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MONASH University

Foucault and the Politics of Self-Government

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A thesis submitted for the degree of Doctor of Philosophy at

Monash University in 2019

Philosophy

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Abstract

This thesis examines Foucault's politics of self-government. Through an analysis of Foucault's work on power and ethics, it demonstrates the multifaceted political dimensions of the ethical practices of the care of the self. Particularly, it identifies two possible meanings of the politics of the care of the self: self-fashioning as a form of voluntary servitude, and self-fashioning as a form of voluntary inservitude or resistance. The first chapter offers a conceptual framework to this analysis. It contextualises the problem of self-fashioning within the broader issue of the modalities of the constitution of subjectivity and it identifies governmentality, defined as the conduct of conducts, as the key concept to study the politics of self-fashioning. Chapters Two and Three then investigate the first meaning of the practice of self-fashioning: that is, a voluntary servitude. According to Foucault's analysis of disciplinary power and of the emerging society of norms, self-fashioning can be a form of self-disciplinarianisation (Chapter Two). With the advent of the economisation of life, self-fashioning can also be a form of self-entrepreneurship or self-optimisation based on a business model (Chapter Three). Chapter Four then investigates the second meaning, viz. the practices of self-fashioning as a form of resistance or counter-conduct; doing so by looking at Foucault's turn to Antiquity. Specifically, it explores Foucault's analysis of *parrhesia* (or practices of truth-telling) in the Cynics and Euripidean tragedy. Following up on the problematic relationship between *parrhesia* and citizenship in Chapter Four, Chapter Five then investigates the connections between the politics of self-government and the politics of rights. It argues that, in light of the ambivalent nature of law, rights claims can be strategically deployed to promote new modes of relationships and new forms of life. Finally, chapter Six applies the politics of the care of the self to the current debate about citizenship, which is driven by the dissatisfaction with its juridical definition. It claims that Foucault's politics of self-government can contribute to the attempt to re-conceptualise this notion, allowing us to uncover a lived or practical dimension of citizenship.

Declaration

This thesis contains no material which has been accepted for the award of any other degree or diploma at any university or equivalent institution and that, to the best of my knowledge and belief, this thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Signature:



The end of this science is not knowledge but action
—Aristotle, *Nicomachean Ethics*, I 1095a 5

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Introduction



Figure I – “Untitled (Your body is a battleground)”¹

Is the body the site of practices of self-government? If yes, are these practices political, and how do they intertwine with the juridical sphere? Barbara Kruger created her famous image, “Untitled (Your Body Is a Battleground),” in support of the march in defence of women’s reproductive rights and, specifically, of abortion, held in Washington in March 1989. De-

¹ Barbara Kruger, “Untitled (Your body is a battleground),” in *The Broad*, <https://www.thebroad.org/art/barbara-kruger/untitled-your-body-battleground>.

criminalised in 1973 due to the *Roe v. Wade* case, the right to have an abortion was under attack from several anti-abortion laws, which tried to overturn the decision of the Supreme Court. Thanks to its impactful aesthetics and slogan, “Untitled” became a manifesto for women’s rights against the reactionary anti-abortion movement in 1989. “Untitled” is iconic because it visualises how at the heart of the debate about reproductive rights lies the more general problem of the government of bodies and self-government. The legal struggle for women’s rights is part of the broader struggle for agency and the capacity to act. What is at stake in the public debate for the legalisation of abortion is the possibility for women to autonomously decide over and shape their own body.

The discussion of reproductive rights is also linked to another topic, that of the ambivalent role law played in the government of the body: law can be a disciplinary and regulatory instrument of control. Law’s regulatory function, for example, can be exercised by outlawing and criminalising abortion. It can also be exercised by juridically limiting access to health care.² As the feminist movement shows, however, rights claims can also be conducive to practices of self-government. Rights claims can be a form of criticism and denunciation of the inequality of a pre-existing juridical system, which silences or disempowers some political actors. In this sense, rights claims are a demand for recognition and a strategic intervention that challenges a legitimised order.

Kruger’s artwork is significant in relation to the government of the body for two other reasons: the power of norms and the problem of visibility or representation. Kruger’s message of resistance and protest is conveyed through a conventional ideal of beauty. The model’s divided face epitomises a shared (at the time, at least) hyperfeminine standard of beauty. Kruger, who had already worked for several years as a graphic designer in the fashion industry, mainly with magazines, plays with the power of aesthetic norms in “Untitled”. If her artwork has so successfully communicated its provocative message, to the extent that it is still reproduced and used, it is also because of its strategic use of aesthetic conventions. Kruger is consciously speaking a common and accepted visual language. Her attack on social conventions and norms is not external to them, but internal. The face she portrays is a replica of stereotypical female beauty, produced mainly by the male gaze. But Kruger’s strategic use

² Medical staff, for example, have the right to refuse to actively participate in any abortion procedure based on moral grounds (the so-called conscientious objection).

of the female body serves to put the spotlight on the question of women's choice over their own bodies.

As a matter of fact, Kruger does not merely reproduce a standardised ideal of beauty, she manipulates and transforms it. Through the division of the woman's face into a positive and negative side, Kruger introduces an asymmetry, challenging media representations of the female body that she was so familiar with through her work in advertising and fashion. In this way, Kruger provides us with an example of a re-appropriation that intentionally alters the meaning of an image that epitomises conventional beauty. When she asserts that the body is a battleground, she maintains that the modalities of representation of that body are part of this struggle. The material struggle goes hand in hand with a symbolic and discursive one. The aesthetic norm that Kruger uses still exercises a normative power over female bodies. But by using it, Kruger is questioning and re-negotiating its validity. Through the juxtaposition of the slogan with the division of the image into positive/negative, she promotes a form of empowering subversion of the objectification of the female body by the male gaze. Kruger thus successfully stresses that the female struggle for self-governance is also a struggle for visibility and the right to self-representation.

I. The care of the self and the government of the body in Foucault

Kruger's work portrays the political, legal and symbolic struggle for the government of the female body. As we have seen, this struggle is fought through the body itself and its representations, calling into question the juridical and institutional sphere. For these reasons, Kruger's image illustrates some of the meanings of the idea of self-government that this thesis investigates. Specifically, this thesis explores the political importance of practices of self-government, or of self-care. I will pursue this goal by presenting a critical account of Foucault's politics of self-government.

Kruger's artwork is particularly apposite to introducing the topic of self-government since it portrays the idea of care of the self as a form of resistance. It clearly identifies the body as the main site of the political struggle over the individual's capacity toward shaping her own life. Put in Foucauldian terms, the body is a battleground because, on one hand, it is governed and produced (subjection), but on the other, it is also a potential site for self-government and self-fashioning (subjectivation).³ In this Foucauldian understanding, self-government is a form

³ Regarding the Foucauldian notion of subjection and subjectivation, see Laura Cremonesi, Orazio Irrera, Daniele Lorenzini and Martina Tazzioli, "Introduction: Foucault and the Making of Subjects:

of resistance because it negotiates, challenges and subverts some norms, for example, the ideal of the female beauty or what a woman could/should do with her body. And it does so by claiming some rights (e.g. reproductive rights).

In the contemporary political and ethical discourse, however, this notion of self-fashioning has attracted a lot of critical attention by virtue of its neoliberal declination. The ethical exhortation to take care of oneself has become a neoliberal political imperative, requiring individuals to be responsible for themselves for the sake of increasing or optimizing their worth as human capital. Its critics see the individual ‘responsibilisation’ as the flipside of the alleged withdrawal of the state and privatisation of public institutions (e.g. education or the health system) and the resulting economisation or marketization of life.⁴ As the individual’s life is increasingly subjected to the logic of the market, it becomes the subjects’ responsibility to create and guarantee their competitiveness.

To investigate this polysemy of self-care, this thesis turns to Michel Foucault’s ethical idea of care of the self. It seeks to show how in his works on power and ethics Foucault develops a politics of self-government. In order to demonstrate the multifaceted political dimensions of self-government, I will address several questions. Firstly: is there a politics of the care of the self in Foucault’s work? If so, what are its conditions of possibility and limits? And how is the body at the heart of the practices of self-government? Finally, what is the relation between the care of the self and the juridical sphere? The first question engages with the general problem in Foucauldian scholarship of whether self-fashioning can be considered a political act. To demonstrate that Foucault’s idea of self-fashioning has political importance, I will show how his 1970s analytics of power and his 1980s studies of ancient ethics complement rather than clash with one another. I also show how Foucault’s notion of self-care does not appear for the first time in what he called his “Greco-Latin trip.”⁵ I demonstrate that it is also present in his analytics of power. In his excursus in ancient philosophy, the technologies of the self that Foucault studies are a *specific* kind of self-care: namely the experimental self-fashioning of subjectivation. Nonetheless, we should not make the mistake of reducing self-care to this

Rethinking Autonomy between Subjection and Subjectivation,” in *Foucault and the Making of Subjects*, ed. by Laura Cremonesi, Orazio Irrera, Daniele Lorenzini and Martina Tazzioli (London: Rowman & Littlefield International, 2016), 1-10.

⁴ See, for example, Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (Cambridge Ma: Zone Books - MIT, 2015).

⁵ Michel Foucault, *The Courage of Truth: Lectures at the Collège de France* (Basingstoke, UK: Palgrave Macmillan, 2011), 2.

experimental meaning. As Foucault shows in his analytics of power, self-care can also be a form of control that takes shape in the context of disciplinary power mechanisms.

In order to reconstruct the complexity of Foucault's politics of self-government, I will firstly challenge a 'romantic' or heroic understanding of the care of the self as a form of absolute resistance, whose conditions of possibility are independent of or indifferent to the context. At the same time, however, I will also reject a deterministic view according to which agents are inescapably subjected to some economic imperatives forcing them to maximise their human capital.

Secondly, I will put some emphasis on an often neglected or marginalised issue, namely the co-dependence of the subject of rights and the ethical subject. I will argue that any interpretation of the care of the self overlooking the importance of the juridical sphere in Foucault's work is reductive and simplistic. As the example of women's reproductive rights shows, the problem of self-government calls into question agents' juridical recognition and their legal status.

II. Why Foucault?

Before moving to a more detailed presentation of how my research addresses these topics, I would like to explain the choice of focusing on Foucault to discuss the politics of the care of the self. Other thinkers, disciplines and popular currents of thought have deployed the notion of care of the self. For our purposes, Pierre Hadot's interpretation of ancient philosophy as a way of life is the most significant example in classical scholarship.⁶ Hadot dwells on the practical dimension of ancient philosophical schools to challenge the idea of philosophy as a merely theoretical discipline. In his reading, ancient philosophy is an art of living requiring some forms of self-cultivation and self-transformation. Practices of self-care are a form of *askesis* shaping a specific way of life shared by a philosophical community.

In a very different vein, the idea of self-care has also been at the very heart of feminist thought. As seen in this thesis opening, feminist thinkers and activists have mobilised the language of self-care. Self-fashioning is a radical act of resistance: "Caring for myself is not self-indulgence," as Audre Lorde famously said, "it is self-preservation, and that is an act of political warfare."⁷ At the same time, self-care has also been associated with the entrepreneurial

⁶ See Pierre Hadot, *What is Ancient Philosophy?* (London: Belknap Press, 2002).

⁷ Audre Lorde, *A Burst of Light: and Other Essays* (New York: Dover Publications, 2017), 202.

self. As Pierre Dardot and Christian Laval suggest,⁸ self-care is a governmental technique of neoliberal rationality, according to which subjects have applied to themselves the model of a firm in a competitive market. In the context of neoliberal rationality, individuals are compelled to treat themselves as human capital, assess their profitability and manage and optimise their capital yield through practices of self-government. Pushing this market logic to its limits, the entrepreneurial self is solely responsible for its own well-being, and individual self-care replaces any form of social care. This culture of the self thus results in what Nikolas Rose defines as a “duty to be well.”⁹

The feminist conception of self-care and the man-enterprise account represent the two extremes of the care of the self: self-care as resistance and as a form of subjection. Interestingly, Foucault’s use of the idea of the care of the self has been often criticised for being aligned with this neoliberal individuals’ responsabilisation.¹⁰ Nonetheless, I will argue that only a misinterpretation of Foucault’s analysis of subjectivity, the state and, more broadly, of power can ground his association with neoliberal thought. Foucault’s analysis of economic rationality is in fact a diagnosis of how individuals have internalised the market logic and how the *homo economicus* has become the new anthropological paradigm.¹¹

So why, amongst these other possibilities, does Foucault’s reflection offer us the best approach to examining the possibility of a politics of the care of the self? In other words, why should we use Foucault? There are two reasons justifying the choice of investigating contemporary of the care of the self through Foucault’s politics of self-government. The first motivation is that Foucault formulates a political contextualisation of the ethics of self-fashioning. Put simply, Foucault embeds his account of self-fashioning in his political project. His research on the care of the self is part of a broader project on the modalities by which subjects are fashioned or governed (subjection), and by which they can fashion or govern themselves (subjectivation). Foucault inscribes the ethical question of the care within his broader concern for the analytics of power and his related studies on norms, governmentality and biopolitics. If we separate Foucault’s turn to the Greek and Latin world from his analytics of power, we should consider it as a contribution to the history of philosophy. Read through

⁸ See Pierre Dardot and Christian Laval, *The New Way of the World: On Neoliberal Society* (London: Verso, 2017).

⁹ Nikolas Rose, “The Politics of Life Itself,” *Theory, Culture & Society* 18, no. 6 (2001), 17.

¹⁰ See Daniele Zamora and Michael C. Behrent, *Foucault and Neoliberalism* (Cambridge: Polity Press, 2015).

¹¹ Brown, *Undoing the Demos*, and Miguel de Beistegui, *The Government of Desire. A Genealogy of Liberal Subject* (Chicago and London: The University of Chicago Press, 2018).

this lens, however, his critics deem his late work to be inaccurate and trivial,¹² or an inconsistent withdrawal from his previous interest in power. I will show instead that his interest in antiquity is driven by a different motivation, namely the examination of practices of self-fashioning as forms of resistance and critique. Foucault's genealogical work mobilizes antiquity to think critically the present and challenge its necessity. Specifically, Foucault investigates ancient forms of self-fashioning to historicise the modern practices of self-government and open to the possibility of different relations of the self to the self. The politicisation of ethics thus represents the first advantage of focusing on Foucault.

The second advantage of working with the Foucauldian reflection on power and ethics lies in his reading of sovereignty. For Foucault, sovereign power designates a political model based on the institution of the state. This political model is centrally concerned with the question of the juridical legitimation of the sovereign authority, guaranteeing both security and protection of the body politic. Even though in some of his texts he seems to be close to a form of anti-'juridicism' (e.g. in *Discipline and Punish* or in *The Will to Knowledge*, vol. 1 of *The History of Sexuality*), Foucault puts primary emphasis on the importance of the juridical and institutional form of power: "The problem of sovereignty is not eliminated; on the contrary, it is made more acute than ever."¹³ While Foucault sharply distinguishes a new form of modern power, which he calls governmentality, from the classical model of sovereignty, he nevertheless maintains that we need to understand the way in which they overlap and intersect. It is therefore mistaken to conceive Foucault as an anti-juridical or anti-state thinker. Foucault clearly indicates that the key to interpreting contemporary power relations is governmentality, which designates the art of governing men, or the conducting of men's conducts. Nonetheless, he also specifically suggests that we should study the convergences and stratification between governmental and sovereign technologies of power.

Following Foucault's indications, this thesis suggests that the interplay between governmentality and sovereignty is crucial for an investigation of the politics of self-government for two reasons. Firstly, it allows us to problematize self-care as individuals' optimisation or responsabilisation. Is this form of self-fashioning an unintended consequence of the withdrawal of the state? Or is it one of the regulated outcomes of the transformation of the state apparatus with the emergence of neoliberal rationality? Secondly, given the

¹² As Mario Vegetti maintains, for example, in "L'ermeneutica del soggetto. Foucault, gli antichi e noi," in *Foucault, oggi*, ed. by Mario Galzigna (Milano: Feltrinelli, 2008), 150-161.

¹³ Michel Foucault, *Security, Territory, Population*, trans. by Graham Burchell (Basingstoke, UK: Palgrave Macmillan, 2007), 142.

entanglement of governmentality and sovereignty, Foucault implies that the juridical *dispositif* must remain an important site of political struggle. Rights still code some political settings. For this reason, Foucault invites us to re-consider the strategic usefulness of positive rights. Even if we have unmasked the fiction of a sovereign juridical subject and the absoluteness of the human rights discourse, he suggests that we can strategically claim new rights.

III. Method and texts

It is also important to discuss the method that I deployed throughout my research, the choice of the Foucauldian texts I worked with and the authors I put into dialogue with Foucault. Working on Foucault raises considerable methodological and philosophical issues. On one hand, it is necessary to account for the discontinuities and displacements of his production. His prolific intellectual production does not follow a linear progression, nor does it aim to produce an organic *corpus*. It is marked by ruptures, changes of direction and excursions into other disciplines:

I am perfectly aware of having continuously made shifts both in the things that have interested me and in what I have already thought (...) In this sense I consider myself more an experimenter than a theorist; I don't develop deductive systems to apply uniformly in different fields of research.¹⁴

On the other hand, however, respect for his anti-systematic and anti-authorial approach does not mean we must relegate Foucault from philosophy or the philosophical debate. Foucault himself in fact concedes that his thought could be positioned within the Kantian critical tradition. Writing under the pseudonym of Maurice Flaubert, Foucault claims that “if Foucault is indeed perfectly at home in the philosophical tradition, it is within the *critical* tradition of Kant, and his undertaking could be called a *Critical History of Thought*.”¹⁵

My research thus addresses the issue of how to engage with Foucault without making him an authority. Specifically, one of the problems I deal with concerns employing Foucault's analytics of power, without ascribing to him a theory of power. The anti-systemic nature of Foucault's production is reflected also in the method which I apply throughout my thesis. As

¹⁴ Michel Foucault, *Remarks on Marx*, trans. by R. James Goldstein and James Cascaito (New York: Semiotext(e), 1991), 26-27.

¹⁵ Maurice Florence and Catherine Porter, “Foucault, Michel, 1926–Translated by Catherine Porter,” in *The Cambridge Companion to Foucault*, ed. by Gary Gutting (Cambridge: Cambridge Companions to Philosophy, 1994), 314.

a matter of fact, I do not intend to offer a comprehensive reconstruction of Foucault's thoughts on power and antiquity.¹⁶ Instead, my aim is interpretive, which means that I intend to reconstruct Foucault's politics of self-government through a selected reading of his works on power and ethics. Following the famous Foucauldian metaphor of the tool-box¹⁷, I map the Foucauldian polysemic treatment of care of the self to undertake a critical analysis of the contemporary notion of self-care.

These methodological considerations influence the choice of the texts I analyse. Strictly speaking, Foucault introduces the concept of the care of the self only in the mid-1970s in the *The Care of the Self*, vol. 3 of *The History of Sexuality*. Nonetheless, I begin my research by looking at the practices of self-government in his works on disciplinary power, specifically *Discipline and Punish*. The hypothesis that governmentality is the key unlocking the idea of the care of the self motivates this choice further. Governmentality, which Foucault conceives of as a conduct of conducts, provides us with a grid of intelligibility of power that accounts for the political dimension of ethical practices of self-government. Following Foucault's indications, particularly in his interviews, I demonstrated that to address the ethics of self-cultivation we cannot ignore Foucault's previous works on power and, particularly, on governmentality. At first glance, this move may seem contradictory as Foucault's critics often deem his turn to antiquity as a withdrawal from politics into a non-political care of the self. By examining how Foucault weaves practices of the self into his analytics of power, however, I show the stratification of meanings and uses of the idea of self-cultivation in his work. Once we examine self-fashioning through the lens of government, which means through the lens of the problem of conduct, the modalities of individuals' self-disciplinisation legitimately belong to the broader problem of what self-government means. In the same vein, we can also interpret self-entrepreneurship in the economisation of life as a modality of care of the self.

The choice of using governmentality as a heuristic principle not only helps us to navigate Foucault's vast production, but it also shaped my selection of the texts. For example, I have not taken into consideration Foucault's early works on knowledge or madness. This

¹⁶ For an example of this reconstructive approach, see Stuart Elden, *Foucault's Last Decade* (Cambridge: Polity Press, 2016) and *Foucault: The Birth of Power* (Cambridge: Polity Press, 2017).

¹⁷ "I would like my books to be a kind of tool-box which others can rummage through to find a tool which they can use however they wish in their own area (...) I would like the little volume that I want to write on disciplinary systems to be useful to an educator, a warden, a magistrate, a conscientious objector. I don't write for an audience, I write for users, not readers," Michel Foucault, "Prisons et asiles dans le mécanisme du pouvoir" in *Dits et écrits II* (Paris: Gallimard, 1994), 523-4, quoted in Clare O'Farrell, *Michel Foucault* (London: Sage Publications, 2005), 50.

decision was not due to the acceptance of a rigid tripartition of Foucault's work into axes (knowledge, power and ethics). Rather it was motivated by the necessity of selecting those texts, lectures and interviews that more clearly show the link between the ethical problem of self-government and the interpretation of power as conduct of conducts. I have applied the same logic to my investigation of Foucault's turn to antiquity, which is the place *par excellence* to study his idea of the technologies of the self. Contrary to expectations about a thesis on Foucault's idea of care of the self, I have condensed my analysis of antiquity into one chapter, dedicated to what I consider to be the most politically salient aspect of Foucault's reflections on antiquity. In order to highlight the politics of the care of the self, I decided to focus almost exclusively on his last two courses on *parrhesia* and, more specifically, on his analysis of the Cynic practices of truth-telling and Euripidean tragedy. In these lectures, Foucault more clearly emphasises the political dimension of *parrhesia*. Furthermore, he underscores another crucial topic for the concluding sections of this research, namely the dialectic between *parrhesia* and citizenship or, in other words, between the politics of the care of the self and the politics of rights.

IV. Interlocutors

In 1996, Arnold I. Davidson edited a volume called *Foucault and His Interlocutors*,¹⁸ which showed the breadth of Foucault's sources and interlocutors. Given the extraordinary range of Foucault's interlocutors and the impossibility of exploring all these commentators, I decided to privilege those authors whose responses and criticisms help clarify two macro-themes related to the political import of the ethics of the care of the self: Foucault's account of power and the motivation of his turn to antiquity.

Regarding the topic of power, I will divide the kind of sources that I have mobilized to explore Foucault's position into two subsets: on one hand, Foucault's selected interlocutors; on the other, those authors who have appropriated and developed Foucault's concepts. The former are those authors with whom Foucault has directly established a dialogue. As such, they allow us to illuminate his take on power. The latter are those authors that have expanded and re-interpreted his work. In the first subset, Thomas Hobbes and the theories of social contract occupy a central place. Foucault's polemical reference to the *Leviathan* is indeed continuous and transversal in the 1970s, where he contests the hegemony of the sovereign paradigm in

¹⁸ Arnold I. Davidson, *Foucault and His Interlocutors* (Chicago: Chicago University Press, 1997).

political theory. To show to what extent his critiques and claims are valid, I have examined Foucault's evaluation of the so-called juridical model. For example, I have compared Foucault's account of freedom as a capacity to act within some constraints with the Hobbesian negative definition of freedom as non-interference (the absence of external impediment). Following the same logic, I have also shown how Foucault's idea of resistance as creative capacity is different from Locke's definition of resistance as a capacity to resist sovereign power. In doing so, my comparative analysis brings to light the innovation of the Foucauldian analytics of power, with respect to the theory of the social contract.

The American reception of the notion of governmentality is at the heart of the second subset. Particularly, Judith Butler and Wendy Brown's developments of Foucault's concepts helped me problematize the convergences between governmentality and sovereignty in contemporary philosophical debate.¹⁹ Foucault indeed speaks of the governmentalisation of the state.²⁰ Drawing on Butler and Brown's appropriations of Foucault is fruitful for examining some of the different possible intellectual trajectories deriving from Foucault's idea of the governmentalisation of the state. Butler, for example, explores the exceptional nature of sovereign power in a governmental framework. Brown investigates the transformations of the state's role in neoliberal rationality. Despite their differences, however, these authors agree about the importance of the sovereign paradigm in the contemporary governmental context.

Regarding the topic of antiquity, I have used different criteria to select the authors to analyse. Firstly, I focus on some of the ancient schools that Foucault himself highlighted as being central to his project of recovering the care of the self. Secondly, I examine ancient schools that Foucault has excluded or neglected. In the first case, I have dedicated a chapter (Ch. 4) to the so-called 'Foucauldian antiquity', namely the Hellenistic schools (e.g. Stoicism, Epicureanism, Cynicism). I label them as a "Foucauldian antiquity" because these philosophical schools, which were often marginalised or misrepresented in the canonical history of thought, have witnessed a sort of renaissance in the wake of Foucault's study. In focussing on Foucault's analysis of these schools, my aim was to explain how and why he used some ancient sources (specifically the Cynics and Euripidean tragedy) to support his thesis about the political dimension of the principle of care of the self in antiquity. I suggest that in the Cynics and in Euripidean tragedy, Foucault finds a unique perspective regarding two topics:

¹⁹ Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (New York: Verso, 2004) and Brown, *Undoing the Demos*.

²⁰ Foucault, *Security, Territory, Population*, 145.

first, the politicisation of self-fashioning through the problem of access to and of speaking the truth; and second, the problematic dialectic between *parrhesia* and citizenship.

As well as examining “Foucauldian antiquity,” however, I also decided to include ancient philosophies that are rarely explored or considered in relation to Foucault: namely Plato and Aristotle. The comparison with Plato and Aristotle has been important to clarify the specificity of Foucault’s position on some concepts such as nature or political body. Additionally, I have drawn from Aristotelian scholarship to address some of the Foucauldian notions from an original angle. For example, I have introduced the idea of second nature to explain and problematize a Foucauldian topic, namely the assimilation of norms. Conceptualised by Aristotelian scholarship to account for the formation of the virtuous and stable character, the idea of second nature, I claim, can explain the process of interiorisation of norms and some related problems. Specifically, read as the acquisition of a second nature, the assimilation of norms raises the issue of how we can resist those norms we have internalised and that dictate what is considered as ‘normal’ behaviour.

V. Thesis organisation

The multilayered and nuanced structure of Foucault’s work is reflected in the thesis organisation. This research is composed of six chapters divided into two main sections. The first four chapters trace a linear and progressive development. They unpack the polysemy of self-care by following Foucault’s analysis from his works on normality (early 1970s) to the research on antiquity (1980s) chronologically. The final two chapters are united through my attempt to put the politics of self-government into dialogue with the contemporary political discourse. Chapter 5 studies how the care of the self is related to the politics of rights. Chapter 6 applies Foucault’s politics of self-government to the topic of citizenship and the current debate about its re-definition.

Chapter 1 equips us with a conceptual framework for understanding Foucault’s account of the politics of the care of the self. It clarifies some of the main concepts that the thesis deploys. Here, I maintain that the problem of government as conduct of conducts provides us with the heuristic principle to investigate the idea of care of the self. I also show that governmentality is linked to the understanding of philosophy as a critical attitude or *ethos* with regards to our present. I then contextualise Foucault’s idea of a philosophical critical *ethos* in his broader investigation about the modalities of the production of subjectivity, which means how we become the kind of subjects that we are and if it is possible to fashion ourselves

differently. Foucault's interest in antiquity, where his reading of the care of the self is conceptualised, is thus part of his genealogy of the present.

To further clarify the link between governmentality and subjectivity, the opening chapter also explores Foucault's notion of freedom and how it breaks with the concept of negative freedom as developed by the theory of the social contract. If negative freedom implies a capacity to act independently of constraints (the absence of external impediment), the Foucauldian conception instead implies the agents' continuous engagement with and negotiation of those constraints and limits. Freedom is a task and a commitment. However, not all practices of self-government are practices of freedom or resistance. Chapter 1 thus concludes with the question of what are the conditions of possibility of self-government. The following chapters of the thesis unpack this problem, distinguishing between two main practices of self-government: on one hand, techniques of the self as governmental technologies (as voluntary servitude); on the other, practices of care of the self as forms of resistance (voluntary inservitude). As we shall see, the difference between these two practices is determined by the agents' critical attitude towards the mechanisms of power.

Chapter 2 and 3 extend this treatment of the problem of the limits of agency. They are complementary chapters insofar as they both address practices of self-government as forms of voluntary servitude. Chapter 2 examines this specific meaning of the care of the self by exploring practices of self-disciplinisation; while Chapter 3 explores another meaning of voluntary servitude: self-improvement/optimisation. Both chapters also show how Foucault stresses the physicality of power relationship. For Foucault, the body is the main site of political struggles. It is in the body that the negotiation between subjection and subjectivation takes place. These two chapters then complicate the notion of body by pluralising it. If Chapter 2 focuses on the docile individual body (micro-physics of power), Chapter 3 sheds some light on the emergence of a new collective body (macro-physics of power).

To extend the investigation of the limits of agency, the second chapter opens with a clarification of the meaning of resistance in a governmental framework. Resistance, according to Foucault, is a creative capacity to transform power relations and structures. This chapter then examines idea of resistance in the light of Foucault's analysis of the micro-physics of power. Chapter 2 focusses on Foucault's analysis of criminality and the penal institutions in *Discipline and Punish* to look at limits of the practices of self-government from the perspective of norms and the individual body. Following the analysis of Pierre Macherey,²¹ this chapter shows that

²¹ Pierre Macherey, *Le sujet des normes* (Paris: Éditions Amsterdam, 2014).

disciplinary power functions through the individuals' responsibility for assimilating some norms and developing the right posture (orthopaedy or orthopraxis). The assimilation of norms then results in their naturalisation: they become a sort of second nature. By their total immanence, norms exercise a normative power upon docile subjects. Between subjects and norms there is in fact a sort of symbiotic relationship, which raises the issue of whether disciplinary power leaves room for heterodox movements or resistance.

While the second chapter examines the mechanism of self-care in relation to the individual body, the third chapter focuses on the collective body, the population or men-as-species. Chapter 3 firstly explains how the individual body and the collective body co-exist through the pastoral metaphor that Foucault introduces in *Security, Territory, Population*. It then compares the notion of collective body with the Platonic-Aristotelian tradition and the Hobbesian body-politic. Through this comparison, it shows that the state of health of the population has become the main biopolitical concern in a way that puts the life of the individual at risk. If deemed necessary for the well-being of the population, the sacrifice of the individual is acceptable. And it is the individuals' responsibility to increase their human capital so as to become indispensable. Chapter 3 therefore introduces the notion of the entrepreneurial-self or self-enterprise, i.e. the idea that one ought to fashion one's life according to a competitive logic. In the context of the economisation of life, self-care becomes a governmental technique.

If Chapters 2 and 3 investigate the practices of self-care as forms of voluntary servitude, Chapter 4 instead explores technologies of the self as form of voluntary inservitude or resistance. It does so by following Foucault's turn to antiquity or, more specifically, his *excursus* on the Cynics and Euripidean tragedy in *The Government of the Self and Others* and in *The Courage of Truth*. Chapter 4 shows that Foucault is interested in the marginal or marginalised philosophical school of the Cynics because it epitomises the coincidence of the politics of the care of the self and politics of truth. He implies that truth telling is a crucial aspect of the practices of self-fashioning as forms of resistance and subjectivation. But the act of speaking the truth needs to be embodied and lived. In the Cynic scandalous and provocative behaviour, Foucault finds an example of embodied practices of truth-telling challenging and disrupting a normalised political order.

Chapter 4 however complicates and complements the analysis of Cynic truth-telling with the reference to Euripidean tragedy. The example of tragic *parrhesia* raises the issue of the connection between practices of care of the self and the juridical status of the speaker. As *The Phoenician Women* and the *Ion* teach us, *parrhesia* in the Athenian democratic system is a right of the citizen. As a result, the Cynics and Euripidean tragedy somehow represent the

two extremes in the spectrum of the possible relations between the political experience of truth-telling and citizenship. While the Cynics' irreverent frankness supposedly appeal to cosmopolitanism and to *physis* to justify their attack on the conventions of the *polis*, the Euripidean plays stage the dependence of *parrhesia* on some formal rights (e.g. isegoria and isonomy) granted by citizenship. The insights of Chapter 4 thus demand that we clarify in greater detail the intersections between the politics of the care of the self and the politics of rights. What is at stake is understanding the contemporary dialectic between the ethical subject and the subject of rights in the context of the governmentalisation of the state.

To explain the dialectic between the politics of the care of the self and the politics of rights, Chapter 5 counters the so-called 'expulsion thesis'.²² According to this interpretation, Foucault marginalised the juridical paradigm and dismissed the role of state's apparatus in the neoliberal rationality governed by the principle of *laissez-faire*. Chapter 5 instead demonstrates that the governmentalisation of the state has entailed a transformation of the state's role, but not its disappearance. As Bernard E. Harcourt stress, neoliberal political rationality is supported by the intervention and regulation of the state.²³ Governmentality thus does not lead to a post-sovereign or post-representative political model but to the transformation of the state's institutions and of the juridical system according to economic principles.

By exploring this transformation of the sovereign model, the thesis makes it possible to see why we must revalue the importance of rights claims for a politics of the care of the self. It suggests that rights are not limited to a regulative function or to reinforcing, legitimising and normalising a system of power. They can also have an emancipatory potential for individuals, and can be modes of intervention. In contrast to the interpretation of Foucault as an anti-juridical theorist, I argue that he advances an anti-foundationalist understanding of rights. As Ben Golder shows, in Foucault's anti-humanistic appeal to rights claims, rights are not predicates of human nature.²⁴ Rather, Foucault implies that they are strategic tools that can be a means of resistance or counter-conduct. The struggle for the government of bodies can also pass through the struggle for rights and recognition. Strategic rights claiming can empower and enable those agents that are otherwise marginalised or silenced.

The final chapter then seeks to apply the thesis' analysis of Foucault's politics of self-government. Specifically, it explores if and how Foucault's politics of self-government can

²² Formulated by Alan Hunt and Gary Wickham in *Foucault and Law: Towards a Sociology of Law as Governance* (London: Pluto, 1994).

²³ Bernard Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge, MA: Harvard University Press, 2011).

²⁴ Ben Golder, *Foucault and the Politics of Rights* (Stanford: Stanford University Press, 2015).

contribute to the current debate about notion of citizenship, which is traditionally reduced to a juridical status held under the authority of a nation-state. As Rogers Brubaker and Engin F. Isin observe, the juridification of citizenship in a state-centred political system is a historical model.²⁵ As such, it is open to re-definition and transformation.

Chapter 6 firstly justifies the association of Foucault with the notion of citizenship. Conventionally citizenship is not considered a Foucauldian notion or part of his political project. But, as I will show, it is transversally present in his works on power and ethics. It is addressed in more in detail in Foucault's reconstruction of the interplay between *dunasteia* (political game) and *politeia* (constitution), which he introduces to clarify the role of *parrhesia* in ancient democratic Athens.²⁶ What is relevant in this analysis is Foucault's claim that the institutional and juridical framework is not enough to qualify political participation. We also need to consider the concrete political game, which includes the care of the self. Foucault's examination, however, does not explain how these concrete political games or practices of self-government can modify the institutional level. To shed some light on this topic, the final section of Chapter 6 turns to Hannah Arendt. Contrary to Foucault, Arendt develops a positive account of citizenship that can help us take a step further in the problematization of this notion. I will thus suggest that her reflection can expand on and refine our attempt to rethink citizenship in two ways. Firstly, Arendt clearly combines the idea of formal citizenship with active citizenship. As a matter of fact, she defines citizenship not only as the right to have rights (*The Origins of Totalitarianism*), but also as a performative task, which should result in the creation of a communal space of appearance (*The Human Condition*). Secondly, she places at the heart of active citizenship an agonistic or conflictual attitude, which aims to question the existing political design and open up new spaces of political participation.

This thesis shows how Foucault develops a politics of self-government by contextualising his interest in the practices of self-fashioning within the broader problem of the constitution of subjectivity. Particularly, it claims that the idea of self-fashioning should be inscribed within the issue of government, which revolves primarily around the government of bodies. It shows that the meaning of self-fashioning is twofold. Self-care can be both a form of disciplinarisation and responsabilisation or a form of autonomous conduct. This research then maintains that the politics of rights plays an ambivalent but crucial role in the politics of self-

²⁵ Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge MA: Harvard University Press, 1992) and Engin F. Isin, *Being Political: Genealogies of Citizenship* (Minneapolis: University of Minnesota Press, 2002).

²⁶ Michel Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982–1983*, trans. by Graham Burchell (Basingstoke: Palgrave Macmillan, 2010), 156-159.

government. In light of this analysis, I claim that we should conceive self-care as a political act, the connotation of which, however, should be defined in the relationship of power play in which it is deployed.

Chapter 1

On the Political Project of the Care of the Self

In the Hellenistic and Imperial periods, the Socratic notion of “taking care of oneself” became a common, universal philosophical theme. “Care of the self” was accepted by Epicurus and his followers, by the Cynics, and by such Stoics as Seneca, Rufus, and Galen. The Pythagoreans gave attention to the notion of an ordered life in common. This theme of taking care of oneself was not abstract advice but a widespread activity, a network of obligations and services to the soul. Following Epicurus himself, the Epicureans believed that it is never too late to occupy oneself with oneself. The Stoics say you must attend to the self, “retire into the self and stay there.” Lucian parodied the notion. It was an extremely widespread activity and it brought about competition between rhetoricians and those who turned toward themselves, particularly over the question of the master.

There were charlatans, of course. But certain individuals took it seriously. It was generally acknowledged that it was good to be reflective, at least briefly. Pliny advises a friend to set aside a few moments a day, or several weeks or months, for a retreat into himself. This was an active leisure - to study, to read, to prepare for misfortune or death. It was a meditation and a preparation.²⁷

This is how Foucault, in one his lectures at the University of Vermont in 1982, describes the emergence of the philosophical and ethical concern for the techniques of the self in antiquity. What Foucault stresses in this passage is that in the Hellenistic and Imperial periods, the exhortation to take care of yourself became a commonly accepted ethical imperative. The texts of Seneca, Plutarch, Epictetus, Galen, Pliny and Marcus Aurelius, which are at the heart of Foucault’s late reflection, document this widespread interest in practices of self-cultivation throughout one’s life. Foucault’s turn to ancient technologies of self-cultivation is however controversial. Is this “relation of oneself to oneself”²⁸ a political act? How can Marcus Aurelius’ self-cultivation, meticulously concerned with everyday life details, or Epicurus’ philosophical *askesis*, practised within the safe space of the garden, have a political significance? Aren’t these instead examples of a spiritual retreat of the self into the self? This chapter engages with these sets of questions resulting from Foucault’s philosophical reading

²⁷ Michel Foucault, “Technologies of the Self,” in *Essential Works of Foucault 1954–1984, vol. 1, Ethics, Subjectivity and Truth*, trans. by Robert Hurley et al., ed. Paul Rabinow (Harmondsworth, UK: Allen Lane/Penguin, 1997), 231-232.

²⁸ Michel Foucault, *The Care of the Self*, vol. 3 of *The History of Sexuality*, trans. by R. Hurley (Harmondsworth, UK: Penguin Books, 1990), 43.

of the notion of the care of the self. Particularly, it explores the potential political import of the ‘art of existence’,²⁹ which contemporary scholarship tends to deny or overlook in light of the difficulty of situating Foucault’s ‘last period’ in his broader intellectual project. By distinguishing technologies of power (e.g. domination or objectification of the subject)³⁰ from technologies of the self,³¹ Foucault himself sets up the puzzle of the political import of self-fashioning. This chapter will provide a solution to this puzzle by challenging the traditional division of Foucault’s work in three separate axes (knowledge, power and ethics).³² It will suggest that the key for understanding his project on self-cultivation is the notion of governmentality, which Foucault identifies as the heuristic principle to interpret power relationships. I argue that governmentality, defined as a conduct of conducts or action upon actions, allows us to connect the problem of the autonomous constitution of subjectivity with the analytic of power. Taking into account Foucault’s governmental framework, I will not only support the political dimensions of the ethical project of the care of the self, but also argue that Foucault conceives the practices of care of the self as a form of agency or capacity to exercise some power. As we will see, the notion of agency implicit in Foucault’s governmentality framework differs significantly from common conceptions of agency,³³ which give prominence to the intention or the autonomy of the agent. Foucault’s understanding of agency in fact puts greater emphasis on the materiality of agent’s actions, or, more precisely, on its effective capacity to act.³⁴ At the same time, this idea of agency as capacity to act or transform some power relations will allow us to examine the potential limits of Foucault’s politics of the care of the self.

This first chapter situates Foucault’s research within the contemporary philosophical debate clarifying some crucial notions in his ‘toolbox’, primarily around issues of governmentality, subjectivity, power or freedom. In this way, it shall provide the backdrop for a problematization of the politics of the care of the self. It will also start to sketch out the

²⁹ Foucault, *The Care of the Self*, 43. Care of the self, the art of existence, technologies of the self and self-cultivation are used as synonyms to identify the relationships of oneself to oneself

³⁰ “Technologies of power, which determine the conduct of individuals and submit them to certain ends or domination, an objectivizing of the subject,” Foucault, “Technologies of the Self,” 225.

³¹ Foucault, “Technologies of the Self,” 225.

³² See Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, 2nd ed. (Chicago: University of Chicago Press, 1983).

³³ About agency see Gertrude E. M. Anscombe, *Intention* (Cambridge MA: Cambridge University Press, 2000) or Donald Davidson, “Actions, Reasons, and Causes,” *The Journal of Philosophy* 60, no. 23 (1963), 685-700.

³⁴ This difference could be read as a slippage from an ethical notion of agency, centred internally on the intention of agents, to a political understanding of agency, problematizing the context and the power relations in which agents act.

problematic relationship between governmentality and sovereignty, which will be a transversal object of investigation in the next chapters. To begin with, however, it is necessary to examine Foucault's problematic turn to antiquity. Is Eric Paras right in suggesting that with his turn to antiquity Foucault succumbs to metaphysical temptations?³⁵ Is the anti-humanist thinker paradoxically seeking refuge in the reformulation of a sovereign subject of knowledge and action?

1.1. Is antiquity a return to humanism?

Foucault's examination of the technologies of the self in antiquity has been met with controversy and suspicion. It has engendered at least three significant critiques. The first focuses on an alleged theoretical inconsistency. Paras, for example, has argued that Foucault's late account of technologies of the self contradicts his earlier commitment to an anti-foundationalist and anti-humanist conception of subjectivity. The work on the care of the self, Paras argues, represents a return to the idea of an original or metaphysical subject that Foucault earlier repudiated with his account of the death of subjectivity or the end of 'man'.³⁶ Second, some political theorists claimed that Foucault's account of the care of the self not only marks a shift away from his concern with power, but also that it implies a radical dismissal of political agency. On this view, Foucault's late research on the ancient technologies of the self is not the completion, but the renunciation of his 1970's political project that sought to explore new models of power and the possibility of political resistance.³⁷ Finally, classicists and historians of philosophy have also criticised aspects of his late turn to ancient practices of the self.³⁸ This last strand of thought shares with the first one the same concern about the alleged flaws of Foucault's attempt to identify a renewed model of self. As such, Foucault's classicist critics argue that his account of the ancient care of the self is an anachronistic projection of the modern conception of subjectivity onto antiquity.

³⁵ Eric Paras, *Foucault 2.0: Beyond Power and Knowledge* (New York: Other Press, 2006).

³⁶ About the death of the subject, see Amy Allen, "The Anti-Subjective Hypothesis: Michel Foucault and the Death of the Subject," *The Philosophical Forum* XXXI, no. 2 (2002), 113-130.

³⁷ Mario Vegetti, for example, believes that the project of the care of the self is a form of "anarchismo disperato" [desperate anarchism], in "L'ermeneutica del soggetto. Foucault, gli antichi e noi," 157.

³⁸ About the reception of Foucault's works on antiquity see Vegetti, "L'ermeneutica del soggetto. Foucault, gli antichi e noi," Pierre Hadot, *Etudes de philosophie ancienne; la philosophie antique: une éthique ou une pratique* (Paris: Les Belles Lettres, 2010) and *La philosophie comme manière de vivre. Entretiens avec Jeannie Carlier et Arnold I. Davidson* (Paris: Albin Michel, 2001) and Laura Cremonesi, *Michel Foucault e il mondo antico. Spunti per una critica dell'attualità*, (Pisa: Edizioni ETS, 2008).

Despite their differences, these three currents of interpretation and criticism highlight one central issue: the difficulty of interpreting the meaning and use of Foucault's work on antiquity. Foucault's critics struggle to diagnose the guiding intentions of his choice to abandon the biopolitical investigations of the mid-to-late 1970s³⁹ and to dedicate himself to an analysis of the care of the self in antiquity. Is the work in the 1980s an autonomous *corpus* of research? Does the ethical axis temporarily bracket the analytic of power? Is it the complete dismissal or the logical expansion of his biopolitical framework?

One useful way to interpret Foucault's turn to antiquity is to look at its connections with and debts to another scholar, Pierre Hadot. The question of self-cultivation has indeed captured the interest of contemporary scholars also thanks to Hadot's classical research, which considerably influenced Foucault's studies. As Davidson maintains, "the work of P. Hadot is crucial to understand his [Foucault] last writings."⁴⁰ Lacking a background in classics, Foucault drew heavily on Hadot's research on spiritual exercises and *askesis* to explore the practices of care of the self in antiquity.⁴¹ But Hadot's influence is crucial also to understand the reception of Foucault's last writings. The French historian was one of the first classicists to problematize the status of philosophy as a way of life in antiquity,⁴² and to advance a counter interpretation of it in terms of *praxis* instead of pure *theoria* discipline.⁴³ The rediscovery of spiritual practices in antiquity and the attempt to question the canonical categories of history of philosophy cannot be understood without taking Hadot's legacy into account. Following in Hadot's footsteps, Foucault also contributed to the development of a different understanding of what ancient

³⁹ Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978– 1979*, trans. by Graham Burchell (New York: Palgrave Macmillan, 2008).

⁴⁰ Davidson, *Foucault and His Interlocutors*, 201.

⁴¹ Foucault indeed has never concealed his debt towards Hadot's work, see for example his reference in *The Hermeneutics of the Subject: Lectures at the Collège de France, 1981–1982* (New York: Palgrave Macmillan, 2005), 216 and 417-418. Pierre Hadot himself then has engaged with the Foucauldian use and of his research, particularly by stressing the differences; about that, see *Exercices spirituels et philosophie antique* (Paris: Albin Michel, 2002). For a critical account of the dialogue between Foucault and Hadot, see Moreno Montanari, *Hadot e Foucault nello specchio dei Greci. La filosofia antica come esercizio di trasformazione* (Milano: Mimesis, 2009) and Laura Cremonesi, "Pierre Hadot and Michel Foucault on Spiritual Exercises: Transforming the Self, Transforming the Present," in *Foucault and the History of Our Present*, ed. by Sophie Fuggle, Yari Lanci and Martina Tazzioli (New York: Palgrave Macmillan, 2015), 195-209.

⁴² This alternative reading of antiquity has now become more common, especially in the Anglo-Saxon literature. See, for example, John M. Cooper., *Pursuits of Wisdom. Six Ways of Life in Ancient Philosophy from Socrates to Plotinus* (Princeton: Princeton University Press, 2013) or John Sellars, *The Art of Living* (London: Bloomsbury, 2013).

⁴³ See Pierre Hadot, *Etudes de philosophie ancienne; la philosophie antique : une éthique ou une pratique* (Paris: Les Belles Lettres, 2010); *Exercices spirituels et philosophie antique* (Paris: Albin Michel, 2002); *La Philosophie comme manière de vivre* (Paris: Le Livre de Poche, 2003).

philosophy is and how it can speak to us today. In the wake of Hadot's ground-breaking investigation, Foucault's use of antiquity generates two significant questions. Firstly, does his account of the ethics of the care of the self develop a new and important conception of ancient ethics? Secondly, is he providing us with a 'treasure house' for forms of self-government that can be applied in a contemporary basis?

Even though Foucault's work can certainly contribute to the renaissance of an overshadowed current in the history of philosophy and to the development of a different understanding of what ancient philosophy is, I suggest in this chapter that his core interest in antiquity is not antiquity *per se*. Instead, we can identify the central motivation for Foucault's investigation of the ancient practices of the care of the self in his previous work on power and governmentality. As I will argue, tackling the Foucauldian material from this angle is not only consistent with Foucault's own reflection, but also it has many theoretical advantages. Firstly, it allows us to engage with Foucault's turn to the self by identifying the politically significant aspects of his analysis of technologies of the self. It allows us to explore and elaborate their relevance in relation to his earlier model of governmentality, the definition of subjectivity that follows from the research on power, and the tensions between sovereignty and the subject of rights. This perspective thus covers the first two critiques of Foucault's work on antiquity: its alleged inconsistency and political irrelevance. Furthermore, this approach allows us to integrate Foucault's studies with authors including Giorgio Agamben and Judith Butler. In virtue of their investigations of the contemporary convergences between sovereignty and governmentality, these theorists will help shed some light on the limits of the practices of care of the self.

In clarifying Foucault's motive for his "Greco-Latin trip,"⁴⁴ I will be able to connect with the very heart of his research. Identifying a coherent line of continuity in Foucault studies is problematic, given his reluctance to build a systematic philosophical project. Nonetheless, I will present several significant passages where what is at stake in his research and, more specifically his work on ancient philosophy, becomes clearer. The latter will thus be read as part of his broader project of questioning and redefining subjectivity and agency, an interpretation justified by Foucault himself. In some interviews, he draws an explanatory parabola of his work, clarifying his project by simultaneously allying it with and differentiating it from major philosophical figures including Kant and Nietzsche. Engaging with his conceptual and methodological debts thus provides the opportunity to bring to light what we

⁴⁴ Foucault, *The Courage of Truth*, 2.

could define as the overall goal of his work. The next section will therefore make clear the overall project behind the “Greco-Latin trip” by engaging with Foucault’s relationships with some main figures in the history of philosophy.

1.2. To criticize is to render the too-easy gestures difficult

Foucault’s resistance to the elaboration of any systemic or rigorous philosophical project is often considered one of his trademarks. His constant emphasis on ruptures reinforces the stance of commentators, including Judith Revel, associating his thought with a constitutive discontinuity.⁴⁵ The intentional refusal of a more traditional philosophical style is evident in his discussion of his analytics of power in the 1982 essay “The Subject and Power.” Here, Foucault not only openly rejects the need to develop a theory of power, but also casts some doubt about its desirability: “Do we need a theory of power? Since a theory assumes a prior objectification, it cannot be asserted as a basis for analytical work.”⁴⁶ His rejection of a traditional approach based on a theory of power is the result of a precise methodological and philosophical choice. Nonetheless, even if it is true that it is problematic to expect consistency and systematicity in the Foucault’s research, it does not follow that his work lacks a form of continuity. In the same essay, in fact, Foucault suggests that despite the discontinuities, his research has had an overarching objective or goal. In the attempt to rebuild a consistent narrative around his different interests, he proposes an interpretation of what has been the overall goal of his work:

It has not been the phenomena of power, nor to elaborate the foundations of such an analysis. My objective, instead, has been to create a history of the different modes by which, in our culture, human beings are made subjects. My work has dealt with three modes of objectification which transform human beings into subjects (...) thus it is not power, but the subject, that is the general theme of my research.⁴⁷

As Foucault puts it, the constitution of subjectivity has always been the guiding issue of his reflection. The three axes of his research - knowledge, power and ethics - are tethered together by the analysis of the formation of the subject’s modes of being. To a certain extent, rather than being a change of goal, the shift from the study of one mode to another other consists in the

⁴⁵ Judith Revel, *Foucault, une pensée du discontinu* (Paris: Mille et une nuits, 2010).

⁴⁶ Michel Foucault, “The Subject and Power.” In *Essential Works of Foucault 1954–1984*, vol. 3, *Power*, trans. by Robert Hurley et al. and ed. by James D. Faubion (New York: New Press, 2000), 327.

⁴⁷ Foucault, “The Subject and Power,” 327.

search for a different perspective in approaching the same issue. This continuity is also confirmed in Foucault's 1982-1983 lectures at the Collège de France, *The Government of Self and Others*. The opening lecture supports the systematization of his work. Here, Foucault addresses the transition from the study of forms of knowledge to the analysis of the pragmatics of the self through the investigation of normative matrices of behaviour. In doing so, the study of these different modes of subjectivation and of their shifts are subsumed under the project of a history of experiences. These areas of research correspond to three different, but interlinked, dimensions of the experiences (e.g. criminality or sexuality) Foucault aimed to study.⁴⁸

The opening lecture of *The Government of Self and Others* is also important for another reason. It relates the task of writing a genealogy of subjective experiences to two fundamental Foucauldian topics: firstly, philosophy as a critical attitude and, secondly, the problem of government.⁴⁹ Foucault conceives his genealogy of subjectivity in connection with philosophical critique and governmentality. The key to understanding Foucault's notion of critical theory is his engagement with the Kantian tradition and, specifically, with the idea of the critical *ethos*. The latter is already explicit in the 1982-1983 lectures, but becomes even clearer in his famous essay, "What is Enlightenment?"⁵⁰ In these passages, Foucault offers us a different perspective on Kant than the one he developed on in the *Order of Things*, where the transcendental turn was polemically targeted.⁵¹ In this essay, Foucault represents the novelty of Kantian thought in terms of the emergence of an attitude, or *ethos*, of modernity, which he aims to preserve and continue. In Foucault's view, the Kantian critical attitude coincides with an interrogation of the structure of the present. Kant is in fact the first philosopher to pose the problem of present as something to which the meaning is not self-evident. This critical commitment towards the present involves asking: "What is this world, this period, this precise

⁴⁸ Foucault, *The Government of Self and Others*, 3-5. Foucault reinforces this interpretative line by declaring that "connecting together modes of veridiction, techniques of governmentality, and practices of the self is basically what I have always been trying to do" in *The Courage of Truth*, 8.

⁴⁹ Foucault, *The Government of Self and Others*, 7.

⁵⁰ Michel Foucault, "What is Enlightenment?," in Sylvère Lotringer, ed., *The Politics of Truth*, trans. by Lisa Hochroth and Catherine Porter (Los Angeles: Semiotext(e), 1997), 97-119. The reference to the Kantian text is a recurrent theme in Foucault's essays and interviews, see also *The Government of Self and Others*; "The Subject and Power" and "What Is Critique?" in *The Politics of Truth*, 41- 81. Particularly, Foucault seems to refer to the Kantian definition of *Aufklärung* every time he wants clarify his philosophical and political project. For this reason, I consider the discussion of Kant's text a valuable source to shed light on Foucault's motivation.

⁵¹ About Foucault's reading of Kant and its relationships with the Kantian critical tradition, see Béatrice Han, *Foucault's Critical Project Between the Transcendental and the Historical*, trans. Edward Pile (Stanford: Stanford University Press, 2002).

moment in which we are living?”⁵² Once the present reality is called into question, our belonging to the present day becomes an object of investigation. This interrogative habit, however, is not limited to the present day. What follows from the acquisition of this radically inquisitive philosophical posture is the necessity of also questioning subjectivity.

What is crucial is that Kant represents a turning point in the history of philosophy in virtue of his identification of the task of philosophy with “a critical analysis of our world.”⁵³ Foucault finds appealing in Kant precisely the radicality of the question about the historical nature of the subject. The revolutionary import of the Kantian critique emerges even more clearly in comparison with Descartes, considered the pinnacle of the philosophical tradition that Foucault is rejecting. In his account, the antagonism between these two philosophical paradigms revolves around the status of the subject or, more specifically, around its temporality. According to Foucault, even though both Kant and Descartes focus on a foundational subject, they look for a very different subjectivity. If Descartes is indeed primarily concerned with the discovery of ahistorical subjects, Kant exposes the problem of subjectivity in this precise moment of history. In other words, while Descartes situates the epistemic potential of subjectivity beyond or independently of its historical, cultural or temporal contingency, in Foucault’s account Kant’s critical philosophy assumes the constitutive finitude and temporality of the subject as the unavoidable point of departure of knowledge and action. By asking “what, therefore, am I” now,⁵⁴ he gives up the illusion of timeless subjectivity, and makes room for the analysis of its specific historical configurations. This is the starting point of what Foucault calls his historical ontology of the present.

However, though Foucault’s genealogical account of subjectivity belongs to this critical legacy, it also aims to go beyond the Kantian tradition. The essays “What is Enlightenment?” and “What is Critique?” clarify the extent to which Foucault might be called “Kantian” and how he differentiates himself from Kant. In these texts, Foucault acknowledges the Kantian influence and, at the same time, highlights some noteworthy points of rupture. He particularly puts some emphasis on the idea of ‘limits.’ As is well known, Kantian transcendental philosophy aims to establish the legitimacy and limits of our knowledge. But Kantian critical philosophy draws the limits of our knowledge to prevent their transgression. Kant’s critique aims to establish and respect the limits of knowledgeability. Foucault’s critical motivation seems to pursue quite the opposite goal. His critical attitude aims to unsettle and destabilize

⁵² Foucault, “The Subject and Power,” 335.

⁵³ Foucault, “The Subject and Power,” 336.

⁵⁴ Foucault, “What is Critique?,” 56.

the stability or self-evidence of the present and of our *episteme*. He thinks of the critical-ethical attitude as an intellectual act of transgression and subversion of limits. As he explains:

This philosophical *ethos* may be characterized as a limit-attitude. We are not talking about a gesture of rejection. We have to move beyond the outside-inside alternative, we have to be at the frontiers. Criticism indeed consists of analyzing and reflecting upon limits. But if the Kantian question was that of knowing what limits knowledge has to renounce transgressing, it seems to me that the critical question today has to be turned back into a Positive one: in what is given to us as universal, necessary, obligatory, what place is occupied by whatever is singular, contingent, and the product of arbitrary constraints? The point, in brief, is to transform the critique conducted in the form of necessary limitation into a practical critique that takes the form of a possible transgression. 55

Through a cartography of the different configurations of the nexus of knowledge-power and the underpinning historical processes that have led to them, Foucault aims to prove their reversibility. His practice of critique as a gesture of transgression is ascribable to one of his other main philosophical sources, Nietzsche, to whom Foucault openly pays homage in “Nietzsche, Genealogy, History.” Although I will not examine Foucault’s debt towards Nietzsche in depth, as it would deserve an independent research,⁵⁶ I will however focus on one relevant aspect of the Nietzschean influence: the methodological choice. Foucault identifies in Nietzsche’s genealogical approach the appropriate method for his critical work, meaning that the diagnosis of our present requires a historical investigation of the processes that have constructed it. Genealogical work is an answer to the demand for intelligibility of the present without appealing to the authority of origins nor essences. History and genealogy authorize us to “dispel the chimeras of origins.”⁵⁷ The force of this approach indeed lies in its capacity to temporalize concepts that otherwise would be considered eternal or absolute. The genealogical approach thus historicises philosophy, positioning its history within the critical work of philosophy.

Why is the difference between a genealogical approach and a pursuit of origins so important for Foucault’s project about the history of the experiences of subjectivity? The answer lies in the possibility of transgressing the limits about who we are or we are supposed

⁵⁵ Foucault, “What is Enlightenment?,” 113.

⁵⁶ See, for example, the volume recently edited by Alan Rosenberg, and Joseph Westfall, *Foucault and Nietzsche. A Critical Encounter* (London; New York: Bloomsbury, 2018).

⁵⁷ Michel Foucault, “Nietzsche, Genealogy, History,” in *The Foucault Reader*, ed. by Paul Rabinow, (New York: Pantheon, 1984), 80.

to be. One of the lessons to be learned from Nietzsche's *Genealogy of Morals*, Foucault suggests, is that the quest for origins is a search for

the exact essence of things, their purest possibilities, and their carefully protected identities (...) This search is directed to "that which was already there." The image of a primordial truth fully adequate to its nature, and it necessitates the removal of every mask to ultimately disclose an original identity.⁵⁸

While the search for origins wants to retrace a principle that can advance the claim of assessing the present and shaping the future according to truth, genealogy uses the past to prove we can think and act differently in a creative way. For Foucault, history becomes a tool to show that our present subjectivity is not universal, necessary or obligatory. The historical work undermines the authority of the origins and truth that would maintain the rationale of the present. Insofar as the myth of origins imposes the narration of what-had/has-to-be, history is a function of the past that projects onto the present and the future a necessity, a natural development. While genealogy relies on the study of the past, it does so in a very different way. The genealogical work is indeed a function of an unforeseeable future, which escapes any dialectical progress or necessary consequentiality, crucially being directly tied to the goal of a critical project. By following the Nietzschean trail, for Foucault genealogy is the means for a critical *ethos*.

What does it mean that history is a function deployed for the sake of an open future, rather than as a confirmation of the present? This displacement in the function of history is understandable through the aforementioned idea of critique as a possible transgression of limits. Going back to the comparison with the Kantian understanding of critique, we can think of the difference between these two philosophical models in terms of drives. As mentioned, the Kantian interrogation aspires to lay out the limits of our knowledge's validity. Instead, Foucault aims to unmask the alleged necessity of our present. The unravelling of the tensions structuring the present, he argues, are oriented towards its transformation. As he puts it, a critical *ethos* consists in

showing that things are not as obvious as we might believe, doing it in such a way that what we accept as going without saying no longer goes without saying. To criticize is to render the too-easy gestures difficult.

⁵⁸ Foucault, "Nietzsche, Genealogy, History," 78.

In these conditions, criticism (and radical criticism) is absolutely indispensable for all transformation.⁵⁹

The genealogical work is thus a principle of unsettling that contests the eternalisation or sacralisation of the present. In Deleuze's words, Foucault uses history "like Nietzsche said, acting act against time and thus on time, for the sake of a time one hopes will come."⁶⁰ History is a means to exceed the and to re-imagine a future beyond, is an agent of transformation. Foucault is not concerned with the problem of primordial origins that, once disclosed, would give a true and recognizable order to reality. Nor does he believe in the identification of an ultimate essence of power from which the right practices could result. Instead of looking for a stable and authentic foundation of knowledge or action, Foucault seeks those lines of forces and fractures that have structured our present in order to challenge its necessity or self-evidence. The discovery of the historical nature of the present order of things destabilises its claim over the future, which becomes a task to think and imagine. Therefore, in Foucault's use of history we can see the emancipatory goal of the critical *ethos*:

Maybe the target nowadays is not to discover what we are but to refuse what we are. We have to imagine and build up what we could be to get rid of political 'double bind', which is the simultaneous individualization and totalization of modern power structures. (...) We have to promote new forms of subjectivity through the refusal of this kind of individuality which has been imposed on use for several centuries.⁶¹

Historical work, he claims, makes possible our refusal of the necessity of the present, giving room to the promotion of new experiences of subjectivity beyond those normalised and 'naturalised' by modern power relationships. What, however, are the contemporary power relations and the normalised forms of individuality that Foucault aims to challenge? By turning to his notion of governmentality, we are therefore able to address this question.

1.3. Governmentality and the governmental subject

The opening section of this chapter has outlined a general framework that will help us approach Foucault's research on the care of the self. The hypothesis is that Foucault locates his interest

⁵⁹ Michel Foucault, "Is it Really Important to Think? An Interview with Michel Foucault?" transl. by Thomas Keenan, *Philosophy and Social Criticism* 9, no. 1 (1982), 34.

⁶⁰ Gilles Deleuze, "What is a Dispositif?," in *Michel Foucault: Philosopher*, trans. by Timothy J. Armstrong (New York: Routledge, 1992), 164-165.

⁶¹ Foucault, "The Subject and Power," 336.

in ancient philosophy and the ancient technologies of the self in a more complex set of problems that has been a sort of *fil rouge* of his work. The latter has been identified with the question of ‘how human beings are made subjects’. In this view, the different modes of subjection and subjectivation are at the core three of main axes (knowledge, power and ethics) of Foucault’s work. We have seen that Foucault has framed this account of the modes of subjectivity as a contribution to philosophy understood as a critical *ethos*. This conception is borrowed from Kant’s reflection on *Aufklärung*. The Kantian critical influence merges here with another tradition. Foucault indeed places his own work also in Nietzsche’s legacy. The genealogical method is what makes his interpretation of critique as problematization of the present possible.

After having suggested a point of departure for the analysis of Foucault’s project on the care of the self, we can now make a further step by clarifying the content of his research. Foucault aims to show that how our present forms of subjectivity are historically contingent and that they are a product of certain modes of governmentality. Behind the question of the present lies the one of power relationships or, more simply, of power. In light of this, the instruments to question what or who we are in the present day must be sought in Foucault’s analytics of power. In this way, Foucault’s elaboration on power is not peripheral, but central to goal of his research, that is the promotion of new forms of subjectivity through the genealogical interrogation of the present. The genealogy of the subject has as prerequisite a genealogy of power relationships and, more precisely, of forms of government. In other words: we cannot isolate the analysis of the forms of subjectivity from the analysis of power and the problem of government. The pursuit of an ethics of the care of the self is the inevitable counterpoint of the analytic of power.

We must then turn our attention to the idea of governmentality. Unlike his controversial move to antiquity, which has raised many perplexities and doubts amongst Foucauldian (and other) scholars, his investigation of power is widely acknowledged as a ground-breaking contribution in contemporary political theory. Particularly, his notion of biopolitics as “power’s hold over life”⁶² has become a standard part of our political grammar. After Foucault, addressing the problem of power relationships equals asking the question of life management and vice versa. According to Agamben, “Foucault’s thesis – according to which ‘what is at stake today is life’ and hence politics has become biopolitics – is, in this sense, substantially

⁶² Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–76*, trans. by David Macey (London: Allen Lane, 2003), 239.

correct.”⁶³ The influence of Foucault’s notion of biopolitics is not only undeniable in heterogeneous fields and disciplines, but it is also central to understanding contemporary philosophers such as Agamben, Butler or Achille Mbembe.⁶⁴ Despite their different philosophical background, their theorisations have in common biopolitics as political grammar and its relation to sovereignty as problem that needs to be addressed. Biopolitics is now considered the grid of intelligibility of power relationships and, consequently, of subjectivity.

Even though it acknowledges the crucial role played by biopolitics in our present day, this research proposes a shift of perspective from biopolitics to governmentality. Biopolitics is indeed one of the contemporary declensions of governmentality. It is an historical form of the problem of government and conduct. For this reason, I suggest looking beyond or before biopolitics to comprehend the political import of the practices of the self within a governmental paradigm. The problem of management of life will remain central, but it will be temporarily overshadowed by a clarification of governmentality, which, as we will see below, functions as heuristic principle. The notion of governmentality is the overarching framework through which Foucault conceives biopolitics and its production of a historically contingent mode of subjectivity.

The justification for focusing on governmentality is threefold. The first reason concerns Foucault’s genealogical analysis and his definition of biopolitics. The latter is the present historical form, which has its roots in the eighteenth century, taken by the exercise of power in the modern neo-liberal societies. In this perspective, biopolitics is a sort of epiphenomenon of a broader notion, that of governmentality. According to Vanessa Lemm and Miguel Vatter, Foucault identifies in the problem of government and in the history of governmentality the “grammar through which to articulate his previous discoveries of disciplinary power and of biopower, as well as to account for their difference with respect to sovereign power.”⁶⁵ Governmentality is thus the concept that provides an heuristic schema to make sense of heterogeneous historical power relationships, including biopolitics.⁶⁶ To understand who we

⁶³ Giorgio Agamben, *Means Without Ends: Notes on Politics*, trans. by Vincenzo Binetti and Cesare Casarino (Minneapolis, MN and London: University of Minnesota Press, 2000), 7.

⁶⁴ For an overview of the most significant contemporary interpretations of biopolitics see Catherine Mills, *Biopolitics* (New York: Routledge, 2017) and Thomas Lemke, *Biopolitics: An Advanced Introduction* (New York: New York University Press, 2011).

⁶⁵ Vanessa Lemm and Miguel Vatter, “Introduction,” in *The Government of Life: Foucault, Biopolitics, and Neoliberalism*, ed. by Vanessa Lemm and Miguel Vatter (New York: Fordham University Press, 2014), 3.

⁶⁶ Thomas Lemke, “Foucault, Governmentality, and Critique,” *Rethinking Marxism* 14, no. 3 (2002), 49–64.

are in this precise historical moment we have to firstly raise the right question: that of how we are governed and the current mechanisms of government.

The second motivation to focus on governmentality is its link with sovereignty. Governmentality and sovereignty refer to distinct but intertwined problems. While governmentality is concerned with the broader issue of government or conduct, sovereignty deals with the foundation and legitimisation of the state's power and institutions. Despite the seeming dismissal of the sovereign paradigm, which this chapter and the following one will explain, Foucault makes clear that governmentality and sovereignty co-exist and co-operate. The idea of the "governmentalisation of the state"⁶⁷ exemplifies the co-existence of these different modalities of power. What is fundamental is that governmentality places the problem of sovereignty and of state formation at the heart of the genealogy of the subject. To understand what kind of historical subjectivity we are we need to know how we are governed, but to understand how we are governed we need to consider the juridical mechanisms of power and the state's apparatus. Particularly, to analyse the historical forms of subjectivity, we need to understand how the juridification of subjectivity is implemented by the state.

Finally, governmentality is the privileged field to detect the political significance of the care of the self since it promotes a conception of the self-government that differs from and challenges modern notions of subjectivity. As mentioned in the introduction of this chapter, Foucault's exploration of the ancient model of care of the self has been controversial for some scholars who saw in it a return to something like a strong or metaphysical conception of subjectivity, previously the polemical target of Foucault's archaeological and genealogical studies. Paradoxically, on this view, Foucault, the theorist famous for having deconstructed the autonomous and ahistorical subject, would be the one not only to reintroduce it, who also did it by problematically projecting it back to ancient philosophy. In this way, Foucault's critics saw his turn to antiquity as a betrayal of his post-humanism, as well as a distortion and manipulation of ancient sources.

There is, however, another possible interpretation of his interest in antiquity based on the hypothesis that Foucault does not reject the subject *qua* subject. He rejects the monopoly of one historical configuration of subjectivity, the modern sovereign subject, which he aims to denaturalize. The problem with modern humanism is that it crystallises and universalises a temporary understanding of what being human means. As James Bernauer points out, for

⁶⁷ Foucault, *Security, Territory, Population*, 144.

example, the philosophies of the transcendental and sovereign subject (e.g. the Hobbesian political theory) have a totalitarian aspiration, since they incarcerate

human beings within a specifically modern system of thought and practice which had become so intimately part of them that it was no longer experienced as a series of confinements, but was embraced as the very substance of being human.⁶⁸

Foucault turns to ancient philosophy to escape the prison and the monopoly of modernity, turning to antiquity to explore the possibility of not being modern. He does so by identifying different conceptions of subjectivity, all revolving around the possibility of self-government. Nonetheless, Foucault draws on antiquity not to actualize the forms of pre-modern subjectivity, but to place the idea of government, and especially self-government, at the core of the ethical and political work on ourselves. What Foucault seeks to draw from antiquity is a concept and practice of self-government, not the historically and culturally specific model of self-government that we find in ancient philosophies. Foucault's examination of various declensions of care of the self and truth does not aim to provide a model according to which we should tailor the work on ourselves in the present.

Foucault's stance about this is categorical: "I am not looking for an alternative; you can't find the solution of a problem in the solution of another problem raised at another moment by other people."⁶⁹ In his project, antiquity is not studied to provide a substantive model for contemporary practices of self-government, but rather to open up the possibility of new forms of self-government that respond to and challenge the contemporary limits imposed by biopolitics. Thus, not only is his interest in ancient philosophy aligned with his project of undermining the historical construction of the transcendental and sovereign subject, but governmentality is also at the very heart of an analysis of the Foucauldian work on the care of the self in two ways. Firstly, it offers a vocabulary to decipher different games of power. Secondly, this vocabulary provides us with the tools to think other forms of subjectivity. These considerations allow us to contend that the ethical subject is already and always a politically governed subject.

⁶⁸ James Bernauer, "Michel Foucault's Philosophy of Religion: an Introduction to the Non-Fascist Life," in *Michel Foucault and Theology: The Politics of Religious Experience*, ed. by Carrette, Jeremy, and James Bernauer (London: Ashgate, 2004), 89.

⁶⁹ Michel Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress," in *Michel Foucault: Beyond Structuralism and Hermeneutics*, 200.

The next section will explore the polysemy of governmentality and explain why this concept is important in order to understand the politics of the care of the self. As the following will show, Foucault's notion of governmentality will illuminate the politics of the care of the self since it allows us to interpret the practices of self-care as one of the possible actions in the governmental creation of fields of action.

1.4. The polysemy of governmentality

The connection between the technologies of power and the technologies of the self is stated by Foucault, when he defines governmentality as the "encounter between the technologies of domination of others and those of the self."⁷⁰ To grasp this polysemy of governmentality, it is necessary to firstly turn to Foucault's previous works on power, where he offers an examination of the different meanings of government, in which he introduces the polemical relation between governmentality and the sovereign model of power.

A preliminary remark should be made. Reading Foucault's turn to antiquity in a governmental perspective is not a neutral gesture without consequences. To state that governmentality is the heuristic principle that connects different technologies of power, synchronically and diachronically, might be misleading, as it might surprisingly re-introduce a metaphysical claim through a normative principle. In this view, government would be an ahistorical concept functioning as a norm, according to which reality should be evaluated and organized. The resurgence of an implicit normative aspiration in governmentality would validate the Habermasian charge of cryptonormativity introduced in *Philosophical Discourse of Modernity*. Here, Jürgen Habermas contends that Foucault's critique of power relationships tacitly relies on norms or values for which he does not provide an explanation or foundation. One might maintain that governmentality performs precisely this normative function in the Foucauldian research on power. As Butler notices, however, normative principles are traditionally expected to "tell us in what direction we ought to move, [or] can they tell us whether the activities in which we engage are realizing certain kinds of normatively justified goals."⁷¹ Governmentality, instead, does not play such an evaluative role over actions and practices. In other words, it does not assess the present reality or the past according to how it should be or should have been.

⁷⁰ Foucault, "Technologies of the Self," 225.

⁷¹ Judith Butler, "What is Critique? An Essay on Foucault's Virtue," in *The Judith Butler Reader*, ed. Sara Salih with Judith Butler (Oxford: Blackwell, 2004), 301–22.

An interpretation of governmentality as a normative criterion dictating the best course of action would not only clearly contradict Foucault's genealogical method and anti-foundationalism, whose main characteristic is the refusal of timeless origins and essences, but would also overlook Foucault's emphasis on the dynamic and relational nature of power relationships. Governmentality does not identify a determined relationship as a model that needs to be followed or replicated. On the contrary, it is ultimately a label that encompasses multifaceted relationships and the focus of which is completely built on the tension between the different actors involved in the game of power. For this reason, government might also be described as a constant form of negotiation between subjects that are paradoxically already produced in the relationships while maintaining some leeway to fashion themselves. Conceived in this way, even though it is a tool to re-organize the present and the past, the principle of government does not serve as a traditional normative function as it does not raise any evaluative claim. This problem of normativity and negotiation of values will therefore be extensively addressed in the second chapter relating to the emergence of disciplinary mechanisms functioning through norms.

Having clarified this potential misrepresentation of governmentality as a normative principle, we need to look more closely at Foucault's idea of governmentality and break down his understanding of its political implications. Particularly, this section aims to delve into two characteristics of governmentality: the aforementioned tension with the sovereign paradigm, and the governmental expansion of the political. Governmentality indeed goes beyond the problem of the government of the population, with which it is identified at the beginning.

How does Foucault introduce the notion of governmentality? His first formulation of governmentality is in the 1977-1978 Collège de France lectures *Security, Territory, Population*, in which he refined the biopolitical hypothesis previously introduced in his 1976's lectures and texts: *Society Must be Defended* and *The Will to Knowledge*. The notion of government is thus initially related to the constitution of the population as a new political figure. At issue, at least in this instance, is the study of those mechanisms of security that allow the management of a population. In relation to this research, what is remarkable is that, from the very beginning, governmentality is presented in relation to sovereignty. In this specific case, the interplay between the two is explained in terms of opposition and differentiation. If sovereignty traditionally refers to the exercise of control and absolute power over a territory, governmental power instead runs through the population. As Foucault puts it: "One thing

clearly emerges through all these meanings, which is that one never governs a state, a territory, or a political structure. Those whom one governs are people, individuals, or groups.”⁷²

In the lecture of the 1st of February 1978, Foucault expands this notion, distinguishing three complementary inflections.⁷³ The first one is in line with the original articulation; it identifies governmentality as a specific form of power that targets the population, which is exercised through the dispositive of security, developing a specific kind of knowledge or science, political economy.

The second definition, by contrast, broadens the breadth of governmentality beyond a specific historical configuration. In this regard, governmentality is a “line of force” in the Western history,⁷⁴ which includes spheres and domains outside of those that nowadays we tend to define as political, such as guidance for the family and children, management of the household and conducting the soul. As Lemke argues, what Foucault stresses is that “up until well into the 18th century the problem of government was placed in a more general context.”⁷⁵ With this second meaning, a twofold expansion of the notion of governmentality takes place: temporal and of content. Not only its timeline is stretched from Ancient Greece to modern neoliberalism, but its content also encompasses dimensions that were previously relegated to a private or non-political sphere. This inclusive move uncovers political spaces that the classical sovereign paradigm overlooks. The latter indeed identifies the distinction between a public political sphere and a private non-political dimension as one of its cornerstones. On the contrary, with the notion of governmentality, the space of the ‘political’ expands. Governmentality conceptualises all those deployments of power outside of the traditional constitutional and institutional sphere.

The governmental field thus exceeds the traditional space of politics. Another aspect of this expansion of the ‘political’ is intriguing. Foucault seems in fact to refer to a pre-modern understanding of power; “to the older meaning of the term government,” as Lemke again argues.⁷⁶ This does not imply that Foucault wants to actualize the Greek notion of *archein* or the Latin one of *imperium*, but that his understanding of politics, as it was in the Greco-Latin tradition, includes spheres that are not strictly speaking political, according at least to the

⁷² Foucault, *Security, Territory, Population*, 167.

⁷³ Foucault, *Security, Territory, Population*, 144-145.

⁷⁴ Foucault, *Security, Territory, Population*, 144.

⁷⁵ Lemke, *Foucault, Governmentality, and Critique*, 2.

⁷⁶ Thomas Lemke, “An Indigestible Meal? Foucault, Governmentality and State Theory,” *Distinktion: Scandinavian Journal of Social Theory* 8, no. 2 (2007), 44.

modern reduction of politics to a juridical and legislative power. The latter is still operating in the governmental framework, but it is only one of many deployments of power relationships.

The stratification and co-existence of governmentality and sovereignty leads us to the final characteristics of governmentality introduced in this lecture: the process of governmentalisation of the state. With this neologism, Foucault points out that the juridical actor of the sovereign and the institutions of the state have become part of mechanisms of government. The implications of this transformation of the role of the state will be object of analysis of Chapter 5, which will explore Foucault's strategic appeal to rights and deployment of the juridical paradigm in a governmental framework. What is noteworthy at present is the change of emphasis taking place with the idea of governmentalisation of the state. Differently from the preceding definitions of governmentality, which were stressing the elements of discontinuity between governmentality and sovereignty, the emphasis here is on the points of junction and intersections between these two technologies of power. The governmentalisation of the state furthermore reveals how the relationship between the technologies of government and the institution of the state is quite the opposite of the traditional stance. Foucault instead asserts the accidental, if not secondary, nature of the sovereign paradigm in the history of political practices and forms of government. Whereas the state discovers itself as an instrument and/or an event of government, governmentality is the real guideline for addressing the problem of power relationships. With the governmentalisation of the state, therefore, Foucault introduces the idea of a stratification and interdependence between sovereignty and governmentality.

To conclude, there are two relevant aspects in these three qualifications of governmentality for our analysis; the first being the inevitability of sovereignty. The problem of government cannot be addressed independently of the juridical paradigm. As the next chapters will show, the interplay between these two modes of power can be polemic, antagonistic or cooperative. Secondly, the art of government goes beyond the specific issue of governing a population, embracing a much wider set of problems. The government of a population is only one of the historical forms that governmentality has taken. What, then, is the specificity of governmentality, if it is not reduced to the relation with population? In the following section, I will delve into the core meaning of government through a comparison with the sovereign model of power, showing that, at the heart of governmentality, lies the issue of conduct of conducts (or action upon actions). I will then put the governmental problem of conduct into dialogue with the notion of self-cultivation, conceived as a form of self-conduct.

1.5. Subjectivity as a form of agency in a governmental framework

As we have seen, the semantic field covered by governmentality ranges from leading someone in a purely physical and spatial meaning to a relationship of mastery, including also moral and spiritual nuances.⁷⁷ In Foucault's view, however, the wide breadth of this notion does not preclude the identification of a core meaning. Amongst all these heterogeneous practices there is a common thread, which is the idea of conduct of individuals or communities. This notion of conduct is clarified in "The Subject and Power," where Foucault deals with the problem of power's functioning. With a shift from the classic question about the essence of power to the one about its functioning,⁷⁸ Foucault goes directly to the core of the idea of governmentality and to the roots of its tension with the sovereign paradigm. A good strategy to understand why, according to Foucault, governmentality better equips us to interpret power relations is thus looking at the limits of the sovereign paradigm.

As mentioned, Foucault is interested in how power *functions* instead of what power *is*. The limit of the traditional juridical approach is that it presupposes power as a substance or fixed entity. On the other hand, for Foucault, "something called Power (...) which is assumed to exist universally in a concentrated or diffused form, does not exist."⁷⁹ This critique of the objectification of power is consistent with the one previously developed in 1976, in *Society Must be Defended*, and *The Will to Knowledge*. In these texts, Foucault advances his alternative hypothesis of power in contrast with what he calls the juridical model. The latter is identified with Hobbes' *Leviathan*,⁸⁰ which, in Foucault's view, considers power as an exchangeable commodity.⁸¹ The outcome of this reification is that power can be delegated, exchanged or transferred through a contract.

Above all, what is problematic for Foucault in the theories of social contract is the interdependence between power and subjectivity. The reification of power is indeed strictly linked to the subject of rights. By assuming power as a property, the theories of social contract establish a relationship of possession between subjects and power. In this sense, if the premise for the creation of a sovereign authority that can guarantee peace and security is an individual

⁷⁷ Foucault, *Security, Territory, Population*, 126-145.

⁷⁸ He does so by raising the question of "what happens when individuals exert (as they say) power over others?," Foucault, "The Subject and Power," 337.

⁷⁹ Foucault, "The Subject and Power," 339.

⁸⁰ Other authors, like Machiavelli, are considered during these years. But, unlike Hobbes, they do not receive consistent and continuous attention. This legitimizes the hypothesis that in the Foucauldian research Hobbes is the most representative philosopher of the sovereign model.

⁸¹ Foucault, *Society Must be Defended*, 13, 14 and 29.

voluntary abdication of power, the latter presupposes an independent and autonomous subject that can transfer or abdicate a possession or commodity, namely power. Focusing on this relationship of ownership, the juridical model operates a twofold reification: it substantializes the subject of rights and it objectifies power. Both subjectivity and power are crystallized fictions functional for the creation of those institutions that can mitigate or resolve the danger of the state of nature. In other words, modern political science fabricates *ad hoc* the sovereign subject that can legitimately possess and exchange the necessary power to engender the sovereign power of the state. The commodification of power postulates and naturalises the existence of the sovereign subject, who becomes the only legitimate political actor. Being excluded from the social contract, for example not being recognised as a subject of rights, implies being depoliticised. In this absolute identification of political subjectivity with the subject of rights lies the totalitarian aspiration of political modernity, which Foucault unmasks and contests. In Foucauldian terms, the social contract is one amongst other historical modalities of production of subjectivity. As such, the juridical paradigm can only account for some political experiences, for example the functioning of representative systems or rights claims. Foucault instead is interested in another set of problems than the abstract construction of sovereign power through the subject of rights, as he claims in *Society Must be Defended*:

Rather than asking ourselves what the sovereign looks like from on high, we should be trying to discover how multiple bodies, forces, energies, matters, desires, thoughts, and so on are gradually, progressively, actually and materially constituted as the subjects, or as the subject. To grasp the material agency of subjugation insofar as it constitutes subjects would, if you like, be to do precisely the opposite of what Hobbes was trying to do in *Leviathan*.⁸²

Foucault's investigation of "the material agency of subjugation" requires an alternative grid of intelligibility of power. Since it focuses on the abstract exchange between juridical-formal subjects, the juridical model overlooks the dynamic and relational nature of power. The latter exists only insofar as it is exercised through subjects and their bodies.

How do governmentality and the anatomo-politics of the human body function, if not through a delegation of power? In "The Subject and Power," Foucault goes into details about how power functions and produces subjects. The key notion here is the one of action or of conduct, which must be rethought in a non-normative way. In fact, government does not directly impose nor hinder actions to agents. Governmentality does not aim to determine any

⁸² Foucault, *Society Must be Defended*, 28.

specific course of action, as it functions at the more general level to the creation of fields of possibilities to act. Power

does not act directly and immediately on others. Instead, it acts upon their actions: an action upon an action, on existing actions or on those which may arise in the present or the future.⁸³

Understood through this lens, governmental power is the continuous act of defining and negotiating the possible actions for individuals. Specific actions would then be the outcome of free choices made possible by governmental strategies, by the games of power that create the conditions for them. Rather than enforcing actions, governmentality is the mechanism that circumscribes those regulated fields of possibility that allow action. Freedom then, which is one of the two indisputable conditions of possibility of governmentality, plays a fundamental role in this dynamic.⁸⁴ Governmental power relationships exist only insofar as there is the possibility of changing, reacting and subverting them. Without freedom, to which we will soon return, it would be a form of violence or domination.

In Foucault's account, therefore, governmental power engenders fields of possibility, which give room to a constant negotiation between individuals as well as between individuals and institutions:

Perhaps the equivocal nature of the term "conduct" is one of the best aids for coming to terms with the specificity of power relations. For to "conduct" is at the same time to "lead" others (according to mechanisms of coercion which are, to varying degrees, strict) and a way of behaving within a more or less open field of possibilities. The exercise of power consists in guiding the possibility of conduct and putting in order the possible outcome.⁸⁵

Its definition as the creation of field of possibilities can account for the polysemy of governmentality, which now we can explain as the oscillation between forms of subjection and of subjectivation. In Foucault's logic, the characterisation of government as conduct of conducts or action over actions stands for the circumscription of a field of possibilities which can lead to forms of hetero-conduct, subjection, and of autonomous conduct, subjectivation. Subjects might be passively produced and fashioned by their context or they can be empowered

⁸³ Foucault, "The Subject and Power," 340.

⁸⁴ Foucault, "The Subject and Power," 340. The second condition is the acknowledgement of the "other" as a potential agent, someone who can act.

⁸⁵ Foucault, "The Subject and Power," 341.

to engage with practices of self-fashioning. If the first case has been at the core of the analytic of power, the latter is then object of analysis of the Greco-Roman trip, which, at this point, is inherently tethered to the governmental problem. In other words, as Vatter and Lemm claim,

the governmental understanding of conduct is characterized by the element of *self-conduct*: *the subject who is governed is also always a subject who governs* [my emphasis]. Thus, the analysis of governmentality is inextricable from the analysis of subjectivity, of self-reflexivity.⁸⁶

This consideration leads us back to the previous portrayal of the ethical subject as a governmental subject. To further elaborate this idea, the ethics of the care of the self is not a withdrawal from politics, since the circumscription of its field of possibility is the political task *par excellence*. The ethical task of self-fashioning is already and always political as it concerns the issue of self-conduct. In this sense, Foucault is not re-animating a sovereign and independent subject. Quite the opposite, he is making a strong claim about the finitude of subjectivity, not only in epistemic terms as he previously did in the axis of knowledge, but also in a practical perspective. Given that subjects are the first and main product of power relationships, and that governmentality is defined in terms of action upon actions, subjectivity can be conceived as a form of agency, as the capacity to act and exercise some power upon yourself or others. Rather than being a juridical abstraction, the subject is first and foremost an agent.

1.6. On the role of freedom for agency

From this analysis, we can draw some conclusions. Firstly, governmentality is a form of meta-conduct, as “to govern, in this sense, is to structure the possible field of action of others.”⁸⁷ It is the action that shapes subjects’ actions without imposing a strict necessity upon them. It creates the possibilities for conduct. Secondly, if, in Foucault’s words, what is at stake is nothing other than the “encounter between the technologies of domination of others and those of the self,”⁸⁸ we are left with the problem of the condition for these technologies and practices. In other words, we are left with the problem of the conditions for agency. The last section will thus engage with this topic by discussing Foucault’s theorisation of freedom, which will be

⁸⁶ Lemm and Vatter, “Introduction,” in *The Government of Life. Foucault, Biopolitics, and Neoliberalism*, 3.

⁸⁷ Foucault, “The Subject and Power,” 341.

⁸⁸ Foucault, “Technologies of the Self,” 225.

conceived as a key for unravelling the problem of agency. It will firstly illustrate his position and then problematize it. In fact, there might be two answers to the question about the conditions of possibility of agency, and they lead to two different views on the accessibility of the practices of self-government. The first one, directly proposed by Foucault, relies on the role played by freedom in power relationships. The second, which I would like to advance in the following chapters, is a political and pragmatic answer that focuses on the materiality of these relationships. This second answer follows directly Foucault's trail, as he indeed identified as his guiding interest the material agency of subjugation. The first option, as will be demonstrated, results in an optimistic form of activism, based on the assumption that "where there is power, there is resistance."⁸⁹ The second one instead will problematize the leeway of resistance and self-government by considering what characterizes contemporary governmentality. Specifically, it will put governmentality into dialogue with sovereignty and the juridical sphere, which maintains an unavoidable position at the heart of governmental configurations. As the next chapters will show, a reflection on the limits and the conditions of possibility of agency must take into considerations, at least genealogically, the discourse on law and rights (Chapters 5 & 6).

The point of departure to explore the limits of agency is freedom. Freedom is a highly problematic notion but, at the same time, absolutely crucial in Foucault's reflection. As Saul Newman contends, Foucault is a "thinker who is passionately – we could say ecstatically - committed to freedom."⁹⁰ The suggestion of looking at freedom to understand the capacity to act comes directly from Foucault, since he identifies in freedom the condition for power relationships. As he makes clear, power "is exercised only over free subjects, and only insofar as they are free."⁹¹ In absence of freedom, there would not be power relationships but domination and slavery. Freedom and power are interdependent, strictly interwoven. But is the Foucauldian concept of freedom new in any respect? Is Johanna Oksala right when she suggests that Foucault's idea of freedom breaks with the Western liberal conception, which identifies freedom and agency with individual autonomy?⁹² Given its position at the heart of Foucault's analytic of power, the assimilating of the notion of freedom with the liberal view would compromise the originality of the entire project. Assessing the innovative import of Foucault's

⁸⁹ Michel Foucault, *The Will to Knowledge*, vol. 1 of *The History of Sexuality*, trans. by Robert Hurley (New York: Pantheon Books, 1978), 95.

⁹⁰ Saul Newman, "'Critique Will Be the Art of Voluntary Inservitude': Foucault, La Boétie and the Problem of Freedom," in *Foucault and the History of Our Present*, 58.

⁹¹ Foucault, "The Subject and Power," 342.

⁹² Johanna Oksala's *Foucault on Freedom* (Cambridge: Cambridge University Press, 2005).

notion of freedom is crucial also considering its reception in the feminist and post-colonial scholarship, which uses it precisely to challenge the normative liberal conception of politics. Judith Revel, for example, takes issue with the majority of contemporary literature about agency because, in her view, it relies on an idea of autonomy problematically ignoring the materiality of power relations in which subjects are situated.⁹³ Interested in how we can rethink this notion beyond the assumption of an autonomous and independent subject, Revel finds in Foucault's reflection on the care of the self and freedom the conceptual tools to re-position agency within power relations. The dissatisfaction with the liberal model of subjectivity and agency is at the heart also of Saba Mahmood's sociological and anthropological studies. Her research on the piety movement in Egypt shows that the actions of the mosque movement women do not fit into the liberal dualistic view of agency, according to which agents can only accept or reject social norms. This framework would inevitably portray these women, who cultivated virtues and practices usually associated with patriarchy (e.g. wearing the veil), as passive and submissive. Since they do not openly reject some existing norms, they are not free and emancipated agents. To rethink agency beyond this dualism and look at how agents can productively re-appropriate and inhabit norms, also Mahmood mobilises Foucault's work on disciplinary power, norms negotiation and agency.⁹⁴

Let me now explain why Foucault's idea of freedom is innovative and it breaks with the liberal model. As we did with the notion of governmentality, to understand Foucault's account of freedom we should look at what autonomy and freedom mean in liberal political theory. The liberal concept of freedom is inherently tied to the one of subject of rights, whose sovereignty is mirrored and represented by the artificial institution of the great *Leviathan*. In the classic account, which I ascribe to Hobbes,⁹⁵ freedom is defined in terms of the subject's autonomy. The latter is the capacity for self-determination independently of the conditions or

⁹³ For Revel, the traditional view of agency "reiterates a model of subjectivity as ontologically free from power relations" Cremonesi, Irrera, Lorenzini and Tazzioli, "Introduction: Foucault and the Making of Subjects: Rethinking Autonomy between Subjection and Subjectivation," in *Foucault and the Making of Subjects*, 4. See also the example of the Strauss-Kahn/Nafissatou Diallo affair in Judith Revel, "In the Meshes of Power: Dispositives, Strategies, Agency," *Darkmatter* 12, <http://www.darkmatter101.org/site/2015/10/05/in-the-meshes-of-power-dispositives-strategies-agency/>.

⁹⁴ Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005). See also Mahmood's article "Feminist Theory, Agency, and the Liberatory Subject: Some Reflections on the Islamic Revival in Egypt", *Temenos - Nordic Journal of Comparative Religion* 42, no. 1 (2006), 31-71.

⁹⁵ I am not suggesting here that Hobbes exhausts the debate about the notion of freedom, which has constantly engaged theorists. The choice to look at Hobbes however is based on his role in the Foucauldian discussion of sovereignty.

the contexts subjects are embedded in. Hobbes' definition of the essence of freedom in *Leviathan* is at the very root of the modern characterisation of freedom as non-obstruction:

By 'liberty' is understood, according to the proper signification of the word, the absence of external impediments; which impediments may oft take away part of a man's power to do what he would, but cannot hinder him from using the power left him according as his judgment and reason shall dictate to him.⁹⁶

This negative definition of political freedom depends on the fiction of subjects of rights and on its original natural freedom.⁹⁷ The artificial person of the sovereign, who will be the absolute guarantor of security and stability, is created only through the artifice of a subject that decides to renounce the right to govern themselves as a political solution to the life-threatening state of nature. Here, natural freedom empowers subjects but, at the same time, condemns them to constant precariousness and vulnerability. Freedom, in this sense, has a twofold function in the logic of sovereignty. On the one hand, it is the logical pre-condition for the creation of an unconditional authority moving from the abstract danger of the state of nature. On the other hand, it is the positive outcome of the establishment of an absolutist state. Only within this movement of thought, which paradoxically places it before and after the creation of the state, political freedom can be defined as the individual's unconstrained exercise of power guaranteed by the *artificial chains* of laws.

Foucault's definition of freedom and subjectivity goes in a completely different direction, directly challenging this perspective. The main difference is the shift of focus from an alleged abstract essence of freedom (e.g. *the absence of external impediment*) to the deployment of freedom itself. Foucault's real interest is thus in the practice of freedom. As it happened in the Hobbesian strategy, the key for addressing this topic is the co-implication between subjectivity and freedom. The consequence of this interdependence between the two terms is that to grasp the practice of freedom we need to refer again to subjectivity, which is the axis around which power revolves. Particularly, if as Foucault suggests power is exercised only over free subjects, we need to investigate who is a free subject. Foucault's answer is that, by free individuals

⁹⁶ Thomas Hobbes, *Leviathan* (Cambridge: Cambridge University Press, 1996), Ch. XIV, 91.

⁹⁷ About the concept of freedom in Hobbes see Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).

we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse compartments, may be realized.⁹⁸

For Foucault, free individuals are not those who can ‘freely’ act. Free individuals are those who have possibilities and must deal with limits and restrictions. They have concrete available courses of action in a determined but plastic framework. This understanding of who is a free individual has some important consequences for the idea of freedom itself. The first one concerns its definition. Freedom now is associated with something different from the typical idea of the capacity to act despite external constraints and limits. Quite the opposite, freedom is the capacity to act within and according to constraints and impediments, which can be both material or social. In other words, the practice of freedom is the negotiation with those norms informing and shaping our subjectivity. This negotiation can eventually, but not necessarily, lead to their transgression and excess through resistance or counter-conducts.⁹⁹ The reference to resistance leads to another consequence of such an understanding of freedom. From a Foucauldian perspective: “Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power.”¹⁰⁰ Agents do not resist power, they resist within and because of power. All power relationships give some room for forms of resistance. As Chapter 2 will further develop, this co-dependence of freedom, power and resistance rejects a traditional binary understanding of power (e.g. sovereign model). From a Foucauldian perspective, the impossibility of being outside power relationships is not a limit. Quite the opposite, it warrants the possibility to modify or subvert them. Radical immanence is indeed what allows subjects to resist. Being inevitably and always immersed in a game of power is the precondition to engage with it.

To conclude, the Hobbesian model of freedom is antithetical with the Foucauldian conception. From a Foucauldian perspective, freedom is not a state or condition independent from power relations. What follows from the Foucauldian position is that a condition of absolute freedom does not occur; in its place, Foucault identifies the constant work of engaging with the possibilities given by the context. If so, freedom is a task to which individuals have to

⁹⁸ Foucault, “The Subject and Power,” 342.

⁹⁹ Foucault indeed makes very clear that his political and ethical project is not completely antagonistic toward power: “My point is not that everything is bad, but that everything is dangerous which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy, but to a hyper and pessimistic (*optimistic*) activism. I think that the ethico-political choice we have to make everyday is to determine which is the main danger,” Michel Foucault, “On the Genealogy of Ethics: An Overview of Work in Progress,” 231-232.

¹⁰⁰ Foucault, *The Will to Knowledge*, 95.^[1]_[SEP]

commit. Freedom is unthinkable independently from power relationships and the individuals involved in them. As we have also seen in the traditional theory of liberty, freedom is reliant on subjectivity and vice versa. The difference is, however, that in the traditional account all individuals are free by nature, independently of their context and in virtue of their human nature itself. By contrast, for Foucault there are free individuals, or better, individuals with some leeway in a determined situation. As Oksala maintains, Foucault's notion of freedom as the condition for power relationships opposes the humanistic idea of freedom as an essential human attribute, as an inherent characteristic which assumes an underpinning human nature.¹⁰¹

Foucault's logic seems to be now clearer. All power relationships are based on freedom. Freedom therefore exists only in the individual's engagement with the situation that shapes and fashions them. Foucault then defines this active participation in a creative process as resistance. As such, all power relationships potentially imply practices of resistance which are ultimately practices of the self as exercises of freedom. This equation between power relationships and freedom as possibilities of resistance is, however, more controversial and complicated than Foucault's apparent solution. Is it true that all subjects have access to practices of resistance or self-government? Are all practices of self-care also practices of resistance and freedom? This emphasis on the omnipresence of resistance seems to be somehow flawed or naive, as it apparently fails to recognise the constraints and the limits in power mechanisms. The following two chapters, however, will demonstrate Foucault's account to be more nuanced, and that not all practices of self-care are practices of resistance or subjectivation.

1.7. Going back to Marcus Aurelius?

This chapter opened with some scholars' concerns and questions about Foucault's turn to antiquity and its lack of political implications. I have suggested that Foucault's interest in the Stoics' therapeutic practices is not a withdrawal from the political engagement of his previous research on power and knowledge. Nor is he promoting an ethics of self-cultivation modelled around the privileged lifestyle of an emperor such as Marcus Aurelius, or a philosopher-statesman such as Seneca. In order to respond to the concerns about the political nature of practices of self-cultivation, I have suggested that the turn to antiquity is part of a broader investigation about the historical modalities of production of subjectivity. To prove this hypothesis, I have examined some material from two relevant philosophers for the Foucauldian

¹⁰¹ Oksala, *Foucault on Freedom*, 188.

method, namely Nietzsche and Kant. The genealogical approach of the former and the critical legacy of the latter are indeed capital to grasp the motivation of Foucault's work. The central part of this chapter has then linked together the political and the ethical axes, by suggesting that the ethical subject is always and already a governmental subject. The clarification of governmentality in terms of meta-conduct, as action that creates the condition for other actions, has allowed a definition of subjectivity as a form of agency. The capacity to act in a determined context has been also linked to the notion of freedom, according to the renewed Foucauldian interpretation which conceives it as a continuous negotiation with limits to potentially transgress them. Practices of care of the self are thus practices of freedom. But are these practices always possible? The last part of this chapter has opened to a first problematization of the reading of the interplay between power and freedom, according to which individual resistance would always be possible. Finally, the tension with the sovereign model has crossed the entire chapter. Discussing Foucault's understanding of power, subjectivity and freedom has in fact constantly required the assessment of the innovative breadth of these notions in comparison with their traditional meaning in the theory of social contract, identified here mainly with the Hobbesian stand in *Leviathan*. The limits of agency will be at the heart of the following chapter. In order to unpack this topic, it will be necessary to further clarify some features of Foucault's conception of power. Particularly, we will first question what resistance means in a governmental framework. Having clarified the new meaning, we will then address the problem of the material dimension of the practices of care in light of Butler's adaptation of the Foucauldian legacy. The stress on the corporality of care will then lead us to analyse the political investment over the body; revealing the latter as a twofold entity: the individual and collective. As the pastoral metaphor will reveal, these bodies are subjected to two related mechanisms of power: on the one hand: discipline shaping the individual body, and on the other: security controlling the population. By focusing on the disciplined bodies, the second half of the next chapter will develop the difference, introduced by Pierre Macherey, between norms and laws. This comparison will allow us to interpret norms as a form of second nature. Thinking of normality in these terms will pose the problem of what concretely are the spaces for practices of self-conduct given the interiorisation of habits and gestures.

Chapter 2

Care of the Self as Self-Disciplinarianisation

This thesis investigates Foucault's account of the politics of the care of the self and its limits. As seen in the first chapter, the core issue of Foucault's critical project takes shape through his historical analysis of the different ways subjects are manufactured. In other words, Foucault's main concern is the investigation of 'subjection' and 'subjectivation'. By these terms, he means those mechanisms of power that govern us, and those practices that enable us to fashion ourselves. In the first chapter, I suggested that we can best understand Foucault's account of subjectivity by looking at it through the lens of his notion of 'governmentality'. Foucault conceives the notion of 'government' as a form of meta-conduct or conduct of conducts. He defines 'government' as the action circumscribing the "practical systems"¹⁰² through which subjects act.

This move has two major consequences for a research on the politics of the care of the self. Firstly, it entails redefining political subjects as potential agents or actors rather than abstract subject of rights, as suggested instead by the juridical model. Once individuals are understood as the main product of governmentality, defined as an action over actions, we can consider subjectivity as agency or the capacity to act. Secondly, Foucault's interpretation of subjectivity as agency implies a reassessment of the traditional conception of freedom developed in modern political theory. To address Foucault's challenge to the traditional account of freedom, we need to understand the connections he draws between power and the 'spaces' of resistance. As will be discussed, the Foucauldian reflection on resistance takes two different, if not contradictory, paths. While the first optimistic answer is summarized in the famous statement "where there is power, there is resistance,"¹⁰³ the second possibility states that the spaces for resistance are narrower than what this equation between power and resistance seems to entail.

This chapter prepares the ground for the discussion of the spaces and limits of the politics of the care of the self, conceived as a practice of resistance. Resistance, however, is just one of the possible meanings of the care of the self. This notion, like governmentality,

¹⁰² Foucault, "What is Enlightenment?," 116.

¹⁰³ Foucault, *The Will to Knowledge*, 95.

covers a broad semantic range. The polysemy of self-government and self-mastery includes forms of ‘voluntary servitude’ as well as forms of ‘voluntary inservitude’, expressions that I metaphorically borrow from Étienne de La Boétie’s work, *The Politics of Disobedience: The Discourse on Voluntary Servitude*.¹⁰⁴ To explain this dualism, I will first look at forms of care of the self in a disciplinary framework. In a disciplinary context, the practices of self-fashioning are governmental technologies. For this reason, this chapter should be read in continuity with the following one, which will advance a similar hypothesis about practices of self-fashioning in securitarian mechanisms. What these two chapters show, in their connection, is how the practices of care of the self, traditionally associated with the idea of resistance and autonomy (viz. inservitude), can be also forms of ‘voluntary servitude’. Specifically, in the context of disciplinary power subjects voluntarily self-discipline themselves to adhere to some norms. As shown by Foucault and Macherey’s studies, the strength of disciplinary power lies in individuals’ interiorisation of norms, resulting in a form of orthopaedy or, as Alberto Toscano calls it, ‘orthopraxy’.¹⁰⁵ This correct posture or correct *praxis* becomes a sort of ‘second nature’.

The notion of second nature has traditionally been used to account for Aristotle’s theory of character formation, according to which ethical virtues are individuals’ *hexis*, or habits. As such, the development of regular habits results in the acquisition of a second nature.¹⁰⁶ Nonetheless, differently from the Aristotelian model, in which second nature is still bounded with the natural world, normalisation promotes a completely political second nature, which does not rely on any original or first nature.¹⁰⁷ This chapter will thus investigate what the

¹⁰⁴ *The Politics of Obedience: The Discourse of Voluntary Servitude* (Auburn, AL: Ludwig von Mises Institute, 2008). As known, La Boétie’s work focuses on the issues of political obedience and power legitimisation. Particularly, La Boétie questions why individuals voluntarily accept their own subjection to state’s power and if/how they can resist it. As such, there are some interesting similarities between La Boétie’s political investigation and Foucault’s work on norms, disciplinary power and self-care. Partly addressed by Newman’s article, “Critique Will Be the Art of Voluntary Inservitude”, the ‘dialogue’ between La Boétie and Foucault is definitely worth being further explored. Nonetheless, a remark should be made. While La Boétie focuses on state’s power, Foucault is interested in disciplinary and extra-institutional power relations, the so-called micro-physics of power. La Boétie and Foucault’s ideas of voluntary servitude and voluntary inservitude therefore refer to different understandings of power and politics. In virtue of this theoretical difference, my research will not further expand the comparison between La Boétie and Foucault and will use the expressions “voluntary servitude” and “voluntary inservitude” predominantly in a metaphorical sense.

¹⁰⁵ Alberto Toscano, “What Is Capitalist Power? Reflections on ‘Truth and Juridical Forms,’” in *Foucault and the History of Our Present*, 39.

¹⁰⁶ On Aristotle’s naturalism and ethical formation as the acquisition of a second nature, see John McDowell, *Mind and World* (Cambridge, Ma: Harvard University Press, 1996) and “Two sorts of naturalism,” in *Mind, Value, and Reality* (Cambridge, Ma: Harvard University Press, 1998), 167–197.

¹⁰⁷ In the Aristotelian philosophy, physics is first nature.

technologies of the self mean in a disciplinary framework where norms become a political second nature without any appeal to a foundational and original first nature. Disciplinary power produces docile subjects that interiorise and conform to some norms:

In the prison, the factory workshop, the school, the barracks and the asylum, this new economy of power worked to ‘fabricate’ subjects in modernity not through the direct imposition of physical violence but rather through the more subtle repetition of forms of graduated exercise and daily routine. It was in these various institutional locations, which in the modern age betrayed a telling isomorphism, that power functioned to discipline individuals according to relevant behavioural norms (the productive worker, the assiduous student, the dutiful child, and so forth) and to insert these individuals into modes of production through constant and studied repetition these norms were internalized by the individual and manifested in his or her conduct.¹⁰⁸

To disentangle the polysemy of the care of the self and to make sense of individuals’ self-discipline in disciplinary mechanisms, the first section of this chapter clarifies Foucault’s notion of resistance in consideration of his re-definition of freedom. My suggestion is that we can characterise the Foucauldian notion of resistance in terms of two key features: agonism and negotiation. The second section examines this Foucauldian account of the relationship between power and resistance by focusing on the corporal and material dimension of power relationships. Following Butler’s appropriation of the Foucauldian legacy, it argues that the body should be thought of as the first and main site of political struggles, and that a project on the care of the self cannot ignore the material dimension of the practices of self-government. The chapter will therefore focus on the significance of Foucault’s analysis of the emergence of what he calls ‘normalisation’, or the ways in which modern subjects are produced as subjects of norms. Drawing on Macherey, it explains the logic of normalisation through a comparison of the ways laws and norms function. Finally, this chapter concludes with an open question about how ‘normalisation’ structures the relationship between power and resistance; that is, how is it possible to act differently from our second nature induced by norms?

2.1. Resistance between agonism and negotiation

¹⁰⁸ Ben Golder and Peter Fitzpatrick, *Foucault’s Law* (Abingdon UK: Routledge, 2009), 19.

The aim of the first section of this chapter is to further develop and clarify the meaning of ‘resistance’ in a governmental framework as the “art of not being governed.”¹⁰⁹ We need briefly to distinguish Foucault’s notion of resistance from the traditional account in the social contract theory. To get a proper sense of Foucault’s innovation, therefore, I will review its deep connection with freedom further.

As we saw in the previous chapter, freedom plays a foundational role in Foucault’s analytics of power. The peculiarity of the interplay between ‘freedom’ and ‘power’ lies in their co-implication. Power, Foucault claims, “is exercised only over free subjects, and only insofar as they are free.”¹¹⁰ This constitutive interdependence of power and freedom breaks with the juridical conception of negative freedom and the so-called sovereign or juridical model of power. The latter, he argues, artificially conceives freedom as the *a priori* condition of the covenant that engenders the political space of society. Freedom, on this account, exists prior to and independently of the formation of the sovereign state. In the governmental framework, however, this fictitious separation and exteriority vanishes.

Foucault challenges the juridical notion of freedom and in doing so transforms the notion of ‘resistance’. He argues that the classical juridical understanding of ‘freedom’ as rejecting or being in opposition to a constituted power is misleading. It is so because it assumes a dualism grounded in the reification of power and subject(s). According to the contractualist tradition after Hobbes, acts of resistance correspond to a subversion or disruption of a political order that has lost its legitimacy. As it emerges in John Locke’s amendment (or development) of Hobbesian absolutism,¹¹¹ the justification of resistance lies in the ultimate right of the people to limit government. The delegation of power, upon which the social contract is founded, is indeed conditional upon the respect of individuals’ freedom, which, as noted, is presumed to exist before the institutionalization of the political realm. The acts of resistance are thus acts of a sovereign (collective) subject who is entitled to resist in virtue of that original freedom that engenders the commonwealth. In other words, according to the theories of the social contract,

¹⁰⁹ Newman, “Critique Will Be the Art of Voluntary Inservitude,” 61.

¹¹⁰ Foucault, “The Subject and Power,” 342.

¹¹¹ The lawfulness of the right of resistance in the social contract theory is first introduced and developed by John Locke in the *Second Treatise of Government* (Indianapolis: Hackett Publishing Company, 1980). The right of resistance is in fact not contemplated in Hobbes’s political theory. In his legitimation of power’s delegation, the Leviathan is the actor of the people’s will. For this reason, any form of resistance to the exercise of its power would be a logical contradiction. The sovereign derives its absolute authority from the will of the people. Any act of resistance to its power would compromise the unity of the commonwealth and, by doing so, endanger the state’s capacity to guarantee security and peace.

the practices of resistance are the rightful exercise of sovereign power from a (collective) subject of rights. And they take the shape of an act of opposition to power. Resistance is the act of challenging the authority and legitimacy of a form of government, conceived as a sovereign design, which might lead to its dissolution.

The premises of the modern understanding of resistance are, on one hand, the fiction of a subject of rights and, on the other, the existence of a sovereign power that can be challenged if it endangers individual freedom. Foucault's investigation on resistance instead takes shape through an analytics of power that dissolves the dualism subject-power and places freedom at the very heart of each political relationship in a completely different way. How does this change the notion of resistance? Once we reject the dualism typical of the juridical model, Foucault argues, we must also reconceive the practices of resistance. They are not merely the rejection, negation or dissolution of power, but rather the capacity to transform and re-create our existential conditions:

We cannot place ourselves outside any situation, and nowhere are we completely free from any power relationship. But we can always transform the situation. I did not mean to say that we were always trapped, but, on the contrary, that we are always free. Finally, in short, that there is always the possibility of transforming the situation (...) resistance is not simply a negation: it is a process of creation; create and recreate, transform the situation, participate actively in the process, that is resisting.¹¹²

This passage is particularly relevant as it provides reasons for Foucault's optimistic approach and for its contribution to a renewed elaboration of practices of resistance. The latter indeed emerges as a creative process. Rather than rejecting the political framework, the practices of resistance engage with its characteristics and limits to fashion it a different way: "Not only we do not need to protect ourselves, but we also need to affirm ourselves. And we need to affirm ourselves not simply as identity, but as creative force."¹¹³

The identification of resistance as a creative force rather than a defensive attitude sidelines the traditional oppositional connotation (resistance to power[s]). The practices of resistance enter into a different relationship with their political framework. This anti-essentialist and creative account of resistance results in an agonistic attitude:

¹¹² Michel Foucault, "Michel Foucault, une interview: sexe, pouvoir et la politique de l'identité," in *Dits et écrits II, 1976–1988*, ed. by Daniel Defert and François Ewald (Paris: Gallimard, 2001), 1559-1560 [my translation].

¹¹³ Foucault, "Michel Foucault, une interview: sexe, pouvoir et la politique de l'identité," 1555 [my translation].

The relationship between power and freedom's refusal to submit cannot, therefore, be separated. (...) At the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom. Rather than speaking of an essential freedom, it would be better to speak of an "agonism"- of a relationship which is at the same time reciprocal incitation and struggle, less of a face-to-face confrontation which paralyzes both sides than a permanent provocation.¹¹⁴

What follows from this agonistic view is not only that power and freedom are inherently connected, but also that they nourish each other. They incite and constantly challenge each other. And resistance, as a creative process, is one of the forms that their 'permanent provocation' takes. The practices of resistance in fact essentially stem and evolve from the ways we are produced as subjects. Such an agonistic understanding of freedom and of the related practices of resistance is therefore justifiable in virtue of the correlation between power and subjectivity existing in Foucault's analytics of power. Both these poles exist only in and through their 'polemical' connection that assures their reciprocal growth: "The individual is in fact a power-effect, and at the same time, and to the extent that he is a power-effect, the individual is a relay: power passes through the individuals it has constituted."¹¹⁵ Their interdependence is the underpinning premise of the agonistic interplay between individuals and power relationships.

The creative and generative dimension of its practices, however, does not exhaust Foucault's intuition about resistance. The latter might be tackled also from another angle, which directly calls into question the problem of self-government: the *negotiation* between subjection and subjectivation. If in "The Subject and Power" Foucault alludes to a 'recalcitrance of the will' agonistically engaging with power relationships, in "What is Critique?" he describes resistance as "the art of not being governed, or better, the art of not being governed like that and at that cost."¹¹⁶ This definition recalls the polysemy of governmentality, which was described in the previous chapter as the oscillation between forms of subjection and of subjectivation. Resistance as the "art of not being governed quite so much"¹¹⁷ coincides with the political act of engaging with the different modalities of

¹¹⁴ Foucault, "The Subject and Power," 342. He also discards the promise of liberation, as this would implicitly presuppose an essential and inner self capable of releasing himself/herself from an external network of power, see Michel Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," in *Essential Works of Foucault 1954–1984*, vol. 1, *Ethics*, 281–301. This position is also clear in the Foucault, *The Will to Knowledge*, 83.

¹¹⁵ Foucault, *Society Must be Defended*, 30.

¹¹⁶ Foucault, "What is Critique?," 45.

¹¹⁷ Foucault, "What is Critique?," 45.

government. More specifically, resistance is the negotiation that takes place in the spectrum between subjection and subjectivation. In Foucault's account, in fact, subjection is never fully accomplished and there is always some room for subjectivation. In the same vein, absolute subjectivation (self-government) is not possible and there are always some forms of subjection. In the oscillation between these two extremes, the creative work of resistance takes place.

As a result, Foucault's analytics of power invites us to rethink resistance beyond classic contractualist theory. From his texts, we can infer two inflections of a governmental account of resistance: agonism and negotiation. The former puts great emphasis on the polemical nature of the relationships between subjects and power. The consequence of an agonistic understanding is that resistance, as creative capacity to re-shape power relationships, expands or decreases with them. The idea of negotiation, instead, directly refers to the governmental plan. Resistance is situated in the space existing between the abstractions of absolute subjection and subjectivation. What both agonism and negotiation stress then is the endless work of resistance.

From this brief reconstruction of Foucault's argument, we can see how his account of power as governmentality entails freedom as the condition of possibility for power relationships. On this basis, Foucault reconceives the subject and freedom. He argues that subjectivity is not exterior to power and that freedom is not simply freedom from power. Rather, he claims, the subject is an effect or 'relay' of power and freedom is the agonistic, creative transformation of structures of power. Foucault's analytics of power thus engenders an optimistic form of activism. However, his analysis of the materiality of power relationships casts some doubts on the actual possibility of this permanent activism or practices of resistance. Foucault's optimism appears to be at odds with his concrete, pragmatic analysis of the political investment over the body. My hypothesis, in short, will be as follows: between these two articulations of resistance there seems to be an unresolved tension. In the next section, I will add another layer of analysis by introducing Foucault's politicisation of the body. Particularly, I will show how the latter problematizes the ethical project of a creative transformation of ourselves.

2.2. The politics of bodies or the government of bodies

How does the politicisation of bodies contribute to this research? The importance of the politics of bodies will be demonstrated by showing how power's functioning, both at the (micro-)individual and (macro-)collective level, closes or reduces the spaces of action for some

subjectivities. The absoluteness of the practices of resistance is thus resized or, at least, put into perspective. To proceed in this direction, I will first explain what a politics of the body is. The element of novelty in Foucault's analytics of power is not limited to the notion of governmentality. Another innovative characteristic of his understanding of power relationships is power's investment over bodies. In Foucault's words, there is nothing "more material, physical, corporal than the exercise of power."¹¹⁸ The importance of the political investment on the body is essential to the point that governmental strategies might primarily be defined as forms of government of bodies. As such, the body is the fundamental point of departure for an analysis of the ethical project on the care of the self:

Mastery and awareness of one's own body can be acquired only through the effect of an investment of power in the body (...). But once power produces this effect, there inevitably emerge the responding claims and affirmations, those of one's own body against power, of health against the economic system, of pleasure against the moral norms of sexuality, marriage, decency. Suddenly, what had made power strong becomes used to attack it. Power, after investing itself in the body, finds itself exposed to a counterattack in that same body.¹¹⁹

Not only does this passage stress the key role of the body in the governmental framework, but it also clarifies that power's investment over the body is the unavoidable point of departure of an aesthetics of the self. The body is always a subjected body rather than a subjectivating one. In this negotiation between subjection and subjectivation, the latter is first and foremost an act of "desubjugation."¹²⁰ The critical capacity to undo or change forms of subjection is indeed a condition for self-government. The implicit premise of the ethical project of the care of the self is a form of power investment in the body: "Mastery and awareness of one's own body can be acquired only through the effect of an investment of power in the body." Given that governmentality assumes *a priori* the mechanisms of subjection, the capacity to subvert power relationships hinges upon the kind of government that we are subjected to. This priority of subjection is already clear in *Society Must be Defended* and in *The Will to Knowledge*, where Foucault remarks that power continuously flows through individuals. The technologies of

¹¹⁸ Michel Foucault, "Body/Power," in *Power/Knowledge: Selected Interviews and Other Writings 1972–1977*, trans. by Colin Gordon et al. and ed. by Colin Gordon (Brighton: Harvester Press, 1980), 57.

¹¹⁹ Foucault, "Body/Power," 56.

¹²⁰ Cremonesi, Irrera, Lorenzini and Tazzioli, "Introduction: Foucault and the Making of Subjects: Rethinking Autonomy between Subjection and Subjectivation," in *Foucault and the Making of Subjects*, 8.

government and of production of subjectivity are omnipresent, but the nature of these practices is mutable. Even though all bodies are governed, they are not all governed in the same way. And the polymorphism of governmental techniques conditions the space(s) of self-government.

At this point, one might want to ask what kind of strategies these bodies implement for “not being governed quite so much” or can they negotiate their leeway of self-government? The problematization of the conditions for subjectivation leads us to the second consideration, which concerns the role of the body in the governmental framework. Since governmentality is a form of government that addresses the body, the latter becomes the fulcrum of political struggle and negotiation. It becomes the first and main site of subjugation as well as of resistance or subjectivation. Rather than being a place of domination, it is a constantly disputed place: “Suddenly, what had made power strong becomes used to attack it. Power, after investing itself in the body, finds itself exposed to a counterattack in that same body.”¹²¹ If this privileged status of the body is true, to understand the spaces of care of the self we need to look at it and at the technologies of power investing in it. This centrality of the body emerges perhaps in a clearer way in the use of Foucault’s research by feminist thinkers, who have heavily relied on his studies of power, sexuality and subjectivity.¹²² I will focus particularly on Butler’s critique of the naturalisation of gender and on the elements of continuity/discontinuity between her theory and Foucault’s politics of bodies. In doing so, I suggest that her idea of gender as performativity illustrates and clarifies two traits of the politicisation of bodies in relation to subjects’ constitution: subject’s transformative capacity and the importance of material conditions.

2.3. Butler’s amendment and expansion of Foucault’s politics of bodies

Butler’s work on gender is possibly one of the clearest (and most controversial) examples of a feminist use of the Foucauldian discovery of the political investment upon bodies.¹²³ Even though she draws on many different sources, Foucault’s intuition about power’s productivity is fundamental as it provides Butler with instruments to undo the naturalness of gender and to

¹²¹ Foucault, “Body/Power,” 56.

¹²² About the feminist reception of Foucault’s work see, for example, Irene Diamond and Lee Quinby, eds, *Feminism and Foucault: Reflections on Resistance* (Boston: Northeastern University Press, 1988) or Caroline Ramazanogly, ed., *Up Against Foucault: Explorations of Some Tensions Between Foucault and Feminism* (London: Routledge, 1993) and Amy Allen, *The Power of Feminist Theory: Domination, Resistance, Solidarity* (Abingdon: Taylor & Francis, 2000).

¹²³ See Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990) and *Bodies that Matter: On the Discursive Limits of “Sex”* (New York: Routledge, 1993).

uncover the coercive violence implicit in these naturalistic claims. Specifically, the productive functioning of power allows her to destabilize and unmask the compulsoriness of the heterosexual regime of truth. The acknowledgment of the political construction of subjectivity and of the related epistemic domain frees,¹²⁴ in Butler's view, the problem of gender and sexuality from the fiction of an essential nature, replacing it with the idea of performativity. In her account, rather than being a fixed and existing identity, gender is a becoming, an ongoing performance:

If the inner truth of gender is a fabrication and if a true gender is a fantasy instituted and inscribed on the surface of bodies then it seems that genders can be neither true nor false, but are only produced as the truth effects of a discourse of primary and stable identity.¹²⁵

Butler's attempt to denaturalize gender ought therefore to be understood as an expansion of Foucault's anti-essentialist and anti-foundationalist approach. Her critique of gender normalization or of a stable subject of feminism, as Butler calls it, directly follows up the Foucauldian rediscovery of power's investment over the body.

More broadly, Butler's politicisation of gender offers us an ideal point of entry into the goal of Foucault's politics of bodies. Even though she is addressing a specific topic, gender's constructedness, her research and Foucault's project share the same overall problem: the analysis of the modalities of the subject's constitution. Foucault's own studies on sexuality should thus be read as complementary to this broader level of investigation. What is stake in his works on sexual practices is, indeed, the possibility of exploring the productive relationship of the self with the self. This study of sexual practices is part of a broader project of re-discovery of the different practices of the self: "I must confess that I am much more interested in problems about techniques of the self and things like that rather than sex (...) sex is boring."¹²⁶ This project is evident in the second volume of *The History of Sexuality, The Use of Pleasure*. Here, Foucault affirms that the history of desiring men is the ideal expedient "to look for the forms and modalities of the relation to self by which the individual constitutes and recognizes himself *qua* subject."¹²⁷ The study of sexual practices and of power's hold over

¹²⁴ "It becomes impossible to separate our 'gender' from the political and cultural intersections in which it is invariably produced and maintained," Butler, *Gender Trouble*, 3.

¹²⁵ Butler, *Gender Trouble*, 136.

¹²⁶ Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress," 229.

¹²⁷ Michel Foucault, *The Use of Pleasure*, vol. 2 of *The History of Sexuality* (New York: Random House, 1990), 6.

one's desire is thus a vehicle for the reconstruction of the interplay between the mechanisms of subjection and those of subjectivation. And the body is the very site of this oscillation. It is the site of "polymorphous techniques of power," from which the technologies of self-government might derive.¹²⁸

Butler's work, however, is not only noteworthy for the emphasis she puts on the corporality of power relationships. Another related aspect in Butler's adaptation of Foucault's work lies in what we can call the 'materialist turn' in the understanding of care. In her studies addressing the problematic "convergence of governmentality and sovereignty"¹²⁹, it emerges that a convincing account of practices of care should include a form of political recognition and acknowledgement that guarantee some minimal material support. What is interesting in Butler's account of a good life is the link she establishes between the materiality of the political investment in a body and a body's capacity to act. In her view, the political investment upon bodies is, first and foremost, a form of "social and economic affirmation of life."¹³⁰ In this sense, Butler's work complements Foucault's intuition about agency. In fact, Foucault himself maintains that the premise for agency is being acknowledged as a potential agent: "A power relationship can only be articulated on the basis of two elements which are each indispensable if it is really to be a power relationships: that 'the other' (the one over whom power is exercised) be thoroughly recognized and maintained to the very end as a person who acts."¹³¹ What Foucault does not make clear, however, is what it concretely means to be acknowledged as an agent. Butler's complementary move clarifies what this acknowledgement implies. In her view, the recognition of individuals as agents equals their empowerment, which means that they are guaranteed the access to some material conditions for action. To bear the status of agents implies not only being entitled to some civic-political rights, but also being eligible for protection and material/economic support.

The discussion of Butler's position has helped us better grasp and expand two fundamental traits of the politics of bodies. On one hand, she clarifies the contentious nature of bodies in the governmental *dispositif* and their potential to transform themselves and be different. On the other, her attention for the material dimension of care suggests that a productive way to problematize the individual's capacity to act is looking at the political

¹²⁸ Foucault, *The Will to Knowledge*, 11.

¹²⁹ Butler, *Precarious Life*, 55.

¹³⁰ Judith Butler, "Can One Lead a Good Life in a Bad Life?," *Radical Philosophy* 176 (2012), 11.

¹³¹ Foucault, "The Subject and Power," 340. The second condition is freedom, as Chapter 1 has demonstrated.

strategies of concrete and legal dis-empowerment. The next sections will now address more directly the object of governmental care, the body.

2.4. What is the body?

The physicality of power relationships is one of the cornerstones around which a politics of the care of the self revolves. The focus on the politics of the body expands the issue of the polysemy of power relationships, opening up to the problem of the forms of marginalization or disempowerment within the realm of care. The latter is conceived as the practical condition of possibility for any forms of agency. It is important, however, to point out the concern of the body itself, which so far has simply been assumed to be the neutral and natural object of some forms of power. One of the most innovative aspects of Foucault's analysis of power, instead, has been the discovery of power's productivity. In line with this principle, the physical exercise of power produces the body through which it passes.

What is this body through which biopolitics is exercised? What are its features? Is this a multi-layered and multi-faceted concept, or the opposite, a monolithic and singular entity? Up to this point, the analysis has mainly referred to an individual body conceived as the object of power's investment. Power's productive force is exercised through individuals, shaping them by taking care of their bodies. However, the Foucauldian analytic of power refers to two interwoven bodies of subjection: the already mentioned individual body and the social or collective body. These two bodies, as we will see in the following chapter, are the correlate terms of different mechanisms of power: on one hand, discipline, and on the other, security. Power operates at the micro-level of the human body as well as at the macro-level of population: human species. The man-as-body and the man-as-species are conceptually but not concretely separated. In the fifth chapter of *The Will to Knowledge*, Foucault discusses the historical unfolding of governmentality as power's control over life, viz. biopolitics, and its reworking or transformation of pastoral care. Here, he also provides us with a clarification of the interactions between the individual body and the collective one:

This power over life evolved in two basic forms; these forms were not antithetical, however; they constituted rather two poles of development linked together by a whole intermediary cluster of relations. One of these poles -the first to be formed, it seems-centered 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, all this was ensured by the procedures of*

*power that characterized the disciplines: an anatomo-politics of the human body. The second, formed somewhat later, focused on the species body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary. Their supervision was effected through an entire series of interventions and regulatory controls: a biopolitics of the population. The disciplines of the body and the regulations of the population constituted the two poles around which the organization of power over life was deployed. [my emphasis]*¹³²

In this long passage, the two extremes of biopolitical hold over the body are clarified. The first pole of the power over life is the body as machine, while the second one is the body as species and population. What I defined as the individual body is thus the disciplined body of which Foucault talks in the early and mid-1970s. In this period, particularly in the studies condensed in *Abnormal*, *The Punitive Society* and *Discipline and Punish*, Foucault focuses on the processes by which subjects are manufactured, taking the specific form of normalization and disciplinarization. Through the analysis of different institutions, such as prison, schools and hospitals, he addresses the ways of production of docile bodies. The second part of this chapter will thus focus on the functioning of norms and the practices of self-government within disciplinary power. Foucault's history of disciplinary power is in fact directly relevant to his account of the limits of agency for three reasons. Firstly, the emphasis he places on the production of individuals. One trait of the disciplinary society is the strategic fashioning of individuals according to the necessity of a specific economy of power. Subjectivity is shaped through norms, whose efficiency is proved by individual's self-disciplinarianism. The success of norms can be measured by their naturalisation, according to which individuals automatically modify their behaviours to adapt to the standard of normality and abnormality. And this is the second reason of interest in the studies of disciplinary power, as they show how ethical technologies of self-fashioning can be governmental technologies. Without coercing or enforcing individuals, the full lightning and visibility of the panopticon leads subjects to observe, analyse and shape themselves. It is the subject's responsibility to shape and take care of their own bodies in respect of the second nature, the norms, that they have assimilated.

The final reason of interest in Foucault's account of disciplinary power is that it sheds light on how he conceives the relationship between new technologies of power and sovereignty. The studies on the emergence of the disciplinary society are in fact one of the places where Foucault clarifies his evaluation of sovereignty. Here, its position on the juridical model emerges as

¹³² Foucault, *The Will to Knowledge*, 139.

oppositional or antagonistic. Norms are defined in opposition to law, and disciplinary power in tension with the juridical mode. His refusal of the juridical paradigm in the early 1970s is indeed driven by the alleged incapacity of sovereignty to explain the underpinning logic of the phenomena of power typical of a disciplinary society. To grasp the logic of norms, the juridical paradigm must be overshadowed. Nonetheless, the assumption that Foucault rejects sovereignty *in toto* is an overstatement, distorting his critique and his project, which instead continues to ascribe to the juridical paradigm a strategic role. In this sense, embracing a complete dismissal of sovereign power would prevent us from understanding the complex stratification of layers that characterizes Foucault's analytics of power, which will be the object of examination in Chapter 5.

These three aspects of Foucault's studies on the society of norms (namely: the modalities of production of subjectivity, individuals' self-disciplinisation according to their second nature and the differences between norms and law) will be now put into dialogue. The following section will focus on the disciplinization of bodies to show how norms produce subjectivity. It will compare norms functioning with the functioning of law, demonstrating that self-care can be a form of self-disciplinisation (*viz.* voluntary servitude). Consequently, this analysis will lead to a first problematization of the limits of self-government as capacity to act for disciplined bodies.

2.5. The power of norms

We should now focus our attention on the strategic manufacture of subjects in a disciplinary society. Disciplinary power produces the kind of subjectivity it needs. A utilitarian logic regulates the fashioning and training of bodies. Individuals are manipulated according to the quantum of force they have, and the needs of the temporary power's arrangements in which they are located: "Discipline increases the forces of the body (in economic terms of utility) and diminishes these same forces (in political terms of obedience)."¹³³ The disciplinary society shapes and produces those bodies that are functional to its underpinning economy of power. For this reason, Foucault suggests that, to understand the kind of subjects we are, we need to pose the problem of "what mode of investment of the body is necessary and adequate for the

¹³³ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York: Random House, 1995), 138.

functioning of a capitalist society like ours? (...) One needs to study what kind of body the current society needs.”¹³⁴

Discipline’s productive hold upon bodies, however, functions through a multiplicity of co-operating means. The co-existence of different strategies for manufacturing subjects allows Foucault to provocatively argue that “in its function, the power to punish is not essentially different from that of curing or educating.”¹³⁵ The claim that the functioning of punishment is tantamount to care’s action is apparently counter-intuitive. In Foucault’s logic, however, this statement is justifiable in virtue of the shared ‘final cause’ of these disciplinary technologies. What characterizes disciplinary mechanisms is indeed that they maximize the utility of those bodies upon which power relationships have invested. All the heterogeneous techniques of control share the same objective: the production of docile bodies required for the growth of an industrialized economic system. Taking a step further, they share not only the objective, but different disciplinary techniques share also the ‘formal cause’: the modality of subjecting bodies. Prisons, hospitals, factories or schools in fact fabricate subjects through the same logic of bodies’ disciplinarisation. They achieve an unforced subjugation by following the same principle of normalization.

If it is true that different disciplinary mechanisms operate according to the same principle, normality, we need now to shift the focus from the multiple technologies to the notion of norms. We will also address the interplay between disciplinary power and sovereignty. In Foucauldian terms, in fact, the real difference is not between punishment and care, but between normalization and the juridical paradigm. Their relationship will be set out in oppositional or antagonistic terms through an analysis of their tools, norms and laws.

In Foucault’s reading of disciplined bodies, the notion of norm plays a crucial role. The individualizing force of discipline can be understood only through a theoretical slippage from a model of power strictly based on law to a paradigm revolving around norms. As he deepens the analysis of the prison system, it becomes in fact clearer that individualization is the characteristic of a society which is stopping to be a juridical society essentially articulated upon laws.¹³⁶ We become a society essentially articulated on the norm. The traditional representative

¹³⁴ Foucault, “Body/Power,” 58.

¹³⁵ Foucault, *Discipline and Punish*, 303.

¹³⁶ About the society of norms, see Pierre Macherey, *De Canguilhem à Foucault: La force des normes* (Paris: La Fabrique Éditions, 2009) and *Le sujet des normes*, and Stéphane Legrand, *Foucault et les normes* (Paris: Presses Universitaires de France, 2007). The discourse on norms in Foucault is, as known, influenced by Georges Canguilhem, *The Normal and the Pathological*, trans. by Carolyn Fawcett in collaboration with Robert S. Cohen (New York: Zone Books, 1991).

approach, rooted in the theory of the contract, is deemed inadequate to explain the disciplinarization of bodies. By focusing exclusively on the legitimation of rights and on the juridical sources of sovereign power, the juridical model overlooks the process of assimilation of heterogeneous practices and knowledges which are constitutive of the subject. To address the problem of the power to punish, we need to develop a new conceptual framework. Instead of raising the question about the legitimacy of power,

it is perhaps more important to ask the reverse question: how were people made to accept the power to punish, or quite simply, when punished, tolerate being so. The theory of the contract can only answer this question by the fiction of a juridical subject giving to the others the power to exercise over him the right he himself possesses over them.¹³⁷

The question about how we are “made to accept” a norm radically differs from the question about who has the right to exercise a certain form of power and what is the source of legitimation of that power. The latter is in fact a juridical matter, whereas the former concerns the assimilation of habits.

A new grid of the intelligibility of power is thus required to understand the disciplinary mechanisms. But what does it mean that norms are at the very heart of disciplinary power instead of laws? And how does disciplinary power implement its drive for the creation of subjected individuals who meekly internalize the norms by which they are produced? The key to answer these questions lies the way norms function. According to Foucault’s analysis, norms are “an authority that is exercised continually around him and upon him [subject], and which he must allow to function automatically in him.”¹³⁸ This subjective process of assimilation is possible in virtue of what Macherey has defined as the immanence of the norm.¹³⁹ The best way to understand what this means is perhaps to compare and oppose, as Macherey does, the immanent and contingent normativity of norms to the transcendent normativity of the law. As often it happens with the Foucauldian concepts in the analytics of power, the opposition between the immanence of norms and the transcendence of law can be explained by looking at the correlate term of power relationships: the subject.

What distinguishes a subject of norms from a juridical subject? Let us first consider the case of law. As we have seen in the previous chapter, sovereignty builds a relation of exteriority with the subject of rights. Sovereign power remains exterior to its application field. Its

¹³⁷ Foucault, *Discipline and Punish*, 303.

¹³⁸ Foucault, *Discipline and Punish*, 128-129.

¹³⁹ Macherey, *De Canguilhem à Foucault: La force des norms and Le sujet des normes*.

functioning seems to be merely prescriptive and its obligation formal: laws intervene by drawing a line between what is licit and what is illicit, what is allowed and what is forbidden. In Foucault's understanding, law's functioning is totally negative since it coincides with the circumscription of domains of interdiction or legitimacy. What happens outside or inside of this sphere is not a legal or juridical concern, as law works by drawing limits and defining space of actions. This purely formal understanding of law is consistent with the negative account of freedom developed by the juridical model. The *artificial chains*, as Hobbes defines laws, guarantee that absence of external interference necessary for individuals' freedom. Jurisdictions circumscribe a space of indifference and freedom. The sovereign, granted absolute authority and unchallengeable strength, assures a private space where all individuals can express their desires, so long as they are compatible with others' private liberty. As long as it does not interfere with others' freedom and does not break with laws (that is with the unity of the social body), the kind of individual you are is not an object of interest to the law. Shaping internally subjectivity is instead the objective of norms. In contrast with law's external negative or repressive role, norms are totally immanent to their fields of application: subjects. Norms exist only in the production of subjects embodying them. As Macherey points out:

If norm is not exterior to its field of application it is not simply, as we have just showed, because it produces it. It is also because norm produces itself by creating the field of application.¹⁴⁰

The norm exists only in its productive movement. The consequence of this entanglement between norms and subjects is a sort of symbiosis. The life of the norm coincides with the life of the subject. In the moment when norms are detached from the subjects they produce, they vanish: "There is nothing beyond the network."¹⁴¹ In this way, while the subject of rights maintains an external and abstract relationships with the realm of law, docile subjects completely interiorize the norms that create them. Individuals embody those norms, the existence of which depends on their actualization. This is the reason why the society of norms proceeds in terms of the interiorization of norms. As norms' realm is fully immanent to the subjects in which they operate, they erase the distance that still exists with laws and they create a subject completely filled with power relationships.

¹⁴⁰ Pierre Macherey, "Pour une histoire naturelle des normes", in *Michel Foucault philosophe* (Paris: Seuil, 1989), 210 [my translation].

¹⁴¹ Macherey, "Pour une histoire naturelle des normes," 210.

The hypothesis of a constitutive interdependence between individuals and norms based on a calculation of interests is reinforced by other evidence: the creation of abnormality. In a disciplinarian logic, in fact, the production of abnormality is necessary for the production of normality: “The existence of the abject and the mute is furthermore necessary for constituting the intelligible and the normal.”¹⁴² Pushing this logic to its limit, normality is possible only insofar as abnormality exists. In other words, the power of normality lies entirely in the possibility of deviating. The pressure normality can exercise upon individuals is directly proportional to the danger of abnormality. Paradoxically, abnormal individuals, instead of weakening norms, reinforce them. And, given their fundamental role in the development of an industrialized economy of power, discipline must generate them. A paradigmatic example of this dynamic is precisely the production of delinquency:

Although it is true that prison punishes delinquency, delinquency is for the most part produced in and by an incarceration which, ultimately, prison perpetuates in its turn. (...) The delinquent is an institutional product. (...) In short, the carceral archipelago assures, in the depths of the social body, the formation of delinquency on the basis of subtle illegalities, the overlapping of the latter by the former and the establishment of a specific criminality.¹⁴³

Discipline creates delinquent, abnormal bodies, since they are functional to the equilibrium of society as much as normal bodies are. As Foucault notes, normalization engenders a “field of gradation from the normal to the abnormal,”¹⁴⁴ and the entire spectrum must be filled. Both normality and abnormality are products of disciplinary power, which aims at moulding subjects in a strategic and utilitarian way. Each disciplinary system must be put in perspective and contextualised in a general economy of power.

This section on normalisation has set the ground for the following analysis of the space of agency for disciplined bodies. It has firstly clarified the productive and utilitarian nature of disciplinarian techniques. It has then drawn a comparison between norms and laws based on their interplay with subjectivity. Following Macherey’s interpretation, we talked of a transcendence of law and of an immanence of norms. The latter resulting in a form of symbiosis between the life of the norm and the life of the subject. We can now proceed by problematizing

¹⁴² Oksala, *Foucault on Freedom*, 11.

¹⁴³ Foucault, *Discipline and Punish*, 301.

¹⁴⁴ Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974– 1975*, trans. by Graham Burchell (London: Verso, 2003), 42.

the consequences of such a process of subjection for the theorisation of practices of self-government.

2.6. Orthodox and heterodox gestures

The symbiotic relationship between norms and bodies raises some issues regarding the practices of self-government. Since the normative strength of norms lies in their embodied existence, disciplinary power seems to close the spaces for a creative and generative relation of the self to the self. To better grasp this closure, we need to dwell a little longer on the implications of norms' immanence. One way to think of them is by referring to the corporal dimension of this interiorisation. Disciplinary power results in

a meticulous assumption of responsibility for the body and the time of the convict, a regulation of his movements and behaviour by a system of authority and knowledge; a concerted orthopaedy applied to convicts in order to claim them individually.¹⁴⁵

The key notion in this passage is the one of *orthopaedy*. This concept clearly evokes the assimilation of a right or proper posture, which becomes a standard of normality and abnormality. As mentioned, an indicator of the efficiency of norms' influence lies in their naturalisation, that is: in how much individuals absorb them. From this remark one might infer that the goal of disciplinary power is its own disappearance or total identification with subjectivity. If it is true that norms merge with disciplined bodies and inform their behaviours, the ethical task of autonomous self-fashioning as a form of resistance seems to be undermined. Echoing the notion of orthopaedy, one might ask whether the assimilation of habits and postures could give room to gestures or movements other than those encouraged. In other words, are heterodox movements concretely available? Can we resist or modify those norms that we are embodying, that shape our own posture(s) and set normative standards? Also, to what extent is the process of norms assimilation detached and separated from law's functioning and the juridical paradigm? These questions will be temporarily left unanswered, as I will now introduce an additional layer of problematization. I will show how the closure or reduction of space of agency might be approached also from another angle, namely the kind of rationality norms perform. Following again Macherey, we will observe that laws and norms

¹⁴⁵ Foucault, *Discipline and Punish*, 130.

operate according to a different rationality, which has an impact on the practices of resistance that might be performed.

In Macherey's reading, one of the characteristics of normalisation is its lack of violence, or better, of 'physical weight'.¹⁴⁶ Norms operate through a "soft" power; they do not enforce movements or habits: "A real subjection is born mechanically from a fictitious relation."¹⁴⁷ The reason why disciplinary society does not need to impose actions is the symbiotic relationship existing between norms and subjectivity. The paradoxical consequence of this dynamic of interdependence is that subjects themselves are the source of norms' force. Their conscious conformity to norms and standards of normality/abnormality engenders the power of discipline's faceless gaze. And it also assures the permanence of its effects in the discontinuity of actions. The case of a subject who is monitored in the panopticon is a good example of norms' force. As Foucault contends, "he who is subjected to a field of visibility, and who knows it (...) becomes the principle of his own subjection."¹⁴⁸ The strength of the disciplinary power derives thus from its interiorisation, which leads to subject's responsabilisation: "The inculcation of the 'scientifically' mandated norms of discipline is dependent upon the subjects of discipline themselves."¹⁴⁹ The arrangement of the panopticon in fact induces the inmate to assume the responsibility of his own behaviour: "The major effect of the Panopticon" is "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power."¹⁵⁰ In the trap of visibility created by the panopticon, it is the inmate's responsibility to adhere to the normalizing gaze. In other words, it is the convict's responsibility to fashion and take care of their own body.

The panopticon however does not represent an exception. Its dynamic of reallocation of responsibility triggered by absolute visibility expands beyond the prison system, as it takes place also in other institutions, like schools, hospitals or factories.¹⁵¹ The panopticon is simply a laboratory, a model to be replicated and adapted to different contexts. As Foucault and Deleuze stress in one of their dialogues in 1972:

[M.F.]: This is what is so fascinating about prisons: for once power does not hide itself, does not mask itself, but reveals itself as tyranny down to the most insignificant detail, cynically applied; and yet it's pure, it's entirely "justified," because it can be entirely formulated in a morality that frames its exercise: its

¹⁴⁶ Foucault, *Discipline and Punish*, 203.

¹⁴⁷ Foucault, *Discipline and Punish*, 202.

¹⁴⁸ Foucault, *Discipline and Punish*, 203.

¹⁴⁹ Golder and Fitzpatrick, *Foucault's Law*, 68.

¹⁵⁰ Foucault, *Discipline and Punish*, 20.

¹⁵¹ Foucault, *Discipline and Punish*, 202.

brute tyranny thus appears as the serene domination of Good over Evil, of order over disorder

[G.D.]: Now that I think about it, the inverse is equally true. It's not only prisoners who are treated like children, but children who are treated like prisoners. Children are subjected to an infantilisation which is not their own. In this sense, schools are a little like prisons, and factories are very much like them.¹⁵²

In whatever form it takes, disciplinary power does not hide itself. Its strength lies in the open and total manifestation of its deployment, of which docile and disciplined bodies are emblematic.

Therefore, norms' soft rationality plastically mould its objects, the individual's bodies. Laws instead enforce a "hard" and intransigent rationality, which formally coerce individuals. The imposition of laws, however, do not directly affect their fields of application. As Macherey points out, law establishes a totally formal and not negotiable kind of obligation.¹⁵³ Macherey's considerations about the hard rationality of law are also supported by the limits of the sovereign's monopoly of the legitimate use of violence. The sovereign indeed has the power to impose laws and their respect. It does not, however, have the power to force the assimilation of norms. Only the co-operation of subjects makes the latter possible. Precisely for this reason, according to Macherey, norms' soft rationality is the ultimate form of violence, even more dangerous than laws' enforcement. Given that it establishes a relationship of exteriority, law still allows the subject of rights to agree with, oppose to or reject them. By maintaining a constitutive distance between the subject and themselves, law creates a dualism which gives room to opposition or criticism. The logic of law thus belongs to the classic understanding of resistance developed by modern political science. The possibility of resistance permitted by the transcendence of law refers in fact to the fiction of an original freedom for which "any single man must judge for himself whether circumstances warrant obedience or resistance to the commands of the civil magistrate." The dualism or antagonism characteristic of sovereignty, instead, vanishes for the subject of norms. The distinction itself between interiority or exteriority is abolished, as norms are directly involved in subjects' formation by addressing and regulating their body. Going even further, in virtue of their complete identification, subjects participate to the evolution and metamorphosis of norms:

¹⁵² Gilles Deleuze and Michel Foucault, "Intellectual and Power," in *Desert Islands: and Other Texts, 1953–1974* (New York: Semiotext(e), 2004), 209.

¹⁵³ Macherey, *De Canguilhem à Foucault: La force des norms and Le sujet des normes*.

The norm's function is not to exclude or reject. Rather, it is always linked to a positive technique of intervention and transformation, to a sort of normative project (...) What the eighteenth-century established through the "discipline of normalization," or the system of "discipline-normalization," seems to me to be a power that is not in fact repressive but reproductive, repression figuring only as a lateral or secondary effect with regard to its central, creative, and productive mechanisms. (...) It seems to me that the eighteenth-century established a power that is not conservative but inventive, a power that possesses within itself the principles of transformation and innovation.¹⁵⁴

This passage strengthens the interpretation that has been advanced so far: whereas laws' functioning is a restrictive (or negative) top-down movement, norms operate through an induced self-fashioning. In virtue of their symbiotic relationships with subjects, norms find in subjects the sources for their conservation as well as their evolution.

Before moving to the conclusion and exploring the idea of norms as second nature, I would like to make a remark about an interpretative risk in Macherey's seminal analysis of normality and discipline. His work, which has now become a cornerstone in Foucauldian scholarship, especially on power, insists on the opposition between disciplinary power and sovereignty. Even though norms and laws function in a substantially different way and they follow different kinds of rationality, there is a potential danger in exaggerating the opposition between these two technologies of power. Law and norms refer to different but not incompatible modalities of government. In his texts on disciplinary power, Foucault does not really suggest substituting one grid of intelligibility of power (e.g. sovereignty) with the other (discipline). He warns us about the dogmatism and absolutism of the sovereign paradigm, which obscures other power phenomena such as discipline and norms. Nonetheless, as it becomes clearer in his works on security and governmentality, what above all concerns Foucault is understanding the intersections, convergences and stratifications of these co-operating technologies of power. In Macherey's position thus lies the danger of a misrepresentation of Foucault's work on power and of his position on sovereignty. By putting great emphasis on the antagonism between discipline and sovereignty, we might disregard the crucial role that law and, more broadly, the sovereign model still have in our political game. With this consideration, I do not intend to dismiss nor invalidate Macherey's contribution to the contemporary scholarship, but to flag a potential misinterpretation deriving from it.

¹⁵⁴ Foucault, *Abnormal*, 50-52.

I would like to conclude this chapter now by expanding the interpretation of norms as second nature, that I advanced in the opening. I will also connect this reading more strictly with the problem of the limits and conditions of a politics of the care of the self.

2.7. Norms as second nature

How can we talk of second nature in relation to disciplinary power and normalisation? One way to answer to this question is again to look at the main points of the differentiation between the subject of norms and the subject of rights and the kind of normativity connected with these two forms of subjectivity. According to Macherey's reading, normality and sovereignty's engagement with subjectivity are diametrically opposed. The sovereign paradigm operates by assuming the subject of rights, which remains an abstract and autonomous entity in relation to the juridical sphere. It is a ruse invented within the framework of the theory of social contract to legitimize the transfer of power and the role of laws and sovereigns.¹⁵⁵ As seen in the first chapter, the artificiality of subjects of rights is cardinal in the logic of sovereignty, which relies on their pre-existence. The entire construction of the modern *jus publicum Europaeum* requires this abstract fiction whose pre-existence is dogmatically postulated. The state of nature, as a danger to suppress and neutralise, and the sovereign free subject, as the ultimate goal to preserve, are abstract principles according to which reality is assessed and organised. Even though secularised, political modernity maintains a theological structure:

All significant concepts of modern theory of the state are secularized theological concepts not only because their historical development – in which they were transformed from theology to the theory of the state, whereby, for example the omnipotent God became the omnipotent lawgiver – but also because of their systematic structure, the recognition of which is necessary for a sociological consideration of these concepts.¹⁵⁶

As argued by Schmitt, a strong transcendent claim still orientates and shapes modern political discourse. Law legislates to approximate as much as possible reality, which is otherwise ruled by war between individuals, to the ideal state, where they can co-exist together pacifically and fulfil their own needs (e.g. private happiness granted by negative freedom). The society of norms instead functions at a different level. Normalizing power and subjectivity are

¹⁵⁵ See, for example, the mechanism of power delegation in Hobbes, *Leviathan*, Ch. XVII.

¹⁵⁶ Carl Schmitt, *Political Theology. Four Chapters on the Concepts of Sovereignty*, trans. by G. Schwab (Chicago: University of Chicago Press, 2005), 36.

interdependent to the extent that we talk of a form of symbiosis between them. The distinction itself between interiority or exteriority is abolished, as norms are directly involved in subject's formation by addressing and regulating their body. The network of disciplines relies on a *physics of power* or *micro-physics of power* which produces the assimilation of an orthopaedy or orthopraxis. The discovery of norms' functioning then raises the problem of what is the actual capacity to act for a disciplined individual. Disciplinary power indeed induces a voluntary self-discipline of habits or gestures. Norms develop a form of automatism that not only informs individuals' actions, but also according to which to individuals understand and evaluate themselves. Norms' normativity is totally internal and immanent to the docile and discipline subject, as it does not refer to an external or transcendent source of validation (e.g. human nature or sovereign subject of rights). It is a normativity of the second nature, which finds in the existing social norms, not outside of them, the evaluative principle.¹⁵⁷

As premised in the introduction, the concept of second nature is commonly used in the Aristotelian scholarship to talk about the development of a virtuous (or vicious) character. It is not my intention, here, to suggest reading the Foucauldian analysis of the society of norms through the Aristotelian understanding of virtue. What I would like to underline, however, is that normalisation seem to share some traits with the idea of a virtuous second nature as it emerges in the practical philosophy. As a matter of fact, they are both politically constructed without being legally enforced. They also both revolve around a process of assimilation or interiorisation (of norms or *ethos*). Finally, they both clearly refer to a material and practical sphere: norms and virtues result in stable and consistent behaviours or habits. Normalisation thus produces subjectivity by inducing a sort of political second nature.

The understanding of the interiorisation of norms as a sort of second nature is important as it allow us to refine the earlier unanswered questions about the possibility of heterodox movements for disciplined bodies. We can now ask how it is possible to undertake autonomous technologies of self-government, given that norms' strength lies in the naturalisation of gestures and habits. Furthermore, even if these autonomous practices were possible, wouldn't the care of the self be functional for the development and optimization of those bodies deemed strategic

¹⁵⁷ An example of the normative power of norms is presented by Heather Widdows in *Perfect Me: Beauty as an Ethical Ideal* (Princeton: Princeton University Press: 2018). In her book, Widdows discusses how a certain model and standard of beauty has become a universalised ethical imperative to live up to. Not only do individuals judge their own bodies according to it but also, they actively intervene to modify or re-shape their bodies to conform to this ideal.

in the economy of power? Wouldn't the individual's self-fashioning be the ideal form of responsabilisation which disciplinary mechanisms actually need to operate? Finally, one might rephrase these questions by asking what the space of resistance or negotiation is possible within the coercive immanence of disciplinary techniques. The answer to these questions will be sought in the following chapters, which will analyse in greater depth the implications of the assimilation of norms as second nature in the politics of the bodies. In this sense, the following chapter will further problematize the politics of the body by focusing on the collective body, the population, and its interplay with individual bodies.

Chapter 3

Care of the Self as Self-Entrepreneurship

The second chapter concluded with a comparison between the functioning of a society of norms and the development of a virtuous/vicious second nature in the Aristotelian practical philosophy. This association aimed to re-emphasize how norms' strength lies in their interiorisation. In doing so, it opened a broader discussion about the consequences of norms' assimilation for a research on the practices of care of the self and resistance. This first layer of analysis has advanced the hypothesis that the soft rationality of norms forecloses any form of subjective dissociation from their coercive power. The practices of care of the self as self-disciplinarianism are a form of voluntary servitude. Individuals assimilate norms as a second nature moulding their behaviours.

The study on the processes of normalisation has followed two main coordinates: governmentality and the physicality of power relationships. For Foucault, governmental mechanisms are implemented through a politics of bodies. The possibilities for practices of resistance should be sought within these techniques of government of bodies. The negotiation between being governed and governing oneself, as well as the negotiation between voluntary servitude and voluntary inservitude, concerns primarily the bodily capacity to act and move. The government of bodies, however, refers to two connected bodies, correlate the technologies of power: the disciplined individual body and the collective body, the population. Whereas discipline is concerned with life and the body at the micro-physical level, a different body is the protagonist of the analysis of biopolitics. The care for individuals' life is integrated with security, the process targeting the population or men-as-species. Despite their differences, these two technologies have historically formed some alliances, they have developed together.¹⁵⁸

This third chapter will explore how these two power mechanisms co-operate and what are the implications of their co-existence for a politics of the care of the self. Specifically, this chapter attempts to account for how the contemporary technology of power, the neoliberal governmental rationality "aims to achieve self-government by the individual him- or herself – that is, to produce a certain type of relationship to the self."¹⁵⁹ It will show that neoliberal

¹⁵⁸ Lemke, *Biopolitics: An Advanced Introduction*, 38.

¹⁵⁹ Dardot and Laval, *The New Way of the World*, 17.

governmental rationality introduces a new form of subjectivity: the entrepreneurial self, which requires some practises of self-conduct. In order to achieve this aim, this chapter starts from Foucault's recourse to the pastoral metaphor in *Security, Territory, Population* to make clear the existence of the individual and the collective body and their complication for the implementation of the salvific project of the shepherd. The specificity of the collective body in a biopolitical framework will emerge more clearly through a comparison with other classic understandings of the social body, the Aristotelian-Platonic political naturalism and the Hobbesian theory of body politic. This constant dialogue will help assess the points of innovation introduced by the Foucauldian governmental framework.

The recourse to the pastoral metaphor will then allow us to discuss how the idea of pastoral salvation has gone through a transformation from its primarily religious connotation to a material and secular meaning. The growth and health of the population becomes the main political concern. And new disciplines, such as medicine, statistics and political economy, are established in order to rationalise and maximise the well-being of the collective body. The individual and collective body become object of scientific knowledge which looks at regularities and rates to efficiently monitor and manage the population. The second half of this chapter will thus engage with the forms of "voluntary servitude" induced by the medicalisation and economisation of the population. It will show that the subordination of life to economic principles produces individuals' self-responsibilisation to create and increase their human capital in order to not be dispensable. Subjects, who interiorise a logic of risk and insecurity, govern themselves following the model of the firm competing to increase its capital.

In light of these considerations, this chapter will close by questioning what actually differentiates the practices of care of the self as forms of servitude (Chapters 2&3) from those conceived as form of resistance or inservitude, which will be object of the analysis of Foucault's turn to antiquity in the following chapter.

The first section of this chapter will explore the idea of collective body in a biopolitical framework. It will compare the biopolitical body politic with other model from history of philosophy or political thought, namely the ancient organicist paradigm (Plato and Aristotle) and the modern *Leviathan* (Hobbes). Their comparison will expand some issues presented in the previous chapters, such as the relationship between knowledge and power, as discussed in Chapter 1, and the questions of normativity and nature in disciplinary power, as discussed in the previous chapter.

3.1. On the creation of a new social body: politics and nature

In the Foucauldian reflection, the notion of population appears in conjunction with notions of biopolitics and security. Throughout the Foucauldian texts, however, there are different inflections of biopolitics.¹⁶⁰ Particularly, the political interest for the social body arises first in 1976 in *Society Must be Defended* and *The Will to Knowledge*, where Foucault marginally discusses it, mainly in relation to the issue of racism. The concern for the population instead monopolizes *Security, Territory, Population* and *The Birth of Biopolitics*, which study the political problem of the population in relation to liberal forms of government. In the first lecture of *Security, Territory, Population*, biopolitics is defined as:

A number of phenomena that seem to me to be quite significant, namely, the set of mechanisms through which the basic biological features of the human species became the object of a political strategy, of a general strategy of power, or, in other words, how, starting from the eighteenth century, modern western societies took on board the fundamental biological fact that human beings are a species.¹⁶¹

Biopolitics fosters and enhances the life of the population. The optimization of the state of health of a population becomes the main biopolitical concern. The originality of these lectures, however, lies in something other than the definition of biopolitics as those mechanisms targeting the men as species. As Thomas Lemke remarks, what is innovative is that they “place the theme of biopolitics in a more complex theoretical framework,”¹⁶² which is that of governmentality. They connect the specific biopolitical concern for the population with the more general problem of conduct of conducts or action upon actions. After *Security, Territory, Population* and *The Birth of Biopolitics*, biopolitics identifies those mechanisms acting at the level of macro-management of population as a human species. More precisely, when Foucault states that biopolitics deals with the political problem of the population, he means that nowadays biopolitics is concerned with neoliberal forms of macro-government of the population. We should think of neoliberalism as a technology of power “neither as a theory nor as an ideology, but rather as a practice”¹⁶³. In this sense, his studies focus on the strategies of a specific art of government, the neoliberal one, implemented to act upon the actions of

¹⁶⁰ For an analysis, see Lemke, *Biopolitics: An Advanced Introduction*.

¹⁶¹ Foucault, *Security, Territory, Population*, 16.

¹⁶² Lemke, *Biopolitics: An Advanced Introduction*, 44.

¹⁶³ Ben Golder, “Foucault and the Genealogy of Pastoral Power.” *Radical Philosophy Review* 10, no. 2 (2007), 60.

subjects, now conceived as individuals as well as the totality of social body. What is at stake for our purposes is understanding how the neoliberal political economy “constructs rationally possibilities”¹⁶⁴ for agency. Also important is how, within these governmental forms, the care of the self results in a process of self-entrepreneurship which dissolves “the already labile frontiers between subjection and subjectivation.”¹⁶⁵ In this context, instead of being experiences of resistance, the technologies of the self or the practices of self-conduct are consistent with the practices of subjection.

One might ask, however, in which ways the securitarian social body represents an innovation compared with other formulations of the body politic. The political interest in the social or collective body does not spring for the first time with the governmental mechanisms. Nor does it appear for the first time with the metaphor of the collective body. The organicist metaphor is a trope in political theory. In Hobbes’ theorisation, for example, the state is conceived in mechanistic or organic terms: it is a body composed of bodies, as the frontispiece of the *Leviathan* shows. Even if this body politic is a fictitious body, engendered to neutralise the danger of a natural body, the organicist metaphor shapes the political imagination for theories of social contract. In a completely different way, also in the Platonic-Aristotelian tradition, with which the Hobbesian strategy directly takes issue,¹⁶⁶ the body plays a central role. Plato recurs to the analogy of the state as individual for his theory of justice in the *Republic* and, more broadly, of the state in the *Laws*. In the same vein, at the beginning of the *Politics*, Aristotle compares the *polis* to a body and the individuals to its parts, whose functions is determined only within the whole of the *polis*.¹⁶⁷

Despite the continuity of the organicist metaphor in political theory, Foucault maintains that the emergence of the biopolitical understanding of the population as collective body represents a conceptual displacement:

For the first time in history, no doubt, biological existence was reflected in the political existence; the fact of living was no longer an inaccessible

¹⁶⁴ Luca Paltrinieri and Massimiliano Nicoli, “Du management de soi à l’investissement sur soi,” *Terrains/Théories* Online, 6 (2017): 3, <https://journals.openedition.org/teth/929> [my translation].

¹⁶⁵ Paltrinieri and Nicoli, “Du management de soi à l’investissement sur soi,” 29.

¹⁶⁶ I am referring to the history of concepts reading of the caesura between the Platonic-Aristotelian political paradigm and the Hobbesian project. About the history of concept approach and Hobbes’ contribution to a paradigm turn, see Sandro Chignola e Giuseppe Duso *Storia dei concetti e filosofia politica* (Roma: FrancoAngeli, 2008); Giuseppe Duso, *La logica del potere* (Bari: Laterza, 1999) and *Il potere. Per la storia della filosofia politica moderna* (Roma: Carocci, 2001)

¹⁶⁷ Aristotle, “Politics,” in *The Complete Works of Aristotle, the Revised Oxford Translation*, ed. by Jonathan Barnes, trans. by B. Jowett. Vol. 2. (Chichester: Princeton University Press, 1995), I, 1253a 20.

substrate that only emerged from time to time (...). But what might be called a society's "threshold of modernity" has been reached when the life of the species is wagered on its own political strategies. For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; a modern man is an animal whose politics places his existence as a living being in question.¹⁶⁸

Biopolitics represents a threshold in history because, for the first time, the biological existence of the population and of individuals is negotiable. Life is put into question. This is possible since the life of the population is not a given anymore, but the field of deployment of political strategies. The relationship between nature and politics appears thus to be one of the most interesting angles to assess the displacement operated by the politicisation of life. How have these three different abovementioned conceptions constructed or de-constructed this connection?

The Platonic-Aristotelian philosophy is a form of political naturalism, which means that politics is grounded on nature (*physis*).¹⁶⁹ The good *polis* is conceived of as a plurality of different parts in accordance with nature, which determines which parts should govern and which parts should be governed. The experience of government deals with the problem of creating harmony and cooperation amongst the heterogeneous parts of the body politic. If the best part is not ruling the whole, the subversion of the natural order jeopardizes the possibility of having a good *polis* and a flourishing life.¹⁷⁰ The unity and harmony of the political body in antiquity is completely according to nature. Only the wrong deployment of nature - that is to say, a bad formation of character or a bad political constitution - is dangerous. The correct exercise of virtues founds the political community.

While in the Platonic and Aristotelian thoughts the good *polis* should be in accordance with nature, in Hobbes the achievement of political unity and security requires the abandonment of the state of nature. Having ruled out the ancient assumption of qualitative

¹⁶⁸ Foucault, *The Will to Knowledge*, 142-143.

¹⁶⁹ About the interpretation of Aristotle's politics and practical philosophy in terms of naturalism see Fred D. Miller, *Nature, Justice, and Rights in Aristotle's Politics* (Oxford: Oxford University Press, 1997).

¹⁷⁰ For a reconstruction of the debate about the idea of flourishing life in ancient philosophy and, particularly, in Plato and Aristotle see Mario Vegetti, *L'etica degli antichi* (Roma-Bari: Laterza, 2010); Julia Annas, *The Morality of Happiness* (Oxford: Oxford University Press, 1993); Richard Bodéüs *Le philosophe et la cité. Recherches sur les rapports entre morale et politique dans la pensée d'Aristote* (Paris: Les Belles Lettres, 1982); Arthur W. H. Adkins, *Moral Values and Political Behaviour in Ancient Greece: From Homer to the End of the Fifth Century* (New York: W. W. Norton & Company, 1976); Martha Nussbaum, *The Fragility of Goodness* (Cambridge: Cambridge University Press, 2001) and Miller, *Nature, Justice, and Rights in Aristotle's Politics*.

differences between citizens and having replaced it with quantitative differences, modern political science distinguishes individuals in terms of their quanta of force or energy, not in terms of their specific function within a naturally grounded hierarchy. In this perspective, individual force becomes the only way to affirm the validity of different positions in a conflictual situation. Hobbes' common power thus is established in opposition to the destructive potentialities of human nature. Allowing everyone to pursue their own natural drives, he argues, fatally compromises living in common. In his framework, any form of natural unity is impossible: "There is, in short, no natural unity outside the state; unity and community are attained only with the appointment of a representative."¹⁷¹ Moving from the fiction of the *bellum omnium contra omnes*, the state and its realm of justice represent the only solution to a condition of natural disorder and danger.

The dialectic between nature and politics characterizes also Foucault's reflection, but in a completely different way from the ancient stand and the Hobbesian rejection. Foucault seems in fact to rule out completely the problem of (first) nature from politics. His intuition that subjectivity and, more broadly, bodies are an effect of power implies that human nature does not found politics, but rather politics precedes what we define as 'human nature'. To a certain extent, power's productivity completely reverses the Platonic-Aristotelian perspective on the relationship between politics and nature: the appeal to nature cannot justify politics; vice-versa, politics imposes what becomes *natural*. Foucault suggests indeed that power naturalizes its products, such as norms.¹⁷² Political power coincides with the capacity to continuously and imperceptibly prescribe new standards of normality. Their underpinning soft rationality and their total immanence legitimise their claims of naturalness, which only a critical and genealogical work can unmask.

3.2. Politics, nature and knowledge: the birth of medicine

This twist in the dynamics between power and nature is confirmed and strengthened by another fundamental element in political discourse: knowledge. In the Platonic and Aristotelian formulation, which can in short be identified as a form of intellectualism, the knowledge of human nature guides and directs actions. The premise of the priority of knowledge over action

¹⁷¹ Quentin Skinner, "Hobbes and the Purely Artificial Person of the State," in *The Journal of Political Philosophy* 7, no.1 (1999), 19.

¹⁷² About that, see Judith Revel, "Identity, Nature, Life. Three Biopolitical Deconstructions," in *The Government of Life: Foucault, Biopolitics, and Neoliberalism*, 112 -124.

is the existence of a cosmological order to which we can refer for the organization of the *polis*. This cosmological anchoring justifies the idea of hierarchy, which is then translated in a hierarchical ordering of human capacities and individuals themselves. According to ancient intellectualism, the knowledge of human nature and of the human ‘place’ in the *cosmos* is not only propaedeutic, but also essential to good governance. In the Platonic and Aristotelian tradition, the political order should mirror and implement the natural order, of which legislators (*nomothetês*) are expected to have knowledge.¹⁷³

In Foucault’s account, instead, all mechanisms of power have some truth effects. Power relies on knowledge and, at the same time, it rules about true discourses: “Far from preventing knowledge, power produces it.”¹⁷⁴ This constitutive interweaving of power and knowledge is famously summarized by the concept of *dispositif*. This concept reveals that systems of knowledge are produced by the power relationships they validate. Individuals then internalise the regimes of truth that they are subjected to. Once normalised, these regimes of power, knowledge and truth become hegemonic as they mask the underground but contingent struggles of power that produced them. What is crucial is that any new relationships of power to become hegemonic, which means to make their truth claims hegemonic, require a new *corpus* of knowledge to support them and make them intelligible. Systems of knowledge therefore do not reveal the hidden rationality of a power struggle. Instead, they rationalise the “violence of its imposition,”¹⁷⁵ creating its own rationality and justification.

If we direct our attention to biopolitics and the neoliberal governmental mechanisms, the development of a new *corpus* of knowledge revolving around the corporality or physicality of power relationships must be considered: medicine becomes the science *par excellence*.¹⁷⁶ Since disciplinary and securitarian technologies address, study, analyse, regulate and shape the body, a new science of the body and of the norms regulating it is required. In virtue of this connection between epistemology and history, Foucault reads the affirmation of the medical discipline as a cornerstone of the construction of a society based on norms. The society of norms indeed functions through the permanent classification, qualification and hierarchisation of individuals. And medical practices provide us with the knowledge to diagnose subjects

¹⁷³ See Bodéüs, *Le philosophe et la cité. Recherches sur les rapports entre morale et politique dans la pensée d’Aristote*.

¹⁷⁴ Foucault, “Body/Power,” 59.

¹⁷⁵ Newman, “Critique Will Be the Art of Voluntary Inservitude,” 62.

¹⁷⁶ See Michel Foucault, “The Birth of Social Medicine,” trans. by Edgar Knowlton, Jr., William J. King, and Stuart Elden, in *Essential Works of Foucault 1954–1984*, vol. 3, *Power*, 134–56.

according to the criteria of normality or abnormality. In the disciplinary society of norms, individuals and the entire population are medicalised. As a consequence,

Medicine, *par excellence* the science of the normal and the pathological, assumes the status of a royal science. Szasz says: medicine is the religion of the modern age. I would modify the proposition a bit. It seems to me that the power of religion, from the Middle Ages to the Late Renaissance, was juridical, with its orders, its courts of law and its forms of penitence. Rather than a succession religion-medicine, I see a succession law-norm.¹⁷⁷

Endowed with scientific authority, medicine is elected to royal science of the society of norms. The establishment of another discipline, namely statistics, or the science of the state, however, benefits the knowledge of the living¹⁷⁸ Data collection and quantitative analysis become central means to control and monitor the well-being of populations. Statistics indeed “reveals that population has its own regularities, its own rate of deaths and diseases, its cycles of scarcity” and it makes “possible to quantify these specific phenomena.”¹⁷⁹ With the advent of “[the] state’s knowledge of the state,”¹⁸⁰ therefore, the population is governable by turning it into predictable figures. National statistics supervise public health and the well-being of populations. As we will see in the continuation of this chapter, medicine and statistics converge towards the common goal of the management of the population with a third science: economics.

Before delving into the role of economics for the well-being of the population, we should consider another significant field of differentiation between ancient naturalism and the politicisation of life: axiology or the negotiability of values. One of the characteristics of the Platonic and Aristotelian combination of naturalism and intellectualism is that it advances truth-claims both in the political and ontological realms, which are only conceptually separated. What follows from this heuristic framework is that truth or, more broadly, values are not object of negotiation. The privileged epistemic status of truth (*aletheia*) is given by its irrefutable nature, as the Platonic dialectic clarifies.¹⁸¹ Truth is defined in contrast to opinions (*doxai*), the epistemic weakness of which result from their lack of incontrovertibility. Given the (potential)

¹⁷⁷ Michel Foucault, “The Social Extension of the Norm,” in *Foucault Live: Collected Interviews, 1961–1984*, trans. by Lysa Hochroth and John Johnston and ed. by Sylvère Lotringer, 196–99 (New York: Semiotext(e), 1996), 197.

¹⁷⁸ About the development of statistics, see Theodore M. Porter, *The Rise of Statistical Thinking, 1820–1900* (Princeton: Princeton University Press, 1986).

¹⁷⁹ Foucault, *Security, Territory, Population*, 141.

¹⁸⁰ Foucault, *Security, Territory, Population*, 411.

¹⁸¹ See Plato’s dialectic method in *The Republic*, trans. by Paul Shorey. 2 Vols Loeb Classical Library (Cambridge, MA: Harvard University Press, 1963), VI and VII.

appeal to an unconfutable truth, error is downgraded to a misinterpretation, resulting from subjective cognitive limits. By virtue of its irrefutability, therefore, truth can play a foundational role for political action. Even in the Aristotelian practical philosophy, which polemically engages with the rigid Platonic formulation of intellectualism by positively endorsing *endoxai* (common opinions), the political design of the *polis* is object of evaluation and assessment by practical reason, the critical function of which is legitimated by the knowledge of human nature.¹⁸²

The governmental mechanisms of discipline and security instead do not seek any form of legitimation in truth or human nature. The distinction between normality and abnormality exemplifies the dismissal of political naturalism. The qualification of what is normal is indeed justified by a strategic understanding of the kind of subjectivity deemed functional for the underpinning political economy of a disciplinary society, not by the recourse to a foundational human nature. In the same vein, the biopolitical government of population relies on the development of new disciplines (e.g. medicine and statistics), which are called to dictate the best ways to optimize and maximize the behaviours of the collective body. In both cases, judgement and attribution of value are negotiable and malleable, contrary to ancient axiology when they are based on truth claims.

The negotiability of values stems from the fluidity of power relationship, which, as seen in the first chapter, Foucault conceives as being inherently dynamic and changeable. This negotiability of values, however, is double-sided. On the one hand, as normativity loses its absolutistic claim, everything is potentially a field of political struggle and negotiation. Once norms and values are denaturalized, following Macherey, they become a political matter. Their politicization opens to their negotiability, which engenders the possibility of difference and becoming by undermining the normative claims of the present. The unmasking of the historical political nature of values frees a creative potential regarding the imagination of new values. On the other hand, the rejection of any sort of fixed axiology gives room to a potential political devaluation of everything. Everything, also life as biological existence, is exposed to the danger of being negotiable. This danger becomes clearer when we pay attention to some of the

¹⁸² Bodéüs, *Le philosophe et la cité. Recherches sur les rapports entre morale et politique dans la pensée d'Aristote*. See also Enrico Berti, "Ragione pratica e normatività in Aristotele," in *Nuovi studi aristotelici*, vol. III, *Filosofia pratica* (Brescia: Morcelliana, 2008), 25-38 and *Phronesis et science politique*," in *Nuovi studi aristotelici*, vol. III, *Filosofia pratica*, 39-59.

characteristics of the government of the population and their implications for the individual bodies: the secularisation of salvation and the imposition of economic standards to life.

3.3. The medicalisation of the population and its secular salvation

Medicine and statistics are thus the new disciplines called to decipher the society of norms and to control the well-being of populations. Their rise uncovers one of the main features of the government of the population: its medicalisation. The medicalisation of the collective body reinforces the thesis that, with the historical caesura of biopolitics, the main political concern becomes the state of health of the population:

On the contrary, it's the body of society which becomes the new principle in the nineteenth century. It is this social body which needs to be protected, in a quasimedical sense. In place of the rituals that served to restore the corporal integrity of the monarch, remedies and therapeutic devices are employed such as the segregation of the sick, the monitoring of contagions, the exclusion of delinquents.¹⁸³

With biopolitics, the medical concern expands from the care for the individual body to the care of the collective body. This emphasis on the well-being of the collective body is interwoven with the problem of care and the idea of salvation. The pastoral metaphor makes this connection clearer and it sheds some light on the meaning of 'well-being' in the population. Does pastoral salvation allude to a form of religious salvation, related to the soul and to spiritual practices of care? Or has salvation, like pastoral power, undergone some forms of historical change? If so, have these historical changes modified the terms of the relationship between individual and collective body?

The answer to these questions comes from the genealogy of pastoral power in *Security, Territory and Population*.¹⁸⁴ Here Foucault reconstructs the evolutions of pastorate power and he identifies three different historical eras. In his reading, pastoral power stems from the East and, particularly, from the Hebrew tradition. In its second epoch, the Catholic-Christian tradition appropriates the pastoral techniques. Finally, the last pastoral phase is the governmental one, implemented by the Western state design since the 17th Century. Despite the discontinuities, these three epochs share one feature: salvation and subsistence as the

¹⁸³ Foucault, "Body/Power," 55.

¹⁸⁴ About the Foucauldian reconstruction of pastoral power, see Golder, "Foucault and the Genealogy of Pastoral Power."

defining characteristics of pastoral power. The shepherd has to provide the means of subsistence for its flock:

The shepherd is someone who feeds and who feeds directly, or at any rate, he is someone who feeds the flock first by leading it to good pastures, and then by making sure that the animals eat and are properly fed. *Pastoral power is a power of care.* It looks after the flock, it looks after the individuals of the flock, it sees to it that the sheep do not suffer, it goes in search of those that have strayed of course, and it treats those that are injured.¹⁸⁵

As it is always a relation of salvation and care, what changes are the forms of care. In the Hebrew tradition, for example, pastoral power clearly has a religious connotation, since it refers to the relationship between god and men. In its second historical evolution, the religious character of the relationship between men and god is adapted to Christianity. Salvation preserves the material dimension, while its transcendent aspiration is adjusted to the Christian organisation of the church. These two epochs have then in common the duty to self-sacrifice the shepherd for its flock, the salvation of which is omni-comprehensive.¹⁸⁶ The shepherd's role is to ensure the salvation of the collective body as well as of the individuals. As Foucault notes, pastoral care is *omnes et singulatim*: "He [the shepherd] pays attention to them all and scans each one of them. He's got to know his flock as a whole, and in detail (...) The shepherd's power implies individual attention paid to each member of the flock."¹⁸⁷

With the third shift to the modern form of pastorate, two changes take place. First, the religious and spiritual dimension vanishes. The Seventeenth Century in fact marks a turning point from the ecclesiastic organisation of pastorate to that of the modern state. Pastoral power becomes a secular form of political salvation:

It was no longer a question of leading people to their salvation in the next world but rather ensuring it in this world. And in this context, the world 'salvation' takes on different meanings: *health, well-being* (that is, sufficient wealth, standard of living), *security, protection against accidents*. A series of "worldly" aims took the place of the religious aims of the traditional pastorate.¹⁸⁸

¹⁸⁵ Foucault, *Security, Territory, Population*, 172.

¹⁸⁶ About the different stages of pastoral power, see also Michel Foucault, "'Omnes et Singulatim': Toward a Critique of Political Reason," in *Essential Works of Foucault 1954–1984*, vol. 3, *Power*, 298–325.

¹⁸⁷ Foucault, "'Omnes et Singulatim': Toward a Critique of Political Reason," 230.

¹⁸⁸ Foucault, "The Subject and Power," 334.

Stating that salvation becomes a “worldly” matter entails thus that salvation is a material and political affair, which instead of relying on religious organisations mobilizes multiple secular institutions such as schools, hospitals and prisons. In the contemporary configuration of pastoral power, salvation has nothing to do with the salvation of souls in the afterlife; it is a human affair without any appeal to a transcendental regulatory aim. Because of its immanent breadth, it completely overlaps with the care for individual bodies and the health of the collective body of the population.

The second element of rupture, then, regards the reversal of the duty of self-sacrifice. While in the Hebrew and Catholic tradition “the pastor must be prepared to sacrifice himself in order to save his sheep,”¹⁸⁹ in its latest phase the pastorate accepts, if not requires, the sacrifice of individuals for the state of health of the collective body. To grasp the logic underpinning this reversal and its consequences about practices of self-government, we need to look at the second characteristic of the government of the population, its economisation. The discussion of the economisation of life will be linked with the idea of self-responsibilisation. Neoliberalism indeed constitutes a specific form of subjectivity, the self-entrepreneur, based on the model of the firm. To account for the characteristics of the self-entrepreneur’s conduct or way of life, I will now investigate the emergence of political economy as rationality of government and the principle of *laissez-faire*.

3.4. *Laissez-faire* and the economisation of life

Alongside with the medicalisation of the population, there is another characteristic of the securitarian mechanism: the economisation of life.¹⁹⁰ The subordination of life to the economic standards of interest and utility, in Foucault’s account, takes place in the second-half of the Eighteenth Century, when the economic and the political spheres were brought together by the establishment of a new form of scientific knowledge: political economy.¹⁹¹ According to Foucault’s reconstruction in *Security, Territory, Population* and *The Birth of Biopolitics*, political economy is a form of rationality based on calculation and interest which imposes internal limits on the reason of state. But how does political economy impose itself as an effective rationality of government? And what kind of relationship does the economic

¹⁸⁹ Golder, “Foucault and the Genealogy of Pastoral Power,” 166.

¹⁹⁰ See Brown, *Undoing the Demos*.

¹⁹¹ About the transformations of the relationship between economics and politics, Beistegui, *The Government of Desire*, 34-44.

management of the population establish between the market and the state, and between the individual and the population? In the next section, I will show that political economy follows the idea that a spontaneous and natural self-regulation of the market will result in the best and most efficient social order. *Laissez-faire* becomes the general rule of conduct. Secondly, I will claim that the state and the market are not mutually exclusive. Free market's self-regulation poses limits on the power of the sovereign, but, at the same time, it is framed by a juridical order, which facilitates the deployment of market's order.

Political economy presents itself as the best technique of government. The key to grasping the logic of life economisation is the principle of *laissez-faire*, which governs the market and distinguishes the securitarian mechanism from the disciplinarian one. As a matter of fact, the disciplinary society is also organised according to economic principles. Nonetheless, the application of an economic rationality impacts differently on the anatomo-politics from the bio-politics. This difference derives from the different functioning of these two technologies of power. Not only do discipline and security target different objects, namely man-as-body and man-as-species, but also, as Stuart Elden has stressed, they refer to different spatial orders, exercising their control over space and subjects in a different way.¹⁹² While discipline's action is centripetal, security's movement is centrifugal. Their different investments on space reveals something about their investments on bodies and their techniques of power:

In other words, discipline does not deal with detail in the same way as apparatuses of security. The basic function of discipline is to prevent everything (...) The function of security is to rely on details that are not valued as good or evil in themselves, that are taken to be necessary, inevitable processes, as natural processes in the broad sense, and it relies on these details, which are what they are, but which are not considered to be pertinent in themselves, in order to obtain something that is considered to be pertinent in itself because situated at the level of the population.¹⁹³

To break this distinction down, discipline “concentrates, focuses, and encloses.”¹⁹⁴ Discipline's centripetal action operates by allowing “nothing to escape”¹⁹⁵ and to be out of its rigid and detailed control. The strength of norms lies in the interiorisation of a right or proper posture, in

¹⁹² Stuart Elden, “Governmentality, Calculation, Territory,” in *Environment and Planning D: Society and Space* 25 (2007), 565.

¹⁹³ Foucault, *Security, Territory, Population*, 68.

¹⁹⁴ Foucault, *Security, Territory, Population*, 67.

¹⁹⁵ Foucault, *Security, Territory, Population*, 68.

their capacity to internally regulate and shape individuals, with whom they establish a form of symbiosis. Norms “occur only in the effectiveness of their action,”¹⁹⁶ which means in the production of subjects from whom they cannot be untangled. This symbiosis is then the ultimate form of control, as it does not rely on force or violence but on the subject’s voluntarily adhesion to norms. The technologies of security are also concerned with the problem of control, but in a different way from discipline. Security’s centrifugal movement in fact embraces the entire population and is entropic. It follows a “the constant tendency to expand (...) [it] involves organizing, or anyway allowing the development of ever-wider circuits.”¹⁹⁷ Security rules according to the principle of “let[ting] things happen,” it is regulated by the *laissez-faire*, *laissez-passer* principle.¹⁹⁸ The latter has been introduced for the first time by the French Physiocrats, on whom Foucault focuses in the second and third lectures of *Security, Territory, Population*. At the basis of the Physiocratic doctrine there is the alleged naturalness of the market, which maintains that self-regulated and self-propelling processes (e.g. circulation, commerce, production etc.) will naturally result in the best form of management and government. Applied to the social body, this notion entails that the growth of the body politic will naturally result in its ideal state of health: “The hard core of the [laissez-faire] ideology supposedly comprises of the market as a natural reality. According to this naturalist ontology, to achieve equilibrium, stability and growth, it suffices to leave this entity to its own devices.”¹⁹⁹

According to the myth of self-regulation, *laissez-faire* rather than proceeding with interdictions or regulation would be a form of permissivism. Its goal is to set out the conditions under which the highest individual or collective freedom is possible. Traditionally, the doctrine of *laissez-faire* rests upon the ideal of maximizing individual freedom. This claim is premised on the alleged compatibility between different individual interests and, ultimately, on their convergence with the collective interest: by limiting interventions and restrictions, individual’s flourishing will naturally coincide with the maximization of the public good. As the collective well-being will result from free competition between individuals, securitarian mechanisms should allow them to pursue their own personal interests in the most unrestricted possible way by reducing as much as possible interdictions and regulations. Paradoxically, Colin Gordon

¹⁹⁶ Marcos Nalli, “The Normative Immanence of Life and Death in Foucauldian Analysis of Biopolitics,” in *Materiali Foucaultiani* III, no. 5-6 (2015), 209.

¹⁹⁷ Foucault, *Security, Territory, Population*, 67.

¹⁹⁸ Foucault, *Security, Territory, Population*, 68.

¹⁹⁹ Dardot and Laval, *The New Way of the World*, 10.

notes that: “*Laissez-faire* is a way of acting, as well as a way of not acting.”²⁰⁰ Not only is there no need for intervention, but also, to control this process may be counter-productive. This insistence on the maximization of freedom, conceived as the key to achieve the highest collective well-being, raises some concerns about the regulatory and controlling role of the state. Particularly, the weakening of its role implies that some of its functions are reallocated to individuals: “When state policies move in the direction of disembedding through placing greater reliance on market self-regulation, ordinary people are forced to bear higher costs.”²⁰¹

Before moving on to the implications of this individual responsabilisation, we should say something more about the relations between the market and the state. More precisely, we need to clarify the supposed disappearance or weakening of the state, which is often considered one of the consequences of market self-regulation. Can the spontaneous order of the market be reconciled with state’s juridical apparatus? According to neoliberal rationality, individual’s free competition of interests will spontaneously lead to the best form of government, to the highest prosperity. As Karl Polanyi’s book *The Great Transformation* has shown, however, the functioning of markets always requires some forms of state intervention. *Laissez-faire* is planned, which means that the theory of market liberalism advances some strong claims about both the organisation of human society and that the state keeps playing a crucial role in this imaginary by regulating and legislating: “Real market societies need the state to play an active role in managing markets, and that role requires political decision making: it cannot be reduced to some kind of technical or administrative function.”²⁰²

If Friedrich Hayek was already insisting on the importance of state’s intervention for the deployment of the so-called catallactical order (the economic government or rationality),²⁰³ this reciprocal articulation between law, governance and neoliberalism is now widely accepted between and studied by scholars. The successful implementation of the liberal political economy and its consequent allocation of resources in a society are heavily reliant on government’s regulation. More broadly, not only the “illusion of the free market”²⁰⁴ has been

²⁰⁰ Colin Gordon, “Governmental Rationality: An Introduction,” in *The Foucault Effect: Studies in Governmentality*, ed. by Graham Burchell, Colin Gordon, and Peter Miller (Hemel Hempstead: Harvester Wheatsheaf, 1991), 17.

²⁰¹ Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 2001), xxvi-xxvii.

²⁰² Polanyi, *The Great Transformation*, xxvi.

²⁰³ See Friedrich von Hayek *The Road to Serfdom* (London: Routledge, 2008) and *The Constitution of Liberty* (London: Routledge, 2006).

²⁰⁴ I am borrowing this expression from Harcourt and his homonymous book, *The Illusion of Free Markets*.

unmasked. But also, as Bernard Harcourt has shown, we are witnessing a “curious combination of market efficiency and a Big Brother state. (...) The fact is, shifts in regulatory mechanisms over the past two centuries have not reduced the amount of regulation, but simply changed its form and style.”²⁰⁵ Government interventions and regulations thus make the functioning of a free market possible. Paradoxically, to be effective, the *laissez-faire* doctrine presupposes some constraints enforced by the state.²⁰⁶ The neoliberal political economy needs to be supported by states’ regulatory interventions.

Neoliberal political rationality is therefore not simply compatible with a juridical framework. It rests upon a juridical foundation and regulation. The economic natural order requires a new legal order and the state’s apparatus actively participates to the subsumption of life under economic processes of production and competition. For the purpose of this thesis, what is important is that the new political order following the principle of market’s self-regulation not only produces some forms of individual self-interested conduct, but also, that individual self-government is legally regulated and institutionalised in a social order that fosters insecurity and individual responsibility:²⁰⁷

As a result, current political changes are understood not as a decline of state sovereignty but as a promotion of forms of government that foster and enforce individual responsibility, privatized risk-management, empowerment techniques, and the play of market forces and entrepreneurial models in a variety of social domains.²⁰⁸

The following section will further expand two characteristics of the self-entrepreneur way of conduct: the model of the firm and subject’s internalisation of insecurity and vulnerability. The first point will link the entrepreneurial way of conduct to the duty to be well. The second will lay the foundation for an examination of the connection between the individual and the population and the problem of individual’s sacrifice.

²⁰⁵ Harcourt, *The Illusion of Free Markets*, 151.

²⁰⁶ “On the other side of the ledger, there was a lot more discipline in Physiocracy than meets the eye—and there is a lot more constraint in our free markets than we tend to acknowledge today,” Harcourt, *The Illusion of Free Markets*, 176.

²⁰⁷ About the juridification of neoliberal rationality, see also Beistegui, *The Government of Desire*; Miguel Vatter, “Foucault and Hayek: Republican Law and Liberal Civil Society,” in *The Government of Life: Foucault, Biopolitics, and Neoliberalism*, 163-184; and Thomas Lemke, *Foucault, Governmentality, and Critique* (Abingdon: Routledge, 2011) and “An Indigestible Meal? Foucault, Governmentality and State Theory.”

²⁰⁸ Lemke, *Foucault, Governmentality, and Critique*, 84.

3.5. The entrepreneurial self

The economisation of life links up subject's responsabilisation. The latter was already present in the disciplinary society, yet in a society of norms subject's responsabilisation is a matter of conformity and embodiment. The responsible individual is the one who has interiorised a correct posture: an orthopaedy. In the biopolitical government of life, instead, individuals' responsibility coincides with a generative task: the creation of self-value. Once life is economised and its value is negotiable, it is the responsibility of subjects to take care of themselves to generate those values that will make them indispensable. In other words, it is not enough to embody values, individuals also have to make of themselves a value. Subject's responsabilisation as a creative task puts the spotlight on the emergence of "the anthropological dimension of the man-enterprise."²⁰⁹ The 'entrepreneurial self' proves, as Pierre Dardot and Christian Laval suggest, that "neoliberalism is not merely destructive of rules, institutions and rights. It is also productive of a certain kinds of social relations, certain ways of living, certain subjectivities."²¹⁰ What characterises the 'entrepreneurial self', then, is that it follows the model and the logic of the firm:

If the market has become a method of organisation for the enterprise, it has equally become a method of organisation for the self: individuals are driven to see themselves as a portfolio of action proficiencies of which they themselves are both the managers and agents of reference (Ferber 2009). Everyone must become the 'entrepreneur of themselves': that is to say that everyone is driven, at all times, to appreciate oneself in the double sense of the term, to self-assess and to value their human capital.²¹¹

The entrepreneurial self manages and oversees the creation of their own human capital, which will enable them to seize opportunities and engage in the constant process of competition. Nikolas Rose has coined the expression 'ethopolitics' to refer to this entanglement of biopolitics with the technologies of the self.²¹² Ethopolitics clarifies one of the spheres of action of the entrepreneurial self: responsible subjects take upon themselves their well-being. A

²⁰⁹ Dardot and Laval, *The New Way of the World*, 243.

²¹⁰ Dardot and Laval, *The New Way of the World*, 12.

²¹¹ Luca Paltrinieri, "Managing Subjectivity: Neoliberalism, Human Capital and Empowerment," *Fudan Journal of the Humanities and Social Sciences* 10, no. 4 (2017), 466. About the emergence of an entrepreneurial self, see also André Gorz, "'La personne devient une entreprise'. Note sur le travail de production de soi," *Revue du MAUSS* 18, no. 2 (2001), 61-66; Ulrich Bröckling, *The Entrepreneurial Self. Fabricating a New Type of Subject* (London: Sage, 2016) and Dardot and Laval, *The New Way of the World*.

²¹² Rose, "The Politics of Life Itself," 18.

successful ethopolitics, which means a successful subject's self-responsibilisation, starts from the management of their own bodies, from their "neo-hygienist duty to be well:"²¹³

From official discourses of health promotion through narratives of the experience of disease and suffering in the mass media, to popular discourse on dieting and exercise, we see an increasing stress on personal reconstruction through acting on the body in the name of a fitness that is simultaneously corporal and psychological.²¹⁴

The embodiment of ethopolitics, which becomes "an optimisation of one's corporality (...) beauty, success, sexuality and much more,"²¹⁵ allows for a redefinition of the argument about the economisation of life in terms of an economisation of bodies. As ethopolitics is premised upon the somatization of selfhood and "ethical practices increasingly take the body as a key site for work on the self,"²¹⁶ the body is the value that individuals need to preserve and/or increase.

In the government of bodies, however, subjects have interiorised not only the task of making of themselves a 'value' or an 'asset', but also the insecurity deriving from being constantly exposed to their dispensability. Governmental subjects have internalized the sacrificial logic in name of the health of the population and the state:

Instead of being secure or protected, the responsabilised citizen tolerates insecurity, deprivation, and extreme exposure to maintain the competitive positioning, with, or credit rating of the nation as firm.²¹⁷

This is possible because individuals' responsabilisation co-exists with the transformation of the role and function of the state. Traditionally, security and protection are, coupled with freedom, the promises of the sovereign state. Citizens abdicate their absolute freedom and accept a condition of voluntary servitude, provided that the creation of the state will guarantee an internal safe space. This covenant's acceptance is conditional upon the externalisation of danger and conflict outside of the political community, of which all citizens can equally and freely enjoy the privileges and benefits. The 'crisis' or process of redefinition of the classic sovereign paradigm instead shows that the promises of the juridical model are now called into

²¹³ Rose, "The Politics of Life Itself," 17.

²¹⁴ Rose, "The Politics of Life Itself," 17.

²¹⁵ Rose, "The Politics of Life Itself," 17.

²¹⁶ Rose, "The Politics of Life Itself," 18.

²¹⁷ Brown, *Undoing the Demos*, 213. About that, see also Costas Douzinas analysis of the Greek crisis in *Philosophy and Resistance in the Greek Crisis* (Cambridge: Polity Press, 2013), 32-48.

question. The premise of the pact between citizens, who give up their right to self-government to abandon the state of nature, is compromised. If subjects are held responsible for their own security and health, the state is apparently de-responsibilised from offering support to them. Individuals are compelled to act on their own and take care of themselves. Either way, the state's borders do not delimit anymore of a safe space.

This crack in the sovereign logic results in the de-territorialisation of security and the reintroduction of the life-threatening danger within the political community. Vulnerability and insecurity appear to be the natural counterpart of the *laissez-faire* principle: "There is no liberalism without a culture of danger."²¹⁸ What is more, the economisation of bodies and the imposition of economic imperatives have transformed the war of everyone against everyone into the competition of everyone against everyone. This competition, according to Luca Paltrinieri, might result in

the exclusion of those unable to play the game. The new "danger" threatening the social body of neoliberal societies is the individual who is incapable of engaging in the mechanism of competition, incapable of developing his skills and appraising himself. (...) a new surplus population of the unskilled whose life itself now seems "superfluous" by evaluative criteria based on "human capital."²¹⁹

Even though it identifies in the maximization of individual freedoms its tool to achieve the collective wealth, the neoliberal government of the population envisages the sacrifice of some individuals. Individual freedoms are thus continuously exposed to the danger of being reduced or suppressed if required for the salvation of the body politic, as Lemke has pointed out.²²⁰ With the governmentalisation of the state, therefore, the reversal of the sacrificial logic of the shepherd for his flock is fully achieved. Individual's sacrifice is acceptable, if not necessary, for the salvation of the population. The health of the body politic follows a logic of growth according to which

it may well be that some people die of hunger after all. But by letting these people die of hunger one will be able to make scarcity a chimera and prevent it occurring in this massive form of the scourge typical of the previous systems. (...) The scarcity-scurge disappears, but scarcity that causes the death of individuals not only does not disappear, it must not disappear.²²¹

²¹⁸ Michel Foucault, *The Birth of Biopolitics* (New York: Palgrave Macmillan, 2008), 67.

²¹⁹ Paltrinieri, "Managing Subjectivity: Neoliberalism, Human Capital and Empowerment," 469.

²²⁰ See Thomas Lemke, "The Risks of Security: Liberalism, Biopolitics, and Fear," in *The Government of Life: Foucault, Biopolitics, and Neoliberalism*, 59-74.

²²¹ Foucault, *Security, Territory, Population*, 64.

The sacrificability of some individuals finds its explanation in the economic calculus to which the mechanisms of security recur to achieve their goal, namely the highest interest for the population.²²² In the following section, I will show how biopolitics has transformed the interplay between the individual and the population by comparing the biopolitical account with the Platonic-Aristotelian model and the Hobbesian.

3.6. The re-emergence of nature

The disposability of some bodies within a biological understanding of the population can be addressed once more through the comparison with the previous conceptions of the body politic. We should focus on two specific aspects: the rationale of exclusion and the reappearance of the idea of nature. These two characteristics will enlighten how the terms of the relationship between the body-politics and its parts have changed.

In their alliance, discipline and security set out a scenario where the value and importance of bodies is always disputed and negotiable. The disposability of some bodies, however, was accepted also in antiquity. What is new is the expansion of this condition, which now might be arbitrarily imposed upon everyone as Agamben suggests.²²³ In antiquity, the criterion for exclusion or inclusion is in fact the membership to the *polis*. Citizenship grants safety and political agency, insofar as the members of the *polis* do not endanger the stability of the *polis* itself. Socrates' trial or Antigone's death are paradigmatic; in both cases, their expulsion and death are a necessary cost for the preservation of the political stability of the *polis*. Their subversive positions are silenced as they can disrupt the order of the political body. In its ideological and philosophical representation,²²⁴ the well-being of the *polis* requires the restoration of the harmony they have corrupted. For this reason, in her analysis of political imagery, Susan Sontag argues that in classic political theory a well-functioning organism is the one preserving order:

²²² Lemke, "The Risks of Security: Liberalism, Biopolitics, and Fear," 65.

²²³ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998).

²²⁴ For a critique of the ideological construction of a unified and pacified *polis*, see Nicole Loraux, *The Invention of Athens: The Funeral Oration in the Classical City* (Cambridge, MA: Zone Books, 2006) and *The Divided City. On Memory and Forgetting in Ancient Athens* (Cambridge, MA: Zone Books, 2002).

Order is the oldest concern of political philosophy, and if it is plausible to compare the polis to an organism, then it is plausible to compare civil disorder to an illness. The classical formulations which analogize a political disorder to an illness—from Plato to, say Hobbes—presuppose the classical medical (and political) idea of balance. Illness comes from imbalance. Treatment is aimed at restoring the right balance—in political terms, the right hierarchy. The prognosis is always, in principle, optimistic. Society, by definition, never catches a fatal disease.²²⁵

In the classical use of the organicist metaphor, disorder is a pathology that needs to be cured, if necessary, through the marginalisation of those individuals that compromise the equilibrium and harmony of the *polis*. Well-being is identified with balance and harmony. Going further, in the Platonic or Aristotelian tradition, the well-being of the body politic requires the well-being and well-functioning of each part. According to the Platonic isomorphism,²²⁶ political justice coincides with the ethical maxim *ta eautou pratein* (doing one's own thing).²²⁷ Each should do their own in conformity with their soul, or their negligence would compromise the harmony and justice of the whole. Only the well-being and happiness of its citizens makes the project of a *kallipolis* possible. As a result, what is remarkable in the example of Plato's theory of justice is that the order of the *polis* depends on the correct and harmonious inclusion of all the individuals.

Developed in the wake of the European religious wars in the Sixteenth and Seventeenth Century, ²²⁸ the theories of a social contract break with the eudaimonistic view, which was theorised at the peak of Athenian power. From Hobbes' perspective the still dominant Platonic-Aristotelian tradition could not secure political realm, but rather in its concern with achieving virtue necessarily contributed to perpetuating the insoluble conflict among individuals pursuing their own values.²²⁹ If ancient intellectualism thus grounds its inclusive claims on eudaimonistic aspirations, the sovereign paradigm then builds conceptually inclusion and unity by employing the rhetoric of security. In the theory of the social contract, the inclusion of the body politic grants security and safety for citizens joining the covenant. As seen, at least in its pre-governmental theorisation, the existence of the sovereign body politic is functional to the preservation of its citizen's life. The unity of the state is justified by the necessity to secure a

²²⁵ Susan Sontag, *Illness and Metaphor* (New York: Farrar, Straus and Giroux, 1978), 75-76.

²²⁶ Plato, *The Republic*, IV, 435 a-b, 368 c.

²²⁷ Plato, *The Republic*, IV, 433 a-b and 443 d-e.

²²⁸ For a reconstruction of Hobbes' role in the English Civil War, see Richard Tuck, *Hobbes*, (Oxford: Oxford University Press, 1989).

²²⁹ About the Hobbesian break with the Platonic-Aristotelian tradition, see Duso, *La logica del potere and Il potere. Per la storia della filosofia politica moderna*.

safe space for all its citizens. When the state fails to meet this requirement, the social contract is no longer binding (e.g. right to resistance).²³⁰

In this sense, the ancient understanding of the body politic and theories of the social contract share the same inclusive movement. They both depend on the continuity between the collective body and its parts. Biopolitics instead parts from this tradition by introducing disorder in the definition of well-being. The state of health of the population does not need the harmonious relationship between its parts. Governmental mechanisms accept or produce the marginalisation of some bodies for the growth and health of the body politic. As the discourse on disciplinary power stresses, for example, the existence of abnormality is a necessary counterpart of the establishment of normality. The two poles agonistically reinforce and incite each other. Abnormality or disorder do not have to be neutralised; they have to be fostered and cultivated.

The reference to the order or disorder of the body politic leads us to the second point: the reappearance of nature. One of the characteristics of the productivity of power is the neutralisation of normative claims associated with nature. Nonetheless, even though the political order does not correspond or resemble a natural order anymore, the discourse about nature is not *tout court* eliminated. Normality offers us a first good example of how nature is reintroduced within a logic of power's productivity. Norms set the standards of behaviours that then become socially naturalized. By virtue of its politicisation, nature becomes a synonym of socially constructed. The de-ontologisation of nature characterises also the biopolitical account. As Lemke has observed, however,

with the Physiocrats and political economy, nature reappears as a point of reference for political action. However, this is a different nature that has nothing to do with a divine order of creation or cosmological principles. At the center of liberal reflection is a hitherto unknown nature, the historical result of radically transformed relations of living and production: the second nature of the evolving civil society (...) authors such as Adam Smith, David Hume, and Adam Ferguson assumed that there exists a nature that is peculiar to governmental practices and that governments have to respect this nature in their operations. Thus, governmental practices should be in line with the laws of a nature that they themselves have constituted. For this reason, the principle of government shifts from external congruence to internal regulation. The coordinates of governmental action are no longer legitimacy or illegitimacy but success and failure.²³¹

²³⁰ As seen in Chapter 2 with Locke's theory of resistance.

²³¹ Lemke, *Biopolitics: An Advanced Introduction*, 45-46.

The shift from the ontological understanding of nature to its politicisation thus concerns the internalisation of the principle(s) of government. This internalisation shows that, before the governmental break, nature is the external point of reference for politics, either as cosmological model to implement (e.g. in Plato or Aristotle), or as a danger to neutralize (e.g. in Hobbes). In both cases, the natural world is separated from the political realm. The externalisation of nature raises what Lemke defines the problem of congruence or what we could reframe as the question of ‘normativity’. As politics and nature do not coincide, the former is constantly subjected to the problem of its conformity with or its rejection of the latter.

With the governmental turn and the introduction of the idea of self-regulation, the formulation of the normative problem undergoes a transformation. Since the distance between the political realm and the natural one vanishes, the real imposes its normative strength. The immanence of governmental relationships in fact rules out the reference to an external level of assessment of reality (e.g. a form of Platonic idea of good). The political order that imposes itself imposes also the norms and the normative register:

Rather than adjusting reality to a predefined ‘should-be’ value, the technologies of security take reality as the norm: as a statistical distribution of events, as average rate of diseases, births and deaths, and so on.²³²

The politicisation of nature and the internalisation of the principle of regulation of power thus radically change the dynamic between the body-politic and its components. What both the Platonic and the Hobbesian theories share is the continuity between the collective body and the individual bodies. In the first case, individual bodies are functional to the existence of the good *polis*.²³³ In the second, the collective body is engendered for the preservation of individuals. The rupture intervening with the governmentalisation of the state instead lies in the discovery of the dispensability of individual bodies within the collective body. For the first time, the collective body is disjointed from the individual bodies. The achievement of the health of the population might demand the marginalisation or disempowerment of some agents.

To summarise, the core argument of this chapter revolves around the kind of practices of self-government produced by the emergence of a new conception of the body-politic with securitarian power. The governmental idea of the population breaks with both the conceptions of the collective body developed by the classical ancient model (e.g. Plato and Aristotle) and

²³² Lemke, *Biopolitics: An Advanced Introduction*, 47.

²³³ The parts, indeed, are always subordinated to the whole. See Aristotle, “Politics,” I.

by modern political theory (e.g. Hobbes). It is a new political paradigm based on the overturning of the traditional relationship between power and knowledge and on the politicisation of nature (second nature, see Chapter 2). One of the main characteristics of the collective body is the secularisation of salvation, as shown by the pastoral metaphor. The main securitarian goal is the health and well-being of the population. Its achievement follows however from an economic rationality, according to which the life of the population is subjected to economic principles (among others, *laissez-faire*). The link between the salvation or health of the population and economisation of life result in the sacrificability of some individual bodies, who are not deemed as indispensable for the overall well-being. In this logic of dispensability, the polysemy of the practices of care of the self acquires a new meaning. As stressed with disciplinary power, self-government can be a form of voluntary servitude. It defines individual's practical responsibility to create and increase their skills, qualities and human capital:

The *new homo economicus* (...) has internalized the value of competition, to the point of making it a principle of conduct of life itself, of his *own* life. The model and basic norm of the market has been internalized and applied to life itself, and as a whole: We are encouraged to comport and govern ourselves as competitive units of capital, for which we are responsible, and which require a never ending cycle of investment and return. Capital now defines the very *being* of the *human* being; it is the new anthropological paradigm and normativity that claims to speak the truth regarding human life as a whole. We have become, or are encouraged to become, *self-entrepreneurs*—not purely in the sense of being entrepreneurial, but in the sense of producing our own self through entrepreneurial techniques.²³⁴

The new *homo economicus* produces, cultivates and judges their own self according to the economic principles of competition. The self is an enterprise to which the success and survival of individuals are responsible.

So far, this chapter has problematized the idea of care of the self further by reinforcing its reading as a governmental mechanism. Nonetheless, our interest in self-government has stemmed from a different problematic: resistance. How does this interpretation of self-fashioning harmonise with the considerations in the opening of the previous chapter on resistance and freedom? Can the self-government be a form of creative subversion of norms and, at the same time, the ultimate expression of subjection? Before answering these questions,

²³⁴ Beistegui, *The Government of Desire*, 77.

I will further unpack the problematic status of self-government that this analysis has brought to light.

3.7. The impasse of resistance

Foucault's later work on antiquity has raised the question of the political importance of the technologies of the self. Is an aesthetics of the self, conceived as the critical task of self-fashioning, a withdrawal from political engagement or one of its clearest manifestation? To what extent an ethical subject is politically engaged? By tracing back the drive of Foucault's interest in the ancient practices of care of the self to his previous research on power and on subject's formation, this research has identified in governmentality and in the question of resistance the best angle to approach these questions. This theoretical displacement has allowed a redefinition of the above-mentioned questions in terms of the condition of possibility for practices of care of the self. Rethinking of the care of the self in light of the conception of power as governmentality promotes indeed an understanding of subjectivity in terms of agency. Rather than their capacity to know, subjects are determined by their capacity to act. The question we need to ask is not "who is a subject?" but rather how power relationships continuously invest in and produce subjects, what *dispositif* is active and how it shapes the subjects that we are. Read from this perspective, a governmental framework does not question whether the ethical work of the self on itself is political. Rather, it demands an investigation about how much and under what conditions we can intervene in these processes of subjects' formation.

A study on the ethical practices of self-fashioning raises the problem of the spaces of freedom and agency in a given context. In this regard, Foucault's reflection presents two conflicting levels, both equally justified by his analytics of power: the first interpretation upholds the omnipresence of practices of resistance; the second one questions the effective spaces of freedom for agents in a governmental framework. The former is condensed in the Foucauldian statement "where there is power, there is resistance" and rests upon the understanding of freedom as the condition of power relationships. In this perspective, the practices of self-government coincide with practices of resistance, which are nothing more than the capacity to transform and re-create someone's existential conditions. Resistance is the negotiation that takes place in the oscillation between subjection and subjectivation.

The second interpretation is instead strictly political and pragmatic, building on the analysis of the materiality of power relationships openly in tension with the first level, which

results in an optimistic form of activism. The second reading problematizes the leeway of resistance and self-government by considering the specific characteristics of governmentality, particularly the politics of bodies. In his lectures on power, Foucault suggests the existence of two interwoven bodies: the individual body and the collective one of the population. These two bodies are the counter-parts of different mechanisms of power: discipline and security. Both discipline and security reduce the spaces of self-government. They do so, however, according to very different strategies. Whereas discipline closes them through the creation of bodily automatisms, security develops a form of inattention some bodies. In place of discipline's interiorisation and symbiosis, security operates with carelessness. While disciplinary power induces the body's self-fashioning according to its economic regime, security allows the dispersion of those bodies not deemed functional to the state of health of the collective body.

What is fundamental from this analysis, however, is that discipline and security not only limit the spaces of agency. They also rely on individual's agency, by responsabilising agents to take care of themselves. Discipline functions through the subject's adhesion to norms, which exist only in their embodiment. Security projects onto individuals the duty to make of themselves a value in a competitive social body. In both cases, these ethical practices of self-government are governmental technologies. Rather than being an experience of resistance, self-fashioning reinforces the technologies of subjection.²³⁵

The analysis of governmental technologies of power thus leaves us with an aporetic understanding of the practices of care of the self. There are indeed two almost contrary readings about the condition of possibility of resistance in Foucault's work: his optimistic understanding of practices of counter-conducts (voluntary inservitude) co-exists with the pessimistic account of the biologization of politics (voluntary servitude). The latter leads to an economy of lives based on a calculation of interests and values foreclosing for some bodies, who failed to cultivate an economic value, the possibility to creatively transform their existential conditions. With his last studies on neoliberal governmental power are particularly imbalanced towards this interpretation, Foucault himself seemed to be aware of this *impasse*, as he retrospectively admitted:

Perhaps I've insisted too much on the technology of domination and power. I am more and more interested in the interaction between oneself and others, and in the technologies of individual domination, *in the mode of action* that

²³⁵ Paltrinieri and Nicoli, "Du management de soi à l'investissement sur soi," 25.

an individual exercises upon himself by means of the technologies of the self.²³⁶

It is thus reasonable to suggest that Foucault's interest in the ancient technologies of the self is (also) a theoretical reaction to the increasingly deterministic turn his account on power relationships had taken. His studies on antiquity in fact refer to creative and transformative experiences of self-government. Nonetheless, this interest in ancient practices of care of the self could be seen as compatible with the neoliberal discourse and the related subject's responsabilisation. Daniel Zamora and Michael C. Behrent perhaps have best voiced this concern that some interpretations of Foucault's reflection, particularly from the intellectual left, have created an image of Foucault as being in opposition to neoliberalism.²³⁷ A way to reject this alleged closeness to neoliberalism is thus asking whether and how the etho-poietical subject differs from the entrepreneurial self. What does differentiate the practices of self-government as forms of resistance from those functional for the functioning of the dominant regime of power? To answer to this question, we have to reflect on the use of ancient sources done by Foucault.

3.8. The turn to antiquity as a possible solution

Foucault's strong anchoring to Hellenistic philosophies and Roman Imperial stoicism has usually been interpreted as a proposal of a withdrawal from politics and a renunciation of political engagement. This interpretation is based on a dominant current in the history of philosophy, according to which the Hellenist schools emerge in a moment of decline in the life of the *polis*, in which political freedom and participation are endangered, if not suppressed.²³⁸ Seeking refuge in the private life is a response to political disempowerment. In a context of loss of the political autonomy of the *polis*, the philosophical offer of the Hellenistic schools is a therapy of the soul. As the disappearance of a shared public *ethos* upon which individual's morality could rely demands the replacement of its ethical function, philosophy's main goal becomes promoting forms of self-cultivation.

Considered from this angle, Foucault's choice of focusing on the Hellenistic philosophies would be coherent with the spirit of those philosophical schools. As the Hellenistic philosophies were a reaction to the crisis of the traditional political design, so the

²³⁶ Foucault, "Technologies of the Self," 225.

²³⁷ Zamora and Behrent, *Foucault and Neoliberalism*.

project of the care of the self would be the modern answer to the hegemony of neoliberalism and its demand of self-optimization. It would be the modern translation of the experience of atomization and exclusion from the political realm that Brown describes with the idea of economization of life and the passage from the *homo politicus* to the *homo economicus*.²³⁹

This reading of the care of the self however is not compelling for two main reasons. The first one concerns the interpretation itself of Hellenism as a period of crisis culminating with political disengagement. This conception is indeed premised on a precise interpretation of the history of philosophy. Hadot, for example, disagrees with this reading, which relies on a prejudice about the decadence of the political system of the Greek *polis*.²⁴⁰ If Hadot's counter-history of philosophy is right, the narrative about both the decline of the *polis* and the transformation of the nature of philosophical practices should be questioned. Rather than being a reaction to a condition of political disengagement, the ethics of care of the self should be reframed within the problem of political agency. This remark leads to the second, and more compelling, point, which addresses the definition of politics itself. Stressing the opposition between the private life and the public commitment endorses the modern understanding of politics, which Foucault criticizes. The concern for a withdrawal from politics presupposes the idea of a proper political space which can be entered or abandoned. It also presumes a dissociation between our private persona, which might be thought as a kind of inner self, and the public one, which instead performs on a stage. Foucault's conception of power relationships instead undermines this separation. The omnipresence of power games implies the dissolution of the distinction between private and public that representative politics engenders. In this alternative understanding of politics, also the Hellenistic practices of the self would be already and always political, independently from the alleged crisis of the *polis* and the disappearance of a communal political space. The alignment of Foucault with the neoliberal agenda based on his interest for a certain current in ancient philosophy is therefore not as strong as it might superficially appear, as it depends on two assumptions that are dismissible. On the one hand, by rejecting the idea of a historical crisis of political engagement and, on the other, by rejecting a narrowing conception of politics itself, according to which the private sphere would be non-political.

In this sense, it seems that Foucault is seeking something different in his turn to antiquity. What characterizes the ancient modalities of subject's engagement with themselves

²³⁹ This is one of Brown's main claims in *Undoing the Demos*.

²⁴⁰ Hadot, *Etudes de philosophie ancienne; la philosophie antique: une éthique ou une pratique*, 223.

is not the necessity of becoming an indispensable value nor of adhering to interiorised norms. Quite the opposite, it is the interruption of this necessity. It is the *irruption* of reflexivity,²⁴¹ which can challenge a normalised political order:

If governmentalisation is really this movement concerned with subjugating individuals in the very reality of a social practice by mechanisms of power that appeal to a truth, I will say that critique is the movement through which the subject gives itself the right to question truth concerning its power effects and to question power about its discourses of truth. Critique will be the art of voluntary inservitude, of reflective indocility.²⁴²

This alternative meaning of care was already present in Foucault's works, as it emerges from Orazio Irrera's analysis of a passage of *Discipline and Punish*. Here, Foucault explains the rationale of punishment in a disciplinary society:

The injury that a crime inflicts upon the social body is the disorder that it introduces into it: the scandal that it gives rise to, the example that it gives, the incitement to repeat it if it is not punished, the possibility of becoming widespread that it bears within it. In order to be useful, punishment must have as its objective the consequences of the crime, that is to say, the series of disorders that it is capable of initiating.²⁴³

What is noteworthy, according to Irrera, is the emphasis on the "possibility of rupture of some mechanisms of power that have to guarantee the security of the society, the stability of its order."²⁴⁴ This rupture is therefore scandalous because of "the possibility that the example has to spread out, unsettling power's calculation and its mechanism of normalisation."²⁴⁵ The unsettling nature of counter-conducts and the danger of their diffusion are, with the development of a critical attitude, some of the traits on which the analysis of Foucault's turn to antiquity will focus in the next chapter. In this reading, Foucault turns to antiquity not only to explore the possibility of 'not being modern' and to question the tyranny of the modern

²⁴¹ The continuity between the Greco-Latin trip and the development of the idea of critique is highlighted by Laura Cremonesi in "Askêsis, êthos, parrêsia: pour une généalogie de l'attitude critique," in *Michel Foucault: Éthique et vérité 1980-1984*, ed. by Daniele Lorenzini, Ariane Revel and Arianna Sforzini (Paris: Vrin, 2013), 127-138.

²⁴² Foucault, "What is Critique?," 47

²⁴³ Foucault, *Discipline and Punish*, 92, quoted in Orazio Irrera, "La parrêsia e i regimi aleturgici dell'exemplum a partire da *L'Ermeneutica del soggetto* di Michel Foucault," *Noema* 4, no.1 (2013), 23.

²⁴⁴ Irrera, "La parrêsia e i regimi aleturgici dell'exemplum a partire da *L'Ermeneutica del soggetto* di Michel Foucault," 23 [my translation].

²⁴⁵ Irrera, "La parrêsia e i regimi aleturgici dell'exemplum a partire da *L'Ermeneutica del soggetto* di Michel Foucault," 23-24 [my translation].

sovereign subject, as suggested in Chapter 1. It also involves the thematising of the possible “escape[s] from a disciplinary subjectification,”²⁴⁶ which means the modalities of the subject’s voluntary inservitude.

²⁴⁶ Golder and Fitzpatrick, *Foucault’s Law*, 68.

Chapter 4

The Care of the Self in Antiquity: *Parrhesia* in the Cynics and Euripides

The previous chapter ended with the distinction between self-government as a form of voluntary servitude and self-government as a form of voluntary inservitude. The former meaning has been an object of investigation of the first section of this thesis, particularly in chapters 2 and 3, which explored self-government as self-disciplinarianism and responsabilisation in the convergence of a society of norms with economic imperatives. The second part of this research, composed of this chapter and the following two, will engage with the care of the self as a practice of resistance. Specifically, this chapter will present Cynic truth-telling as an exemplification of such a practice of resistance or voluntary inservitude. The last two chapters will serve to refine our analysis of the interplay between the politics of the care of the self and the politics of rights. As we shall see, their connection is already present in Foucault's investigation of antiquity but it is often overlooked by contemporary scholarship. The final chapters will investigate their co-dependence by looking at the strategic deployment of law (Chapter 5) and transformations in the notion of citizenship (Chapter 6)

The end of the previous chapter suggested that the difference between these two modalities of care of the self lies in the subject's critical attitude, which I defined as the *irruption* of reflexivity. The latter is an ethical posture that equips individuals with the capacity to challenge, subvert or reflectively accept those norms to which they are subjected to. By promoting a form of critical self-transformation, reflexivity interrupts the naturalisation of norms. As we shall see, however, the irruption of a critical attitude is problematically related to the politics of rights and the juridical status of subjects. This chapter therefore has a twofold goal. It aims to demonstrate how practices of truth-telling are practices of counter-conducts or resistance and it frames the debate about how the practices of self-fashioning as a form of resistance intersect with the problem of citizenship. It will do so by following Foucault's turn to antiquity, focusing on his analysis of the Cynic and tragic *parrhesia* in the last lectures at the Collège de France.

4.1. Why the Cynics? Look at Diogenes

“Being asked what was the most beautiful thing in the world, he replied, “Freedom of speech.””²⁴⁷ So, according to Diogenes Laertius, speaks Diogenes the Cynic when interrogated by Alexander the Great. This anecdote sketches the confrontational and mocking attitude of the philosopher towards the Macedonian king. The myth of Diogenes the dog however is not exhausted by this episode. In the *Lives of Eminent Philosophers*, another example enriches the myth about Diogenes’ agonistic attitude towards power’s representatives:

When he was sunning himself in the Craneum, Alexander came and stood over him and said, “Ask of me any boon you like.” To which he replied, “Stand out of my light.”²⁴⁸

The Cynic philosopher is commonly regarded as a paradigmatic figure of the *parrhesiast*. Daring to address the Macedonian king in such a challenging way is a form of political resistance, which subverts the normally expected conduct. Diogenes’ provocative and unconventional life style has attracted the interest of many scholars. Amongst others, Foucault is attuned to the political significance of Diogenes. What strikes him in the figure of Diogenes, and more generally in the Cynics, is the connection between the beautiful way of life, and the practices of truth-telling. Particularly in his last lectures at the Collège de France, *The Courage of Truth* and *The Government of Self and Others*, Foucault dwells on Diogenes to show how the act of truth-telling impacts the individual as well as the *polis*. For this reason, Foucault’s interest in the Cynic will be understood as an attempt to conceptualise how ethical practices of counter-conducts and self-government can be practices of political resistance.

More broadly, this chapter explores the Cynics’ way of life to shed light on Foucault’s account of the care of the self. Foucault’s treatment of the Cynics enables us to understand his account of the relationship between ethics and politics and the intersections between ethopoietic work of the self and philosophy as discipline. Regarding the latter, Daniele Lorenzini remarks that “in Cynicism, *parrhesia* co-exists with the Cynic philosophical life (...) the problem of access to truth here coincides ceaselessly with the problem of its access to the *philosophical life*.”²⁴⁹ An analysis of Foucault’s interest in the Cynics thus illuminates the main

²⁴⁷ Foucault, *The Courage of Truth*, 166.

²⁴⁸ Diogenes Laertius, *Lives of Eminent Philosophers*, trans. by Robert D. Hicks (Cambridge: Harvard University Press, 1972), 6. 38.

²⁴⁹ Daniele Lorenzini, “Éthique et politique de nous-mêmes: À partir de Michel Foucault et Stanley Cavell,” in *Michel Foucault: Éthique et vérité 1980-1984*, 250 [my translation].

characteristics of the political and philosophical dimensions of the ethics of the care of the self, and sheds some light on its potential limits.

Yet the Cynics are only one of the examples of way of life embodying the parrhesiastic freedom of speech. Foucault mobilises another classical source: Greek tragedy. Alongside the Cynics, in his last lectures Foucault focuses also on Sophocles' *Oedipus Rex* and Euripides' tragedies (where the notion of *parrhesia* appears for the first time). The importance of Euripides' plays derives from their capacity to represent the political drama of speaking the truth. As Sforzini explains,

they stage the issue of the relations between word, power and critique (...) how the act of truth-telling can become the test of a practice of free construction of the self through the critique of the truth of power.²⁵⁰

We can therefore examine Foucault's use of tragedy in his later works to understand how he represents freedom of speech, the critique of power and self-fashioning. This chapter will thus focus on two specific examples of Foucault's problematization of the care of the self: the Cynics' way of life and Euripidean tragedy. I will consider both the Cynics and tragedy as the peak of Foucault's turn to antiquity, epitomising the main lessons of his investigation of the Greco-Latin culture. In order to investigate Foucault's position, I will firstly contextualise the interest in *parrhesia* in his genealogy of subjectivity and truth. I will then compare the Cynic parrhesiastic attitude with the Platonic model. While for Plato the ethics of the care of the self is a preparation to politics, for the Cynics *parrhesia* is a political practice. I will examine how the Cynic combination of "the beautiful existence and the true life" results in a critique of the customs of the *polis* based on cosmopolitan claims.²⁵¹ The Cynic's rejection of the political dimension of the *polis* is however controversial. Despite their supposed anti-*polis* stance, I will argue that the Cynic attack on the conventions and institutions of the *polis* still presupposes the juridical order of the *polis*. The second section will delve more deeply into this tension between the practices of self-cultivation and the juridical sphere, looking at the link between *parrhesia* and citizenship. The analysis of some passages from two Euripidean tragedies, *The Phoenician Women* and the *Ion*, will show that *parrhesia* is a right of the citizen. Foucault's analysis shows that the capacity to act and speak freely can only be exercised in the context of the institutions and laws of the *polis*.

²⁵⁰ Arianna Sforzini, "Dramatiques de la vérité: la parrêsia à travers la tragédie attique," in *Michel Foucault: Éthique et vérité 1980-1984*, 141 [my translation].

²⁵¹ Foucault, *The Courage of Truth*, 163.

4.2. The politics of truth and subjectivity

To grasp the meaning of Foucault's engagement with parrhesiastic practices, it is necessary to first clarify two crucial notions: care of the self and truth, and their relationship. What is at stake is understanding whether Foucault gives them new meanings in his research on the Cynics and tragedy and, more broadly, in his turn to antiquity in the 1980s. To answer to this question, we need to re-visit Foucault's motivation for his "Greco-Latin trip," which we previously explored in the first chapter. As we saw, Foucault's interest in antiquity is motivated by the necessity of rethinking subjectivity beyond the modern prison of an absolute and fixed subject of knowledge. In *The Hermeneutics of the Subject* he explains that his work on antiquity follows up on his genealogical efforts and fits in what he calls a "history of practices of subjectivity."²⁵² For this reason, as Frédéric Gros observes, "Foucault did not study ancient philosophy for itself: he convokes it for its capacity to provoke a displacement."²⁵³ He aims to provoke a displacement from the metaphysical fiction of a subject naturally endowed with an epistemic and moral privilege. Once truth has lost its traditional foundational role, however, what constitutes 'subjectivity'? Is there an alternative to the metaphysic reduction of the relationship between knowledge and life?

With this set of questions in mind, Foucault turns to antiquity and the ancient technologies of the self. But to what does the notion of technologies of the self refer? In the third volume of *The History of Sexuality*, Foucault suggests an interpretation of the ancient practices of care of the self as those transformative modalities of "relations of oneself to oneself."²⁵⁴ What these heterogeneous practices have in common is that individuals can constitute themselves *qua* subjects. The practices of care of the self are therefore forms of active and autonomous productions of subjectivity; they are what Revel has defined as "gestures of subjectivation."²⁵⁵ Foucault then also defines the aesthetics of the self as "the work carried out by ourselves upon ourselves as free beings."²⁵⁶ Put differently, the care of the self is an ethical posture through which individuals can constitute themselves. What is still unclear, however, is the role truth plays in these processes of subjectivation.

²⁵² Foucault, *The Hermeneutics of the Subject*, 11.

²⁵³ Frédéric Gros, "Sujet moral et soi éthique chez Foucault," *Archives de Philosophie* 65, no. 2 (2002), 237.

²⁵⁴ Foucault, *The Care of the Self*, 43.

²⁵⁵ Judith Revel, "Between Politics and Ethics: The Question of Subjectivation," in *Foucault and the Making of Subjects*, 164.

²⁵⁶ Foucault, "What is Enlightenment?," 115.

The Hermeneutics of the Subject is one of the places where Foucault makes the link between the project of rethinking subjectivity and truth clearer. Here, Foucault calls for a rediscovery of the crucial role of the spiritual principle of *souci de soi* in antiquity, where the exhortation to take care of oneself was twinned with the philosophical precept *gnothi seauton* (the Delphic ‘know yourself’). What particularly strikes Foucault in the ancient practices of self-cultivation is the transformative nature of the philosophical activity. Given its entanglement with the spiritual principle, the ancient philosophical pursuit of ‘truth’ requires a transformation in the being of the subject. The quest for truth impacts the *ethos* and life of the subject to the extent that the notion of self is inherently dynamic and subjected to transformation; it is object of an etho-poietical work.

Perhaps a way to clarify ancient philosophy’s transformative potential is considering the negative example of Aristotle.²⁵⁷ Aristotle indeed represents the exception in antiquity as he is only a ‘philosopher’. In Foucault’s reading, the Aristotelian paradigm is an anomaly because it promotes a modality of access to truth in which individuals do not need to engage with any form of self-transformation. As subject of knowledge,

to be capable of truth you only have to open your eyes and to reason soundly and honestly, always holding to the line of self-evidence and never letting it go. The subject only has to be what he is for him to have access in knowledge to the truth that is open to him through his own structure as subject.²⁵⁸

In this reconstruction, Aristotle’s epistemology anticipates the Cartesian disentanglement of the philosophical principle, *gnothi seauton*, from the spiritual one, *epimeleia heautou*. The consequence of the disjunction between life and truth is that the possession of knowledge (*espiteme*) does not have any impact on the behaviour (*bios*) of the subject of knowledge.²⁵⁹ Truth and knowledge consist in theoretical problems addressable with a scientific approach, and unrelated to the practical and existential sphere.

Foucault had discussed the loss of the transformative role of truth a few years before, in the first group of lectures he gave at the Collège de France in 1970-1971: *Lectures on the Will to Know*. Here, Foucault breaks with the tradition of Western philosophy by dismissing

²⁵⁷ As Paul Patton claims, Aristotle is paradigmatic to the traditional understanding of subjectivity Foucault rejects: “The significance of Aristotle for Foucault’s larger project is that he provides an example, and an important source, of that consolidation of the will to know around the will to truth that has been characteristic of Western thought ever since,” “Foucault, Nietzsche, and the History of Truth,” in *Foucault and Nietzsche. A Critical Encounter*, 41.

²⁵⁸ Foucault, *The Hermeneutics of the Subject*, 190.

²⁵⁹ Sellars, *The Art of Living*, 2.

its founding link between knowledge and truth. Following Nietzsche, he invokes the principle of the will to know to disjoint them. Through an analysis of the will to know, knowledge emerges as an invention, the rationale of which is to be found in the relationships of power that produce it. For this reason, he affirms that, to understand what knowledge is, “we must look not to philosophers but to politicians, we need to understand what the relations of struggle and power are.”²⁶⁰ As Paul Patton argues, by calling into question the connection between truth and knowledge, Foucault ultimately challenges the myth of an innate affinity²⁶¹ between truth and the unitary, stable subject of knowledge. His target is the subject as a knower naturally equipped to access the reality of things. Foucault aims to debunk this conception of the subject as knower. Also in this group of lectures, Foucault identifies in the Aristotelian model the paradigm of the foundational role of “truth as guarantee and foundation of the desire to know.”²⁶² By focusing on the famous first lines of Book A of the *Metaphysics* (“All men naturally desire knowledge”),²⁶³ he asserts the subordination of desire to truth. The desire to know is subjected to and directed by the quest for truth, which is the condition of possibility of knowledge. Truth precedes and exceeds desire, the function of which is to confirm and validate truth.

In opposition to this neutralization of the creative potential of desire, Foucault appeals to the Nietzschean turn, which takes place in the *Gay Science*. In his reading, Nietzsche substitutes the primacy of truth with the one of power: “What was at stake in all philosophizing hitherto was not at all ‘truth’ but something else—let us say health, growth, future, power, life.”²⁶⁴ By (re-)discovering the creative nature of power, Nietzsche radically subverts the Aristotelian model. What attracts Foucault to the Nietzschean emphasis on power and desire is its challenge to the Aristotelian irenic and reassuring account of truth. Truth loses its foundational role and becomes the outcome of games of forces, of which desire is the primary source. This conflictual understanding results in what Foucault calls a tragic or heroic dimension of knowledge, which recalls the aforementioned politicisation of knowledge and truth (Chapter 3). As Elden claims in *Foucault: The Birth of Power*, “the key concern in this

²⁶⁰ Michel Foucault, “Truth and Juridical Forms,” in *Essential Works of Foucault 1954–1984*, vol. 3, *Power*, 12.

²⁶¹ Patton, “Foucault, Nietzsche, and the History of Truth,” 36-42.

²⁶² Michel Foucault, *Lectures on the Will to Know: Lectures at the Collège de France, 1970–1971*, trans. by Graham Burchell (New York: Palgrave Macmillan, 2013), 23.

²⁶³ Aristotle, “Metaphysics,” in *The Complete Works of Aristotle, the Revised Oxford Translation*, I, 980a 21.

²⁶⁴ Friedrich Nietzsche, *The Gay Science*, trans. by Josefine Nauckhoff, ed. by Bernard Williams (Cambridge: Cambridge University Press, 2001), 6. See also *The Gay Science*, §13 and §344.

course is not knowledge so much as truth, but in a contested, political sense, rather than a detailed ‘objective’ manner.”²⁶⁵ The Nietzschean polemic and agonistic account is thus incompatible with an Aristotelian metaphysical understanding of knowledge.

Foucault’s turn to antiquity is part of the project of a counter-genealogy of truth. In opposition to the traditional metaphysical paradigm, which in various forms posits a sovereign subject of knowledge and a resemblance or correctness between truth and knowledge, Foucault politicises truth and knowledge. In the first Chapter, I stressed how Foucault positions philosophy within history; now, we can also clearly see that he positions philosophy also within politics.²⁶⁶ Foucault unmasks the supposed neutrality of the philosophical activity. In doing so, he shows that truth-claims are inherently political and they reflect power struggles: “Political power is not absent from knowledge, it is woven together with it.”²⁶⁷

We should interpret Foucault’s interest in parrhesia in this perspective. The question of ‘truth’ is a philosophical question, which means that at the same time is political question, a site of both struggle and resistance. Specifically, as subjects are governed and disciplined through discourses of truth, practices of truth-telling can be a form of resistance or self-government. Foucault makes this point about the political import of truth-telling very clear in his essay “What is Critique?,” the premise of which is the identification of the philosophical activity with critique:

One sees that the core of critique is basically made of the bundle of relationships that are tied to one another, or one to the two others, power, truth and the subject. And if governmentalisation is indeed this movement through which individuals are subjugated in the reality of a social practice through mechanisms of power that adhere to a truth (...) critique is the movement by which the subject gives himself the right to question truth on its effects of power and question power on its discourses of truth (...) critique will be the art of voluntary insubordination, that of reflected intractability. Critique would essentially insure the desubjugation of the subject in the context of what we could call, in a word, the politics of truth.²⁶⁸

The practice of philosophy as critique is intertwined with the project of a counter-genealogy of truth. In the context of a politics of truth, the activity of critique is a precondition for the practices of desubjectification, epitomized by subjects speaking their own truth. In this anti-

²⁶⁵ Elden, *Foucault: The Birth of Power*, 25.

²⁶⁶ This is one of the main claims of Sandro Chignola in *Foucault’s Politics of Philosophy: Power, Law and Subjectivity* (Abingdon, Oxon, and New York: Routledge, 2019).

²⁶⁷ Foucault, “Truth and Juridical Forms,” 32.

²⁶⁸ Foucault, “What is Critique?,” 47.

metaphysical account of truth, then, speaking the truth does not voice the discovery of an inner or hidden self, but the work of self-creation and self-transformation.

Before proceeding with the analysis of ancient practices of truth-telling, a final remark should be made. According to Davidson, antiquity in Foucault is part of a “laboratory of the present.”²⁶⁹ Following Davidson, I will use antiquity as a laboratory to problematize the practices of self-government and their limits. This perspective justifies the choice to focus on the Cynics and tragedy. Both these sources help to shed some light on one of the characteristics of *parrhesia*: its underlying connection with citizenship in antiquity, which is crucial to problematize the contemporary political import of this practice. The circularity between *parrhesia* and citizenship raises the question of the social status of the speaker, regarding whom is entitled to speak or has the right to do so. In order to address this question, however, we will first start by analysing Cynics *parrhesia* and the site of appearance of its truth-telling practices: the public arena. The public breadth of the Cynic’s practices will be compared with its complete opposite: the Platonic position.

4.3. Truth-telling: between soul-fashioning and public engagement

Critics often use Foucault’s lack of expertise in antiquity to downplay or dismiss his contribution to the history of philosophy and, more specifically, his interpretation of ancient philosophy. If we do not accept this simplistic rejection of his classical research, however, we need to seriously consider the philosophical value of Foucault’s discussion of the practices of the self. I argue that his interest in the relatively marginal school of the Cynics is especially worth interrogating. This is even more relevant, given Foucault’s honest confession that he is “well aware that by presenting things in this way I give the impression of according Cynicism a crucial place in ancient ethics and of making it an absolutely central figure, whereas it remains, at least from a certain point of view, marginal and borderline.”²⁷⁰ Despite its marginal position in the traditional historical canon, Foucault devotes a good part of his last lectures at the Collège de France to Cynic philosophy. So, what is the lure of Cynic philosophy for

²⁶⁹ A. I. Davidson, “La fin de l’herméneutique de soi,” in *Michel Foucault: Éthique et vérité 1980-1984*, 73.

²⁷⁰ Foucault, *The Courage of Truth*, 339. In multiple other passages of *The Courage of Truth*, Foucault shows his awareness of the marginalized and discredited position of Cynicism in the history of ancient philosophy. For example, he defines the “scandalous banality” of Cynicism as a sort of “adulteration” or “broken mirror” of ancient philosophy, in *The Courage of Truth*, 232. See also the second hour of 29th of February 1984, where he claims that “there is no doubt that Cynicism is apt to appear as somewhat trivial and not just marginal figure in ancient philosophy,” *The Courage of Truth*, 177.

Foucault? What is the cause of such an extended study and of his preference over more traditional philosophical schools?

According to M.O. Goulet Cazé, Foucault's attraction to the Cynics is triggered by an affinity between their philosophical message and his philosophical concern.²⁷¹ In Cynicism, Foucault finds an idiosyncratic approach to the essential question of *bios* as alethurgy, as manifestation of truth, and more broadly of the philosophical life, which he openly thematises in the last lectures, but which was already present in his works from the 1960s to the 1970s:

The fact that Cynicism is always both inside and outside philosophy (...), the Cynic constitution of the philosophical life as scandal, is the historical stamp, the first manifestation, the point of departure for what has been, I think, the great exteriorization of the problem of the philosophical life in relation to philosophy, to philosophical practice, to the practice of philosophical discourse. This is why Cynicism interests me and what I would like to pinpoint with you.²⁷²

In his last lectures, Foucault uses the Cynic to conceptualise the importance of the philosophical problem of telling the truth through its relationships with the political sphere. Yet Cynicism is not the only ancient philosophical school that explores this interplay between truth-telling and politics. This theme is at the heart of the other philosophical current springing from Socrates: viz., Platonism.

The Foucauldian comparison of these two ancient philosophical schools is significant for three reasons. Firstly, because according to Foucault the opposition between Platonic and Cynic modalities of addressing the issue of philosophical practices will be replicated throughout the entire history of Western philosophy. The Kantian attempt to make their position co-exist in the text on *Enlightenment* shows that their opposition was still alive.²⁷³ Secondly, his focus on these two schools helps to illuminate Foucault's schematisation of ancient philosophy. For him, Cynicism and Platonism represent the divided legacy of the Socratic concern for the care of the self and the philosophical attempt to harmonise the latter and the quest for truth:

You can see that what is at issue here is philosophy insofar as it is a *philosophein* (...) before all else, essentially and fundamentally, this practice

²⁷¹ Marie-Odile Goulet-Cazé, "Michel Foucault et sa vision du cynisme dans le *Courage de la vérité*," in *Michel Foucault: Éthique et vérité 1980-1984*, 105.

²⁷² Foucault, *The Courage of Truth*, 237.

²⁷³ Foucault, *The Government of Self and Others*, 292-293.

of philosophy is a way for the individual to constitute himself as a subject of a certain mode of being.²⁷⁴

Even though both Plato and the Cynics follow the Socratic lesson, conceiving philosophy as an activity requiring self-transformation and self-fashioning, they pursue this existential task in different ways. This difference leads us to the third reason, posing the problem of whether the ethical (or philosophizing) subject overlaps with the political subject. The difference between the Platonic and the Cynic view thus concerns the site of deployment in the relation between politics and philosophy, conceived of as a practice of truth-telling. If for Plato the parrhesiastic practices take place in the soul (*psyche*), for the Cynics the free and courageous act of telling the truth takes place on the political stage of the *agora*:

Where will the site of this necessary and non-coincident relation between philosophical truth-telling and political practice be for Plato? It is not the public arena. If you like, the Cynics are, in this sense, still men of the city and they will perpetuate these traditions of the city and the public arena in the Roman Empire. For Plato, the site of this non-coincident relation is not the public arena; it is the Prince's soul. (...) Should the philosophical discourse be the discourse addressed to the Prince's soul in order to form it? Or should the true discourse of philosophy be delivered in the public arena as challenge, confrontation, derision, and criticism with regard to the Prince's action and to political action?²⁷⁵

This opposition between the Platonic care for the Prince's soul and the Cynic public performance as men of the city thematises the relationship between ethics and politics.²⁷⁶ In the Platonic model, ethical self-cultivation is a preparation for political governance, whereas for the Cynics, ethical self-cultivation is in itself a political action.

It is important to note that the connection between ethics and politics is a recurrent topic in the Platonic reflection, developed in multiple places and not necessarily in a perfectly consistent way. However, Foucault's reconstruction of the Platonic stance, based largely on the analysis of *Letter VII* and *The Republic*, depicts a clear relationship: in Plato's model ethics and the practices of care of the self are propaedeutic to politics. At first glance, Foucault seems to misinterpret one of the most famous features of Platonic philosophy: the coincidence of philosophy and politics embodied by the Philosopher King. As he points out, however, what

²⁷⁴ Foucault, *The Government of Self and Others*, 294.

²⁷⁵ Foucault, *The Government of Self and Others*, 292.

²⁷⁶ Lorenzini, "Éthique et politique de nous-mêmes: À partir de Michel Foucault et Stanley Cavell," 249.

this coincidence maintains is that “someone who practices philosophy is also someone who exercises power.”²⁷⁷ From this identity it does not necessary follow that the philosophical activity of self-transformation overlaps with the political activity: “If kings must be philosopher it is not so they will be able to ask their philosophical knowledge what they should do in a given set of circumstances. It means that to be able to govern properly one has to have a definite connection with the practice of philosophy.”²⁷⁸ The persona of the Philosopher King rests on a dichotomy. In this dualism, the Philosopher King incorporates two subjectivities: the philosophising (ethical) subject and the individual exercising power, which remain separate in their functions and in their fields of appearance/existence.

Taking a Foucauldian reading of the Platonic framework, the philosophical-ethical moment has a specific and necessary function in relation to politics. The separation of philosophy and politics does not imply their autonomy. Between these two spheres, he suggests, there is a propaedeutic relation. From the Socratic-Platonic perspective, the good government of the Prince’s soul is the condition of possibility for the good government of the other citizens and the *polis*: “The moral training of those who govern is indispensable for good government of the city.”²⁷⁹ Philosophy has a pedagogical function, aiming at preparing the soul of the Prince to govern the *polis*; it is a psychagogy.²⁸⁰ In Plato, therefore, the philosophical *parrhesia* does not concern the institutional and political stage; it concerns the guidance of the souls to prepare them for the engagement with the political game: “To take care of others, to be able of governing and conducting them towards their own good, it is necessary before to learn how to govern yourself, how to take care of yourself, and particularly, how to take care of your own soul.”²⁸¹ Even though connected, the political and the philosophising subjects are dissociated.

If political engagement disappears in the Platonic *parrhesia*, which projects the practices of truth-telling into the philosophical sphere of soul-guidance, it reappears, Foucault suggests, with the Cynics. It reappears in two ways, the first being the political status of the Cynic *parrhesiast*. This correlation of Cynic *parrhesia* with citizenship might be surprising, as the *bios kynikos* is famous for its appeal to “animality”²⁸² for its rejection of norms and habits

²⁷⁷ Foucault, *The Government of Self and Others*, 294.

²⁷⁸ Foucault, *The Government of Self and Others*, 294-295.

²⁷⁹ Foucault, *The Government of Self and Others*, 273.

²⁸⁰ Foucault, *The Government of Self and Others*, 352, and 367-374.

²⁸¹ Lorenzini speaks of a *metaphysics of the soul* in “Éthique et politique de nous-mêmes: À partir de Michel Foucault et Stanley Cavell,” 247-248.

²⁸² Foucault, *The Courage of Truth*, 263.

in the *polis* in order to reach a natural way of being. The Cynical mode of existence scandalously and stubbornly derides commonly accepted and shared traditions; it defaces conventions to make possible a “true life”:

The philosophical *parrhesia* of Diogenes basically consists in showing himself in his natural nakedness, outside all the conventions and laws artificially imposed by the city. His *parrhesia* is therefore in his very way of life, it is also apparent in this discourse of insult and denunciation with regard to power.²⁸³

Nonetheless, as we will see in the next section, the scandalous behaviour of the *bios kynikos* is not completely dissociated from the *polis* and its political system. The Cynical derision and mocking of power is political since it takes place within the *polis*.

Second, by contrast with Platonism, Foucault claims that the Cynics directly and immediately politicise ethics. With the Cynics, the separation between ethics and politics vanish, since the etho-poietic individual work is immediately political. As we have observed, Foucault suggests that the Platonic model prioritizes ethical *parrhesia*. The harmonious government of the soul precedes the government of the others. For Plato, the act of truth-telling is a founding moment of *excellence éthique*,²⁸⁴ which justifies a form of “philosophical aristocracy, or monarchy of the soul.”²⁸⁵ According to Foucault, this so-called metaphysics of the soul is one of the two possible developments of the Socratic *epimeleia*, teaching of the care of the self.

The other development is the “Cynic modality”²⁸⁶ the aesthetics of life. The Cynic pursuit of the beautiful existence dissolves the distinction between the ethical and political moment. For the Cynics, Foucault maintains, the practices of care of the self and of truth telling are not part of an educative process for the philosopher’s soul before they can govern; they are already political. This political dimension of the Cynic *parrhesia*, he implies, derives from the coincidence of *logos* and *bios*. Cynics immediately manifest the truth in their way of life. In this sense, the Cynic way of life is an example the perfect correspondence between *bios* and *logos* with minimal theoretical elaboration:

²⁸³ Foucault, *The Courage of Truth*, 263.

²⁸⁴ Lorenzini, “Éthique et politique de nous-mêmes: À partir de Michel Foucault et Stanley Cavell,” 247.

²⁸⁵ Lorenzini, “Éthique et politique de nous-mêmes: À partir de Michel Foucault et Stanley Cavell,” 248 [my translation].

²⁸⁶ Foucault, *The Courage of Truth*, 339.

This connecting up of truth-telling and mode of life, this fundamental, essential connection in Cynicism between living in a certain way and dedicating oneself to telling the truth is all the more noteworthy for taking place immediately as it were, without doctrinal mediation, or at any rate within a fairly rudimental theoretical framework. (...) There is, in fact, a theoretical framework, but it is clear that this framework is infinitely less important, less developed, and less essential in Cynic practice than it may be in Platonism, of course, or even in Stoicism or Epicureanism.²⁸⁷

For the Cynic school, the truth-test of any philosophical doctrine is not its logical coherence or content consistency but life itself.²⁸⁸ Diogenes' mode of life is a manifestation of truth because his way of being reveals his beliefs, without referring to a theoretical framework. Ancient Cynics embody the truth, or, as Foucault explains, "Cynicism (...) makes the form of existence a way of making truth itself visible in one's acts, one's body, the way one dresses, and in the way one conducts oneself and lives. In short, Cynicism makes life, *bios*, into what could be called alethurgy: a manifestation of truth."²⁸⁹ It is important for our purposes to stress the significance of Foucault's correlation between truth and *bios* in his interpretation of the Cynics. For Foucault, the Cynics' mode of being and their behaviour in the *polis* manifest their ethics of truth-telling. According to Foucault, the truth that the Cynics embody has nothing to do with the knowledge of the structure of reality or the discovery of an inner or authentic self, at least in the traditional meaning of authenticity. The truth of the Cynics' way of life is given by the correspondence between their utterances and their actions, by their homophony.²⁹⁰ *Parrhesia* is a form of truth-telling that coincides with a mode of truth-living, or living according to individuals' own verity.

In what sense then is the Cynics ethical mode of being political? It is political insofar as their embodiment and manifestation of truth needs to take place in the public space and target or speak to an audience. Its essence lies indeed in openly defying political conventions, challenging institutions and the values of the *polis*. In this sense, the Cynics' *parrhesia*, as Foucault interprets it, cannot be deemed a form of political retreat or withdrawal. As one might guess, the idea of visibility plays a fundamental and problematic role for this conception of the Cynics *parrhesia* as political alethurgy. Fundamental because, as we have observed, Cynic *parrhesia* is a visible, public act. The Cynic parrhesiast performs in a way that they abolish the distinction between public and private spheres. The stage of their performance becomes life

²⁸⁷ Foucault, *The Courage of Truth*, 165.

²⁸⁸ Foucault, *The Courage of Truth*, 171.

²⁸⁹ Foucault, *The Courage of Truth*, 172.

²⁹⁰ Foucault, *The Courage of Truth*, 169.

itself. It is also problematic because, as we will see later in this chapter, it raises the issue of those who are forced into a condition of invisibility, not being allowed to speak or act publicly. The Cynics' decision to exile themselves from formal political institutions, thereby refusing to participate in ordinary or conventional political forums is a provocative choice and a voluntary act of political refusal, nonetheless being based on being entitled to act and speak.

We can fully appreciate Foucault's sympathy for the Cynics by examining two more characteristics of Cynics *parrhesia* that he highlights: their politicisation of the body and the scandalous nature of their politics of 'everyday' life. Again, the comparison between the Cynics and the Platonic conceptions of philosophy will offer us a point of departure to unpack these features.

4.4. The politicisation of the body and the scandal of the *bios kynikos*

Foucault's account of the Platonic logic could be summarised as follows: the government of others is premised on the government of the self, which is possible through the government of the soul. The latter thus becomes the main site of truth-telling.²⁹¹ The underlying assumption of the Platonic care of the self is a separation, if not opposition, between soul and body. From this separation, we can infer that, in the Platonic scheme, the body is potentially detrimental to the authentic selfhood, which is identified with the soul. Ultimately, borrowing Vegetti's expression, Plato's philosophy is a politicisation of the soul. The Platonic body-soul dualism does not exist for the Cynics. It does not exist because, as anti-Platonic materialists, their attention is completely directed towards the body. As Vegetti contends, Cynicism "is a 'poor' legacy of Socrates, a paradoxical and bizarre legacy precisely because it is deprived of the function of the soul."²⁹² In the context of what he calls the "crisis of the soul,"²⁹³ where the faith in the soul as "true self" is lost, the problem of truth is located in the body: "The Cynics thus consumed the ultimate corrosion of the tradition of the specialists of the soul."²⁹⁴ With the Cynics, the function of the body undergoes a transformation as it takes on a philosophical role. The body evolves from being a distraction or obstacle for the philosophical quest, becoming a space for philosophical activity. It is in the body that the homophony, the consistency between

²⁹¹ Vegetti, *L'Etica degli antichi*, 67.

²⁹² Vegetti, *L'Etica degli antichi*, 103 [my translation]. In Vegetti's view, Plato is the "rich heir" [l'erede ricco] of Socrates, Vegetti, *L'Etica degli antichi*, 104.

²⁹³ Vegetti, *L'Etica degli antichi*, 101.

²⁹⁴ Vegetti, *L'Etica degli antichi*, 104 [my translation].

what someone says and how someone lives, can be assessed and evaluated. The Cynics' aesthetic of existence therefore displays itself in the material and bodily experience:

The relationship to the truth is an immediate relationship of conformity to the truth in conduct, in the body (...) there is not only a relationship of conformity of conduct, but also a relationship of physical, corporal conformity, so to speak, between the Cynic and the truth.”²⁹⁵

In place of the Platonic politicisation of the soul, the Cynics instead promote a politicisation of the body. Since the body replaces the soul as the site of truth, the political problem of the government of the body or, in other words, the conduct of conducts replaces the guidance of souls. Cynicism reframes the political game, shifting it from the interiority of the soul to the exteriority of bodies and their interactions. Politics is not a matter of guidance of souls but of conducting bodies.

The existential and popular character of the Cynic doctrine strengthens this hypothesis of the body as the political site of conformity between *logos* and *bios*. Rather than being a discourse exclusively for scholars and city-rulers, as most of the traditional philosophical schools were, Cynicism instead speaks to a universal audience, as the inclusion of women proves.²⁹⁶ Cynicism does not address cultivated elites,²⁹⁷ who, being familiar with a traditional philosophical education, expect a refined and stratified doctrinal *corpus*. It is not a philosophy for specialists who, dwelling on technicalities and debates in the space of the school, are separate from the *polis*: “The Cynics are men of the street, of the *agora*. They are public men, and also men of opinion.”²⁹⁸ Compared to the contemporaneous philosophies, Cynicism has a relatively limited doctrinal framework. “[The] Cynic teaching is simple and practical”²⁹⁹ since it aims to offer moral and practical training. Instead of elaborate arguments, the Cynics, as Hadot observes, privilege a practical approach:

Throughout antiquity, moreover, Cynicism was generally considered a philosophy; but it was a philosophy in which philosophical discourse was reduced to a minimum. Take, for instance, the following symbolic anecdote:

²⁹⁵ Foucault, *The Courage of Truth*, 309-310.

²⁹⁶ Vegetti, *L'Etica degli antichi*, 8.

²⁹⁷ Hadot, *What is Ancient Philosophy?*, 108. Hadot compares the approach of popular or missionary philosophies (such as Epicureanism, Stoicism and Cynicism) with the one of elitist philosophies (Platonism and Aristotelianism).

²⁹⁸ Foucault, *The Government of Self and Others*, 291.

²⁹⁹ Foucault, *The Courage of Truth*, 206.

when someone declared that movement did not exist, Diogenes simply got up and began to walk.³⁰⁰

For a Cynic, the best refutation is not theoretical argument, but practical demonstration. Cynicism trades theoretical complexity and systematicity in exchange for efficacy and practical intent. Knowledge is necessary so long as it provides an “armature for life.”³⁰¹ Foucault suggests that what follows from this practical goal is that the Cynics refashion Homeric and Olympian heroism. Cynicism transforms the paradigms of the sage and the wise man, which are commonly associated with the ideal of the philosopher, with that of the new figure of the philosophical hero.³⁰² Rather than a profession or a set of doctrines, philosophical heroism is a mode of being, an existential option.

The Cynic analogy between the philosophical hero and the athlete illuminates their transformation of the nature of the philosophical life, especially concerning their attention to the body as the privileged site of philosophical practice. The Cynics conceive themselves as athletes³⁰³, constantly monitoring and invigilating their own bodies. In this vein, Hadot suggests that the Cynics’ bodily *askesis* enabled them to achieve a state of health and/or flourishing:

Their philosophy was entirely exercise (*askesis*) and effort. The artifices, conventions, and commodities of civilization, luxury and vanity – all soften the body and mind. For this reason, the Cynic way of life consisted in an almost athletic, yet reasoned training to endure hunger, thirst and foul weather, so that the individual could acquire freedom, independence, inner strength, relief from worry, and a peace of mind which would be able to adapt itself to all circumstances.³⁰⁴

Like athletes, Cynics discipline their bodies to an ascetic and minimal way of life. The athletic metaphor is crucial to understanding the Cynics’ transformation of philosophy, demonstrating that the ultimate goal of their *askesis* is to reclaim a natural life from the corruptions of culture, a life beyond and independent of political and cultural conventions which, they maintain, inevitably hinders the experience of a true life.³⁰⁵ It is in the name of a true life that the Cynics engage in a polemic against the conventions of *polis*. The Cynics challenge the legitimacy of

³⁰⁰ Hadot, *What is Ancient Philosophy?*, 109.

³⁰¹ Foucault, *The Courage of Truth*, 205.

³⁰² Foucault, *The Courage of Truth*, 209-211. About this, see also Vegetti, *L’Etica degli antichi*, 13-35.

³⁰³ Foucault, *The Courage of Truth*, 279-280.

³⁰⁴ Hadot, *What is Ancient Philosophy?*, 110.

³⁰⁵ Hadot, *What is Ancient Philosophy?*, 110.

the *polis* as a source of ethical conduct and principles of justice. “[T]he law of the city” as Vegetti explains “appears to the Cynics as calcified in an entirely exterior form of decency, hostile to the authenticity of existence.”³⁰⁶ Among the Cynics, in Hadot’s apt phrase, Socrates’ “smiling urbanity”³⁰⁷ seems to vanish.

The Cynic *paracharattein to nomisma* is indeed a reaction to the alleged inauthenticity that characterizes life within the *polis*. *Paracharattein to nomisma* means literally ‘the alteration of the currency’, but, in this context, it is a call for the rejection and transformation of the commonly accepted customs and traditions in the *polis*.³⁰⁸ Cynics attack the institutions and values of the *polis*, including marriage, sexual and religious rituals, because they judge that these inherently corrupt. Their attack takes the shape of derision, mocking and provocation.³⁰⁹ Laughter (*to geloion*) is in fact one of the trademarks of the Cynic attitude. The other characteristic is that of aggressiveness. The combination of serious and comical elements result in what has been called the *spoudaiogeloion*.³¹⁰ Cynicism substitutes Socrates’ ironic criticism of political opinion (*doxa*), which Socrates develops through dialogue (*dialegesthai*) and *elenchus*,³¹¹ with ironic but excessive and disrespectful acts. For both Socrates and the Cynics, the goal is a critique of the conventions of the *polis* through both irony and engagement with other citizens; what changes is the strategy. The Socratic approach is a form of intellectualism reliant on the rational refutation of opinions (*doxai*). The Cynics abandon Socrates’ rational and dialectic methods and privilege practical refutation; their excessive *behaviours* mock the ‘absurdity’ of the *polis* traditions and institutions.

Plato is thus correct when he claims that Diogenes is Socrates gone mad.³¹² However, as Foucault conceives it, Diogenes’ foolishness is not an irrational act, but a political and strategic act. On this view, his hyperbolic and provocative lifestyle is a critique of the customs of the *polis*. The Cynics’ rejection of the values of the *polis* is a claim of both an authentic existence and a moral autonomy that the *polis* compromises. Diogenes’ actions when he

³⁰⁶ Vegetti, *L’Etica degli antichi*, 102 [my translation].

³⁰⁷ Hadot, *What is Ancient Philosophy?*, 111.

³⁰⁸ According to Elden, Foucault “particularly stresses the relation between money and the law – *nomisma* and *nomos* – and law and justice obviously relate,” *Foucault: The Birth of Power*, 27. The alteration of currency therefore seems to be etymologically linked to the idea of the alteration of values and laws.

³⁰⁹ “This mode of connection is one of confrontation, and derision, of mockery and the assertion of a necessary exteriority,” Foucault, *The Government of Self and Others*, 286.

³¹⁰ About the Cynic use of *spoudaiogeloion*, see Aldo Brancacci, “La ragione cinica e l’arte del vivere,” *Iride* XXVIII, no. 76 (2015), 555-571. See also Stephen Halliwell, *Greek Laughter* (Cambridge: Cambridge University Press, 2008).

³¹¹ Brancacci, “La ragione cinica e l’arte del vivere,” 566.

³¹² Diogenes Laertius, *Lives of Eminent Philosophers*, 6. 54.

challenges Alexander the Great or openly disrespects the customs of the *polis* are a form of protest in name of an authentic life supposedly unachievable in the corruption of the *polis*. Ultimately, through ascetic practices the Cynics pursue a form of self-sufficiency, which “reduce[s] their external needs to a minimum.”³¹³ Even though the attempt to reach some forms of *autarkeia* was shared amongst all philosophical ancient schools, the Cynics’ endeavour is unique because it follows an unexpected trajectory. If, as Aristotle contends in the *Politics*,³¹⁴ independence from the political community is a prerogative either of gods or beasts, the Cynics’ *autarkeia* surprisingly tends toward the second option.³¹⁵ Their self-sufficiency is not the intellectual attempt of the wise man to become divinely self-sufficient. The Cynics do not seek to transcend human nature in order to become godlike. For this reason, they pursue a way of life according to nature (*physis*) and in contrast with the social conventions of the *polis* (*nomoi*). “[T]he Cynic” as Hadot puts it “chooses his way of life because he believed that the state of nature (*physis*) (...) was superior to the conventions (*nomos*) of civilisation.”³¹⁶ Their practices of poverty, nakedness and begging are means to achieve a sort of *animalische Selbstbehauptung*, or animal self-assertion.³¹⁷

As a result, whereas the philosophical schools intellectualize the good life, even in heterogeneous ways, the Cynics minimize the importance of doctrine for achieving a flourishing life. Their rejection of intellectualism was so openly manifested that their inclusion within the traditional panorama of philosophical schools was itself an object of debate among modern and contemporary philosophers.³¹⁸ But the strength and uniqueness of Cynic philosophy lies precisely in being a philosophy of acts.³¹⁹ When the existence of the Cynic movement is questioned, Diogenes does not argue, he simply walks away. The Cynics do not theorise their critique of marriage and common sexual norms, they masturbate or have sex in public. Their acts are their critique.

For Foucault, the Cynics’ main characteristics are their assertion of sovereignty, their use of action as critique and their politicisation of the body. In this way, Cynic philosophy

³¹³ Sellars, “Stoic Cosmopolitanism and Zeno’s Republic,” 6.

³¹⁴ “Politics,” I, 1253a 20. For an analysis of the Aristotelian passage in relation to the Cynic *autarkeia*, see Sellars, “Stoic Cosmopolitanism and Zeno’s Republic,” 7-8, and Brancacci, *La ragione cinica e l’arte del vivere*, 559-560.

³¹⁵ About this animal conception of the Cynics *autarkeia* see Brancacci, “La ragione cinica e l’arte del vivere,” 559.

³¹⁶ Hadot, *What is Ancient Philosophy?*, 110.

³¹⁷ This interpretation of Cynic *autarkeia* as animal self-assertion is developed by Niehues-Pröbsting, quoted in Brancacci, “La ragione cinica e l’arte del vivere,” 564.

³¹⁸ See Marie-Odile Goulet-Cazé, *Le cynisme, une philosophie antique* (Paris: Vrin, 2017).

³¹⁹ Goulet-Cazé, *Le cynisme, une philosophie antique*, 403.

places the problem of the government of the body at the very heart of its project, as Foucault did in his investigation on power relationships in the early 1970s. His turn to antiquity is then triggered by his interest in the kind of autonomous practices of self-fashioning, which he finds in the *bios kynikos*. The politics of the Cynics takes shape as a highly theatrical public performance, or as a performance art that challenges or erases conventions. The scandal of the Cynic way of life lies partially in the provocative nature of their actions but, above all, in the *paracharattein to nómisma* they promote. Their performances not only have a target, the customs of the *polis*, but they are also addressing an audience. In this sense, the scandalous *bios kynikos* is a transvaluation of values that directly and immediately involve others. It is not a solipsistic choice or a voluntary self-marginalisation from the community. With their acts, the Cynics are speaking to the community of citizens that they still belong to; a community that they do not and, mainly, cannot leave. In virtue of this impossibility to leave the *polis*, I will suggest in the following section that the Cynic way of life offers us some insights regarding the interplay between the assertion of individual self-sovereignty and the *polis*. Before analysing in greater detail this aspect of the Cynic way of life, I will first explore the antagonistic nature of their acts further. In ancient Greece, a critical attitude towards the *polis* was not something completely new. Plato's political philosophy can be read as an attack on Athenian democratic system. There is, however, a radical difference between the Platonic approach and the Cynic ethos. The former aims to impose the best political constitution on the *polis*. By contrast, the latter presents itself as an anti-*polis* political way of life, replacing the core value of political participation in the *polis* through a cosmopolitan stance.

4.5. "I am a citizen of the world": The anti-*polis* politics

Even though Plato and the Cynics share the opposition to the customs and values of the *polis*, they are guided by opposing political projects. The best way to assess their difference is to look at what they oppose. Plato's political project, like Aristotle's practical philosophy, is usually defined as anti-democratic. In one widely shared view, their texts voice the ambitions of an elite that are pursuing a hegemonic political agenda against the democratic institutions and, more broadly, the democratic ideology of which the *polis* was infused in the Fifth Century. As Josiah Ober's analysis points out, Plato and Aristotle guide the "resistance to demotic political

power”³²⁰ of a small educated elite challenging the dominant democratic culture.³²¹ Behind their dissidence, there is a positive political project. In his lectures constituting the so-called practical philosophy, for example, Aristotle educates his scholars as well as future legislators. The entire *Politics* could be read as a “taxonomy of [political] regimes,”³²² specifically a commentary of the history and institutions of Athenian democracy. Overall, Plato and Aristotle belong to a tradition of aristocratic elitism, beginning with Xenophon, which believes in the possibility of restoring the *polis* as a harmonic whole by overthrowing a despotic democratic government:³²³

The critical tradition had long been committed to the ideas that democracy was the self-interested rule of a sociological faction and that, as a result, democratic Athens existed in a constant and inevitable state of low-grade civil war between mass and elite. Aristotle of the *Politics* canonized this critical notion (...).³²⁴

In their views, democracy does not fail because it is an unachievable chimera, but because it is an intrinsically degraded *politeia* that an elite should subvert for the well-being of the entire political community.

The goal of the Cynics’ critical attitude is very different. Their provocative lifestyle does not target a specific social class in the Athenian society that they want to overthrow. The *bios kynikos* is a state of permanent revolt against the institutional order and the values of the *polis*.³²⁵ The Cynics do not aim to set a political agenda, at least in the traditional sense in antiquity (the one of the inaugurating of a new *politeia*). They antagonise all political institutions and traditions, independently of their democratic shape. Ultimately, their shameless attitude of derision of the political community is a continuous challenge. It is a rejection of the *nomoi* of the *polis* in the name of ‘authenticity’ or self-sufficiency.

But how can the Cynics justify the political dimension of their way of life and, at the same time, claim their exteriority from the conventions of the *polis*? The existence of an anti-*polis* political way of life is particularly problematic given the historical framework we

³²⁰ Josiah Ober, *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule* (Princeton: Princeton University Press, 2001), 30.

³²¹ Ober, *Political Dissent in Democratic Athens*, 12.

³²² Ober, *Political Dissent in Democratic Athens*, 353.

³²³ Ober, *Political Dissent in Democratic Athens*, 293.

³²⁴ Ober, *Political Dissent in Democratic Athens*, 360.

³²⁵ Irrera, “La *parrēsia* e i regimi aleturgici dell'*exemplum* a partire da *L’Ermeneutica del soggetto* di Michel Foucault,” 25.

traditionally refer to as model of political participation in antiquity, Fifth Century democratic Athens. Here, political participation is determined by citizenship. Being recognized as a legitimate member of the *polis* is the pre-condition for political agency. As claimed by a dominant tradition in intellectual history, best represented by the works of Christian Meier, the birth of politics in antiquity coincides with the development of a communal³²⁶ space of deliberation. Taking this a step further, Meier asserts that

the *polis* became identical with its citizens; the term for the citizen body (*politeia*) came to denote a just constitution (...) this meant that the unity of the *polis* had to be grounded in the community as a whole – and not just in an abstract sense it was the citizens who constituted the real nucleus of the city (...) This close identification of the *polis* with its citizens presupposed a high degree with solidarity, and this could take a root only in a general civic interest that transcended all particularist interests.³²⁷

As it emerges from this passage, solidarity is the key aspect of the ancient *polis*. The civic solidarity of the Athenian body politic is a political creation. It is the result of Sixth Century legislation based on *isonomia* (“equality before the law of the citizens”), which was imposed by the political reform of Cleisthenes.³²⁸ Before the institutionalisation of isonomy, Athens’ population was divided into tribes, which included the totality of the citizen body and separated from those who were not part of the Athenian body politic. The division of the Athenian population at the time, however, followed the hereditary principle of kinship. Given that each faction pursued its specific interests, the divided population was exposed to the danger of conflict and disagreement. By replacing blood membership with civic membership, Cleisthenes thus creates solidarity among citizens. His administrative reform therefore was primarily an attack on those familial and religious links regulating individuals’ membership; it aimed to “achieve uniformity by eliminating particular groupings.”³²⁹ Only the reduction or mitigation of the power of these factions could achieve unity and peace within the political body of the *polis*. Once the traditional ties, the weakness of which facilitated Cleisthenes’ endeavour, were broken, citizenry replaced them as the only legitimate connecting element between all the members of the community. The accessible and effective participation of the

³²⁶ As Christian Meier explains, “‘Political’ meant the same as ‘common’ (*koinos, xynos*) and referred to what concerned everybody,” *The Greek Discovery of Politics*, trans. by David McLintock (Cambridge, MA: Harvard University Press, 1990), 13.

³²⁷ Meier, *The Greek Discovery of Politics*, 20-21.

³²⁸ Meier, *The Greek Discovery of Politics*, 53.

³²⁹ Meier, *The Greek Discovery of Politics*, 61.

majority of citizens in the deliberative process thus reconfigured the political structure of the *polis*.

It is in the context of the political design with which Cleisthenes' reforms were inaugurated that we should understand the transgressive and revolutionary importance of the Cynics' way of life. In this setting, the Cynics' lifestyle is scandalous because it breaks with the unity of the *polis* and its civic solidarity. It seems to threaten chaos and disorder within the body politic. It does not do so, however, to impose a new harmonious order or a new form of hegemony as proposed by Plato. The Cynic way of life instead aims to tear the social fabric and denounce the error of its conventional values. More radically, it weakens one of the highest values for the *polis*: political participation. By deliberately marginalising themselves and not actively participating in the traditional Athenians institutions, the Cynics attack the classic political paradigm, which revolves around citizen's engagement in the affairs of the *polis*. If the functioning of the Athenian political design was guaranteed by the right/duty to political participation, by relinquishing it the Cynics express and promote a crisis of democratic institutions and values governing the *polis*.

However, the Cynic's disruptive attitude does not aim to reintroduce particularist interests within the social body. On the contrary, their anti-*polis* stance is grounded in a broader horizon transcending the limited borders of the *polis*: viz., the horizon of *kosmos*. Diogenes' attitude is paradigmatic. When interrogated about his origins, his answer is not Sinope, his hometown: "Asked where he came from, he said, 'I am a citizen of the world [*kosmopolitēs*]'."³³⁰ Like the Stoics, the Cynics claim that, by virtue of being rational, they belong to a cosmopolitan community: "If reason is common so too is law; and if this is common, then we are fellow citizens. If this is so, we share in a kind of organized polity. And if that is so, the world is as it were a city-state."³³¹ In a slightly different way from the Stoics,³³² the Cynics as street philosophers do not invite others for a retreat to a "private life" or to identify with a separate community of intellectuals. A critique of the traditional spaces and means of political participation does not lead them to a retreat from politics, but instead to its redefinition. The Cynics are not the 'bad citizens' whom Pericles talks in the epitaph for the

³³⁰ Diogenes Laertius, *Lives of Eminent Philosophers*, 6. 63.

³³¹ Marcus Aurelius, *Meditations* (New York: Modern Library, 2002), 4.4.

³³² Nonetheless, this interpretation of Stoicism is highly problematic. For a more detailed analysis of the different inflections of political Stoicism and of the stereotype of withdrawal from the community, see John Sellars, "Stoic Cosmopolitanism and Zeno's Republic." *History of Political Thought* 28, no.1 (2007).

dead in the first year of the Peloponnesian war.³³³ They reject the authority of the *polis* in the name of an alternative, cosmopolitan political order premised on the notion of universal reason. Diogenes, indeed, “used to make fun of good birth and distinctions of rank and all that sort of thing, calling them decorations of vice. The only correct political order was, he said, that in the world as a whole.”³³⁴

To sum up, the Cynics’ appeal to the *kosmos* and to *physis* grounds their attack on the *nomoi* of the *polis*. As Sellars claims, “if there is a positive dimension to Diogenes’ statement [‘I am a citizen of the cosmos’] then we might provisionally characterize it as the affirmation of the laws of the cosmos, the laws of nature, in opposition to the customs and conventions of the traditional city (*physis* in place of *nomos*).”³³⁵ Diogenes’ rejection of the Athenian citizenship perfectly symbolizes the Cynics’ opening onto a cosmopolitan political stance beyond the geographical borders of the *polis*, conceived as a place of corruption. Their disrespect for the habits of the *polis* is in fact justified by their re-allocation of citizens to a different, all-inclusive circle as citizens of the *kosmos*. The Cynics’ cosmopolitan approach based on human rationality legitimizes their search of a true life according to nature. The belonging to the rationality of the *kosmos* allows the Cynic parrhesiasts to attack the conventions of the *polis*.

The Cynics’ cosmopolitan horizon, which justifies their attack on social convention, highlights a crucial aspect of their philosophy that Foucault overlooks. Foucault accentuates the Cynics’ intentionally offensive public behaviour, resonating with his project of practicing counter-conducts and resistance, yet without embracing the cosmological view and the appeal to *physis* substantiating it. In doing so, he reinforces not only the image of the Cynics as anti-philosophical philosophy, but he also weakens the political significance of their actions. In this way, the real challenges raised by a cosmopolitan position can be too easily disqualified as the actions of a Socrates gone mad. The Cynic’s refusal of traditional ties and institutions of the *polis* and the classical identification of the individual as *zoon politikon* is nonetheless a consistent political position based on their cosmological view. The Cynics’ offensive and challenging behaviour is not irrational, but a principled rejection of one conception of citizenship tied to the *polis* in the name of a cosmopolitan account.

³³³ Thucydides, *History of the Peloponnesian War*, trans. by Rex Warner (London: Penguin Classics, 1974), 2.40.

³³⁴ Diogenes Laertius, *Lives of Eminent Philosophers*, 6. 72.

³³⁵ Sellars, “Stoic Cosmopolitanism and Zeno’s Republic,” 5.

With this clarification of Cynic politics, we can now turn to a critical examination of their attempt to decouple their ethics from the narrower, classical Athenian or Periclean evaluation of political membership. As shall be discussed, the *bios kynikos* and the parrhesiastic practices in fact are not completely independent of traditional political membership. As Foucault points out,

faced with political power, this *parrhesia* appears in a complex relationship since, on the one hand, in saying that he is a dog he says that he ‘fawns on those give me something’. Consequently, in fawning on those who give him presents he accepts a certain form of political power, integrates himself within it, and recognizes it. But at the same time, with regard to the power that on one side he accepts, he feels free to say frankly and violently what he is, what he wants, what he needs, what is true and false, what is just and unjust. You have here a game of philosophical *parrhesia*, of philosophical truth-telling, game of philosophical being-true facing the exercise of political power, and the identification of an individual with his power (I am the king Alexander), a game which is clearly very far removed from, and even opposed to Plato’s game.³³⁶

I shall argue that the Cynics’ relationship to the *polis* is more nuanced and ambivalent than what we might assume if we were to follow a superficial analysis of their cosmopolitan attitude as simply a wholesale rejection of citizenship. Despite their official cosmopolitanism, the Cynics are still in a sense subject to the process of recognition and integration within the political community of the *polis*. This dialectic between citizenship and the ethics of the self emerges more clearly in Foucault’s research on the tragedy, and particularly Euripides’ plays, suggesting a strong connection between free speech and being entitled to this right.

4.6. The tragic *parrhesia*: the right of the citizen

Foucault never underestimated the tension between the juridical sphere and the practical dimension of the technologies of the self. The Cynics’ *parrhesia* represents an extreme case in his analysis since it minimizes, if not rejects, the identification of the parrhesiast with the institutionalised figure of the citizen. The problem of recognition is reduced to the Cynics’ acceptance, or almost tolerance, of the political order of the *polis* which they cannot completely leave: “Consequently, in fawning on those who give him presents he accepts a certain form of political power, integrates himself within it, and recognizes it.”³³⁷ In order to play his irreverent

³³⁶ Foucault, *The Government of Self and Others*, 287.

³³⁷ Foucault, *The Government of Self and Others*, 287.

parrhesiastic game, Diogenes accepts the “rules of engagement.” But the Cynic hostility towards the *nomoi* of the *polis* is mitigated mainly by opportunistic reasons. Even though they publicly disregarded the conventions of the *polis*, as John Moles contends, “the Cynics ordinarily lived in the cities and exploited their amenities, including the opportunity of begging.”³³⁸ The examples of *parrhesia* in the tragedy urge us to further develop the problems of social status and recognition, to which the extreme case of the ludic attitude of the Cynic only allude. Most notably, it urges us to ask the questions of who has the right to ‘care’ and who is entitled to speak, or that it raises the problem of who has the right to be heard. In this interpretation of Foucault’s *excursus* on the tragedy, Euripides allow us to address this set of questions by focusing on the public dimension of the technologies of the self and the problem of visibility. In this sense, Euripides’ tragedies play

an essential role in the effort to rethink the forms of political action in our actuality. It is important to remark the Euripidean tragedies shed some light not only on the characteristics, but also on the limits of *parrhesia* in the democratic *polis*.³³⁹

While the analysis of the Cynics’ way of life offers an optimistic account of the political possibilities of the care of the self, the Euripidean tragic stage reveals some of the constraints for the parrhesiastic performances or the consequences of being deprived of the *polis* membership.

So, how is *parrhesia* represented in Euripides’ plays? A first suggestion about how to interpret the political *parrhesia* in the tragedy comes directly from Foucault: “*parrhesia* is a right linked to citizenship.”³⁴⁰ For him, what is at stake in the Euripidean tragedies is thus the dialectic between truth-telling and citizenship. This relationship is unpacked in two tragedies: *The Phoenician Women* and the *Ion*.

If we look at *The Phoenician Women*, we can see that the connection between *parrhesia* and citizenship is at its very heart. As is well known, the core of this play, which is part of Euripides’ version of the Theban Cycle, is the fight between the two brothers Eteocles and Polyneices for the legacy of Oedipus’ power. Their fight results in the forced exile from Thebes of Polyneices, who on his return engages in a duel deadly with his brother. The

³³⁸ John L. Moles, “Cynic Cosmopolitanism,” in *The Cynics. The Cynic Movement in Antiquity and Its Legacy* ed. by R. Bracht Branham and Marie-Odile Goulet-Cazé (Berkeley and Los Angeles: University of California Press; 1996), 108.

³³⁹ Sforzini, “Dramatiques de le vérité: la *parrhesia* à travers la tragédie attique,” 145 [my translation].

³⁴⁰ “La *parrehesia* è un diritto legato alla cittadinanza,” Michel Foucault in “La *parrhesia*,” *Materiali Foucaultiani* III, n. 5-6 (2014), 25 [my translation].

passage that particularly interests Foucault in this play is the dialogue between Jocasta and Polyneices after the end of his exile. Jocasta interrogates Polyneices about his experience as *apolide*:

JOCASTA: What is it to be deprived of your country? It must be a terrible thing.

POLYNEICES: There's nothing worse – but the reality of it is worse than talking about it.

JOCASTA: What's it like? What is it that exiles find so ghastly?

POLYNEICES: The worst thing of all is not having freedom of speech.

JOCASTA: This is the lot of a slave, to be unable to speak what is on his mind.

POLYNEICES: One has to put up with the stupidities of the powers that be.

JOCASTA: That is horrible too, to be caught up in the idiocy of idiots.

POLYNEICES: In order to get anywhere you have to be servile, however much it goes against the grain.³⁴¹

According to Polyneices, the worst consequence of being exiled is the deprivation of the capacity to speak your mind, that is: being deprived of *parrhesia*. Being silenced and not capable of “say(ing) what one thinks” is, in fact, equivalent to the reduction to slavery. The latter, in the Athenian democratic context, corresponds to the total negation of political agency. A similar identification of *apolidia*³⁴² with a condition of silenced slavery comes from Foucault's analysis of the *Ion*. Foucault defines the latter as a “drama of truth-telling (...) a sort of founding representation of truth-telling.”³⁴³ The *Ion* revolves around the theme of family members' misrecognition and the problem of power legitimacy. What this tragedy makes clear is that autochthony is the precondition for enjoying citizenship and the right to speak freely. As it emerged in *The Phoenician Women*, the deprivation of this right results in slavery, because it reduces individuals to the condition of a slave silenced in front of the master's will. Even when the orphan Ion thinks he has finally met his father, Xuthus, he is still deprived of the right to speak freely, since his father is not Athenian and his mother is unknown:

Off I go, then. But there's one thing that spoils my happiness, father: if I fail to find my mother, my life won't be worth living. If this is something I should pray for, then I pray that my mother is of Athenian descent, so that from her side I may possess freedom of speech. For if a stranger arrives in a city which

³⁴¹ Euripides, “The Phoenissae,” in *Orestes and Other Plays*, trans. by Robin Waterfield (New York: Oxford University Press, 2009), 387-394.

³⁴² I prefer the term ‘apolidia’ to statelessness since the Italian word conserves the original Greek stem and directly refers to the loss of the right of citizenship in the *polis*. The term statelessness, instead, refers to the historical context of the nation-state and the invention of the subject of rights, which are not applicable to the ancient Greek political framework.

³⁴³ Foucault, *The Government of Self and Others*, 106. Euripides' plays are in fact the “lieu génétique de la *parrhesia* politique”: the word *parrhesia* appears for the first time in Euripides, see Sforzini, “Dramatiques de la vérité: la *parrhesia* à travers la tragédie attique,” 147.

is untainted by foreign blood, he may nominally be a citizen, but in fact he has the tongue of a slave, with no freedom of speech.³⁴⁴

In the *Ion*, therefore, *parrhesia* is not only a right linked to citizenship, but more radically a right deriving from autochthony. Truth-telling is a privilege for those citizens of whose parents are born in Athens.

Nonetheless, Foucault continues, truth-telling is also something more than a privilege and a birth-right. Despite citizenship and autochthony being the necessary condition for parrhesiastic utterances, they are not sufficient. Citizen's equality does not imply that everyone's utterances have the same importance and effect. A form of personal qualification is required to exercise of *parrhesia*: "Neither the effective exercise of tyrannical power nor the simple status of citizen can give *parrhesia*."³⁴⁵ In this sense, as Foucault remarks, the *Ion* addresses one of the crucial problems for the functioning of democratic Athens:

The question of *parrhesia* corresponds to an historical problem, to an extremely precise historical problem at the time when Euripides writes *Ion*. The situation is that of democratic Athens, of the Athens in which Pericles has been dead for a dozen of years, of that democratic Athens in which all people, of course, had the right to vote, while the best of them and the best of all (Pericles) in fact exercised authority and political power. In this post-Periclean Athens, the problem arises of who will really exercise power within the framework of legal citizenship.³⁴⁶

In post-Periclean Athens, the practices of *parrhesia* do not simply overlap with their precondition: citizenship. Something more is required: the individuals' *ethos*:

The parrhesiast who now appears is no longer the man who, as citizen, has the same rights as everyone else, as every other citizen (...) the parrhesiast is now someone else with a different profile, a different character. There is no longer simply, solely, or exactly that citizen among other citizens and a bit in the forefront of them.³⁴⁷

To understand the extent and implications of this transformation, we need to return to the functioning and legal framework of the Athenian system. Here, democratic institutions are

³⁴⁴ Euripides, "Ion," in *Orestes and Other Plays*, trans. by Robin Waterfield (New York: Oxford University Press, 2009), 669-675. Foucault analyses this passage also in Foucault, *The Government of Self and Others*, 72.

³⁴⁵ Foucault, *The Government of Self and Others*, 105.

³⁴⁶ Foucault, *The Government of Self and Others*, 105.

³⁴⁷ Foucault, *The Government of Self and Others*, 341.

ruled by the principle of *isegoria*, viz. the equality of all in freedom of speech. The latter is, with *isonomia* (equality of law for everyone), one of the two cornerstones of the Athenian democratic constitution. Given that everyone is formally entitled to participate in the political debate, what is at stake is who concretely exercises power in the *polis*. Those who can make their voice be heard and convince the others govern. Persuasion and rhetoric become the main political qualities. But *parrhesia* as the risky and free action of truth-telling aims precisely at convincing the others in the democratic arena:

What constitutes *parrhesia* is, I think, the exercise of a form of discourse which persuades others whom one commands and which, in an agonistic game, allows freedom for others who also wish to command (...) what constitutes the field peculiar to *parrhesia* is this political risk of a discourse which leaves room free for other discourse and assumes the task, not of bending others to one's will, but of persuading them. (...) *parrhesia* consists in making use of logos in the polis – logos in the sense of true, reasonable discourse, discourse which persuades (...) *parrhesia* consists in making use of this true, reasonable, agonistic discourse, this discourse of debate, in the field of the *polis*.³⁴⁸

If the principles of *isonomia* and *isegoria* are the legal conditions for *parrhesia*, what is decisive is the *ethos* of the individual. Only the speaker's *ethos* concretely determines whether their speeches will be heard and approved. In this sense, *parrhesia* is an agonistic practice that takes place in parallel to the institutional and constitutional framework of the *polis*. As such, it is “a right and privilege which was part of the well-born, honourable citizen's experience, giving him access to political life understood as the possibility of giving one's view and thereby contributing to collective decisions.”³⁴⁹

In post-Periclean Athens, political *parrhesia* is a right linked to participation in the political community, at the same time stemming from individuals' *ethos*. It is the right of the citizen who is entitled to engage with the agonistic game of persuasion. The importance of rhetoric is justified by the democratic functioning of the Athenian political system. As this design encourages the co-existence of and competition between polarized positions, it raises the problem of winning the political debate to impose a political agenda. This antagonism, according to Ober, concretely concerned the upper and lower classes,³⁵⁰ who were fighting for

³⁴⁸ Foucault, *The Government of Self and Others*, 105.

³⁴⁹ Foucault, *The Courage of Truth*, 34.

³⁵⁰ See Josiah Ober, *Mass and Elite in Democratic Athens. Rhetoric, Ideology and the Power of the People* (Princeton: Princeton University Press, 1989).

the monopoly of the political discourse and, consequently, for control of political power in the *polis*. For this reason, Ober suggests that we could do “a reading of the political development of an ancient state that is more concerned with rhetoric and popular ideology than with constitutions, personalities, factions, or foreign relations.”³⁵¹

Through his *excursus* in the Euripidean tragedy, therefore, Foucault clarifies two main features of *parrhesia* that were not evident in his interpretation of the Cynics. Firstly, *parrhesia* is a right linked to citizenship and autochthony. The loss of the right to speak freely is linked with the loss of citizenship, coinciding with a condition of slavery, as Polyneices’ complaints about being apolide reminds us. In his exile, Polyneices is deprived of the space for actively engaging with the others and the political game; he is condemned to be governed. He does not have the right to be acknowledged as a political actor whose voice should be heard and considered. The second important feature of truth-telling stressed by the *excursus* in the tragedy regards the always “excessive nature” of *parrhesia*. Having an equal right to speak does not imply that everyone will be equally listened to. *Parrhesia* requires but is not reduced to the legal framework. *Ethos*, *parrhesia* and citizenship form a triad of terms which should be analysed together.

4.7. Conclusion

Foucault’s study of antiquity allows us to draw some conclusions about the practices of the care of the self, particularly about two axes of investigation: on one hand: the relationship between ethics and politics; on the other: the dialectic between the care of the self and citizenship.

As we have seen, in terms of the relationship between ethics and politics, Foucault investigate this issue through a comparison of Plato and the Cynics, whose positions are polarized and irreconcilable. For the Cynics, ethics and politics overlap. In virtue of the coincidence of *logos* and *bios*, the *bios kynikos* is a manifestation of truth that challenges the way of life that has been imposed by the *polis*. For Plato, by contrast, ethics is propaedeutic to politics. As Foucault explains:

In the case of the Cynics we have a mode of connection of philosophical truth-telling to political action which takes place in the form of exteriority, challenge, and derision, whereas in Plato we have a connection of philosophical truth-telling to [political] practice which is rather one of

³⁵¹ Ober, *Mass and Elite in Democratic Athens*, xiii.

intersection, pedagogy, and the identification of the philosophizing subject and the subject exercising power.³⁵²

Between the two extremes of Plato and the Cynics, there is the moderate position developed by the tragedy, which sheds some lights on the limits of those who can speak freely and those who cannot. Secondly, as we have seen, Foucault's analysis of the status of the speaker raises issues about the ambivalent relationship between truth-telling and citizenship. As we have seen in this chapter, the Cynics' relationship with the *polis* is ambivalent: with their parrhesiastic practices they reject and mock its customs but, at the same time, they take advantage of its benefits. The Cynics' exteriority is a provocative pose that does not (and cannot) completely abandon the geographical and legal borders of the *polis*. In Foucault's analysis of Euripides' plays, we see how *parrhesia* is dependent on the space circumscribed by the *polis*. Truth-telling is the birth right of the citizen.

Our analysis of the Foucauldian interpretation of truth-telling in Plato, the Cynics and the Euripidean tragedy raise the issue of the interplay between the governmental subject and the subject of rights in the contemporary governmental framework. If, as it was the case for the Athenian citizen, the technologies of the self are not independent of the legal constitution granting positive rights, we need to explore in greater details how the juridical framework influences or shapes the practices of self-government. In the next chapter, we will refine our understanding of the interplay between sovereignty and governmentality and the role of rights. In doing so, we will counter a dominant interpretation of Foucault as an anti-statist and anti-judicial thinker³⁵³ by exploring the synergy between governmentality, sovereignty and disciplinary power in the present. Furthermore, it will show how Foucault has endorsed a strategic deployment of the human rights discourse and, more broadly, the emancipatory potential of rights.

³⁵² Foucault, *The Government of Self and Others*, 287.

³⁵³ This position is commonly identified with the expulsion thesis, developed by Hunt and Wickham, *Foucault and Law*.

Chapter 5

The Care of the Self, the State and Rights Claims

The opening chapter has situated the research on the politics of the care of the self within the framework of governmentality, defined as meta-conduct, and of subjectivity, defined as agency or as the capacity to act. The following chapters have mapped the possible declensions of the practices of self-government and identified two main groupings: on one hand: the techniques of the self as governmental technologies (both disciplinarian and securitarian); on the other: the practices of care of the self as forms of resistance. The difference between these two macro-groups is determined by agents' critical attitude with respect to the mechanisms of power. The first meaning of the care of the self is exemplified by the practices of self-disciplinarianisation (Chapter 2) and self-improvement/optimisation (Chapter 3). The responsibility to both adhere to some interiorised norms and to increase one's own human capital are forms of 'voluntary servitude'. As these practices are embedded in systems of knowledge interwoven with structures of power (e.g. criminality and the penal institutions), they are forms of "government of individuals by their own verity."³⁵⁴ For this reason, truth utterance is also crucial for the practices of self-fashioning as forms of resistance and subjectivation. Speaking the truth as a form of self-government indeed challenges a normalised political order: it is a practice of 'voluntary inservitude'. This coincidence of the politics of the care of the self and politics of truth is epitomised by the Cynic parrhesiastic practices (Chapter 4).

Alongside the distinction between these two understanding of practices of self-fashioning, the previous chapters have also questioned the importance of law and of state apparatus for the practices of self-government. This chapter will expand the dialectic between sovereignty and governmentality to address two sets of questions: Does the politics of self-government lead to a post-representative and anti-juridical political model? Or can the politics of rights be conducive to some practices of resistance? The previous chapter has provided some insight into these issues as it has explored the two extremes on the spectrum of the possible relations between the political experience of truth-telling and citizenship: those of the Cynics and Euripidean tragedy. While Cynics' irreverent frankness appeal to cosmopolitanism and to *physis* to justify its attack on the habits of the *polis*, the Euripidean tragedy stages the

³⁵⁴ Foucault, "'Omnes et Singulatim': Toward a Critique of Political Reason," 240.

dependence of *parrhesia* on some formal rights (e.g. isegoria and isonomy) granted by citizenship. Chapter 4 has, therefore, suggested the relevance of the agent's juridical status for the practices of self-government.

Even though it provides us with some tools in order to conceptualise the relation between the ethical and the juridical subjects, the examination of these ancient sources does not, and cannot, account for the problem of self-government in the contemporary governmental framework. In accordance with his historical and genealogical account, Foucault does not ascribe to the excursus into ancient practices of care of the self any prescriptive aim, nor the task to provide an existential model to actualise. The political importance of the ancient practices of self-government are rooted in the Greco-Roman culture from which they sprung. If it is true that the modalities of self-government are historically specific and not reproducible, we can actualize the open question of the relationship between care of the self as critical counter-conduct and the juridical status of agents. What is at stake is thus to understand the dialectic between the ethical subject and the subject of rights nowadays in the context of the governmentalisation of the state. The normalisation of governmentality has decentralised, but not suppressed, the role of the state and the question of subject's relation to law, especially as a form of resistance, remains crucial in our governmental framework. For this reason, as I argue below, Foucault suggests that we can strategically mobilise rights claims in order not to defend or accept the existing regimes of normality, but to resist or subvert them.

Overall, this chapter will counter the theories that contemporary governmentality is a post-sovereign setting of politics and that Foucault is an anti-juridical thinker. To do so, I will examine the 'orthodox' interpretation of Foucault's position about the interplay between sovereignty and governmentality: the so-called 'expulsion thesis.'³⁵⁵ I will then engage with the two main claims of the expulsion thesis: the marginalisation and instrumentalisation of law. The former maintains that law, conceived as a part of a pre-modern monarchical setting of power, progressively retreats to give room to new mechanisms of power (disciplinary power). The latter asserts that, with the governmentalisation of the state, law has been reduced to an instrument of other technologies of power. In doing so, I will show that a more nuanced reading is instead necessary and that now, more than ever, the state plays a key role. Following on from the rediscovery of the importance of sovereignty, I will offer a defence of rights in the context of governmentality. The conclusion of the chapter will thus raise the issue of a strategic or emancipatory deployment of rights claims. It will demonstrate that rights can be means to "not

³⁵⁵ Hunt and Wickham, *Foucault and Law*.

being governed like that.” Coherently with his anti-essentialist and anti-foundationalist approach, Foucault considers rights claims as strategic tools, not as predicates of human nature. He sees in law the potential to foster an ethics of self-resistant legality.³⁵⁶ As I will show with the example of civil rights demand (e.g. same-sex marriage), rights can serve as a form of resistance to the power of norms. Foucault thus, on one hand, does not undermine the importance of rights or law. On the other, however, he does not fall into their humanist or essentialist narrative, according to which rights would be the expression of some fundamental and inalienable human characteristics. As such, Foucault’s position in relation to rights does not fit into this traditional dualism or opposition. Instead, it belongs to a more nuanced and strategic view of political categories.

The following section of this chapter will now focus on the practical motivations of Foucault’s attack on sovereignty. The hypothesis is that a strategic and pragmatic concern guides Foucault’s critique of representational politics and sovereignty. His repudiation of the orthodox Marxist theory and of the traditional intellectual figures will support this reading.

5.1. A practical concern

As mentioned in the opening chapter of this thesis, Foucault’s self-professed anti-theorist and anti-systematic stance does not prevent us from identifying some common threads in his analytics of power. The constitution of subjectivity and the possibility of resistance are the guiding issues of Foucault’s research in the 1970s and 1980s. Foucault’s critique of sovereignty and representative democracy should be read as part of the “struggle against forms of subjection.”³⁵⁷ In light of this project of resistance, the traditional view in political theory, centred on the juridical categories, would be unproductive and dangerous *tout court*. Even though this chapter will prove this assumption wrong, by demonstrating how Foucault imagines some forms of legal resistance, I will now explain the practical concern driving his critical position regarding the juridical model.

In *Society Must be Defended* Foucault warns us that the focus on the traditional juridical apparatus masks the expansion of the disciplinary systems of subjection. Concerning the rise of disciplinary power, the deployment of juridical categories is unsuccessful. Equally, the appeal to individual’s sovereignty, granted by their juridical persona, is apparently ineffective in a society of norms. Rights cannot be invoked to resist the power of norms and disciplinary

³⁵⁶ Golder and Peter Fitzpatrick, *Foucault’s Law*, 54.

³⁵⁷ Foucault, “The Subject and Power,” 331.

mechanisms. They seem to be ineffective, as the juridical system organised around sovereignty and disciplinary normalisation are in conflict:

When we want to make some objection against disciplines and all the knowledge effects and power-effects that are bound up with them, what do we do in concrete terms? What do we do in real life? What do the Syndicat de la magistrature and other institutions like it do? What do we do? We obviously invoke right, the famous old formal, bourgeois right. And it is in reality the right of sovereignty. And I think that at this point we are in a sort of bottleneck, that we cannot go on working like this forever; having recourse to sovereignty against discipline will not enable us to limit the effects of disciplinary power. Sovereignty and discipline, legislation, the right of sovereignty and disciplinary mechanics are in fact the two things that constitute—in an absolute sense—the general mechanisms of power in our society. Truth to tell, if we are to struggle against disciplines, or rather against disciplinary power, in our search for a nondisciplinary power, we should not be turning to the old right of sovereignty; we should be looking for a new right that is both antidisciplinary and emancipated from the principle of sovereignty.³⁵⁸

To resist the power of norms, we cannot rely on the old juridical rights. As discussed in Chapter 2, norms and law are incompatible since they operate on two different levels. While norms produce an assimilation of habits, law establishes regimes of legality or illegality. Consequently, Foucault believes that we need to develop new practices of counter-conduct. These practices, however, might result in new forms of what we understand by ‘rights’. Rights as a form of resistance should be understood as strategic interventions in existing social norms to create new forms of subjectivity.

The assumption that a new anti-disciplinary right cannot stem from the old juridical right is also at the core of Foucault’s repudiation of orthodox Marxism, which still dominated the debate of the radical French left at the time.³⁵⁹ In this instance, I will not delve into Foucault’s affiliation or rupture with the dominant currents in French Marxism after WWII,³⁶⁰ as it would deserve an independent research project. As such, I will not question whether Deleuze was right in welcoming Foucault’s reflection as an absolute innovation in political theory: “It is as if, finally, something new were emerging in the wake of Marx.”³⁶¹

³⁵⁸ Foucault, *Society Must be Defended*, 39.

³⁵⁹ Mark Kelly, *Foucault and Politics. A Critical Introduction* (Edinburgh: Edinburgh University Press, 2014), 19

³⁶⁰ About Foucault’s relationship with Marx and Marxism, see also Toscano, “What is Capitalist Power? Reflections on ‘Truth and Juridical Forms’,” 26-42.

³⁶¹ Gilles Deleuze, *Foucault* (London: Continuum, 1999), 30.

For the purpose of this chapter, it is important to bear in mind that Foucault's alleged departure from the Marxist doctrine is intellectual as well as political, from the PCF (*Parti communiste français*). Intellectual because, in Foucault's view, Marxism "does not represent an epistemological break"³⁶² with the dominant political paradigm. It participates in the same *episteme* or 'field of scientificity' of the juridical model, while Foucault believes that we need to think power outside the institution of the state. As such, his main theoretical point of disagreement with 'orthodox' Marxism is indeed the emphasis on state power. Even though Marxism shares a similar dissatisfaction with the regime of rights, it does not search for a solution by considering power relationships as being outside of the logic of the state. In a Marxist critique, primarily based on Marx's position in *On the Jewish Question*, the discourse of human rights belongs to and reinforces the interests and privileges of the bourgeois ideology. For Marx, human rights are "the rights of egoistic man [the bourgeois subject], of man as a member of bourgeois society, that is to say an individual separated from his community and solely concerned with his self-interest."³⁶³ In Foucault's account, however, Marxist's critique of rights is not radical enough. Equally, Foucault believes that human rights are the historical product of a liberal conception of power, reliant on the fiction of the sovereign legal subject; nonetheless, he disagrees about the solution to this problem. Marx's political alternative, in his reading, is still embedded in the sovereign paradigm, reducing power to the state and to class.

Foucault's rejection of the Marxist centrality of the state is thus based on a strategic calculation of the best level of intervention to modify mechanisms of power.³⁶⁴ If power is primarily exercised at the micro-level of daily life, changing state apparatuses will not significantly affect power relationships. This practical argument then returns in his critique of the role of the state in *Security, Territory, Population*. When he introduces governmentality, he suggests that the overvaluation of the importance of the state leads to a form of reductionism or simplification of political dynamics. The myth of the state as a "unity, individuality, and rigorous functionality"³⁶⁵ responsible for regulating our life deflects attention from the real political struggles we should undertake, for example the government of the population. In response to the mythicized fiction of the state, Foucault de-institutionalises and de-centres the relations of power.

³⁶² Michel Foucault, "On the Ways of Writing History," in *Essential Works of Foucault 1954-1984*, vol. 2, *Aesthetics, Method, and Epistemology*, ed. James D. Faubion (New York: The New Press, 1999), 281.

³⁶³ Karl Marx, "On the Jewish Question," in *Collected Works*, vol. 3 by Karl Marx and Frederick Engels (London: Lawrence and Wishart, 1975), 162.

³⁶⁴ Foucault, "Body/Power."

³⁶⁵ Foucault, *Security, Territory, Population*, 144.

In this sense, the state *per se* is not a problem for Foucault. The problem is, when focusing on the institutional level of the state, attention is diverted from the micro and capillary disciplinary level. This distinction between a strategic and essentialist critique of the state is fundamental: the former leaving room for a re-appropriation of the state's institution and of the juridical apparatus, while the latter condemns the state as an outdated political organisation.

Therefore, far from being an abstract theoretical dissatisfaction with modern political theory, Foucault's attack on the sovereign model expresses a pragmatic concern. If disciplinary power is exercised at the level of micro-politics and norms, then the appeal to the juridical system of rights would be in vain. Foucault's hostility towards the juridical *dispositif* would be motivated by his interest in a politics of resistance. As long as political theory continues to rely *only* on traditional categories and figures, so he claims, it will not be capable of grasping and challenging modern configurations of power. In the following sections, however, I will show that jurisprudence still plays a fundamental role in the practices of resistance or norms negotiation. In doing so, I will re-interpret Foucault's analysis of the relationship between the so-called sovereign, legal and/or juridical model of power and the emerging mechanism of governmentality. I will demonstrate that, while Foucault recognises that disciplinary and governmental power displace the juridical exercise of power, he does not dismiss the possibility that claiming legal rights may have an emancipatory potential in this new context.

I will now introduce the dominant interpretation about the interplay between sovereignty, disciplinary power and governmentality: the so-called 'expulsion thesis'. In the following sections, I develop a critique showing some of its limits, also defending the strategic use of rights.

5.2. Foucault's attention to law

Alan Hunt and Gary Wickham's seminal book, *Foucault and Law*, has initiated and shaped the debate about Foucault's treatment of law. In their reconstruction of Foucault's works, Hunt and Wickham contend that the incompatibility between law and new modalities of power "is a general and persistent theme that runs through Foucault's texts."³⁶⁶ According to their 'expulsion thesis', Foucault marginalises law from modern mechanisms of power:

³⁶⁶ Hunt and Wickham, *Foucault on Law*, 40. More broadly, see *Foucault on Law*, 39-71.

Foucault is said to have made law instrumentally dependent upon, and subordinated to, the new power formations of modernity, thus denigrating and expelling the law and denying it any constitutive role within that society.³⁶⁷

Despite being based on a very restricted set of texts and focusing on a specific period (the early 1970s),³⁶⁸ the expulsion thesis is now a standard interpretation, according to which Foucault conceived law as being marginal to the exercise of modern power, or it is merely an instrument of other power dynamics (e.g. discipline). On this view, Foucault's thesis is that disciplinary power is the pre-eminent form of power in modernity; legal rights and norms are merely residues of a sovereign model of power that is secondary, if not irrelevant to the exercise of power in the bio-political era. According to Hunt and Wickham, Foucault assumes that modern citizens cannot contest disciplinary power by claiming legal rights; they can only challenge disciplinary modes of subjectivation through alternative practices of the self. Pushed to its extreme, this reductive interpretation has led to scholars including Habermas or Nancy Fraser to read Foucault's position as uncommitted not only to institutionalised power, but also to social reform.³⁶⁹ As they attribute to law the fundamental role of guaranteeing and securing the space for communicative reason,³⁷⁰ Foucault's apparent dismissal of law would also compromise the possibility of social action.

The reactions to the expulsion theory show its success. Even if they do not accept the idea of the recession of the juridical, most scholars rehabilitate law's importance by showing its persistence in some forms of disciplinary or biopolitical mechanisms. They show how, despite its marginalisation, law is still present. Jan Goldstein, for example, objects that, between law and discipline, there is an agonistic relationship. Ulrich Beck, Nikolas Rose and Mariana Valverde instead contend that Hunt and Wickham built a 'false antinomy'³⁷¹, noting some sort of compatibility between law and norms.³⁷² Both the agonistic and the compatibility approaches defend Foucault, but do so by "actually rehears[ing] some of the same critical gestures of the 'expulsion thesis' and end[ing] by confining Foucault's law and assimilating it

³⁶⁷ Golder and Fitzpatrick, *Foucault's Law*, 100.

³⁶⁸ Golder and Fitzpatrick, *Foucault's Law*, 40.

³⁶⁹ Jürgen Habermas, *The Philosophical Discourse of Modernity* (Cambridge: Polity, 1987) and Nancy Fraser, "Michel Foucault: A Young Conservative?," *Ethics* no. 1 (1985), 165-184.

³⁷⁰ See Habermas' theory of law in Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*, trans. by William Rehg (Cambridge, Mass.: MIT Press, 1996). Here, Habermas makes clear that law provides the necessary mediation to allow political participation and communicative interactions between members of a society.

³⁷¹ For an analysis of Goldstein, Beck, Rose and Valverde's positions, see Golder and Fitzpatrick, *Foucault's Law*, 26.

³⁷² Golder and Fitzpatrick, *Foucault's Law*, 26-29.

to the emergent forms of rule in modernity rather than recuperating it.”³⁷³ In this sense, most contemporary scholars, rather than engaging with the transformations of the state and of the role of law, still validate the premises of the expulsion thesis: that is, the marginalisation and instrumentalisation of law with governmental power.

The analysis of law in the continuation of this chapter will acknowledge some value in Hunt and Wickham’s exegetical and interpretative approach. Many passages in Foucault suggest that law and discipline are in opposition, with the repressive “old rights of sword” being overtaken by the logic of the norms. Particularly regarding Foucault’s works in the early-to-mid-1970s, there are textual evidence that support the radical portrait of Foucault as an anti-juridical thinker. But, siding with Golder and Fitzpatrick’s reading in *Foucault’s Law*, I argue that there is another dimension to Foucault’s use of law that exceeds the negative connotation that the ‘expulsion thesis’ ascribes to the juridical model. Foucault, my thesis argues, reconfigures rather than repudiates the politics of rights. This alternative reading is beneficial for a politics of the care of the self: “What we would most seek to show is a certain ethic of self-resistant legality at play in Foucault’s law; not a positive core or requirement, but a restlessness which opens law to its always being otherwise.”³⁷⁴ If we are to look more closely at Foucault’s work on power and on his later research on ethics, we can see that this more nuanced interpretation is possible, if not necessary. If we apply Foucault’s relational and fluid understanding of power to the domain of law, there is the possibility of mobilizing rights as practices of resistance in order to transgress a static social order.³⁷⁵ Rights can indeed be empty vectors or signifiers that we can strategically deploy in order to create and support new ways of life and forms of relationships. Rights can be conducive to practices of desubjectification, which means that rights claims, such as the right to be governed or the right to sexuality, have a political emancipatory potential.

Contrary to what Mark Kelly has suggested,³⁷⁶ therefore, Foucault’s demands of new rights are not simply rhetorical gestures. Following Golder and Fitzpatrick, I argue that his demands are consistent with his discourse on the practices of resistance. Before exploring the political potential of an ethics of self-resistant legality, the next section will delve into the two main claims of the expulsion thesis mentioned above: law’s marginalisation and

³⁷³ Golder and Fitzpatrick, *Foucault’s Law*, 26.

³⁷⁴ Golder and Fitzpatrick, *Foucault’s Law*, 54.

³⁷⁵ Golder and Fitzpatrick talk of law’s responsiveness. About this dimension of law, see Golder and Fitzpatrick, *Foucault’s Law*, 99-139.

³⁷⁶ Kelly, *Foucault and Politics*, 112.

instrumentalization; and the underpinning rationale. To begin with, I will briefly recall the comparison between law and norms to account for the claims of law's marginalisation.

5.3. Has the king been decapitated?

Hunt and Wickham's 'expulsion thesis' revolves around two fundamentally related claims: on one hand, law has been marginalised; on the other, law has become an instrument of other modalities of power. Firstly, I shall focus on the marginalisation of law and its textual evidence in Foucault. In what sense law has become less relevant in modernity? Has the law abdicated its pivotal role in favour of new forms of power? Has this epochal transition from one modality of power to another been as clear-cut as Hunt and Wickham's reading suggests? The famous Foucauldian claim about the necessity to 'cut off the king's head' in political theory apparently reinforces this interpretation:

Political theory has never ceased to be obsessed with the person of the sovereign. Such theories will continue today busy themselves with the problem of sovereignty. What we need, however, is a political philosophy that isn't erected around the problem of sovereignty, nor therefore around the problem of law and prohibition. We need to cut off the king's head: in political theory that has still to be done.³⁷⁷

On Hunt and Wickham's reading, we need to refer to Foucault's periodisation in order to decipher this statement. Foucault supposedly divides Western history into periods, each of them identifiable with a specific apparatus (combining discursive and non-discursive practices). By ascribing to Foucault a strict division of epochs and related apparatuses, Hunt and Wickham interpret his claim about king's decapitation as an expulsion or marginalisation of the juridical model from modernity. The legal system is a historically limited form of power. Specifically, law is the mode of operation of the juridical model, being historically tied to monarchical sovereignty and the institution of the nation-state. These notions form an inseparable conceptual constellation, in which law exercises a repressive and ordering power. Law identifies with a premodern and classical mechanism of power,³⁷⁸ which cannot explain the productive and relational nature of modern power relationships such as norms. Subsumed

³⁷⁷ Michel Foucault, "Truth and Power," in *Power/Knowledge*, 121. A similar position is also in, Foucault, *Society Must be Defended*, 59.

³⁷⁸ For Hunt and Wickham, Foucault's pre-modern and classical epoch extends from the late sixteenth century till the second half of the eighteenth and refers to the formation of nation-states (specifically, France and Britain); Hunt and Wickham, *Foucault and Law*, 43.

in the logic of pre-modern juridical monarchy, its characteristics, such as the commodification of power³⁷⁹ and its repressive or negative deployment,³⁸⁰ are considered unquestionable. Law is incompatible with discipline and norms, distinctive of modern power configurations. Macherey's interpretation of the transcendence of law in opposition to the immanence of norms (Chapter 2) supports this logic. Law and norms operate according to different rationalities: while law is external to its field of application (subjects), norms are internalized.³⁸¹ Whereas law enforces and limits, norms exercise a soft power based on subjects' responsabilisation. "Torture as public spectacle (...) [and of] the gloomy festival of punishment"³⁸² disappear, and they are replaced by a less visible, but not less dangerous, form of power. For this reason, Foucault urges us to move "outside the institution, [move] off-center in relation to the problematic of the institution or what could be called the "institutional-centric" approach."³⁸³ We have to study power dynamics in all those places where power is capillary dispersed. We therefore need to study the power of norms in prisons, schools, hospitals and the army.

The importance of law in modernity is firstly downgraded in the analysis of the society of norms. The marginalisation of law is, however, replicated in Foucault's discussion of the political investment on the social body after 1976. While the main counterpart changes from the disciplined individual body to the collective body (from discipline to biopolitics), the critique of sovereignty takes the same form. If disciplinary power opposes norms and laws, biopolitics opposes the ancient sovereign right of the sword to the new positive power that emerged in the Eighteenth Century.³⁸⁴ The core of the critique is still the negative function exercised by law. Sovereignty restricts individuals' actions by exercising the negative right of the sword. As Foucault observes in *Society Must be Defended*, one of the main sovereign's attributes is the right of death: "The very essence of the [sovereign's] right of life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life."³⁸⁵ Following the expulsion thesis and Foucault's periodisation, there is thus an historical transition from sovereign power, which negatively establishes and enforces limits on behaviour, to bio-political power that positively enhances and maximises expenditure of energy or life. Sovereign power is surpassed by the economic rationality and the economisation of life

³⁷⁹ Foucault, *Society Must be Defended*, 13.

³⁸⁰ Foucault, *The Will to Knowledge*, 85.

³⁸¹ For a critique of the dichotomy law and norm see Golder and Fitzpatrick, *Foucault's Law*, 53-97.

³⁸² Foucault, *Discipline and Punish*, 7-8.

³⁸³ Foucault, *Security, Territory, Population*, 162.

³⁸⁴ Foucault, *Society Must be Defended*, 240-241.

³⁸⁵ Foucault, *Society Must be Defended*, 240.

distinctive of securitarian mechanisms. On Hunt and Wickham's reading, the regulatory and controlling role of the ancient sovereign concepts of power recede while biopower emerges.

In the expulsion thesis, Foucault's analyses of disciplinary power and biopower are two sides of the same coin. In the former case, Foucault opposes the transcendence of law to the immanence of norms; in the latter, he reverses the ancient sovereign right to kill into the new biopolitical right to make live. In both cases, however, his rebuttal of the juridical paradigm is based on the necessity to understand how power positively fashions subjectivity, rather than how power negatively legislates to limit individuals' behaviours. As mentioned, Foucault's theoretical concern has a practical orientation. Foucault does not object to sovereign power itself, but rather the fact that focussing on the juridical model obscures our understanding of the deployment of other power devices: "We have been engaged for centuries in a type of society in which the juridical is increasingly incapable of coding power, of serving as its system of representation."³⁸⁶ Thinking of power in juridical terms, according to Foucault, does not allow us to decipher and code modern modalities of power, discipline and security. Their unintelligibility leaves us unprepared to act on the ways in which these power mechanisms produce our subjectivities. Indeed, he implies, the theoretical obsession with sovereignty consolidates disciplinary and securitarian power by representing them as natural and necessary.³⁸⁷ The juridical-legal technologies of power constitute the bright side, while "disciplinary mechanisms constituted the other, [the] dark side."³⁸⁸ In this perspective, the juridical dispositif is a façade of legal, formal equality, under which exist a diffuse and capillary system of micro-powers and securitarian mechanisms:

The general juridical form that guaranteed a system of rights that were egalitarian in principle was supported by these tiny, everyday, physical mechanisms, by all those systems of micro-power that are essentially non-egalitarian and asymmetrical that we call the disciplines (...) [and which] provide, at the base, a guarantee of the submission of forces and bodies. The real, corporal disciplines constituted the foundation of the formal, juridical liberties. The contract may have been regarded as the ideal foundation of law and political power; panopticism constituted the technique, universally widespread, of coercion. It continued to work in depth on the juridical structures of society, in order to make the effective mechanisms of power function in opposition to the formal framework that it had acquired. The

³⁸⁶ Foucault, *The Will to Knowledge*, 89.

³⁸⁷ Golder and Fitzpatrick, *Foucault's Law*, 66.

³⁸⁸ Foucault, *Discipline and Punish*, 222.

‘Enlightenment’, which discovered the liberties, also invented the disciplines.³⁸⁹

As a result, one might summarize the first claim of the expulsion thesis as follows: the marginalisation of law’s negative function is a correlative process of the emergence and expansion of positive forms of power (security and discipline). The representation of law, however, hides and naturalises the emergence of these new ways of coding power.³⁹⁰ In light of sovereignty’s complicity in the naturalisation of disciplinary and securitarian power, Foucault’s calls for the king’s decapitation in the early 1970s are more understandable.

Law’s subordination to new forms of power come under the spotlight in a slightly different way to Foucault’s works on governmentality. Here, sovereignty reappears as an instrument of modern power relations. The next section will investigate the second characteristic of the ‘expulsion thesis’: law as being “instrumentally subordinated to the imperative of modern power.”³⁹¹ It will show how law acquires a tactical role in the governmental paradigm. It will also sketch some possible implications of law’s instrumentalisation for the notion of citizenship, introducing some receptions of the expulsions thesis in contemporary scholarship.

5.4. The instrumentalisation of law

When analysing law’s marginalisation, the proponents of the expulsions thesis compare sovereignty to discipline and security. Disciplinary and securitarian power co-exist at the same level of sovereignty. Their coexistence engenders a dynamic of opposition or exclusion: “enter power (in various guises); exit law.”³⁹² The key to understand law’s instrumentalisation is instead the shift of Foucault’s focus from discipline and security to governmentality; the latter being situated at a higher and overarching level. By encompassing sovereignty within its mechanisms and subjecting it to its ends, governmentality has “allowed the state to survive.”³⁹³ The state’s structures and institutions are integrated within the art of government. What follows from the emergence of the governmental problem is a transformation in the notion of statehood.

According to this governmental reading, Foucault re-integrates sovereignty with his analysis of power, showing that state apparatus and the law are tactically deployed within a

³⁸⁹ Foucault, *Discipline and Punish*, 222.

³⁹⁰ “Law constitutes the authority of disciplinary power,” Golder and Fitzpatrick, *Foucault’s Law*, 64.

³⁹¹ Golder and Fitzpatrick, *Foucault’s Law*, 34.

³⁹² Golder and Fitzpatrick, *Foucault’s Law*, 13.

³⁹³ Foucault, *Security, Territory, Population*, 145.

broader and multi-layered conception of power relationship. In a different vein from his pronouncements in *Discipline and Punish* or *Society Must be Defended*, Foucault maintains in *Security, Territory, Population* that political science, far from being anti-juridical³⁹⁴ and anti-statist, should urgently address the problem of sovereignty. The government of a population requires a stratification and intersection of multiple techniques of power. As Foucault admits, with the emergence of governmentality, the problem of the foundation of sovereign power “is made more acute than ever.”³⁹⁵ Governmentality, in this sense, raises the issue of what kind of transformations the legal and institutional organisation of the state has undergone. But, above all, what is pressing for Foucault is to stress that, instead of competing with each other, discipline, sovereignty and governmentality work together: “In fact, we have a triangle: sovereignty, discipline, and governmental management, which has population as its main target and apparatuses of security as its essential mechanisms.”³⁹⁶

As a result, the notion of governmentality represents a significant shift in Foucault’s understanding of sovereignty’s role. The early research on discipline and biopolitics emphasize the marginalisation of the juridical mechanism of power, exclusively seen as negative or repressive. The later texts instead insist on the porosity of these relationships and on the co-implication of the old and new techniques of power.

To a certain extent, therefore, it is correct to contend that governmentality promotes a positive reconceptualisation of law. In comparison with the antagonistic view that characterizes disciplinary power, governmentality rediscovers a positive deployment of law. In the triangulation of sovereignty, discipline and governmentality, law is no longer downgraded to an antiquated and largely irrelevant tool of monarchical sovereignty. It is instead converted to a tactical instrument, the logic of which should be sought in the management of the population. In place of the antinomy between norm and law, the advent of governmentality reconfigures and reintegrates law’s role. The juridical paradigm is now more relevant than ever. To recall the definition of governmentality as a “way of arranging (*disposer*) things in order to lead (*conduire*) them,”³⁹⁷ law has become a way to lead individuals. As one of the multiple tactics of governmental strategies,³⁹⁸ law acts upon individual’s actions. In cooperation with disciplinary and security apparatuses, it determines subject’s fields of action or inaction, with

³⁹⁴ Frédéric Gros talks of Foucault’s *anti-juridisme* in *Michel Foucault* (Paris: éd. PUF, 2004), 3-14.

³⁹⁵ Foucault, *Security, Territory, Population*, 142.

³⁹⁶ Foucault, *Security, Territory, Population*, 143.

³⁹⁷ Foucault, *Security, Territory, Population*, 136.

³⁹⁸ Foucault, *Security, Territory, Population*, 137.

its sites of intervention being disseminated and heterogeneous. Golder and Fitzpatrick summarise this new versatility of law:

Law becomes a part of the wider dispersal of governmental sites and functions throughout the social body (...) We might think not only of immigrations laws but also of laws regulating the provision of health, welfare and housing benefits, of laws governing health and safety requirements and (rather obvious candidates for inclusion) laws relating to in vitro fertilization, human embryo usage, and so forth. So law here, in these readings of Foucault, forms a central part of the governmental armoury, along with the disciplinary matrix and the requisite 'knowledges of man' generated by the emergent human sciences.³⁹⁹

What is remarkable in the governmentalisation of the state, however, is that law is hetero-directed. Law as a governmental tactic does not find the end in itself, for example the respect of law *per se*, but it is subjected to an external logic, e.g. the government of a population. As Foucault maintains, "whereas the end of sovereignty is internal to itself and gets its instruments from itself in the form of law, the end of government is internal to the things it directs; it is to be sought in the perfection, maximization, or intensification of the processes it directs."⁴⁰⁰ If law does not refer to an internal regulation, for example that of justice, it can be manipulated to meet different ends.

An example of law's hetero-direction is the proliferation of the regimes of illegality or of the grey areas between legality and illegality. To paraphrase Saskia Sassen's insight about migration,⁴⁰¹ the condition of illegality does not just happen. It is politically produced and regulated. Law-making contributes to create those bodies that are excluded from the body-politic:

Indeed, there is a general consensus that illegality is a legally and routinely produced status and that there is a need for a critical examination of the social and political conditions under which people are constructed as illegal (De Genova 2002). At the same time, however, there is a growing recognition that the state produces different constellations of categories of non-legal or less-than-legal statuses.⁴⁰²

³⁹⁹ Golder and Fitzpatrick, *Foucault's Law*, 33-34.

⁴⁰⁰ Foucault, *Security, Territory, Population*, 137.

⁴⁰¹ "Migrations are not autonomous processes; they don't just happen, they are produced," Saskia Sassen, *Guests and Aliens* (New York: The New Press, 2000), 56.

⁴⁰² Roberto G. Gonzales and Nando Sigona, "Mapping the Soft Border of Citizenship: An Introduction," in *Within and Beyond Citizenship: Borders, membership and belonging* (London: Routledge, 2017), 6-7.

The underpinning assumption of this line of thought is that the recognition of a legal status is a complex and fluid political phenomenon. When we accept that citizenship is not a natural given but a political construction, then we can appreciate the fundamental role that law plays in the production of those subjects or bodies who are included in or excluded from a national body-politic. It is crucial, however, to keep in mind that law does not legislate autonomously or neutrally according to its own logic. Law is a tool, deployed to achieve some inclusive or exclusive goals. The legislation about citizenship can in fact be subjected to different criteria (e.g. the production of a mobile and unprotected work force or antiterrorist policies) to the extent that it can produce a sort of “hierarchy of exclusions that constructs the individuals concerned (...) as more like an alien and less like a citizen.”⁴⁰³

As a consequence, subsumed under a governmental logic, citizenship loses its unitary or monolithic veil, becoming a contested and negotiable notion, as will be further developed in chapter 6. Law can also play an ambivalent role with regards to the production of legal or illegal bodies. We can see this same ambivalence of law if we look at its role in the context of the liberal political economy. As mentioned in Chapter 3, neoliberalism is a form of political rationality imposing a form of economisation of life or bodies. Law, and more broadly governance, plays a crucial role in the imposition and continuous adaptation of an economic order. The dichotomy of market versus government is false and misleading. Foucault’s multi-layered conception of power relations in fact sheds a new light on the role of juridical mechanism. The investigation of the modalities of intersection and co-existence of sovereignty and governmentality is one of his legacies in political thought. In other words, instead of asking whether the governmental art and the economic rationality have neutralized the juridical discourse, we should ask how these paradigms co-operate.

In this sense, Foucault was right in claiming that we need to cut off the king’s head in political theory. But commentators were wrong in thinking he was simply dismissing the sovereign paradigm. His statement should instead be read as an exhortation to explore and examine the historical and heterogeneous transformations of state’s apparatus and law, specifically within the current neoliberal political economy. The modalities of this transformation cannot however be generalised nor unified, as they respond to different contexts and power relations. For this reason, I will now briefly look at two contemporary analyses of the co-operation between governmentality and sovereignty. Firstly, Butler’s works on the

⁴⁰³ Bridget Anderson and Matthew J. Gibeny, “The Unworthy Citizen: A brief commentary,” in *Within and Beyond Citizenship*, 160.

exceptional nature of the convergences between governmental power and the sovereign mechanism. Second, Brown's reflection on state's intervention in support of the economisation of life. Even though Butler and Brown approach the co-operation between governmentality and sovereignty from different angles, their works are two examples of how sovereignty survives and transforms itself within the governmental framework.

5.5. The reception of law's instrumentalisation

The hypothetical marginalisation of law in the early 1970s does not leave much room for a strategic use of the juridical paradigm. Since juridical categories are a legacy of a pre-modern epoch, political theory should abandon them. To preserve the importance of law and sovereignty, most commentators (e.g. Brown, Butler, Rose) focus instead on Foucault's analyses of governmentality in the late 1970s and on the alleged transformation of law's role. They accept the interpretation of law as one of the layers co-working with discipline and security within governmental mechanisms. In this vein, Butler places emphasis on the new modalities of "convergence of governmentality and sovereignty."⁴⁰⁴ While Foucault and Deleuze laughed at the end of the politics of representation, Butler cautions that: "Obviously, the political task is not to refuse representational politics – as if we could. The juridical structures of language and politics constitute the contemporary field of power; hence, there is no position outside this field, but only a critical genealogy of its own legitimating practices."⁴⁰⁵

In her analysis of vulnerable and ungrievable lives,⁴⁰⁶ Butler upholds the inevitability of the juridical paradigm within the governmental framework. The precondition for pursuing a good life is the political recognition as a worthy life. According to Butler, the material support (e.g. work, medical support, shelter) and the legal status (e.g. being a legal subject) usually provided by the state determine individuals' capacity to act. The moral question of how to live a good life is embedded in the biopolitical framework of which sovereignty is one of the components: "This life that is mine reflects back to me a problem of equality and power, and, more broadly, the justice or injustice of the allocation of value."⁴⁰⁷

Butler's concern about vulnerable and precarious lives stems, therefore, from the de-humanising capacity of law:

⁴⁰⁴ Butler, *Precarious Life*, 55.

⁴⁰⁵ Butler, *Gender Trouble*, 5.

⁴⁰⁶ Butler, *Precarious Life* and "Can One Lead a Good Life in a Bad Life?"

⁴⁰⁷ Butler, "Can One Lead a Good Life in a Bad Life?," 11.

What we have before us now is the deployment of sovereignty as a tactic, a tactic that produces its own effectivity as its aim. Sovereignty becomes that instrument of power by which law is either used tactically or suspended, populations are monitored, detained, regulated, ritualised and exposed to control and regulation in their daily lives. (...) Even if one were tempted to declare that sovereignty is an anachronistic mode of power, one should be forced to come to grips with the means by which anachronisms recirculate within new constellations of power. (...) Sovereignty comes to operate on the very field of governmentality: the management of population. Finally, it seems important to recognize that one way of “managing” a population is to constitute them as the less than human without entitlement to rights, as the humanly unrecognizable.⁴⁰⁸

In Butler’s reading, the hallmark of sovereign power is its capacity to suspend law and create extra-legal spheres (e.g. Guantanamo prison) – her view on law therefore being ambivalent. On one hand, she acknowledges sovereignty as one of the governmental tactics; on the other, she associates with it the production of lawlessness and unworthy lives. Butler stresses the exceptionalist nature of sovereign power in a biopolitical framework. This emphasis on the juridification of the state of exception in the management of the population is however only one of the possible modalities to approach the survival and instrumentalisation of sovereign right.

Another way to look at the instrumentalisation of sovereignty is the economisation of life, which I have already examined in Chapter 3 and will now briefly expand on. As Brown remarks, the logic of the market saturates all the areas of life. The neoliberal rationality enacts the transition from the *homo politicus* or *homo juridicus* to the *homo economicus*. In the neoliberal context, individuals must create and enhance their human capital to make themselves an indispensable value. The economisation of life not only produces new forms of subjectivities, but it also reshapes the state’s structures and responsibilities. It reconfigures democratic institutions on the model of the firm:

Persons and states are construed on the model of the contemporary firm, both persons and states are expected to comport themselves in ways to maximize their capital value in the present and enhance their future value, and both persons and states do so through practices of entrepreneurialism, self-investment, and/or attracting investors. (...) Most striking about the new homology between city and soul is that its coordinates are economic, not political.⁴⁰⁹

⁴⁰⁸ Butler, *Precarious Life*, 97-98.

⁴⁰⁹ Brown, *Undoing the Demos*, 22.

In assimilating the state to a firm,⁴¹⁰ neoliberal economic rationality does not decrease the state's power or its regulatory capacity, as if the state was an immutable entity the structure and functions of which are unmodifiable. The neoliberal governing rationality radically transforms the organisation of the state and the tasks it performs with respect to its citizens. Contrary to the myth of the retreat of neoliberal states, Brown observes that

As it matured and converged with neoliberalism, governance has become neoliberalism's primary administrative form, the political modality through which it creates environments, structures constraints and incentives, and hence conducts subjects. Contemporary neoliberalism is unthinkable without governance.⁴¹¹

As a result, the reason of our interest in Butler and Brown lies in the examples they provide. From different perspectives, they both shed some light on how sovereignty and governmentality are intertwined and synergetic. Butler puts more emphasis onto sovereign exceptionalism, promoting through lawlessness the precariousness of some bodies. Brown instead tackles the same subordination of sovereignty to the government of the population from the perspective of the neoliberal political rationality. Nonetheless, as Golder and Fitzpatrick observe, in both cases (respectively, sovereign exceptionalism and state's regulation in a liberal political economy) governmentality subjects the law to a subordinative logic akin to that of disciplinary power. The rehabilitation of law thus takes place in the framework of the art of government, where law becomes a (necessary) accessory of governmentality. Law is not reintegrated *qua* law. Juridical mechanisms play an ancillary role in the governmental apparatus. As we have seen with the example of the proliferation of regimes of illegality and the suspension of law, law is an instrument subordinated to the implementation of governmental techniques of power. The renewed historical relevance of sovereignty is dependent upon its tactical deployment for the management of the population:

Law in the horizon of governmentality appears to retain some effectivity but is arguably refigured as a tactical component of an overriding governmental-administrative apparatus (...) It is possible to read this deployment of law (...) as an assimilation of law to governmental or administrative imperative, which is broadly analogous to Foucault's earlier alleged subsuming of law to disciplinary power or bio-power.⁴¹²

⁴¹⁰ "The legitimacy and task of the state becomes bound exclusively to economic growth, global competitiveness, and maintenance of a strong credit rating," Brown, *Undoing the Demos*, 40.

⁴¹¹ Brown, *Undoing the Demos*, 122.

⁴¹² Golder and Fitzpatrick, *Foucault's Law*, 34.

The instrumentalisation of law does not break with the ‘expulsion thesis’. Quite the opposite, the reconfiguration of sovereignty within governmentality reinforces the idea that the juridical apparatus is dependent on external mechanisms of power: “Law has become the pliant instrument of a governmental apparatus rather than existing as a discipline on its own (...) Law still remains subsumed and reliant on the disciplines.”⁴¹³ On this view, law’s main function is the optimisation of the life of the population.

The renewed importance of sovereignty in the governmental apparatus does not challenge the expulsion thesis. Both the marginalisation of law in a society of norms and its instrumentalisation in a governmental framework overlook law’s potential for subjects’ practices of self-fashioning. As we shall see, this relegation of law to a position of inferiority is misleading. Even though the expulsion thesis is grounded in Foucault’s work, it does not exhaust his position. It simplifies and mischaracterizes the relevance of law in his research.

We will now investigate whether a different interpretation of the notions of sovereignty and law is possible. Once we have unmasked the fictitious nature of rights’ universalism and egalitarianism, should we abandon the rights discourse *tout court*? Brown suggests that rights can have an emancipatory capacity that derives from their fictional essence or their idealism.⁴¹⁴ A strategic deployment of rights is possible once they are conceived as “empty signifiers without corresponding entitlements,”⁴¹⁵ the use of which varies according to different “vectors of power.”⁴¹⁶ In Brown’s reading, the universalist fiction of rights and political recognition can be an instrument to secure and naturalise privileges as well as a tool for political contestation. Rights cannot be reduced to the legitimation of a status quo. They can also function as instruments to configure an ideal egalitarian society. The strength of rights claims lies in what Golder defines as their “performative exercise.”⁴¹⁷

The conclusion of this chapter will thus explore how rights claims can entail a form of empowerment from the perspective of the politics of the care of the self. The premise of this hypothesis lies in Foucault’s approach to the sovereign paradigm, which is way more complex and nuanced than what the ‘expulsion thesis’ has suggested.

⁴¹³ Tom Frost, “Agamben’s Sovereign Legalization of Foucault,” *Oxford Journal of Legal Studies* 30, no. 3 (2010), 551.

⁴¹⁴ Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), 133.

⁴¹⁵ Brown, *States of Injury*, 134.

⁴¹⁶ Brown, *States of Injury*, 97.

⁴¹⁷ Golder, *Foucault and the Politics of Rights*, 80.

5.6. The two faces of the regime of rights

Sandro Chignola argues that, rather than receding, the importance of law has increased in the governmental mechanisms:

The law still has a disciplinary and sovereign aspect, but at the same time takes a different role, since it emerges as the principal dispositif for the functioning of biopowers. And, after all, pace what many protagonists of the debate on biopolitics claim (Roberto Esposito, Giorgio Agamben), hardly ever has Foucault claimed that sovereignty, discipline and biopower marked different epoch of the history of power.⁴¹⁸

What is at stake for this thesis is now testing the potentially positive strategic deployment of the juridical sphere and its relevance for the contemporary practices of the care of the self. Golder's work on Foucault's experimental politics of rights is crucial. In his book *Foucault and the Politics of Rights*, Golder explores the puzzle of Foucault's anti-humanistic engagement with rights. Foucault's turn to rights after the mid-1970s is indeed surprising, even considering his more nuanced position about the juridical paradigm. According to Paras and Richard Wolin, despite his early critiques of the state and the juridical discourse, Foucault would paradoxically endorse them.⁴¹⁹ He would suddenly become a 'defender' of rights and the liberal tradition underpinning them.⁴²⁰ Golder instead proves that Foucault's appeal to human rights does not endorse a substantialist and normative idea of human nature. Instead, Foucault develops a politics of rights without falling back into the anthropological framework supporting it. Furthermore, Golder claims that through his engagement with rights, Foucault is looking for the possibility of a "critical counter-conduct of rights."⁴²¹ Again, as mentioned in this chapter's introduction, Foucault's position is unique as he suggests a strategic use of rights claims without embracing the liberal framework traditionally associated with them.

To understand the rationale of Foucault's appeal to rights and why it is not a betrayal of his previous anti-foundationalist analytics of power, we need to bear in mind two aspects. The first aspect is the above-mentioned pragmatic aim orientating his reflection; the second being that of the constitutive emptiness of rights.

⁴¹⁸ Chignola, *Foucault's Politics of Philosophy: Power, Law and Subjectivity*, x.

⁴¹⁹ Paras, *Foucault 2.0*, 12, and Richard Wolin, "Foucault the Neohumanist?," *Chronicle of Higher Education*, no.1 (2006).

⁴²⁰ Golder, *Foucault and the Politics of Rights*, 123.

⁴²¹ Golder, *Foucault and the Politics of Rights*, 5.

Foucault's renewed interest in rights is situated in his broader attempt to rethink subjectivity and practices of resistance. His recourse to rights stems from a political agenda and it is strategic. Given the entanglement of disciplinary power, sovereignty and governmentality, there are some political struggles still coded by the juridical model and for which the recourse to rights enables (empowers) agents. Under certain circumstances, we can deploy rights as a political tool to question and transform the power relationships within which we are acting:

Foucault seeks instrumentally to deploy rights in the service of particular political struggles in the years following the mid-1970s, but in doing so he has in mind a more critical and contestatory agenda – an agenda transformative both of power relations and of the relations to self that they engender and rely upon (...) Rights emerge in Foucault's (later) account as potentially useful, tactical instruments in political struggle, as political tools immanent and not exterior to the field of political combat.⁴²²

Foucault himself publicly mobilises strategically the human rights discourse in at least three cases.⁴²³ The first invocation is after the Iranian revolution. After his trip as reporter for *Corriere della Sera* in the 1978, he criticises the post-revolutionary regimes for breaking human rights and not maintaining the pre-revolutionary promises. The second example of Foucault's support of the human rights discourse is his advocacy of the Polish Solidarity movement in opposition to the communist regime. Finally, the third example is Foucault's involvement in the International Committee Against Piracy. On this occasion, he wrote a “sort of charter of human rights,”⁴²⁴ where he addresses the “community of the governed.” In this occasion, Foucault talks of the rights and duties of international citizenship.

In these three examples, Foucault's deployment of the rights discourse is a vehicle to promote some specific and historical political struggles. Foucault is not invoking human rights as means to respect and preserve a fundamental human nature. He appeals to the law discourse because it is the most conducive tactic in those specific games of power. As Foucault maintains, rights claims represent a form of political intervention, serving as “the limits that one places on all possible governments.”⁴²⁵ This understanding of rights as a mode of intervention or performative exercise runs alongside the interpretation of law as a means to validate and

⁴²² Golder, *Foucault and the Politics of Rights*, 6.

⁴²³ Golder, *Foucault and the Politics of Rights*, 74-85.

⁴²⁴ Golder, *Foucault and the Politics of Rights*, 77.

⁴²⁵ Michel Foucault, “The Moral and Social Experience of the Poles Can No Longer Be Obliterated,” in *Essential Works of Foucault 1954–1984*, vol. 3, *Power*, 471.

legitimate systems of domination. Law can be an agent of systems of domination and subjugation, but it can also be a way to confront those systems.

The strategic and historical deployment of rights leads to the second point: their constitutive emptiness. This emancipatory potential of rights is in fact determined by their double-sided nature or, as Golder calls it, their ambivalence.⁴²⁶ Rights have a dual function. They can be emancipatory and at the same time regulatory:

Rights can enlarge, expand, or protect the sphere of action of subjects (as well as performatively bring new worlds and communities into being). But at the same time they can also be the conduit, or the vehicle, for relations of power that constitute those very subjects and communities in particular ways and hence reinscribe them within existing forms of power, often recuperating and domesticating the political challenges they might pose.⁴²⁷

The indetermination of rights is given by the polyvalent vacuity or insubordinate openness of law.⁴²⁸ According to Golder's analysis, law cannot be definitively contained by any forms of power, it is open to new appropriation. Contrary to Hunt and Wickham's essentializing reading, which ties law to its pre-modern instantiation, Golder maintains that law is constitutively open to new forms and deployments. Its openness lays the foundation for the strategic deployment of rights. Rights, as with all power relationships, are not inherently bad. They are neutral, which means that as they are means for subjection they can also be tactical means for emancipation or resistance. Claiming new rights can be a strategic intervention "into existing formation of law, state, and power"⁴²⁹ without relying on a pre-existing foundational and stable subject of rights. Ungrounded rights can be tactically invoked:

It is not because there are laws, and not because I have rights that I am entitled to defend myself; it is because I defend myself that my rights exist and the law respects me. It is thus first of all the dynamic of defence which is able to give law and rights the value which is indispensable for us. A right is nothing unless it comes to life in the defence which occasions its invocation.⁴³⁰

⁴²⁶ For an explanation of rights' ambivalence, see Golder, *Foucault and the Politics of Rights*, 89-114.

⁴²⁷ Golder, *Foucault and the Politics of Rights*, 91.

⁴²⁸ Golder and Fitzpatrick, *Foucault's Law*, 83.

⁴²⁹ Golder, *Foucault and the Politics of Rights*, 3.

⁴³⁰ Michel Foucault, "Le vrai sexe," quoted in Philippe Chevallier, "Michel Foucault and the Question of Right," in *Re-Reading Foucault: On Law, Power and Rights*, ed. by Ben Golder, (Abingdon: Routledge, 2012), 177.

In other words, for Foucault, rights are not predicates of human nature. They are strategic tools that can be mobilized to contest any form of essentialist humanism and to imagine new subjectivities. They are the “vehicle for the recognition of new types of humanity and new modes of human relationality.”⁴³¹

To sum up these two faces of the regime of rights, Hunt and Wickham, and most followers of the ‘expulsion thesis’, are wrong to ascribe to Foucault a rigid identification of rights with premodern monarchical sovereignty. By claiming that Foucault has developed only this understanding of the juridical *dispositif*, Hunt and Wickham can maintain that his account is trapped in a limited conception that ties law to an outdated epoch.⁴³² In this way, Foucault could only condemn this configuration of power, which serves as an instrument of domination. What Hunt and Wickham misunderstood, however, is that Foucault develops another conception of rights, as Golder and Jessica Whyte show. This alternative anti-foundationalist and anti-humanist use of rights is uncoupled from the traditional sovereign power, being motivated by the practical concern of how individuals can de-subjugate themselves. In Whyte’s words: “the new forms of right (...) should be situated in relation to (...) ‘the art of not being governed, or the art of not being governed like that and at this price’.”⁴³³ Foucault’s late deployment of the juridical discourse is linked here to the problem of resistance. It lays the foundation for new practices of resistance, with which we have identified the care of the self as modality of subjectivation.

5.7. The example of sexuality and same-sex marriage

The politics of rights connects with the ethics of the care of the self as a practice of resistance, because it offers tools to create and legitimise new forms of life in opposition to existing regimes of normality. This creative and strategic deployment of rights represents the uniqueness of Foucault’s position in the current debate. Its specificity emerges more clearly when compared with the civil rights movement and the Left’s critiques of rights, which denies

⁴³¹ Golder, *Foucault and the Politics of Rights*, 84.

⁴³² A similar position is developed by Paras, *Foucault 2.0*. Jessica Whyte criticises Paras’ reductionist approach to Foucault’s view on rights: “If we were to accept Paras’s position, however, Foucault’s new right would simply be the old right – the right of sovereignty, the right of the ‘rights of man’. My contention, in contrast, is that we would be mistaken to assimilate this new form of right to the sovereign right that he had previously criticised in such detail,” in “Human Rights: Confronting Governments?: Michel Foucault and the Right to Intervene,” in *New Critical Legal Thinking: Law and the Political*, ed. by Matthew Stone, Illan rua Wall, Costas Douzinas (London: Birkbeck Law Press, 2012), 13.

⁴³³ Whyte, “Human Rights: Confronting Governments?: Michel Foucault and the Right to Intervene,”¹⁴.

their empowering potential and believes that they ultimately reinforce and legitimise the already existing political design. This position is best represented by Michael Warner's critique of same-sex marriage rights claim in *The Trouble with the Normal: Sex, Politics, and the Ethics of Queer Life*, where he takes issue with the institutionalisation of same-sex marriage pursued by the gay rights movement.

Warner's concern is that once inscribed within the sovereign logic of legitimation and recognition, same-sex marriage would lose its contestatory potential and reinforce the disciplinary power of the state. The institutionalisation of same-sex marriage would be a form of normalisation, which means a submission to the standards of normality and acceptability that would regulate sexuality. Instead of pluralising sexual relationships, same-sex marriage would legitimise the existing sexual hierarchy,⁴³⁴ which culminates in heteronormativity, stigmatising and oppressing all those individuals deviating from it:

If marriage is to work it cannot be merely a 'lifestyle option.' It must be privileged. That is, it must be understood to be better, on average, than other ways of living. Not mandatory, not good where everything else is bad, but better: a general norm, rather than a personal taste.⁴³⁵

To demand for equal civil rights thus reinforces the state regulation of sexuality, which queer politics wants to fight by preserving its elements of difference and struggle. In Warner's reading, queer politics in fact cultivates forms of life that do not fit into the dominant and privileged model of sexual relationships.

Same-sex marriage therefore would be an undesirable extension of heteronormativity. Instead of "enlarging the life options of gay men and lesbians,"⁴³⁶ same-sex marriage would restrict and criminalise those forms of life that are not considered normal. More broadly, the achievement of new civil rights should not be considered a sign of social progress. Instead, it acts as a symptom of the permanence and coerciveness of traditional norms; a symptom of their success. In this view, rights are nothing but disciplinary institutions, emptied of any emancipatory role. Rights cannot be dissociated from the regulative and normative state power.

⁴³⁴ Michael Warner borrows the notion of sexual hierarchy from Gayle Rubin's essay, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *Pleasure and Danger: Exploring Female Sexuality* ed. by Carole S. Vance (London: Pandora, 1992), 267-319.

⁴³⁵ Jonathan Rauch, quoted in Michael Warner, *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (Cambridge, MA: Harvard University Press, 1999), 110.

⁴³⁶ Warner, *The Trouble with the Normal*, 95.

What is instead Foucault's position? Does he distance himself from this critical current? In other words, how can rights promote new subjectivities or forms of life? As mentioned, Foucault does not subscribe to the interpretation for which rights claims are necessarily inscribed within a disciplinary logic. Rights claim have a disruptive and political potential. This position emerges from his contributions to the political debate about homosexual rights. When questioned about the legal demands of gay movement, Foucault affirms that the juridical level is still crucial for a politics of resistance:

It is important, first, to have the possibility—and the right—to choose your own sexuality. Human rights regarding sexuality are important and are still not respected in many places. We shouldn't consider that such problems are solved now.⁴³⁷

In Foucault's view, to demand and achieve the right of sexual choice(s) have to be a part of the political struggle of the gay movement. In this way, rights claims question and challenge the established political order, whose failure to equally represent all its citizens and/or political actors is unmasked. Rights claims indeed manifest the inconsistency and inequality of a political system, bringing to the fore those subjectivities previously reduced to a condition of invisibility and/or silence.

What, above all, is crucial for Foucault is that rights claims can be linked with the affirmation of new forms of life (e.g. gay way of life) and the practices of self-fashioning. As Golder points out, Foucault mobilises the language of right "to carve out a space for possible relations between individuals that elude the disciplinary and normalizing effects of identitarian categories."⁴³⁸ If Warner is concerned with the normalising effects of rights, Foucault instead is interested in how rights can create spaces for new modes of relationships of the self with the self or with others that challenge the normalised way of being. He explicitly thematises this aim, for example, when he speaks of friendship as an alternative relationship disrupting the heteronormative binary.⁴³⁹ New relational rights do not protect or reinforce existing identities. Instead, they serve to create new forms of relationality:

We have to reverse things a bit. Rather than saying what we said at one time, "Let's try to re-introduce homosexuality into the general norm of social

⁴³⁷ Michel Foucault, "Sex, Power, and the Politics of Identity," in *Essential Works of Foucault 1954–1984*, vol. 1, *Ethics*, 164.

⁴³⁸ Golder, *Foucault and the Politics of Rights*, 107-108.

⁴³⁹ Golder, *Foucault and the Politics of Rights*, 107-109.

relations,” let’s say the reverse—“No! Let’s escape as much as possible from the type of relations that society proposes for us and try to create in the empty space where we are new relational possibilities.” By proposing a new relational right, we will see that nonhomosexual people can enrich their lives by changing their own schema of relations.⁴⁴⁰

In this way, the claim of new rights is connected with the creation of new forms of relationships that question what is considered to be *normal*. The appeal to rights is not a way to reintroduce into and adapt new forms of life to traditional or accepted standard of behaviours. Rights are means to create and affirm new norms that change the *schema of relations*.

5.8. Conclusion

This chapter’s aim is twofold: to refine our understanding of the interplay between sovereignty and governmentality, and to specify the role of rights for a politics of the care of the self. Although the issue of sovereign power and the discourse of rights has been present since the first chapter, in the first half of this thesis their analysis is predominantly negative. Sovereignty and law are presented as the counterpart of a new discourse on power. The constellation composed of the subject of rights, law and sovereignty plays predominantly an antagonistic function. Its purpose is to put some emphasis on the innovations introduced by Foucault’s conception of power regarding the notions of freedom (Chapter 1) or resistance (Chapter 2). The same comparative logic then is reproduced with disciplinary power (Chapter 2), and security (Chapter 3). The sovereign *dispositif* is introduced to better characterise Foucault’s rupture, innovation and discontinuity with the previous conception of power and subjectivity.

The subject of rights is the counterpart of the ethical subject also in the analysis of practices of self-government in antiquity (Chapter 4). The “trip to antiquity” however sheds a new light on the interplay between the juridical and ethical subjects. In his examination of ancient philosophical schools, Foucault suggests that the practices of care of the self as forms of resistance are dependent on the status of citizenship. Even in the extreme case of the Cynic’s practices of truth-telling, which openly reject traditional institutions and conventions, the attack on the *polis* is situated within the *polis* itself.

⁴⁴⁰ Michel Foucault, “The Social Triumph of the Sexual Will,” in *Essential Works of Foucault 1954–1984*, vol. 1, *Ethics*, 160.

With this input in mind, in Chapter 5 I returned to the problematic relationship between sovereignty and governmentality in the present. By assuming a more radical connection between practices of care of the self and the juridical paradigm, this chapter has questioned the ‘expulsion thesis’, which is axiomatic in most of the Foucauldian scholarship. According to Hunt and Wickham, Foucault has completely dismissed or completely marginalised the negative and repressive juridical discourse in favour of new productive forms of power (the above-mentioned disciplinary and securitarian power). By reconstructing the arguments in support of law’s marginalisation and law’s instrumentalisation, this chapter has shown that the core of the expulsion critique is the alleged identification of law and sovereignty with a fixed pre-modern configuration of power. If that were the case, law’s discourse and the state apparatus would be inadequate instruments to challenge or subvert the normality of contemporary power configurations. As seen, there are some textual evidence in support of this thesis, especially in the early 1970s texts. What is important to keep in mind is that Foucault’s dismissive attitude in these years is motivated by a dissatisfaction towards classic political theory (e.g. the theory of the social contract or orthodox Marxism), which could not provide us with the conceptual and practical tools to resist the rise of the new disciplinary power he was engaging with.

The proponents of the expulsion thesis, however, overlook Foucault’s alternative account of the state and of the rights discourse after the mid-1970s. Regarding the state, he contends that the role of sovereignty has never been as crucial as now that the government of the population has become the main political priority. Additionally, Foucault claims that the institutions of the state have been modified and adapted to a new rationality of power, for example those of neoliberalism and the market economy. This synergy between sovereignty and governmentality has been at the centre of the reflection of some contemporary scholars. In different ways, Butler and Brown have expanded and problematized the terms of co-existence and convergence of sovereign power and biopolitics (as current form of governmental mechanisms). Alongside this re-evaluation of the role of the state, this chapter advances another fundamental claim about the emancipatory potential of the rights discourse in Foucault’s work. As demonstrated by Whyte and Golder, Foucault has an ambivalent account of rights. Rights can be regulatory as well as emancipatory. In the first case, law and, more broadly, the juridical paradigm bestow legitimacy and authority to systems of domination and subjection: “Law can be interpreted as masking domination and as vehicle of legitimation.”⁴⁴¹

⁴⁴¹ Hunt and Wickham, *Foucault and Law*, 48.

At the same time, rights claims can be strategically deployed, without the appeal of a human nature grounding them, promoting new modes of relationships challenging those normalised and privileged. In support of this claim, I have compared Foucault's positive position on rights claims with Warner's critique of same-sex marriage demands.

Where does this re-affirmation of the importance of state apparatus and the discovery of the emancipatory potential of rights leave us, in relation to a politics of the care of the self? My hypothesis is that this re-evaluation of the centrality of the juridical dispositif forces us to consider it as part of the 'armoury' of the practices of the care of the self, conceived as resistance. For example, not only does citizenship remain one of the fundamental political categories empowering agents in the current economic political rationality. Political recognition is still one of the conditions for possibility of agency. But also, in the case of the non-recognition of a juridical status, rights claims have some political potential, which Foucault himself has acknowledged and deployed. They can create fractures, question the normality of power configurations and shape new subjectivities. In this sense, the politics of self-government as a form of resistance can take the shape of the politics of rights.

Chapter 6

The Politics of Self-Government and Citizenship

The previous chapters have argued for a politics of care of the self through an analysis of Foucault's works on power and ethics. They have shown that the political dimension of self-fashioning is twofold (voluntary servitude and voluntary inservitude). Furthermore, they have shown that the political dimension of self-fashioning is interwoven with the juridical sphere. The dialectic between these two dimensions of politics is at the heart of Chapter 5, which investigates Foucault's ambivalent account of law and rights. In Chapter 5, I engaged with the dominant interpretation of Foucault's position regarding the juridical model, the "expulsion-thesis." I examined its main claims: those of law's marginalisation and instrumentalization, also briefly exploring some possible reception of the latter (Butler and Brown). I have then shown why the expulsion thesis offers us a limited account of Foucault's position on state's role and rights. Foucault indeed has an ambivalent position on, and use of, the juridical paradigm. On one hand, he regards rights as being regulative. By institutionalising it, legislations naturalise and legitimise the already existing political design. By contrast, he also sees rights as being emancipatory. Following Golder's analysis, I have maintained that for Foucault, rights have the potential to enable subjects affirming new forms of life or relations. For this reason, I maintained that the politics of the care of the self can take the shape of the politics of rights.

This final chapter represents a turn in this thesis, as it applies my analysis of the politics of self-government to problematize another notion: citizenship. I argue that, given its polysemy and interplaying with the politics of rights, the Foucauldian reflection on self-care offers us an original perspective in order to explore the complexity of citizenship and open to its redefinition. To support this hypothesis, I first briefly explain the choice of turning to citizenship, even though it is not a concept traditionally associated with Foucault. I will explain why citizenship is a crucial notion to discuss, problematizing our contemporary political discourse. I will also account for the choice of pursuing this goal from a Foucauldian perspective. I will then reconstruct Foucault's position on citizenship in his texts on power and ethics. In doing so, I will show that his lack of interest in this notion is merely superficial. Despite never being fully articulated, citizenship is a transversal and ubiquitous topic in Foucault's work. In particular, I will claim that his investigation of tragic *parrhesia* and of the

circularity between *dunasteia* (the political game) and *politeia* (constitution) offers us a point of entry to analyse the limits of the concept of legal citizenship.

To the end of rethinking citizenship, the second half of this chapter moves beyond Foucault and introduces another author, Hannah Arendt, and her theory of political action. While Foucault's account of the interplay between politics of rights and politics of care of the self problematizes the reductionist juridical definition of citizenship, by itself it does not offer us an alternative or positive model. Arendt's work helps us take a step further, being particularly well suited to further advance the reconceptualisation of citizenship moving from the politics of self-government. A major reason for this is because both Foucault and Arendt share a similar interest in the practical experience of politics. Arendt's theory of political action has a clear practical and material connotation, situating the idea of *vita activa* and agency at the heart of what being a member of a political community means. Like Foucault, she identifies power with everyday practices and subject's creative capacity (*natality*), also stressing the relational and productive nature of power, which cannot be commodified or contractualised.⁴⁴² Unlike Foucault, however, Arendt develops a clearer account of the importance of juridical recognition for political participation, simultaneously regarding the creative potential of active citizenship. To articulate Arendt's contribution to this debate, I will investigate her twofold conception of citizenship as meta-right or right to have rights, and as creative capacity and political engagement. Specifically, I will investigate how these two sides of citizenship co-exist: How does active citizenship interact with the juridical or formal citizenship? Does active citizenship challenge or modify the institutional level defying juridical citizenship? To address these questions, I will counter the consensualist interpretation of Arendt's theory of action, according to which she would reduce political action to "the formation of a common will in a communication directed to reaching agreement."⁴⁴³ As I will contend, Arendt's idea of active citizenship is more nuanced and articulated, combining consensus-based views of the public sphere with a conflictual or agonistic dimension. In Arendt's theory of action, therefore, the formal definition of citizenship co-exists with a practical view. Equally, active citizenship preserves an agonistic or conflictual potential, aiming to challenge the political order to impose new ways of living together.

⁴⁴² About the relational nature of power in Foucault and Arendt, see Allen, "Power, Subjectivity, and Agency: Between Arendt and Foucault," *International Journal of Philosophical Studies* 10, no.2 (2002), 131–149.

⁴⁴³ Jürgen Habermas, "Hannah Arendt's Communications Concept of Power," *Social Research* 44, no. 1 (1977), 4.

6.1. The turn to citizenship

Before engaging with Foucault's position on citizenship, I would like to clarify the turn to this notion. The choice of dedicating this conclusive chapter of a thesis on Foucault to citizenship might be surprising. As is well known, citizenship is not a Foucauldian concept. It does not belong to the Foucauldian 'toolbox'. But, as I argue, precisely the Foucauldian conception of philosophy as a critical *ethos* towards our present urges us to engage with the normalisation of this notion and the possibility of thinking it differently. For this reason, citizenship should be rightfully part of this research on Foucault's politics of self-government.

Citizenship is indeed a commonly used notion in our contemporary political discourse. Conceived as a juridical "status held under the authority of a state,"⁴⁴⁴ citizenship plays a crucial role in shaping the fields of power and the political language. Nonetheless, this notion has a paradoxical status. Although citizenship is part of the grammar which we constantly use to articulate political participation, its meaning is rarely critically questioned. While many scholars in Political Theory focus on juridical mechanisms of inclusiveness (e.g. electoral systems), the underpinning definition of citizenship has remained untouched. Nonetheless, in the last years the juridical definition of citizenship has increasingly been at the centre of the philosophical and political debate.⁴⁴⁵ Some scholars have started to realise that "there is no notion more central in politics than citizenship," as Judith Shklar affirms, "[yet] none more variable in history nor contested in theory."⁴⁴⁶ How is this debate about citizenship connected with Foucault though? Let me answer this question by drawing on the aforementioned Foucauldian interpretation of the philosophical task. As discussed in Chapter 1, Foucault rethinks the philosophical work as a genealogy of the present. Philosophy is a critical work of questioning and destabilising the forms of life and the norms that have been uncritically normalised. But our present, as shown in Chapters 3 and 5, is still coded and articulated through the juridical paradigm, of which citizenship is at the heart. The governmentalisation of the state has transformed, not suppressed the role of the state and the importance of the juridical *dispositif*. Therefore, from a Foucauldian perspective, to understand how power mechanisms fashion our subjectivities we should critically investigate the notion of citizenship. As I will

⁴⁴⁴ Engin F. Isin and Bryan S. Turner, "Citizenship Studies: An Introduction," in *Handbook of Citizenship Studies*, ed. by Engin F. Isin and Bryan S. Turner (London: Sage Publications UK, 2002), 2.

⁴⁴⁵ As the birth of a related discipline, citizenship studies, proves.

⁴⁴⁶ Judith Shklar. *American Citizenship: The Quest for Inclusion*, (Cambridge MA: Harvard University Press 1991), 1.

argue below, the politics of self-government can make a significant contribution to this debate, since it uncovers the limits of a formal definition of citizenship.

Let me now further expand the reasons of why ‘citizenship’ is a contested notion. What is problematic about this juridification of citizenship? Why is this definition attracting scholars’ attention? Traditionally, citizenship is indeed associated with the promise of political participation and of a space for the “inclusion and incorporation of everyone.”⁴⁴⁷ Citizenship seems to circumscribe a space for democratic and inclusive practices. This universalistic ethics, however, is at odds with the exclusion of some bodies from the rights system.⁴⁴⁸ The current proliferation of exclusionary technologies of power, such as bordering or immigration policies, reinforces and reproduces the distinction between rights holders and rightless people.

Linda Bosniak suggests that the co-existence of universalism with exclusionary dynamics stems from the juridical and state-centred model of contemporary citizenship, which, as Roger Brubaker shows, is a specific historical product. It is the invention and legacy of the French Revolution. After the dismantlement of the internal social divisions and separations that characterised the *ancien régime*, legal membership of the nation-state became the condition of possibility for political participation.⁴⁴⁹ One of the unintended consequences of this nation-state logic and its “sharp external boundedness”⁴⁵⁰ is thus the identification of citizenship with nationhood.⁴⁵¹ In light of its exclusionary implications, this historical view of citizenship based on legal rights and state-membership has now become an object of critical investigation. Legal recognition or formal membership of a community is considered as a reductive or too narrow criterion to qualify for political participation. Scholars like Engin F. Isin, Bryan S. Turner, Matthew J. Gibney, Linda Bosniak and Chantal Mouffe attempt to pluralise the notion of citizenship in order to include experiences otherwise outside of the state-sponsored representative model (e.g. migration or statelessness). Despite the multiplicity of positions in citizenship studies, then, there are at least two recurrent questions: Is a citizen simply a bearer of rights and duties in a state-centred model? Can we question the “simplistic binary of

⁴⁴⁷ Linda Bosniak, *The Citizen and the Alien. Dilemmas of Contemporary Membership* (Princeton: Princeton University Press, 2006), 2.

⁴⁴⁸ Bosniak, *The Citizen and the Alien*. On the exclusionary essence of modern liberal citizenship and the coupling of citizenship with nationhood see also Brubaker, *Citizenship and Nationhood in France and Germany*.

⁴⁴⁹ Brubaker, *Citizenship and Nationhood in France and Germany*, 35

⁴⁵⁰ Brubaker, *Citizenship and Nationhood in France and Germany*, 46.

⁴⁵¹ Brubaker, *Citizenship and Nationhood in France and Germany*, 46. Brubaker shows that the coupling of nationhood and nationalism was not sought by the revolutionaries, who were ideologically animated by cosmopolitan aims, *Citizenship and Nationhood in France and Germany*, 44-45.

‘inclusion’ and ‘exclusion’”⁴⁵² that characterises the modern liberal account? Following up on this debate, I am interested in investigating whether we can de-construct and re-signify the notion of citizenship.

With this final chapter, therefore, my intention is to try to situate Foucault’s politics of self-government within the current debate of citizenship studies. Inspired by Ben Golder’s experimental approach in *Foucault and the Politics of Rights*, I want to use Foucault’s politics of self-government to reflect on and problematize the notion of citizenship. I intend to engage with the critiques challenging the reduction of a citizen to the juridical subject. Particularly, I want to see whether Foucault’s politics of self-government uncovers a practical dimension of citizenship. With this emphasis on the limits of a politics of rights, however, I do not intend to embrace the left critique of rights (Chapter 5), according to which rights claims are a legitimisation and reinforcement of a *status quo* concealing power dynamics of exploitation and injustice. Instead, I argue that a politics of right by itself is incomplete. The question of rights and legal status thus remains crucial to discussing political participation, which needs to be complemented with a practical view. The latter considers citizenship as a lived experience, investigating the practices substantiating formal citizenship.

As a result, this final chapter aims to address three main questions. Firstly, can Foucault help us decouple citizenship from the historical model of its liberal juridification? Secondly, if, as I have argued in this research, there is a politics of self-government, can this notion help us think citizenship differently? Finally, shall we complement Foucault’s problematization and complement his analysis with a more articulated positive account?

6.2. Foucault’s position

How does Foucault address the problem of citizenship? Is citizenship a relevant notion in his research on power or ethics? At first glance, citizenship plays a secondary role in his work. His interest in citizenship is mainly derivative. Similar to sovereignty, he introduces citizenship in comparison with other terms he wants to clarify, or on the innovation of which he wants to put some emphasis. In his analytic of power, the citizen is the correlative term of the subject of rights. In his turn to antiquity, the citizen is the correlative term of the parrhesiast. In both cases, Foucault does not delve into a problematization of citizenship, or of the process of

⁴⁵² Nicholas De Genova, “Citizenship’s Shadow: Obscene Inclusion, Abject Belonging, or, the Regularities of Migrant ‘Irregularity’,” in *Within and Beyond Citizenship*, 22.

citizen-making. For this reason, and for a deeply-rooted prejudice of Foucault as an anti-juridical thinker, Foucauldian scholarship has not engaged with the notion of citizenship.

Nonetheless, even if Foucault's position is aligned with a formal and representative understanding of citizenship, this chapter will demonstrate that his works on power and ethics can offer us an important tool to re-think what citizenship can be today. To prove this, I will now very briefly focus on the analytics of power, then moving on to his research on ancient ethical practices. While bearing in mind that a sharp distinction between ethics and politics does not offer a compelling overview of Foucault's reflection, for the sake of this investigation I will instead put some emphasis on the discontinuity between these two moments. The reflections on power and ethics in fact contribute in a different way to the discussion on the status of citizenship. While the analytics of power helps us to shed some light on the political nature of the notion of citizenship, the turn to antiquity will instead recall the importance of citizenship for a politics of the care of the self.

6.2.1. Citizenship in the analytics of power

One of the hallmarks of Foucault's reflection on power is his critique of the juridical *dispositif*, in which the notion of citizenship is embedded. While he develops different categories to interpret power relationships (e.g. discipline, biopower, governmentality), the counter-term remains the same (e.g. the juridical model). The notion of citizenship belongs to the juridical conceptual armoury. Specifically, Foucault's understanding of citizenship coincides with the formal and juridical membership of a sovereign state. Citizenship is a politically constructed prerogative of a subject of rights recognised by the institution of the state. However, like the notions of law or state, on which Foucault's position undergoes a transformation or evolution, his view on citizenship also changes.

Since the transformation of the role of citizenship reproduces the same pattern of law, I will only cursorily linger on its different steps. As it happened for law, I will begin with Foucault's studies on normality and disciplinary power. In the analysis of the penal system in *Discipline and Punish*, Foucault mentions the citizen as being the counterpart of the criminal, who is punished for breaking the social contract. In this reading, citizenship falls completely into the domain of law and its exclusionary dichotomy of legality and illegality circumscribed by the institution of the state. It is an abstract and unifying category that does not interfere nor interacts with discipline's meticulous investment on individual bodies. When he introduces the functioning of the anatomo-politics of the human body, Foucault in fact claims that "these

relations go right down into the depths of society, (...) they are not localised in the relations between the state and its citizens.”⁴⁵³ Citizenship belongs to the juridical vocabulary linked to the institution of the state, which co-exists with the disciplinary mechanism:

Modern society, then, from the nineteenth century up to our own day, has been characterised on the one hand, by a legislation, a discourse, an organisation based on public right, whose principle of articulation is the social body and the delegative status of each citizen; and, on the other hand, by a closely linked grid of disciplinary coercions whose purpose is in fact to assure the cohesion of this same social body. (...) Hence these two limits, a right of sovereignty and a mechanism of discipline, which define, I believe, the arena in which power is exercised. But these two limits are so heterogeneous that they cannot possibly be reduced to each other.⁴⁵⁴

Foucault’s stance on citizenship in *The Will to Knowledge* is similar to the one in *Discipline and Punish*. In his genealogy of the desiring subject, Foucault relegates citizenship to a marginal position. The notion of citizenship is presented in relation to the state’s institutional and juridical apparatus and, particularly, is linked to its negative or repressive functioning of power.⁴⁵⁵ The citizen indeed is the individual being “confronted by a power that is law,”⁴⁵⁶ being constituted as an obedient subject: “a legislative power on one side, and an obedient subject on the other.”⁴⁵⁷ As a subject of obedience and prohibition, the citizen is trapped within the juridical representation of power, which reduces all “the modes of domination, submission, and subjugation (...) to an effect of obedience.”⁴⁵⁸ As one can notice from this quick reconstruction, Foucault’s works in the early and mid-1970s oppose citizenship to the subject of norms. In virtue of this opposition, he overlooks citizenship and only tangentially mentions it.

Foucault’s position in his works on governmentality is more nuanced. The category of citizenship then indicates that group of individuals whose lives are protected and preserved by pastoral power. The health and subsistence of citizens becomes the main political priority. As such, the governmentalisation of the state entails precisely that the state apparatus is conducive to the governmental imperative of optimizing the life of the population. In this sense,

⁴⁵³ Foucault, *Discipline and Punish*, 27.

⁴⁵⁴ Michel Foucault, “Two Lectures,” in *Power/Knowledge*, 106.

⁴⁵⁵ “By power, I do not mean “Power” as a group of institutions and mechanisms that ensure the subservience of the citizens of a given state,” Foucault, *The Will to Knowledge*, 92.

⁴⁵⁶ Foucault, *The Will to Knowledge*, 85.

⁴⁵⁷ Foucault, *The Will to Knowledge*, 85.

⁴⁵⁸ Foucault, *The Will to Knowledge*, 85.

Foucault's works on governmentality abandon the oppositional reading (e.g. citizen as the subject of rights opposed to normalised subject) characteristic of his writings on disciplinary power and offer a complementary reading, therefore embedding citizenship in governmental power relations. The citizen is not located in a different level from the normalised and governmental subjects. Instead, these three figures co-exist and reinforce each other. The idea of the governmentalisation of the state thus gives us a first clue about the best way to approach the question of citizenship from a Foucauldian perspective: instead of the opposition between governmentality and sovereignty, their co-existence. The figure of the citizen overlaps with the disciplined and ethical subject. The 'good' citizen is, therefore, a disciplined and responsabilised individual.

This dialectic between the figure of the citizen and the ethical subject is more clearly addressed in the works on antiquity, where it is reframed in terms of politics of the rights and politics of the care of the self.

6.2.2. Citizenship and ethics

Bearing in mind the principle of governmentality and the correlation between different technologies of power, Foucault's works on antiquity offers a more interesting and complex account on citizenship. In his analysis of the ancient analysis of the ancient practices of truth-telling, he offers a level of problematization that his works on power do not have. Above all, he clarifies the dialectic between citizenship as a juridical status and practices of care of the self.

As shown in Chapter 4, citizenship is introduced and examined in relation to *parrhesia*. Citizenship here designates juridical membership of the *polis* and the condition of possibility of political participation within it. Foucault's last lectures are consistent with his historical/genealogical approach, as he remarks how ancient citizenship refers to a completely different conceptual framework compared with the modern notion. While the latter is connected to the universal subject of rights recognised by the nation state, the former is the subject of the *polis* and, specifically, of the Athenian democratic institutions. Despite these historical differences, two aspects are worth emphasising. Firstly, Foucault states that citizenship is the condition of possibility of *parrhesia* and, more broadly, of technologies of the self. *Parrhesia* is a right of the citizen. Even in the extreme case of the Cynic, parrhesiastic practices rely on some forms of belonging to the *polis*. The Cynics do not externally attack the *polis*' values and institutions. Their polemical attitude is internal to the democratic institutions.

The second element of interest then is that, despite the historical contingencies, the formal and juridical dimension remains the distinctive feature of citizenship. Citizenship primarily depends on being juridically recognised as a legitimate part of the *polis*. Before being a political practice, it is a matter of legal recognition. At first glance, Foucault's analysis of Euripidean tragedy suggests the primacy of the juridical sphere over the practices of self-fashioning, grounding the superiority of law by referring to juridical documents and to the Athenian constitution. As such, the principles of *isonomia* and *isegoria* create the legal framework within which the political *agon* of persuasion takes place.

Foucault's examination of Euripidean tragedy seems to depict the dependence of the care of the self on the juridical entitlement to political participation. However, as seen in Chapter 4, Foucault does not maintain such a clear-cut account of the dialectic between citizenship and *parrhesia*. Even if it is true that the conditions of membership are a matter of legislation, it is also true that Foucault does not find this merely legal definition of citizenship enough. Again in the lectures on the political *parrhesia* and Euripidean tragedy, Foucault casts some doubts about the limits of the juridification of political participation. Specifically, he questions whether citizenship as formal membership is enough to qualify political participation. *Parrhesia* cannot be reduced to the constitutional right to speak. As he stresses,

given that the law is equal for all (the principle of *isonomia*), and given that everyone has the right to vote and to give his opinion (*isēgoria*), who will have the possibility and the rights of *parrēsia*, that is to say, to stand up, speak, try to persuade the people, and try to prevail over his rivals (...) who must take the risk of political discourse and exercise the authority bound up with it?⁴⁵⁹

This dissatisfaction with the legal definition of citizenship seems to open to a sort of circularity between democracy and *parrhesia*:

In order for there to be democracy there must be *parrhesia*. But conversely, as you know (...) *parrhesia* is one of the characteristic features of democracy. It is one of the internal dimensions of democracy. For there to be democracy there must be *parrhesia*; for there to be *parrhesia* there must be democracy. There is a fundamental circularity.⁴⁶⁰

⁴⁵⁹ Foucault, *The Government of Self and Others*, 105-106.

⁴⁶⁰ Foucault, *The Government of Self and Others*, 155.

Democratic citizenship is the precondition of *parrhesia*, but, at the same time, is insufficient to exercising power (authority) in the political game. The circularity between *parrhesia* and citizenship, however, is not vicious, as Foucault clarifies in *The Government of Self and Others*. In the next section, I will unpack the dialectic between citizenship and *parrhesia* by drawing on to Foucault's interpretation of the notions of *dunasteia* and *politeia*.

6.3. *Dunasteia* and *politeia*

To disentangle the circularity between citizenship and *parrhesia*, Foucault directs his attention to the “dynamic and agonistic structure” of the practices of speaking the truth.⁴⁶¹ While citizenship is a formal status characterising democratic membership of the *polis*, and as such is shared by all the recognised members of the political community, *parrhesia* is an activity exercised by some individuals who have certain ascendancy and authority over others. What is at stake is grasping the tension between the static constitutional or positive rights and the dynamic exercise of power. One way to approach this issue, according to Foucault, is to reconsider the circularity between citizenship and *parrhesia* by looking at two distinct domains, *dunasteia* and *politeia*. As Foucault reflects,

It seems to me that what we see emerging around this notion of *parrhesia* or, if you like, what is associated with this notion of *parrhesia*, is a whole field of political problems distinct from the problems of the constitution, the law and, let's say, of the organisation itself of the city. These problems of the city's constitution, of the *politeia* exist. They have their own form, they imply a certain type of analysis, and they have given rise, they are at the point of origin of a whole form of reflection on the nature of the law, the organization of society, and what the state should be. Second, the problems of *dunasteia*, of power, are political problem in the strict sense.⁴⁶²

In the Greek political vocabulary, *politeia* is an umbrella term designating all the possible juridical frameworks and, more broadly, formal constitutions that could rule the *polis*. *Politeia* is the legal background that regulates and makes the living in common possible as it “defines the status of citizens, their rights, how decisions are taken, how leaders are chosen, and so on.”⁴⁶³ *Dunasteia*, by contrast, refers to the actual political practices taking place within and accordingly to the institutional framework. It identifies the problem of “the exercise of power,

⁴⁶¹ Foucault, *The Government of Self and Others*, 156.

⁴⁶² Foucault, *The Government of Self and Others*, 159.

⁴⁶³ Foucault, *The Government of Self and Others*, 158.

or the game through which power is actually exercised in a democracy.”⁴⁶⁴ *Dunasteia* and *politeia* thus are the two poles in dialogue to determine the space and the nature of political activity. If *politeia* delimits by legislating the political space, *dunasteia* fills this space with actual political practices. On one hand, there is the problem of the constitutional framework, *politeia*. On the other, instead, there is the problem of the political game, *dunasteia*.⁴⁶⁵

What is the role of *parrhesia* in the interplay between *dunasteia* and *politeia*? In other words, where is the ethical task situated in the spectrum between the problem of city’s constitution and the one of the political games? A possible answer is the Platonic pedagogical or propaedeutic pathway, according to which ethics prepares individuals for the political engagement conceived as becoming a legislator and ruling the *polis*. Philosophical teachers, on this account, exercise free speech in their pedagogic relationship with young citizens (e.g. Alcibiades) in order to cultivate them as virtuous rulers. For the Cynics, by contrast, ethics coincides with politics through their provocative postures, which paradoxically allows the Cynic philosopher to attack the constitutional framework that empowers them (Chapter 4). Greek tragedy then offers a third path, showing how *parrhesia* bridges between *dunasteia* and *politeia*. In this case, speaking the truth is the act of negotiation between the positive rights granted by the legislation and the political game. In Foucault’s account,

The place of *parrhesia* is defined and guaranteed by the *politeia*; but *parrhesia*, the truth-telling of the political man, is what ensures the appropriate game of politics. The importance of *parrhesia*, it seems to me, is found in this meeting point. At any rate, it seems to me that we find here the root of a problematic of a society’s immanent power relations, which, unlike the juridical-institutional system of that society, ensure that is actually governed. The *problems of governmentality* [my emphasis], in their specificity, in their complex relation to but also independence from *politeia*, appear and are formulated for the first time around this notion of *parrhesia* and the exercised of power through true discourse.⁴⁶⁶

In the middle of his analysis of the different ancient experiences of truth-telling, therefore, Foucault reintroduces the heuristic principle of governmentality, assimilating it to the immanence of power relations concretely governing a society beyond the juridical framework. The etho-poietical work of *parrhesia* is then the point of conjunction between formal and legal design and politics conceived as experience, as a game and practice that requires individuals’

⁴⁶⁴ Foucault, *The Government of Self and Others*, 158.

⁴⁶⁵ Foucault, *The Government of Self and Others*, 158-159.

⁴⁶⁶ Foucault, *The Government of Self and Others*, 159.

relationship to themselves. The practices of truth-telling thus exceed the juridical and institutional system that creates the necessary conditions for *parrhesia*.

On the basis of this reconstruction, I would like to suggest that Foucault uncovers a lived and experimental dimension of political participation connected to formal citizenship. In his analysis of the dialectic between *dunasteia* and *politeia*, he claims that political participation is not reducible to legal citizenship. It requires another level, the one of *dunasteia*, of practices and political game. Yet, even though his works on antiquity present a more complex account of citizenship than his reflection on power, it remains unsatisfactory for two related reasons. First, his reflection on ancient practices of *parrhesia* still qualifies citizenships as a static juridical status, which is decided at the level of legislation and within which the political game takes place. In this sense, Foucault's view on ancient citizenship overlaps with that of the contemporary model of formal citizenship. They overlap insofar as they both identify citizenship as a legal status. The specific conditions and criteria of inclusiveness then vary from ancient to modern models of citizenship.⁴⁶⁷ This then leads us to the second point: while Foucault's works on antiquity successfully proves that 'the political problem in the strict sense' is not independent of the problem of constitution (e.g. citizenship as precondition of *parrhesia*), they overlook how the constitution might be shaped by the political game. Foucault does not explore in depth how some technologies of the self or, more broadly, the problem of the political game modifies or interacts with the formal definition of citizenship besides *politeia* being the condition of possibility of *dunasteia*. For example, Foucault leaves 'belonging' in the Greco-Latin context unquestioned. He does not address the political struggles that shaped and defined the central notion of autochthony. Nonetheless, Foucault provides us with the conceptual tools to explore this side of the interplay between the politics of rights and the politics of care of the self. To see this, however, that it will be necessary to use Foucault beyond his own reflection and field of interest.

Before turning to the next section, let me summarise this chapter's analysis and foreshadow its significance. So far, this thesis has shown that the politics of rights is connected with and part of the politics of the care of the self. In the next section, I will be focused on this dialectic, but from a different angle. As such, I will investigate whether the political game can influence and determine the definition and practice of citizenship itself, rather than simply being delimited by it. Foucault's work on power becomes pivotal once again. The correlation between sovereignty and governmentality is indeed one of the most important but also most

⁴⁶⁷ See Isin, *Being Political: Genealogies of Citizenship*.

disregarded inputs of his reflection on power. The idea of governmentalisation of the state entails that the juridical level is strategically shaped and deployed by some forms of power rationality (e.g. the neoliberal one). Foucault's studies on governmentality and more broadly on power thus de-naturalise jurisprudence. In opposition to legal positivism and naturalism, Foucault dismisses both the supposed neutrality and naturality of state's institutions and rights regime. Rights are not an inherent property of the individual but a historical political device, acting as the juridical status of citizenship. Citizenship is a political construct, serving political strategies. If we agree that the formal status that grants membership to a polity is politically constructed, then we need to look at the modalities of its production. Furthermore, if we combine the politicisation of the juridical dispositif (analytics of power) with the practices of self-fashioning (ethics) we can question the absoluteness of the formal and legal definition of citizenship. The institutional level indeed is not an ahistorical given and reflects the everyday practices of the members of a political community, also of those who are not legally recognised. As Isin points out, "the new claims of citizenship are new (...) also because they create new kinds of right, based on the exigencies of lived experience."⁴⁶⁸

Foucault's analysis on tragic *parrhesia* posits legal citizenship as a pre-condition of the technologies of the self. At the same time, his work could be read, going beyond Foucault's own intent, as an attempt to question whether these practices can expand or modify our understanding of citizenship. Citizenship cannot be "completely disarticulated from its configuration as a juridical status,"⁴⁶⁹ and, at the same time, this legal configuration does not exhaust its meanings, as the example of ancient practices of truth-telling shows. To further expand this claim, however, another author will be mobilized: Hannah Arendt, and her reflection on political action in *The Origins of Totalitarianism* and *The Human Condition*. Foucault's politics of self-government has allowed us to problematize the idea of political participation beyond the dichotomy between the legal view of citizenship and the practices that substantiate it. I will now expand and complement this problematization of citizenship with an analysis of Arendt's account of citizenship. As we will see, what Arendt's work brings into this debate is indeed a positive account of citizenship, which Foucault's critical position does (and cannot) develop. In Arendt's view, citizenship is not only a juridical status. It is also, and

⁴⁶⁸ Isin, "City, Democracy and Citizenship: Historical Images, Contemporary Practices," in *Handbook of Citizenship Studies*, 311.

⁴⁶⁹ De Genova, "Citizenship's Shadow: Obscene Inclusion, Abject Belonging, or, the Regularities of Migrant 'Irregularity'," 20.

above all, a creative capacity to bring into existence a communal space of appearance. Political action entails the challenge to and the creation of new social norms and constitutions.

6.4. Arendt on political participation

The association of Foucault and Arendt's works might be surprising and unexpected.⁴⁷⁰ Their reflections are often analysed in opposition, as their philosophical and political positions are apparently in conflict. Foucault is indeed considered the philosopher of resistance, who unmasks the violence and pervasiveness of power relations. For Arendt, instead, power is the capacity to act in concert, ruling out the agonistic and conflictual connotation that characterises Foucault's account.⁴⁷¹ Arendt's political consensualism thus would, at least superficially, oppose Foucault's Nietzschean view of power as a game of forces. Furthermore, Arendt's rigid distinction between public and private is at odds with Foucault's view of power relationships as being ubiquitous. If for Foucault power is everywhere and polymorphous, for Arendt it is exercised exclusively in the public sphere.⁴⁷² A final symptom of their incompatibility is their use of different ancient sources. While Foucault flirts with the Hellenistic schools and the attitude of permanent revolt of the Cynics, Arendt is associated with the irenic model of the Aristotelian practical philosophy. As one might guess, these two ancient practical philosophies are considered as being diametrically opposed.⁴⁷³ The Aristotelian practical philosophy revolves around the idea of man as a *zoon politikon*, living in the *polis*.⁴⁷⁴ The highest political virtue (*phronesis*) consists in embodying at their best the values of the *polis*. For Aristotle, a

⁴⁷⁰ For some comparative readings of Foucault and Arendt, see Lubica Ucnik, "Ethics, Politics and the Transformative Possibilities of the Self in Hannah Arendt and Michel Foucault," *Philosophy and Social Criticism*, 44 no.2 (2018): 200–225; Frederick M. Dolan, "The paradoxical liberty of bio-power Hannah Arendt and Michel Foucault on modern politics," *Philosophy and Social Criticism* 31, no.3 (2005): 369–380 and Amy Allen, "Subjectivity, and Agency: Between Arendt and Foucault."

⁴⁷¹ See also Arendt, *On Violence*.

⁴⁷² Arendt, *The Human Condition*, 50-58.

⁴⁷³ Arendt openly attacks the Hellenistic schools and their illusions of individual sovereignty: "In other words, the issue here is not strength or weakness in the sense of self-sufficiency. In polytheist systems, for instance, even a god, no matter how powerful, cannot be sovereign; only under the assumption of one god ("One is one and all alone and evermore shall be so") can sovereignty and freedom be the same. Under all other circumstances, sovereignty is possible only in imagination, paid for by the price of reality. Just as Epicureanism rests on the illusion of happiness when one is roasted alive in the Phaleric Bull, Stoicism rests on the illusion of freedom when one is enslaved. Both illusions testify to the psychological power of imagination, but this power can exert itself only as long as the reality of the world and the living, where one is and appears to be either happy or unhappy, either free or slave, are eliminated to such an extent that they are not even admitted as spectators to the spectacle of self-delusion," Arendt, *The Human Condition*, 235.

⁴⁷⁴ Aristotle, "Politics," I.

man of the *agora* and politician, like Pericles, is the *phronimos* (wise man), whose wisdom is both practical and political.⁴⁷⁵ The Cynics instead are the men of the street, challenging the habits and the conventions shared by the majority of citizens. They consider the *polis* to be a place of corruption and decadence, against which they appeal to human nature and instincts.

In this final section, I would like to put Arendt and Foucault into dialogue. As mentioned, the dialogue between these two thinkers is possible and can be fruitful since they share a relational idea and creative understanding of power. Nonetheless, Arendt can provide us with a positive account of citizenship that the Foucauldian politics of the care of the self does not offer. One might question, however, why Arendt amongst all possible political theorists engaging with the idea of citizenship? What is unique about her reflection to justify this choice? In other words, what can be gained through expanding this analysis and including Arendt? As briefly mentioned in the introduction, an examination of Arendt's account on citizenship is important for two reasons. First, for Arendt active citizenship (as creative capacity) co-exists with its juridical connotation (citizenship as meta-right.). On one hand, citizenship is a juridical status or right to have right that entitles individuals to claim all the other rights (e.g. civil or social) and to be recognised as political actors. On the other, citizenship is also the work of creation of the communal space of appearance. Citizenship requires individuals' active commitment. So, the first advantage of Arendt's account lies in the way she successfully combines the idea of citizenship as active political participation (e.g. creation of the space of appearance) with a juridical definition (e.g. meta-right). The second reason of interest I address lies more specifically in her understanding of active citizenship as conflictual. Active citizenship can result in the contestation or critique of a constitution, and in the creation of a new one. In this way, Arendt problematizes an aspect overlooked in Foucault, namely how the political game (active citizenship) shapes the institutional level and the juridical definition of citizenship.

I will now examine Arendt's idea of performativity in relation to political participation. Specifically, I refer to two texts, *The Origins of Totalitarianism*, and *The Human Condition*. As we shall see, they develop two distinct but complementary views on citizenship. If in *The Origins of Totalitarianism* Arendt stresses the juridical definition of citizenship, overlapping with the membership to a national community, in *The Human Condition* she focuses on the practices of citizenship, which means on the acts that substantiates political participation. In

⁴⁷⁵ See Aristotle's position on Pericles, "Nicomachean Ethics," in *The Complete Works of Aristotle, the Revised Oxford Translation*, VI, 1140a - 1140b.

this sense, *The Origins of Totalitarianism*, I will claim, documents a specific historical experience which can warn us about the limits and the consequences of a nationalistic reduction of political participation.

6.4.1. The limits of the nation-state based citizenship and the *vita activa*

Unlike Foucault, Arendt develops a more articulated and clear theory of citizenship. The most commonly referred to aspect of her theory is its identification of the membership of a political community with the right to have rights.⁴⁷⁶ What fascinates scholars (e.g. Butler or Agamben) in Arendt's position is the emphasis she puts on the limits of the human rights regime in the nation-state system. The key place to understand her critique is in Chapter 9 of *The Origins of Totalitarianism: The Decline of the Nation-State and the End of the Rights of Man*. Here, Arendt successfully problematizes the paradox of allegedly universalistic and inalienable rights that ultimately are enjoyed only by those who are citizens. Individuals deprived of their citizenship, for example those who are stateless and/or refugees, are also deprived of their rights *qua* human, which means human rights.⁴⁷⁷ Precisely when they are "human and nothing but human"⁴⁷⁸ and they lack a legal status, they also lack the protection of the human rights regime. Being stateless equals being rightless and outside of the bounds of law. The equivalence between statelessness and rightlessness leads Arendt to define the right to citizenship as a meta-right, that is: a right to have rights. The membership of a political community constitutes the right that grants all other rights, e.g. civil, political or social rights.

This definition of citizenship as the right to have rights has now become a pivotal conceptual tool to account for contemporary phenomena such as statelessness, migration or a state of emergency.⁴⁷⁹ Specifically, the strength of Arendt's account lies in the way she displays the consequences of the deprivation of citizenship. Outside of the regime of rights enforced by a sovereign state, she argues, there is only bare life, deprived of any legal status and protection. Moving from this premise, scholars have studied the ways by which contemporary power configurations have disseminated a condition of rights deprivation and created a suspension of the legal order (e.g. the camp for Agamben or detention centre for Butler). Arendt's work on

⁴⁷⁶ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, 1973), 296-298.

⁴⁷⁷ Arendt, *The Origins of Totalitarianism*, 297.

⁴⁷⁸ For this reason, she claims that it is preferable to be a criminal than a stateless person, "as an offender against the law can he gain protection from it," Arendt, *The Origins of Totalitarianism*, 286.

⁴⁷⁹ See, for example, Ayten Gündoğdu, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants* (New York: Oxford University Press, 2015).

statelessness and her suspicions about a cosmopolitan politics are thus seminal for a very prolific strand in contemporary political theory because of its capacity to conceptualise the implications of the exclusion from the realm of rights in a state-centred political model.

What does Arendt's argument tell us about citizenship? Arendt draws her conclusions about the paradox of human rights by posing a strong link between citizenship and nationality. The deprivation of nationality entails the deprivation of citizenship, where citizenship is the *condition sine qua non* for being recognised as a political actor: "denationalization became a powerful weapon of totalitarian politics."⁴⁸⁰ In short, Arendt's argument is the following: nationhood is the premise of citizenship, which is in its turn the premise of political participation. It is crucial, however, to remark that for Arendt statelessness and the lack of political participation do not simply imply disenfranchisement or loss of positive rights. There is something more fundamental of which displaced people are deprived. It is the right to act politically, which is conceived as a potentiality or capacity to be included amongst political actors. Arendt's concern, therefore, is not (simply) the suspension of a juridical state, but the deprivation of a creative capacity. What is at stake in the analysis of the origins of totalitarian forms of power is the closure of a political space that is always dynamically re-defined. This clarification is fundamental since it unpacks the second level of citizenship present in Arendt's work and it shows that, even though this first line of reception of Arendt's work on citizenship is legitimate, it is also limited. By focusing on exclusion from the juridical sphere, this contemporary strand overlooks Arendt's emphasis on political agency and on the performative nature of citizenship. Again, citizenship is a political status which distinguishes those who are recognised as political actors from those who are not, those who have political rights from those who have not (e.g. displaced people). But, alongside the meta-level as right to have rights, Arendt also offers a parallel view of citizenship. Citizenship is not only a juridical status. It is also an exercise of freedom: "The *raison d'être* of politics is freedom, and its field of experience is action."⁴⁸¹

The fundamental source to investigate politics as a practice of freedom is *The Human Condition*. Here, Arendt goes back to the Athenian democratic institutions to explain what she calls the *vita activa*. She defines political participation as a form of agency deployed in the political realm through action and speech. These human capacities are the hallmark of the *bios politikos*, which coincides with the capacity to collectively deliberate. This collective

⁴⁸⁰ Arendt, *The Origins of Totalitarianism*, 269.

⁴⁸¹ Hannah Arendt, *Between Past and Future* (New York: Penguin Books, 2007), 146.

deliberation then takes place in the *polis*, regarded as the stage of individuals' *agon* through words and persuasion.⁴⁸² For Arendt, however, the *polis* is not a physical or geographical entity. It is a communal space of appearance that is created by individuals' engagement with each other:

The *polis*, properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be. "Wherever you go, you will be a polis": these famous words became not merely the watchword of Greek colonization, they expressed the conviction that action and speech create a space between the participants which can find its proper location almost any time and anywhere.⁴⁸³

The *polis* does not pre-exist in the political community that creates it. The political action overlaps with the creation of this space.

We can now illuminate Arendt's critique of the human rights regime that is embedded in a nation-state political model through the lens of *vita activa*. What above all concerns Arendt in the process of denationalisation is the individual's deprivation of their creative capacity to produce this communal space by acting together and for acting together. It is the vanishing of the *polis* as space of appearance: "This space does not always exist (...) To be deprived of it means to be deprived of reality, which, humanly and politically speaking, is the same as appearance."⁴⁸⁴ The revocation or deprivation of the positive rights granted by citizenship is relevant insofar as it denies individuals the potential of bringing into existence the space of appearance. Without *polis*, there is no political community: "What first undermines and then kills political communities is loss of power and final impotence; and power cannot be stored up and kept in reserve for emergencies, like the instruments of violence, but exists only in its actualization."⁴⁸⁵ So, power as creative capacity is a potentiality that nonetheless exists only in its actualization. The inactualisation of this creative capacity thus results in individual's depoliticisation. More specifically, as this form of political agency is manifested through

⁴⁸² Arendt "to be political, to live in a *polis*, meant that everything was decided through words and persuasion and not through force and violence," Arendt, *The Human Condition*, 26. Arendt develops the distinction between power and violence also in *On Violence* (New York: Harcourt Publishers, 1970). About Arendt's account on power and violence, see also Richard J. Bernstein, "Hannah Arendt's Reflections on Violence and Power," *Iris* III, no. 5 (2011), 3-30.

⁴⁸³ Arendt, *The Human Condition*, 198.

⁴⁸⁴ Arendt, *The Human Condition*, 199.

⁴⁸⁵ Arendt, *The Human Condition*, 200.

actions and speeches, its loss engenders a form of invisibility and silence. This idea of visibility is then one of the fundamental characteristics of political action for both Foucault and Arendt. Indeed, Arendt defends a correspondence between words and deeds resembling the parrhesiastic speaking and living the truth. For both Foucault and Arendt, political agency requires appearance and visibility. Political action is a public act and a collective engagement. For both, then, this capacity to appear exceeds the juridical sphere that produces it. This is because, as Foucault points out, in speaking of ancient political practices of truth-telling, not all truth utterances are equally acknowledged or have the same outcome. That means that subjects' equal entitlement to speak does not result in the same capacity to exercise this right. Even if positive rights create a space for agents to actualise their creative capacity and appearance, the successful implementation of this capacity depends on the material power dynamics and the struggle in which they are involved.

Before moving to the next section, I would like to sum up the main features of Arendt's theory of citizenship as it emerges in *The Human Condition*. Arendt defines political participation as the form of agency of acting in concert to create a communal space of appearance. Being a member of a political community is not simply a juridical status, it is the engagement with the realm of human affair that creates and shapes that same community. In other words, it is the practical task, which needs to be continuously implemented, of creating the communal space of visibility: "The living essence of the person (...) shows itself in the flux of actions and speech."⁴⁸⁶ According to Arendt, therefore, agents' identity cannot be fixed nor solidified, as it is the process of acting and speaking in the public realm.⁴⁸⁷ As we will see in the following section, this element of performativity and creativity in Arendt's account of subjectivity contradicts her alleged essentialism. An anti-essentialist approach has then some consequences for the understanding of jurisprudence and of the category of citizenship.

6.4.2. Arendt's anti-essentialist politics

⁴⁸⁶ Arendt, *The Human Condition*, 181.

⁴⁸⁷ "In acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world, while their physical identities appear without any activity of their own in the unique shape of the body and sound of the voice," Arendt, *The Human Condition*, 179.

Arendt's conception of citizenship as performativity has been overshadowed by her supposedly essentialist view of political identity.⁴⁸⁸ The misinterpretation of her account of identity has been grounded in some of her public statements, which misleadingly seem to reinforce a sort of essentialism: "being awarded the Lessing Prize by the city of Hamburg, she accepted explicitly as a Jew."⁴⁸⁹ Rather than confirming an essentialist political account, Arendt's open acknowledgement of her Jewish identity is instead a gesture precisely to reject any form of identity politics. Indeed, in her view the acknowledgement of a politically constructed identity is necessary to subvert or change the political configuration that has created it:

Understanding identity as a political fact means recognizing the ways in which relations of power, institutions, and historical circumstances give meaning to identity categories that condition the possibilities of speaking and acting in public. When the fact of being differently positioned and conditioned by identity is acknowledged, rather than obscured, then the space of politics is created and it becomes possible to act and think differently. (...) Acknowledging the fact of her [Arendt's] identity is, then, part of a practice of "resisting the world as it was"⁴⁹⁰

By accepting the Lessing Prize as a Jew, Arendt is not re-affirming and protecting her Jewish identity. Instead, she is exposing a specific power configuration and its dominant discourse. This process of uncovering political identities is crucial as it re-opens the space for political action. Any form of essentialism or identity politics would instead close the space of politics, which is created and maintained by a shared generative and creative capacity: "From Arendt's perspective, a political community that constitutes itself on the basis of a prior, shared, and stable identity threatens to close the spaces of politics, to homogenise or repress the plurality and multiplicity that political action postulates."⁴⁹¹

I would like now to apply this anti-identity politics view to re-interpret Arendt's analysis in *The Origins of Totalitarianism*. Through these anti-essentialist lens, her critique of the dependence of the human rights regime on the national level is not a call for a renewed nationalism, nor is it a form of political scepticism. It is, in a Foucauldian way, a form of (necessary) critique that investigates the relationships of power that led to totalitarian states

⁴⁸⁸ Against this reading of Arendt as a supporter of identity politics, see Bonnie Honig, "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity," in *Feminists Theorize the Political*, ed. by Judith Butler and Joan W. Scott (New York: Routledge, 1992), 215-235.

⁴⁸⁹ Karen Zivi, *Making Rights Claims: A Practice of Democratic Citizenship* (Oxford: Oxford University Press, 2011), 84.

⁴⁹⁰ Zivi, *Making Rights Claims*, 85.

⁴⁹¹ Honig, "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity," 149.

and the problem of stateless people being deprived of political agency. And, in a Foucauldian way, her investigation leaves room to a strategic use of rights claims once they are de-naturalised. Contrary to Giorgio Agamben's appraisal of the crisis of human rights discourse in the nation-state framework, Arendt's analysis of the abstractness "of the man of the Rights of Man"⁴⁹² is not paralysing and does not reject human rights *tout court*.

The specificity of Arendt's account on rights emerges more clearly through a comparative approach with other scholars she is traditionally associated with: Agamben and Edmund Burke. Burke, Arendt and Agamben indeed develop some of the most radical critiques of the rights of men regime. Their critiques are rooted in the same problem, namely the state's role in the enforcement of rights. Agamben in fact appropriates Arendt's position, and, like Jacques Rancière, reads it in light of Edmund Burke's conservatism. Nonetheless, Agamben and Rancière disregard an important difference between Arendt and Burke. Even if it is true that Arendt references Burke's critique in her text *The Origins of Totalitarianism*, she does so with a different goal in mind from Burke. In his pamphlet, *Reflections on the Revolution in France*, Burke argues that the "deceitful dreams and visions of the equality and rights of men"⁴⁹³ are doomed to failure. In his view, the failure of the egalitarian dreams is due to revolutionaries' blindness regarding the reality of power relationship. What revolutionaries have overlooked is that the state is the real bearer of rights and duties. For this reason, Burke provocatively affirms that he prefers the rights of Englishmen to human rights. Englishmen indeed enjoy great liberties, he argues, which are granted by the English constitutional documents (from Magna Carta to the Petition of Right). Membership of the English nation is thus more valuable than the appeal to human nature:

In the famous law of the 3rd of Charles I, called the Petition of Right, the parliament says to the king, "Your subjects have inherited this freedom," claiming their franchises not on abstract principles "as the rights of men," but as the rights of Englishmen, and as a patrimony derived from their forefathers.⁴⁹⁴

As Burke did, Arendt criticises the abstractness of human rights. Contrary to Burke's attack on the revolution, however, Arendt does not believe that the solution should be sought in the

⁴⁹² Jacques Rancière, "Who Is the Subject of the Rights of Man?" *South Atlantic Quarterly* 103, no. 2–3 (2004), 298.

⁴⁹³ Edmund Burke, *Reflections on the Revolution in France* (London: Yale University Press, 2003), 166.

⁴⁹⁴ Burke, *Reflections on the Revolution in France*, 28.

amendment or improvement of the nation-state system.⁴⁹⁵ Arendt does not prefer “the rights of an Englishman to the Rights of Man,” as Burke did.⁴⁹⁶ The groundlessness of human rights does not disqualify their validity. The potential Arendt still sees in human rights discourse marks the difference between not only her work and those of Burke, but also between her work and Agamben’s appropriation of her critique.

As known, Arendt’s inquiry in *The Origins of Totalitarianism* provides Agamben with some historical examples to theorise the consequences of a link between sovereignty and biopolitics. Following Arendt, Agamben agrees that being a citizen is the requirement to enjoy the rights of man, taking a step further by emphasizing the violent suspensive capacity of sovereign power to produce rightless bodies. Indeed, Agamben radicalises Arendt’s stance. While the latter’s critique calls “for rethinking, and not abandonment, of human rights,”⁴⁹⁷ Agamben’s view of sovereignty leaves no room for a constructive reappropriation of rights, nor for a redefinition of citizenship. It focuses only on the negative dimension of rights, and the normalisation of exception.⁴⁹⁸ The normalisation and institutionalisation of the state of exception is then epitomised in the camp, which becomes the new biopolitical paradigm.⁴⁹⁹ Sovereign power creates and encompasses the life it excludes with the suspension of law. This understanding of sovereignty as inclusive and exclusive allows Agamben to single out the refugee as the only “thinkable figure for the people of our time and the only category in which one may see today (...) the forms and the limits of a coming political community.”⁵⁰⁰

We can therefore distinguish three critical positions about the link between the human rights discourse and citizenship. Burke deems the French revolution and its universalistic promises of freedom and equality as a symptom of the European crisis. By embracing a sort of political realism, he supports the maintenance of the status quo, which if at all should be improved. National rights represent the highest safeguard for an individual and as such they should be strengthened as much as possible. Agamben’s view is then the opposite, as he completely dismisses the rights discourse and rejects the authority of the nation-state. If Burke’s position leads to a form of conservatism, the weakness of Agamben’s account instead

⁴⁹⁵ Burke’s anti-revolutionary position indeed is based on the belief that constitutional systems have the capacity to transform and reform.

⁴⁹⁶ Arendt, *The Origins of Totalitarianism*, 70.

⁴⁹⁷ Ayten Gündoğdu, “Potentialities of human rights: Agamben and the narrative of fated necessity,” *Contemporary Political Theory* 11, no. 1 (2012), 8.

⁴⁹⁸ Agamben, *Means Without Ends*, 15-35.

⁴⁹⁹ About the camp as the paradigm of the political space of modernity see Agamben, *Homo Sacer*, 72-73 and 96-99.

⁵⁰⁰ Agamben, *Means Without Ends*, 16.

lies in his de-juridification and de-institutionalisation of power. In doing so, he closes the opportunity for a positive form of political agency. Agamben's messianic path then betrays the optimism proclaimed through his philosophy of possibility. His reconstruction of the Western history in fact alludes to a fated necessity, contradicting his "efforts to rethink potentiality"⁵⁰¹ and history as contingent. More interesting, instead, is the openness of Arendt's position, which shares some points with the Foucauldian view. Her critique of human rights aporia and of a nation-centred view of citizenship does not close the possibility of political participation, nor renounces it to a transformative attitude. Quite the opposite, she urges us to move beyond the stalemate engendered by the reduction of political participation to a legalistic view of citizenship. And this is possible because, contrary to a more consensualist interpretation, Arendt's idea of active citizenship presents a conflictual and agonistic dimension.

The following section will thus further refine our understanding of the conflictual dimension of Arendt's conception of citizenship by expanding two features: the reversal of the interplay between formal and active citizenship, and the correspondence between words and deeds. I will claim that the space of appearance, as action in concert, in Arendt's view produces the politics of rights. Finally, I will linger on the Arendtian emphasis on the continuity between action and speech. As I will argue, individuals disclose themselves in their actions and speeches. Arendt's idea of disclosure is important as it will shed some light on the potentially dangerous nature of political action and boundary-making process.

6.5. The risks of political action as boundary-making

The point of departure of this final section is again Arendt's idea of political participation, revolving around the *polis* as a space of appearance: "Where I appear to others as others appear to me, where men exist not merely like other living or inanimate things, but to make their appearance explicitly."⁵⁰² This space of appearance, however, does not pre-exist political action. It coincides with the generative and creative power of actions:

The space of appearance comes into being wherever men are together in the manner of speech and action, and therefore *predates and precedes all formal constitution of the public realm and the various forms of government, that is, the various forms in which the public realm can be organized* [my emphasis]. Its peculiarity is that, unlike the spaces which are the work of our hands, it does not survive the actuality of the movement which brought it into being,

⁵⁰¹ Gündoğdu, "Potentialities of human rights: Agamben and the narrative of fated necessity," 15.

⁵⁰² Arendt, *The Human Condition*, 198-199.

but disappears not only with the dispersal of men—as in the case of great catastrophes when the body politic of a people is destroyed—but with the disappearance or arrest of the activities themselves.⁵⁰³

Political institutions and their positive rights result from the creation of the common space of appearance through agents' words and actions. Citizenship as formal and juridical status consolidates and legalises some practices of political participation. Positive rights and legislations are thus conditional upon the space of appearance that creates them. They do not exist independently of it, as if they had an ontological or natural foundation. The various forms of government find their legitimation in the space of appearance they reflect. They are a temporary institutionalisation of some practices. In this way, the relationship between the so-called politics of rights and political agency is here somehow reversed. What Arendt shows is that the legal framework not only is substantiated, but also created by the “living together of people.”⁵⁰⁴ Arendt's famous interpretation of the American Declaration of Independence⁵⁰⁵ epitomises this dialectic; something that did not exist before is brought into existence by the declaration. The American declaration is a founding act which sets a new constitutional apparatus and legally legitimises a new political space. Paraphrasing Bonnie Honig, the declaration is an example of how political agency is bounded, but at the same time boundary-making.⁵⁰⁶

Another remark about the space of appearance and visibility should be made. The space of appearance is the result of individuals' creativity expressed by their actions and speeches. These two spheres, actions and speeches are not separable:

Power is actualized only where word and deed have not parted company, where words are not empty and deeds not brutal, where words are not used to veil intentions but to disclose realities, and deeds are not used to violate and destroy but to establish relations and create new realities.⁵⁰⁷

⁵⁰³ Arendt, *The Human Condition*, 199.

⁵⁰⁴ Arendt, *The Human Condition*, 201.

⁵⁰⁵ Hannah Arendt, *On Revolution* (London: Penguin Books, 1963).

⁵⁰⁶ I am drawing here on Bonnie Honig, “The Politics of Agonism: A Critical Response to “Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action” by Dana R. Villa,” *Political Theory* 21, no. 3 (1993), 529.

⁵⁰⁷ Arendt, *The Human Condition*, 200.

The political actor has to be at the same time a doer and a speaker.⁵⁰⁸ Arendt's emphasis on the continuity between words and deeds echoes Foucault's reflection on *parrhesia*, not only because in both cases actions and speeches have a creative and transformative potential but also because both Arendt and Foucault conceive this "disclosure of the agent in the act"⁵⁰⁹ as a potentially dangerous action that the agent has to nonetheless undertake. As we have seen in Chapter 4, this element of danger is clearly present in the provoking and mocking attitude of the parrhesiast, who openly challenges the habits and customs of the *polis*. The risk of political participation is instead usually less emphasised in Arendt's idea of acting in concert. The latter is often simplistically reduced to the idea of safe dialogical consensualism, according to which political activity is a form of communicative rationality. The political realm would be the stage of communication, agreement and coordination between rational actors who are symmetrically and equally positioned.⁵¹⁰ In this view, politics would not give room to any conflict or disagreement, as if knowledge and intersubjective rationality were neutral and immune to power relationships. Nevertheless, as Arendt points out, the act of full disclosure is not always recognised and accepted by other actors, contrary to what the theory of communicative action suggests: "Although nobody knows whom he reveals when he discloses himself in deed or word, he must be willing to risk the disclosure."⁵¹¹

Political action brings in itself an element of risk due to the uncertainty of recognition. Agents' actions and speeches might not be acknowledged or accepted. This element of risk then sheds some light on the conflictual dimension of Arendt's theory of citizenship. By taking the risk of speaking and acting in public, even without being recognised as a speaker or doer, agents challenge the existing order. Honig has introduced the notion of agonism to clarify this contestational element in Arendt's theory of action.⁵¹² In Honig's reading, the agonistic attitude destabilises and challenges social norms and laws.⁵¹³ Taking a step further, agonism has an affirmative dimension which treats "rights and law as a part of political contest rather than as the instruments of its closure," and that keep alive the "struggle of identity and difference,

⁵⁰⁸ "Speechless action would no longer be action because there would no longer be an actor, and the actor, the doer of deeds, is possible only if he is at the same time the speaker of word," Arendt, *The Human Condition*, 178-179.

⁵⁰⁹ Arendt, *The Human Condition*, 180.

⁵¹⁰ About the idea of communicative action, see Jürgen Habermas, *The Theory of Communicative Action: I. Reason and the Rationalization of Society*, trans. by Thomas McCarthy (Boston: Beacon Press, 1984).

⁵¹¹ Arendt, *The Human Condition*, 180.

⁵¹² Bonnie Honig, "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity."

⁵¹³ Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca, N.Y.: Cornell University Press, 2016), 241, footnote 130.

resistance and closure.”⁵¹⁴ The agonistic attitude, therefore, challenges and questions the existing political order to open up new spaces for participation. It is important to stress, however, that the emergence of agonism does not completely rule out the discursive and consensualist side. Political action, for Arendt, aims also at establishing consensus and agreement between agents through common deliberation. As Honig puts it, agonism and consensualism “represent not two distinct options but two impulses of political life.”⁵¹⁵ They are both necessary political practices in a democratic setting.

What is crucial for our analysis on the reconceptualisation of citizenship is that Arendt’s theory of action, as Foucault’s politics of self-government, shows how active and formal citizenship co-exists. Nonetheless, Arendt advances our investigation as she further problematizes the interplay between active and formal citizenship. She shows, more clearly than Foucault’s politics of self-government, how the performative and conflictual nature of political participation aims to be boundary-making. In Arendt’s theory of citizenship, the collective creation of a political community, additionally to the space of appearance, also brings about the establishment of positive rights.

6.6. Conclusion

This chapter has attempted to deploy the Foucauldian idea of self-government to problematize the contemporary liberal definition of ‘citizenship’. Given the centrality of the juridical paradigm in the contemporary governmental framework, I argue that we should critically engage with the notion of citizenship, which still plays a crucial role within it. Specifically, I situated Foucault’s work in the current debate in citizenship studies about the definition of citizenship as a formal/legal status held under the authority of a state. The equation citizenship and nationhood is indeed a historical and contingent formulation, which scholars are now questioning.

The first section of this chapter has investigated the transversal presence of citizenship in Foucault’s works. On one hand, Foucault (rarely) mentions citizenship as one of the correlative terms constituting the sovereign paradigm. It belongs to the political vocabulary and theory we should abandon or, at least, re-situate within a governmental framework. On the other, he points out that citizenship, conceived of as a legal recognition to be a member of a political community, is the condition of possibility for political participation. In analysing the

⁵¹⁴ Honig, *Political Theory and the Displacement of Politics*, 15-16.

⁵¹⁵ Honig, *Political Theory and the Displacement of Politics*, 14.

interplay between *dunasteia* and *politeia* in the Athenian democratic system, Foucault puts emphasis on the circularity between the juridical/institutional level and the political game itself. The latter can modify the juridical or formal definition of citizenship. Nonetheless, he does not provide us with tools to reconceptualise positively how the political game can shape or influence the institutional level. The section of this chapter thus follows this Foucauldian intuition in order to go beyond Foucault. It overcomes the limits of Foucault's view that, by focusing on Arendt's theory of citizenship, as developed in *The Origins of Totalitarianism* and *The Human Condition*.

Through a brief excursus in Arendt's texts, I showed that her account of citizenship conceives the juridical status as being indispensable (e.g. *The Origins of Totalitarianism*), but does not hold it as the predominant dimension of political participation. Citizenship as the right to have rights does not exhaust the complexity of this notion. For Arendt, politics pertains more broadly agents' engagement with their community and collectivity through actions and speeches. Agents continuously create and redefine the communal space of appearance (*The Human Condition*). Political participation is the task of acting in concert to create a space of visibility, which does not pre-exist but co-exists with political action (e.g. the *polis*). Given its creative and agonistic essence, then, this task can be disruptive of commonly accepted social norms, when the latter closes the political space. Being a citizen is a formal and legal condition, but above all is a practice and a form of *vita activa* the institutionalisation of which is never definitive nor fixed. At the heart of Arendt's theory of citizenship, there is the idea of creative and collective practices of freedom, which result in the establishment of political institutions and positive rights. Borrowing the late Foucauldian vocabulary, citizenship requires individuals' participation in practices of collective self-transformation.

The aim of this chapter therefore was to use Foucault's politics of self-government to intervene in and contribute to the current debate about the reconceptualisation of citizenship, which I have suggested still articulates our political experience. I have claimed that Foucault's politics of self-government uncovers a practical and lived dimension of citizenship, which exceeds the formal or juridical definition. I have then combined Foucault's account with Arendt's theory of citizenship. I have argued that the emphasis which Arendt puts on the performative and agonistic essence of political action allows us to advance further in the problematization of the circularity between formal and active citizenship. More clearly than what Foucault's politics of self-government does, Arendt's theory of citizenship conceptualises positively how active citizenship challenges, produces and modifies at the juridical and institutional level.

Conclusion

In this thesis, I investigated how Foucault has developed a politics of self-government in his works on power and ethics. This is not to say that Foucault fully articulated a theory or model of the politics of self-care, rather that his reflections offer us the conceptual instruments to problematize the political dimension of the ethical practices of self-care. In the introduction, I posed the following questions about the politics of the care of the self: firstly, is there a politics of the care of the self in Foucault's work? Secondly, if so, what are its conditions of possibility and limits? Thirdly, what is the relation between the care of the self and the juridical sphere? I have answered these questions by showing in my first chapter that Foucault contextualises the ethical practices of the care of the self, conceived as a form of agency, within the political framework of governmentality, conceived as an action upon actions. Furthermore, I showed that the physicality of power relationships is one of the cornerstones of the politics of self-government. Governmentality, as we saw in Chapters 2 and 3, identifies the government of bodies as the main site of political struggles. The politics of self-government revolves around the modalities in which bodies are fashioned, disciplined or, put simply, governed.

Considered from this perspective, we saw how, for Foucault, the practices of self-government are forms of voluntary servitude (or governmental technologies), as well as forms of voluntary inservitude (or resistance). I explored the first meaning in relation to disciplinary power and security. In Chapters 2 and 3, I showed how, from a Foucauldian perspective, individuals' self-disciplinarisation and self-optimisation are forms of self-fashioning. I then analysed the second meaning through an excursus on the Cynic and tragic *parrhesiastic* practices. In Chapter 4, I showed how Foucault conceives some practices of self-fashioning as forms of resistance and critique of the existing political order. Even though, for the sake of clarity, I introduced these two meanings of self-care separately, this thesis has stressed that they are in constant negotiation. As discussed in Chapter 2, resistance, in Foucauldian terms, is never resistance to power from an external position. Instead, it is the creative and critical engagement with those power mechanisms that shape our subjectivities.

In this sense, this thesis not only claims that individuals' self-fashioning is a political act, it also significantly advances our understanding of Foucault's conception of the care of the self. Despite being introduced specifically in reference to the ancient practices of self-fashioning (*epimeleia heautou*), the thesis established how the care of the self is also present

in Foucault's analytics of power; power mechanisms, as we saw, always require individuals' active participation to function (e.g. orthopaedy). In this way, I showed that contemporary scholarship has failed to recognise the polysemy of the care of the self. Instead of being limited to his works on ethics and antiquity, self-fashioning is a widespread and polymorphous presence also in Foucault's analytics of power.

In this research, I also argued that the politics of the care of the self cannot be disarticulated from a politics of rights, as it is proved by the dialectic between *parrhesia* and citizenship, explored in Chapters 4 and 6. If it is true that political struggles pass through the government of bodies, it is also true that rights are means of government and conduct. But, at the same time, as noted in Chapter 5, they are means to claim new forms of conduct and ways of living (e.g. new relational rights). For this reason, I claimed that, by drawing on Foucault's politics of self-government, we can identify and develop a strategic conception of rights. By showing the relevance of rights and of the juridical discourse in the governmental framework, the thesis remedied a significant oversight in Foucauldian scholarship. Contemporary scholarship has overlooked or minimised the importance of law, which remains a grammar that articulates power relations. Foucault has often, wrongly, been depicted as an anti-judicial thinker. However, Foucault himself recognised that the sovereign or juridical paradigm survives the emergence of new technologies of governmentality. As articulated in Chapter 5, the governmentalisation of the state entails the transformation, not the disappearance, of the state's institutions.

In relation to the notion of self-government, then, this emphasis on the renewed importance of the juridical paradigm suggests that we should situate the idea of the care of the self at the intersection of ethics, politics and law (the juridical). The politics of the care of the self intertwines with the politics of rights. Nonetheless, it is important to bear in mind that the modalities of their intersections change and adapt according to the specific relations of power. Indeed, as discussed, Foucault does not provide us with a perfect model or theory of the politics of the care of the self that we can indiscriminately apply to interpret our present. Instead, he offers us a critical approach to think and problematize the practices of self-fashioning. This approach, then, needs to be contextualised. The political ambivalence of rights is paradigmatic in this sense. Whether rights function as disciplinary mechanisms or emancipatory instruments is dependent on the specific context in which they are deployed.

Finally, in the concluding chapter, I have applied the investigation of the politics of self-government to the re-definition of one juridical notion: citizenship. Can this reconstructed conception of Foucault's politics of care of the self provide new insight into the lived or

practical dimensions of citizenship? I argued that Foucault's interpretation of philosophy as a genealogy of the present urges us to engage with citizenship as a notion that plays a crucial role in the contemporary political setting. At the same time, I showed the limit of this critical interpretation of citizenship based on Foucault's politics of self-government: it lacks a positive account of the co-existence of formal and active citizenship. To amend this limit, I have turned to Hannah Arendt's theory of citizenship. Arendt's account of citizenship offers a more compelling interpretation of what active citizenship entails, and how it interacts with formal citizenship. In the final part of Chapter 6, I showed that, in her reflection, citizenship as a formal meta-right co-exists with citizenship as *vita activa*. In this way, I have argued that Arendt's theory of active citizenship helps us elaborate more fully the interconnection between the politics of the care of the self and the politics of rights.

To account for the political dimension of self-care in Foucault's work, this thesis has covered a range of thinkers. For example, I engaged with Foucault's philosophical debt to Nietzsche's genealogy and Kant's critical *ethos*. I also put Foucault's understanding of power into dialogue with the theories of social contract, viz. Hobbes and Locke. And I drew on ancient philosophy, especially Plato and Aristotle, to highlight some innovations in Foucault's reflection. Nonetheless, I necessarily excluded some thinkers that are definitely influential for Foucault and/or for understanding Foucault. Regarding the transformation of the state and the critique of rights, as pointed out in Chapter 5, I decided *not* to further explore the dialogue between Marx and/or the Marxist tradition and Foucault, as this could be a project in and of itself.⁵¹⁶ Given the topic of this research, some might also be surprised by the absence of a more detailed account of some Hellenistic schools, such as the Stoic or the Epicurean ones, which are usually considered as the most representative examples of Foucault's interest in the ancient technologies of the self. However, I focused specifically on Foucault's reflections on the Cynic and the tragic *parrhesia* because they illuminate his politics of self-government. As we saw, Foucault's lectures on *parrhesia* show how he conceived the political dimension of ancient self-care in relation and in contrast to the *polis*.

There are also a range of topics which would be interesting to develop further in future projects. For example, the investigation of the politics of self-government has raised some questions about the strategic use of rights, for which I have offered an examination limited to its relevance for the scope of this research. In the context of a defence of rights in a

⁵¹⁶ See, for example, Antonio Negri in *Marx and Foucault* (Cambridge: Polity, 2017) and by Jacques Bidet in *Foucault with Marx* (London: Zed Books, 2016).

governmental framework, I have mentioned the so-called left critique of rights. In 2002 Wendy Brown and Janet Helly edited a seminal collection of essays, *Left Legalism/Left Critique*, which established the debate about the strategic deployment of rights. Ben Golder's *Foucault and Politics of Rights* then contributed to this debate by inserting Foucault into it and offering an original interpretation of his ambivalent position towards rights. Nonetheless, I believe that the research on this topic is far from complete. A Foucauldian understanding of the emancipatory potential of rights definitely deserves further elaboration, and ought to be expanded on in the future. It would be worth studying, for example, what role rights might play in resisting or re-negotiating some norms, as it has recently been the case with legal demands of workers employed in the emerging gig-economy.

The problem of collective action is, then, another potential line of research which has not been yet fully explored in the Foucauldian scholarship. As such, it would be worth seeing whether the politics of self-government could open a further investigation of collective resistance. Foucault's reflection on power and ethics seems to gloss over, if not distrust, the collective dimension of the practices of resistance. In a way, it is true that Foucault never articulates the idea of collective action and that he conceives resistance mainly as an individual experience and task. For these reasons, feminist theorists accuse Foucault of failing to consider collective practices or promote any organised or revolutionary struggle. Nonetheless, I argue Foucault hints at some collective action or resistance when he speaks of 'rights' claims in relation to the creation of new forms of relations or ways of life. As Golder maintains, these rights demands are "claimed in the name of, and exercised in and by different kinds of collectives."⁵¹⁷ To rethink collective action, the dialogue with Arendt could be extremely fruitful and inspiring, as Amy Allen suggests.⁵¹⁸ In her theory of action, as seen in the last chapter, *vita activa* is a form of acting together in concert.

Finally, the reconceptualisation of the notion of citizenship would be a promising and productive future project. As I discussed in Chapter 6, citizenship studies is a growing and heterogeneous strand in political theory. Some interesting research on new ways of thinking citizenship can already be found in Engin F. Isin's work, particularly in his books *Being Political: Genealogies of Citizenship* and *Acts of Citizenship*. Similarly, Linda Bosniak and Matthew J. Gibney attempt to develop anti-essentialist and de-naturalising understanding of citizenship. Equally, Chantal Mouffe contributes to this debate since she calls into question the

⁵¹⁷ Golder, *Foucault and the Politics of Rights*, 14.

⁵¹⁸ Allen, "Power, Subjectivity, and Agency: Between Arendt and Foucault."

identification of political participation with the right to vote, traditionally conceived as the distinctive quality of citizenship in a representative democracy.⁵¹⁹ As the final chapter outlines, Foucault's politics of self-government can help us re-conceptualise political participation by taking into account a lived and practical dimension. From this perspective, a further direction this research could take is an investigation of what is understood by 'active' or 'lived' citizenship. This research, drawing on an interdisciplinary framework that combines a philosophical approach from other disciplines, for example Political Science, Law and Sociology, would focus on those everyday experiences and practices of political participation that do not fit into the equation of formal citizenship and nationhood.

In conclusion, this thesis has demonstrated the different ways in which the ethical work of the self on the self is political. It has done so by rebuilding the developments and transformations of the notion of self-care in Foucault's works. This study has also shows how we can apply the idea of politics of self-government to the contemporary political debate on citizenship. Furthermore, it has prepared the ground for further research in relation to some topics I have explored, for example the problem mentioned above concerning collective action and/or the strategic use of rights.

⁵¹⁹ Chantal Mouffe, *The Return of the Political* (London: Verso, 2006).

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