The Discipline of Freedom

Foucault, Neo-liberal Governmentality and Resistance

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ABSTRACT

Michel Foucault is often is taken to represent human beings as products of insidious structures of power that lie beyond control and perception. This is an unfair characterisation since a deeper reading into his work reveals reflections and even insistences on creativity, resistance and freedom as fundamental components of human experience. My aim is to unify these two aspects of Foucault's thought so as to provide a positive account of political resistance to power relations in contemporary neo-liberal society.

ACKNOWLEDGEMENTS

DEDICATION

To my Grandmother and Grandfather Fleming

Contents

Is Michel Foucault's thought still useful to current political and social philosophy? Many people say, 'no' (Noam Chomsky, Jürgen Habermas, Richard Rorty, and Charles Taylor, for instance). I say, 'yes'. In fact, I think that his thought is useful to practical contemporary political and social struggles. So I have some explaining to do.

Foucault is often thought of as some sort of obscurantist who offers little more than a negative project of the past and a fatalistic view of the future - thus motivating the negative answer to the above question. I will attempt to refute these three claims. I will show that, in fact, Foucault's thoughts and techniques can be rendered clear and constructive, his use of the past illuminating, and views of the future hopeful - even if cautiously so (and there is little wrong with cautious optimism). To do this, I will provide a detailed exegesis of his various work ranging from *History of Madness* (1961) and *Discipline and Punish* (1975) to *The History of Sexuality: An Introduction* (1976) and various lectures *Society Must Be Defended* (1975-1976), *Security, Territory and Population* (1977-1978), and *Birth of Biopolitics* (1978-1979). The treatment of such a wide swath of Foucault's intellectual efforts serves two functions: to provide a rich view of his own intellectual trajectory from which one can pick out and utilise his various concepts and ideas, as well as dispel the claim that Foucault offers us little to nothing helpful about the present, let alone the future. After all, Foucault's lectures had him investigate contemporaneous political and social developments in his own time.

So, how can Foucault be useful to contemporary political and social thought and action? The best way, to my mind, is to apply his thought to contemporary political thought and action.

To do this, I will apply Foucault's ideas to the present-day phenomenon 'neo-liberalism': the current political dogma which is informed by economic theory and is based on the predominance of market mechanisms in economic and previously-thought non-economic realms, and of the certain restrictions of the action of the state. This is the same phenomenon that Foucault was studying and lecturing about (1975-1979) before he died. His insights into neo-liberalism are still relevant and unique. As such, neo-liberalism will be the lens through which I will direct my concerns of political resistance.

The choice of neo-liberalism is, to my mind, not an arbitrary one. It is motivated by myriad sociological, criminological, geopolitical and anthropological studies and concerns which will be discussed at length in the latter portions of this project. As the reigning orthodoxy, it seems appropriate to apply some Foucauldian criticism to its operation and effects. This suspicion is motivated the inconsistency between its insistence on liberal and seemingly progressive ideals: individual freedom, property ownership, free market, free trade, et cetera (Harvey, 2007A, p. 2), and its effects: sky-rocketing rates of incarceration, the widening gap between the rich and the poor, the consolidation of wealth in the hands of a minority elite, crushing debt experienced by large amounts of the population, predatory loans and the like (Harvey, 2007A, p. 5-9; Snider, 2007, p. 331-333).

With his penchant for dramatic sentences, Foucault notoriously ended *The Order of Things* (1966) with the conjecture that '[o]ne thing in any case is certain: man is neither the oldest nor the most constant problem that has been posed for human knowledge. If those arrangements were to disappear as they appeared... then one can certainly wager that man would be erased, like a face drawn in sand at the edge of the sea' (Foucault, 2002B, p. 422). What I take Foucault to mean here by 'man' is not 'human': the biological entity known as homo sapiens,

but the idea of 'humanity': the bearer of mind and soul, rationality and rights. As far as I can tell, the idea of 'man' or 'humanity' is still around, and it, perhaps, will not disappear for quite some time (though it is being assaulted by various sciences). I am curious, though, about what effects the crashing wave of neo-liberalism will have on its fragile edifice. I must be clear that I do not contend to defend Foucault's claim that humanity will disappear, or that it is a recent invention, that is beyond the scope of this project. I do think that he was onto something when he stressed the impressionable and ever-changing social nature of human beings. And this is why the study of power relations is so important, and one of the reasons why I think Foucault is still relevant.

At base, Foucault's thought takes power as a given. In any social affair there are power relations at work. According to Foucault, given the nature of societies, power relations are endemic, and we are embedded in them. 'Power', however, is a term that is often used with reckless abandon and thus is subject to a lot of 'hot air' being spoken about it. It is not unusual for someone to say 'power is everywhere', or 'we are trapped by power'. This makes it seem as if power is some sort of stuff 'out there' in the world that people react to or are subjugated by - like some sort of Hegelian world-spirit or Nietzschean will-to-power. Foucault, of course, is partly to blame for this. In fact, he did say that 'power is everywhere'. Nonetheless, I think that one can make sense of 'power' in the way that Foucault was speaking of it, and this will be elaborated upon at some length in the following chapter. Nonetheless, a little can be said now about the importance of Foucault's understanding of power.

What I find to be most important about Foucault's understanding of power is that it is not something that is inherently top-down. It is not something that is merely exercised by the official institutions and authorities in a society through coercion or force. Power is also exercised through what he calls 'discourses' - the various forms of knowledge that generate common ways

of speaking about and apprehending the world that form our cognitive backgrounds. As such, power can be exercised through various unofficial social channels such as common language structures that range from various descriptions, categories, analysis, assessment, and evaluations. As Foucault states in *Discipline and Punish*, 'the man described for us...is already in himself the effect of a subjection much more profound than himself' (Foucault, 1995, p. 30). The descriptions under which one operates, the sorts of identity or subjectivity one claims can often bean effect of and thus play into exercises of power and domination. Again from *Discipline and Punish*, Foucault famously stated that 'the soul is the prison of the body'. That our character, self-understanding, and values which we hold to ourselves are historically conditioned through systems of power and control. I take the soul, and Foucault's use of the term, to refer to the sum of a person, but not something unitary. It has many parts each formed and influenced by experiences of the world around him/her. As Wittgenstein stated, 'the human body is the best picture of the human soul' (Wittgenstein, 1958, II, iv). Foucault, accurately, and perhaps harshly twists this phrase, urging one to think of the soul not as something that liberates, but rather as something that imprisons. This is because the 'soul' does not just belong to a history of ideas, but to a history of material institutions, professional authorities, classificatory categories, and power relations. The soul is produced by power acting on the body. In fact, Foucault was always suspicious of liberation movements, except as a means, because to make such a movement into an end would be to presuppose a knowledge of how the liberation would bring about an objectively more desirable society, and this has been historically disastrous (Hacking, 1986, p. 239).

Various conceptions of the 'true-self', 'human nature', et cetera have been used to maintain social hierarchies and have often had central roles in systems of power (race and gender, for

instance). To quote Ian Hacking, a contemporary philosopher of science who is still heavily influenced by Foucault, '[t]he soul has been a way of internalizing the social order, of putting into myself those very virtues that enable my society to survive' (Hacking, 1994, p. 35).

I write all of this because I am curious as to what our 'modern soul' is. What the dominant features that make up and influence our understanding of ourselves are. If the 'soul' is indeed the prison of the body, then in what way are we being imprisoned? This may sound melodramatic, but I think that Foucault's call for us to look at what *we* call our 'true self' and attempt to analyse it is important. For what is one to do if one finds something unacceptable? My answer is this: do not accept it. If there are forces operating around and through one's self that one does not like or agree to, then one ought to analyse and reject them as they stand. As Nietzsche states, '*Was fällt, das soll man auch noch stoßen!'* - 'That which falling, shall also be pushed' (Nietzsche, 1961, 226).

What Foucault calls for is a 'critical ontology' or, what I would call a 'creative ontology'. It is not only a project that critiques and examines our systems, structures, beings and such, but one that also shows us new ways of being.

> The critical ontology of ourselves has to be considered not, certainly, as a theory, a doctrine, nor even as a permanent body of knowledge that is accumulating; it has to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them (Foucault, 1997, p. 319).

This is why I think Foucault is still relevant to political and social philosophies, as well as social and political movements. His critical approach is indeed useful to efforts to investigate, unearth and challenge systems of control and domination in the most minute levels of ourselves and our institutions.

There is often a sense of inevitability felt towards pervasive social systems within which we exist: society, the economy, sexuality, money, et cetera, and I think that what Foucault teaches us is to realise that things did not have to be this way, they became this way. To echo Marx: philosophers have only *interpreted* the *world*, the point is to *change* it.

That being said, I do not wish to make peace with one conception of Foucault or other. He has been called many things: 'structuralist', 'post-structuralist', 'post-modernist', 'anarchist', 'nihilist', 'relativist', as well as a host other '-ists' from people who wish to claim him as their own, and others who speak of him with derision. I do not intend to argue that Foucault is 'this' or 'that'. Instead, I will show that his ideas are still relevant and applicable to contemporary political philosophy on the one hand, as well as political resistance on the other. I aim to use Foucault as a toolbox to dissect and analyse the present, in an attempt to make a contribution to the critique of contemporary capitalism (while attempting to unravel some of the myths that have surrounded his work).

The first two chapters of this project are aimed at countering the charge that Foucault's account is obscurantist and thus useless. In Chapter One, I will articulate and explain Foucault's understanding of power, discourse, governmentality, the relationship that exists between these notions and how it forms and shapes individual subjectivities. While Foucault is not an analytical or systematic philosopher, his philosophy is not without order and intricacy, and in this chapter, I will reconstruct Foucault's notions of power and discourse in order to provide a more theoretically operational account of his concepts. The point is to provide a clearer understanding of what Foucauldian notions of power refer to and thus solidify a foundation for the following discussions of power relations that will ultimately culminate in an analysis and critique of neo-liberalism.

After having discussed the nature of power and discourse, I will turn to discuss the nature and production of subjects. I will present some examples of social structures that are discourse constituted and discuss the relationship between discourse, social reality and the generation of subjectivity. In the final portion of this chapter I will explain Foucault's idea of governmentality and how it ties in with discourse, power, and social structures. In doing so, I aim to fasten the various threads of Foucault's position together so as to have a substantive understanding of the exercise of political power.

In Chapter Two, I will present and analyse Foucault's tripartite schema of power: Sovereign power, Disciplinary power and Bio-political power. I will apply my formulation to each of these forms of power, and, with references to Foucault's key texts sketch out an understanding of each form of power relation: who exercises what sort of power over whom with respect to what. This is done so as to make clear what sort of power is being exercised in what domain. In Chapter Three, I will provide an analysis of Foucault's understanding of neo-liberalism. Here, I will primarily appeal to his later lectures: *Society Must Be Defended*, *Security, Territory and Population*, and *The Birth of Biopolitics*. In doing so, I wish to show a trajectory in Foucault's work and thought which continues on with some previous thoughts (normalisation, and the construction of subjectivity), while also disconnecting from certain previously held thoughts (the primacy of discipline in modern society). As stated previously, neo-liberalism is the chosen topic because of the fact that neo-liberal policies are being enacted in our own society and around the world. That being said, this is not meant to be an investigation of purely economic policies of the State, but rather an investigation of the sort of governmentality that neo-liberalism engages in. In short, how the constellation of systems and apparatuses of governance

are controlled and managed in order to render a society governable - hence the importance of the two previous clarificatory and hermeneutical sections.

After having provided a detailed examination of Foucault's thought, and thus refuted the claim that Foucault's thought is obscurantist and useless, I will consider and examine three criticisms of Foucault's account in Chapter Four. First, I will explore a critique from a Marxist perspective which argues that Foucault's understanding of power and governmentality are not helpful in political struggles because, according to their rubrics, power is diffused throughout social existence. This is much too broad and does not lend itself to any sort of practical use in generating, exercising or accomplishing political struggles. The second objection comes from Richard Rorty. Rorty argues a) that Foucault cannot present arguments for engaging in political struggles because he thinks all social institutions are inherently oppressive since they all normalise us, and b) his insistence on personal autonomy and self-creation negate any sort of attempt at collective legitimation or solidarity since these, too, normalise. Thirdly, I will critique Foucault's examination of neo-liberalism. I will argue that Foucault is mistaken in thinking that discipline is not the chief operative in modern forms of social control, and is in fact wrong in stating that the neo-liberal subject is 'free'. I will expand Foucault's notion of disciplinary power to also include instances of social pressure rendered through the governmental technique of 'responsibilisation'. This expansion of disciplinary power is also intensified since neo-liberal society, with its more unified normalisation of its subjects to a shared norm and understanding of behaviour and being based on an inappropriate sense of self-determination. By refuting both the 'Marxists' and Rorty, I aim to demonstrate the usefulness and applicability of Foucault's thought to contemporary political struggles.

In Chapter Five, having demonstrated that Foucault's thought can evade the criticisms given by the Marxists' and Rorty, I will present a positive Foucauldian account of political resistance to biopower and neo-liberal governmentality, thus countering the claim that Foucault's account is purely negative. This account will firstly focus on resistance as a creative act that is first aimed at our social categories and divisions. The first horn of critique is to show that the kind in question is not a natural one, and is in fact a creation of contingent social practices that differ between historical periods and cultures. The second horn shows that the kind in question is also harmful, and thus should be changed. Here, I will utilise Foucault's notion of historicism and critique, Judith Butler's concept of 'subversive repetition', Sally Haslanger's analytical approach to ideology critique, and Michael Root's conception of social divisions. These will be applied to the current biopolitcal and neo-liberal practices that generate subjects and maintain social divisions through 'responsibilisation' and the market.

In Chapter Six, having shown that Foucault's account can be used in a positive way, I will attempt to disprove the claim that Foucault's project is fatalistic. I will conclude by bringing together the various understandings of power, resistance, self-creation and freedom into a final urging towards a struggle for a new ethic of being. This will attempt to bring about clarification rather than knowledge of what a goal can be, and what can done in the struggles against forms of domination, with particular focus on neo-liberal societies.

DISCOURSE, POWER AND GOVERNMENTALITY

In this section, I will be exploring and explicating some of the crucial notions in Foucault's understanding of power, discourse, governmentality, the relationship that exists between these notions and how it forms and shapes individual subjectivities. I will first clarify what can possibly be meant by Foucault's notion of power by examining a cross-section of his statements about it. I will explain that these three statements, though seemingly disparate, are actually linked to a common core, and address three various ways through which power can be exercised.

This examination will be divided into several related steps. First, I will enlist some of the thoughts of John Searle, namely that there are two ways of talking about power: i) the existence of power, and ii) the exercise of power. Here I will focus primarily on the existence of power, and explain what it is, namely an ability or capacity to do something. I will show that even though Foucault did not set out to create a theory of power, one can still formulate a theory of power anyway and still be consistent with his ideas. This is primarily motivated by the desire to keep Foucault's hypotheses whilst also speaking clearly about power. Additionally, this motivation is linked to a desire to produce a positive account of power and resistance, rather than purely negative or diagnostic one. Second, I will move to discuss Foucault's thoughts on 'discourse'. I will explain the constitutive and circular relationship that is shared between discourse and social reality, and by doing so will further explicate Foucault's ideas of how power operates in and throughout society by means of discourse. In the third section, I will elaborate on the exercise of power by articulating a Foucauldian power-diagram. I will take five key points

that he listed in *History of Sexuality: An Introduction*, but never fully elucidated upon. I will elaborate on them by appealing to examples found in his previous texts, and the works of other authors such as, John Searle, Hubert Dreyfus and Paul Rabinow. Finally, a reconstruction of the power-diagram in the form of a operational formulation will be applied to the three aforementioned statements in order to show the coherence that exists between these three statements.

After having discussed the nature of power, discourse and their constitutive relationship, I will turn to discuss the nature and production of subjects. I further augment the discussion of Foucault by exploring some of the work by Sally Haslanger as she examined the ideas of discourse and social structures. I will present some examples of social structures that are discourse constituted and discuss the relationship between discourse, social reality and the generation subjectivity.

In the final portion of this chapter I will explain Foucault's idea of governmentality and how it is connected to discourse, power, and social structures. In doing so, I aim to tie the various threads of Foucault's position together so as to have a substantive understanding of the exercise of political power, and to move in the following chapter which will be devoted to an analysis of three of Foucault's main uses of power: Juridical or Sovereign power, Disciplinary power and Bio-political power.

The Problem of Power

The problem of power. This sentence really has two meanings. The first, and perhaps more plain meaning is that power and systems of control and domination are problematic in that they can fetter individuals and mute actions. The second: it is just difficult to adequately talk

about power. What is it? How does it work? There has been a hot of hot air spoken about 'power', and it takes on almost an occult-like meaning (and Foucault is partly to blame for this). I do think, however, that one can make sense of power, specifically Foucault's use of the term, and speak sensibly about it. However, in order to address the first problem of power, I must attend to the second, and I will do so now.

What exactly is 'power'? It is absolutely fundamental to Foucault's project, but its nature is not clearly stated. He states that 'power is everywhere: not that it engulfs everything, but that it comes from everywhere... power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular society ' (Foucault, 1990, p. 93), so in this sense is not merely agentic or structural. However, Foucault also states, 'power exists only when put into action' (Dreyfus & Rabinow, 1983, p. 219). So, how are we to make sense of these seemingly irreconcilable statements? First of all, it would be erroneous to take these statements as ahistorical. There was a trajectory to Foucault's project and he changed his mind on certain points (for instance, the large breaks or discontinuities between different *epistemes*, or knowleges, was gradually replaced by a more subtle continuity between epochs of thought). So, this apparent inconsistency here between these two statements may indeed be only an illustration of Foucault changing his mind, however, I think there is more to it than that. I think that these two statements extend one another - they point to two different ways in which power is exercised and operates. This I will illustrate and explain through an exegesis and interpretation of Foucault's work on power.

As stated previously, the ontology of power is not clearly discussed by Foucault. In fact, he never set out to create a theory of power, but rather he wanted to study and demonstrate the 'analytics of power' - how it worked (Dreyfus & Rabinow, 1983, 184-185).

> If one tries to erect a theory of power one will always be obliged to view it as emerging at a given place and time and hence to deduce it, to reconstruct its genesis. But if power is in reality an open, more-or-less coordinated (in the event, no doubt, ill-coordinated) cluster of relations, then the only problem is to provide oneself with a grid of analysis which makes possible an analytic of relations of power (Foucault, 1980, p. 199).

Perhaps Foucault is right to state that a theory of power will ultimately have to take into account the historical and cultural particularities, but I think that one can get clear on the nature of power, per se, and then take those particularities into account when dealing with power relations.

This discussion on the nature of power is not Foucault's understanding (as stated, he never ventured to get at the ontology of power), nonetheless, I will now attempt to reconstruct a theory of the nature of power by analysing Foucault's aforementioned statements.

Given these assertions that i) 'power comes from everywhere...', ii) 'power exists only when put into action', and iii) 'power is... [a] cluster of relations', we have what appears to the beginnings of a formulation of 'power'. These three statements, I think can be described as referring to three different ways in which power, as Foucault understood it, can be exercised. Respectively, (i) refers to society and its norms, (ii) refers to intentional action, and (iii) refers to the multiplicity of systems that circulate power systems. These notion will be discussed further later in this chapter, but first I think a formulation of 'power' itself should be made clear.

It is suggested by these statements that power can only be exercised in a state of relation, it cannot be exercised by itself. *It* gets put into action, and only then can its effects be made present. But the fact that power can only be exercised in certain relations presupposes that the ability to exercise power is already present, or prior to the relation. At this point, I think that it will prove useful to introduce some of the thoughts of John Searle that he explores in his books, *Making the Social World: The Structure of Human Civilization* (2010), and *Freedom and*

Neurobiology: Reflections on Free Will, Language, and Political Power (2007). In doing so, I aim to augment this investigation of Foucault, since I see Searle as a contributor to this topic.

In these two books, Searle argues that the existence of power, the nature of power, has to be separated from what is it usually confused with: its exercise. Given what has been stated above, the exercise of power is linked to the ability that it is exercising. Power thus is an ability, a disposition or a force that is able to be exerted. However, that ability can exist prior to its exercise, and that ability can be had without ever having be exercised (Searle, 2010, p. 145). What exactly is this ability? It can be any ability inherent to the entity that possesses it. For instance, one's car has the ability to be driven at top speed even if one never does so, and the Prime Minister has certain abilities that he may never exercise, ie veto a Bill. So, the existence of power is to be separated from its exercise, and the existence of the ability is prior to its exercise.

(1) Existence of Power: the ability A that X has which enables X to do some particular action Y.

Though this general notion of power as ability to do something can apply to a vast array of entities, the certain kind of power that is of concern here is social or political power - the power that human beings have over other human beings. This sort of power differs from that of the car engine in that human who exercise such power do so in order create possibilities and opportunities in order realise ulterior purposes. Additionally, this particular sort of power is a 'specific form of social reality' (Searle, 2007, p. 80) which forms much of our institutional reality. In order to see how this works, specifically regarding Foucauldian notions of power, a key term that must be explored: 'discourse'.

Discourse is a murky term in Foucault. In fact it is not until the near end of his *Archaeology of Knowledge* (1972) that he gives discourse something of a definition, namely '[it is] an entity of sequences of signs in that they are *enouncements* (statements)' and that '...[it can

be described as] a certain way of speaking...'(Foucault, 2002A, p. 121, 213). This 'way of speaking' constitutes relations between signs and objects, subjects and other statements in a more or less formal way through the 'accepted concepts, legitimised subjects, taken-for-granted objects, and preferred strategies, which yield justified truth claims' (Dreyfus & Rabinow, 1983, p. xxiv).

Discourses are linguistically constituted and thus are created by and perpetuate power systems through language, and as such are main transmitters of power (Foucault, 2002A, p. 32). At its core, this theory is that institutional facts are products of speech acts that assign status functions to certain things (objects, or states of affairs). According to Foucault, the relationship between discourse and institutional reality is at times circular and constitutive. For instance, say a couple gets married in a church. At the end of the ceremony, the priest declares 'I now pronounce you man and wife'. This speech act uttered by the priest performs the function of marrying the couple, but not by itself. The speech act itself has its meanings, but meaning alone is not enough to get people married. I, for instance, cannot walk down the street saying 'I now pronounce you husband and wife' to passersby and have them become thus married. Additionally, intentionality is not enough. I could sincerely want to have people get married every time I say 'I now pronounce you husband and wife', but that will not work. This certain declarative speech act only has the power to function marry people, and thus create a social fact, if the right person says it, and in order for a person to be 'the right' person, they also must be declared to be. So, in the case of the priest, he (though in some cases she) can create the institutional fact of marriage because he or she was declared a priest when he or she was inaugurated by the bishop, and thus given the authority to perform such an exercise (Searle, 2010, p. 100-103).

This example illustrates the constitutive and circular nature of the relationship between discourse and institutions. Certain statements are only 'constituted as serious by the current rules of a specific truth game in which they have a role' (Dreyfus & Rabinow, 1983, p. 54). These rules exist in currently existing institutions, and so this means that the 'certain way of speaking', and thus the speech acts that can constitute institutional facts are enforced by already existing intuitions. So, the discursive practices (such as speech acts, and ceremonies) can constitute institutional facts (like marriage), however, the continuing practice of the institution of marriage reinforces the already existing discursive practices (Foucault, 2002A, p. 120-124).

This is can be formulated in the Searlean terms: *X* counts as *Y* in context *C*. In the case of marriage, within the context *C* (a religious ceremony), the phenomenon *X* (the couple) has the symbolic status *Y* (being married). So, institutional and social facts are created via speech acts and these speech acts in embedded in certain discourses (ie: marriage, eligibility, religiosity, etc). But how does this relate to the exercise of power?

Power via discourse is exerted by persons upon others. This exertion of power upon individuals through various institutions is not necessarily the barbarous enforcement of prohibitions, but is also the expression of language and practices that obey certain rules which have been created by particular cultural conditions and rules that have been laid out by those very institutions. This has been demonstrated in the marriage example.

According to Foucault, discourses are formulated by our use of language, and we often fail to realise the ways in which our own language community constitutes what we talk about. Our language practices are arbitrary and yet have become second nature to us, and as such, without knowing it, we group distinguishable objects and thus constitute them (ie, race, gender, worker, child, etc).

As stated above, discourses follow certain rules, and due to these regularities and regulations there is a blend of labels and norms, and the enforcement of both, in a language community. This serves to create a only a way of speaking, but also a particular way of seeing and interpreting the world. One learns some combination of the rules of classification (of objects), and these rules of classification divide objects into groups. This division also generates one's own identity because through this process of division, a process of exclusion is also at work. This process of exclusion generates identities of subjects: *Us* and *Them*, *Mad* and *Sane*, *Deviant* and *Normal*, et cetera. Thus, we are inserted into a world that has comprehensively divided social structure. The divisions created become 'common sense' – a way of comprehending, explaining, and acting in the world.

An object is constituted thusly by what Foucault calls, a 'unity of discourse'. The unity of discourse on a particular object 'would be the interplay of rules that define the transformation of these objects, their non-identity through time, the break produced in them, the internal discontinuity that suspends their permanence' (Foucault, 2002A, p. 36). For instance, we constitute the object of 'madness' by a set of rules that allows us to say that one is 'mad' together with the interplay of rules that defines the madness as dissolved (cures, treatment, rehabilitation). Foucault is interested in the way this works and how we control our mental taxonomy through language practices.

The key point that Foucault is making here is that the unity of discourses on madness, for instance, would not be based upon the existence of the object 'madness' itself, or the constitution of 'a single horizon of objectivity'; it is not something that was waiting there in the world for us to discover it, but rather it would be the transaction of the rules and practices that make possible the appearance of objects during a given period of time and the practices that obey such rules. As

such, objects are shaped by and differentiated in measures of discrimination and daily practices

such as in law, in religious casuistry, in medical diagnosis, etc. In short, objects are marked-out in

and by our language community's descriptions, codes and practices (Foucault, 2002A, p. 35-36).

This notion will be further explored later when discussing the ontological status of subjects.

To elaborate further on the relationship between discourse and institutions, Foucault

thinks that discourses play the role of 'legitimating' power by (as stated earlier) emphasizing the

construction of current 'truths' and they are maintained by what power relations they carry with

them. Our language community constitutes objects and forms institutions (money, universities,

elections, business meetings) and yet at the same time, discourse is, in large part, determined by

the objects it constitutes. The objects that have been constituted by the discourse embody the

ideas of the discourse and the reflection of those ideas within the object perpetuate the discourse.

> [For instance, a] factory is not an inert pile of bricks, wood, and metal. It
> incorporates or actualizes schemas....The factory gate, the punching-in
> station, the design of the assembly line: all of these features of the factory
> teach and validate the rules of the capitalist labor contract...In short, if
> resources are instantiations or embodiments of schemas, they therefore
> inculcate and justify the schemas as well...Sets of schemas and resources
> may properly be said to constitute structures only when they mutually
> imply and sustain each other over time (Sewell, 1992 in Haslanger, 2011,
> p. 194).

As a result, it follows that individuals - and not only Prime Ministers - are constituted by

discourses in that individuals in language communities embody the background assumptions

generated by the discourses. As such, the individual is shaped by the power relations that exist

within that society and this results in different ways of being and different ways of dividing up

kinds. This is a sort of pluralism (akin to Wittgensteinian language games) regarding the social

ontology of individuals. This is not Foucault's own formulation, though I think it is consistent

with his view.

The idea behind Foucault's account is that in order for someone to be 'mad', for instance, that person must be in a community wherein people have a concept of 'madness' and also regard that person as falling within the bounds of that concept. As stated above, people are divided by the concepts of their language community, but they are not divided by the concept, per se. There must be individuals who use the concept to divide.

This can be formulated as such:

(2) Discursive Division: Category K divides people iff they divide themselves by K. Furthermore, madness M is a K iff it is used to divide people at a site S. A person is M at site S iff M is used by people to divide people at site S (Root, 2002, p. S632, fn.5).

That individual need not think of themselves as mad in order to be taken to be mad.

According to Foucault, this sort of action is an exercise of power, and such power is exercised often implicitly, by the way in which our discourses are formed, and it is often exerted in such a way that it misrepresents its own centrality in systems of domination. For example, in the *History of Sexuality: An Introduction*, Foucault explains that we 'Other' Victorians, we modern Westerners, tended to think of sexuality as repressed by social forces that prohibited sexual release. According to Foucault, this is a myth, and that actually there was a 'veritable discursive explosion' regarding sex and sexuality, however, talk was curtailed by 'the authorized vocabulary' that policed statements, took control over enunciations and reduced some areas to silence or at least discretion. (Foucault, 1990, p. 17-18).

Despite this 'discursive explosion', however, it was the popularity of this myth that shaped and continues to shape how we see our sexuality. This myth implicitly molds our sexual experiences by telling us what our sexuality ought to be, and by producing in us both feelings of shame and guilt and yet also feelings of fascination and arousal.

The important thing...is not that ...men shut their eyes or stopped their ears, or that they were mistaken [about sexual repression]; it is rather that they constructed around and appropos of sex an immense apparatus for producing truth, even if this truth was to be masked at the last moment... Historically, there have been two great procedures for producing the truth of sex... One is the technique of having erotic masters who can transmit this art in an esoteric manner... The second procedure is the confession, and today, western man has become a confessing animal.... The obligation to confess is now relayed through so many different points, is so deeply ingrained in us, that we no longer perceive it as the effect of a power that constrains us; on the contrary, it seems to us that truth, lodged in our most secret nature, demands only to surface... (Foucault, 1990, p. 56-60).

Foucault thinks it mistaken to consider power only as something that institutions possess and use oppressively against individuals and groups, and thus he tries to move the analysis of power beyond the naive view of power as the plain oppression of the powerless by the powerful, aiming to examine how it operates in day to day interactions between people and institutions. In *History of Sexuality: An Introduction*, he argues that we must overcome the idea of power as oppression, because oppressive measures are not just repression and censorship, but they are also productive, causing new behaviours to emerge.

On Foucault's account, though this form of power is observed and has been institutionalised in the past, power is not something that can be owned, but rather something that acts and manifests itself in a certain way; it is more a strategy than a possession: 'Power must be analyzed as something which circulates, or as something which only functions in the form of a chain . . . Power is employed and exercised through a net-like organization . . . Individuals are the vehicles of power, not its points of application' (Foucault, 2003, p. 29). This is consistent with my explanation of power as ability.

Given the notion of power-ability and Foucault's conception of discourse, I think an attempt at a formulation of Foucauldian power is now possible. First of all, a) power is relational, in that its exercise must take place in a system, or a network of relations which ranges from the

relations between two individuals, to the whole society, and b) individuals are not just the objects of power, but they are the locus where the power and the resistance to it are exerted. These two broad features can also be divided into five more nuanced features to form what I call 'Foucault's Power-diagram'.

An Articulation of Foucault's Power-diagram

I.   <u>Functionality</u>: "Power is not something that is acquired, seized, or shared, something that one holds on to or allows to slip away; power is exercised from innumerable points, in the interplay of *non-egalitarian* and *mobile* relations" (Foucault, 1990, p. 94 [own italics]). These innumerable points are the various political technologies that are set up through the social body, and it is the functioning of these technologies that generate rituals of power. It is through these rituals that asymmetrical and non-egalitarian relations are set up (Dreyfus & Rabinow, 1983, p. 185). These relations are also made mobile through their everyday operation, their being spread through the social body spatially and temporally.

II.   <u>Imminence and Interdependence</u>: "Relations of power are not in a position of exteriority with respect to other types of relations (economic, knowledge, sexual), but are immanent in the latter" (Foucault, 1990, p.94). Relations of power are also "not in super-structural positions, with merely a role of prohibition or accompaniment; they have a directly productive role, whenever they come into play" (Foucault, 1990, p.94). Power can become localised in a particular institution (ie, school, hospital, prisons) through the operation of various technologies. For example, when the disciplinary technologies establish links between these institutional settings, then disciplinary technology is truly effective. What is meant by 'effective' here, is that the technology invests the institution and the individuals within it in such a way that there is conformity to the technology. In short, 'it works'. It produces subjects that act in accordance to

the technology. It becomes day-to-day, ordinary. For example, take the various disciplinary technologies such as scheduling, surveillance and hierarchy that have been introduced in a schools. These technologies, though not identical to the educational institution, are taken as an integral part of it.

III.   <u>Multi-directionality</u>: 'Power comes from below; that is, there is no binary and all-encompassing opposition between rulers and ruled at the root of power relations' (Foucault, 1990, p. 94). This may sound like a strange phrase, almost as if Foucault is denying domination, however, this is not the case. In fact, I take it that this sentence can be read two ways. Firstly, that those who are acting within an institution are enmeshed in power relations. Even if power is being exercised from above, that individual is acting in system that is the product of a coördination and determination of the relations between a multiplicity of forces in our society. Take the example of the pathologisation of sexuality that Foucault describes in *History of Sexuality: An Introduction*. Sexologists sought to get at the heart of the illnesses that were ravaging the Victorian family by getting their patients to treat their sexuality as the essential secret to be revealed through confessional practices (Foucault, 1990, p. 45, 59). The sexologists did this with a genuinely clear conscience - that is, they were trying to help. They were not agents of the state. But it turns out that the state, for its own reasons which will be discussed later when regarding biopower, was also interested in illnesses that affect the psychological and motivational state of its citizens. These sexologists whom had data, diagnoses, and proposed cures were turned to as 'experts' in maintaining the health and stability of the family and its members. The knowledges of the sexologists were in this way increasingly valourised and institutionalised. They were co-opted into various state apparatus. The resulting alliance between state institutions and the sexologists is much more opportunist than it is conspiratorial. This is

why Foucault says that we should not look for the headquarters that presides over the rationality of some particular power formation. Power that is being exercised from below can be co-opted by those above, and vice-versa (Dreyfus & Rabinow, 1983, p. 185-186).

The second reading is more subtle in that it involves intentionality and the constitutive nature of discourse. As stated previously, we use our categories to pick out things in the world, group them together and, given our interests, ascribe meaning to them. These status functions have to be acquiesced to by people in order that they perform their functions. As a result, the assent comes from below. Social and political power, then is directly attached to the collective acceptance of their status functions. These institutions could not function, and power could not be exercised through them unless the community agreed to the functions (Searle, 2007, p. 87, 92-93).

IV.   <u>Volitional and Accidental</u>: "Power relations are both intentional and non-subjective" (Foucault, 1990, p. 94). They are 'imbued with calculation: there is no power that is exercised without a series of aims and objectives' yet at the same time, 'this does not mean that it results from the choice or decision of an individual subject' (Foucault, 1990, p. 95). This has been seen as one of Foucault's more provocative statements[1], however, I think it is something more simple, though not simplistic, than has been thought. I think that this is Foucault's way of stating that there are often unintended consequences of actions. Power can be exercised one way, and then the effects of that original exercise of power, that were not originally intended, are perpetuated. This then causes power to be exercised in a different way that is not the same as the initial exercise of power. Let us take up the example of the Victorian sexologists again.

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[1]Beyond Structuralism, Dreyfus, Rabinow; The Structure of Social Theory, King

These individuals, just as much as anyone else, were enmeshed in a power network made up of various social relationships and institutions, and this diffuses the power that was being exercised. They had original intentions, goals, objectives; they wanted to locate and cure the sickness in the social body, be it the problem of masturbation, sodomy, hysteria or other sexual aberrations of the time. This is the intentional node of power relations. However, on the other hand, these sexologists, with their knowledges of ailments, cures, prognoses, diagnoses, et cetera, had effects that they did not intend. Even when functioning together with psychiatric, medical, religious and law discourses to create the normal and abnormal, and to further criminalise the deviant, these effects were never made by one individual or anyone group. There is a disjunction between the actor's intention and the actual effect, and this is the non-subjective node of power relations. Individual subjects in their everyday affairs do know, to some degree what it is that they are doing, and saying. That being said, individuals are usually quite unaware of what-it-is-that-they-have done is doing (Dreyfus & Rabinow, 1983, p. 187).

V.   <u>The Irony of Resistance and Power</u>: 'Where there is power, there is resistance and yet this resistance is never in a position of exteriority in relation to power' (Foucault, 1990, p. 95). This quote can be divided into two points. I) Power and resistance are inseparable, and II) Forms of resistance take place in relations of power.

With regards to (I) Foucault thinks that resistance is an element of the functioning of power, and that there are no relations of power without resistance (Foucault, 1980, p. 142). What resistance is then is a rupture in a formal power network - a point of friction between power and 'freedom's' will refusal to submit. It is at this point of contact where power acts and where it is also disrupted.

Concerning (II), from the 'death speeches' to the Reformation, the forms of resistance that subvert or fight against power relations always exist within that structure of power - even if they exist at the fringes. The 'death speeches' of the criminals whom were being executed took place within the same barbaric structures that forced the criminal to the gallows. They turned the gallows from a transmitter of the King's wrath and might into a pedestal of their own - to harangue the authorities or to seek forgiveness and sympathy from the crowd. The Protestant Reformation countered the Catholic Church from within by using its own sacred texts against it, and by using those texts, by using what was central to the Church's exercise of power over the congregations, Luther and others were able to critique and dismantle.

So, resistance is that which attempts to thwart or subvert a formal power relation. Speaking of the two above examples, resistance as a struggle against, or for liberation from oppressive external forces. That being said, I think that these are very different and specific forms of resistance, and not all forms will resemble these.

In the case of the 'death speech', the criminal subverted the occasion by re-directing the course of action of the execution. The goal of the execution was it instill awe and terror in the audience - to have them witness the majestic barbarity of the Sovereign. So, when the criminal speaks and either criticises the authorities or generates sympathy from the crowd, the precession of the execution is subverted, and even at times the mob would riot. In short, according to Foucault, at these spectacles 'there was a whole aspect of the carnival, in which rules were inverted, authority mocked and criminals transformed into heroes' (Foucault, 1995, p. 60-61). The site of power would be transformed into a site of revolt. It disrupted a functioning of power.

With regards to the Reformation, it was an expression of revolt against an experience of subjectivity and a 'rebellion against the kind of religious and moral power which gave form,

during the Middle Ages, to this subjectivity. The need to take a direct part in spiritual life, in the work of salvation, in the truth which lies in the Book - all that was a struggle for a new subjectivity' (Foucault, 1983, p. 213). The Reformation was not only a critique of the Church, but it was also a revolt against conduct. Against the conduct of the Church formally, and how the Church conducted the Congregations through various doctrines.

Despite being a revolt against conduct, the Reformation ended up creating a formidable reinforcement of the pastorate system of religious power. So, precisely what was thought to have been liberating ended up being a new form of oppression. This point ties into the previous node in this power-diagram: Volitional and Accidental.

A Reconstruction of Foucault's Power-diagram

Perhaps now a reverse-engineering of the exercise of Power can be made here in order for it to be made operational and clearer. As stated at the outset, Foucault did not set out to create a theory of power but an 'analytics' which examined how various technologies of power and knowledge have, since antiquity, entangled and developed in concrete and historical frameworks. However, I think it will be useful to make out his understanding of power into a formulation of sorts.

With all of the above facets in mind, it appears that a Foucauldian understanding of Power is a capacity or force, and it is exercised in various ways in order for one person or persons to make another person or persons do something. Power relations are the strategies that individuals use to control the conduct of others (Foucault, 1997, p. 298). Given this, the formulation is as follows:

(3) Exercise of Power: A exercises power over B if A affects B in a significant manner (ie, making B do/want something that B would not have otherwise done/wanted) in context C.[2]

For example, a parent A exercises power over his or her child B when A orders/scolds/rewards B in order that the child behave in a way that is appreciated by the parent. It is important to note that A can exercise power over B even if A is not successful in achieving their goal. For instance, a parent can still exercise power over their child even if the child does not comply with the requests, orders, or scolding by the parent.

This formulation may seem to fly in the face of the aforementioned facet of Foucault's understanding of power as 'Volitional and Accidental', but I do not think it does. This is because it is clear that A can exercise power over B under one description, and then that exercise of power can have unintended consequences. Those unintended effects of the initial exercise of power can be acted upon, and perpetrated, and thus power is being exercised unintentionally with regards to that effect. This point will explore further shortly.

As stated at the outset, there are three rather mysterious Foucauldian statements: i) 'power comes from everywhere...', ii) 'power exists only when put into action', and iii) 'power is... [a] cluster of relations'. Given what has been stated thus far, I think that it is now the case that certain formulations of Foucauldian notions of power can be made to address each of these claims.

The most mysterious one is (i) 'power comes from everywhere...' How are we to make sense of this? For the most part, the cultural and social institutions that we find ourselves surrounded and invested by are ones that we simply take for granted. This is indeed consistent with what Foucault is getting at with discourse and the constitution of institutional reality. Since

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[2]I will henceforth use 'power' to refer to this understanding of it.

we are often unaware of the social institutions around us, the creation of institutional facts often happens unconsciously. As stated above, people usually know that it is that they are doing, and they often know why, but they often are unaware of will happen due to their actions.

This notion that power 'comes from everywhere' cannot literally mean that power, and specifically social/political power, the power that people have to make others do something comes from all things. I think that this rather mysterious sentence is referring to something like 'social pressure', the pressure to conform. This pressure to conform to the norms of society is exercised constantly so that one conforms to the norms. And even if one does not wish to transgress the norms of society, one will still feel the force of that power. The power that would be exercised against a transgressor lies dormant - this is because if power is the ability to get someone to do something whether or not they want to do it, and one has that ability whether or not they ever use it, then it is latent. This dormancy, or latency is, seemingly, a part of its very ability to effect others – it acts as a threat (Searle, 2010, p. 156-158). For instance, if I wished to walk down the street naked I would immediately experience the social sanctions that would be thrust upon me as a result of my transgression against the 'wearing clothes in public' norm. However, perhaps if we were not pressured to conform to such a norm, as some people do (nudists, and 'naturalists'), then, perhaps, we would not do what we currently do, which is abide by the norm.

The second statement 'power exists only when put into action'. This sentence can be interpreted as referring to the exercise of power. Power is an ability, but the exercise of power is having that ability be manifested. This may seem at odds with the above notion of dormant social pressure, however, as stated previously, power can be exercised under one description, however,

that exercise can have unintended effects. So power exists when it is put into action, however, it can be put into action unconsciously.

Thirdly, 'power is... [a] cluster of relations'. Power is 'integrated into a disparate field of possibilities brought to bear upon permanent structures' (Foucault, 1983, p. 219). Power, in order to be exercised, cannot be done so spontaneously and in isolation. There have to be two actors that form a network for power to be exercised. These relations form a web into which we are locked. Our lives are infused in invisible systems of power. These systems are formed through combinations of discourses, institutions, common practices, shared backgrounds and understandings, et cetera. It is through this sort of web of institutions, meanings, practices et cetera that humans can exercise power over other humans.

To sum up, the exercise of power requires (1), (2) and (3). Categories that are used to divide people can imbue those people with certain abilities that can be enacted in certain ways. This is not meant to sound mysterious. If, at site *S*, in context *C*, a person *Y* satisfies the constraints needed to fulfill a category *K*, which is used to divide people, then they can be given certain abilities. The most direct example would be the example of the prime minister. However, not all categories grant the individuals whom fall into them powers or abilities. For instance, the mad are not imbued with any powers that are collectively assented to. For this reason, I stated that categories 'can' imbue, and not that they 'do' imbue the individual with abilities. These categories, however, can be looser than the titles of prime minister, parent, police officer, et cetera. As stated above, there is the notion of social pressure, and this sort of power can be exercised by anyone over anyone who is transgressing social norms at site *S*.

Ultimately, the fundamental idea emerging from Foucault's ideas is that the privileged place to observe power in action is the relations between the individual and the society,

especially its institutions. Consequently, Foucault studies – in what he calls 'the analytics of power' – how various institutions exert their power on groups and individuals, and how the latter affirm their own identity and resistance to the effects of power.

The Generation of the Subject and its Ontological Status

Foucault has often been read as, and I think mistakenly believed to be a scholar dedicated to and focused primarily on Power. However, this is not the whole story. In fact, he was primarily focused on the 'subject': an entity that oscillates between agency and structure, freedom and servility. His project is characterised by the study of '…the different modes by which, in our culture, human beings are made subjects' (Foucault, 1983, p. 208). This process of the generation of subjectivities occurs at the juncture of power and knowledge; the ligature connecting discourses (a particular understanding of nature [including human nature] and a particular notion of society and politics), and discursive practices (scientific endeavours such as research, and implementation through various forms of governance) and institutions. Power, for Foucault is not the primary focus of his project. Rather, power is but one crucial node in the web of relations that make up subjects.

Discourses create and re-enforce the various institutions that are both the medium and the outcome of the practices which constitute social systems. Such social systems shape people's practices, but it is also people's practices that constitute (and reproduce) such systems. Human action, then, is not opposed to such social systems but rather these two presuppose each other.

Discourses encode knowledge and also provide scripts for communication with each other and our environment. This knowledge and communication manifest through the uses of various resources in a materiality which generates institutions which, in turn, inform systems of

knowledge. An example of this would be the social categories of 'man' and 'woman'. This discourse of gender and sexuality is manifested in myriad different ways, however, an apt example is the design and labelling of male/female washrooms (Haslanger, 2011, p. 8). In this example, there is a reciprocity shared between the discourse of the duality of the sexes and the physical elements that make up the social structure of a labelled, and thus gendered washroom. The little pictogram of the woman wearing a dress, and the pants-wearing man are obvious examples, however, there are also metaphorical or slang signs that designate one washroom for 'Stallions' and the other for 'Fillies' one 'Chicks' and the other 'Dicks' or, more prosaically, one 'Ladies' and the other 'Gents.' These metaphors also link up to the discourse of the duality and separation of the sexes, and perhaps even more insidiously so. There are also the material differences of the washrooms: full-body mirrors in female washrooms, and more surprisingly:

> ...the three major model plumbing... in the United States specified minimum elimination fixtures (water closets and urinals) for men's restrooms that are often greater than the number for women's restrooms...depending on the type of facility, the specification formula used, etc (Rawls, 1988, p. 6)

These codes began with the nineteenth century premise that women were less likely to be out and about in public than men (Kogan, 2010, p. 145-147) . So, a certain discourse about the nature and dispositions of men and women led to inventions of certain material structures to facilitate a particular need, and we know what that is.[3]

In short, the materiality of our social world is discourse constituted, and the social structures that arise from this wedding of discourse and materiality are imbued with social

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[3]This may not seem like it is a significant issue. How does having two different washrooms for two different human sexes constitute a problem for subjects? Firstly, it perpetuates the differences between the sexes, and these differences are not always physical and directed at facilitating male and female excretion - the mentioning of the differences in the distribution of mirrors and actual toiletry implements illustrate this. Also, there are a greatly many people who do not identify with either gender. So, this seemingly innocuous issue is more important than perhaps previously thought, and various political actions are being undertaken because of it.

practices. These social structures are '...intersubjective or cultural patterns, scripts and the like, that are internalized by individuals to form the basis of our responses to socially meaningful objects, actions, and events' (Haslanger, 2011, p. 21). As such, individuals will often, then, take the dominant discourse and take it in their self, and thus construct their own identity. This is what Foucault calls 'subjectification', the making of one's self into a subject of a discourse and power relation(s). Additionally, this process of subjectification brings into existence an individual's 'subjectivity': how one experiences one's self in the games of truth constructed through the discourses and power relations.

To be clear, Foucault does not think that the subject is something that is entirely passive or as something that is entirely self-creating. According to Foucault, the subject is not only an effect of power and disciplinary practices, but also an agent that is situated in a web of various background constraints (Foucault, 1995, p. 170). The subject can fashion his or her self by using various practices that are to found in his or her culture, society or social group. These practices can be made his or her own despite the fact that these practices were not something that was invented by the subject (Foucault, 1997, p. 291).

This interplay between exercises of power and individual is illustrative of the balanced view that Foucault held of the subject as both a being that can act and as a being that is constrained. The subject exists in a discourse constituted social world, and as such is subjected to various normativities and discursive practices. Nonetheless, despite the subject not being the autonomous entity of the Enlightenment, the subject is capable of action and can consciously make his or her self instead of being a mere function of discourse.

With these notions in mind, the ontological status of the subject can be stated.

Subjects are not purely autonomous agents who can act outside of discursive practices, nor are they purely discourse constituted beings. For the most part, the social dimension of social structures is obscure, and we are not fully aware of the social reality of our practices (Haslanger, 2011, p. 197), and as such, subjects are partly constituted by our social practices. These social practices provide labels to divide people into certain kinds of people. These divisions are, according to Foucault, 'marked out in reality', and are so because they are constituted by our practices. This does not mean that they are 'out there' in the world - the fact that they are 'marked', I think, implies that there is someone doing the 'marking'.

Subjectivies and the labels are a co-production mediated by discursive practices. These practices can be taken in by the subject in order for the subject to fashion their own subjectivity. As such, subjects are, indeed, socially constructed entities that, in part constituted by discourse, and in part, fashioned by their own actions - both of which are situated within a larger institutional context.

Governmentality

Initially formulated in *Security, Territory, and Population*, Foucault's notion of 'governmentality' was enriched and deepened in *Society must be Defended* and *The Birth of Biopolitics*. This concept of governmentality encompasses the goals, techniques and procedures which are designed to govern the conduct of both individuals and populations at every level, not just at the administrative or political level. It coincides with the centralization and increased government power which produces 'rituals of truth' from which emerge 'regimes of truth'. Governmentality operates in and through discursive fields which are characterised by a shared vocabulary, organisational techniques based on a shared understanding of ethical principles and

explanatory logics. These develop various modalities of speaking the truth (knowledge) - who can speak the truth and how.

Within these discursive systems, certain people are deemed as 'authorities', and they are designated as authorised 'truth-speakers'. Areas in which certain people can speak, and about what or whom are constructed and clarified. As a result, practices rooted in truths are created, *ie,* the methods of shaping the behaviour of others. At his most concise, Foucault defines governmentality as 'conduct of conducts' (Foucault, 1983, p. 341).

Governmentality is enacted by governments. This may seem redundant, however, must be made clear that by 'government', Foucault does not only mean the political or administrative of the modern state, but government is what structures the possible field of action of others. So, there is the government of children, the government of families, communities, populations, the sick, etc.

Whereas governmentality is the set of goals, and objectives, techniques and procedures (ie, the plan), Government is the method through which these aims were to be achieved, Foucault calls this the 'disposal' of things. By disposal he means an arrangement of things through which one can achieve certain ends. But the things are not just objects. They are a complex amalgamation of people and thing; that is, people in relation to objects and events in the world (Foucault, 2007B, p. 323-324, 331 n. 31-32,34). Government was utilized to make adjustments in the relationships between people and things which became available to it through the economy. Government could intervene tactically into the economy by utilizing laws but it could also do so by adjusting taxation, prescribing standards for education, by building an infrastructure as well as by directing moral and religious education.

This development of governmentality does not convey a new theory or paradigm as much as a new perspective, a new area of research, and illustrates a change in Foucault's analysis of power. By introducing governmentality, Foucault shows that there is another way to view power, for if there are different ways to govern, then there are different ways in which individuals and populations become governable. This leads to a more subtle understanding of the operations of power in societies. It allows for seemingly distinct nodes of power relations to be coalesced into a constellation forming the power system in a society.

For instance, let us take the post-16th century disintegration of monarchical power. In this case, even though the absolute power of the monarch has gone, one sees that there still is government. This is, to a large extent, internalised by people, but there is also surveillance and reinforcement for conforming to the rules. Here we have a shift in governmentality. This new kind of governmentality was made possible by the creation of specific (expert or professional) 'knowledges' as well as the construction of experts, institutions and disciplines (e.g., medicine, psychology, psychiatry) so that individuals who we think of as experts can claim the knowledge necessary to command the power of governmentality.

In his analysis of 'governmentality', Foucault stresses again that it would be an error to understand institutions such as the state as being essentially oppressive and power should not *only* be thought of in terms of hierarchical, top-down power of the state, as stressed in his earlier works, but also to include the forms of social control in disciplinary institutions, such as schools, hospitals, psychiatric institutions, et cetera, as well as the forms of knowledge. Power, then can manifest itself positively by producing knowledge and certain discourses that get internalised by individuals and guide the behaviour of populations.

This leads to more efficient forms of social control, as knowledge enables individuals to govern themselves. This development constructs a tripartite division of power: i) Juridical, ii) Disciplinary and iii) Bio-political power

A GENEAOLOGY OF POWER RELATIONS

So, far I have only clarified what 'power' means in a Foucauldian context. Having provided that account, in an attempt to make Foucault's ideas more operational, I will proceed with a detailed analysis of various sorts of power relations. In this section, I will present three crucial figures in the history of Foucault's study of power relations: i) Juridical/Sovereign power, ii) Disciplinary power, and iii) Biopolitical power. I will explain what the nature of these exercises were and only briefly attach them to the historical examples given to us by Foucault.

In short, judicial power primarily deals with the severe punishment and torture of criminals who transgressed the will of the sovereign, power was the weapon on the sovereign utilised by the authorities. Disciplinary power focuses on the correction of the individual through reformative behaviours and repetitive and regimented behaviours. Biopolitical power deals with the imposition of normalcy over, not just individuals, but over entire populations. This is done through statistical data gathering, and systemic monitoring of populations.

Though Foucault anchors these exercises of power to various historical developments, I think that one can formulate what is specific to each form of power without necessarily having to appeal to history. As such, I will not focus on the historical shifts from power relation to power relation, though I will mention them. Instead I will focus on the form of power as it was exercised.

Additionally, in each of the three sections, I will provide an account of Foucault's notion of the respective power relation, namely how was it exercised, who did the exercising, and when

in history did this form of power arise. I will then provide a formulation of the respective

exercise of power. In doing so, I aim to provide a method of examining exercises of power in a

systematic and operational fashion. To see what exercises of power fit with what.

Juridical Power

In his earlier works, such as *History of Madness* (1961) and *Discipline and Punish* (1975)

Foucault explores the Jurdicial notion of power, or the 'the Right to Death' and disciplinary

notion of power, 'the Power over Life'.

Juridical power is what power is typically believed to be. It is understood as the capacity

of an agent to impose his or her will over another agent, or the ability to force another agent to

do things she or he would not wish to do. In this sense, power is understood as possession, as

something owned by those in power and as something that can be taken away from those who

are not in power. It is a negative power, a 'power that says 'no'' (Foucault, 1980, p.139). It is the

power that says that something cannot be done and that acts to enforce the law. This is literally

seen in the spectacle of the scaffold, in the public tortures and assaults of criminals. In such

instances, such as the event that opens Foucault's *Discipline and Punish*, the criminal individual

is, in a public spectacle, literally 'marked' by the sovereign who writes the crimes of the accused

on the body of the condemned individual. This marking comes with intentional pain which is

inflicted upon the individual by various means of torture. So, this Jurdical power, literally

assaulted itself upon the bodies of those who were condemned by it.

This was the sort of power that was exercised by the 'sovereign' over the 'subjects'. It

involves obedience to the law of the king or central authority figure, and it operates through

prohibitions and punishments, so that when power is exercised on someone, something is taken

away from that individual. This is seen explicitly in the public tortures. This form of power also operates through official institutions such as laws, government, police, etc, and is housed in and used by official institutions and is exercised on the transgressing individuals. Contemporary society still has some residue of Juridical power still active and intact – operating within certain elements of the prison systems, military and law enforcement. Given the formulation of the exercise of power as: A exercises power over B if A affects B in a significant manner in context C, the specific operation of Juridical power can be formulated as follows:

Juridical Power: A exercises Juridical power over B if A gets B to do what A requests (whether it be to have the condemned recant, comply or suffer and die)[4] in context C (juridical discourse).

For Juridical power to be used, A must be in a certain position of authority in a juridical discourse C. In the past, A was a monarch, a lord, one who was sovereign over their subjects B. This sort power was primarily understood in terms of rights, and these rights, were as stated previously, assented to by the population and therefore bestowing status functions upon the Sovereign. Such juridical discourse has changed over the centuries, but, as mentioned earlier, some degree of Juridical power is still with us. In contemporary society, the juridical discourse has expanded in some degree so as to included institutions of law, and exercises of law enforcement. So, a police officer exercises Juridical power over someone when they arrest him or her. A judge exercises juridical power over someone when he or she sentences him or her. This shift in the concentration of power from the Sovereign to various juridical institutions is indicated by Foucault as coming from 18th classical liberalism and the reformers.

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[4]There is qualification here: B need not want to comply with A's request. So, A exercises Juridical power over B if A gets B to what A requests, *whether B wants to or not*, in context C.

According to the reformers, the Juridical power exercised by the monarchs was being exercised illegitimately. This was motivated by the notion of the social contract and that laws are consented to by the individuals of society (Rosseau, 1978, p. 52-54). This consent, in turn, removes some freedoms from the individuals whom subjugate themselves to authority in order to have certain rights upheld.

As such, the reformers wished to remove vengeance from the processes of punishment (Dreyfus & Rabinow, 1983, p. 147). For instance, petitions that were circulated during the French Revolution declared: 'Let penalties be regulated and proportioned to the offenses, let the death sentence be passed only on those convicted of murder, and let the tortures that revolt humanity be abolished' (Foucault, 1995, p. 73) . This shift in discourse did not abolish punishment, but rather exhibited a new interpretation of its exercise (Dreyfus & Rabinow, 1983, p. 147). Instead of being charged with transgressing the will of the king, the condemned were to be charged with contravening the social contract. As such, society was the victim. 'Society therefore had a right to redress this wrong, and punishment became the obligation of society' (Dreyfus & Rabinow, 1983, p. 148). This punishment was to be 'transparent' (Foucault, 1995, p. 104), and to 'fit the crime'. This new form of punishment served two purposes: i) it must redress the wrong that was committed, and ii) also rehabilitate the criminal so as to bring him or her back into society. This exercise of power was still exercised Juridically through police, courts, et cetera but it also functions in ways that the Enlightenment theorists did not predict.

Disciplinary Power

This humanist reform, though touting its conviction for the 'humanity' of all persons involved, has a more insidious element, according to Foucault. The punishment of execution

does not gain control over an individual, it removes the individual whom cannot be controlled. Disciplinary power, unlike its Juridical counterpart trains rather than tortures. It renders individuals docile by '...increas[ing] the forces of the body and eliminat[ing] those same forces' (Foucault, 1995, p. 158). In various institutions, individuals become skilled through training: the soldier more lethal, the student more scholarly, the worker more productive. This is what is meant by 'increasing the forces'. However, at the same time, the individual, once rendered docile, loses the ability to emancipate themselves through those same forces since he or she cannot use them in a way other than how they have been trained to use them. As such, disciplinary power operates so as to make individuals into subordinated elements of an apparatus.

Docility is an important term in this discussion of discipline, and deserves some elaboration. According to Foucault, Disciplinary power differs from Juridical power in important ways. Whereas Juridical power was conceived as the 'Right to Death', Disciplinary power is described as 'the Power over Life'. This 'Power over life' placed an greater importance on the actions of norms rather than laws. Norms are to be distributed throughout various spaces and institutions and individuals are to be brought into the realm of the norm (Foucault, 1990, p. 144). Whereas Juridical power acts upon individuals and takes something away as punishment for transgressions, Disciplinary power attempts to normalise individuals by regulating their behaviour - in this way, the individual becomes docile; by adhering to the norm's regulations. According to Foucault, this is achieved through the exercise of three principles i) the precise spatial arrangement of bodies, ii) strict temporal programming of conduct, and iii) surveillance. In order to optimise the information gained about individuals, they are orderly placed in into a network of hierarchical levels of surveillance. This surveillance is not limited to direct surveillance such as one person watching another, however. Tests, examinations and other forms

of data collection all count as surveillance since they monitor data and information of persons and activities. Concurrently, normative sanctions and regulations are implemented by certain qualified authorities. These normative regulations operate through the micro-management of time and behaviour. Time is regulated through the documentation of absences, impediments and disturbances. Behaviour is regulated through the recording of inattentiveness, 'inappropriate' behaviour and gestures. These micro-managements are quasi-judicial because the activities that are recorded are ones which can be transgressions or successes, correct or incorrect, et cetera vis-à-vis the norm. Additionally, the recordings of behaviour thus serve as a basis for the hierarchical differentiation of individuals and as a means of surveillance of those same individuals (Foucault, 1995, p. 149-155). Individuals are differentiated according to how well or poorly they conform to the norms in a given institution. This can be seen through the practice of examination. Examinations are tools that a) determine where the individual is situated regarding the norm, and b) provide information about the individual to the relegated authorities.

According to Foucault, the principles of disciplinary power (the spatial and temporal regulations of individuals and hierarchical surveillance all of which revolve around a norm) have been realised in the architectural plans of Jeremy Bentham's Panopticon prison.

The Panopticon is a ring-like prison with a tower in the middle. The cells of the inmates are situated in the circumference and face inward towards the tower. In the tower, a warden watches the prisoners through windows which have blinds, and the prisoners are illuminated by light that shines in from the windows situated on the outer wall. As such, the prisoners are always visible to the warden and the warden cannot be seen by any of the prisoners. Since the prisoners cannot tell when they are being watched, they act as though they were being watched. In short, the Panopticon creates a conscious and permanent state of 'visibility in relation to the

prisoners, which automatically ensures the functioning of power' (Foucault, 1995, p.258) something that Bentham called 'mind-over-mind'.

Foucault calls the principle of the Panopticon - the mind-over-mind disciplinary function - *panopticism*. The Panopticon, and more importantly, its principles is a distillations of all the disciplinary techniques, mechanisms and technologies that are found in modern society - one that Foucault termed 'disciplinary society'. This links back to the discussion of humanist punishment and the shift from torture to reform of criminals. The prisons served not only the function of punishing transgressors by depriving them of freedom, but also to facilitate the 'transformation of individuals is being effected' (Foucault, 1995, p. 317). As such, individuals are to be 'mechanized according to the general norms of industrial society' (Foucault, 1995, p. 310). This process of subordinating individuals involves norms regarding authority, physical appearance, moral and political attitudes, labour capacity et cetera,[5] and though the prison is a paradigmatic example of discipline in action, Foucault does not think that discipline is contained there only. In fact, the prison is but a paradigmatic example of various social phenomena and institutions. The panoptical principle of mind-over-mind has propagated through various institutions, initially with prisons, but then moving into military barracks, hospitals, factories, schools, and finally throughout society which leads to a 'society of normalisation' (Foucault, 1995, p. 333-334) .[6]

Given this theory, disciplinary power is diffuse. Whereas only a select few groups of people may exercise Juridical power, far more sorts of people can exercise disciplinary power. In

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[5]This can be seen in how individuals whom fall outside of the various norms are treated, for instance, the homeless, the unemployed, LGBTQ individuals, racists, obese people, et cetera. Individuals who fall into these deviant categories often experience impositions of normative sanctions. Subjects are separated, individualised, made socially visible according to the normativities that operate in various sites.
[6]This may seem like it overstates the point, but, in fact it was Bentham who stated that the Panopticon would not only be a successful model for prisons but also for schools and neighbourhoods.

the formulation of the exercise of power: A exercises power over B if A affects B in a significant manner in context C, the context is greatly expanded.

Disciplinary power: A exercises disciplinary power over B if A gets B to embody conformity in context C.

Disciplinary power is not exercised over someone's body, but rather over someone's mind. It focuses on changing and altering the beliefs, plans, desires and wishes of the person being acted upon. By doing so, it acts 'indirectly' on the body through minds via discursive practices and/or persuasion. When one embodies certain ideas, one will act accordingly, and this can result from fear of sanctions that are made known through various speech acts such as requests, commands, et cetera, or from cultural beliefs, norms, or values that make up a consensus within an ideological framework. That ideological framework is what makes up the context wherein disciplinary power can be used.

The contexts in which disciplinary power can be exercised are numerous. Barracks, prisons, hospitals, factories and schools are some examples of institutions wherein disciplinary power is exercised. As stated earlier in the section on social structures and discourse, these places are not just inert spaces. They embody and perpetuate discourses and norms.[7] In the aforementioned examples, time and space is ordered and as a result, the bodies that are situated within them are ordered as well to a series of protocols and regulations all through the various series of coördinations and tactics listed above (Foucault, 1995, p. 208).

There is a catch, however, to the exercise of disciplinary power. These forces attempt to produce regularity in individuals, and often do, but interestingly Foucault shows that there are

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[7]There are other such examples, such as churches or libraries. These are places that are understood to be places of silence and reflection, and people who enter them often conform to those objectives. Why else would people whisper in a church or library even if no-one is there?

cases in which the effect is just the opposite; that the building of an individual's self through internal discipline can lead to different identities. Individuality, according to Foucault, is a modern creation, as well as the claim – which is purportedly emancipating – that society acknowledges individuality. This is an unintended, even unwanted effect of the initial disciplinary project:

> The individual is not to be conceived as a sort of elementary nucleus, a primitive atom, a multiple and inert material on which power comes to fasten or against which it happens to strike, and in so doing subdues or crushes individuals. In fact, it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. The individual, that is, is not the vis-à-vis of power; it is, I believe, one of its prime effects (Foucault, 1980, p. 98).

This exercise of discipline, which is a sort of self-regulation that is encouraged by institutions, became the norm in modern societies and acts as an instrument to change the reality surrounding the individual, as well as the individual. As a consequence of this, Foucault states that, 'We must cease once and for all to describe the effects of power in negative terms: it 'excludes', it 'represses', it 'censors', it 'abstracts', it 'masks', it 'conceals'. In fact, power produces; it produces reality; it produces domains of objects and rituals of truth' (Foucault, 1995, p. 194). This is the most important feature of Foucault's thesis regarding power relations, namely that modern power is productive.

Disciplinary power, unable to normalise the individual, because it creates individuals, and individuals learn what they are doing by doing it and thinking about doing it, gave way to another sort of power: biopolitical power.

Biopolitical Power

Biopolitical power (bio-power) is not one of the clearest terms in Foucault. In fact, in the opening lecture of his 1977-1978 lecture series *Security, Territory and Population*, he calls it 'vague', 'rough' and 'not a theory'. That being said, some sense can be made out of it and it can charitably be called: a technology of power for managing populations. Individuals, as well as populations are born, live, grow, and die, and biopower is used to administer to those entities. This is done through numerous and diverse techniques which form an *anatomo-politics* of the human body - health and bodies become a political concern (Foucault, 1990, p.140; 2007B, p. 377-378). In order to do this, bio-power incorporates certain aspects of disciplinary power such as normalisation and surveillance. Nonetheless, there are major differences in both scope and method: if disciplinary power is about *training* the actions of *bodies*, then bio-power is about *managing* the births, deaths, reproduction and illnesses of a *population*. In short, the difference between bio-power and discipline is where discipline is the technology deployed to make individuals behave, to be efficient and productive workers, bio-politics is deployed to manage populations; for example, to ensure a healthy workforce (Foucault, 2007B, p. 239-264).

According to Foucault, bio-power appeared in the late eighteenth century for managing populations initiated by the Physciocrats - group of proto-liberal economists whom implemented and endorsed many of what have become contemporary socio-economic polices such as: laissez faire, individualism, property rights, et cetera. It was a 'Power over Life'.

 Foucault states that biopower is exercised so as 'to foster life or to disallow it to the point of death' (Foucault, 1990, p. 138) Whereas Jurdicial power is about laws, Bio-power is about norms and statistics. Whereas Jurdical power was 'armed' and 'its arm, par excellence, was death... [bio-power] takes charge of life [though] continuous regulatory and corrective

mechanisms... [It] has to quantify, measure, appraise and heirarchise rather than display itself in its murderous splendour' (Foucault, 1990, p.144). In this case, populations are micro-managed and regulated through the norms and administrative measures.

According to Foucault, the notion of the 'population' was a significant breakthrough in 'governmentality'. By 'population', Foucault means 'a multiplicity of individuals who are and fundamentally and essentially only exist biologically bound to the materiality in which they live' (Foucault, 2007B, p. 21). In other words, the population is understood naturalistically, and human beings are understood as biological entities that exist in tandem with other biological systems. This new understanding of humans as populations re-situated 'Man' in our understanding of the world. Human beings were seen as a species, a biological being not over-and-above the natural world, but very much a part of it. In turn, this new understanding of populations led to the development of new techniques of governance and control.

Regarding the breakthrough, previously normalisation was sought through punishment, first through death and torture, then through interment and rehabilitation. It was focused on the bodies of individuals and transferred from authority to subject. These shifts can be seen in the shifts of political and social rationalities in of the 16th, 17th and 18th centuries.

In the case of sovereign power, society was conceived of as a set of legal subjects whom acted voluntarily and could be affected through laws and prohibitions. With regards to disciplinary power, it was construed as a multiplicity of bodies possessing capacities that can be augmented and enhanced. This new understanding of society as population, then, views it as a conjunction of events produced by individuals, groups, natural events, et cetera. It is a milieu in which causes and effects circulate, and it is precisely these events that are to be targeted by biopwer (Foucault, 2007B, p. 21). Whereas disciplinary power was exercised through direct

surveillance of an individual who tailored their behaviour to the prescribed norms of the watcher, the surveillance exercised in biopower is more abstract, and yet a more intense form. Biopolitical surveillence is focused on gathering data on the circumstances in which individuals exist. That data is in turn used to construct and reinforce various social structures as well as.

Biopwer is far more specialised than disciplinary power, and this is linked to the scale in which it operates. Whereas discipline is employed in limited institutions (prisons, barracks, prisons, factories, et cetera) biopower manages the 'biosociological processes of human masses' across a territory, and the management involves state apparatuses (Foucault, 2007B, p. 381). These apparatuses are utilised by a vast array of state institutions that intervene in populations through processes of information and data gathering such as IQ tests, Height-Weight charts, standardised testing, population censuses, et cetera. These involve the management of persons, as in discipline, through the subjection of individuals to an imposed analytic framework. Within this framework cumulative measures are taken and statistical norms are generated through quantitative comparison (Danziger, p. 170 in Hacking, 1999, p. 51). Individual are ordered under these norms, and these statistical norms are extrapolated to population trends. Biopower is thus descriptive: it gathers information and measures it, and it is also evaluative: The norm brings with it a principle of both qualification and correction - states of affairs are deemed failures or successes depending on how they cohere to the norm. It is aimed at maintaining 'the average' - to draw deviant and outlying states of affairs, et cetera into the statistical norm - to fit into the even distribution.

As stated previously, biopower is a more intense form of governing at a distance than discipline. This is because it is more abstract in its surveillance and more detailed in its micromanagement. The surveillance of discipline is the direct and literal surveillance of the gaze

which monitors the behaviour of individuals. In distinction, the surveillance of biopower is watching the population-wide trends and monitoring the average (through the means mentioned above). To commit a pun: Discipline is 'zoomed in' on the individual, whereas biopower is 'zoomed out' on the population.

The information received from various surveillance apparatuses investigating populations is concerned with the very life of the 'species body': '...the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary' (Foucault, 1990, p. 139). It is the processes in which individuals are enmeshed that is being monitored. It is a statistical panopticon that is generated through these statistical methods.

With these notions in mind: specialisation, statistical monitoring and management how is biopower exercsied? First, those who exercise biopower are, according to Foucault, tied to State apparatuses. This is because the exercise of biopower requires complex systems of coördination and centralisation, and this is fulfilled by the State (Foucault, 2003, p. 250). Foucault does state that he does not wish to draw a strict dichotomy between official State institutions and unofficial institutions (he gives the example of the police which is a 'disciplinary apparatus' as well as a 'State apparatus), but exercises of biopower are typically Statist in nature (Foucault, 2003, p. 250). So, typically biopower is exercised by those in State institutions through various State apparatuses upon populations.

Biopower: A exercises biopower over B if A regulates B's life activities in context C.

This differs from disciplinary power because in cases of discipline A exercised power over B in limited institutions. In cases of biopower, when A exercises power over B, that B is entire populations. A casts biopower like a net over a mass of people.

Foucault gives the examples of medical institutions, welfare funds, insurance, civil engineering of towns and cities, and rules for hygiene that enable the optimal longevity of the population as institutions through which biopower operates (Foucault, 2003, p. 251). As such, I wish to broaden his notion of biopower to include non-State apparatuses. He hinted at the fact that there is not a clean break between State institutions and non-State institutions, but I think that it is crucial to state overtly that non-State actors can and often do exercise biopower. So, biopower is not only exercised by policy-makers and bureaucrats of the State - to say that it is would smack too much of Sovereignty, which is something that Foucault would have to avoid in this conception of power - but also by doctors, psychiatrists, psychologists, economists, et cetera. This is because these actors act within and in accordance to disciplines that have knowledges which can be exercised upon individuals and populations in order to bring them into a normalised mode of existence.

Additionally, it should be stated that discipline and bio-power, however, should not be construed as conflicting in nature, according to Foucault, they are the 'two poles' of the same phenomenon (Foucault, 1990, p. 139). What links these two forms of power (apart from that they both are life administering powers), is the phenomenon of body. While the 'bio power' is 'focused on the species body' the disciplines are 'centered on body as machine' (Foucault, 1990, p. 139).

In closing, these shifts through the forms of power can be stated in terms of the shifts in political rationalities from the 16th, 17th and 18th century *raison d'Etat*, that maintained its

territory and an ordered society within this territory through a blunt practice of simply imposing the laws of the sovereign upon its subjects, to the 18th century physiocratic challenge of 'letting things be' and yet maintaining order by employing tactics and strategies to maintain a content and stable society – to render it governable. Such practices involved the creation of and management of populations through a system of disciplinary measures allowing full knowledge to be gathered and utilised in practices of control (Foucault, 2008, p. 286). What follows is the challenge of 18th and 19th century classical liberalism to the Physiocrats, namely, that having full knowledge is not possible. Foucault demonstrates this by appealing to the famous 'Invisible Hand' metaphor of Adam Smith. The Physiocrats 'let things be' and allowed the market to 'work its wonders' precisely because full knowledge of such mechanisms is unachievable. In short, it is not possible for there to be total economic freedom and total despotism. 'Liberalism acquired its modern shape precisely with the formulation of this essential incompatibility between the non-totalisable multiplicity of economic subjects of interest and the totalising unity of the juridical sovereign' (Foucault, 2008, p. 282).

This illustrates a crucial shift in 'governmentality' for Foucault. This form of governmentality consisted of the imposition of norms and regulations over populations in order to ensure a healthy and wealthy society - a bio-politics of the population. Previously, normalisation was sought through punishment, first through death and torture, then through interment and rehabilitation. It was focused on the bodies of individuals. This new Biopower, however, extends its control over populations, its norms, habits, life-spans, productivity, illnesses, et cetera. Biopower created an anatomo-politics of the human body - a correlation between the working populations and their source labour power. However, an even more nuanced shift in the understanding of power in modernity is about to be uncovered.

NEO-LIBERAL GOVERNMENTALITY

Given that different governmentalities make use of different exercises of power, and that power can manifest itself positively by creating knowledge, then what sort of governmentality characterises an advanced liberal democracy? And what sorts of regimes and rituals of power get created, disseminated and internalised? This sort of governmentality is what Foucault calls 'neo-liberal governmentality' – a kind of governmentality based on the predominance of market mechanisms and of the certain restrictions of the action of the state. The novelty of neo-liberalism consists in its conception of an interventionist state which, though limited in its actions, creates and maintains conditions for the artificial or purely competitive market in which individuals makes 'choices' as rational economic agents. In this case, the notion of governmentality refers to societies where power is de-centred and its members play an active role in their own self-government – this is seen in the rise of entrepreneurship, wherein individuals takes risks, invest and act upon the scarcity of resources, for instance. Due to the active nature of the participating members of society, they need to be regulated from within in order to keep the society governable. So, in the case of neo-liberal governmentality, the knowledge produced allows the construction of auto-regulated or auto-correcting selves.

The government achieves these ends by enacting 'political economy', and in this case, the meaning of 'economy' is akin to the older meaning of the term: the managing of a household. So, political economy is 'economy at the level of the entire state, which means exercising towards its inhabitants, and the wealth and behaviour of each and all, a form of surveillance and control as

attentive as that of the head of a family over his household and his goods'. Foucault states that the gradual emergence of 'economy' meant the appearance of new forms of knowledge and power that are best understood as transformations of the former disciplinary regimes. The liberal art of government shows the 'reason of least government as the principle organizing *raison d'état* itself'. Or, generally speaking, governmentality is a government with specific ends, means to those ends which are made up of particular practices that are designed to move towards to those ends.

This new form of government was still bio-political in nature, however, though originally bio-power was interested, primarily, in the health of the society in a biological sense, this new form is primarily focused on the health of the society in an economic sense.

With this in mind, neo-liberalism, as governmentality, governs by giving the impression that it is not governing. Hence the harkening back to the classical liberal phrase: 'the government that governs best, governs least'. However, even though there exists this link between classical liberalism and neo-liberalism, Foucault stresses that neo-liberalism is more than just a revival of classical liberalism. This is because, in order to achieve the feat of appearing not to be governing, it creates and consumes a regime of 'freedoms'.

> '...[This governmentality] is not satisfied with respecting this or that freedom, with guaranteeing this or that freedom. More profoundly, it is a consumer of freedom. It is a consumer of freedom inasmuch as it can only function insofar as a number of freedoms actually exist: freedom of the market, freedom to buy and sell, the free exercise of property rights, freedom of discussion, possible freedom of expression, and so on. The new governmental reason needs freedom therefore, the new art of government consumes freedom. It consumes freedom, which means that it must produce it. It must produce it, it must organize it...The formula of liberalism is not 'be free'. Liberalism formulates simply the following: I am going to produce what you need to be free... [L]iberalism is not so much the imperative of freedom as the management and organization of the conditions in which one can be free... Liberalism must produce freedom, but this very act entails the establishment of limitations,

controls, forms of coercion, and obligations relying on threats' (Foucault, 2008, p. 63-4).

This mixture of freedom and unfreedom creates an interesting dynamic between the individual and power, for, according to Foucault, neo-liberalism does not locate the rational principle for regulating and limiting the action of government in a natural freedom that we should all respect, but instead it posits an artificially arranged liberty embodied in the entrepreneurial and competitive behaviour of economically-rational individuals. So, in this model, the wage labourers are no longer the employees dependent on a company, but are autonomous entrepreneurs with full responsibility for their own investment decisions and endeavouring to produce surplus value, they are the entrepreneurs of themselves (Foucault, 2008, p. 226). In this case, individuals are 'encouraged' to exercise their freedoms yet they must also be limited in such a way to remain governable within the system.

These limitations and controls are seen in the development of new management strategies and techniques used to organise work. Through audit techniques, quality management, financial standardization, participative management and private property ideologies, managers aim to transform the employees in 'self-entrepreneurs', individuals that self-regulate, self-direct and are continuously in a process of redefining their abilities, yet also are docile in such a way that they remain governable, and this is done through a series of intensifications – the multiplication and expansion of entrepreneurial forms within the social body. Whereas in the classic liberal conception, *homo œconomicus* forms an external limit and the inviolable core of governmental action, in the neo-liberal thought of the Chicago School he becomes a behaviouristically manipulable being and the correlative of a governmentality which systematically changes the variable 'environment' and can rightly expect that individuals are characterized by 'rational choice' (Foucault, 2008, p. 268-270). So, the shift from classical liberalism to neo-liberalism is a

change in organisational logics: classical liberalism is primarily a logic of exchange, while neo-liberalism is a logic competition, of entrepreneurship – a shift characterised as a moving from a 'culture of dependency' to one of 'self-reliance'.

According to Foucault, liberalism is to be understood as a doctrine which positively requires that individuals be free in order to govern, and government is conceived as the community of free, autonomous, self-regulating individuals with an emphasis on the responsibility of individuals as moral agents. This feature also involves the neo-liberal revival of *homo œconomicus* , which is based on assumptions of individuality, rationality and self-interest, as an all-embracing re-description of the social as a form of the economic.

This makes central the notion of the self-limiting state which, in contrast to the administrative (or 'police') state, brings together in productive ways questions of ethics and technique, through the responsibilisation of moral agents and the active re-construction of the relation between government and self-government. On this view, neo-liberalism is seen as an intensification of an economy of moral regulation first developed by liberals, and not merely or primarily as a political reaction to 'big government' or the so-called bureaucratic welfare state of the post-war Keynesian settlement initiated by neo-liberal theorists.

In his analysis of the elaboration of the concept of *homo œconomicus* in neo-liberal discourse, Foucault points out that the economical subject is determined not only by the procedures of the calculative reasoning, but also in 'positive' terms as the subject of apprehension, as the subject facing and perceiving the reality as it is, as well as accepting that reality, as the milieu of activities, and thus basing the calculations on the apprehension-acceptance of the reality.

> This problem of the *homo œconomicus* and its applicability…this
> generalization of the grid *homo œconomicus* to domains that are not

immediately and directly economical….maybe the object of the economical analysis must be identified to all finalized conduct that implies, broadly, a strategic choice of means, ways and instruments: in short, identification of the object of the economical analysis with all rational conduct… A rational conduct as that which consist in using a formal reasoning, is it not an ecomomical conduct in the sense in which it was just defined, in other words: optimal allocation of rare resources to alternative ends (Foucault, 2008, p. 268).

The *homo œconomicus*, is the one who accepts the reality. Referencing Gary Becker, 'economic analysis can perfectly well find its points of anchorage and effectiveness if an individual's conduct answers to the single clause that the conduct in question reacts to a reality in a non-random way' (Foucault, 2008, p. 269). To elaborate, non-random action is an action that is carried out in such a way that it is consistent with the agent's desires. Furthermore, such an action is rational iff it is sensitive to modifications in the variables of the milieu and that responds to them in a manner that maximises the agent's preferences (Foucault, 2008, p. 269).

So, the key functions of the economical subject are making choices and orienting its conduct according to calculative reason, being sensitive in perceiving, accepting, and responding systematically to the 'reality' and its modifications. In Foucault's analysis, these determinations of *homo œconomicus* are absolutely central in order to understand the functioning of the liberal and neo-liberal form of governmentality. (Foucault, 2008, p. 264-265). The model of the rational economical subject is the interface between the individual and power. Like sexuality, it is the 'pivot' along which the two axes of disciplinary power and bio-power. (Foucault, 1990, p. 146). The constitution of individuals as economical subjects in the model of *homo œconomicus* is their becoming eminently governable by being eminently susceptible to policies that work by modifying the environment of the rational actors, instead of intervening directly upon the individuals themselves.

The *homo œconomicus*, meaning, the one who accepts the reality or who responds systematically to the modifications in the variables of the milieu, this *homo œconomicus* appears precisely as the one who is easily influenced, the one who is going to respond systematically to the systematic modifications that will be introduced artificially inside the milieu. The *homo œconomicus*, that is the one who is eminently governable. From intangible partner of the *laissez-faire*, the *homo œconomicus* appears now as the correlative of a governmentality that is going to act upon the milieu and to modify systematically the variables of the milieu' (Foucault, 2008, p. 270-271). Thus, it is central for the functioning of neo-liberal governance, that the economical subject characterised as the *homo œconomicus* (whether in the classical liberal sense or as the entrepreneur of oneself), is formed as the subject of capacity, a subject that is receptive and is determined by its modes of receptivity, reactivity and responsiveness to the variables of its environment, and this together with its calculative-rational activity.

According to Foucault, these notions conflict with his previous contentions regarding discipline to be the arch-factor in power relations in modern society, such as in *Discipline and Punish*. In this seminal investigation of the modern prison, Foucault detected, amongst the Enlightenment reformers of the 19th century, the deployment of insidious forms of power that he dubbed 'discipline' – which, as stated above individualises subjects to survey their own behaviour. Yet, as early as his 1975-1976 lecture series, *Society must be Defended*, Foucault began to question his claim that discipline was the dominant form of power in modern society. He states that 'something new' has happened, and that a new form of 'non-disciplinary' power has been introduced. Furthermore, in his later 1977-1978 lecture series, *Security, Territory, Population*, Foucault states that '[he] was wrong' (Foucault, 2007B, p. 48) when he thought that the freedoms established were ballasted by disciplinary practices since, according to Foucault's

analysis of neo-liberal society cannot operate unless the prerequisite of freedom is satisfied. The rights and freedoms that one possesses in a neo-liberal society are not part of some sort of sleight-of-hand by the state. They are integral for the operation of society.

As a result, neo-liberalism, with its notions of liberty of its economic subjects, does not entail an exhaustively disciplinary society that encompasses subjects with its normative principles (Foucault, 2008, p. 258). Rather, neo-liberal societies are founded on the 'optimisation of a system of differences... [and in which] minority practices are tolerated... in which action is brought to bear on the rules of the game rather than on the players, and finally in which there is an environmental type of intervention instead of the internal subjugation of individuals' (Foucault, 2008, p. 258-259).

According to Foucault, the juridical world of the sovereign is incompatible with the economic world of neo-liberal governmentality. The rationality of the juridical sovereign cannot be translated into a juridico-economic science of domination. This is because economic rationality is founded on the inexplicable nature of the totality of the process. (The invisible Hand, as stated by Smith). '[H]omo œconomicus is the one island of rationality possible within the economic process whose uncontrollable nature does not challenge, but instead founds the rationality of the atomistic behaviour of *homo œconomicus*' (Foucault, 2008, p. 282). Due to the multiplicity of the points of view inherent in the economic field, a spontaneity is generated that makes impossible to totalise in any meaningful way. Foucault states that economics is a 'discipline without God... a discipline without totality... a discipline that begins to demonstrate not only the pointlessness, but also the impossibility of a sovereign point of view over the totality of the state he has to govern' (Foucault, 2008, p. 282).

This governmentality is still bio-political because it takes as its focus the essential element of the society's life: the economy. 'Economics is a science lateral to the art of governing. One must govern with economics, one must govern alongside economists...' (Foucault, 2008, p. 286). However, given the spontaneous nature of the economy processes, the subjects of this domain make up a non-totalisable multiplicity that counter the totalising unity of the juridical sovereign (Foucault, 2008, p.282). Here is where I have to part company with Foucault in some respects.

CRITICISMS

In this section I will present two criticisms that have been levelled at Foucault, and defend him from them. First, I will explore a critique from a Marxist perspective which argues that Foucault's understanding of power and governmentality are not helpful in political struggles because, according to their rubrics, power is diffused throughout social existence. This is much too broad and does not lend itself to any sort of practical use in generating, exercising or accomplishing political struggles. The second objection comes from Richard Rorty. Rorty argues a) that Foucault cannot present arguments for engaging in political struggles because he thinks all social institutions are inherently oppressive since they all normalise us, and b) his insistence on personal autonomy and self-creation negate any sort of attempt at collective legitimation or solidarity since these, too, normalise.

The Marxist Critique - The Problem of De-centring Power and the Importance of Pragmatic Political Resistance

Foucault's notion of governmentality is not an adequate tool for analysing neo-liberalism since it de-centres power, and power is ultimately located in the State. By de-centring power, for an analysis of the micro-physics of power, he neglects the macro-level power relations that come from the State and the dominant economic systems that support and are supported by it. Because of this, he fails to take into account the overtly ideological nature of neo-liberalism. In fact, neo-liberalism is primarily ideological and is thus the product of the dominant classes. As such, his analysis does not take into fully appreciate the classist nature of neo-liberal activities that result

in the restoration of class power of the capitalist classes over the mass working classes (Harvey, 2007A; Chomsky, 1999; Hall, 1988). By focusing on this macro-level arena, one may observe the intentionality of the dominant classes and thereby focus in on them as a point of resistance. Neo-liberalism is essentially about class-struggle and it is merely a new presentation of capitalism with all of the trappings of domination of the under classes by the upper classes. In short, neo-liberalism is the new ruling idea from the ruling class, and this ought to be the focus of political struggles and resistance. In conclusion, neo-liberalism is an ideology and ought to be confronted as such.

It has been argued that neo-liberalism is in fact '...a political project to re-establish the conditions for capital accumulation and to restore the power of economic elites' (Harvey, 2007A, p. 19). This position emphasises the role of the dominant classes who work towards the unhindered accumulation of capital at the expense of the under classes (Chomsky, 1996, p. 168, 174). The developments and implementations of neo-liberalism have been situated historically and came to the fore in the wake of repeated recessions and the 1973 OPEC oil embargo. These crises amalgamated into a single disaster that was characterised by i) a 'crisis of accumulation' as the capitalist system was stagnating and profits had fallen from the rates achieved immediately after the Second World War II (Harvey, 2007A, p. 9, 24, 189), and ii) a monumental increase in workers' struggles for increased wages and safer working conditions (Harvey, 2007A, p. 44). These posed a threat to the power of the ruling elite and to combat these risks financial deregulation and budgetary austerity were provided as solutions. These would materialise in the Reagan administration in the US and the Thatcher administration in the UK (Chomsky, 1994, p. 4; Chomsky, 1999, p. 122-127).

As a general point of methodology, Marxists argue that political power aims to preserve the established economic systems and the dominance of those whom own the means of production within it. In fact, they hold that power has a 'centre' in that power is concentrated in some institutions resulting in the further empowerment and dominance of a minority group of disproportionately powerful people whom control the means of production and the resources that are utilised by such means. This permits a uneven degree of power and control over, and within, the State. As such, Marx viewed the state as an instrument of bourgeois economic interest. It is the apparatus of domination used in exploiting classes that are defined by their position within the process of production. The state is simply 'the executive committee of the ruling class.' As such, the locus of neo-liberal power is the 'neo-liberal state' which is an entity characterised by its institutional framework of private property rights, individual liberty, unencumbered markets, and free trade (Harvey, 2007B, p. 22). In this state, the government functions minimally: it is to be concerned with the integrity of money, as well as set up military, police and juridical functions. These are required so as to secure private property and the functioning of free markets. Additionally, if the government is to intervene in the market, it must be solely for the creation of and maintenance of the market. This harkens back to the notion that the government is not knowledgeable enough to intervene in price regulations. Given this, powerful interests will distort and bias state interventions for their own benefit (Harvey, 2007B, p. 23).

This is indicative of the primary difference between Foucauldians and Marxists which lies in their conception of power. On Foucault's account, power is the ability *A* has to get *B* to do *X*, whether *B* wants to or not. As such, it is not something that a small number of people possess and exert on everybody else, but that it is something that flows throughout all of social relations. Marxists would not deny this premise outright, since there are forms of power that are not

embodied in official State institutions, however, they stress that Power is concentrated in the State and its official institutions. It is something that some people have and others do not. As such, power is something that can seized, acquired and used by some against others - first it used by the bourgeoisie and then by the proletariat in the revolution, for instance. This disagreement is based on a matter of emphasis and is done in the service of providing an account of the macro-physics of power (whereas Foucault is focused on the micro-physics). I use the macro/micro distinction purposefully because the Marxist aims at identifying and confronting those functions and operations of power that are directly visible, ie: the police, Big Business, banks, judiciaries, military, et cetera. The problem with the Foucauldian account, even if accepted to be accurate, is that it is too abstract to be useful since it de-centres power, making legitimate forms of political resistance difficult to locate and perform. By providing an account of the visible operations of power in society, it is thought that one can generate an understanding of social organisation; the goals, intentions and policies that direct it, and at whose benefit and loss they are waged. This position can be formulated as follows:

> 1. Power is concentrated in the State and the official institutions
> 2. The State and the official institutions aim to preserve the current economic structures that support it
> 3. The current economic structures immiserate the majority
> 4. Since the State supports the current economic structures, it immiserates the majority
> 5. That which immiserates the majority is morally bad
> 6. That which is morally bad ought to be challenged and stopped
> 7. The State must be challenged and stopped

This argument is meant to lend itself to a programmatic which is meant to be pragmatic in that it offers useful and flexible means to identify and centre the abuses of power that exist in the State and its relation to economic structures that re-enforce one another.

According to Harvey, such an analysis shows precisely this: that the more a society conforms to a deregulated free market economy, the more the asymmetry of power between those who own the means of production and those who do not will produce wealth on the one side and misery, agony, ignorance on the other (Harvey, 1984, xi). This is because capitalists control the means of production, and the disposition of the final product. Labourers are victims of capital accumulation since the social relations that dominate under the capitalist framework exist between wage labour and capital (Harvey, 1984, p. 22). It is claimed that workers are victimised because competition amongst capitalists results in adjustments to labour in order to make it more efficient so as to ensure maximum profits. As such, the incentive of maximum profit accumulation is reached through increasing exploitation of labour processes (Harvey, 1984, p. 29). Neo-liberalism is merely capitalism in a different representation.

The logics of capital accumulation cast people as already defined as members of particular social classes. This is based on their character as well as the amount of property that they own. These in turn, are expressions of their participation in the mechanisms of production. The weakness of the Foucauldian account, according to this Marxist critique is that it does not adequately take into consideration the vast social and economic practices that result in unjustifiable inequalities. Foucault may have provided a more nuanced analysis of power by demonstrating how power is exercised through apparatuses peripheral to official State and economic institutions, however, these are the very institutions that brandish political power.

If one is to combat oppression, then one must take into account the materiality of the actions taking place. Furthermore, these consequences are being perpetrated upon the down-trodden by a specialised group of people who inhabit multiple realms in the social, political and economic arenas. In this case, there clearly is an oppressed and an oppressor: worker and elite.

He misses the target: the elites; as well as the contextual problem: social stratification. This can be formulated as follows:

1. Access to legal apparatus, property and information have costs
2. Not everyone can afford those costs
3. Those who can afford those costs have greater access to legal apparatus, property and information
4. Those who have greater access to legal apparatus, property and information have more power than those who do not.
5. Therefore, the wealthy have more power than the poor.

Foucault's account, according to the Marxist, would not have been able to articulate such an account of the wider social organisation and stratification because a) he focused on the micro-physics of power whereas social stratification occurs on the macro-level, and b) his understanding of power does not allow him to identify the oppressor and the oppressed since power is exercised 'everywhere' throughout the social body.

Additionally, there are clear examples of state and non-state institutions (what Chomsky calls 'unaccountable private tyrannies') oppressing people. Whether it is the overtly conscious propaganda aiming 'to indoctrinate people with the capitalist story' in the post-World War II era (Chomsky, 1996, p. 28, 35) or the predatory practices that, in part, led to the financial collapses in 2008. There was the overthrow of the Chilean government in 1973 and the constant assault upon democracy in countries wherein money is playing an increasingly important role in influencing politics. (It is also the case that the same social class, and, in fact some of the same people, were involved in these actions.) Neo-liberalism is a dominant structural condition that is projected across a social and national milieu by a social group consisting of social elites. It determines social and economic relationships between groups in society and aims to bring all domains into the hegemony of unfettered markets.

In closing, Foucault's account, by stating that power is not concentrated, effaces the State as well as the dominant economic institutions of authorship in the system of power relations. The Marxist position, by asserting that Power is concentrated in the State and its official institutions, maintains that social organisation and stratification can be accounted for and that the goals and intentions of the State and the official institutions can be located as the loci of power and oppression. As a result, if one wishes to engage in political and social struggles, one ought to focus on the State apparatuses.

Response

There are two claims that Foucault must address: i) that de-centring power loses track of domination, and ii) that Foucault cannot account for social organisation. These two claims conjoin to form a general Pragmatic criticism of Foucault's account from the Marxist position.

Foucault does not think that power *ultimately* resides in a centralised sovereign form (even if that sovereign is a neo-liberal state). State-centred views of politics, according to Foucault, are based on certain misleading assumptions regarding the nature of power relations, which, in turn, reveal a constricted understanding of socio-political conflicts.

Taking on the first objection; whereas the Marxist chided Foucault for not being able to articulate where power ultimately lies since his project de-centres the source of Power, Foucault could offer a similar critique, namely that state-centric theories obscure, mask , disguise or even support the continuing development and exercise of power in its more regional and local forms and institutions such as armies, prisons, asylums, hospitals workplaces, schools, and families (Foucault, 1980, p. 96). At the very least focusing on the State as the sovereign and centre of political and social struggles distracts us from recognising the operations of power through the

capillaries. Why is focus on the capillaries important? Because those sorts of power relations are

the ones in which we are all engaged in all of the time.

Foucault advocates that one ought to consider Hobbes' Leviathan.

> Leviathan is no other than the amalgamation of a certain number of
> separate individualities, who find themselves reunited by the complex of
> elements that go to compose the State; but at the heart of the State... there
> exists something which constitutes it as such, and this is sovereignty,
> which Hobbes says is precisely the spirit of Leviathan. Well, rather than
> worry about the problem of the central spirit, I believe that we must
> attempt to study the myriad of bodies which are constituted as peripheral
> subjects as a result of the effects of power (Foucault, 1980, p. 97 -98).

The fixation on the State does not address what is characteristic about contemporary

power systems, namely that they are productive and diffuse, not solely prohibitive and

monolithic. To maintain focus on the State is to a) maintain an out-dated understanding of power

as sovereign power, and b) to subordinate all struggles in social life to the economic and reduce

those struggles to class-based struggles. Now, Foucault is not denying the relevance of the

economy, the State or class. He surely is not denying domination of some by others, however, he

is insisting that we think of the exercises of power as mutable, fluctuating and protean, and do

not fall entirely under the jurisdiction of the State (Foucault, 1980, p. 122). For instance, the

phenomena of surveillance and discipline culminating in the panoptical principles discussed

previously which are aimed at generating practices of self-discipline, which in turn revolve

around norms of morality/immortality, sanity/insanity, human nature, justice/corruption,

responsibility/irresponsibility, health/infirmity, sexuality, et cetera. Additionally, the uses of the

social sciences to control people though the managerial procedures generated towards

'conducting the conduct of others'. These are directly linked to the creation and enforcement of

norms that make some 'normal', docile, and conformist, whilst others are made into Others whom

are then stigmatised by being deemed pathological and thus dangerous to the 'normal' and

'healthy' sectors of society, and as such are made vulnerable and disenfranchised. These practices and procedures are further enforced by the authority held by experts with scientific knowledge and qualifications such as psychiatrists, teachers, health-care professionals, psychologists, economists, et cetera (Foucault, 1980, p. 106-108).

These power relations that I have listed do not fall within the strict purview of the State. In fact, none of these relations require the State at all, and the State is, in some way, parasitic to them. In other words, the State can only exercise its power on a power system that already exists. It is the codification of already existing power relations. The aggregation of the codifications make up the super-structural nature of the State as it stands in relation to power networks that invest the body, sexuality, family, knowledge, technology, science, et cetera (Foucault, 1980, p. 122). The State is a sort of meta-power that is structured around multiple forms of power relations.

This is the de-centring that the Marxist was concerned with. However, I do not think that the concern is warranted. What I take to be stressed here is a pluralistic approach to the understanding of power with all of its multiple forms and various conflicts in numerous relations between subjects. This pluralism not only allows Foucault to escape the charge laid against him, but actually illustrates a form of compatibility between the two positions. What I mean to say is that even though Foucault stresses us to not think of power as something that is possessed by the few and used against the many, his position is compatible with the amalgamation of various nodes of power relations.

There are many sorts of power systems that are hierarchical - the army, factories, et cetera - however, just because there is a pyramidal structure, and thus an apex, that does not entail that there is a source at the summit (Foucault, 1980, p.159). According to Foucault, the summit and

the lower elements of the hierarchy support one another, since power comes from below - it is assented to by the masses and thus performs a status function. This concern links directly to the second objection concerning the problem of social organisation: since Foucault does not identify the ruling class that is oppressing the lower class, his account does not provide a compelling reason to choose one form of oppression to combat over another.

Again, Foucault may stress the importance of understanding power as diffuse, and not solely hierarchical. The issue with the Marxist position, and therefore the angle of this Marxist critique, is that institutions are viewed as essentially oppressive, and that such oppression should be the object of political struggles and resistance. This view is too monolithic for Foucault. In fact, he challenges the coherence of the notion of the State shared in the Marxist position.

> Overvaluing the problem of the state is one which is paradoxical because apparently reductionist: it is a form of analysis that consists in reducing the state to a certain number of functions, such as the development of productive forces of the reproduction of relations of production, and yet this reductionist vision of the relative importance of the state's role nevertheless invariably renders it absolutely essential as a target needing to be attacked and a privileged position needing to be occupied. But the state, no more probably than at any other time in its history, does not have this unity, this individuality, this rigorous functionality, nor to speak frankly, this importance: maybe after all, the state is no more than a composite reality and a mythicised abstraction, whose importance is a lot more limited than many of us think (Foucault, 2007B, p. 109).

I read this as meaning that Foucault does not contend that the State is some over-arching entity having a Will, or intentions - though it is often spoken to as having those characteristics. That being said, I do not think that Foucault is denying the importance of the notion of the State. I think that he is telling us to be more cautious and to go beyond the dominant understanding of the State as the prime-mover in our understanding of power and power relations. '... [T]he State, for all the omnipotence of its apparatuses, is far from being able to occupy the whole field of actual power relations' (Foucault, 1980, p. 122).

Additionally, given the Marxist argument which asserts that Power is concentrated in the State, this assumes that power is *ipso facto* bad, undesirable, worthy of challenge, et cetera. So, what if power was in the hands of the vulnerable? As in revolutionary movements when the tables get turned, and the dictator or tyrant becomes supplanted. Or in other political movements wherein say, women win reproductive rights. Or the victory of the LGBTQ communities for marriage equality, employment opportunity, and the like. The problem with the Marxist account is that it still maintains the old-fashioned notion that power qua power is prohibitive, it says 'no', whereas power is something more than prohibitive, it is also productive. It can create realities through the challenging of or creation of various status functions, for instance.

By getting beyond the State and the ideology of capitalist accumulation, one is able to investigate and account for other forms of oppression and domination. There are a variety of people who are victims, here: LGBTQ, obese, homeless, etc. These people are not only victimised because of the rampant desire of capital accumulation. They are caught in a web of other forms of oppression and social control. To say that neo-liberalism is a capitalist scheme only articulates a single portion of the problem. The Marxist critique subordinates the question of power to the economic system and the interests which it serves, and as such, problems of power that do not fit within the standard economic model will not be given importance (Foucault, 1984 p. 58).

In response, the Marxist may say that Foucault's own account of neo-liberalism undermines this very stance. By Foucault's own admission, neo-liberalism is the extension of market principles into formally non-economic realms (ie, the family). So, why should we cease to think of neo-liberalism as repressive when those market forces, driven by logics of capital accumulation, infect more and more of our day-to-day lives? The mantra of the 'free market' has

not only remained the orthodoxy, but as with punishment, which Foucault argued has become more diffused throughout society, it has infused more aspects of our lives and understanding. It is a hegemony. 'Neo-liberalism... has pervasive effects on ways of thought to the point where it has become incorporated into the common-sense way many of us interpret, live in, and understand the world' (Harvey, 2007, p. 3). This totalising notion posits not just a ideal of the economy, the State, or society, but a reality of these things as well as human beings. This has been stated by Thatcher when she announced her in/famous TINA ('There is no alternative') slogan when referring to neo-liberal principles as the guiding principles of economic thought and administration (Read, 2009, p. 32).

In some ways, this critique is in line with Foucault's analysis: neo-liberalism as a hegemony is not too different from neo-liberalism as 'governmentality'. Both refer to the normalisation of individuals in accordance to market principles and norms of accumulation. In other words, for Foucault, neo-liberal governmentality conducts our conduct by inducing us to subjectify ourselves as self-entrepreneurs concerned with obtaining a return on our human capital (Foucault, 2008, p. 221-232). We are not only oppressed by neo-liberalism as the Marxist position states. In fact, we are embedded in a mode of being and self-understanding that is shaped by these discourses, and this is why Foucault's analysis of neo-liberal governmentality is helpful. It takes into account and investigates 'the totality of interactions, in which public as well as private actors participate, aimed at solving societal problems or creating societal opportunities; attending to the institutions as contexts for these governing interactions; and establishing a normative foundation for all those activities' (Kooiman, 2003, p. 4).

The ideological focus is much to narrow and homogenised. It does not necessarily invalidate Foucault's position either. Neo-liberalism may have ideological moorings in economic

elite interests, but it must not be primarily conceived of as an 'ideological attack' on the working classes. We are all, Foucault could say, enveloped in this mode of governance and we are participating in it in ways we may not be aware of, and it would not be helpful to focus the collective's political ire on a select group of perpetrators. One ought to think of and investigate how deeply neo-liberal modes of control run in our lives - how we are produced by it, and act out certain discursive principles. Often our desires, goals and aspirations are the products of power relations, subtle and overt manipulations that occur in local settings, and not just the result of effects of power of the State or ruling class. As such, Foucault notes that contemporary forms of resistance target not just institutions, such as corporations or the state, but techniques, the practices that categorise people as criminal or insane, for instance. Participants understand that these struggles not as a process leading to some final, definitive liberation but as local and immediate moments of resistance against those practices which define individuals in particular ways (Foucault, 2002C, p. 286-287, 330). Again, Foucault insists that strategy, power and resistance be thought of in terms of the everyday realities of life, not simply in terms of abstractions such as 'class' and 'state'. For Foucault, to study governmentality is to analyse not just how populations are defined, categorised and regulated but also the forms of resistance immanent within such processes.

Power must not be thought purely as oppression, and this is what the Marxist critique hinges on. At best, this line of attack focuses only on one aspect of struggle - the visible and concrete seats of power: corporations, and the State. But, again, Foucault argues that capitalism in general and neo-liberalism in particular are productive forces. 'The notion of repression is quite inadequate for capturing what is precisely the productive aspect of (capitalist) power' (Foucault, 2002C, p. 120). Neo-liberalism is productive and innovative, and its operations are not

captured adequately by the Marxist notion of repression. As stated earlier, neo-liberalism operates bio-politically: it governs in such a way that it does not diminished the productive capabilities of the population. In fact, it increases the productivity of the populations and individuals. This is done not through repression but through incentivisation.

This leads Foucault to ask, 'if power were never anything but repressive, it never did anything but to say no do you really think one would be brought to obey it?' (Foucault, 2002C, p. 120). The response is that power relations need to be considered also as a productive network which runs through the whole social body instead of merely as a negative occurrence whose purpose is to repress. As such, the notion of 'repression' is an obstacle to investigation of power relations. This is not to deny that repression exists, but rather it means that projects aiming to uncover or unmask systems of power ought not be clouded by the notion that power is essentially repressive - and this is the mistake of the Marxist.

Richard Rorty's Critique - Foucault's Supposed Political Impotence

Another criticism comes from Richard Rorty. In his book, *Contingency, Irony and Solidarity* (1989), he criticises Foucault, as well as other thinkers such as Derrida, and Heidegger, for what he calls 'ironism'. According to Rorty, this kind of thinking is either a) destructive to politics, or b) irrelevant to politics, and as such is not compatible with notions of social solidarity in the attempts to wage authentic political struggles.

Rorty defines an ironist as exhibiting all three of the following characteristics:

1. Has radical and continuing doubts about the final vocabulary one currently uses, because one has been impressed by other vocabularies, vocabularies taken as final by people or books one has encountered;

2. Realizes that argument phrased in one's present vocabulary can neither underwrite nor dissolve these doubts;

3. Insofar as one philosophises about one's situation, one does not think that one's vocabulary is closer to reality than others, that it is in touch with a power not one's self (Rorty, 1989, p. 73)

These three characteristics make up a person who accepts the contingency of their own context as well as their central beliefs and desires. As Rorty puts it, the ironist has 'abandoned the idea that those central beliefs and desires refer back to something beyond the reach of time and chance' (Rorty, 1989, p. xv). Given this, the ironist denies that there is any such thing as 'human nature' or 'true self'. This is because the ironist insists that the human is a creation of socialisation 'all the way down'. There is nothing beyond or beneath socialisation that is definatory of the human.

This leads to a distinction between two sorts of ironists, i) aesthetic ironist[8], and ii) liberal ironist. The aesthetic ironist is one who thinks that the self is a social creation and that socialisation goes 'all the way down'. As such, the aesthetic ironist never quite takes themselves seriously since he or she is aware that the terms in which they describe themselves are subject to change, always aware of the contingency and fragility of their final vocabularies, and thus of their selves (Rorty, 1989, p. 73). Given that one's facticity is the subject's relation to history, and specifically historical discourse, and the language games he is prone to play given his position within this canon, in order for one to become a self-creator one must depart from this contingency.

The second sort of ironist, and the one that Rorty favours, is the liberal ironist. This ironist also accepts the contingency of their language of moral deliberation, and thus of their

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[8]Rorty does not use this term. In fact, he does not name what sort of 'ironist' Foucault is, but rather lists what sort of things differentiate him from liberal ironists. As such, for convenience, I have been Foucault the title of 'aesthetic ironist' since Rorty states that he emphasises self-creation above all.

consciences, and thus of their community (hence the irony), and yet combine this sense of contingency with their sense of commitment (Rorty, 1989, p. 61). As such, society must be arranged in such a way so as to minimise cruelty and humiliation (hence the liberalism).

Foucault falls into the first category, and this is a problem for Rorty. What Rorty is criticising is Foucault's particular sort of ironism. Namely, the ironism that is based on a radically historicist account in which the desire for self-creation and private autonomy dominates at the supposed expense of a more free and just society.

This form of aesthetic ironism seeks an autonomy that is not only to be embodied in individuals but also in the institutions that surround them. However, this sort of autonomy is not the sort of thing that could ever be embodied in such institutions, says Rorty.

> Autonomy is not something which all human beings have within them
> and which society can release by ceasing to repress them. It is
> something which certain particular human beings hope to attain by self-
> creation, and which a few actually do. The desire to be autonomous is
> not relevant to the liberal's desire to avoid cruelty and pain - a desire
> which Foucault shared, even though he was unwilling to express it in
> those terms (Rorty, 1989, p. 65).

Foucault insists upon autonomy because of the utter contingent nature of individuals. 'He is trying to get out from under inherited contingencies and make his own contingencies, get out from under an old final vocabulary and fashion one which will be all his own' (Rorty, 1989, p. 97). The time where the autonomy of individuals be bestowed upon social institutions, to have a society where there is nothing that 'lives up' to the past, but one wherein all is re-described.

According to Rorty, this view is not without its merits, and Foucault does, indeed, have a valuable part to play in the creation of autonomous individuals. The most valuable part of Foucault's project is characterised by his ability to show how patterns of acculturation have shaped and constrained people throughout history, and that the patterns of acculturation

characteristic of liberal democracies have imposed upon their citizens constraints that previous societies had not dreamed of (Rorty, 1989, p. 63).

Despite this, there are several key issues that Rorty has with the combination of Foucault's project of unmasking forms of domination and his insistence on autonomy and self-creation and its view of a politics. According to Rorty, Foucault was right to have challenged and denounced the view of some ahistorical human nature or being, having concluded that we are 'contingent product[s] of contingently existing forces'. However, Foucault was wrong in his political and social conclusions. The inference, according to Rorty, is as follows:

> 1. If a social institution I is to be justified, then it must realise some inherent quality Q in human beings
> 2. There is no inherent Q in human beings
> 3. Therefore, no social institution I is justified.

Foucault is mistaken here, according to Rorty, since he maintains that the presence of some human core is necessary for the justification for social institutions, and since there is an absence of such a core, there is an absence of the justification of and the need for social institutions.

> Since [Foucault]... does not believe that there is any such ahistorical non-contingent core. So he concludes... that every social institution is equally unjustifiable, that all of them are on a par. All of them exert 'normalizing power' (Rorty, 1991, p. 197).

This seemingly eliminates any support for any attempt we may exercise in ameliorating existing social situations since it paints all social institutions, past, present and future as equi-dominating. '[T]he ubiquity of Foucauldian power is reminiscent of the ubiquity of Satan, and thus of the ubiquity of original sin - that diabolical stain on every human soul' (Rorty, 1997, p. 95). They are all participating in the domination of individual subjects to craft themselves.

Given that Rorty thinks that Foucault takes all social institutions to be equally dominating, Rorty states that Foucault is thus unprepared (and perhaps unequipped) to admit

that, even though the self is created by societal forces, the self that is created by modern liberal democracy is better than the selves that were created in previous societies. This is because Foucault does not think that the constraints that are imposed upon us by our society are compensated for by the freedoms we receive in return. In fact, Foucault, according to Rorty, thinks that the freedoms which liberal democracy has brought are merely new forms of constraints that have been imposed upon us by those same societies (Rorty, 1989, p. 61-62). These judgements lead Rorty to voice two main concerns, i) Foucault is unable to provide anything like a positive account of politics (and hence, destructive), and ii) that autonomous self-creation, as advocated by Foucault, and solidarity, though equally valid, are incommensurable politically (and hence, irrelevant).

The question behind the first concern is something like the following: if all social institutions are inherently oppressive since they are aimed at acknowledging and realising the potential of some inherent quality that all humans are perceived as having, and yet do not actually have, then those humans who do not or whom are perceived as not possessing that quality are oppressed, then how can we choose between institutions and situations worth fighting? How are we to challenge existing structures of oppression if all are oppressive? Foucault cannot provide such an account, for, on his account all social institutions are coercive, which implies that the realisation of human freedom comes at the expense of the abolishment of such institutions and constraints. This, however, is obviously at odds with social organisation which necessitates social structures and institutions.

Rorty insists that we need to organise society in such a way as to minimise the amount of cruelty that occurs within it, and as result social institutions would have to be implemented. It is not the case that all social institutions are oppressive, like schools, apparently according to Rorty.

This is because Rorty thinks 'that the only way to avoid perpetuating cruelty within social institutions is by maximizing the quality of education, freedom of the press, educational opportunity, opportunities to exert political influence, and the like' (Rorty, 1989, p. 66-67). This leads into the second concern of the incommensurability of ironic self-creation and solidarity.

Rorty's argument can be stated as follows: If the self is a creation of societal forces, then if there is any freedom available to anybody, it is available not despite of, but because of social conventions. So, if there are to be any 'selves' at all, then there must be society, and this society will obviously be characterised by various social structures and institutions. As speech-act performing creatures, this will be inevitable since various status-functions will be created and performed based upon the collective intentionality and agreement. To wish to abolish all social institutions in order to be free to fashion one's self would be to deny politics in any meaningful sense.

The problem with Foucault, is that he is too busy 'becoming who he is' to offer any positive account of a politics - a politics, not of the self, but of 'we'. His project of debunking the numerous conceptions of liberation that rely on a picture of the true human nature that hides beneath layers of subjectivity shaped by socialisation belies any account of what 'we' should do to progress emancipatory politics.

There is no solidarity within Foucauldian politics since any form of solidarity would have to be premised on some form of agreement and agreement is simply a way of producing conformity which is in direct violation of Foucault's own insistence of the primacy of self-creation. And if Foucault, and other like him, wish to engage in authentic political struggles, they are going to have to realise that social institutions are necessary for the creation and maintenance of a 'just' society.

<u>Response</u>

Frankly, I think that Rorty is focusing on a caricature of Foucault as radical anarchist.[9] If Foucault thought that all institutions were oppressive, and subordinated solidarity with others to his own practices of self-creation, then why would he become heavily involved in Médecins du Monde, lend his support to Poland's Solidarność (Solidarity) movement, ally himself with students and other staff in clashes against the police in Tunisia during pro-Palestine riots, found Group d'Information sur les Prisons (GIP), a group aimed at prison reform and prisoner advocacy as well as the Committee for the Defence of the Rights of Immigrants (alongside Jean-Paul Sartre) and Agence de Press-Libération (APL), an independent news group aimed at covering stories neglected by the mainstream press (Eribon, 1991, p. 192, 224-229, 238-242, 298-303). Now, Foucault obviously engaged in political struggles, but what matters here is whether or not he had arguments for them, and also whether he falls victim to Rorty's concerns.

Foucault was asked in an interview whether 'man can become better?' He replied 'I would say, perhaps not becom[e] better. He must be able to be happier. He must be able to increase the amount of pleasure he is capable of in his life' (Foucault, 1989, p. 144). This answer, to my mind, reflects Foucault's insistence against universalisation. By positing pleasure and happiness as a goal, he is offsetting the claim that there is some universalisable principle that could be achieved and enacted - at least in some sort of imperative sense. This is because pleasure and happiness are distinctive to the individual.

A more careful reading of this statement reveals Foucault's insistence on individual freedom, as well. 'He must be *able* to be happier. He must be *able* to increase the amount of

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[9]'Foucault is no anarchist, partly because anarchism is impossible. To have a regime for saying true and false things about ourselves is to enter a regime of power and it is unclear that any detaching from that power can succeed' (Hacking, 2002, p. 87). To my mind, this is a caricature of anarchism.

pleasure...' These indicate action towards a goal - the goal of happiness. So, political struggles are premised on not only the happiness of the individuals involved but the individuals' abilities to achieve their happiness. This may seem like an appreciation for liberalism, but the fault in liberalism, according to Foucault is that it imposes social arrangements which allow for the imposition of social structures which encourage some particular version of human happiness.

Given the individual nature of happiness and pleasure, and the importance of the abilities of the individual to achieve their goals, Foucault states that political struggles should be aimed '...not exactly for or against the individual, but rather... against the 'government of individualization'' (Foucault, 2002C, p. 330). Examples of such struggles would be LGBTQ rights struggles, struggles against racism, feminist struggles, et cetera. These struggles are aimed at mechanisms of power that are used to constitute subjects (as described in the first section of the paper regarding a) the discursive formation and b) the generation of subjectivity). These mechanisms generate subjectivities which are disposed to behave in certain ways (ie, women are supposed to be submissive, and men are supposed to be aggressive, for instance). These are struggles against discourses and practices that define the possibilities and boundaries or ways of being. So, when Rorty says that Foucault cannot justifiably engage in authentic political struggles, I think that is merely a prejudicial comment. For who is he to say what is or is not an authentic political struggle? Political struggles do not only exist on the macro-scale. As Foucault has stressed, power circulates through the capillaries of society, as well. It is in these capillaries (schools, workplaces, families, et cetera) where people experience and confront power relation every day. They are to be confronted there.

On a grander scale, Foucault presented a speech at the UN called 'Confronting Governments: Human Rights'. In it Foucault urged that 'the suffering of men grounds an absolute

right to stand up and speak to those who hold power' (Foucault, 2002C, p. 474). He invoked 'an international citizenship that has its rights and duties, and obliges one to speak against every abuse of power, whoever its author, whoever its victims. After all, we are all members of the community of the governed, and thereby are obliged to show mutual solidarity' (Foucault, 2002C, 474-475).[10]

In this sense, it appears that Foucault is compatible with something similar to the desire of the ironic liberal - they share a concern with human suffering, and struggle in ways to minimise it. What Foucault warns of is the imposition of standards of normalcy that stifle ways of being by forcing conformity upon those who do not fall into a preconceived norm of how humans beings ideally are - hence his worry of normalisation.[11] According to Foucault, '...not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do' (Foucault, 1984, p. 343).

The sort of solidarity that Foucault appears to hold is a solidarity with those who suffer, and those who suffer are normally victims of discursive practices that attempt to regulate behaviour and ways of being through the imposition of standards of normalcy. He is not interested in picking one group over another - as evidenced by his diverse range of political engagements. Rorty, however, it would seem, wishes to have solidarity with those who pledge allegiance to liberalism.

Rorty also argues that Foucault cannot present any arguments for engaging in political struggles because he think that it is impossible to determine which of the states of affairs and

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[10]There are questions as to what sort of 'right' this new right is, since Foucault stated earlier in his 1975-1976 lecture 'Society Must Be Defended', 'the Right in the West is the King's Right', alluding to the sovereign right to take life and impose authority. This is a topic that will not be explored, as it is beyond the scope of this paper.

[11]I am not sure how important it is to have a philosophical desire to help the oppressed if a non-philosophical desire can suffice.

institutions are better, and which are worse since 'every social institution is equally unjustifiable, that all of them are on a par' as 'all of them exert "normalizing power"'. This statement by Rorty is much too strict, and it fails to recognise Foucault's understanding of the self, its relation to power, and freedom.

On Foucault's account, power is categorically unavoidable, however, this is no reason to think that no exercise of power is better or worse than any other. Throughout his work, Foucault uses morally loaded terms such as 'domination', 'subjugation', 'coercion', 'resistance' and 'struggle', and he later states that not all exercises of power are oppressive but productive.[12] This charge seems to peg Foucault with a sort of relativism, though I do not think this is correct. This is because relativism, or at least the form of relativism that gets everyone agitated, is characterised by an idle permissiveness and a renunciation of judgement. Foucault does not seem to exhibit these since he engaged in political struggles often against institutions, and mechanisms of power that he and others found distasteful, disgusting and wrong. I contend that Foucault is not a relativist, but a pluralist when it comes to politics and political struggles. A motto for such a stance would be something like 'not that anything goes, but that many things go'. There are many ways of being, there are many ways of being oppressed and normalised, and there are many ways to resist. The multitude of systems and strategies, possibilities and capabilities must be fostered and allowed to function and exist. However, as stated 'many things go'. This implies that certain things are not allowed, and since Foucault has stressed the importance of suffering, one can assume that institutions and social practices that bring about suffering and immiseration are to be banned, as well as systems and practices that prohibit the existence of other systems that do not bring about suffering and immiseration. This point will be expanded upon later in this section.

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[12]It is very much possible that Foucault's careless use of such terms led to the various misreadings of his texts.

To reiterate, the self is historically local, and is the assembly of various interwoven power relations (linguistic, cultural, economic, familial, et cetera). However, the self is not purely a 'function of discourse', an arbitrary extension of the forces that produce them (Springs, 2009, p. 424). Additionally, I think it is important to stress the contingency of power relations. According to Foucault, modern power relations are mobile, and unstable since they circulate throughout social relations, and this enables ruptures in a formal power network.

> ...We must make allowances for the complex and unstable process whereby a discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart (Foucault, 1990, p.101).

In other words, power relations that limit and, at times, constitute individuals can also enable possibilities for counter-conducts, new 'ways of being' that were cultivated by the individual.

Institutions, which are just entities saturated in power relations, are not unchanging. They are not totally disconnected from us. They are dependent upon collective intentionality. They can exist only insofar as people collectively accept them.[13] 'There is an important sense in which social structures are not imposed upon us, for they are constituted by our everyday choices and behaviors. We are not simply cogs in structures of subordination, we enact them' (Haslanger, 2011, p. 2). As such, it is not exactly the case that institutions act and individuals react; or that the institution is active and the individual is passive. The individual, and others as well, actively accept the institution, for whatever reason, be it marriage, the military, police, art, language, medicine, industry, the State, et cetera. Now, it could be the case that not all of these institutions are coercive or normalising, and perhaps can become less so. Foucault's point is that 'in power

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[13]There is no a priori answer as to how many people are required to deny some institution in order to make it disappear.

relations there is necessarily the possibility of resistance...' (Foucault, 1997, p. 292). There is

always the possibility of exercising freedom.

> In a great many cases, power relations are fixed in such a way that they
> are perpetually asymmetrical and allow an extremely limited margin of
> freedom. To take what is undoubtedly a very simplified example, one
> cannot say that it was only men who wielded power in the conventional
> marital structure of the eighteenth and nineteenth centuries; women had
> quite a few options: they could deceive their husbands, pilfer money from
> them, refuse them sex. Yet they were still in a state of domination insofar
> as these options were ultimately only stratagems that never succeeded in
> reversing the situation (Foucault, 1997, p. 292–293).

So, Foucault does not need 'total revolution' to exercise freedom. Freedom can be found in the

various cracks in the edifice of power relations. I read this as indicative of some sort of implicit

judgement that enables one to differentiate between better and worse forms of institutions, social

practices, and agency.

Foucault's insistence on self-creation coupled with a desire to halt or impede suffering, I

think provide him with some tools for devising arguments for differentiating between better and

worse institutions and states of affairs. The argument is as follows:

1. One can self-create only if one has the capabilities ($p \rightarrow q$)
2. When capabilities decrease, the ability to self-create decreases ($\sim q \rightarrow \sim p$)
3. When one suffers, one's capabilities are decreased ($s \rightarrow \sim q$)
4. When one suffers, one's ability to self-create decreases ($s \rightarrow \sim p$)   (3,2)

5. The possible range of actions is structured by social institutions ($i \rightarrow r$)
6. The possible range of actions permit the ability of self-creation ($r \rightarrow p$)
7. So, Social institutions permit the ability of self-creation ($i \rightarrow p$)   (5,6)

8. The intensification of power relations occurs in social institutions ($n \rightarrow r$)
9. The growth of capabilities is hindered by the intensification of power relations ($r \rightarrow \sim q$)
10. So, the growth of capabilities is hindered by social institutions ($n \rightarrow \sim q$)   (8,9)

There is no contradiction here between (7) and (10). This is because of the ability to resist

in such systems (as noted in the above example). By being able to resist, we create ourselves.

This resistance presupposes constraints - the rules of the game. The best example of this is

sports. In games, athletes are governed by the rules, however, the athletes routinely devise innovative ways of playing the game within the constraints of the rules - for instance the Fosbury Flop in high jump.

As stated previously, power is categorically unavoidable for Foucault. Resistance and self-creation cannot come out of whole cloth, there must be limits of some sort or other. However, the political and social realms are not like sports in that there is gross inequality, subjugation, and domination. These forces must be confronted and challenged; the rules of the game can be changed. I think that it is safe to say that Foucault would be in favour of certain checks and balances, certain constraints insofar as these constraints make it possible for individuals to actively self-create and cultivate their growth of capabilities. Constraints would be illegitimate if they a) produce coercion and suffering and b) do not allow for the individuals to engage in, critically examine and thereby revise, expand or alter the practices that they are constrained by (Springs, 2009, p. 428).

In closing, assuming that one agrees that suffering is bad, as Rorty does, it appears that on the Foucauldian account, states of affairs that intensify power relations and prompt suffering are worse than those that do not. As such, he can differentiate between better and worse states of affairs. Additionally, his account of self-creation is not at odds with solidarity since he holds that the suffering of others is the grounds for acting and speaking against the mechanisms, expressions and exercises of power that bring about that suffering. A politics based on Foucauldian theory can be formulated in terms of a politics of freedom grounded in the resistance to human suffering. Given this, however, I find that there is a problem with Foucault: his supposed appreciation for neo-liberalism.

The Endorsement of Neo-liberalism?

When reading Foucault's account of neo-liberalism, one reads Foucault describe neo-liberalism thusly: 'non-disciplinary', founded upon 'optimisation of differences' and 'tolerance towards individual and minority practices' (Foucault, 2008, p. 256). I am reluctant to say that Foucault's account amounts to a full endorsement of neo-liberalism, and I cannot blame Foucault for not being able to see thirty years into the future to examine current practices, however, I think that the logic of neo-liberalism does not amount to the positive traits Foucault says that it does.

It seems to me that neo-liberal economics not only disseminates its own norms throughout the population, but it also re-enforces current inequalities which are in turn based on pre-existing norms of disparity and disenfranchisement (gender, race, sexual orientation, et cetera). This was previously done with medicine, and, I suppose in that case the term 'biopower' was more immediately appropriate. However, neo-liberalism, to my mind is bio-political. It is focused on the life of the society, but in this case, the life of the society is not so much tied to the biological but the economic.

As the term 'biopower' suggests, it privileges life (bio). Biological systems are based on functions and functions are observer relative in that they are situated within a presupposed teleology. For instance, the function of the heart is to pump blood. This function is only relevant to creatures that find life and living worthwhile. If a species of creatures desired death and extinction, then the heart would be an organ as dangerous to them as metastasized cancer of the lymph nodes is to creatures like us. Since functions are privileged, there is a dichotomy between the normal and abnormal/pathological. This understanding is carried into the social realm. As organs function in the body, so do human individuals function in the social body. In the case of neo-liberalism, the function is to serve the flow of commerce. One need not look farther than the

departments of resource management. When one goes to such places, one is doing so to find out what sort of resource one is (what function one serves) and also, whether one is performing that function well or poorly. This is judged by the level of productivity. With regards to the population. It is vital to a nation politically and economically, and certain sub-populations and/or individuals are unnecessary or harmful. This function-talk when applied to human beings is dangerous, since it presupposes a teleology, and those who fail to function, as it were, are rendered pathological in some way or other, and those who are deemed harmful are to be removed. This will be expanded upon later.

Neo-liberalism takes Struggle for an Ethic as its subject, and this subject is re-described as an agent whose every activity is a form of personal investment, all consumption as production, and rendering all rational actors as entrepreneurs of the self. The model of Struggle for an Ethic, when applied to individuals, places them within a grid of intelligibility which renders the chaotic realm of the economy predictable. This procedure is carried out through a wide array of institutions and techniques designed to gather data on various populations. This intelligibility has been deployed into domains such as intimate family relations and state punishment, however, what are its intimate effects on an individual? What does it require of one in order to be a successful neo-liberal subject? In other words, how is one to be in order that one conform to the rationalities of the market economy?

There are two main characteristics that make up the neo-liberal subject: they are to be i) self-interested and ii) rational. Regarding self-interest, neo-liberalism takes as given what Adam Smith states: '[i]t is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest' (Smith, 2005, Bk I, ch. 2). As such, the actions of Struggle for an Ethic are aimed at the gaining of private utility. This understanding

stems from the individualism of classical liberalism and the ethical strand of Rational egoism. Rational egoism was investigated by Henry Sidgwick in *Method of Ethics* (1874). In it he stated, 'an agent regards quantity of consequent pleasure and pain to himself alone important in choosing between alternatives of action; and seeks always the greatest attainable surplus of pleasure over pain' (Sidgwick, 1981, p. 95).[14]

The rationality of the neo-liberal subject is instrumental since it is aimed at certain problems and works towards their eventual solution - the satisfaction of one's individual interests. As such, the problem is how one is to attain the satisfaction of desires, and given their beliefs, the rational act would be one that maximises the probability of maximising one's desire given one's beliefs (Becker, 1976, p. 2-3,8; Carling, 1991, p. 27; Read, 2010, p. 5). Given this understanding of rationality, both the young girl who becomes a prostitute and the priest whom enters a monastery are both acting rationally given their beliefs. These two people have different preferences and they are acting in a way that would maximise the probability of that preference to be realised.

This model of the economic subject, however, is not restricted to the graphs and calculations of the economist. In fact, this model is description of all human behaviour. The rational actor acts rationally when, with their preferences in mind, he or she ascribes value to various relevant objects and events, calculates the utility and disutility attached to any certain course of action, and then acts upon the desire to satisfy their preferences that best maximises that preference. Though this notion of economic rationality is taken to be a model of human

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[14]This notion of rational egoism goes back as far as Plato and Aristotle, with the Platonic dialogue the Protagoras, and the discussion of akrasia.

behaviour, there are traits of the human beings that it cannot account for, and these will be discussed now.[15]

Given that *homo œconomicus* is rational and self-interested there are three more points that make up the neo-liberal subject: i) flexibility, ii) adaptability, and iii) competiveness. All of these go into building up one's human capital, which, in turn is used to attain goals. These three characteristics are the main ingredients that make up the entrepreneur of the self: the individual who takes their person to be an enterprise, their own capital, their own producer and source of earnings (Foucault, 2008, p. 226). It is the individual who is driven by interest and his or her 'action has a multiplying and beneficial value through the intensification of interest' (Foucault, 2008, p. 276). So, when one develops one's human capital, this is guided by instrumental rationality driven by self-interest and is augmented by one's abilities to be flexible, adaptive and competitive.

What exactly is *homo œconomicus* being flexible towards? Adapting to, and competing with or against? As stated previously, *homo œconomicus* is one who reacts to 'reality'. This reality corresponds to their environment, which, given the implementation of neo-liberal economic policies includes, but is not limited to '...fiscal discipline, lower marginal tax[es], interest rate liberalization, competitive exchange rates, trade liberalization, and freeing of investment flows, privatization of government services and corporations, deregulation of labour markets, and long-term price stability' (Montgomerie, 2007, p.158), as well as fluctuation of wages, unemployment, and other *homines oeconomici.* In short, *homo œconomicus* reacts to the constraints in their environment.

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[15]I take it that these traits are not so much separate from the technical model of *homo œconomicus*, but rather are the results of human behaviour acting according to the model's rationality.

An example of the sorts of environmental constraints is as follows :

> [The G7 countries] were simultaneously trying to promote investment through the deregulation of investment flows and interest rate liberalization, while trying to stem inflation by withdrawing subsidies for unemployment, deregulating labour markets, and capping spending in the public sector. It is these governments' exclusive focus on stemming inflation that has led to slowed wage growth since 1991, it has affected wages directly through government labour contracts and labour market policy and indirectly through a consensus with business to keep wage inflation low. With household wages slowly eroding the response by households was debt-led consumption (Montgomerie, 2007, p. 158).

Given this picture of the economic environment filled with constraints, it is no mystery as to why *homo œconomicus* ought to be determined and enterprising in the way it is. To recap, the successful neo-liberal subject is to be: i) rational, and ii) self-interested. (i) and (ii) are utilised in order to invest in their own human capital, and this utilisation of (i) and (ii) is further augmented by his/her ability to exercise their (iii) flexibility, (iv) adaptability and (v) competitiveness given the constraints of their environment. Furthermore, the successful neo-liberal subject is one on that is unique and acts in a way that pronounces their individuality. They are to have creativity, initiative, and responsibility. As Foucault states, one is to be an entrepreneur of their self. So, one who chooses to undergo plastic surgery, exercise, or buy fancy clothing in order to 'get ahead' is behaving according to this rubric, and is exhibiting neo-liberal rationality.

The characteristics of flexibility, creativity, adaptability, competition and so on are not important and emphasised for their own sake, since they are only used as a means to obtain any particular end. The neo-liberal ethic of developing one's human capital strikes some similarities between itself and virtue ethics, however, the nod to such an ethical understanding is vulgarised in that the notion of bettering one's self is not done for its own sake, but rather the 'bettering' is done to become, simply stated, 'employable'. The duty of the neo-liberal subject is to arrange

themselves in such-and-such a way so that their preferences can be maximised in such a way so as to improve their chances in the market.[16]

Strictly speaking, as a preference-maximiser, and one of the main preferences is 'to gain wealth', one acts in a particularly predictable way. One acquires and accumulates goods, not only as a way to meet their ends and needs, but also as a way to show success. Hence we have various status symbols of fancy clothing, expensive cars, trophy wives, et cetera. One accumulates wealth and spends it on what one can afford, whilst also planning for the future.

Neo-liberalism requires that its subjects operate within the rules of the game, and to play that game as well as they can. The neo-liberal subject is to be productive; productive in terms of their work, and productive in terms of self-improvement in order to 'get ahead' in the workplace or in other relationships. This productivity of maximising one's personal utility is curbed, however, by the constraints of the 'reality' that *homo œconomicus* reacts to. This curbing is done through either prohibition or incentive. This governing of the 'conditions of actions' (Read, 2010, p. 29) depends highly upon the discipline of neo-liberal subjects.

What does this have to do with biopower? Two things are immediate: i) the distribution of norms across populations (the norms of the market) by experts or 'truth-speakers' (news broadcasters, television talk show guests, news reporters, advertising, et cetera), and ii) the division of valuable people from non-valuable people - the creation of a superfluous population (those who do not conform to the norms).

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[16]A remarkable story of this can be found in an article from The Guardian titled, 'Parents defend breast implants for girl, 15'. In this article, the young girl, Jenna Franklin, states that 'You've got to have breasts to be successful... I just want to be happy with my body and I think having my breasts enlarged will give me more self-confidence' (http://www.guardian.co.uk/uk/2001/jan/05/helencarter). This small story is an instantiation of a larger trend among women, and is illustrated in a study called, 'Breast augmentation motivations and satisfaction: a prospective study of more than 3,000 silicone implantations'. Women are not alone as instantiating these principles. There is a rise, as well, in the number of men receiving plastic surgery.

The aforementioned understanding of rationality has a dark side since it makes it the case that every person, when acting rationally, is responsible for the actions that they had taken by definition. This leads to what is called 'responsiblisation'. This is a new discipline, and a new technology of biopolitical governmentality which forms new subjectivities and modes of control.

Responsibilisation is the dispersal of responsibility from state to non-state apparatus and then to individuals through 'un-coerced application of certain values rooted in the motivation for action.' The process of responsibilisation aims to instill in the individual a sense of acceptance of the consequences of their actions and to respond to them in a self-reflexive manner. A subject is responsibilised when he or she sees social risks such as illness, unemployment, poverty, et cetera not as the responsibility of the state, or society at large, but actually lying in the domain for which the individual is responsible and transforming it into a problem of 'self-care' (Lemke, 2001, p. 201). This may sound empowering, however, the problem with this is that it turns every actor into a cause, and at times, that actor may, in fact, be a victim. For instance, the single mother who enters into prostitution to pay for her children's food and schooling, or the young boy who enters into gang activities, under this scheme are actors who are responsible and ought to be punished, as opposed to being seen as victims of larger injustices who should be helped. I will expand upon this later.

Through responsibilisation, the governed are disciplined through their consent, and by consenting they govern themselves in accordance to both established, codified and unwritten laws and norms. They are disciplined so as to not exercise power in a way that they would withhold consent to the way the law intends to govern them. This disciplinary work can be seen in the 'nudge' politics of the Obama administration in the US, and the Cameron administration in

the UK[17]: the creation and augmentation of incentives, the management of things so as to better manage people by their own wills. People will then discipline themselves in order to meet these incentives as a rational wealth-maximiser would. They are managed through the management of things so that they perform in the way they ought to perform when they are asked to consent to how they are governed under law. In other words, the individual is responsibilised in order that they behave in the way various dominant institutions think that they ought to behave. For instance, how much is an individual responding to structural unemployment, and developing the kind of self-discipline that is required for one to pay their debts as opposed to using the consent of the governed to ask for debt-forgiveness for all?[18] What the aforementioned understanding of rationality and the governmental technology of reponsibilisation do, when coupled, is make all people feel responsible for their fate. This is done by leading people by their noses by their own rationality.

Additionally, given the strategic nature of this instrumental form of rationality and the technology of responsibilisation, the neo-liberal subject is a very conformist subject. Since, if *homo œconomicus* works to maximise their interests, then their interests will most likely coincide with the social norms. This is because if an action were to contradict or contravene the social norms, then the probability of their achieving the desired end would be limited by the prohibitions or sanctions that would be incurred. Conformity to the norms is desirable because of incentives linked to the norm. These incentives are being manipulated by the rules of the game and the conducts of others. Hence, they are mainly bound by the rules of the game (Anderson, 2000, p. 171).

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[17]http://www.independent.co.uk/news/uk/politics/first-obama-now-cameron-embraces-nudge-theory-2050127.html

[18]Foucault was not blind to this. After all, he did say that *homo œconomicus* in imminently governable. However, I do think he underestimated the extent of the problem.

Not only are these characteristics of rationality, responsibility and entrepreneurialism said to be the ones that make up a successful neo-liberal subject, but these characteristics are said to be in all of us. All human behaviour is to be done in this way, however, the unsuccessful people are the ones who are not skilled in such a way. People who do not satisfy their goals are to blame for their lack of success - they are called 'flawed consumers' and 'risky subjects' (Snider, 2007, p. 330). As stated earlier, the distribution of norms across populations will generate a superfluous population. In the case of neo-liberalism, the market separates the valuable from the unwanted and this separation is based on the principles that it promotes i) rationality, and ii) self-interestedness augmented by flexibility, adaptability and competitiveness in the pursuit of maximising one's returns and gains of capital. Those who fail or refuse to live up to the norms are further marginalised, and neo-liberal policies marginalise very well.[19] I do not plan on focusing on the socio-economics, here. However, the insistence of minimal government and maximum privatisation is guided by the neo-liberal characteristics discussed above, and has led to the gutting of social programs for the poor and other marginal groups. The ethics of neo-liberalism as discussed earlier are embodied in the structure of social institutions; most notably in the privatisation of services and values. This emphasis on privatisation stresses an importance on contract, and not some hypothetical 'social contract', one that emphasises what one owes to another as fellow members of a society, but rather a sort of contract wherein no one owes anyone anything. No one owes someone else a job, a wage, social security, mutual aid, et cetera unless it is stressed in a contractual agreement between individuals within the context of the marketplace.

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[19]Now does one fail to live up to the norm because society marginalises them or are they marginalised because they fail to live up to the norm? To my mind, at least in this case, the people who do not exhibit the apparent norms of the neo-liberal subject fail to do so because of the fact that they are marginalised. These characteristics are harnessed and honed, not imbued within all of us. There are plenty of reports that show that poverty, malnutrition, et cetera have devastating effects on the learning of skills - the norms of the neo-liberal subject are no different.

This is nothing terribly new, such populations have been generated and cast aside before as evidenced in several of Foucault's works, for instance: lepers, sexual deviants, sodomites, fools, blasphemers, lunatics, invalids, people who walked the streets talking to themselves, people who had visions and illusions, people who fell into rages, people who denied God and those who claimed to speak to God (Foucault, 2009, p.47, 52-55,92, 133-135). The superfluous populations of today include but are not limited to the homeless, LGTBQ individuals, people on welfare, the elderly and infirm, the poor, prostitutes, indigenous peoples, people with disabilities, and in certain instances women (Chunn & Gavigon, 2007, p. 226-227).

How has neo-liberalism led to the marginalisation of these groups? As stated earlier, the economic norms and cultural norms are inter-related, such that the norms and activities of the market re-enforce the current inequalities.[20] This is because the current inequalities are based on pre-existing norms, and upsetting such norms would disturb the maximisation of capital flow and commerce.

Neo-liberal structures contain and discipline those who do not exhibit its values: namely the poor. The poor, however, is a large category that is in turn made up of various gendered and racialised groups of people. The seemingly progressive discourses of neo-liberalism (entrepreneurship, ownership, free flow of commerce, democratisation of credit, et cetera) actually draws and locks various racialised and gendered peoples into power relations that pre-suppose and, at times, intensify socio-economic inequalities. This was made most obvious with the predatory lending of sub-prime mortgage loans. What this did was integrate certain racialised and gendered peoples into the market, a social realm from which they had not inhabited in the

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[20]It must be stated that neo-liberalism does not only marginalise those in the society, but also those ;outsiders' around the world. With large corporations shifting production to Third World countries in order to cut production costs, since they do not have to pay decent wages to the workers, for instance.

past. However, this integration was done so on very inequitable terms: very high interest rates, taking advantage of lack of literacy, and desperation et cetera (Warren, 2002, p. 21-22, 26-27, 37, 54). In addition, the prominence of credit and debt have led to substantial increases in the levels of incarceration of the poor for their debts, and thus has developed 'structural debt prisons'. What is meant by structural debt prison is the assemble of carceral mechanisms and institutions that lock people into ever-increasing amounts of debt, which, in turn is deemed criminal. So, the poor are being increasingly incarcerated for their debts, and in turn accumulate further debt while in prison. Additionally, it is important to notice that there is a significant link between high levels of unemployment and high levels of imprisonment, as well as reduced levels of welfare spending and high levels of imprisonment (Balfour, 2007, p. 164-167). Given this, women, and more specifically women of colour who are more dependent on welfare spending are making up the highest growing prison population in the US. The rate of incarceration of women from 1970-2001 has increased 2800% (Sudbury, 2005, p. xiv in Balfour, 2007, p. 165)! The causes for such extraordinary levels of imprisonment are still being investigated, however, what has been shown thus far is that racialised and gendered insecurities in the market, as well as a lack of low-cost housing, as well as welfare, child-care and medical services have led poor people in general and poor racialised women in particular to engage in criminalised forms of behaviour in order to make ends meet. It is important to note that most of the women incarcerated were mothers of young children, roughly sixty-three percent, and the percentage of fathers was fifty-one percent (James, & Glaze, 2008). These carceral practices have detrimental effects on those who, once leaving prison, are reintegrated into the market. It has been shown that being imprisoned drastically reduces the amount of money one can make once one returns to function in the market. By age 48, the typical former inmate will have earned $179,000 less than if he had never

been incarcerated. Additionally, '[i]ncarceration depresses the total earnings of white males by 2 percent, of Hispanic males by 6 percent, and of black males by 9 percent' (Western, et al., 2010, p. 4). Moreover, given the stigma attached to prisons and former inmates, upward mobility in class is increasingly difficult. This is compounded by the vast amounts of debt that are accumulated by the inmate once in prison, and if that person were imprisoned for failing to pay their debts in the first place, one can see how incredibly difficult it would be for one to ever escape the grip of debt. To add insult to injury, some prisons, due to fiscal austerity, are actually charging prisoners for their incarceration, and thus even more debt is accumulated in what has been called 'pay-to-stay' policies (ACLU, 2010, p. 9). All of this culminates in the generation of superfluous populations that are trapped in mechanisms of the market that are coercive and binding, that limit social mobility and constrain individual freedom. This is ironically maintained by the utilisation of seemingly progressive discursive practices of property ownership, credit and enterprise.

Neo-liberalism has, for the most part, amplified, rather than instigated the marginalisation of the superfluous populations. This is done by reducing all social and political life to mere market functioning. Since we are all economic subjects functioning to maximise our utility, and our utility is based on gaining capital (though employability) and engagement in the market, it follows that those who do not function accordingly will be failures - and failures because of their own choices, according to the logic of responsibilisation.

One problem with this picture is that it takes all social actors to be 'flexible bundle of skills that reflexively manages oneself as though the self was a business...' (Gershon, 2011, p. 546). In doing so, it neglects to consider the various complexities inherent in social organisations. These complexities are dispositions, biases, value-judgements, codified and non-

codified rules and norms, et cetera. As well as plenty of environmental contingencies that greatly affect the possibilities for action - ie: where one lives, was born, the available resources, et cetera.[21] Human actions do not occur in vacuums or bubbles. There are complex interactions at play, and these have crucial implications regarding one's available actions.

Another concern is how neo-liberalism is built into the notion of public space. Public space is highly regulated and the regulations reflect certain economic concerns. For instance, shutting down public space access to the homeless, or allotting a certain amount of time that can be spent in certain public spaces: parks, walkways, memorials, et cetera (The homeless have been swept off of the streets in financial and commercial districts in various major cities so as to not detract from the splendour of the working of commerce - which is supposed to be seen as modern, 'sexy', and good for everyone. This is made even more evident is cases of the Olympics where vast numbers of peoples are displaced. The contradiction is too evident, and thus those who are negatively affected cannot be visible.[22]) Public space is not neutral. It is in the service of a market economy, and is supposed to assist in the growth of that market economy (Casino, et al., 2008, p. 194, 196).

That being said, alienation of peoples has been occurring for centuries, and the alienation through the market is but a symptom of this practice of marginalisation. These populations were (are) dealt with by sending them to 'hospitals', asylums, colonies, the military, or prisons. Additionally, the superfluous populations of today need not be sent to such institutions. They do not need to be removed permanently from the cogs of social existence. The superfluous populations can be, and in neo-liberal societies are, controlled and alienated by debt. As such,

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[21]It is true that such environmental contingencies can be laden with social considerations, and thus are not free from social influences.
[22]Additionally, there has been a ban of sorts on feeding homeless people. One needs to have a permit.

people must borrow in order to live. This borrowing is accompanied by interest rates on loans which translates into debt.[23] By being burdened with vast amounts of debt, the populations of non-valuable people are trapped in low-wage jobs working hour upon hour to pay off their debts (Montgomerie, 2007, p. 163, 168, 170) .

This endeavour to manage one's self as an enterprise in the pursuit of accumulation of capital is not as free as Foucault claimed in his lectures. Now, I do not think it fair to blame him for not being able to see thirty years into the future to observe the debt crises and poverty that millions of people under neo-liberal governmentality are in, but, I do not think that he was right to stress the sort of freedom that he did in the first place. In fact, I think that there is a very strong notion of unfreedom, here in the neo-liberal picture.

It could be argued, however, that the collective crises experienced by millions of people is their fault. The onus in one the individual, here. Just because millions of people are suffering under neo-liberalism does not mean that neo-liberalism is to blame. People should take personal responsibility. This is because there are many people who have been awash in debt and thus impoverished, and yet have made the best of it. As such, people are free under neo-liberalism. This argument i**s** for all X, it is possible that X can perform A. As such, if X is able to perform A, then X is free to do A. In the case of the members of poor and marginalised social groups, individually the members are able to leave because members of have done so. This argument attempts to point at 'success stories' of some formerly poor individual who, through their own grit and determination, managed to build their self up and succeed in the world. The fact that people escape shows that they are free to leave. No one is trapped where they are in the social hierarchy. On this account, if we accept this argument, we would have to hold that people are

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[23]This phenomenon has been explored extensively in myriad texts, and I will refrain from discussing it here. Please see

free to leave prison given the fact that some people escape. And that seems to be a ridiculous claim. The instance on individual liberties to change their stars and pick themselves up by their own bootstraps ignores a whole range of mechanisms that hinder freedom - the example of debt is just one, but it is a powerful example considering the relation between debt and incarceration. People who do not pay their debts go to prison, where they accumulate more debt since they cannot work, and thus are in a deeper hole than they had been in previously. The practices that targeted the myriad disenfranchised populations was rightly called 'predatory capitalism' - it sought out those whom could be manipulated, tricked, and taken advantage of for the sole purpose of capital gain. However, the structures in which these various peoples are trapped between debt and prison is more appropriately called 'carceral capitalism'. It keeps the aforementioned superfluous populations in a bondage that prevents them from seeking and obtaining social and economic mobility - it keeps them segregated from the activities that typify the 'free' engagement with the market.

In closing, neo-liberalism, with its insistence on individualism and self-promotion in the pursuit of capital is non-reciprocal, and this will lead, and is leading to inequality being translated into policies and institutions that, in turn will inevitably marginalise and diminish those who do not live up to the demands of the market. As Margaret Thatcher said, 'there is no society, just individuals and families'.

It is important to point out, though it is clear upon a moment's reflection that 'the market' is not some piece of the furniture of the universe, it is not something that humans should work for. Though neo-liberalism seems to state the inverse. As such, the market does not have to be the way that neo-liberal policies and the experts say it has to be. It is possible to change, yet reform may have to take the form of some sort of abolition. That being said, the market is not

intrinsically evil. It is not something that has to marginalise in the way that it does. It is a product of human discourses and practices. As stated previously, institutions permit and restrict the available options for people, and the market is no different. What has to be challenged are the ways in which the market, which is expanding into more and more aspects of our lives, marginalises and disenfranchises.

With all of this said, we have a twist in the understanding of neo-liberalism and the neo-liberal subject which was seen to be a free, active, enterprising. Given the aforementioned mode of rationality, and the rather restricting technology of responsibilisation, the neo-liberal subject in fact is: i) rational, ii) self-interested, iii) entrepreneurial, iv) responsible, and v) conformist. He or she is bound by the rules of the game in ways that they are unaware of. And, on top of that, they are one's whom take upon themselves the responsibility for their fate. Not the free, entrepreneurial subject Foucault had envisioned.

POLITICAL RESISTANCE AS CREATIVE ONTOLOGY:
ON RESISTING NEO-LIBERAL GOVERNMENTALITY

In this section, I will outline a positive account of political resistance that utilises the various Foucauldian notions previously discussed, namely bio-power, neo-liberalism, discipline, and self-creation. Foucault never presented a positive account of resistance - he never stressed what a positive account for resistance could be grounded in. This was done, I think, mainly from a fear of having to offer a program that could become totalising, and essentialist at best, and at worst disciplining, normalising and even punishing. It is too often that Foucault is used in a pessimistic way. A way that only emphasises the various forms of oppression that we are locked into in our modern societies. I think that this has an important part to play, it raises suspicions and can lead to forms of critique of various institutions and practices. That being said, I think that Foucault can be used productively. One can utilise his thoughts to build movements and not just tear down walls and barriers.

Resistance as Creative Ontology

What I wish to show is that Foucault's thought can be used in a positive way to resist various forms of power. Typically, Foucault's understandings of power and the individual is taken to be a bleak view, one that reduces the individual to a mere 'effect' of power, a 'docile body' shaped by discourses that are inescapable and dominating. I think that much of this pessimistic view of constraint can be held alongside a view of agency, but it has to be massaged into a position that holds that a certain sense of freedom exists within systems and constraints. There is

a tension between freedom and conformity, constraint and agency, and I think that these can be reconciled within a Foucauldian framework.

According to Foucault, 'there are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where relations of power are exercised' (Foucault, 1990, p. 142). In order to make sense of this in the current context, I think that one must rid one's self of the notion of the totally 'free' individual. The overly romantic idea that one can burst forth, freeing their self from all tradition and convention. Foucault, and others such as Nietzsche and Heidegger shared this belief. We are thoroughly conditioned by the world that we are in; through customs, norms, traditions and practices that become ingrained in our backgrounds so that we could never truly get beyond them. This does not have to be an insidious thing. It can be observed in common indirect speech acts and comedy for instance. Regarding the former, say I am at dinner and I ask someone if they could pass the pepper. That speech act is literally a question regarding their ability to pass the pepper, but it is intended as a request for that person to pass the pepper to me. If that person were to respond to the literal statement with an affirmative and then not pass the salt, content with the fact that he or she had answered my question, I would raise an eyebrow. This is because the background was not being engaged properly by that person. Indirect speech acts only work when a background is shared. Regarding comedy, a lot of comedic material is based on transgressing the background. For instance, in the comedic masterpiece 'Airplane', the main character refuses drinks on the plane because he has 'a drinking problem'. To most people, 'a drinking problem' implies that one has a tendency to abuse alcoholic beverages, but this man, in fact, just has trouble drinking. Every time he tries to drink, he misses his mouth: hence the drinking problem. This is funny because it comedically runs against the grain of our expectations of that phrase 'a drinking

problem'. It is the shared background that makes both of these phenomena possible, and because of it we often say more by what we do not say then by what we do say (Haslanger, 2011, p.188). It is by virtue of our shared backgrounds that we can communicate indirectly. The background is integral to our common understandings which is integral to social functioning.

Despite being conditioned in myriad ways, one can still act - one is not merely an effect. One can accept, reject, or modify practices in their social milieu. 'One may be deliberately out of sync with one's milieu, or just *out of it*' (Haslanger, 2011, p.196 [my own emphasis]). One can appropriate different traditions and practices and fashion one's self in different ways, with different styles of being. Instead of being absorbed into various practices that are taken for granted, one can absorb practices into their own style of being. This allows one to create and fashion an identity rather than having an identity imposed upon them by disciplinary structures.

What neo-liberalism does is propose a certain structure that exhibits the Truth about human beings. That human beings are rational, self-interested, enterprising, driven by a desire to gain, et cetera. These notions appear productive and progressive, especially when coupled with the ideas of freedom of choice, ownership, et cetera. But, as previously demonstrated, these ideas when coupled with responsibilisation reveal the disciplinary and normalising power of such notions. Resistance to such an understanding of the Truth of human beings presents a creative resistance to the normalisation generated by such a Truth. Resistance is to be critical and in being critical it is to be actively challenging norms and structures that dictate values and barriers: the determinants of action. 'Revolutionary action defines itself ... as simultaneously shaking the consciousness and the institution' (Foucault, 1977, p. 231). This means not only reforming the institutions, but to challenge the discourses that manifest and facilitate its functions.

What exactly is meant by creative ontology? As stated in the first section of this paper, people are turned into certain kinds of subjects through the initialisation and perpetuation of certain concepts. These concepts are used in treating certain people in certain ways which differ from place to place and time to time. The problem with the various hegemonic ideas, like neo-liberalism, for instance, is that it fails to realise this contingency. This is a fundamentally Foucauldian notion that was illustrated by his studies on 'madness', for instance; however, this notion has been articulated by contemporary philosophers such as Michael Root. (I do not mean to put Root and Foucault in the same camp, as it were. But, I think that Root's conceptual analysis of social kinds is compatible with a project anchored in Foucauldian ideas, and is helpful in this case for clarifactory purposes). According to this understanding, these concepts denote social kinds - entities that are not 'out there' in the world, but rather made up by us for our own social purposes. Nonetheless, even though social kinds are not a part of the furniture of the world, one can still treat them as real in some sense, as 'a real social kind'. Additionally, the creative ontology that I am suggesting is one that does not take the naturalisation of our social categories for granted. It is concerned with the sorts of knowledges that are utilised for social purposes: the denotation of social kinds, the perpetuation of certain categories that have societal effects, and the like. It is a critical stance towards our social ontology: our social divisions of the world we live in (cuisine, fashion, resource extraction, gathering and management, for instance) and the divisions of the social world that we live in (gender, race, sexuality, et cetera).

The idea behind such an account is that in order for something to be an instance of a kind k, it must be in a community in which people regard it as falling under the related concept K. We divide ourselves where nature has not, and the way in which we divide ourselves is through our concepts of gender, race, mad, normal, deviant, rich, and poor, for instance. This is done through

discourses. However, our concepts do not divide, per se, it is required that there are individuals who utilise the concepts for the purpose of dividing. These are discursive practices. To reiterate: Category *K* divides people *iff* they divide themselves by *K*. Furthermore, madness *M* is a category *K* if it is used to divide people. A person is *M* at site *S iff M* is used to divide people at site *S*. Root used 'race' to explore this issue. Specifically regarding 'race', he writes: 'Where *R* is a race, a person is *R* at a site only if *R* is used there to divide people. Because the ancient Greeks did not divide people by race, there were no races in Athens.' This notion could easily be applied to the other categories listed above. Indeed, Foucault stated in the History of Sexuality Vol. One, that the pathologisation of childhood masturbation, and thus the social categories that come with those prognoses did not exist before the nineteenth century - though it had its genesis at the end of the eighteenth century - when scientific fabulations firmly established medical discourses and practices that made masturbation the casuality of every illness (Foucault, 1990, p. 240-241). In contrast, Foucault describes the disappearance of leprosy in the Western world. In the High Middle Ages, leporsariums were opened all over the Europe: there were over 2,000 leprosariums in France in 1226, 43 in Paris alone (Foucault, 2009, p. 3-4). By the fifteenth century, the leprosariums were emptied, and some empty leprosariums were transformed to *Hospitals Generals* in France. Additionally, the empty leporsariums in Scotland were used to house the poor, and in Germany, the same sorts of buildings were used to contain 'incurables and madmen' (Foucault, 1990, p.4-6). These cases are used to illustrate the changing nature of human kinds.

> What doubtless remained longer than leprosy, and would persist when the lazar houses had been empty for years, were the *values* and *images* attached to the figure of the leper as well as *the meaning of his exclusion*, the social importance of that insistent and fearful figure which was not driven off without first being inscribed within a sacred circle (Foucault, 2009, p. 6 [italics are mine]).

On this account, human kinds, though real to some extent (they after all do play a huge explanatory role in various social sciences and different social practices and attitudes), are dependent upon rather than independent of how we think and talk about one another. The creative part comes in here. We can change our social kinds by changing how we think of them. This has been seen in various sorts of activist and emancipatory movements in the past. What political resistance does is introduce a critical awareness of our categories which are used to divide, normalise, and objectify certain ways of being. This awareness aims to show that things did not have to be this way, but rather that they became this way. There is nothing inevitable or unmoving about our current state of affairs and social categories. '[T]hey describe the world as if it is, by its nature, how we have interpreted it, and from there caused it, to be' (Haslanger, 2011, p. 198). Political and social resistance to states of affairs are struggles against the imposition of categories, through discursive practices, that are unacceptable. And, if one finds something unacceptable, then one should not accept it. One should resist it and change it.[24]

Specifically regarding the neo-liberalism, it exasperates the divisions that exist in our society through a) pro-market policies and b) through responsbilisation. The policies strip away funding on social services that many people depend upon, and given the rising costs of living and the stagnating or even decreasing wages, more people depend upon than in previous generations. These structural factors make it the case that more and more people fall through the cracks in society (premised on our social divisions) since they no longer have a safety net. This is then coupled with responsibilsiation. By making person seem responsible for their situation (being

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[24]This lends itself to the complaint of 'what are we to focus on? How are we to best distribute our efforts? There are many things that "we" find unacceptable. What is to be done?' I think this worry is not a real worry. There are many people who find many different things problematic, worrisome, wrong. Let the many choose which projects they wish to engage in. Some can focus on the environment, some on gender equality, some others on capital accumulation, others on the degradation of indigenous people.

poor, for example), it hardens the social division since responsibility entails ownership of one's actions which also entails conscious decision-making. So, someone who goes bankrupt because of their vast debt is characterised as 'imprudent' at best, and 'irresponsible' or 'compulsive' at worst (Montgomerie, 2007, p. 163). The problem is psychologised in order to blame the victim without taking into account the vast social structure that exists and imposes. So, some person is poor because he or she was not responsible enough. 'They were not prudent, smart or austere enough to survive in the unpredictable commerce society. That is their problem, since they are responsible for their actions, and why should I have to pay for their mistakes?' This is a conversation that is becoming increasingly familiar, and it a product of neo-liberal governmentality.

The ontology of social kinds depends on how we think of and treat one another and resistance to the various social categories, either through abolition or radical reform, can alter these and thus change how we think of and treat one another. By changing these social kinds, we can in turn change the physical realities wherein they dwell. For instance, in Canada the aboriginal population is either neglected or thought of with derision. There is, for certain, a particularly potent form of racial discrimination aimed at aboriginal peoples - the 'dirty, drunk Native' stereotype is still strong. Since the society takes people who exist within this social kind to be superfluous, they are treated differentially. Either through neglectful policies or outright disenfranchisement. Now, if the norms and values that govern the differential treatment of that social kind are changed in favour of more equitable treatment, then different social considerations would have to be made in order to bring about such equal treatment. These considerations would be translated into changes in the world - more resources would be invested in the people who previously were thought unworthy. Schools and community centres could be

built. Perhaps police would not disproportionately target members of that population. As such, there would be less of sorts of peoples in prisons, and so forth. This is not meant to be grandiose - changes like these have occurred in the past. What I mean to push is the understanding that there is a relation between our categories and the material world, and as such changes in the social kind, changes in social practices, can bring about physical changes in the world, and those physical changes bring about more changes in the social kind. 'The material world reinforces our tutored dispositions—*qwerty* keyboards reinforce our *qwerty* dispositions which reinforce the use of *qwerty* keyboards; racial classification reinforces racial segregation, which reinforces racial identity, which reinforces racial classification' (Haslanger, 2011, p. 198).

The initial changes in our various social kinds, however, are brought about through resistance to the dominant structures that determine and direct the available actions of various peoples in different social kinds. Foucault states that resistance is the 'art of not being governed quite so much' (Foucault, 2007A, p. 45). This admittedly vague definition aims encompass the numerous relationships between power, knowledge, and the subject. Since power is inevitable in human relationships, on Foucault's account, resistance and critique operate through subversion rather than obliteration other power relations.

> I do not think that a society can exist without power relations, if by that one means the strategies by which individuals try to direct and control the conduct of others. The problem, then, is not to try to dissolve them in the utopia... but to acquire the rules of law, the management techniques, and also the morality, the ethos, the practice of self, that will allow us to play these games of power with as little domination as possible (Foucault, 1997, p. 298).

This may seem to abstract and not useful for resistance, but I think that it has an intuitive pull. Namely, our concepts and practices depend on us, and as such they do not have to be the way they are - if they are unacceptable. The role of critique is to investigate 'the adequacy of the schemas, the distribution of resources, and alternative structures that might be put in place'

(Haslanger, 2011, p. 202). To investigate hegemonic ideas, and expose the camouflage of social practices and categories that are illegitimate. Of course, there is more to be done than pointing out the artiface of seemingly natural divisions in social structures, but moral and political change cannot occur until the problem is pointed out in the first place.

What I think is important here is that methods of critique are available to and can be utilised by all sorts of people. This is not meant to be elitist in any way. As stated at the outset of the paper, what is one to do with something they find unacceptable? Do not accept it. Be it racist or sexist practices, imprisonment of the poor, income inequality, dissemination of knowledges that marginalise groups and re-enforce harmful stereotypes and the like. Critique emphasises a suspicion of authoritative regimes of control, (gender roles, doctor-patient relationships, familial structures, et cetera), and knowledge (racial medicine, genetics, psychiatry, religion, and perhaps even the National Academy of the Sciences to an extent).[25] Do not take it as it is. Work to change it in some way, and the first way in which one can work towards change is emphasising the precariousness of these notions that we take for granted.

Subversive Practices in Political Resistance: An Inventory of Techniques[26]

How can critique be turned into effective resistance? Let us review the apparatus and goals of neo-liberalism. It is the biopolitcal administration of populations. The management of things in such a way that people are in turn managed. Neo-liberal governmentality has three main characteristics to consider: 1) It is biopolitical. It targets the 'life' of the non-superfluous

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[25]This not to deny the veracity of all knowledge-claims. But to be wary of claims made by those in authority whom hold positions of power.

[26]I do not intend this to be an exhaustive list by any means.

population. It aims to manage people as a group. It involves the production and reproduction of life and is evident in such things as public health, welfare policy, regulation of fertility and heredity, population control and eugenics, racial ordering, the regulation of sexuality, and modern biotechnologies (Henman, 2011, p. 72). 2) The management of population is predicated on statistical norms. Neo-liberalism, thus, uses statistics to normalise, and aims to normalise the distribution of the statistics on the bell-curve. The statistics are equated with real-world occurrences within populations. As such, policies are adopted and enacted on populations so as to bring more 'outliers' into the even distribution of the normal bell-curve. 3) It aims to optimise the life of the non-superfluous population through investment. This 'life' is tied to the functioning of the population within society as a whole. As such, with neo-liberalism, the non-superfluous population is the one which best exemplifies neo-liberal principles and values that aid and abet the market economy and its functions. The superfluous populations are the ones that fail to exemplify the values of neo-liberalism and thus hinder the functioning of the market economy in which they exist. These are often associated with 'high-risk populations' - which are populations that are not invested in by governmentalities. This optimisation of 'life' entails a further enmeshing of the members of the population into the constellation of various power networks and relations. So, if one is a member of the non-superfluous population, one benefits by being economically privileged. Being economically privileged involves being enmeshed in various intensified power relations since being economically privileged entails being subject of neo-liberal governmentality.

Given these points, how is neo-liberal governmentality to be resisted? How can one resist the biopolitical administration and management of life through neo-liberal governmentality? One can first resist the norms through subversion and critique. Here, I think it is helpful to utilise

Judith Butler's notion of 'subversive repetition' to augment and enhance the aforementioned vague definition given by Foucault, since it appears to hold some promise. The idea is as follows: certain behaviours, for instance, are normal because they are done very often. It is normal that women can wear skirts because women often wear skirts. If men wear skirts, then they will suffer certain sanctions. This is a part of our background: a part of our societal understanding of the expectation of practices. This expectation is warranted because of the frequency of the occurrence in the past. These social expectations of behaviour are '...intersubjective or cultural patterns, scripts and the like, that are internalized by individuals to form the basis of our responses to socially meaningful objects, actions, and events' (Haslanger, 2011, p. 21). These cultural and social patterns are categorised and these categories are used to divide people who adhere to the norms of the category from those who do not. These expectations can be quite harmful to people who either fail to or choose not to live up to them. The classic example is that of gender conformity, but I think that, specifically regarding neo-liberal values, the pressure to conform to the will of the market is intense and troubling. One's attempts at shaping one's self can be hindered greatly by such expectations since failure to instantiate the object of the expectation, be it the seemingly appropriate gender, choosing the seemingly appropriate career choice, et cetera can bring about various sanctions: shunning, ridicule, guilt, et cetera. So, certain behaviours are normal because they have been performed very often by certain types of people who are deemed appropriate performers of the designated social kind.

To re-articulate, Butler's argument is as follows: Our social categories are naturalised through repetition and a collective belief in the correct performance of the conventional social characteristics of that social kind. If our social categories are naturalised through repetition, then

social categories can be subverted through subversive repetition: a parodying of a social category that emphasises the ambiguous demarcation of mainstream subjectivities from marginalised subjectivities. It aims to highlight the unstable and fractured nature of these categories and identities.

> The premature insistence on a stable subject of feminism, understood as a seamless category of women, inevitably generates multiple refusals to accept the category. These domains of exclusion reveal the coercive and regulatory consequences of that construction, even when the construction has been elaborated for emancipatory purposes. Indeed, the fragmentation within feminism and the paradoxical opposition to feminism from "women" whom feminism claims to represent suggest the necessary limits of identity politics' (Butler, 1990, p. 4).

This fixation with grounding resistances in essences was touched on by Foucault regarding 'sexual liberation'. In the Victorian past, sexuality was repressed and disciplined, but given sexual liberation, it was made free. The new conception of sexuality that appeared post-sexual liberation was taken to be whole, natural and free. But with sexual liberation, came a whole new inventory of disciplinary notions. In that past, one was supposed to be repressed, subdued, chaste, virtuous, et cetera. Given sexual liberation, one is supposed to be attractive, sexually active, energetic, athletic, et cetera. There are many things that one has to do in order to have sex. So, what has happened is that oppression by repression has been replaced by oppression through stimulation, and exactly what one thinks is liberating is just another form of oppression. This is the problem with grounding resistance in some sort of perceived fundamental essence: new forms of discipline and normalisation creep in that will at best misrepresent and at worst marginalise those who have been subsumed into the category but do not identify wholly with it.[27]

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[27] In fact, this is happening with transsexual and intersex people under the label of 'queer', and certain lesbian groups argue that 'queer' effaces the power differential between men and women, as well.

The importance of this form of resistance to dominate social categories that can effectively coerce behaviours by dictating limited options of ways of being, is that it can work towards changing, at a social level, the understanding of the social category in question. This is linked to the idea discussed above. Additionally, it is a very personal tactic that individuals can employ if they do so wish. It provides one with a possible means of resisting the micro-physics of power, those intimate and disciplinary forms that lock in people to assigned modes of being.

Another way to resist neo-liberal governmentality is to target the techniques that attempt to collect and manage information about populations so as to administrate over and control them. This targeting of the various techniques requires that people 'make noise', and in doing so interrupt the effective execution of such techniques. I call this the 'Spartacus technique' after the wonderful Stanley Kubrick film 'Spartacus'. In that film, the main character, Spartacus, is being sought out by the Roman legions who wish to capture and crucify him for his rebellion. In this related scene, the Roman legionnaires ask for Spartacus to give himself up. Spartacus stands up and identifies himself, however, his entire rebel army, one by one, stands up and declares 'I am Spartacus', thereby shielding the identity of the true Spartacus.[28] This tactic has been adopted by some people in the US in order to combat the NSA spying and gathering of metadata.

What people do is that they add 'keywords' to fake emails in order to trigger NSA data collection. In these documents the sender will include words like 'over-throw', 'dictator', 'terrorist', etc but these words are all in the context of an email concerning a domineering boss. Here is a sample of the e-mail.

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[28]This, however, does not bode well since the Roman legionaries effectively crucify everyone in Spartacus' rebel army. However, I think that it is a poetic notion, indeed, and a colourful metaphor for the method resistance being discussed. Additionally, since neo-liberal governmentality is biopolitical, I do not think that it could or would effectively murder everyone on the side of the person leading the resistance.

Hey! How's it going? I'm all right.

My job is so shitty I wish I could <u>overthrow</u> my boss. It's like this
<u>oppressive regime</u> where only <u>true believers</u> in his management
techniques will stay around. I work marathon-length hours and he's made
all these changes that have made it the worst architecture firm to work at
in <u>Manhattan</u>. Like he moved the office to the <u>Financial District</u> and fired
my assistant. She was the only one who knew where the <u>blueprints</u> were!
I need access to those <u>blueprints</u> to complete my job! F my life, right?
And he keeps trying to start all these new initiatives to boost revenue, but
seriously we just need to stick to what we do best. There's only one true
profit center. I seriously feel ready to go on <u>strike</u> at any second...
Okay, I gotta run! I'm late for <u>flight school</u>. I missed the last class where
we learn how to land, so I really can't miss another one. Talk to you later!
(trollthensa.com)

Though neo-liberalism is primarily an economic theory not concerned with terrorism, per se, the

mass data-collection is integral to its market functioning - who wants what, how much, from

where, to where, for how much, et cetera. The techniques of mass data-gathering of the NSA and

other spy organisations are mimicked by various market institutions and mechanisms. For

instance, the rise of computer usage has led to a whole stream of methods and information

gathering processes. Everything on a computer is digital and can be gathered, stored, and

recalled. 'Digitalisation makes it possible to use and organise the enormous mass of the data and

enables "social sorting". By computerisation the social power of information is reinforced.'

(Koskela, 2003, p. 302) Whenever one logs onto the World Wide Web, they are being tracked.

Web sites use many techniques to track users: 1x1 pixel Web bugs, cookies, and

JavaScript. All of these act in similar ways. These mechanisms invest some information into

one's browser when you first visit a Web site. Upon returning to a website, the information

stored in your browser in then returned to the Web site each time one visits the site. So, from that

point on, whenever one visits that site, it will, in essence, recognize the user (Hormozi, 2005, p.

51-54). So, cookies allow Web servers to track a user's browsing behaviour: the more

information a user gives (such as e-mail, address, name, et cetera) the more information that can

stored in databases. However, a user need not provide much information in order to be identifiable and traceable.

Companies that provide cookies can provide cookies to multiple web sites. For instance, DoubleClick provides over 11,000 web sites with DoubleClick cookies and as a result, internet users may have that company's cookies in their hard-disk without even knowing of the company or going onto the company's web site. This activity has given DoubleClick over 100 million users in its database (Hormozi, 2005, p. 55). This collection of data is allows companies to gather information about internet users and their habits in order to determine marketing plans and advertising in a process called 'Hyper-targeting'.

Hyper-targeting, is method of advertising by which the advertisements target the users. In the past, advertisers were constrained in their marketing exercises. They could only control the location of their advertisement and its message. However, Hyper-targeting allows for advertisers to control who sees their advertisements (Shih, The Facebook Era, p. 82).

Advertisers can now fill out the criteria (such as: relationship status, gender, age, religion, et cetera) that their target audience would meet and if certain people meet the allotted criteria, that advertisement will show up while the browse the internet. For example, 'MySpace users who change their relationship status in 'engaged' would start to see wedding ads' (Shih, 2009, p. 82). This allows for an e-market, an on-line social market to exist behind the 'great abstraction of exchange' (Foucault, 1995, p. 217).

Bentham stated that the Panopticon would have profitable consequences: that its prisoners could be given labour jobs and thus provide capital. It would appear that because of the proliferation of, and the social dependence on, communication and information technologies, social lives in a modern capitalist society have been utilised in order to provide capital. Social

activities have been turned into profitable exercises through which power can now extract wealth from the populous.

Foucault says that the most diabolical element of the Panopticon is that it also submits the watchers to the power of the apparatus. I think that the most diabolical thing about the modern hyper-Panopticon is that it has become mutual. People engage in all sorts of activities that are surveillance activities and a) do not know that to be the case and/or b) are told they will benefit from the practices. Given these practices that go on behind the scenes of our searches and on-line activities, how can be subvert them? How can one subvert corporate power on-line? Again, one can 'make noise'. One can make information less reliable, by 'jamming data', by effectively subverting, overriding or overloading techniques of data collection and management. The two latter techniques are far more sophisticated and have been exercised on many occasions by hacker groups like Anonymous, but the subverting data collection is more simple.

Activists may 'find the best way to disrupt corporate power on the Internet is to be begin interacting with the ads they're being shown and muddying the data that's being collected' (Madrigal, 2012). Additionally, it seems possible that sophisticated communities, skilled in communication technologies could effectively target advertisements with unique programs at the cost of reliable information gathering and effective use targeting. What is important is the disruption of the abilities of corporations to effectively target people based on their on-line behaviour.[29] This 'noise making' is a form of digital protest (Madrigal, 2012).

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[29]This is not only confined to laptops and PCs, but even certain mobile devices that are compatible with certain on-line mechanisms utilised for data-collection and surveillance.

Social Movements, Social Criticism and Self-Criticism

Finally, perhaps there is another part of the dialectic here. If biopolitics creates, manages and administrates to populations, perhaps one of the best ways to resist such administration is to act as a population. In the previous section, I stated that though Foucault stressed a focus on the micro-physics of power, he also appealed to a shared community of the governed - to which we are all members. What makes us members? The various forms of power relations that stagnate potential creative acts of being and bring about suffering. As Foucault stated, power ought to thought of as Leviathan-like: it is composed on multiple techniques, mechanisms, institutions and practices. Likewise, I think that we can think of the community of the governed in similar terms. This community is, by definition, the majority. It is the amalgamation of different sorts of people who have been and are marginalised in myriad ways. It is the fact that they are marginalised, the fact that they are governed by techniques of power that makes them members of the community of the governed. This is, to my mind, linked to the idea of social kinds discussed at the outset of this chapter. Often the oppressed and marginalised are thought of as alone and disconnected. Dispersed through forms of power that make them and keep them powerless. What must be done is to show that the various marginalised groups make up one common group in virtue of being marginalised. They may be oppressed in different ways, but because of the shared fact of the oppression, solidarity is indeed possible, and commonality can found in a shared sense of identity, a shared sense of community and desires for a happier future.

I think this is apparent in social movements like Occupy with its slogan of 'the 99 percent', Idle No More, the 'Maple Spring' (or student strike in Quebec), and the various uprisings in Europe and the Afro-Arab world with the 'Arab Spring': most notably in Egypt. The

slogans that are used in these movements, most notably the '99 percent' slogan, are useful, but also it has its draw-backs. For simplicity, I will focus on the '99 percent' slogan.

First of all, it is only a number. As stated above, there are plenty of different sorts of people with different sorts of concerns that occupy the '99 percent', and this runs the risk of being forgotten or at least not emphasised. The '99 percent' does not solely consist of a dominant group, but it is a composite of different peoples with different bodies suffering different forms of oppression: people suffering from gender discrimination, racial discrimination, sexual discrimination, vast amounts of debt, a lack of social services, and the like. It is important to make clear that the '99 percent' is a composite of myriad social groups, and myriad people suffering under various social structures. In such social movements, a direction must be maintained, however, that direction must not be the limit of the politics. It must encompass and allow for the expression of and articulation of numerous concerns that are premised on a shared desire generated by a common ethos towards a happier future. As such, even though the Occupy movement is primarily focused on economic instability and inequality, it must not necessarily subordinate other concerns to that focus - social inequality and economic inequality entail one another. Instead, it must understand that the various other concerns (LGTBQ struggles, racial struggles, et cetera) are articulating the conditions that exist in the economic subordination. The concerns of racialised people, for instance, are not secondary to the concerns of economic inequality, they articulate them. They voice them from a different perspective. Nonetheless, there is a commonality shared by the groups that make up the '99 percent' are disenfranchised by the current state of affairs. However, with all of this in mind, how can Foucauldian notions of power, knowledge and the subject be utilised in a positive way in political movements? What I have discussed so far are fairly individualised means of resistance focused on the micro-physics of

power. I do think, however, that Foucault's ideas can be used in a macro-scale, as well. They can be utilised in movements, and by communities.

The most important way in which Foucault's ideas can be utilised in a public way is through the cautionary need for self-criticism. It is very important that a mass social movement, such as Idle No More or Occupy, remain not only critical of the state of affairs that they combat, but also remain self-critical. To my mind, critique is key. To emphasise institutional change is to undermine the existing social institutions, and power relations that bear upon social decision making (Ackerly, 2000, p. 121). Nonetheless, the critique must not be only targeted at obviously oppressive institutions, but

> '...that the real political task in a society such as ours is to criticize the working of institutions which appear to be both neutral and independent; to criticize them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight them' (Foucault, 2006, p. 41)

A major characteristic of Western political philosophy from Hobbes to Rawls has been its emphasis on and devotion to theories and utopias. Abstractions pulled from reason and utilised in the construction of some first principle with the goal of realising some ideal (Rabinow, 1984, p. 5). The usefulness of Foucault's account is that he focuses on the concrete functionings of power in its historical contexts. I say this because the power relations in which we exist today are primarily biopolitical and thus productive. They generate knowledges, regimes of truth, and subjectivities, and we as subjects are constituted in ways that we are not fully aware. Criticisms of the institutions that oppress are important, but also criticisms of the ways in which we become subjects are also important - ie: the social structures and social practices that we take for granted. We participate in the world we criticise, and we must be openly aware of this fact. Given this, social and political movements must not aim at a state of liberation as an end, but as a means (Hacking, 1986, p. 239). To claim liberation as an end is to presuppose knowledge of a truth of

how an objectively desirable society ought to be, and historically, this has been disastrous. To temper this worry, self-criticism is also of grave importance. '...[C]ritics... [can] promote more informed, collective, and uncoerced social change. However, individually or in groups social critics can themselves reinforce hierarchies' (Ackerly, 2000, p. 121). In social movements, especially in inclusive ones such as Idle No More and Occupy, certain people and/or certain groups, given who they are, how they speak, et cetera are given more attention while others are segregated, albeit, perhaps unintentionally.[30] For instance, more vulnerable groups such as the elderly, undocumented immigrants, transsexuals, inter-sex peoples, et cetera are not given much of a voice because they, due to their vulnerability, cannot be open and speak out. '[S]ocial criticism relies on [an inclusion and recognition of the various members of the community of the governed] so that social criticism and social decision making will be maximally informed by the experiences and knowledges of those previously silenced due to inequality and coercion (Ackerly, 2000, p. 149). This is where an ethos of community, a shared common understanding of where one stands in relation to the structures under discussion, is important. This can be amended, or at least addressed in community meetings, general assemblies, and participatory actions in public.

It also is important to be critical not only of one's own conduct, but of the conduct of others who share some goals in common. For instance, the Human Rights Campaign (HRC), one of the largest LGBTQ lobbying groups in the United States has aligned itself with various corporate interests despite the fact that they aim to lobby for pro-LGBTQ bills. For instance, they

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[30]This has been seen in numerous cases in Idle No More and Occupy. With Idle No More, Chief Spence was given plenty of media attention due to her rather sensational hunger-strike, whereas the hundreds and, at times, thousands of protestors in the streets were not given nearly as much attention. In Occupy (particularly Occupy Wall Street), intellectuals such as David Graeber, and others who have the time to research and write books were given much air-time as well. These people may be a part of the cause, and I do not deny that they have done good works, but they do not adequately represent the movements, as a whole - one being a politician and the other being a professor in the academy. There is always the risk of there being some elite vanguard that over-shadows the many in the movement.

recently awarded Goldman Sachs with the HRC Workplace Innovation Award

(http://www.goldmansachs.com/who-we-are/diversity-and-inclusion/awards/). This alliance with

corporate interests is an example of a lack of self-criticism. It fails to take into account the

massive negative effects such an organisation has had on fellow members of the community of

the governed. It demonstrates a serious lack of communal understanding premised on the

limitation of one's politics to certain social and political issues to a narrow set of concerns.

The importance of social criticism lies in its promotion of inquiry, and institutional

change. It aims to show that seemingly natural structures and practices are in fact reified through

our practices. As such, changing these institutions is possible, and as such, quietism is

unwarranted, and there is no need to be fatalistic. Another crucial characteristic lies in the ability

to hear the silent voices that power inequalities ignore and to give them a voice. Social critique is

a process, however, and it must be tempered with self-critique and self-examination so as to not

perpetrate ills upon minority groups (Ackerly, 2000, p. 149). This is the cautionary given by

Foucault. It is important that our criticisms are directed outwards 'against that which we find

unbearable', but we must also remain critical of ourselves so as to not make similar mistakes.

STRUGGLE FOR AN ETHIC: A CONCLUSION

In this project, I have argued that Foucault can be utilised in order to open conceptual space for discussion on possible social change. This has been achieved by focusing on Foucault's concepts of power, discourse and knowledge with particular emphasis on biopower and its biopolitcal exercise through neo-liberal governmentality in the 20th and 21st centuries.

In this first section of the project, I have demonstrated that a Foucauldian account of power and its exercise can be made clear and operational. This was first done by clearing up some of the confusion surrounding statements Foucault had made by translating them into a more analytical structure. In the second section, I further examined three forms of the exercise of Power: Juridical/Sovereign power, Disciplinary power, and Biopolitical power. I discuss and explain what each of these exercises entail: what sort of action it is and who can exercise it. This, again, is meant to prove clarity to the concepts and refute the charge that Foucault is an obscurantist.

In third section, I examined Foucault's understanding of the nature of neo-liberalism, the phenomenon under examination. This provides the closing point to the exegetical work of this project and, in a sense, brings the discussion full-circle with Foucault almost entirely denouncing his previous statements on the nature of power in modern societies: that it is ballasted by systems of discipline. Now, having studied neo-liberal governmentalities, Foucault claims that such societies, in order to function as they do, are premised on the freedoms of the individuals within them to govern their own lives and actions.

In the fourth section, I provided three criticism leveled at Foucault: one from a Marxist perspective, one from Ricahrd Rorty and my own criticism. For the Marxist, the problem Foucault has lies in his notion of governmentality and exercises of power thereby. This de-centres power and thus renders political struggles against power relations scattered. The real power being exercised in society is by the State through various State apparatus, and the owners of the means of production. In the age of neo-liberalism, with the market, and market mechanisms creeping into more areas of our lives, this is becoming increasingly obvious. As such, political and social struggles should focus their aim on the State and the owners of the means of production. The response to this charge pushes a matter of emphasis. Of course, Foucault realises that the State and business are loci of power, but they are not the only ones. To this so is to ignore the various forms of domination and control that people face on a day-today basis that do not come from the State, police, the military, or Big Business. Power relations, on Foucault's account do not exclude the Marxists' targets, but rather include more. This allows Foucault, and other like him to stand alongside the Marxists, for instance, and yet remain even more radical than they. For Foucault, 'everything is dangerous', and there are simply more targets to examine and be wary of.

The second criticism comes from Richard Rorty. In this criticism, Rorty argues that Foucault cannot be useful to political struggles since he thinks that all social institutions are normalising and that he cannot differentiate between better and worse struggles. This is because he emphasises freedom of self-creation *über alles*. In response, I argue that Rorty is just plain wrong in his reading of Foucault. I show that Foucault did engage in social and political activities, and so the charge that he was somehow neutered by his desire to be a work of art is non-sense. In addition, I do provide arguments to defend Foucault against the charge that he

cannot identify and choose between better or worse situations of institutional practice. I provide a basis of suffering and happiness that could be used. Foucault stated in his speech to the United Nations that the suffering of others is the grounds for resistance, and he also stated that individuals should be able to make themselves happier. Given these, it seems clear that Foucault can differentiate between better and worse scenarios based on suffering and happiness. These are not the only criteria, however. I argue that Rorty is wrong to claim that concerns with self-creation prevent Foucault providing a decent motivation for any action over another - in the realm of political struggles. I argue that one's capacities to self-create are inhibited by suffering. As such, one can maintain a concern for self-creation whilst also being capable of providing arguments for engaging in political struggles. Given this, Rorty's argument fails, and Foucault remains useful (to my project).

Thirdly, I offer my own criticism of Foucault. This is not meant to whittle down his position, but to make it sharper (and perhaps a little meaner). Foucault stated that neo-liberalism is premised on the freedom of the individuals to be enterprising subjects that look after themselves and enhance their own lives through various forms of investment. I argue that disciplinary measures are very much present in that enterprise and that Foucault was wrong to disregard them in the way that he did. In the spirit of Foucault, I provide various criminological and sociological data demonstrating the severe discipline and incarceration of large segments of the population in neo-liberal societies (Canada and the United States). I argue that the 'free market' does not promote freedom, but, in fact, it divides and segregates populations within the society. This segregation is further emphasised through the governmenality of 'responsibilisaiton' which turns every person into a cause of their own plight or success without any meaningful regard to the surrounding social circumstances. This is meant to refute the usefulness of

Foucault, overall, but the particular views that he had of neo-liberalism and the neo-liberal subject.

In the fifth section, I argue that Foucault's position can be used in a positive way and that his notions of critique is essential to any social and political struggle. I emphasis this point by enlisting the aid of three philosophers: Judith Butler, who provides a positive Foucauldian-inspired stance of resistance called 'subversive repetition' to attack norms, Sally Haslanger, and here analytical ideology critique that focuses on our usage of language and the formative link it has to our cognitive backgrounds, and Michael Root's notion of social division that emphasises the constitutive links between our social categories and how we divide our social world. These three philosophers complement one another - Haslanger (background to language) to Root (language to social reality) and Root to Butler (social reality to resistance through language and action). In addition, these three all complement the Foucauldian project I am engaged in. Aside from the philosophical issues discussed, I explore some more practical exercises of resistance to neo-liberal biopolitical exercise by focusing on how one can disrupt data gathering and thus norm generating practices through electronic communication devices, and the like. That bring us to this chapter which will discuss perhaps one of the most important charges laid against Foucault: that he is fatalistic.

Foucault is often thought of some pessimistic philosopher who has put us in an iron cage. Since there is no outside of power we are forever trapped in power relations. But this reading is not accurate, for reasons that I have shown. We are not so much trapped as 'embedded'. This is not to deny the pervasiveness of power relations in our society, nor the damage that they can cause, but to insist upon the importance of a sort of agency that exists in individuals (Hacking,

1986, p. 235). One can play the rules of the game a little bit differently, make change, and subvert power relations in certain ways. One is not locked into one way of being.

The above reading of Foucault as pessimist, nihilist, relativist, et cetera is encouraged by the insistence Foucault had placed on what we do to each other: torturing the criminal and mad, disciplining docile bodies, subjecting people to the apathetic yet curious gaze of scientific rationality, investing more and more aspects of life so as to micro-manage its exercise. But, though this happens to be the more popular side of Foucault's project, this is not the whole of it.

I think of Foucault's project as a Janus face. One face looks to the past and the other looks to the future, or the present. After all, Foucault aimed to provide a 'history of the present'. Too many readers of Foucault have focused on one of the faces, the one looking back. Back to the pseudo-ritualistic slaughter of the 'body of the condemned', back to the 'Great Confinement', back to the musings Bentham's Panopticon. This backward-looking face in important because it shows us that we are artifacts of times past, of discursive practices that have being pollinating from one age to another. It allows us to see what has gone into making our social world so that we can get it off of our backs. But this picture shows us that we are only products of oppressive practices, and thus it fails to miss a key point: power is not only exercised upon us. We, as subjects, exercise a sort of power as we constitute ourselves as subjects (Hacking, 1986, p. 235-236).

Foucault also stresses that *we*, as subjects, have relations to ourselves. This is a relation that we *can* cultivate, that we *can* fashion in a creative way through various practices that we *can* appropriate. I stress 'can' here, because, of course, there are certain barriers to cultivating this relation: from ignorance of means to oppression of ends. If one is ignorant of certain actions or oppressed, then one is limited in the ways that one can cultivate one's self.

> ... [W]ork on the self with its attendant austerity is not imposed on the individual by means of civil law or religious obligation, but is a choice about existence made by the individual. People decide for themselves whether or not to care for themselves... so as to give to their life certain values (reproduce certain examples, leave behind them an exalted reputation, give the maximum possible brilliance to their lives). It was a question of making one's life into an object... for an art (Foucault, 1984, p. 361).

I take 'austerity' to refer to 'asceticism', a way of self-forming that one places on one's self - a way that cuts off certain ways of behaving so that one can serve some immediate end (Hacking, 1986, p. 237; Foucault, 1984, p. 355). This is where critical reasoning enters the picture, and what I have attempted to articulate in the latter sections of this paper.

In order to cultivate one's self, one has to explore the ways by which one is constructed into a subject of knowledge: through our language practices and through our social practices that generate social divisions that are taken to be natural pieces of the world. These are intensified by our current practices of biopolitical administration that appears to be studying things 'out there' in the world: populations, as though they are some sort of coherent whole possessing some property that is natural and unchanging (as well as unchangeable), when in fact it is a social property that is amenable to change. These populations have been categorised into superfluous and non-superfluous populations and this categorisation is emphasised by the market, and thus involves deep neo-liberal involvement that is both disciplinary and exclusionary.

Criticism of our common practices and beliefs is, to my mind, the first step that must be taken in order to instigate institutional change, and thus is the first step to building an ethic of self-creation, care, and community. And few have presented better criticisms of our common practices than Michel Foucault. Criticism aims to articulate the certain state of affairs and to diagnose it - only then can one propose possible alternatives.[31] It plays a role in clarifying.

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[31]I do not mean to use 'alternative' in some ultimate sense. In the sense that the answer has been found to the

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So, what sort of ethic is to be built? How is it to be made? It appears easier to answer the first question than the second, though the problem of drifting off into utopian thinking looms. The sort of ethics that is to be built or striven after is one of reciprocity. One with as little domination as possible. One that combats dissymmetry, exclusion of the other, the overwhelming desire to gain at the expense of others. This does not mean that these will not exist, but they must be challenged, and an unrelenting criticism of such practices is crucial. As an aside, Richard Rorty stated that we cannot hope for our social institutions to fully facilitate the autonomy of the people who exist within them. To my mind, this sounds like a cop-out. We cannot be totally free, whatever that means, but we can be freer than we are. There is no reason to think that we cannot make our social institutions more conducive to the free and creative action of individuals - this is a key part of the struggle.

As stated previously, we should attempt to '...acquire the rules of law, the management techniques, and also the morality, the ethos, the practice of self, that will allow us to play these games of power with as little domination as possible' (Foucault, 1997, p. 298). The issue is to not abolish power, for to do so would dis-empower, but to identify and challenge abuses of power at every level: political, economic, sexual, institutional, et cetera (Foucault, 1997, p. 300-301). Ultimately, it is about being able to choose what sorts of limitations are placed upon us.

One might be concerned that the current state of affairs is making it less and less possible for alternatives to be stated and constructed, let alone achieved. We are, perhaps, having another go at the Great Confinement, and perhaps we are existing in an even more pervasive Panopticon. These are, indeed, troubling times, but that does not negate possibilities for action. 'I think that the ethico-political choice we have to make every day is to determine which is the main danger...

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problem. I mean 'alternative' in the sense of a solution - as a means.

[In the past there were problems that were focused on and] I think it was good to do that, because they were the danger. And now it's quite clear that the danger has changed' (Foucault, 1984, p. 343-344).

This ethic is to be built upon the foundation that our categories are rather ephemeral, and yet have a certain force to them. Our social categories, though ultimately made up by us, do influence the ways in which we treat one another and how we shape and influence our world. There is a looping-effect here and that must be recognised. We must understand that even though we can change our social kinds, our social kinds can change us - they can influence how we construct our social divisions, where we place them, and how we relate to them through our practices. So, we must not wish for a future where there are no arbitrary social categories, but we must choose what sort of social categories we wish to live with. That entails an understanding of what sorts of power relations we want to live with, as well.

This, to my mind, is a very Rawlsian idea. It is also fairly Kantian. It '[insists] that the demands of morality are constructed by ourselves, as moral agents, and that only those we construct are consistent with the freedom that we require as moral agents' (Hacking, 1999, p. 46-47). Ultimately, we have to choose what sort of society we want to live in. We cannot stand and wait for a better society to pop into existence. This choice, however, is not like the Rawlsian choice being made in the Original Position, or the Kantian construction of an imperative through reason alone. This choice involves the interaction with and challenging of the world in which we live. It involves action in this place where we find ourselves. As Foucault stated '...not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do' (Foucault, 1997, p. 256).

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