication. This is why communications industries have assumed such a central position. They not only organize production on a new scale and impose a new structure adequate to global space, but also make its justification immanent. Power, as it produces, organizes; as it organizes, it speaks and expresses itself as authority. Language, as it communicates, produces commodities but moreover creates subjectivities, puts them in relation, and orders them. The communications industries integrate the imaginary and the symbolic within the biopolitical fabric, not merely putting them at the service of power but actually integrating them into its very functioning.

At this point we can begin to address the question of the legitimation of the new world order. Its legitimation is not born of the previously existing international accords nor of the functioning of the first, embryonic supranational organizations, which were themselves created through treaties based on international law. The legitimation of the imperial machine is born at least in part of the communications industries, that is, of the transformation of the new mode of production into a machine. It is a subject that produces its own image of authority. This is a form of legitimation that rests on nothing outside itself and is reposed ceaselessly by developing its own languages of self-validation.

One further consequence should be treated on the basis of these premises. If communication is one of the hegemonic sectors of production and acts over the entire biopolitical field, then we must consider communication and the biopolitical context coexistent. This takes us well beyond the old terrain as Jürgen Habermas described it, for example. In fact, when Habermas developed the concept of communicative action, demonstrating so powerfully its productive form and the ontological consequences deriving from
that, he still relied on a standpoint outside these effects of globalization, a standpoint of life and truth that could oppose the informational colonization of being. The imperial machine, however, demonstrates that this external standpoint no longer exists. On the contrary, communicative production and the construction of imperial legitimation march hand in hand and can no longer be separated. The machine is self-validating, autopoietic—that is, systemic. It constructs social fabrics that evacuate or render ineffective any contradiction; it creates situations in which, before coercively neutralizing difference, seem to absorb it in an insignificant play of self-generating and self-regulating equilibria. As we have argued elsewhere, any juridical theory that addresses the conditions of postmodernity has to take into account this specifically communicative definition of social production. The imperial machine lives by producing a context of equilibria and/or reducing complexities, pretending to put forward a project of universal citizenship and toward this end intensifying the effectiveness of its intervention over every element of the communicative relationship, all the while dissolving identity and history in a completely postmodernist fashion. Contrary to the way many postmodernist accounts would have it, however, the imperial machine, far from eliminating master narratives, actually produces and reproduces them (ideological master narratives in particular) in order to validate and celebrate its own power. In this coincidence of production through language, the linguistic production of reality, and the language of self-validation resides a fundamental key to understanding the effectiveness, validity, and legitimation of imperial right.

**Intervention**

This new framework of legitimacy includes new forms and new articulations of the *exercise of legitimate force*. During its formation, the new power must demonstrate the effectiveness of its force at the same time that the bases of its legitimation are being constructed. In fact, the legitimacy of the new power is in part based directly on the effectiveness of its use of force.

The way the effectiveness of the new power is demonstrated has nothing to do with the old international order that is slowly dying away; nor has it much use for the instruments the old order left behind. The deployments of the imperial machine are defined by a whole series of new characteristics, such as the unbounded terrain of its activities, the singularization and symbolic localization of its actions, and the connection of repressive action to all the aspects of the biopolitical structure of society. For lack of a better term we continue to call these “interventions.” This is merely a terminological and not a conceptual deficiency, for these are not really interventions into independent juridical territories but rather actions within a unified world by the ruling structure of production and communication. In effect, intervention has been internalized and universalized. In the previous section we referred to both the structural means of intervention that involve the deployments of monetary mechanisms and financial maneuvers over the transnational field of interdependent productive regimes and interventions in the field of communication and their effects on the legitimation of the system. Here we want to investigate the new forms of intervention that involve the exercise of physical force on the part of the imperial machine over its global territories. The enemies that Empire opposes today may present more of an ideological threat than a military challenge, but nonetheless the power of Empire exercised through force and all the deployments that guarantee its effectiveness are already very advanced technologically and solidly consolidated politically.

The arsenal of legitimate force for imperial intervention is indeed already vast, and should include not only military intervention but also other forms such as moral intervention and juridical intervention. In fact, the Empire's powers of intervention might be best understood as beginning not directly with its weapons of lethal force but rather with its moral instruments. What we are calling moral intervention is practiced today by a variety of bodies, including the news media and religious organizations, but the most important may be some of the so-called non-governmental organi-
ations (NGOs), which, precisely because they are not run directly by governments, are assumed to act on the basis of ethical or moral imperatives. The term refers to a wide variety of groups, but we are referring here principally to the global, regional, and local organizations that are dedicated to relief work and the protection of human rights, such as Amnesty International, Oxfam, and Médecins sans Frontières. Such humanitarian NGOs are in effect (even if this runs counter to the intentions of the participants) some of the most powerful pacific weapons of the new world order—the charitable campaigns and the mendicant orders of Empire. These NGOs conduct “just wars” without arms, without violence, without borders. Like the Dominicans in the late medieval period and the Jesuits at the dawn of modernity, these groups strive to identify universal needs and defend human rights. Through their language and their action they first define the enemy as privation (in the hope of preventing serious damage) and then recognize the enemy as sin.

It is hard not to be reminded here of how in Christian moral theology evil is first posed as privation of the good and then is defined as culpable negation of the good. Within this logical framework it is not strange but rather all too natural that in their attempts to respond to privation, these NGOs are led to denounce publicly the sinners (or rather the Enemy in properly inquisitional terms); nor is it strange that they leave to the “secular wing” the task of actually addressing the problems. In this way, moral intervention has become a frontline force of imperial intervention. In effect, this intervention prefigures the state of exception from below, and does so without borders, armed with some of the most effective means of communication and oriented toward the symbolic production of the Enemy. These NGOs are completely immersed in the biopolitical context of the constitution of Empire; they anticipate the power of its pacifying and productive intervention of justice. It should thus come as no surprise that honest juridical theorists of the old international school (such as Richard Falk) should be drawn in by the fascination of these NGOs. The NGOs’ demonstration of the new order as a peaceful biopolitical context seems to have blinded these theorists to the brutal effects that moral intervention produces as a prefiguration of world order.32

Moral intervention often serves as the first act that prepares the stage for military intervention. In such cases, military deployment is presented as an internationally sanctioned police action. Today military intervention is progressively less a product of decisions that arise out of the old international order or even U.N. structures. More often it is dictated unilaterally by the United States, which charges itself with the primary task and then subsequently asks its allies to set in motion a process of armed containment and/or repression of the current enemy of Empire. These enemies are most often called terrorist, a crude conceptual and terminological reduction that is rooted in a police mentality.

The relationship between prevention and repression is particularly clear in the case of intervention in ethnic conflicts. The conflicts among ethnic groups and the consequent reinforcement of new and/or resurrected ethnic identities effectively disrupt the old aggregations based on national political lines. These conflicts make the fabric of global relations more fluid and, by affirming new identities and new localities, present a more malleable material for control. In such cases repression can be articulated through preventive action that constructs new relationships (which will eventually be consolidated in peace but only after new wars) and new territorial and political formations that are functional (or rather more functional, better adaptable) to the constitution of Empire.33 A second example of repression prepared through preventive action is the campaigns against corporative business groups or “mafias,” particularly those involved in the drug trade. The actual repression of these groups may not be as important as criminalizing their activities and managing social alarm at their very existence in order to facilitate their control. Even though controlling “ethnic terrorists” and “drug mafias” may represent the center of the wide spectrum of police control on the part of the imperial power, this activity is nonetheless normal, that is, systemic. The “just war” is effectively supported by the “moral police,” just as the validity of imperial right and its legitimate
functioning is supported by the necessary and continuous exercise of police power.

It is clear that international or supranational courts are constrained to follow this lead. Armies and police anticipate the courts and preconstitute the rules of justice that the courts must then apply. The intensity of the moral principles to which the construction of the new world order is entrusted cannot change the fact that this is really an inversion of the conventional order of constitutional logic. The active parties supporting the imperial constitution are confident that when the construction of Empire is sufficiently advanced, the courts will be able to assume their leading role in the definition of justice. For now, however, although international courts do not have much power, public displays of their activities are still very important. Eventually a new judicial function must be formed that is adequate to the constitution of Empire. Courts will have to be transformed gradually from an organ that simply decrees sentences against the vanquished to a judicial body or system of bodies that dictate and sanction the interrelation among the moral order, the exercise of police action, and the mechanism legitimating imperial sovereignty.  

This kind of continual intervention, then, which is both moral and military, is really the logical form of the exercise of force that follows from a paradigm of legitimation based on a state of permanent exception and police action. Interventions are always exceptional even though they arise continually; they take the form of police actions because they are aimed at maintaining an internal order. In this way intervention is an effective mechanism that through police deployments contributes directly to the construction of the moral, normative, and institutional order of Empire.

Royal Prerogatives
What were traditionally called the royal prerogatives of sovereignty seem in effect to be repeated and even substantially renewed in the construction of Empire. If we were to remain within the conceptual framework of classic domestic and international law, we might be tempted to say that a supranational quasi-state is being formed. That does not seem to us, however, an accurate characterization of the situation. When the royal prerogatives of modern sovereignty reappear in Empire, they take on a completely different form. For example, the sovereign function of deploying military forces was carried out by the modern nation-states and is now conducted by Empire, but, as we have seen, the justification for such deployments now rests on a state of permanent exception, and the deployments themselves take the form of police actions. Other royal prerogatives such as carrying out justice and imposing taxes also have the same kind of liminal existence. We have already discussed the marginal position of judicial authority in the constitutive process of Empire, and one could also argue that imposing taxes occupies a marginal position in that it is increasingly linked to specific and local urgencies. In effect, one might say that the sovereignty of Empire itself is realized at the margins, where borders are flexible and identities are hybrid and fluid. It would be difficult to say which is more important to Empire, the center or the margins. In fact, center and margin seem continually to be shifting positions, fleeing any determinate locations. We could even say that the process itself is virtual and that its power resides in the power of the virtual.

One could nonetheless object at this point that even while being virtual and acting at the margins, the process of constructing imperial sovereignty is in many respects very real! We certainly do not mean to deny that fact. Our claim, rather, is that we are dealing here with a special kind of sovereignty—a discontinuous form of sovereignty that should be considered liminal or marginal insofar as it acts “in the final instance,” a sovereignty that locates its only point of reference in the definitive absoluteness of the power that it can exercise. Empire thus appears in the form of a very high tech machine: it is virtual, built to control the marginal event, and organized to dominate and when necessary intervene in the breakdowns of the system (in line with the most advanced technologies of robotic production). The virtuality and discontinuity of imperial sovereignty, however, do not minimize the effectiveness of its force;
on the contrary, those very characteristics serve to reinforce its apparatus, demonstrating its effectiveness in the contemporary historical context and its legitimate force to resolve world problems in the final instance.

We are now in the position to address the question whether, on the basis of these new biopolitical premises, the figure and the life of Empire can today be grasped in terms of a juridical model. We have already seen that this juridical model cannot be constituted by the existing structures of international law, even when understood in terms of the most advanced developments of the United Nations and the other great international organizations. Their elaborations of an international order could at the most be recognized as a process of transition toward the new imperial power. The constitution of Empire is being formed neither on the basis of any contractual or treaty-based mechanism nor through any federative source. The source of imperial normativity is born of a new machine, a new economic-industrial-communicative machine—in short, a globalized biopolitical machine. It thus seems clear that we must look at something other than what has up until now constituted the bases of international order, something that does not rely on the form of right that, in the most diverse traditions, was grounded in the modern system of sovereign nation-states. The impossibility, however, of grasping the genesis of Empire and its virtual figure with any of the old instruments of juridical theory, which were deployed in the realist, institutionalist, positivist, or natural right frameworks, should not force us to accept a cynical framework of pure force or some such Machiavellian position. In the genesis of Empire there is indeed a rationality at work that can be recognized not so much in terms of the juridical tradition but more clearly in the often hidden history of industrial management and the political uses of technology. (We should not forget here too that proceeding along these lines will reveal the fabric of class struggle and its institutional effects, but we will treat that issue in the next section.) This is a rationality that situates us at the heart of biopolitics and biopolitical technologies.

If we wanted to take up again Max Weber’s famous three-part formula of the forms of legitimation of power, the qualitative leap that Empire introduces into the definition would consist in the unforeseeable mixture of (1) elements typical of traditional power, (2) an extension of bureaucratic power that is adapted physiologically to the biopolitical context, and (3) a rationality defined by the “event” and by “charisma” that rises up as a power of the singularization of the whole and of the effectiveness of imperial interventions. The logic that characterizes this neo-Weberian perspective would be functional rather than mathematical, and rhizomatic and undulatory rather than inductive or deductive. It would deal with the management of linguistic sequences as sets of machinic sequences of denotation and at the same time of creative, colloquial, and irreducible innovation.

The fundamental object that the imperial relations of power interpret is the productive force of the system, the new biopolitical economic and institutional system. The imperial order is formed not only on the basis of its powers of accumulation and global extension, but also on the basis of its capacity to develop itself more deeply, to be reborn, and to extend itself throughout the biopolitical latticework of world society. The absoluteness of imperial power is the complementary term to its complete immanence to the ontological machine of production and reproduction, and thus to the biopolitical context. Perhaps, finally, this cannot be represented by a juridical order, but it nonetheless is an order, an order defined by its virtuality, its dynamism, and its functional inconclusiveness. The fundamental norm of legitimation will thus be established in the depths of the machine, at the heart of social production. Social production and juridical legitimation should not be conceived as primary and secondary forces nor as elements of the base and superstructure, but should be understood rather in a state of absolute parallelism and intermixtue, coextensive throughout biopolitical society. In Empire and its regime of biopower, economic production and political constitution tend increasingly to coincide.