

## FOUCAULT'S HYPOTHESIS: FROM THE CRITIQUE OF THE JURIDICO-DISCURSIVE CONCEPT OF POWER TO AN ANALYTICS OF GOVERNMENT

Thomas Lemke

“Forget Foucault!”—this was the provocative title of a book by Jean Baudrillard published in 1977.<sup>1</sup> The famous French sociologist claimed that Foucault’s work and especially his analytics of power was obsolete, unable to account for power relations in contemporary societies. Baudrillard could hardly imagine that 30 years later the reception and appraisal of Foucault’s work would be even more intense than during his lifetime. Today, it is quite impossible to give an exhaustive overview of the monographs, edited books, articles and PhD theses that have used Foucault and his famous “tool kit”. The impact of his work has not been limited to philosophy and history. Foucault has inspired a variety of disciplines and fields of knowledge ranging from political science, sociology, media studies, gender studies, and criminology to postcolonial studies.<sup>2</sup>

One concept that has attracted an enormous amount of interest since Foucault’s death in 1984 is the notion of governmentality. The word is a neologism derived from the French word *gouvernemental*, meaning “concerning government”.<sup>3</sup> This paper will focus on the role and dimensions of the notion in Foucault’s work. I will argue that Foucault corrected and elaborated his “analytics” or “genealogy” of power in the second half of the 1970s. At the centre of this theoretical reorientation was the notion of government that became a “guideline”<sup>4</sup> for his research in the following years. It played a decisive role in his analytics of power, since it situated the question of power in a broader context. First, governmentality mediates between power and subjectivity and makes it possible to investigate how processes of domination are linked to “technologies of the self”,<sup>5</sup> how forms of political government are articulated with practices of self-government. Secondly, the problematic of government accounts for the close relations between power and knowledge and helps to elucidate what Foucault in his earlier work called the “nexus of power-knowledge”.

Foucault introduced the notion of government as a “necessary critique of the common conceptions of ‘power’”.<sup>6</sup> Its theoretical contours will become clearer when we compare it to the concept of power it tries to escape and overcome: the “juridico-discursive” representation of power.<sup>7</sup> The article starts with a brief outline of this traditional idea of power and the Foucauldian critique. The second part will focus on the emergence

## FOUCAULT'S HYPOTHESIS

---

of the notion of government put forward in the lectures of 1978 and 1979 at the Collège de France on a “genealogy of the modern state”. In the third part I will discuss some theoretical displacements that the concept of governmentality effected in Foucault’s work, leading to a more complex understanding of power, politics and ethics. The notion of governmentality has also inspired many studies in the social sciences and historical investigations. I will present the historical background and the theoretical merits of governmentality studies in the last part of my paper.

### 1. THE “JURIDICO-DISCURSIVE” CONCEPT OF POWER

The famous political scientist Steven Lukes once concluded that there exists a common idea that is shared by many diverse and conflicting conceptions and interpretations of power: “*The power of an individual or collective actor A with regard to an objective O is manifested if A achieves O by consent of one or more actors B.*”<sup>8</sup> Lukes suggests that this definition has been interpreted in the Western political tradition in two different ways. The first line of interpretation proceeds symmetrically. It starts with the assumption that both parties share objective O. By contrast, the second line of reception proceeds asymmetrically, it regards B’s consent as coerced. According to Lukes the first theoretical model provides a concept of power as cooperation and consensus, and the second conceives of power as hierarchy and domination. Both lines of interpretation can be located within a very long tradition that goes back to Antiquity. The first includes authors as diverse as Plato, Hannah Arendt and Talcott Parsons, and on the other side we find e.g. Thomas Hobbes, Max Weber and Karl Marx.

The theoretical specificity of Foucault’s analytics of power consists in the fact that it escapes any neat classification. It is not part of the symmetrical tradition, nor does it belong to the asymmetrical line of interpretation. Foucault wants to move beyond this too common division, and calls into question the underlying premise of both conceptions: the coupling of the analysis of power to either questions of legitimacy and consensus or of constraint and violence. His points of departure are the ways in which power has been analyzed in political and social theory.

Foucault’s thesis is that in the Western political tradition, power was principally understood in terms of rights and from the perspective of repression: as law, interdiction, censure, constraint etc. This “juridico-discursive”<sup>9</sup> representation of power is dominated by the idea of the freedom of a (sovereign) subject on the one hand and the instance of political sovereignty on the other. It focuses on the relationship between state sovereignty and individual autonomy. Foucault addresses three important features of this juridical conception of power, and proposes a theoretical perspective that promises to “reverse the mode of analysis”.<sup>10</sup>

First, he argues that power is not a substance but has to be analyzed in relational terms. Therefore Foucault usually speaks of power relations rather than power. In this respect power is not a territory to be conquered or transferred, nor is it a good that could be possessed or exchanged. Instead of juridical or economic terms, Foucault prefers a strategic and nominalistic concept of power. He argues that power is not an exclusive possession or a right of certain individuals, groups or classes (excluding others from power), and analyzes instead relations of power that result in a plurality of overlapping and conflicting tactics and systems of differentiation: “One needs to be nominalistic, no doubt: 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 strategic situation in a particular society.”<sup>11</sup>

Secondly, Foucault calls into question the traditional identification of power with political power and the concentration of power analysis on state institutions. Foucault replaces a macro-political by a micro-political perspective, substituting an analysis in terms of representation by an interest in constitution. Thus, processes of power do not proceed from top to bottom, they do not originate in a centralized point to pervade the social space. On the contrary, it is power relations in society that account for the generation and the functioning of the state. They go beyond the state—which is to be conceived of as a condensed form of power. As a consequence, neither the control nor the destruction of state apparatuses makes forms of power disappear.<sup>12</sup>

Thirdly, Foucault challenges the idea that power relations are primarily characterized by means of repression and that they always serve interests of reproduction. According to Foucault, the problem with these accounts is that power is either reduced to certain modes of exercise like constraint, force or violence, or it is exclusively analyzed as stabilization, continuation or legitimation of social relations like exploitation or patriarchy—without paying attention to how these relations generate and change material forms of existence, social identities and bodily experiences. Power relations are, according to Foucault, not the expression of a “deeper“ reality that they reflect ideologically or secure repressively, nor can they be reduced to functional or negative criteria. Rather, they entail a productive dimension: they allow and enable individual and collective experiences and promote new forms of knowledge and practice.

Foucault’s central theoretical interest in the mid-1970s is to replace the juridical and negative concept with a strategic and positive account of power. The idea is that the investigation of power processes should be freed from the theoretical concentration on the institution of the state and the idea of the subject, but also from the normative fixation on specifying criteria of legitimacy and consensus. However, Foucault’s concrete investigations only partly succeeded in doing this. There were two particular theoretical problems that characterized the genealogy of power up to *Discipline and Punish* and the first volume of the *History of sexuality*. First, Foucault only replaced the focus on legitimacy and consensus in political theory by accentuating war and struggle, analyzing social relations primarily from the perspective of confrontation and subjection. Using “Nietzsche’s hypothesis”,<sup>13</sup> one could no longer analyze how belief in legitimacy, acceptance and consensus were actively generated and stabilized. Secondly, the “microphysics of power” that Foucault endorsed at that time was too much oriented to processes of disciplining and the examination of local practices and singular institutions like the prison or the hospital. As a result, the question of the state and its strategic role in the establishment of global structures of domination could not be adequately addressed; also, it was impossible to assess processes of subjectivation beyond the formation of disciplined bodies.<sup>14</sup> In sum, while Foucault’s aim was to cut off the king’s head in political analysis, displacing the focus on law and legitimization, will and consensus, in practice he simply reversed the juridical model and adopted the “exact opposite”<sup>15</sup> view. Instead of cutting off the king’s head, he just turned the conception that he criticized upside down by replacing law and contract by war and conquest. Put differently, the “cutting off” could only be the first step. After this, it is necessary to address the following question: “How is it possible that his headless body often behaves as if it indeed had a head?”<sup>16</sup>

The concept of governmentality that emerged for the first time in Foucault’s lectures at the Collège de France in 1978 and 1979 represents Foucault’s response to these two complexes of problems. It allows on the one hand for a more adequate analysis of the state and processes of subjectivation. On the other hand, it also makes possible the elaboration of an analysis of power beyond the juridical and the warlike concept of power

## 2. THE GENEALOGY OF THE MODERN STATE

The lectures of 1978 and 1979 bear the titles *Security, Territory, Population* and *The Birth of Biopolitics*. They focus on what Foucault once called a “genealogy of the modern state”.<sup>17</sup> What Foucault is searching for in these lectures is not a historical reconstruction of the appearance and transformation of political structures. He endeavors to show how the modern sovereign state and the modern autonomous individual co-determine each other’s emergence. Like Norbert Elias, he is interested in the long-term processes of co-evolution of modern statehood and modern subjectivity. But whereas Elias relies on a general theory of civilization presupposing a single historical logic of development (“the process”), Foucault analyzes heterogeneous and plural “arts of government.”<sup>18</sup> He refers to the older meaning of the term government.<sup>19</sup> While the word has a purely political meaning today, Foucault is able to show that up until well into the 18<sup>th</sup> century the problem of government was placed in a more general context. Government was a term discussed not only in political tracts but also in philosophical, religious, medical and pedagogic texts. In addition to management by the state or administration, government also addressed problems of self-control, guidance for the family and for children, management of the household, directing the soul, and other questions.

## FOUCAULT'S HYPOTHESIS

---

Taking up this old meaning, Foucault distinguishes the “the political form of government” from the “problematic of government in general”.<sup>20</sup> He proposes a very broad concept of government, one that does not conceive of subjectivation and state-formation as two independent and separate processes but analyzes them from a single analytical perspective. Thus the “history of ‘governmentality’”<sup>21</sup> is also a “history of the subject”,<sup>22</sup> since Foucault does not consider the modern state as a centralized structure but as “a tricky combination in the same political structures of individualization techniques and of totalization procedures”.<sup>23</sup>

In the course of the lectures Foucault examines the “genesis of a political knowledge”<sup>24</sup> of governing humans. In the 1978 lectures he traces the genealogy of governmentality from Classical Greek and Roman days via the early Christian pastoral guidance through to the notion of state reason and the police science, while the 1979 lectures focus on the study of liberal and neo-liberal forms of government. At the beginning and end of the lecture series, Foucault gave an outline of the classic liberal art of government by discussing the works of Adam Smith, David Hume and Adam Ferguson. In the lectures in between he analyzed neo-liberal governmentality, concentrating in particular on two forms of neo-liberalism: German post-War liberalism and the liberalism of the Chicago School, which derives from the former, takes it a step further, and gives it a more radical form.

Foucault's lectures are based on the following thesis: the modern (Western) state is the result of a complex combination of “political” and “pastoral” power. While the former derives from the Greek *polis* and is organized around rights, universality, public space etc., the latter is a Christian religious concept that focuses on the comprehensive guidance of individuals. It is an individualizing form of power that is linked to the production of truth. Foucault analyzes the pastoral form of power in the texts of the fathers of the church, who took up ancient forms of guidance and articulated and modified them. Pastoral power conceives of the relationship between guider and guided in the context of the pastor, who cares for the “government of the souls”, the guidance and direction of individuals to ensure their salvation in the next world. The difference between this and Ancient Greek and Roman ideas of government is that the Christian pastorate developed methods of analysis, techniques of reflection and supervision that intended to secure the knowledge of the “inner truth” of the individuals. Alongside obedience to the moral and legal norms appears the authority of a pastor who permanently controls and cares for the individual in order to set him or her on the road to salvation.<sup>25</sup>

According to Foucault, pastoral power spread and multiplied beyond the institution of the Christian church in the 16th and 17th centuries. In a secularized form it was of decisive historical importance for the formation of the modern state, which relies on the production of rational knowledge about the individual and the population as a whole. The distinctive feature of these specific modern forms of government consists in the reflection on the conditions, the objects and the aims of government. In several steps, Foucault analyzes the appearance of an autonomous “political reason”. It is autonomous insofar as it neither relies on theological-cosmological principles nor can it be deduced from the person of the Prince. Its starting point can be found in the tracts on the “arts of government” and state reason written in the 16th and 17th centuries, followed by books on the police science and the rise of liberalism in the 18th century, up to the renewal of liberal concepts of society and the state in the 20th century. Foucault argues in his lectures that political reflection partly detaches itself from the problem of sovereignty. Thus the principles of government are no longer to be found in the divine order of creation and subordinate to it, but are the object of rational knowledge: “the state is governed according to rational principles which are intrinsic to it and which cannot be derived solely from natural or divine laws or the principles of wisdom and prudence; the state, like nature, has its own proper form of rationality, albeit of a different sort.”<sup>26</sup>

The new art of government found its “first form of crystallization”<sup>27</sup> in state reason, since here we find for the first time a discrete rationality of governing. However, state reason remained bound to the historical frame of sovereignty and the traditional model of the *oikos*. In this context, the main objective of politics was to increase the might and wealth of the sovereign.<sup>28</sup> Only with the emergence of liberalism can we speak of governmentality in a substantive sense. Foucault analyzes liberalism not as a political ideology or an economic doctrine. Rather, he regards liberalism as a specific art of governing that must be distinguished from the

political universe of discipline and from the world of sovereignty. Liberal government does not aim at salvation in an afterworld, nor does it strive to increase the welfare of the state. Liberalism rather binds the rationality of government to an exterior object—civil society—and the freedom of individuals is regarded as a critical yardstick for governmental action. A very important element in this respect is the idea of the economy as a conceptually and practically distinguished space, governed by autonomous laws and a proper rationality that allows for the development of a new form of knowledge: political economy.<sup>29</sup>

Foucault presents liberalism as “a critique of state reason”, since the freedom of the individual and his or her rights against the global claim for regulation of the absolutist state are at the center of the liberal reflexion. He sees the particularity of liberal forms of government in the fact that they replace an external regulation by an internal production. Liberalism is not limited to providing a simple guarantee of liberties (freedom of the market, of private property, of speech etc.) that exist independently of governmental practice. Quite on the contrary: liberalism organizes the conditions under which individuals should exercise these liberties. In this sense, freedom is not a natural resource but an artificially arranged product and instrument of governmental practices. Liberal government does not expand the spaces of freedom, it is not limited to respect this or that freedom—it “consumes freedom”.<sup>30</sup>

But in the very same process of the production of freedom, liberalism also endangers the freedom that it constitutes. It is precisely the “free play of forces” inside liberal forms of government that threatens these liberties and necessitates new interventions to “protect” or “stabilize” the social. At the heart of liberalism there is a problematic and paradoxical relationship between the incessant production of freedom and the permanent danger of its destruction. Liberal freedom presupposes the establishment of limitations, controls, forms of constraint etc. The problem of liberal government is to ensure that pursuit of individual or collective interests does not endanger the general interest. It follows that liberal freedom cannot be exercised in an unlimited way, but has to be regulated by a principle of calculation: “apparatuses of security”<sup>31</sup> are the other side and the condition of existence of liberal government. The extension of control procedures and the deepening of mechanisms of constraint are the counterweight to the establishment of new freedoms.<sup>32</sup>

The liberal art of government inaugurates a freedom that is always already endangered and thus the object of numerous interventions to secure individual and collective freedom. Liberal freedom is established and maintained by “mechanisms of security” that are the flip-side and the pre-condition of liberalism. According to Foucault, security has since the 18<sup>th</sup> century become an integral part of governmental rationality:

The fundamental objective of governmentality will be mechanisms of security, [...] it will be state intervention with the essential function of ensuring the security of the natural phenomena of economic processes or processes intrinsic to population. This explains [...] the insertion of freedom within governmentality, not only as the right of individuals legitimately opposed to the power, usurpation, and abuses of the sovereign or the government, but as an element that has become indispensable to governmentality itself.<sup>33</sup>

### 3. THREE THEORETICAL DISPLACEMENTS

Beyond the historical-political reconstruction of a “history of governmentality” from the double perspective of state-formation and subjectivation, the introduction of the notion of government in Foucault’s work also has a very important strategic significance. Governmentality has correctly been regarded as a “key notion”<sup>34</sup> or a “deranging term”<sup>35</sup> of Foucault’s analytics of power. It plays a decisive role in several regards and leads to a threefold “theoretical shift”.<sup>36</sup> First, the notion of government offers a view of power beyond a perspective that focuses either on consensus or on violence; second, it helps to differentiate between power and domination; third, it clarifies the relations between politics and ethics. In the following I will take up each of these aspects in turn.

## FOUCAULT'S HYPOTHESIS

---

### 3.1. *Government as conduct*

The problematic of government redirects Foucault's analytics of power. He now stresses that power is first and foremost about guidance and "*Führung*", i.e. structuring and shaping the field of possible action of subjects. The concept of power as guidance does not exclude consensual forms or the recourse to violence, but it signifies that coercion or consent are reformulated as means of government among others—they are "elements" or "instruments" rather than the "foundation" or "source" of power relations.<sup>37</sup> Foucault increasingly recognized in the last years of his life that neither the juridical nor the warlike conception of power that he had favored until the mid-1970s were able to account for the "specificity of power relations".<sup>38</sup> "Foucault's hypothesis"—as I propose to call it in order to contrast it with Nietzsche's hypothesis—is characterized by inquiring into the conditions of a consensus or the prerequisites of acceptance. As a consequence, the concept of governmentality represents a theoretical move beyond the problematic of consent and will on the one hand and conquest and war on the other: "The relationship proper to power would therefore be sought not on the side of violence or of struggle, nor on that of voluntary contracts (all of which can, at best, only be the instruments of power), but rather, in the area of that singular mode of action, *neither warlike nor juridical*, which is government."<sup>39</sup> According to Foucault power relations can be characterized as conduct, or rather as "conduct of conducts", and it is exactly this moment of relationality and reflexivity that distinguishes a power relation from consent and force: "Perhaps the equivocal nature of the term 'conduct' is one of the best aids for coming to terms with the specificity of power relations. To 'conduct' is at the same time to 'lead' [conduire] others (according to mechanisms of coercion that are to varying degrees, strict) and a way of behaving [se conduire] within a more or less open field of possibilities. The exercise of power is a 'conduct of conducts' and a management of possibilities. Basically, power is less a confrontation between two adversaries or their mutual engagement than a question of 'government'".<sup>40</sup>

Obviously, this concept of power is located on a very abstract level. In the context of the analytics of government, Foucault speaks more concretely of "technologies" or "rationalities" of government. We have to emphasize two aspects here. First, government only refers to those power relations that rely on calculated and rational programs or forms of knowledge and are accompanied by techniques of directing and regulating behavior. Thus, governmentality implies systematic and regulated practices of government and also points to elements of calculation or to a rational knowledge of the subjects or objects of government. Secondly, government does not aim at directly shaping the actions of individual or collective actors, but rather at an indirect and reflexive determination of possible options of action. It is the way in which the actors govern their action ("conduct of conducts") which is the object of government.

It follows that this concept of government only grasps one section of the field of power relations. Foucault therefore distinguishes between several forms of power.

### 3.2. *Three levels of an analytics of power: strategic relations, states of domination and technologies of government*

The notion of government also contributes to another important theoretical improvement of the analytics of power. In his earlier work Foucault had used the notions of power and domination largely synonymously or at least he did not sufficiently distinguish between them. This was quite misleading, in the sense that Foucault always presented power relations as ubiquitous and "productive". According to him, they are an omni-present feature of modern society, giving rise to forms of knowledge, regulating institutional patterns and bodily experiences. As a result readers could get the impression that domination was a universal, ahistorical and inescapable fact while substantial forms of resistance seemed doomed to failure.<sup>41</sup> Later in his theoretical life, Foucault became convinced that it was necessary to differentiate carefully between power and domination: "It seems to me that we must distinguish between power relations understood as strategic games between liberties [...] and the states of domination that people ordinarily call 'power'. And, between the two, between games of power and states of domination, you have technologies of government."<sup>42</sup>

As a result, Foucault identifies “three levels”<sup>43</sup> of an analytics of power: strategic games between liberties, government and domination. Power as *strategic games* is a ubiquitous feature of human interaction, insofar as it signifies structuring the possible field of action of others. It follows that there exists no social domain outside or beyond power relations and no power-free form of interpersonal communication. From the perspective of this broad notion of power, power relations are not exterior to society but are the very condition of the existence of society: “To live in society is, in any event, to live in such a way that some can act on the actions of others. A society without power relations can only be an abstraction.”<sup>44</sup> Strategic games do not necessarily result in a removal of liberty or options available to individuals; they could lead to “empowerment” or “responsibilisation” of subjects, forcing them to “free” decision-making in fields of action.

*Government* refers to more or less systematized, regulated and reflected modes of power (a “technology”) that go beyond the spontaneous exercise of power over others, following a specific form of reasoning (a “rationality”) which defines the objective (“telos”) of action and the adequate means to achieve it. For example, in his lectures on governmentality, Foucault distinguishes between the Christian pastorate as a spiritual government of souls oriented to salvation in another world and state reason as a political government of men securing welfare in this world. In much the same way, disciplinary or sovereign power is reinterpreted not as opposite forms of power but as different technologies of government.

*Domination* is a particular type of power relationship that is stable and hierarchical, fixed and difficult to reverse. Foucault reserves the term “domination” for those asymmetrical relationships of power in which the subordinated persons have little room for manoeuvre because of their “extremely limited margin of freedom”.<sup>45</sup> Thus, in Foucault’s terminology states of domination are a specific form, an exceptional case in power relations in which alternative modes of action or spaces of liberty are extremely restricted. They are characterized by the fact that an individual or a group has succeeded in blocking the field of power relations and in establishing a permanent asymmetry.<sup>46</sup> But states of domination are not the primary source that makes it possible to hold power or exploit asymmetries: on the contrary, they are the effects of technologies of government. Technologies of government account for the systematization, stabilization and regulation of power relationships that may lead to states of domination. According to Foucault, governmental technologies assume a kind of “intermediating” position between strategic relations and states of domination.<sup>47</sup>

### 3.3. *Politics and ethics*

The notion of governmentality also helps to explain Foucault’s concentration on ethical questions and the “genealogy of the subject”, which is the theme of the volumes two and three of the “History of sexuality”.<sup>48</sup> Many commentators saw in this theoretical move a radical rupture with his interest in processes of power, a move away from this genealogical project of the 1970s. It should have become clear by now that this is not at all the case. Foucault’s interest in processes of subjectivation does not mean that he abandons the problematic of power. What he does is to continue and correct his older work, rendering it more precise and concrete. It is right to speak of a “break”, but this rupture takes place inside the problematic of power rather than between the genealogy of power and a theory of the subject. The concept of power is not abandoned, but is made the object of a radical theoretical displacement. Foucault corrects the findings of the earlier studies in which he investigated subjectivity primarily with a view to “docile bodies” and exaggerated the impact of processes of discipline for the formation of subjects. In his later work, he uses the notion of government to analyze the connections between technologies of domination and what he calls “technologies of the self”. The latter term signifies techniques which permit individuals to effect a certain number of operations on their bodies, souls, thoughts etc., to transform themselves or modify themselves in order to attain a certain desired state.<sup>49</sup>

It is exactly the interplay between these technologies, between the guidance of others and the forms of self-guidance that is at the heart of an analytics of government:

## FOUCAULT'S HYPOTHESIS

---

I think that if one wants to analyze the genealogy of the subject in Western civilization, he has to take into account not only techniques of domination but also techniques of the self. Let's say: he has to take into account the interaction between those two types of techniques—techniques of domination and techniques of the self. He has to take into account the points where the technologies of domination of individuals over one another have recourse to processes by which the individual acts upon himself. And conversely, he has to take into account the points where the techniques of the self are integrated into structures of coercion and domination. The contact point, where the individuals are driven by others is tied to the way they conduct themselves, is what we can call, I think government. Governing people, in the broad meaning of the word, governing people is not a way to force people to do what the governor wants; it is always a versatile equilibrium, with complementarity and conflicts between techniques which assure coercion and processes through which the self is constructed or modified by himself.<sup>50</sup>

The theoretical distinction between several “levels” of power and the emphasis on the central political role of governmental technologies also helps to clarify some normative questions that Foucault's analytics of power has raised. These questions focused on the foundations of resistance and the motives of critique. Authors like Jürgen Habermas, Nancy Fraser, Axel Honneth and Charles Taylor put forward the objection that Foucault's work on power was characterized by a “monolithic relativism”.<sup>51</sup> They diagnosed a “certain normative one-dimensionality”<sup>52</sup> in the genealogy of power. In their reading, Foucault endorsed a global concept of power that made it impossible to specify why domination ought to be resisted and what is wrong with submission, why we should resist certain practices and accept others.<sup>53</sup>

To respond to this kind of critique, Foucault makes clear that power relations are based on two indispensable elements. First, an analytics of government demands the recognition of the “other” as the subject of action: “Power is exercised only over free subjects, and only insofar as they are ‘free’”.<sup>54</sup> The second condition stresses the openness and the contingencies of power relations: “faced with a relationship of power, a whole field of responses, reactions, results, and possible inventions may open up”.<sup>55</sup> For Foucault the power of A does not consist in forcing B to do something or to prevent him or her to do whatever he or she would have done.<sup>56</sup> The notion of power is not linked to the capabilities of individual actors but to the complexities of social relationships and the constitution of fields of possibility. Foucault speaks of power when margins of action are extremely limited and restricted but also if options and potentials of action are invented or created. Power is exercised, according to Foucault, when the actions of one person affect the possibilities for action of another: if the actions of A modify the field of action for B, we can say that A exerted power over B.

To speak of power on this general level does not imply any normative judgment. The specification of some social relations as strategic games does not mean that they have to be condemned or that they are acceptable or approvable. Also, it does not imply that one party necessarily violates the interests of another. This may or may not be the case, since there are many ways in which agents can influence or determine the actions of others. They include moral advice or violent force, persuasion by rational arguments or ideological manipulation, pedagogic techniques, and economic exploitation. Only some of these relations will be found objectionable: those that are fixed in rigid asymmetries and institutionalized forms of inequality.<sup>57</sup>

According to Foucault, power relations are not per se good or bad, but “dangerous” since they may always solidify into states of domination.<sup>58</sup> This is the reason why the analysis of governmental technologies assumes a critical significance. These technologies regulate in how open or fixed a way the strategic games are played, if they consolidate into states of domination or offer the opportunity of “practices of freedom”.<sup>59</sup>

To respond to the critique I have summarized above, Foucault sets out to clarify his political-theoretical position toward Habermasian social theory: “The idea that there could exist a state of communication that would allow games of truth to circulate freely, without any constraints or coercive effects, seems utopian to me. This is precisely a failure to see that power relations are not something that is bad in itself, that we have to break

free of. 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 of completely transparent communication 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.”<sup>60</sup>

#### 4. CONCLUSION: FROM FOUCAULT’S HYPOTHESIS TO GOVERNMENTALITY STUDIES

Until 2004, Foucault’s lectures of 1978 and 1979 at the Collège de France were—except for the lecture of the 1 February 1978—unpublished, available only on audio tape at the Centre Michel Foucault. As a result, almost all the work on the “genealogy of the modern state” presented in these lectures, and especially Foucault’s analysis of neoliberal governmentality, remained unknown. Furthermore, the analytics of government is more a fragmentary sketch than an elaborated theory. Foucault never wrote a book on governmentality, though he did introduce important differentiations and clarifications of the analytics of power in the course of interviews and in some articles. Also, his early death meant that he was never able to better connect his work on the history of sexuality and ethical guidance with his interest in power relations and political transformations.

Given this extremely unfavorable situation, it is quite astonishing that Foucault’s work on governmentality has inspired so many studies in the social sciences and historical investigations. The first to further elaborate and develop this “direction for research”<sup>61</sup> were his fellow researchers. François Ewald, Daniel Defert, Giovanna Procacci, Pasquale Pasquino and Jacques Donzelot carried out genealogical investigations of insurance technology, social economy, police science, and the government of the family. Their work mainly focused on the 18<sup>th</sup> and 19<sup>th</sup> centuries, while historians like Christian Lazzeri, Dominique Reynie and Michel Senellart used the notion of government to analyze state reason and early modern arts of government.<sup>62</sup> While this work has been undertaken in France, a new line of reception has developed in the last 15 years in the English-speaking world. While the interest of the former was either genealogical or historical, what has come to be called “governmentality studies” has mainly addressed contemporary forms of government. These works have focused on transformations from welfarism to neo-liberal rationalities and technologies.

The publication of the collection *The Foucault Effect. Studies in Governmentality* in 1991 was a significant event in this respect. This volume, co-edited by Graham Burchell, Colin Gordon and Peter Miller, presented translations into English of the already published lecture of 1978 and some other important Foucauldian texts. It also made available articles by researchers directly affiliated with Foucault like Defert, Ewald and Donzelot, and by scholars like Colin Gordon, Graham Burchell and Ian Hacking from an Anglo-Saxon background. *The Foucault Effect* marked the beginning of a huge new interest in Foucault’s work, particularly in Britain, Australia and Canada. In the following years a great number of studies were published that mostly focused on the rise of neoliberal or advanced liberal arts of government and of specific forms of self-government in diverse areas.<sup>63</sup> This boom in governmentality studies did not evolve on a purely theoretical level, but was linked to a changing political context. In the 1980s and 1990s Fordist and welfarist modes of government in many countries were increasingly replaced by neoliberal programs and market-driven solutions. It also became clear that these radical transformations called for new theoretical instruments to explain the social and political ruptures.

The notion of governmentality offers several theoretical advantages for an analysis and a critique of neoliberalism. While many forms of contemporary critique still rely on the dualism of freedom and constraint, consensus and violence, from the perspective of governmentality the polarity of subjectivity and power ceases to be plausible: government refers to a continuum, which extends from political government right through to forms of self-regulation. This theoretical stance allows for a more complex analysis of neo-liberal forms of government that not only feature direct intervention by means of empowered and specialized state apparatuses, but also develop indirect techniques for leading and controlling individuals. Governmentality studies have been very helpful in illuminating the “soft” or “empowering” mechanisms of power, in exposing the paradoxes

## FOUCAULT'S HYPOTHESIS

---

of “controlled autonomy” or the ties that link the call for “self-determination” to societal and institutional expectations and constraints. They have shown how individuals and social groups are governed by “freedom” and “choice”.

Furthermore, the concept of governmentality also proved useful in correcting the diagnosis of neo-liberalism as an expansion of the economy into politics, one that takes for granted the separation of state and market. The argument goes that there is some “pure” or “anarchic” economy that will be “regulated” or “civilized” by a political reaction from society. The problem with this kind of critique is that it shares the (neo-)liberal assumption of a separation between politics and economy. The perspective of governmentality makes possible the development of a dynamic form of analysis that does not limit itself to taking note of the “retreat of politics” or the “domination of the market”, but deciphers the so-called “end of politics” itself as a political program.

I do not have the space to further explore the analytical strength and capacities of the concept in the light of contemporary societal and political challenges—or to assess the limitations of adopting the concept of governmentality as an analytical framework.<sup>64</sup> Let me, in conclusion, only point to a quite important misunderstanding. In the relevant literature, governmentality studies are often regarded as a distinctive “theory” or a specific “approach” or “school”. This description is problematic insofar as it suggests a level of coherence and elaboration that governmentality studies in fact lack. This “lack” is not a problem to be resolved in the future but a deliberate stance and a specific strength. There is no governmentality theory or approach, since “governmentality” is not a model or framework of explication but a distinctive critical perspective and a style of analysis. It offers conceptual instruments that point to the “costs” of contemporary forms of government while providing a basis for the invention of new practices and modes of thinking. In this sense, an analytics of government is close to what Foucault sometimes called an “ethos” or “a critical ontology of ourselves”: “The critical ontology of ourselves must be considered not, certainly, as a theory, a doctrine, nor even as a permanent body of knowledge that is accumulating; it must be conceived of 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 imposed on us and an experiment with the possibility of going beyond them [*de leur franchissement possible*].”<sup>65</sup>

*Thomas Lemke* is Heisenberg-Professor of Sociology with focus on Biotechnologies, Nature and Society at the Social Sciences Department of the Goethe-University Frankfurt/Main in Germany. His research interests include social and political theory, biopolitics, social studies of genetic and reproductive technologies. His recent publications include *Biopolitik zur Einführung*, Hamburg: Junius Verlag 2007; *Der medizinische Blick in die Zukunft. Gesellschaftliche Implikationen prädiktiver Gentests* (co-authored with Regine Kolk), Frankfurt am Main/New York: Campus 2008; *Governmentality. Current Issues and Future Challenges* (co-edited with Ulrich Bröckling and Susanne Krasmann), New York/London: Routledge (forthcoming).

## NOTES

1. Jean Baudrillard. *Oublier Foucault*. Paris: Galilée, 1977.
2. Here are just some book titles to indicate the thematic and disciplinary spectrum: *Foucault and the political*, *Foucault and the Writing of History*, *Foucault and education*, *Disciplines and knowledge*, *Foucault and Feminism*, *Foucault and Literature*, *Foucault and the Law*, *Foucault and the Critique of Institutions*, *Foucault and the Games of Truth*, *Foucault and Social Dialogue*, *Foucault Management and Organization Theory*, *Foucault and Religion: Spiritual Corporality and Political Spirituality*, *Foucault and Latin America*, *Michel Foucault and Theology: The Politics of Religious Experience*, *Foucault, Gender and the Iranian Revolution*.
3. See Michael Senellart, "Course Context." In Michel Foucault. *Security, Territory, Population*. New York: Palgrave, 2007, 369-401. The word "governmentality" was known even before it figured as a central term in Foucault's work. Roland Barthes had already used the "barbarous but unavoidable neologism" (*Mythologies*. New York: The Noonday Press, 1989, 130) in the 1950s, to denote an ideological mechanism that presents the government as the origin of social relations. For Barthes, governmentality refers to "the Government presented by the national press as the Essence of efficacy" (130). Foucault takes up this "ugly word" (*Security, Territory, Population*, 115), but detaches it from the semiological context. Governmentality no longer refers to a mythological symbolic practice that depoliticizes social relations, but represents the "rationalization of governmental practice in the exercise of political sovereignty" (Michel Foucault. *The Birth of Biopolitics*, New York: Palgrave, 2008, 2).
4. *Security, Territory, Population*, 363.
5. Michel Foucault, "Technologies of the Self" (A seminar with Michel Foucault at the University of Vermont, October 1982" In Eds. Luther Martin, Huck Gutman and Patrick H. Hutton, *Technologies of the Self: A seminar with Michel Foucault*. Amherst: University of Massachusetts Press.
6. Michel Foucault, "Subjectivity and Truth" *Michel Foucault, Ethics, Subjectivity and Truth*. Ed. Paul Rabinow. New York: New Press, 88.
7. Michel Foucault. *The History of Sexuality, vol. 1. An Introduction*. Trans. Robert Hurley. London: Penguin, 1980, 82.
8. Steven Lukes, ed. *Power*. London: Macmillan, 1974, 107, emphasis in original: "Die Macht eines oder mehrerer Handelnder A in Hinblick auf ein Ziel Z manifestiert sich dann, wenn A das Ziel Z durch das Einwilligen eines oder mehrerer Handelnder B erreicht." (author's re-translation from the German edition)
9. Foucault, *The History of Sexuality*, 82.
10. Michel Foucault, "Two Lectures." *Power/Knowledge*. Ed. Colin Gordon. New York: Pantheon Books, 1980, 95.
11. Foucault, *The History of Sexuality*, 93.
12. On Foucault's account of the state see Robert Jessop, "From micro-powers to governmentality: Foucault's work on statehood, state formation, statecraft and state power." *Political Geography* 26 (2007), 34-40; Thomas Lemke. *Eine Kritik der politischen Vernunft—Foucaults Analyse der modernen Gouvernementalität*. Berlin/Hamburg: Argument, 2007.
13. Michel Foucault. *Society must be defended*. New York: Picador, 2003, 14-19.
14. See Pasquale Pasquino. "Political theory of war and peace: Foucault and the history of modern political theory." *Economy & Society* 22:1 (1993), 77-88; Barry Hindess. *Discourses of Power: from Hobbes to Foucault*. Oxford: Oxford University Press, 1996; Lemke, *Eine Kritik der politischen Vernunft*, 110-125.
15. Foucault, "Two Lectures," 87.
16. Mitchell Dean. *Critical and Effective Histories*. New York: Routledge, 1994, 156.
17. Foucault, *Security, Territory, Population*, 354.
18. Foucault, *Society must be defended*, 4.
19. See Volker Sellin. "Regierung, Regime, Obrigkeit." *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*. Ed. Otto Brunner, Werner Conze, and Reinhart Koselleck Stuttgart: Klett-Cotta, 1984, 361-421; Michel Senellart. *Les arts de gouverner. Du régime médiéval au concept de gouvernement*. Paris: Seuil, 1995.
20. Michel Foucault. "Governmentality." *The Foucault Effect*. Ed. Graham Burchell, Colin Gordon and Peter Miller. Hemel Hempstead: Harvester Wheatsheaf, 1991, 88.
21. Foucault, "Governmentality," 102.
22. Foucault, *Security, Territory, Population*, 184.
23. Michel Foucault. "The Subject and Power" *Power. Essential Works of Michel Foucault, vol. 3*. New York: The New Press, 332.
24. Foucault, *Security, Territory, Population*, 363.
25. Foucault, "The subject and power," 333; see also Foucault, *Security, Territory, Population*.
26. Foucault, "Governmentality," 97.
27. Foucault, "Governmentality," 96-7
28. See Foucault, "Governmentality," 98.
29. See Foucault, *The Birth of Biopower*, and Colin Gordon. "Governmental rationality: an introduction" *The Foucault Effect*, 1-51.

## FOUCAULT'S HYPOTHESIS

---

30. Foucault, *The Birth of Biopolitics*, 63; Maria Bonnafous-Boucher. *Un libéralisme sans liberté. Du terme "libéralisme" dans la pensée de Michel Foucault*. Paris: L'Harmattan, 2001.
31. Foucault, *Security, Territory, Population*, 108.
32. See Mitchell Dean. "Liberal Government and Authoritarianism." *Economy and Society* 31 (2002), 37-61; Michael Dillon. "Governing through contingency: The security of biopolitical governance." *Political Geography* 26 (2007), 41-47.
33. Foucault, *Security, Territory, Population*, 353; see Gordon, "Governmental Rationality," 20.
34. Barry Allen. "Government in Foucault." *Canadian Journal of Philosophy* 21:4 (1991), 421-440.
35. Thomas Keenan. "Foucault on Government." *Philosophy and Social Criticism* 1 (1982), 35-40.
36. Michel Foucault. *The Use of Pleasure*. New York: Pantheon, 1985, 6.
37. Foucault, "The Subject and Power," 340-342.
38. Foucault, "The Subject and Power," 340.
39. Foucault, "The Subject and Power," 341, emphasis added.
40. Foucault, "The Subject and Power," 341.
41. This tendency is quite clearly displayed in Foucault's work of the early 1970s, e.g. in the text *Nietzsche, Genealogy, History*: "Humanity does not gradually progress from combat to combat until it arrives at the universal reciprocity, where the rule of law finally replaces warfare; humanity installs each of its violences in a system of rules and thus proceeds from domination to domination." (*Aesthetics, Method and Epistemology*, 378).
42. Foucault, "Subjectivity and Truth," 299.
43. Michel Foucault. "The Ethics of the Concern for the Self as a Practice of Freedom" *Ethics: Subjectivity and Truth*. Ed. Paul Rabinow. New York: The New Press, 299.
44. Foucault, "The Subject and Power," 343.
45. Foucault, "The Ethics of the Concern for the Self," 292.
46. Foucault, "The Subject and Power," 347f.
47. Hindess, *Discourses of Power*; Paul Patton. "Foucault's Subject of Power." *The Later Foucault. Politics and Philosophy*. Ed. Jeremy Moss. London: Sage, 1998, 64-77; Maurizio Lazzarato. "Du biopouvoir à la biopolitique." *Multitudes* 1(2000), 45-57.
48. Foucault, *The Use of Pleasure*; Michel Foucault. *The Care of the Self*. London: Penguin, 1990.
49. Michel Foucault, "About the Beginning of the Hermeneutics of the Self" *Political Theory* 21:2 (1993), 203; Foucault, "Nietzsche, Genealogy, History."
50. Foucault, "About the Beginning of the Hermeneutics of the Self," 203-204.
51. Charles Taylor. "Foucault on freedom and truth." *Political Theory* 12:2 (1984), 179.
52. Nancy Fraser. "Foucault on Modern Power: Empirical Insights and Normative Confusions." *Praxis International* 1:3 (1981), 286.
53. Fraser, "Foucault on Modern Power," 283; see also Jürgen Habermas. "Modernity versus Postmodernity." *New German Critique* 22, 3-14; Jürgen Habermas. *The Philosophical Discourse of Modernity*. Tr. Frederick Lawrence. Cambridge, MA: The MIT Press, 1987.
54. Foucault, "The Subject and Power," 342.
55. Foucault, "The Subject and Power," 340.
56. Foucault, "The Subject and Power," 340-341.
57. Patton, "Foucault's Subject of Power"; see also Michael Kelly, ed. *Critique and Power: Recasting the Foucault/Habermas Debate*. Boston: MIT Press, 1994; Samantha Ashenden and David Owen. *Foucault contra Habermas. Recasting the Dialogue between Genealogy and Critical Theory*. London: Sage, 1999.
58. See Michel Foucault. "On the Genealogy of Ethics: An Overview of Work in Progress." *Ethics: Subjectivity and Truth*, 256.
59. Foucault, "The Ethics of a Concern for Self," 283.
60. Foucault, "The Ethics of a Concern for Self," 298.
61. Foucault, "On the Genealogy of Ethics," 325.
62. For an overview of the (early) reception in France see Sylvain Meyet. "Les trajectoires d'un texte: "La gouvernementalité" de Michel Foucault." *Travailler avec Foucault. Retours sur le politique*. Ed. Sylvain Meyet, Marie-Cécile Naves and Thomas Ribemont. PUF: Paris, 2005, 13-36.
63. See for example Andrew Barry, Thomas Osborne and Nikolas Rose, eds. *Foucault and Political Reason. Liberalism, neo-liberalism and rationalities of government*. Chicago: University of Chicago Press, 1996; Mitchell Dean and Barry Hindess, eds. *Governing Australia. Studies in Contemporary Rationalities of Government*. Melbourne: Cambridge University Press, 1998; Ulrich Bröckling, Susanne Krasmann and Thomas Lemke, eds. *Gouvernementalität der Gegenwart. Studien zur Ökonomisierung des Sozialen*. Frankfurt: 2000.
64. For a very useful discussion of the merits and the shortcomings of the governmentality literature see Jacques Donzelot and Jacques/Gordon Colin. "Comment gouverner les sociétés libérales? L'effet Foucault dans le monde anglo-saxon." *Esprit* 11 (2005), 82-95; see also Nikolas Rose, Pat O'Malley and Mariana Valverde. "Governmentality." *Annual Review of Law and*

*Social Science* 2 (2006), 83-104; Peter Miller and Nikolas Rose. *Governing the Present. Administering Economic, Social and Personal Life*. Cambridge: Polity Press, 1-25.

65. Michel Foucault. "What is Enlightenment?" *Power: Essential Works, vol.3*. New York: The New Press, 1997, 319.