Refiguring the multitude

From exodus to the production of norms

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> The fundamental faith of the metaphysicians is *the faith in antithetical values*.
>
> Friedrich Nietzsche, *Beyond Good and Evil*, §2

Hardt and Negri describe *Multitude* (2004) as a 'sequel' to *Empire* (2000). But for many this book will seem a strange successor. *Empire*, for all its radicalism, is a studiously academic, resolutely interdisciplinary work, and accordingly it has found critics and adherents in a variety of academic disciplines (law, politics, philosophy, sociology, postcolonial studies). The sequel *Multitude*, by contrast, is a less academic and more obviously politically motivated work. It remains to be seen how well *Multitude* is received in the academy – it is clearly written with a more general audience in mind. The tone is less theoretical and the language less technical than *Empire*. Whereas the first book proceeded with brazen decisiveness and theoretical inventiveness, *Multitude*, by comparison, is almost apologetic about its innovations; no sooner has it declared itself to be 'a philosophical book' than it is making concessions to the reader. All in all, one has less the sense of being *told* about a new network power and society currently transforming the globe than of being *invited to participate* in this transformation in whichever way possible. Such a shift in rhetorical strategy undoubtedly reflects, in part, Hardt and Negri's attempt to regain their footing after the unanticipated blow to the ontogeny of Empire that took place on 11 September 2001. One does not have to be a political theorist to know that in a situation of violence and uncertainty, the first thing to do is to build a community.

Multitude is manifestly a call to arms. Having established the premises of their argument in *Empire*, Hardt and Negri are able to hone their perspective on the present, squarely targeting the 'war on terror' that the United States, along with various other coalition nations, has prosecuted in the wake of the September 11 attacks. Hardt and Negri argue that in the age of Empire, war has become the norm. But this is a new kind of war, with new objectives: 'War has become a *regime of biopower*, that is, a form of rule aimed not only at controlling the population but producing and reproducing all forms of life.'[1] To this statement, Hardt and Negri add an important twist: biopower, in its management of life, both presupposes and produces *biopolitical networks* that are immanent to the social field – rhizomatic processes of collaboration and collective innovation, 'multitudes'.[2] In Hardt and Negri's view, everything hinges on how the struggle between biopower and biopolitics unfolds. In the age of Empire, they claim, we are faced with a simple dichotomy and decision: imperial biopolitical control or a new possibility for democracy currently emerging on our horizon – the 'absolute' democracy of the multitude.

This article stages a confrontation with Hardt and Negri's account of absolute democracy. While the discussion of this concept in *Multitude* is wide-ranging and provocative, Hardt and Negri's theoretical exposition leaves much to be desired. I fear that the 'general audience' approach that is taken by the authors has also been taken as licence to bury much of the fundamental conceptual content of this argument. Rather than unpack for us the theoretical nuts and bolts of the multitude (as we might have hoped after the equivocal final part of *Empire*), Hardt and Negri are content freely to apply their theoretical vocabulary – including 'biopolitical production', 'exodus' and 'the common' – as if the reader were already familiar with the terms. This does little to clarify the mechanics of the multitude. Worse, it works to conceal a number of contentious theoretical propositions with important implications for the democracy of the multitude. Chief among these is the distinction between 'constituted' and 'constituent' power – a distinction that animates all of Negri's work from the 1980s on, alone and together with Hardt.

The constituted–constituent power binary first assumes a central place in Negri's work in his book on Spinoza.[3] Highlighting Spinoza's ambiguous use of the terms *potestas* and *potentia*, Negri argues for a distinction between two modes of power. On the one hand, there is *constituted* power: the centralized, transcendental force of command that characterizes established forms of political order. On the other hand, there is *constituent* power: the localized, immanent force of socio-political constitution that underpins modes of order and maintains them in their being. In a subsequent work, *Insurgencies*, Negri locates the constituted–constituent power binary at the heart of a new political ontology. Citing a range of historical examples, Negri presents constituent power as the distributed, collective force of desire that drives onto-logical emergence and social innovation – a minoritarian power perpetually opposed to the 'totalitarian' sedimentations of the modern state.[4]

As Hardt points out, the distinction between *potestas* and *potentia* is readily made 'in most European languages (*potere* and *potenza* in Italian, *pouvoir* and *puissance* in French, *Macht* and *Vermögern* in German)' – though not in English, which has only the one word, *power*.[5] Perhaps this explains Hardt and Negri's decision to allow this conceptual binary to fade into the background in *Multitude*, which was written in English, presumably with an anglophone audience in mind. Despite its exclusion, however, the constituted–constituent power distinction remains central to Hardt and Negri's thought, having particular relevance for the concept of absolute democracy. Ultimately, all that the omission of this distinction from *Multitude* achieves is to conceal the limits of the radical praxis that is proposed in the work. As in their previous book, Hardt and Negri argue that Empire cannot be overthrown, yet it can be contested and ultimately surpassed through the *withdrawal* of constituent power. Their radical proposition is that the multitude counterpose the power of *exodus* to the machinations of imperial governance: 'Democracy today takes the form of a subtraction, a flight, an exodus from sovereignty.'[6]

Exodus is not simply a gesture of refusal. In the arguments of Italian 'workerists' and autonomists of the 1960s and 1970s, the refusal of work provokes *positive* transformations in systems of production.[7] As Paolo Virno explains:

> Defection modifies the conditions within which the struggle takes place, rather than presupposing those conditions to be an unalterable horizon; it modifies the context within which a problem has arisen, … alters the rules of the game and throws the adversary completely off balance.[8]

The disruption to the established order opens a space for innovation. The democracy of the multitude is both this space of rupture and the vector of creativity that springs forth from it. It is an 'abyssal' democracy, existing only in the suspension of institutional relations.[9]

The metaphysics of constituted–constituent power provides Hardt and Negri with a clearly defined problematic. The constituent power of democracy, in their view, is a productive insurgency, the expression of a mass withdrawal and redirection of social forces. The constituted power of Empire, by contrast, is an administrative command that 'produces nothing vital and nothing ontological'; it is little more than 'a parasite that draws the vitality from the multitude's capacity to create ever new sources of energy and value'.[10] While clearly drawn, this problematic reveals its limits when Hardt and Negri turn to the political alternative to Empire – the absolute democratic order premised on the creative powers of the multitude. At issue here is the problem of how a multitude is to rule itself. Hardt and Negri provide generally satisfactory accounts, in *Multitude*, of how a multitude makes decisions, develops demands and produces norms. Their account of how a multitude might rule itself, however, is endlessly deferred, with postponements qualified by the suggestion that the concepts of modern political thought are inadequate to this task, and must be completely rethought before a positive vision of a post-imperial political order can be produced. These concepts, it is claimed, are compromised by their complicity in the history of the sovereign state – in Negri's view, the constituted power par excellence. Hardt and Negri argue that 'Sovereignty in all its forms inevitably poses power as the rule of the one and undermines the possibility of a full and absolute democracy.'[11] Far from asserting its rightful authority, the multitude 'must today challenge all existing forms of sovereignty *as a precondition* for establishing democracy.'[12]

The present article is an experiment at the limits of Hardt and Negri's account of absolute democracy, the limits of the constituted–constituent power binary itself. This binary, which forms the basis of Hardt and Negri's argument, prevents them from establishing the ultimate implications of their account as a vision of a global democratic order to come. Simultaneously, and more relevantly for this paper, it stands in the way of a more modest theorization of the multitude, which would seek to apply this concept to the emerging juris-prudential powers of transnational social movements (TSMs). Recent sociological studies have shown that TSMs are playing an increasingly important role in the

production of national and international political and legal norms by creating issues, coordinating concerns and transforming affective frameworks and identities.[13] Hardt and Negri's concept of the multitude is generally well suited to the theorization of TSMs. The concept is particularly apposite for describing the structural and organizational features of what is known as the 'movement of movements', the coordinated constellation of struggles that emerged into global public consciousness with the Seattle protests of November 1999.[14] But Hardt and Negri's theory of power makes it impossible for them to use the concept of the multitude to account for the jurisprudential dimensions of these new transnational forms. Hardt and Negri accept that the multitude can produce common norms.[15] But they resist attributing a jurisprudential power to the contemporary multitude, which would entail an engagement with constituted legal regimes that is disallowed by the terms of their argument. The multitude will acquire a jurisprudential power, Hardt and Negri suggest, only with the reconfiguration of global political and legal systems, when 'the common becomes the … basis on which law can construct social relationships in line with the networks … that create our new global reality'.[16]

This paper seeks to re-enable Hardt and Negri's model of the multitude by uncoupling it from their theory of power, to develop an alternative model that allows for the theorization of the jurisprudential function of TSMs in the international context. The argument has two parts. The first task is to deconstruct the concept of the multitude, highlighting the historically contingent features of this phenomenon as opposed to the metaphysical dynamic that dominates Hardt and Negri's interpretation. To this end, I seek to renegotiate Hardt and Negri's genealogy of the multitude with a specifically historical (non-metaphysical) focus. Next, I build on the insights of this genealogy to develop a theoretical model of the multitude in its jurisprudential vocation. Thinking with and against Hardt and Negri, I show how the multitude can be understood as a unique mode of neo-Athenian republican politics that produces new normative trajectories through the establishment of 'common names'.

Genealogy of the multitude

Hardt and Negri's argument, in *Empire* and *Multitude*, hinges on the claim that post-Fordist 'immaterial' labour, which centrally involves communication and affect, has today achieved a hegemonic status, transforming all forms of production and social relations in its image. Since the multitude is also a creature of communication and affect, this enables them to identify post-Fordist society as the age of the multitude, which has lingered, as John Kraniauskas puts it, as 'an always present natural-historical and creative substrate … since Spinoza's seventeenth century'.[17] Hardt and Negri's effort to link the concept of the multitude to the conditions of post-Fordist production represents an important theoretical innovation, with numerous philosophical and sociological applications.[18] But the historical narrative that Hardt and Negri use to explain the emergence of the postmodern multitude hardly does justice to this theory, being based in nothing more substantial than the quasi-mythological meta-narrative of constituted versus constituent power.[19]

To place the multitude on a historical (rather than a metaphysical) basis, we need to shift focus from the theme of immaterial labour towards two other factors in the genealogy of Empire. The first is the emergence, through the eighteenth and nineteenth centuries, of strategies of biopolitical governance, and their dissemination in the form of an international human rights regime. The second factor is the rise, in the later twentieth century, of global communications technologies, which transformed the conditions of grassroots political organization and facilitated the emergence of a new form of supranational political subjectivity. While these factors play an important role in Hardt and Negri's argument, they are ultimately subordinated to the logic of their revolutionary dichotomy. This leads Hardt and Negri to overlook the historically singular character of the contemporary multitude, and to foreclose on the possibilities of absolute democracy.

Hardt and Negri's genealogy of Empire builds on Foucault's studies of biopower and the modern state. Foucault, as is well known, defines biopower in contrast with the sovereign power of the *ancien régime*. Whereas sovereign power operated by 'impeding [forces], making them submit, or destroying them', biopower works 'to incite, reinforce, control, monitor, optimize, and organize the forces under it: it is a power bent on generating forces, making them grow, and ordering them.'[20] Foucault argues that the rise of state biopolitical regimes had a major impact on the normative trajectory of civil law. Through the nineteenth century, he claims, juridical institutions were 'increasingly incorporated into a continuum of apparatuses (medical, administrative, and so on) whose functions [were] for the most part regulatory'. Law increasingly became a matter of enforcing norms of health and social discipline: 'A normalizing society is the historical outcome of a technology of power centred on life.'[21]

These developments set the scene for one of the great 'strategic reversals' of modern times. In the mid-nineteenth century, Foucault argues, the forces that resisted power began to '[rely] for support on the very thing it [power] invested, that is, on life and man as a living being'. Here we have the historical conditions for the emergence of the discourse of human rights and the legal institutions that would enforce it. Foucault explains:

> [L]ife as a political object was in a sense taken at face value and turned back against the system that was bent on controlling it. It was life more than the law that became the issue of political struggles, even if the latter were formulated through affirmations concerning rights. The 'right' to life, to one's body, to health, to happiness, to the satisfaction of needs, and beyond all the oppressions or 'alienations', the 'right' to rediscover what one is and all that one can be, this 'right' – which the classical juridical system was utterly incapable of comprehending – was the political response to all these new procedures of power.[22]

In the attempt to foster and organize the forces of life, modern state biopower paved the way for multifarious struggles in the name of the right to life.[23] We will return to this matter shortly in the context of a discussion of the contemporary multitude. First, however, it is necessary to consider how Hardt and Negri develop Foucault's work on biopower. One of the most crucial and intriguing steps in Hardt and Negri's genealogy of Empire is to link Foucault's history of biopower to the late-twentieth-century emergence of the international human rights regime set up by the United Nations in conjunction with various non-governmental, ecumenical and state organizations. Empire emerges on the basis of complex, internationally distributed networks of biopolitical control.[24] Humanitarian organizations such as Amnesty, Oxfam and Médecins sans Frontières are cast as the 'capillary ends' of these biopolitical networks. These NGOs, Hardt and Negri claim, 'are completely immersed in the biopolitical context of the constitution of Empire – they anticipate the power of its pacifying and productive intervention of justice'. The capacity of these organizations to project the myriad causes and struggles of the impoverished and dispossessed of the world to the global stage builds on the long labour of Catholic orders, which for decades have sought to provide education and aid in the developing world, as well as to assist communities in their struggles for autonomy and the right to land. While the activists and campaigners of humanitarian organizations are not inappropriately cast as the missionaries

of our age (in that '[t]heir political action rests on a universal moral call'), the City in the name of which they toil is a biopolitical utopia. What is at stake here is not spiritual life, but life itself.[25]

The first step towards toppling the multitude from its metaphysical pedestal is to acknowledge that the contemporary global multitude is first and foremost a *biopolitically mediated event*. In Hardt and Negri's view, the late-twentieth-century ascent of the multitude represents the culmination of the struggle – determinative for the history of modernity – between constituted and constituent power. But if we maintain focus on the essential role of biopolitical organizations in the ontogeny of the contemporary multitude, we see that this phenomenon in fact represents a singular and strictly localizable occurrence. The contemporary multitude would not and could not exist were it not for the complex networks of international agencies and institutions established through the later twentieth century in the service of life and human rights. By providing for the health and welfare of populations; by assisting them in their struggles through the provision of education, as well as techniques of strategy and organization; but most importantly by instilling in these populations a desire for enhancement and the passion for rights, the postwar international biopolitical regime served as a fundamental condition for the emergence of the global multitude.

To establish the distinction between the multitude as an institutionally mediated, biopolitical figure, on the one hand, and as a transhistorical expression of the metaphysics of constituted–constituent power, on the other, it helps to distinguish between two modes of biopolitical activity: a 'major' and a 'minor' biopolitics. This is coordinate with Hardt and Negri's distinction between biopower and biopolitics, but the major–minor distinction shifts the discussion to an alternate theoretical register, which enables us to overstep the limits of the metaphysics of constituted–constituent power. The distinction between major and minor biopolitics is based on Gilles Deleuze and Félix Guattari's distinction between major and minor forms of life. According to Deleuze and Guattari, a major, or 'majoritarian', form of life serves as a constant or standard by which other forms of life are evaluated.[26] In opposition to majoritarian norms, Deleuze and Guattari affirm processes of 'becoming-minoritarian', understood as processes of collective, insurgent desire, which rend us from ourselves and carry us away on 'lines of flight'.[27] If a major biopolitics is a regime of power that functions to shape, mould, regulate and control populations in relation to dominant standards, a minor biopolitics concerns the spontaneous alliance of intellect and desire across a diverse social field and defines the process by which a mass deviates from a given norm.

The advantage of reading the distinction between biopower and biopolitics through the lens of Deleuze and Guattari's distinction between major and minor life is that it enables us to attribute a much broader set of capacities to the multitude than are granted by Hardt and Negri.[28] Deleuze and Guattari define a 'minority' simply as the process by which a mass departs from a given norm. The means and objectives of this departure can take many forms: from exodus for the purposes of altering the terms of a struggle to the articulation of demands for sovereignty and the recognition of rights. While Deleuze was critical of the notion of universal human rights, the concept of minoritarianism includes the possibility that minor becomings might proceed in the name of rights. As Deleuze claims, 'there are no "rights of man", there is life, and there are rights of life. Only life proceeds case by case.'[29] More pertinently from our point of view, minor becomings may spearhead changes in jurisprudential convention. Becomings transpire through the conjunction of radical differences, precipitating complex processes of mutual transformation. We see an example of this when social movements trigger progressive developments in the normative structures of political and legal regimes. Paul Patton has persuasively argued

that the jurisprudence of native title in countries such as Australia, Canada and New Zealand can be understood in terms of the 'becoming-minor' of the legal fraternity, coupled with the 'becoming-indigenous of the social imaginary.'[30] Such an application of Deleuze and Guattari's work not only suggests 'a new and rich territory' and research agenda for Deleuzean studies,[31] but a strategy for deterritorializing the multitude from its metaphysical basis, opening a vast new range of capacities and possibilities.

We will return to the jurisprudential function of minor becomings in more detail below, once we have considered how the multitude becomes a political subject. At this point, let us turn to another factor in the genealogy of the contemporary multitude: the revolution in information and communications technologies (ICTs) that began in the 1950s, accelerated through the 1970s and 1980s, and has since contributed to a vast transformation in the spatial organization of social relations and transactions globally.[32] The ascending influence of humanitarian NGOs in the latter part of the twentieth century was greatly assisted by this technological revolution. Such technologies permit vast communications networks to be set up for the coordination and distribution of aid. Data can be swiftly accumulated to support complex empirical arguments to pressure governments and international organizations to act. The establishment of a globalized news media indirectly assists in the task, beaming footage of humanitarian crises into homes about the

world on a daily basis. More so perhaps than Immanuel Kant ever imagined, the citizens of a planet crossed by informational networks are forced to 'endure each other's proximity', and an 'injustice in one place is felt in all'.[33]

The ICT revolution is a second sine qua non condition of the contemporary multitude. The multitude could not acquire the power to affect global political arrangements meaningfully without these new technologies. To be sure, it is doubtful that the multitude could emerge as a global phenomenon without the aid of Internet and email. Hardt and Negri are well aware of this fact. In their view, the contemporary multitude is a species of *cyborg* life.[34] In the later twentieth century, they argue, new ICTs transfigured the object of biopolitical control, transforming human corporeality from an element of processes of production to a productive force in its own right. This argument is fundamental not only for Hardt and Negri's account of immaterial labour, but for the account of the democratic potential of contemporary transnational social movements. The contemporary multitude comes into being when biopolitics and technology conspire to create a virtual power, when 'naked life is raised up to the dignity of productive power, or really when it appears as the wealth of virtuality'.[35]

We have considered two historical conditions for the emergence of the global multitude. Let us now reflect on the implications of this discussion for the concept of the multitude itself. Admittedly, this discussion has been exceedingly schematic and brief. Yet, it is enough to enable us to make an important conceptual distinction. This is a distinction between the philosophical and essentially *ahistorical* concept of the multitude (Spinoza's multitude) and the contemporary global multitude, manifested in the ascending power of transnational social movements. While Hardt and Negri are aware of this distinction,[36] they do not always make the distinction clear. Rather, their overarching theoretical focus on the metaphysical dimensions of the multitude tends to obviate the bio-technological basis of its contemporary expression. This enables Hardt and Negri to shift quickly between different levels of analysis, alternating between the complex history of the contemporary multitude, on the one hand, and, on the other, a more simplistic discussion of the struggle between the multitude and Empire, structured in terms of the rigid distinction between constituted and constituent power. In these moments, the messy reality of minority struggles, institutional systems and technological innovations fades from view, and history blurs into the seductive simplicity of a revolutionary

concept. The multitude, Hardt and Negri claim, drives the constitution of imperial networks. Yet, on account of the constituted–constituent power distinction, it is consigned to the status of a counterpower – immanent and yet opposed to Empire. As a result, the relationship between the multitude and Empire can only take the form of provocation and response: 'Empire and all its political initiatives are constructed according to the rhythm of the acts of resistance that constitute the being of the multitude.'[37] Absolute democracy becomes an absolute insurgency, with the sole revolutionary objective of pushing 'through Empire to come out the other side'.[38]

The problem with collapsing absolute democracy into insurgency is that it grants us no basis for establishing any positive vision for the multitude beyond the overthrow of the capitalist order, and accordingly leaves us incapable of using this concept to theorize the jurisprudential powers of contemporary transnational social movements. To develop such a theoretical platform, we must wrest reflection free of all transhistorical metaphysical schemas, and grasp the multitude in properly historical terms. In place of Hardt and Negri's insurgent multitude, driven by the 'will to be against', I shall posit an insistent multitude, driven by the right to life.

Real and virtual republicanisms

The task before us is to develop a theoretical model of the multitude that emphasizes its jurisprudential vocation. But immediately we find ourselves in an awkward position. If the multitude is not to be understood as an expression of constituent power, how *are* we to understand this entity? It would appear that thus far we have simply presupposed that there actually *exist* entities such as 'multitudes', while denying ourselves the metaphysical basis that would justify such an assertion. We will indulge ourselves no longer. The challenge now is to specify not only how the multitude may be understood as a vehicle for the production of jurisprudential norms, but, prior to this, *just what it means* for something to count as a multitude in any non-metaphysical sense. To satisfy this condition, we will make it our first task to identify the specific form of configuration that defines the multitude as a political subject.

The constitution of the global political, in Hardt and Negri's view, is a tale of two republicanisms. Empire revives the republican ideal of Imperial Rome, combining monarchic, aristocratic and democratic functions.[39] In keeping with the neo-Roman model, Empire functions to secure a zone of non-interference

for its constituents, securing the liberty rights of groups and individuals and the freedom of market activity – generally, the peace and order required for capitalist exchange. In opposition to Empire, Hardt and Negri affirm the 'radical republican tradition of modern democracy'.[40] Three thinkers loom large in Hardt and Negri's conception of modern republicanism: Machiavelli, Spinoza and Marx. However, this lineage runs together two quite different traditions that modernity has inherited from the ancient world. Machiavelli belongs in the neo-Roman tradition that Hardt and Negri associate with Empire.[41] Spinoza and Marx, on the other hand, are the inheritors of an older brand of republican thought pioneered by Aristotle: 'neo-Athenian' republicanism.[42]

There are important differences between neo-Roman and neo-Athenian republicanism. Neo-Romans propose an 'instrumental' account of civic virtue: the active participation of citizens in political life is essential for the laws and institutions of the polis to be effective in safeguarding liberty. Liberty, on this model, is conceived in strictly negative terms: the polis requires strong laws and institutions to ensure that citizens are not dependent on others for their freedom.[43] For neo-Athenians, on the other hand, civic virtue has an intrinsic *ethical* value, and the liberty that is derived from it is positive. Public engagement offers more than just freedom from external constraints, but the possibility of participation in a *common praxis* – a praxis that enables individuals to flourish as political beings, which for classic neo-Athenians is their true and essential nature.[44]

Pace Hardt and Negri, I want to argue that the contemporary multitude is only properly understood along neo-Athenian lines. The reason for this is that the event of the multitude has for its constituents an intrinsic ethical value. Whereas the neo-Roman republicanism of Empire frees individuals for a life in and on the global marketplace, the neo-Athenian republicanism of the multitude frees whole collectivities at a time to engage in a life-enhancing praxis. Such a praxis is intrinsically life-enhancing in so far as it involves the *re-creation* of the meaning of being. The classic republicanism of the Athenian polis located the ethical value of public engagement in the creation of a common political existence. The virtual republicanism of the multitude locates the value of engagement in the creation of *new* modes of political existence, each based in an original vision of ascending life and a shared normative horizon.

To substantiate this argument, we need to do two things. First, we need to deepen our understanding of neo-Athenian republicanism, focusing on its ethical and ontological dimensions. Second, we need to explain how a mode of neo-Athenian republicanism is able to emerge at the global level, coordinating a disparate array of struggles. For the sake of the first goal, I will outline Spinoza's vision of republican politics, linking the ethics and ontology of the multitude to the concept of the 'common notion'. For the sake of the second goal, I will expand on a provocative and yet curiously underdeveloped concept in Hardt and Negri's work: the 'common name'.

Spinoza's theory of republican politics centres on a concept expounded in the *Ethics*: the concept of *conatus*, or desire. *Conatus* is an index of life enhancement. According to Spinoza, an entity desires those things that preserve and enhance its power, and, conversely, loathes those things that threaten its ideal equilibrium.[45] Every living being has a 'natural right' to pursue its *conatus* and thus secure its essential preservation:

> [E]very natural thing has by nature as much right as it has power to exist and operate; since the natural power of every natural thing, whereby it exists and operates, is nothing else but the power of God, which is absolutely free.[46]

Spinoza's reading of the relationship between *conatus* and the enhancement of life has important implications for his interpretation of the social contract.[47] The most significant implication, for our purposes, concerns the ontology of the social unit. Thomas Hobbes perceived the social contract as a moment of political and existential transformation, whereby the disparate, warring multitude escapes the state of nature by becoming a unified civil constituency.[48] For Spinoza, however, there is no such transformation: the social unit is constituted by the *conatus* of the multitude, which conforms to secular laws in accordance with the laws of nature. The social unit, in other words, has its basis in a collective desire for life enhancement. Before it is instantiated in a legal document, the contract subsists in a shared anticipation that the apparatus of the state (the sovereign and civil law) will provide the conditions for mutual flourishing.

When the multitude unites in affirmation of a set of conditions for mutual flourishing, we may say it has forged a 'common notion'.[49] Spinoza defines common notions as ideas that express the 'infinite essence' of *Deus sive Natura*, 'God or Nature' – an essence 'which is common to all things'.[50] Common notions, we might say, are insights into 'being', where the latter is understood not as a given arrangement or order, but

as the infinitely reiterated event of complex constitution that provides for the empowerment of life.[51] From this perspective, we are able to see the integral relation between ethics and ontology in Spinozian political thought. The state, in Spinoza's view, is founded on a common insight into being – founded, that is, on the common affirmation of civic relations, understood as the fundamental conditions for human flourishing. The good life is inseparable from this insight into the divine essence; indeed, ethics *is* the common notion, the collective 'adequate' idea.[52]

This puts us in a position to specify the basic features of the contemporary multitude as a political subject. Just as Spinoza's civic multitude emerges, complete with a self-understanding of its conditions of enhancement, in the forging of a common notion, the contemporary globally distributed multitude emerges, as an intellectual and cooperative mass, in the ontological establishment of the common name. The theme of common names runs right through *Empire*. According to Hardt and Negri, the construction of common names is 'an activity that combines the intelligence and the action of the multitude … a project that is a community'.[53] Yet the concept of the common name vanishes entirely in *Multitude*. In its place, we are presented with a series of vague allusions to the power of the multitude to create in common.[54] This omission is a major disappointment for those interested in the theory of the multitude. For the common name forms a crucial part of the *virtual* dimensions of the multitude. The common name is what gives the multitude its specific character as a virtual republicanism.

What is a common name? On the face of it, the answer may seem obvious: a common name is a collective 'adequate' idea – an insight into 'being', understood as an assemblage of life-enhancing relations. While formally correct, this answer fails to establish the essential distinction between common names and common notions. Common notions are expressions of *Deus sive Natura*, Spinoza's divine substance. Common names, on the other hand, are expressions of a virtual ontology. Hardt and Negri understand the virtual as a 'set of powers to act (being, loving, transforming, creating) that reside in the multitude'.[55] The multitude becomes a political subject when these various powers to act are coordinated under the influence of a virtual attractor.[56] Attractors emerge when, in the midst of complex processes of interlocution, the exchange of values and ideals, the disparate desires of the multitude achieve a critical mass and are articulated in the form of a common name. At precisely this point, a distributed multiplicity discovers the political project that determines its common existence.[57] The simpler the idea that is expressed in the common name the better: slogans such as 'No war!' and 'People before profits!', which critics of progressive social movements decry as stupid and simplistic, in fact function as pure

centres of attraction. Beyond the banality of the slogan itself, these words mark a field of affective intensity, registering the configuration of a mass of desires under the rubric of a common assemblage of life-enhancing relations.[58] In the establishment of the common name, the multitude creates a new meaning for being; it 'innovates' being and opens history to the to-come.[59]

Considered in isolation, this account of the common name scarcely advances on Negri's model. Significant differences emerge, however, when we fold this account of the common name back into the earlier discussion of minor biopolitics, which was central to the deconstruction of the multitude as a placeholder for the notion of constituent power. Whereas forms of constituent power are *essentially* opposed to the constituted order, functioning to challenge and elude this order in the creation of the social fabric, the concept of minor biopolitics simply describes the temporally determinate function of social movements in their struggle to transform the norms established by extant political and legal regimes.

Understood in terms of a minor biopolitics, the multitude is seen as founded in a distributed, biopolitically mediated desire for the enhancement of life. This desire is coordinated through the establishment of a virtual attractor – the common name – whereby the multitude achieves its political subjectivity as a virtual republicanism. Thus far, we have considered these two moments and aspects of the analysis in distinction from one another. What happens when we fold the latter aspect back into the former, retreating the concept of the common name? The concept of minor biopolitics casts the common name in a new light. By focusing on the properly metaphysical dimensions of minor biopolitics – the idea of a minor *becoming* – we are able to perceive in the common name the tacit jurisprudential potential of the contemporary multitude.

Convergence and contamination

I have argued that the metaphysics of constituted–constituent power makes it impossible for Hardt and Negri's multitude to engage positively the processes of governance of states and international institutions. On Hardt and Negri's account, the multitude makes its mark on these processes by deserting them and by challenging institutions to adapt to its changing forms, but it cannot communicate with these institutions, infiltrate and reshape them from within – this would amount to a violation of its metaphysical essence. When we consider the multitude as a mode of minor becoming, however, the picture is altered significantly. As we have seen, a becoming involves the convergence

of radical differences within a process of mutual transformation. In the becoming of the wasp and orchid, for example, both entities are shaped by their symbiotic association: the wasp becomes orchid and the orchid becomes wasp. In the becoming of the horse and rider, the rider acquires some of the affects and capacities of the horse, while the horse acquires affects and capacities of the rider. These processes of transference do not take place in the individuals themselves, but in their common becoming – an intermediate, virtual zone of relation and enhancement.[60]

By introducing the theme of becoming into the concept of the common name, we are able to bring together what Hardt and Negri's theory holds apart. Whereas in Hardt and Negri's work, the common name resides on the plane of constituent power alone, on this new theoretical register it can be conceived as a moment of *convergence* of 'constituted' and 'constituent' forms, conjoining both these modalities of power within a process of mutual transformation. Through the establishment of common names, the multitude instigates new symbioses between progressive and conservative forces. In its minor becoming, the multitude *contaminates* the established order. For every stony bureaucrat or hopelessly compromised politician there is a lawyer, judge or Member of Parliament drawn into the basin of attraction of the common name.

This is how the multitude functions to produce political and legal norms. In the becoming-minor of the multitude, there is a becoming-multitude of the political and legal system.[61] And, indeed, how could it be otherwise? Those who seek to challenge the status quo must engage political and legal systems in order to dream their way to a better future. Those charged with maintaining order and dispensing the law require social movements simply in order to dream. The multitude is the emergent source of these new symbioses. Far from a principle that holds them apart, the multitude is the power that brings these forces into communication, that changes attitudes and identities on both sides of the divide, and that facilitates the slow process of jurisprudential transformation.

Notes

1. Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire*, Penguin, New York, 2004, p. 13.
2. 'Biopower stands above society, transcendent, as a sovereign authority and imposes its order. Biopolitical production, in contrast, is immanent to society and creates social relationships and forms through collaborative forms of labor.' Ibid., pp. 94–5.
3. Antonio Negri, *The Savage Anomaly: The Power of Spinoza's Metaphysics and Politics*, trans. Michael

Hardt, University of Minnesota Press, Minneapolis, 1991.

4. 'Everything, in sum, sets constituent power and sovereignty in opposition, even the absolute character that both categories lay claim to: the absoluteness of sovereignty is a totalitarian concept, whereas that of constituent power is the absoluteness of democratic government.' Antonio Negri, *Insurgencies: Constituent Power and the Modern State*, trans. Maurizia Boscagli, University of Minnesota Press, Minneapolis, 1999, p. 13. For a succinct (and in my view decisive) critique of the radical distinction between constituted and constituent power, see Jodi Dean, 'The Networked Empire: Communicative Capitalism and the Hope for Politics', in Paul A. Passavant and Jodi Dean, eds, *Empire's New Clothes: Reading Hardt and Negri*, Routledge, New York, 2004, p. 284.

5. See Hardt's foreword to Negri, *The Savage Anomaly*, pp. xi–xiv.

6. Hardt and Negri, *Multitude*, p. 341. It is clear how the strategy of exodus underpins Hardt and Negri's proposal for peace in *Multitude*: 'A week-long global biopolitical strike could stop any war.' Ibid., p. 347.

7. There are few historical surveys covering the breadth and diversity of Italian Autonomist Marxism. The best is undoubtedly Steve Wright's *Storming Heaven: Class Composition and Struggle in Italian Autonomist Marxism*, Pluto Press, London, 2002. For a summary of material available in the English language, see Steve Wright, '*Operaismo*, *Autonomia*, *Settantasette* in Translation: Then, Now, the Future', *Strategies*, vol. 16, no. 2, 2003, pp. 107–20.

8. Paolo Virno, *A Grammar of the Multitude: For an Analysis of Contemporary Forms of Life*, trans. Isabella Bertoletti, James Cascaito and Andrea Casson, Semiotext(e), Los Angeles and New York, 2004, p. 70.

9. See Jason Frank, '"The Abyss of Democracy": Antonio Negri's Democratic Theory', *Theory and Event*, vol. 4, no. 1, http://muse.jhu.edu/journals/theory_and_event/v004/4.1r_frank.html.

10. Michael Hardt and Antonio Negri, *Empire*, Harvard University Press, Cambridge MA, 2000, p. 361.

11. Hardt and Negri, *Multitude*, p. 353.

12. Ibid., p. 353; stress mine.

13. See the collection of essays in Sanjeev Khagram, James V. Riker and Katherine Sikkink, eds, *Restructuring World Politics: Transnational Social Movements, Networks, and Norms*, University of Minnesota Press, Minneapolis, 2002. For a review of the various political-legal proposals generated by TSMs, see Jeremy Brechner, Tim Costello and Brendan Smith, eds, *Globalization from Below: The Power of Solidarity*, South End Press, Cambridge MA, 2000, pp. 67–80; 143–4 n. 1.

14. Hardt and Negri claim: 'This form of organization [the movement of movements] is the most fully realized political example we have of the concept of the multitude.' Hardt and Negri, *Multitude*, p. 217. For an account of the scope and ambitions of the movement of movements, see Brechner, Costello and Smith, *Globalization from Below*. See also the collection of essays and interviews in Tom Mertes, ed., *A Movement of Movements: Is Another World Really Possible?* Verso, London and New York, 2004.

15. Hardt and Negri, *Multitude*, p. 204.

16. Ibid., p. 208. I understand the notion of jurisprudence, here and elsewhere, in the broad sense of a philosophical reflection on the normative basis of law. Since laws are embedded within social and political structures, jurisprudential reflection necessarily entails an engagement with established (i.e. constituted) regimes. My argument regarding the difficulties preventing Hardt and Negri from attributing jurisprudential powers to the multitude is similar to that offered by Ernesto Laclau regarding the possibility of coding the demands of the multitude as rights. In *Empire*, Hardt and Negri suggest three general rights to which the multitude may lay claim: the right to global citizenship, the right to a social wage, and the right to the reappropriation of the means of production (Hardt and Negri, *Empire*, pp. 396–407). As Laclau points out, however, in so far as these rights are to be implemented, they inevitably appeal to the 'transcendental' sovereignty of constituted power – a possibility which is 'denied by the central theoretical and strategic categories on which [Hardt and Negri's] analysis is based'. Ernesto Laclau, 'Can Immanence Explain Social Struggles', in Passavant and Dean, eds, *Empire's New Clothes*, p. 30.

17. John Kraniauskas, 'Multiple Choice', review of *Multitude: War and Democracy in the Age of Empire*, *Radical Philosophy* 130, March/April 2005, p. 30.

18. See also Virno, *A Grammar of the Multitude*.

19. See esp. Hardt and Negri, *Empire*, pp. 69–90.

20. Michel Foucault, *The History of Sexuality*, Vol. 1, *An Introduction*, trans. Robert Hurley, Penguin, London, 1990, p. 136.

21. Ibid., p. 144.

22. Ibid., p. 145.

23. I understand the 'right to life' not as a specific form of right, but as a general disposition towards the having of rights.

24. 'In effect, imperial power can no longer discipline the powers of the multitude; it can only impose control over their general social and productive capacities.' Hardt and Negri, *Empire*, p. 211.

25. Ibid., pp. 36–7, 313.

26. Gilles Deleuze and Félix Guattari, *A Thousand Plateaus*, trans. Brian Massumi, Athlone Press, London, 1988, p. 105.

27. Ibid., pp. 105–6, 291–3.

28. Hardt and Negri's theory of the multitude is clearly indebted to Deleuze and Guattari's concept of minoritarianism. But Hardt and Negri deviate from Deleuze and Guattari in reading the becoming of the multitude through the framework of the constituted–constituent power distinction. Deleuze and Guattari are critical of all such forms of binary organization, which they link to the micropolitics of modern societies (see Deleuze and Guattari, *A Thousand Plateaus*, p. 210). For a critical discussion of the relationship between the concepts of the multitude and minoritarianism, see Nicholas Thoburn, 'Autonomous Production? On Negri's "New Synthesis"', *Theory, Culture & Society*, vol. 18, no. 5, 2001, pp. 75–96.

29. Gilles Deleuze, *L'Abécédaire de Gilles Deleuze*, 1988, avec Claire Parnet, at www.subversiv.com/doc/gauche/deleuze.htm. Cited in Daniel W. Smith, 'Deleuze and the Liberal Tradition: Normativity, Freedom and Judgement', *Economy and Society*, vol. 32, no. 2, May 2003, p. 315.

30. Paul Patton, *Deleuze and the Political*, Routledge, London, 2000, p. 126. For a review of Patton's reading of Deleuze through the liberal themes of rights and

jurisprudence, see Smith, 'Deleuze and the Liberal Tradition'.

31. Smith, 'Deleuze and the Liberal Tradition', p. 301.
32. On the ICT revolution and its effects, see Manuel Castells, *The Rise of the Network Society: The Information Age*, Vol. 1, 2nd edn, Blackwell, Oxford, 2000.
33. Immanuel Kant, *Perpetual Peace: A Philosophical Proposal*, trans. Helen O'Brien, Peace Book Company, London, 1939, pp. 33–4.
34. Hardt and Negri, *Empire*, pp. 214–18. Also Antonio Negri, 'Kairòs, Alma Venus, Multitudo', in *Time for Revolution*, trans. M. Mandarini, Continuum, London and New York, 2003, pp. 254–6.
35. Hardt and Negri, *Empire*, p. 366.
36. Hardt and Negri, *Multitude*, pp. 201–22.
37. Hardt and Negri, *Empire*, p. 360.
38. Ibid., p. 206.
39. Ibid., pp. 309–19.
40. Ibid., p. 208.
41. See Quentin Skinner, 'The Paradoxes of Political Liberty', in David Miller, ed., *Liberty*, Oxford University Press, Oxford, 1991, pp. 183–205. Also Skinner, *Foundations of Modern Political Thought*, Vol. 1, Cambridge University Press, Cambridge, 1978.
42. For a clear account of the distinction between neo-Athenian and neo-Roman republicanism (with references to contemporary exponents), see John W. Maynor, *Republicanism in the Modern World*, Polity Press, Cambridge, 2003, pp. 10–20.
43. See Skinner, 'The Paradoxes of Political Liberty', pp. 194–201.
44. Ibid., pp. 188–91.
45. Benedict de Spinoza, *The Ethics*, trans. S. Shirley, Hackett, Indianapolis, 1992, pp. 6–7.
46. Benedict de Spinoza, *A Theologico-Political Treatise* and *A Political Treatise*, trans. R.H.M. Elwes, Dover Publications, New York, 1956, p. 316. See also Spinoza, *Political Treatise*, pp. 200, 291–7.
47. We should note that Negri argues for the exclusion of the social contract in Spinoza's *Political Treatise*. In Negri's view, the contract as such involves the transfer of power and the alienation of natural right, which is why (he claims) Spinoza avoids mentioning the contract in this work. See Negri, *Subversive Spinoza*, pp. 31–3. In place of the contract, Negri attributes to Spinoza a vision of democracy that emphasizes the right of the multitude to withhold consent from the constituted regime. It is true that the language of the contract disappears in the *Political Treatise* (whereas it was explicit in the earlier *Theologico-Political Treatise*). However, it is not clear that Spinoza, in this later work, abandons the notion of the social contract altogether. While arguing that the civil right is 'determined by the power of a multitude', Spinoza also claims that 'each individual has the less right the more the rest collectively exceed him in power; that is, he has, in fact, no right over nature but that which the common law allows him.' Spinoza, *Political Treatise*, p. 297. This looks very much like a contractarian 'transfer' of natural right. The impression of a lingering contractarianism in Spinoza's final work is further enforced in the chapter on 'The Functions of Supreme Authorities'. Supreme authorities, Spinoza claims, are 'guided' by 'the whole body of the dominion'. Yet, the 'affairs of state depend on the direction of him only who holds supreme dominion' (ibid., p. 309). Such a conclusion would seems to reflect a much more traditional view of representative-democratic affairs than that which Negri attributes to Spinoza. Cf. Gilles Deleuze, *Expressionism in Philosophy: Spinoza*, trans. Martin Joughin, Zone, New York, 1992, pp. 265–8.
48. See Thomas Hobbes, *Leviathan*, ed. R. Tuck, Cambridge University Press, Cambridge, 1992, pp. 118–21.
49. See Michael Hardt, *Gilles Deleuze: An Apprenticeship in Philosophy*, University of Minnesota Press, Minneapolis, 1993, pp. 95–100.
50. Spinoza, *Ethics*, p. 37. What is common to all things is the fact that 'bodies agree in certain respects', ibid., p. 13 l.2. Cf. Deleuze, *Expressionism in Philosophy: Spinoza*, pp. 275–6.
51. On this point, see Hardt, *Gilles Deleuze: An Apprenticeship in Philosophy*, p. 99.
52. 'Any common notion gives us direct knowledge of God's eternal infinite essence.' Deleuze, *Expressionism in Philosophy: Spinoza*, p. 280.
53. Hardt and Negri, *Empire*, p. 302.
54. See especially Hardt and Negri, *Multitude*, pp. 196–219, 336–40. For a detailed (if somewhat obscure) study of the common name, see Negri, 'Kairòs, Alma Venus, Multitudo'. The following account draws heavily on this study, which was published subsequent to *Empire* but prior to *Multitude*.
55. Hardt and Negri, *Empire*, p. 357.
56. In the science of non-linear dynamics, or 'complexity theory', an attractor is the preferred position for a complex system, such that if the system begins from another state it will evolve until it arrives at the attractor, and stay there in the absence of other factors. A 'basin of attraction' is the field of influence that belongs to an attractor. Attractors are singularities: 'the inherent or intrinsic long-term tendencies of a system, the states which the system will spontaneously tend to adopt in the long run as long as it is not constrained by other forces.' Manuel Delanda, *Intensive Science and Virtual Philosophy*, Continuum, London, 2002, p. 15. For more on the sciences of complexity, see Murray Gell-Mann, *The Quark and the Jaguar: Adventures in the Simple and Complex*, Freeman, New York, 1994; and Stuart Kauffman, *At Home in the Universe: The Search for the Laws of Complexity*, Penguin, London, 1995.
57. 'We call "political subject" that multitude of singularities which engages itself in the construction of the common *telos*.' Negri, 'Kairòs, Alma Venus, Multitudo', p. 259.
58. Recent transnational struggles bear out a variety of assemblages consisting of diverse elements, such as: 'mobility – labour – rights'; 'anti-imperialism – peace – international law'; 'sovereignty – debt-relief – trade and institutional reform'. Such assemblages are rhizomes in the sense that parties are free to contribute additional elements to the assemblage. The common name that unites an assemblage functions as a principle of coherence that binds the core elements of each; thus an assemblage may be built upon and developed, but only reduced to that minimum of components which determine its basic state of equilibrium.
59. Negri, 'Kairòs, Alma Venus, Multitudo', pp. 159–68.
60. See Deleuze and Guattari, *A Thousand Plateaus*, pp. 293–4.
61. I owe the idea of 'becoming-multitude' to Timothy S. Murphy, who read a paper on this theme at the Annual Meeting of the American Comparative Literature Association, Ann Arbor, Michigan, 2004.