
4. Michel Foucault's perspective on biopolitics

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BIOPOLITICS AS A NEW PARADIGM OF POWER

The social sciences are indebted to Michel Foucault for a new, more sophisticated and scientific conception of power. Whereas traditionally it was thought that power was simply the capacity to make someone else do what they would not otherwise have done, Foucault discovered that power went much deeper because it was deeply intertwined with knowledge. Power not only governs our actions but it also structures our sense of ourselves: it makes us be someone who we would not otherwise have been. For that reason, power is not an attribute of persons: it is more like a network or field of asymmetrical relations between individuals as well as between individuals and machines. Individuals and things are akin to nodes in the network. For the same reason, power is not just repressive, but enabling or empowering for these individuals and things.

Late in his career, Foucault discovered that the meeting between biological sciences and policy sciences occurs in the context of a major transformation in this general conception of power. When he first employed the term "biopolitics" in the mid-1970s, he meant to identify a new kind of power which is carried forward by technologies and discourses of security that take the life of populations as their object and play a central role in the emergence of modern racism and eugenics. However, Foucault also connects biopolitics to the kind of political rationality characteristic of the liberal and neoliberal forms of government and governance. Biopolitics then refers not only to technologies of security but also to what he calls technologies of self. This has led to an ongoing debate in the secondary literature about the relation between biopolitics and the study of what Foucault calls governmentality (Foucault, 2008).¹ Lastly, there is in Foucault a third use of the term where biopolitics refers to the possibility that life itself may function as a source of critique and resistance to these power formations: "it is not that life has been totally integrated into techniques that govern and administer it; it constantly escapes them" (Foucault, 1990: 143).²

These different uses of the term "biopolitics" overlap insofar as they all describe the historical discontinuity in which:

for the first time in history, no doubt, biological existence was reflected in political existence; the fact of living was no longer an inaccessible substrate that only emerged from time to time, amid the randomness of death and its fatality; part of it passed into knowledge's field of control and power's sphere of intervention (Foucault, 1990: 142).

The Foucaultian idea that biological existence is reflected in political existence should not be confused either with the view that biopolitics means understanding the state on the model of a living organism, or with the project of understanding political and social phenomena by applying models drawn from evolutionary biology, or with the view that

biopolitics simply designates the entrance of issues concerning biological life into the sphere of political discussion and decision-making (as occurs in bioethics). All these views presuppose that life and politics are independent of each other, and that one can apply the understanding of one sphere to the other.³

In contrast, Foucault's point is that biopolitics develops a conception of life as a function of a discourse about how best to govern and control this very life. Today a typical example of what Foucault means is the concept of resilience where ideas about biology are meshed together with discourses on public policy and genres of self-help in order to produce technologies of security and of self designed to govern what appears to be ungovernable and uncontrollable events, from natural disasters to terrorist attacks.

The need for biopolitics emerges because of a major transformation in the nature of politics itself: "For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question" (Foucault, 1990: 143). Whereas for Aristotle, political life was something that transcended the animality of human beings, in modern times Foucault thinks that this animality has itself become the main concern of politics. Modern politics is concerned with intervening in the conditions of the biological life of the human species, what the Greeks call *zoe*, not with the artificial conditions that make possible the way of life or *bios* of individuals, such as positive laws and state powers.⁴ With biopolitics it is the human species as a species of living beings that becomes the subject of political rationality and government: "Western man was gradually learning what it meant to be a living species in a living world" (Foucault, 1990: 142).

BIOPOLITICS AND POPULATION: THE IDEA OF THE NORM

Living beings can take their own biological life as object of government in several ways. In the first place, the social and political sciences had to introduce the concept of a "population" in order for power to be exercised over human beings as a living species. This new object is studied in order to track the processes affecting the variation in populations (birth rates, death rates, health, life expectancy, levels of happiness, and so on) and a new science of statistics was invented for this purpose (Foucault, 1990: 139). Whereas the idea of a people refers to a group of individuals who are considered as abstract juridical persons, as bearers of legal rights and duties, the biopolitical idea of population considers individuals as specimens of a living species who need to be controlled "*singulatim et omnis*", individually and as a totality (Foucault, 2000a). Thus, biopolitics is that form of power which focuses on the "*species body, the body imbued with the mechanics of life and serving as the basis of the biological process: propagation, births and mortality, the level of health, life, expectancy and longevity, with all the conditions that can cause these to vary*" (Foucault, 1990, 139, emphasis added). Related but different, Foucault discovered also the existence of disciplinary power, which, by way of contrast, is "centred on *the body as a machine: its disciplining, the optimization of its capabilities, the extortion of its forces, the parallel increase of its usefulness and its docility, its integration into systems of efficient and economic controls*" (Foucault, 1990: 139, emphasis added).

Both biopolitics and disciplinary power focus on the bodies of the individuals, rather than on individuals as abstract juridical persons: it is a form of power that operates

through norms rather than laws. Laws presuppose a sovereign form of power that ultimately turns on “the ancient right to take life or let live.” But in Foucault’s usage, norms reflect a new conception of power characterized by “a power to foster life or disallow it” (Foucault, 1990: 138). Disciplinary power uses the idea of norm as an external standard against which bodies can be measured in terms of their normality or abnormality, and also as a means to discipline these bodies. Biopolitics, instead, uses the idea of norm that derives from the biological sciences. Norms refer to the self-regulatory powers of living organisms, and their capacity to create new norms for themselves when adherence to established behaviors and patterns would lead or keep the organisms in pathological states.⁵

Both disciplinary and biopower are powers of normalization, but the meaning of the term is distinct in each. Foucault distinguishes between what he calls the “normation” of disciplinary power and the “normalisation” of biopower (Foucault 2007). In general terms, a norm does not operate through the binary terms that characterize one’s attitude toward a law which leaves open a choice to either follow or break the law. With respect to a norm, there is no such possibility of judging the norm from the outside: when one does not follow norms, one is not breaking them; one is simply showing dysfunctional or abnormal behavior. The consequence is that the normal is completely porous to the abnormal and vice versa. The mechanisms and technologies of normalization which are intended to separate, or exclude and control the abnormal population operate by interiorizing and internalizing into the normal population what they have separated.

These consequences were the results of Foucault’s ground-breaking investigations into the history of prisons (Foucault, 1995). The development of prisons revealed itself to be but the expression of civil society as a carceral society where citizens were criminalized even though they had not broken any laws (think of phenomena like mass incarceration policies as a consequence of the war on drugs, the rise of gated communities, and more recently the generalized application of biometric identification mechanisms). The carceral society was achieved by generalizing the panoptical structure of prisons so that all members of society were placed under constant observation, study and control (video cameras in shops, banks and hospitals, now supplemented by the collection of metadata through the Internet by firms and governments).

Foucault subsequently found evidence for power as normalization in his studies on modern sexuality (Foucault, 1990). He discovered that in order to normalize the conduct of individuals, sexuality as a discourse was deployed in the population by way of four general strategies: hysteresis of women’s bodies, pedagogization of children’s sex, socialization of procreative behavior, and psychiatrization of perverse pleasure (Foucault 1990: 104–105). At first sight, ‘hysterical’ women, child ‘sexuality’, infertile or overly fertile couples, and sexual ‘perverts’ seem to be excluded from ‘normal’ sexual conduct, only in fact to reveal themselves as the point of application of discourses and technologies of sexuality that pattern and inform the self-understanding of the rest of the population as sexual beings. If, for instance, in the early modern period the study of sexual behavior (*scientia sexualis*) begins by trying to catalogue and classify sexual perversions in an attempt to separate them from normal sexual conduct, by the time Freud arrives on the scene this *scientia* comes to realize that perversity structures the very normal/abnormal divide and sexuality remains caught within the circle of the polymorphously perverse.

BIOPOLITICS AND RACISM

Foucault argues that when individuals are considered as specimens of a population of living beings, biopower takes the form of a technology of security. Today, one is familiar with biometrics and all sorts of profiling as typical examples of such technology. However, one can say that there are two main and antithetical paths that technologies of security can take in order to assure the growth and expansion of the populations delivered to their care. The first path, according to Foucault, is adopted by what other social scientists have called totalitarian regimes, but which were also widely used in colonial and settler societies whose home governments were nominally liberal. Here, the concept of population is parsed along racial and ethnic lines in order to place these racial and ethnical groupings in a hierarchy, often conceived in terms of a social-Darwinist construal of the struggle of the fittest. In a second moment, these hierarchies are used to justify forms of state racism, eugenics, apartheid, and genocide, under the principle that the “health” of the “higher” or “more developed” races and ethnic groups needs to be defended against the “lower” or “more primitive” races and ethnic groups (Foucault, 2003).

The most extreme exemplar of a modern biopolitics that places the human being's existence as a living being in question is the use made of racial and ethnic distinctions by Nazi and Fascist regimes, as if these denoted superior and inferior species of human beings. But it is a well-known documented fact that settler colonial societies have employed similar methods at different times in their histories as well. In this totalitarian variation, biopolitics becomes a form of what Foucault terms “thanatopolitics,” (or, politics of death) in the sense that the logic of “defending” the “purity” and “health” of one “species” of human beings over and against other such “species” calls forth not only state-imposed eugenic policies, but also the “concentration” of these populations into camps, and eventually their “extermination” as “life not worthy of being lived”.⁶

The racist and thanatopolitical turn taken by biopolitics, especially in the late nineteenth and twentieth centuries, merits an explanation because it is at first sight paradoxical: how can biopolitics understood as a form of power over life that seeks to preserve and reproduce species life acquire the right to put this same life to death?⁷ Foucault's hypothesis is that this occurs through the development of modern, state racism:

I think that broadly speaking, racism justifies the death-function in the economy of biopower by appealing to the principle that the death of the other makes one biologically stronger insofar as one is a member of a race or a population, insofar as one is an element in a unitary living plurality (Foucault, 2003: 258).

Racism, primarily, introduces a “break into the domain of life,” within the “biological continuum of the human species” (Foucault, 2003: 256–7); races are a biopolitical way to divide the human species into sub-groups. This division is instrumental to conceiving the distinction between self and other, friend and enemy, no longer in military terms but in biological ones: “the death of the other, the death of the bad race, of the inferior race (or of the degenerate or the abnormal) is something that will make life in general healthier: healthier and purer” (Foucault, 2003: 257). The state legitimates its power to kill as a function of the protection of society from the “biological danger” that races represent.

However, it is a highly debated question whether state and so-called “scientific” racisms

are the main expression of modern biopolitics, or, to the contrary, whether they qualify as reactive attempts by the sovereign power of the state to re-establish its sovereign “right of life and death” in an epoch in which biopolitics, as the “power to keep alive” (Foucault, 1990), is the ascendant type of power.⁸ Foucault seems to have held on to the second hypothesis, claiming that racism – with its obsession in terms of the purity of blood – belongs to a sovereign logic of power more than to a biopolitical logic of power. Consequently, Foucault seems more inclined to claim that the most proper expression of biopower and biopolitics is adopted by liberalism and neoliberalism, that is, in regimes where the life of a population is maximized not along totalitarian but rather along neoliberal lines. Here one touches on Foucault’s crucial hypothesis that liberalism and neoliberalism provide the framework within which to understand biopolitics (Foucault, 2008).

FROM PASTORAL POWER TO LIBERAL GOVERNMENTALITY: THE IDEA OF CONDUCT

The relation between the ideas of biopolitics and governmentality in the late work of Foucault is a contested and much discussed topic.⁹ As discussed above, in order to develop his idea of the norm and the power of normalization, which is found in both disciplinary power and biopower, Foucault followed closely the work of Georges Canguilhem on the history and philosophy of biology, in particular his theory on the normal and the pathological.¹⁰ However, Foucault also studied the way in which the biological idea of normativity was adopted within a history of governmentality, which is much older than modern biopolitics. In turn, this guiding-thread of governmentality led Foucault in his last lectures back to Greek political thought and forwards up to the study of liberalism and neoliberalism as exemplary of the most recent forms of governmentality. Although the historical span of Foucault’s studies on governmentality is enormous, ranging from the ancient city state to the contemporary neoliberal state of our days, there is a term that serves as the guiding-thread: not that of norm but that of conduct.

Foucault defines governmentality in terms of the problem of leading or conducting the conduct of individuals (Foucault, 2010). This reflexive expression, “the conduct of conduct,” is intended to highlight the central feature of governmentality, namely, that the subject who is governed is also at the same time the subject who governs. Foucault’s idea of a “conduct of conduct” is close to the Weberian idea of a religiously informed ethic (Weber, 2002), that is, an arrangement of disciplinary and epistemological techniques in accordance with which one can lead one’s life rationally in order to become who one is, or, alternatively, all that one can be.

Foucault seems to have taken the Weberian problem of understanding “the spirit of capitalism” through the “protestant ethics” as an important point of orientation for his lectures on governmentality. On the side of the historical reconstruction of governmentality, he pursued Weber’s and Nietzsche’s intuitions on religion as a form of government of conducts by reconstructing the antecedent of modern technologies of security and of the science of police in the idea of pastoral power.¹¹ At the same time, his work on neoliberalism was intended to contribute to the analysis of the most recent transformations of the “spirit of capitalism”.

According to Foucault’s genealogy, the modern science of policy studies finds its

oldest roots not in the Greek or Roman traditions of politics but rather in the emergence of a Christian type of "pastoral power," which becomes transformed in early modernity into police science (*Polizeiwissenschaften*) (Foucault, 2007: 115–90; Foucault, 2000a: 298–327). Pastoral power is a salvation-oriented form of power that conceives of its subjects as members of a species analogous to a herd of domesticated animals.¹² The important terms to understand governmentality, namely, security, territory and population, are tied to the idea of pastoral power in the sense that this power envisages a group or population (Nietzsche will say a "herd") that is recollecting by another group ("shepherds") through a spatial division of territory (a spatial grid, a normative order), designed to provide security to the group. Foucault defines pastoral power as "an art of conducting, directing, leading, guiding, taking in hand, and manipulating men, an art of monitoring them and urging them step by step, an art with the function of taking charge of men collectively and individually throughout their life and at every single moment of their existence" (Foucault, 2007: 165). It is a form of power that is primarily concerned with the biological life of the species insofar as "salvation is first of all essentially subsistence," "food assured," "good pastures" (Foucault, 2007: 126–7). However, pastoral power does not only treat human beings collectively as a living species or sub-species, but since its form of power is "a relationship of the submission of one individual to another" (Foucault, 2007: 175), it is also creative of modes of "individualization," or what Foucault calls modes of "subjection [*assujettissement*]" (Foucault, 2007: 184).

This individualization is acquired through two central procedures, or power techniques: "by a whole network of servitudes that involves the general servitude of everyone with regard to everyone and, at the same time, the exclusion of the self, of the ego and of egoism, as the central, nuclear form of the individual" (Foucault, 2007: 184). This idea, of clear religious connotations, refers to the demand that one become an individual essentially by dedicating oneself to the general well-being of all, and by giving up the "care of one's self" for the sake of the "love of the neighbor."¹³

The second technology of individualization which comes from considering the human being as a species is "through the production of an internal, secret and hidden truth" (Foucault, 2007: 184). This inner truth belongs to each and every individual, and the shepherd or pastor is charged with identifying it through the discursive practice of confession, which simultaneously assures integral obedience.¹⁴ Foucault had come upon this form of power in his study of sexuality discussed above, where one's sexuality functioned as the individual's "inner truth" that could be attained only in a confessional discourse.

To sum up, one can say that in pastoral politics, the human being's existence as a living being is at stake in two ways. First, the human being's biological existence is totalized into the life of a species – every single human being as a living being is subsumed under the totality of the species. This aspect of pastoral power lends itself to the subsequent introduction of procedures of selection, extinction, and adaptation that would be underpinned by the fusion of themes from evolutionary biology back to the social sciences. Second, the human being's existence as a living being is particularized into separate, isolated, individual subjects.¹⁵ Pastoral power thus manages to bring together a conception of a very intimate form of power that guides individuals in and through their most recondite interiority (the space of bad conscience, guilt feelings, and authenticity), which was previously hidden from power, with a self-reflexive approach to the self that inaugurates a modern conception of subjectivity. Thus, subjectivity and subjection, truth and power,

are joined together. One becomes a “free” subject by submitting oneself to forms of subjectivation that lead to individual salvation, but in the ascetic and inner-worldly terms of self-discipline and health.

BIOPOLITICS AND POLICE

Foucault’s main hypothesis about modern governmentality is that the pastoral idea of conduct transformed itself from the Christian period to the early modern period, where it re-emerges in the form of the science of police and policy (*Polizeiwissenschaft*). This transformation coincides with what Charles Taylor calls the “modern social imaginary” and turns on the construction of an idea of civil society populated with polished and policed individuals, who conduct themselves by following the norms developed by spontaneous orders like the free market and the system of law (Taylor, 2003). What is characteristic of liberal and neoliberal biopolitics is that a technology of security is joined together with a technology of the self, in the sense that biopolitics as a form of power is developed within a form of liberal governmentality that values individual liberty and self-determination, the pursuit of one’s good in one’s own way (Mill, 2002), and which uses modern political economy as its form of rationality. The problem for Foucault is the following: how can one govern such a liberal subjectivity or individuality? What does liberalism as a form of government (as a conduct of conduct) mean?

Foucault’s answer is that liberal governmentality must be a function of *laissez-faire*: its government must work by limiting the capacity for intervention on the part of the state and its sovereign power into the economic and legal orders, because these work spontaneously or by self-regulation, and thus any external intervention from the part of the state, any attempt at planning either economy or law, ends up having negative consequences. But Foucault also shows that liberal governmentality requires that the individual assume responsibility for the conditions of reproduction of its own liberty. Here liberal and neoliberal governmentality, according to Foucault, crucially depend on the adoption of economic rationality as the rationality of governmentality. Thus, to give but one example, neoliberal governance requires the individual himself or herself to decide what needs to be sacrificed in order to maximize its human capital and its happiness understood as a factor of quality of its biological life.¹⁶

But if the desired conduct for liberal governmentality is a free conduct, then this freedom must itself be a product of liberal governmentality, and the question becomes: under what conditions is individual freedom produced and reproduced? Foucault answered this question by arguing that security is the condition of liberal freedom. Foucault’s work is fundamental in the current reinterpretation of the idea of security which has placed it squarely within the discourse of biopolitical governance. For Foucault, the dependence of liberal freedom on security explains the rise of policy or police sciences in the early stages of modernity because the purveyor of security in a liberal civil society is the police. By police Foucault does not mean simply law enforcement agencies, but all policy-making endeavors of the modern state.

The police must ensure “communication” among men, in the broad sense of the word. Otherwise, men wouldn’t be able to live; or their lives would be precarious, poverty-stricken, and perpetually

threatened. And here, we can make out what is, I think, an important idea. As a form of rational intervention wielding political power over men, the role of the police is to supply them with a little extra life; and by so doing, supply the state with a little extra strength. This is done by controlling 'communication', i.e. the common activities of individuals (work, production, exchange, accommodation)¹⁷ (Foucault, 2000a: 319).

The police govern conducts by controlling communications because the conducts at issue are those of individuals in "spontaneous orders" or networks that depend on such free communication.

According to the liberal logic of political rationality, the limits of state rationality are given by the economic system, by a free market mechanism which is understood to operate according to natural laws of its own. Foucault describes the eighteenth-century *homo oeconomicus* as an individual who "pursues his own interests, and whose interest is such that it converges spontaneously with the interest of others" such as in the classical understanding of the invisible hand that naturally produces a harmonious social order out of the interaction between competing individuals (Foucault, 2008: 270–71). If the state should contravene the natural laws of production and exchange, or unduly intervene in the free market mechanism, the state would be acting irrationally, and would thus fall into a crisis of governmentality which is simultaneously a crisis of legitimacy. In this type of political rationality, the legitimacy of the state is given by a self-limitation of the art of government, but the limits are now set by the "nature" of commodities transacted on a free market. To govern, according to this model of liberal governmentality, means to know when to let things be, *laissez-faire*. The art of liberal government does not turn on what the state does for society, but, rather, on what it does not do for society.

FROM LIBERALISM TO NEOLIBERALISM: TECHNOLOGIES OF SELF AND ENTREPRENEURSHIP

The main shift that Foucault identifies between the nineteenth-century liberal doctrine of *laissez-faire* and the emergence of neoliberal doctrine at the end of World War II with the rise of the Mont Pelerin Society and neoclassical economics concerns the conditions of spontaneous orders. Indeed, whereas Adam Smith may have believed that such orders are providential, thinkers like Hayek or Röpke, linked to the Ordo-liberalism movement,¹⁸ argued that if a free market, as opposed to a planned economy, were to emerge, then the economy had to be regulated in such a way that competition would not be stifled by the rise of monopolies, by high levels of poverty or inequality, and all individuals could effectively become enterprising in their economic conducts. In discussing the neoliberal political technology of control, Foucault at one point says that such a technology is intended to make it possible for individuals to be free and responsible within civil society, where this freedom and responsibility is condensed in the figure of the entrepreneur (Foucault, 2008).

At the same time, at another point of *The Birth of Biopolitics*, Foucault says that the panopticon "is the formula for liberal government" (Foucault, 2008: 67). Since liberalism is the context within which, on Foucault's hypothesis, biopolitics becomes truly deployed, the above assertion raises the general, and for many commentators puzzling, question as to the relation between disciplinary power and biopower in Foucault's conception of

governmentality. In what way does the panopticon function as a biopolitical, and not simply disciplinary, political technology of the self? The answer becomes more apparent only with the development from classical liberalism to neoliberalism. For it is in this development that the panoptical technology is put to a new use: from being a disciplinary device of the carceral society it becomes a biopolitical form of control of the conduct of individuals that enables them to be free and responsible, entrepreneurs of their own (species) life. A perfect example of this new usage of panopticism is the development of wearables intended to monitor everything from blood sugar levels to how many steps one has taken each day. On this hypothesis, only when the biological life of the individual is placed under total observation and control does the negative liberty which the self-limitation of sovereignty grants its subjects no longer become a source of insecurity, which is activity-inhibiting, but rather invites the individual to become enterprising, and unleashes what political economists will call the competition that lies at the heart of all production of surplus value in late capitalism. This total control and oversight that is achieved with the universalization of panopticism in the transition from classical liberalism to neoliberalism is biopolitical in the sense that it permits the generalized insurance of life that allows it to engage the mechanisms of civil society without being inhibited by the insecurity that civil society always generates.¹⁹

As Foucault makes clear at the end of *The Birth of Biopolitics*, the motivation to study government is given by the task to understand the rise of civil society and of the *homo oeconomicus*, that is, of a human type that is the product of the constant application of economic thinking in all areas of natural and social life. This human type is the unique product of a modern conduct of conducts which Foucault calls neoliberalism. Here again it is Canguilhem's idea of a polarity intrinsic to biological life between self-preservation and self-transgression that comes into play. Foucault thought that the regulations imposed by neoliberal biopolitics in view of permitting spontaneous orders were all based on the attempt to mimic this polarity of life, and so achieve a regulation of conduct that would appear as normal as possible, where normality is now understood to include the occasional transgression of established patterns, the acknowledgement of the subject's authenticity and creativity, hence the idea of the entrepreneur of himself (Foucault, 2008: 226). Such an individual does not rely on political institutions (even liberal ones) for their preservation and protection but instead takes their life in their own hands: "Being for himself his own capital, being for himself his own producer, being for himself the source of [his] earning" (Foucault, 2008: 226).²⁰

CONCLUSION: RESISTANCE, CRITIQUE AND HUMAN RIGHTS IN THE AGE OF BIOPOLITICS

As mentioned at the start, there remains to discuss the final aspect of Foucault's idea of biopolitics, namely, the possibility of developing alternative "forms of life" that may be the source of resistance and critique to power. Foucault's claim is that power is constitutive of our sense of self, or subjectivity. But in order to be so, power has to be as self-reflexive as we are about ourselves: thus if we are able to "conduct our conducts" it must also be possible to engage in what Foucault calls "counter-conducts." In short, "where there is power, there is resistance" (Foucault, 1990: 95).

The systems of pastoral servitude and of the biopolitical regulation of life generate their own forms of resistance. Counter-conducts free the individual from the need to be led by others and are movements that seek to escape the direction of other and “define the way for each to conduct himself” (Foucault, 2007: 195). It is for this reason that Foucault dedicated the last lecture series before his death to an investigation into the ways in which Socratic philosophy and the various schools of philosophy that emerged from the Socratic example made possible a “care of self” that was not pastoral, and led to an idea of “frank speech” (*parrhesia*) in the face of those who claim to govern us.²¹ This idea of frank speech is at the root of our modern ideal of critique as a possibility of knowledge that goes counter to power as governmentality, that is, that questions the rationality of power. In one of his last texts, Foucault said that “the suffering of men must never be a silent residue of policy. It grounds an absolute right to stand up and speak to those who hold power.” (Foucault, 2000c: 475 “Confronting Governments: Human Rights”). Through the recovery of this ancient sense of free speech, Foucault was clearly seeking forms of communication in our world that escape the control of the police in the wide sense of the term as used by Foucault, meaning every possible control on communicative activity.

The resistance to biopower does not transcend the horizon of “a living species in a living world” (Foucault, 1990: 142), rather “life as a political object was in a sense taken at face value and turned back against the system that was bent on controlling it” (Foucault, 1990: 145). Resistance counteracts the processes of individualization, the constitution of the subject in and through its transformation into a species, by cultivating or caring for the self in the sense of redefining the status of the human being’s animality. Foucault’s critique of biopolitics as a politics of the domination of the animal life of the human being seeks to create the possibility for a different relationship to the self, one that separates him or her from the “herd” without isolating them, either from others or from their own animal life. The formula for this other relationship to the self passes through culture, through a cultivation of nature, which does not dominate nature or animal life but, to the contrary, emphasizes its creative potential: “We should not have to refer the creative activity of somebody to the kind of relation he has to himself, but should relate the kind of relation one has to oneself to a creative activity” (Foucault, 1994a: 262, “On the Genealogy of Ethics”). The important point here is that Foucault understands the biological life of the self as a function of creativity, rather than understanding creativity as a particular quality of the self. In contraposition to a Sartrean existentialist ethics of authenticity, Foucault seeks to develop an ethics of freedom that takes the form of an “aesthetics of existence” (Foucault, 1994a: 255).²² These intuitions are consonant with much work in contemporary biology that denies the humanistic assumption that only human forms of life have culture or language. In the humanities, we speak of posthumanism to designate this new approach to animal and plant life, and its consequences for the self-understanding of human beings as living beings (Wolfe, 2010; Braidotti, 2006).

The last dimension opened up by Foucault concerns the relation between counter-conducts and rights. Towards the end of his life, Foucault engaged himself strongly in favor of human rights, understood as a “new right – that of private individuals to effectively intervene in the sphere of international policy and strategy” (Foucault, 2000c: 475). In another late text, Foucault hypothesizes that human rights, understood from within the horizon of biopolitics, are no longer based on the right to be free or the right to be equal (as civil and political rights are conceived within a society still ruled by sovereign power

of the state), but they should be based on what he calls a right to be different, which is probably best understood as a basic right not to be treated as a statistic, as a specimen of a population that is placed under control, observation and regulation by any of the policy sciences currently adopted by governments. Related to these rights, Foucault also theorized an idea of relational rights, that is, rights and duties that emerge from the kind of forms of life that counter-conducts permit. An example of this is the right to gay marriage that, for Foucault, would be a right that emerges from a gay form of life, different from the form of life based on a normative heterosexuality, but no less capable of generating binding rights and duties on the government (Foucault, 1994b, p. 160). It is clear that in our ever more networked forms of life, all such rights will become increasingly more crucial.

NOTES

1. Thomas Lemke is one of the first scholars to have studied systematically Foucault's discourse on governmentality (Lemke, 2001). But see also prior to Lemke, Gordon (1991) and Dean (1999). For more recent studies on governmentality, see Dean (2014) and Lemke (2012).
2. On the three different uses of biopolitics in Foucault, see Lemke (2007: 49–67).
3. See in comparison Lemke (2007: 19–34 and 35–46). See also Esposito (2008).
4. On the importance of the distinction between *bios* and *zoe* for an understanding of biopolitics, see Agamben (1998: 1–12). The distinction between *bios* and *zoe* as introduced by Agamben has been called into question by Laurent Dubreuil (2006: 83–98) but is defended by Vatter (2014). See also Dworkin (1993).
5. The idea of a norm of life in Foucault and Canguilhem is systematically pursued in Muhle (2013).
6. For a discussion of the relation between biopolitics, racism and totalitarianism, see Simona Forti (2006 and 2014), Esposito (2008), Agamben (1998) and Mbembe (2003).
7. "Since the population is nothing more than what the state takes care of for its own sake, of course, the state is entitled to slaughter it, if necessary. So the reverse of biopolitics is thanatopolitics" (Foucault, 2000b: 416).
8. On this question, see Agamben (1998), Esposito (2008) and Vardoulakis (2013), among others.
9. See Lemm and Vatter (2014).
10. See Canguilhem (1991).
11. On Nietzsche, Foucault and biopolitics, see Lemm (2015).
12. "So we have this definition: The politician is the shepherd (*berger*) of man, the shepherd (*pasteur*) of that flock of living beings that constitute a population in a city-state" (Foucault, 2007: 141).
13. Interestingly, Foucault notes that the rise of pastoral power coincides with the disappearance of the classical care of the self: "From the moment that the culture of the self was taken up by Christianity, it was, in a way, put to work for the exercise of a pastoral power to the extent that the *epimeleia heautou* became, essentially, *epimeleia tōn allōn* – the care of others – which was the pastor's job. But insofar as individual salvation is channeled – to a certain extent, at least – through a pastoral institution that has the care of souls as its object, the classical care of the self disappeared, that is, was integrated and lost a large part of its autonomy" (Foucault, "On the Genealogy of Ethics," 1994a: 278). But Foucault also notes that, for example, during the Renaissance, the re-emergence of the care of the self took the form of a resistance against pastoral power and coincided with the re-emergence of the idea that from one's own life one can make a work of art (Foucault, 1994: 278).
14. Foucault defines Christian pastoral power as "the organization of a link between total obedience, knowledge of oneself, and confession to someone else" (Foucault, 2000a: 310). He argues that in Christianity the guidance of the individuals' conscience has as its sole function to make the individual dependent on the one who guides it, that is, the pastor, rather than, as was the case in antiquity, to help further the individual's mastery over itself: "In classical Antiquity examination of conscience was an instrument of mastery, here, it will be an instrument of subordination" (Foucault, 2007: 182–3).
15. According to Foucault, when pastoral power becomes modern biopolitics, its "inevitable effects are both individualization and totalization": the political rationality of the modern biopolitical state is both "individualizing and totalitarian" (Foucault, 2000a: 325).
16. See Brown (2015). For a recent discussion of the relation between biopolitics and capitalism in neoliberal ideology, see Cooper (2008).
17. "The police has to keep the citizens happy – happiness being understood as survival, life, and improved

living. He [von Justi] perfectly defines what I feel to be the aim of the modern art of government, or state rationality, viz., to develop those elements constitutive of individuals' lives in such a way that their development also fosters that of the strength of the state" (Foucault, 2000a: 322).

18. Mirowski and Plehwe (2009) and Biebricher (2013).
19. On the theory of security and insurance in neoliberalism see Dillon (2007), Dillon and Neal (2008) and Lobo-Guerrero (2010).
20. On the genealogy of the *homo oeconomicus* in Foucault, see Reed (2009) and Dilts (2011).
21. See Foucault (2010) and (2012).
22. Foucault acknowledges that his notion of an aesthetic of existence is inspired by the Nietzschean project of giving style to one's life (Nietzsche, 2001, aphorism 290) (Foucault, 1994a: 262). For both Nietzsche and Foucault, the realization of an "aesthetics of existence" depends on overcoming the prejudice against life as found in modern society. For example, Nietzsche regrets that the individual experiences its singularity (genius) as a "chain of toil and burden" rather than as a source of creativity and argues that this is in great part due to the conformism and the normalizing pressure which define modern society (Nietzsche, 1997, *Schopenhauer as Educator*, Section 6). Foucault voices a similar concern when he says that "what strikes me is the fact that, in our society, art has become something that is related only to objects and not to individuals or to life. That art is something which is specialized or done by experts who are artists. But couldn't everyone's life become a work of art? Why should the lamp or the house be an art object but not our life?" (Foucault, 1994a: 261). See also in comparison, Foucault (1994a: 260). For an extended discussion of Nietzsche, Foucault and the question of culture, see Lemm (2008).

REFERENCES

- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Stanford, CA: Stanford University Press.
- Biebricher, Thomas. 2013. "Europe and the Political Philosophy of Neoliberalism". *Contemporary Political Theory* 12 (4): 338–75.
- Braidotti, Rosi. 2006. "Posthuman, All too Human: Towards a New Process Ontology". *Theory, Culture & Society* 23 (7–8): 197–208.
- Brown, Wendy. 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. New York: Zone Books.
- Canguilhem, Georges. 1991. *The Normal and the Pathological*. New York: Zone Books.
- Cooper, Melinda. 2008. *Life as Surplus: Biotechnology and Capitalism in the Neoliberal Era*. Washington, DC: Washington University Press.
- Dean, Mitchell. 1999. *Governmentality: Power and Rule in Modern Society*. London: Sage.
- Dean, Mitchell. 2014. *The Signature of Power: Sovereignty, Governmentality and Biopolitics*. London: Sage.
- Dillon, Michael. 2007. "Governing Through Contingency: The Security of Biopolitical Governance". *Political Geography* 26: 41–7.
- Dillon, Michael and Neal, Andrew (eds). 2008. *Foucault on Politics, Security and War*. London: Palgrave Macmillan.
- Dilts, Andrew. 2011. "From 'Entrepreneurial Self' to 'Care of Self': Neoliberal Governmentality and Foucault's Ethics". *Foucault Studies* (12): 130–46.
- Dubreuil, Laurent. 2006. "Leaving Politics: Bios, Zōē, Life". *Diacritics, a Review of Contemporary Criticism* 36 (2): 83–98.
- Dworkin, Ronald. 1993. *Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom*. New York: Knopf.
- Esposito, Roberto. 2008. *Bios: Biopolitics and Philosophy*. Minneapolis, MN: University of Minnesota Press.
- Forti, Simona. 2006. "The Biopolitics of Souls: Racism, Nazism and Plato". *Political Theory* 34 (1): 9–32.
- Forti, Simona. 2014. *The New Demons: Rethinking Power and Evil Today*. Stanford, CA: Stanford University Press.
- Foucault, Michel. 1990. *The History of Sexuality*. Vol. 1. New York: Vintage Books.
- Foucault, Michel. 1994a. "On the Genealogy of Ethics". In Paul Rabinow (ed.), *Ethics: Subjectivity, and Truth: Essential Works of Foucault 1954–1984*. Vol. 1. New York: The New Press, pp. 253–80.
- Foucault, Michel. 1994b. "The Social Triumph of the Sexual Will". In Paul Rabinow (ed.), *Ethics: Subjectivity, and Truth: Essential Works of Foucault, 1954–1984*. Vol. 1. New York: The New Press, pp. 157–62.
- Foucault, Michel. 1995. *Discipline and Punish*. New York: Vintage Books.
- Foucault, Michel. 2000a. "Omnes et Singulatim: Toward a Critique of Political Reason". In James Faubion (ed.), *Power: Essential Works of Foucault, 1954–1984*. Vol. 3. New York: The New Press, pp. 298–327.
- Foucault, Michel. 2000b. "The Political Technology of Individuals". In James Faubion (ed.), *Power: Essential Works of Foucault, 1954–1984*. Vol. 3. New York: The New Press, pp. 403–17.

- Foucault, Michel. 2000c. "Confronting Government: Human Rights". In James Faubion (ed.), *Power: Essential Works of Foucault 1954–1984*. Vol. 3. New York: The New Press, pp.474–5.
- Foucault, Michel. 2003. *Society Must Be Defended: Lectures at the Collège de France, 1975–1976*. London: Penguin Books.
- Foucault, Michel. 2007. *Security, Territory, Population. Lectures at the Collège de France 1977–1978*. New York: Palgrave Macmillan.
- Foucault, Michel. 2008. *The Birth of Biopolitics*. Graham Burchell (trans.). New York: Palgrave Macmillan.
- Foucault, Michel. 2010. *The Government of Self and Others: Lectures at the Collège de France, 1982–1983*. Graham Burchell (trans.). New York: Palgrave Macmillan.
- Foucault, Michel. 2012. *The Courage of Truth. The Government of Self and Others II. Lectures at the Collège de France, 1983–1984*. Graham Burchell (trans.). New York: Palgrave Macmillan.
- Gordon, Colin. 1991. "Governmental Rationality: An Introduction". In Graham Burchell, Colin Gordon and Peter Miller (eds), *The Foucault Effect: Studies in Governmentality*. Chicago, IL: University of Chicago Press, pp.1–48.
- Lemm, Vanessa. 2008. "The Biological Threshold of Modern Politics: Nietzsche, Foucault and the Question of Animal Life". In Herman W. Siemens and Vasti Roodt (eds), *Nietzsche, Power and Politics: Nietzsche's Legacy as a Political Thinker*. Berlin: De Gruyter Verlag, pp.679–99.
- Lemm, Vanessa. 2015. "Nietzsche y la Biopolítica: Cuatro Lecturas de Nietzsche como Pensador Biopolítico". *Ideas y Valores* 64 (158): 223–48.
- Lemm, Vanessa and Vatter, Miguel. 2014. *The Government of Life: Michel Foucault, Biopolitics and Neoliberalism*. New York: Fordham University Press.
- Lemke, Thomas. 2001. "The Birth of Biopolitics: Michel Foucault's Lectures at the Collège de France on Neo-liberal Governmentality". *Economy and Society* 30 (2): 190–207.
- Lemke, Thomas. 2007. *Biopolitik zur Einführung*. Hamburg: Junius Verlag.
- Lemke, Thomas. 2012. *Foucault, Governmentality, and Critique*. London: Routledge.
- Lobo-Guerrero, Luis. 2010. *Insuring Security: Biopolitics, Security and Risk*. London: Routledge.
- Mbembe, Achille. 2003. "Necropolitics". *Public Culture Winter* 15 (1): 11–40.
- Mill, John Stuart. 2002. *On Liberty*. London: Dover Publications.
- Mirowski, Philip and Plehwe, Dieter. 2009. *The Mont Pelerin Society. The Making of the Neoliberal Thought Collective*. Cambridge, MA: Harvard University Press.
- Muhle, Maria. 2013. *Eine Genealogie der Biopolitik*. Munich: Fink.
- Nietzsche, Friedrich. 1997. *Untimely Meditations*. R.J. Hollingdale (trans.). Cambridge: Cambridge University Press.
- Nietzsche, Friedrich. 2001. *The Gay Science*. J. Nauckoff (trans.). Cambridge: Cambridge University Press.
- Reed, Jason. 2009. "A Genealogy of Homo Oeconomicus: Neoliberalism and the Production of Subjectivity". *Foucault Studies* (6): 25–36.
- Taylor, Charles. 2003. *Modern Social Imaginaries*. Durham, NC: Duke University Press.
- Vardoulakis, Dimitris. 2013. *Sovereignty and its Other: Toward the Dejustification of Violence*. New York: Fordham University Press.
- Vatter, Miguel. 2014. *The Republic of the Living*. New York: Fordham University Press.
- Weber, Max. 2002. *The Protestant Ethic and the Spirit of Capitalism: and Other Writings*. New York, Penguin.
- Wolfe, Cary. 2010. *What is Posthumanism?* Minneapolis, MN: University of Minnesota Press.