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1NC CARCERAL ARCHIPELAGO SHELL—DISCIPLINARY POWER

THE AFFIRMATIVE'S FAITH IN THE WELFARE STATE IS A FAITH THAT THE SOCIAL CONTRACT, ONCE ESTABLISHED, IS EXECUTED FAITHFULLY—HOWEVER, THE UNDERSIDE OF THE RIGHT TO BE CARED FOR BY THE STATE IS THE EVERYDAY REALITY OF DISCIPLINARY CONTROLS. THE PLAN WILL BE IMPLEMENTED NOT BY THEIR GOOD INTENTIONS, BUT BY THE POLICE AND PETTY BUREAUCRATS OF SOCIAL CONTROL

FOUCAULT, CHAIR IN THE HISTORY OF SYSTEMS OF THOUGHT AT THE COLLEGE DE FRANCE, **1975** [MICHEL, *DISCIPLINE & PUNISH: THE BIRTH OF THE PRISON*, p. 221-228]

2. The panoptic modality of power -- at the elementary, technical, merely physical level at which it is situated -- is not under the immediate dependence or a direct extension of the great juridico-political structures of a society; it is nonetheless not absolutely independent. Historically, the process by which the bourgeoisie became in the course of the eighteenth century the politically dominant class was masked by the establishment of an explicit, coded and formally egalitarian juridical framework, made possible by the organization of a parliamentary, representative régime. But the development and generalization of disciplinary mechanisms constituted the other, dark side of these processes. 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 although, in a formal way, the representative régime makes it possible, directly or indirectly, with or without relays, for the will of all to form the fundamental authority of sovereignty, the disciplines 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 'Enlightenment', which discovered the liberties, also invented the disciplines.

In appearance, the disciplines constitute nothing more than an infra-law. They seem to extend the general forms defined by law to the infinitesimal level of individual lives; or they appear as methods of training that enable individuals to become integrated into these general demands. They seem to constitute the same type of law on a different scale, thereby making it more meticulous and more indulgent. The disciplines should be regarded as a sort of counter-law. They have the precise role of introducing insuperable asymmetries and excluding reciprocities. First, because discipline creates between individuals a 'private' link, which is a relation of constraints entirely different from contractual obligation; the acceptance of a discipline may be underwritten by contract; the way in which it is imposed, the mechanisms it brings into play, the non-reversible subordination of one group of people by another, the 'surplus' power that is always fixed on the same side, the inequality of position of the different 'partners' in relation to the common regulation, all these distinguish the disciplinary link from the contractual link, and make it possible to distort the contractual link systematically from the moment it has as its content a mechanism of discipline. We know, for example, how many real procedures undermine the legal fiction of the work contract: workshop discipline is not the least important. Moreover, whereas the juridical systems define juridical subjects according to universal norms, the disciplines characterize, classify, specialize; they distribute along a scale, around a norm, hierarchize individuals in relation to one another and, if necessary, disqualify and invalidate. In any case, in the space and during the time in which they exercise their control and bring into play the asymmetries of their power, they effect a suspension of the law that is never total, but is never annulled either. Regular and institutional as it may be, the discipline, in its mechanism, is a 'counterlaw'. And, although the universal juridicism of modern society seems to fix limits on the exercise of power, its universally widespread panopticism enables it to operate, on the underside of the law, a machinery that is
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both immense and minute, which supports, reinforces, multiplies the asymmetry of power and undermines the limits that are traced around the law. The minute disciplines, the panopticism of every day may well be below the level of emergence of the great apparatuses and the great political struggles. But, in the genealogy of modern society, they have been, with the class domination that traverses it, the political counterpart of the juridical norms according to which power was redistributed. Hence, no doubt, the importance that has been given for so long to the small techniques of discipline, to those apparently insignificant tricks that it has invented, and even to those 'sciences' that give it a respectable face; hence the fear of abandoning them if one cannot find any substitute; hence the affirmation that they are at the very foundation of society, and an element in its equilibrium, whereas they are a series of mechanisms for unbalancing power relations definitively and everywhere; hence the persistence in regarding them as the humble, but concrete form of every morality, whereas they are a set of physico-political techniques.

To return to the problem of legal punishments, the prison with all the corrective technology at its disposal is to be resituated at the point where the codified power to punish turns into a disciplinary power to observe; at the point where the universal punishments of the law are applied selectively to certain individuals and always the same ones; at the point where the redefinition of the juridical subject by the penalty becomes a useful training of the criminal; at the point where the law is inverted and passes outside itself, and where the counter-law becomes the effective and institutionalized content of the juridical forms. What generalizes the power to punish, then, is not the universal consciousness of the law in each juridical subject; it is the regular extension, the infinitely minute web of panoptic techniques.

3. Taken one by one, most of these techniques have a long history behind them. But what was new, in the eighteenth century, was that, by being combined and generalized, they attained a level at which the formation of knowledge and the increase of power regularly reinforce one another in a circular process. At this point, the disciplines crossed the 'technological' threshold. First the hospital, then the school, then, later, the workshop were not simply 'reordered' by the disciplines; they became, thanks to them, apparatuses such that any mechanism of objectification could be used in them as an instrument of subjection, and any growth of power could give rise in them to possible branches of knowledge; it was this link, proper to the technological systems, that made possible within the disciplinary element the formation of clinical medicine, psychiatry, child psychology, educational psychology, the rationalization of labour. It is a double process, then: an epistemological 'thaw' through a refinement of power relations; a multiplication of the effects of power through the formation and accumulation of new forms of knowledge.

The extension of the disciplinary methods is inscribed in a broad historical process: the development at about the same time of many other technologies -- agronomical, industrial, economic. But it must be recognized that, compared with the mining industries, the emerging chemical industries or methods of national accountancy, compared with the blast furnaces or the steam engine, panopticism has received little attention. It is regarded as not much more than a the Phalanstery had taken on the form of the Panopticon. And yet this represented the abstract formula of a very real technology, that of individuals. There were many reasons why it received little praise; the most obvious is that the discourses to which it gave rise rarely acquired, except in the academic classifications, the status of sciences; but the real reason is no doubt that the power that it operates and which it augments is a direct, physical power that men exercise upon one another. An inglorious culmination had an origin that could be only grudgingly acknowledged. But it would be unjust to compare the disciplinary techniques with such inventions as the steam engine or Amici's microscope. They are much less; and yet, in a way, they are much more. If a historical equivalent or at least a point of comparison had to be found for them, it would be rather in the 'inquisitorial' technique.

The eighteenth century invented the techniques of discipline and the examination, rather as the Middle Ages invented the judicial investigation. But it did so by quite different means. The investigation procedure, an old fiscal and administrative technique, had developed above all with the reorganization of the Church and the increase of the princely states in the twelfth and thirteenth centuries. At this time it permeated to a very large degree the jurisprudence first of the ecclesiastical courts, then of the lay courts. The investigation as an authoritarian search for a truth observed or attested was thus opposed to the old procedures of the oath, the ordeal, the judicial duel, the judgement of God or even of the transaction between private individuals. The investigation was the sovereign power arrogating to itself the right to establish the truth by a number of regulated techniques. Now, although the investigation has since then been an integral part of western justice (even up to our own day), one must not forget either its political origin, its link with the birth of the states and of monarchical sovereignty, or its later extension and its role in the formation of knowledge. In fact, the investigation has been the no doubt crude, but fundamental element in the constitution of the empirical sciences; it has been the juridico-political matrix of this experimental knowledge, which, as we know, was very rapidly released at the end of the Middle Ages.

It is perhaps true to say that, in Greece, mathematics were born from techniques of measurement; the sciences of nature, in any case, were born, to some extent, at the end of the Middle Ages, from the practices of investigation. The great empirical knowledge that covered the things of the world and transcribed them into the ordering of an indefinite discourse that observes, describes and establishes the 'facts' (at a time when the western world was beginning the economic and political conquest of this same world) had its operating model no doubt in the Inquisition -- that immense invention that our recent mildness has placed in the dark recesses of our memory.

But what this politico-judicial, administrative and criminal, religious and lay, investigation was to the sciences of nature, disciplinary analysis has been to the sciences of man. These sciences, which have so delighted our 'humanity' for over a century, have their technical matrix in the petty, malicious minutiae of the disciplines and their investigations. These investigations are perhaps to psychology, psychiatry, pedagogy, criminology, and so many other strange sciences, what the terrible power of investigation was to the calm knowledge of the animals, the plants or the earth. Another power, another knowledge. On the threshold of the classical age, Bacon, lawyer and statesman, tried to develop a methodology of investigation for the empirical sciences. What Great Observer will produce the methodology of examination for the human sciences? Unless, of course, such a thing is not possible. For, although it is true that, in becoming a technique for the empirical sciences, the investigation has detached itself from the

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inquisitorial procedure, in which it was historically rooted, the examination has remained extremely close to the disciplinary power that shaped it. It has always been and still is an intrinsic element of the disciplines. Of course it seems to have undergone a speculative purification by integrating itself with such sciences as psychology and psychiatry. And, in effect, its appearance in the form of tests, interviews, interrogations and consultations is apparently in order to rectify the mechanisms of discipline: educational psychology is supposed to correct the rigours of the school, just as the medical or psychiatric interview is supposed to rectify the effects of the discipline of work. But we must not be misled; these techniques merely refer individuals from one disciplinary authority to another, and they reproduce, in a concentrated or formalized form, the schema of power-knowledge proper to each discipline (on this subject, cf. Tort). The great investigation that gave rise to the sciences of nature has become detached from its politico-juridical model; the examination, on the other hand, is still caught up in disciplinary technology. In the Middle Ages, the procedure of investigation gradually superseded the old accusatory justice, by a process initiated from above; the disciplinary technique, on the other hand, insidiously and as if from below, has invaded a penal justice that is still, in principle, inquisitorial. All the great movements of extension that characterize modern penality -- the problematization of the criminal behind his crime, the concern with a punishment that is a correction, a therapy, a normalization, the division of the act of judgement between various authorities that are supposed to measure, assess, diagnose, cure, transform individuals -- all this betrays the penetration of the disciplinary examination into the judicial inquisition.

What is now imposed on penal justice as its point of application, its 'useful' object, will no longer be the body of the guilty man set up against the body of the king; nor will it be the juridical subject of an ideal contract; it will be the disciplinary individual. The extreme point of penal justice under the Ancien Régime was the infinite segmentation of the body of the regicide: a manifestation of the strongest power over the body of the greatest criminal, whose total destruction made the crime explode into its truth. The ideal point of penality today would be an indefinite discipline: an interrogation without end, an investigation that would be extended without limit to a meticulous and ever more analytical observation, a judgement that would at the same time be the constitution of a file that was never closed, the calculated leniency of a penalty that would be interlaced with the ruthless curiosity of an examination, a procedure that would be at the same time the permanent measure of a gap in relation to an inaccessible norm and the asymptotic movement that strives to meet in infinity. The public execution was the logical culmination of a procedure governed by the Inquisition. The practice of placing individuals under 'observation' is a natural extension of a justice imbued with disciplinary methods and examination procedures. Is it surprising that the cellular prison, with its regular chronologies, forced labour, its authorities of surveillance and registration, its experts in normality, who continue and multiply the functions of the judge, should have become the modern instrument of penality? Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?

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AND, THE PLAN IS JUST THE MASK UNDERWHICH THE PRISON IS DIFFUSED THROUGHOUT THE SOCIAL BODY—THE EFFECT OF THEIR PLAN IS AN ATTEMPT TO MAKE DOMINATION WEIGHTLESS AND UNLOCATABLE BY MAKING IT MORE MINUTE AND EFFICIENT

FOUCAULT, CHAIR IN THE HISTORY OF SYSTEMS OF THOUGHT AT THE COLLEGE DE FRANCE, 1975 [MICHEL, *DISCIPLINE & PUNISH: THE BIRTH OF THE PRISON*, P. 298-303]

We have seen that, in penal justice, the prison transformed the punitive procedure into a penitentiary technique; the carceral archipelago transported this technique from the penal institution to the entire social body. With several important results.

1. This vast mechanism established a slow, continuous, imperceptible gradation that made it possible to pass naturally from disorder to offence and back from a transgression of the law to a slight departure from a rule, an average, a demand, a norm. In the classical period, despite a certain common reference to offence in general, the order of the crime, the order of sin and the order of bad conduct remained separate in so far as they related to separate criteria and authorities (court, penitence, confinement). Incarceration with its mechanisms of surveillance and punishment functioned, on the contrary, according to a principle of relative continuity. The continuity of the institutions themselves, which were linked to one another (public assistance with the orphanage, the reformatory, the penitentiary, the disciplinary battalion, the prison; the school with the charitable society, the workshop, the almshouse, the penitentiary convent; the workers' estate with the hospital and the prison). A continuity of the punitive criteria and mechanisms, which on the basis of a mere deviation gradually strengthened the rules and increased the punishment. A continuous gradation of the established, specialized and competent authorities (in the order of knowledge and in the order of power) which, without resort to arbitrariness, but strictly according to the regulations, by means of observation and assessment hierarchized, differentiated, judged, punished and moved gradually from the correction of irregularities to the punishment of crime. The 'carceral' with its many diffuse or compact forms, its institutions of supervision or constraint, of discreet surveillance and insistent coercion, assured the communication of punishments according to quality and quantity; it connected in series or disposed according to subtle divisions the minor and the serious penalties, the mild and the strict forms of treatment, bad marks and light sentences. You will end up in the convict-ship, the slightest indiscipline seems to say; and the harshest of prisons says to the prisoners condemned to life: I shall note the slightest irregularity in your conduct. The generality of the punitive function that the eighteenth century sought in the 'ideological' technique of representations and signs now had as its support the extension, the material framework, complex, dispersed, but coherent, of the various carceral mechanisms. As a result, a certain significant generality moved between the least irregularity and the greatest crime; it was no longer the offence, the attack on the common interest, it was the departure from the norm, the anomaly; it was this that haunted the school, the court, the asylum or the prison. It generalized in the sphere of meaning the function that the carceral generalized in the sphere of tactics. Replacing the adversary of the sovereign, the social enemy was transformed into a deviant, who brought with him the multiple danger of disorder, crime and madness. The carceral network linked, through innumerable relations, the two long, multiple series of the punitive and the abnormal.

2. The carceral, with its far-reaching networks, allows the recruitment of major 'delinquents'. It organizes what might be called 'disciplinary careers' in which, through various exclusions and rejections, a whole process is set in motion. In the classical period, there opened up in the confines or interstices of society the confused, tolerant and dangerous domain of the 'outlaw' or at least of that which eluded the direct hold of power: an uncertain space that was for criminality a training ground and a region of refuge; there poverty, unemployment, pursued innocence, cunning, the struggle against the powerful, the refusal of obligations and laws, and organized crime all came together as chance and fortune would dictate; it was the domain of adventure that Gil Blas, Sheppard or Mandrin, each in his own way, inhabited. Through the play of disciplinary differentiations and divisions, the nineteenth century constructed rigorous channels which, within the system, inculcated docility and produced delinquency by the same mechanisms. There was a sort of disciplinary 'training', continuous and compelling, that had something of the pedagogical curriculum and something of the professional network. Careers emerged from it, as secure, as predictable, as those of public life: assistance associations, residential apprenticeships, penal colonies, disciplinary battalions, prisons, hospitals, almshouses. These networks were already well mapped out at the beginning of the nineteenth century: 'Our benevolent establishments present an admirably coordinated whole by means of which the indigent does not remain a moment without help from the cradle to the grave.'

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Follow the course of the unfortunate man: you will see him born among foundlings; from there he passes to the nursery, then to an orphanage; at the age of six he goes off to primary school and later to adult schools. If he cannot work, he is placed on the list of the charity offices of his district, and if he falls ill he may choose between twelve hospitals... Lastly, when the poor Parisian reaches the end of his career, seven almshouses await his age and often their salubrious régime has prolonged his useless days well beyond those of the rich man' (Moreau de Jonnès, quoted in Touquet).

The carceral network does not cast the unassimilable into a confused hell; there is no outside. It takes back with one hand what it seems to exclude with the other. It saves everything, including what it punishes. It is unwilling to waste even what it has decided to disqualify. In this panoptic society of which incarceration is the omnipresent armature, the delinquent is not outside the law; he is, from the very outset, in the law, at the very heart of the law, or at least in the midst of those mechanisms that transfer the individual imperceptibly from discipline to the law, from deviation to offence. 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 prison is merely the natural consequence, no more than a higher degree, of that hierarchy laid down step by step. The delinquent is an institutional product. It is no use being surprised, therefore, that in a considerable proportion of cases the biography of convicts passes through all these mechanisms and establishments, whose purpose, it is widely believed, is to lead away from prison. That one should find in them what one might call the index of an irrepressibly delinquent 'character': the prisoner condemned to hard labour was meticulously produced by a childhood spent in a reformatory, according to the lines of force of the generalized carceral system. Conversely, the lyricism of marginality may find inspiration in the image of the 'outlaw', the great social nomad, who prowls on the confines of a docile, frightened order. But it is not on the fringes of society and through successive exiles that criminality is born, but by means of ever more closely placed insertions, under ever more insistent surveillance, by an accumulation of disciplinary coercion. 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 specified criminality.

3. But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed -- the legal register of justice and the extra-legal register of discipline -- against one another. In effect, the great continuity of the carceral system throughout the law and its sentences gives a sort of legal sanction to the disciplinary mechanisms, to the decisions and judgements that they enforce. Throughout this network, which comprises so many 'regional' institutions, relatively autonomous and independent, is transmitted, with the 'prison-form', the model of justice itself. The regulations of the disciplinary establishments may reproduce the law, the punishments imitate the verdicts and penalties, the surveillance repeat the police model; and, above all these multiple establishments, the prison, which in relation to them is a pure form, unadulterated and unmitigated, gives them a sort of official sanction. The carceral, with its long gradation stretching from the convict-ship or imprisonment with hard labour to diffuse, slight limitations, communicates a type of power that the law validates and that justice uses as its favourite weapon. How could the disciplines and the power that functions in them appear arbitrary, when they merely operate the mechanisms of justice itself, even with a view to mitigating their intensity? When, by generalizing its effects and transmitting it to every level, it makes it possible to avoid its full rigour? Carceral continuity and the fusion of the prison-form make it possible to legalize, or in any case to legitimate disciplinary power, which thus avoids any element of excess or abuse it may entail.

But, conversely, the carceral pyramid gives to the power to inflict legal punishment a context in which it appears to be free of all excess and all violence. In the subtle gradation of the apparatuses of discipline and of the successive 'embeddings' that they involve, the prison does not at all represent the unleashing of a different kind of power, but simply an additional degree in the intensity of a mechanism that has continued to operate since the earliest forms of legal punishment. Between the latest institution of 'rehabilitation', where one is taken in order to avoid prison, and the prison where one is sent after a definable offence, the difference is (and must be) scarcely perceptible. There is a strict economy that has the effect of rendering as discreet as possible the singular power to punish. There is nothing in it now that

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recalls the former excess of sovereign power when it revenged its authority on the tortured body of those about to be executed. Prison continues, on those who are entrusted to it, a work begun elsewhere, which the whole of society pursues on each individual through innumerable mechanisms of discipline. By means of a carceral continuum, the authority that sentences infiltrates all those other authorities that supervise, transform, correct, improve. It might even be said that nothing really distinguishes them any more except the singularly 'dangerous' character of the delinquents, the gravity of their departures from normal behaviour and the necessary solemnity of the ritual. But, in its function, the power to punish is not essentially different from that of curing or educating. It receives from them, and from their lesser, smaller task, a sanction from below; but one that is no less important for that, since it is the sanction of technique and rationality. The carceral 'naturalizes' the legal power to punish, as it 'legalizes' the technical power to discipline. In thus homogenizing them, effacing what may be violent in one and arbitrary in the other, attenuating the effects of revolt that they may both arouse, thus depriving excess in either of any purpose, circulating the same calculated, mechanical and discreet methods from one to the other, the carceral makes it possible to carry out that great 'economy' of power whose formula the eighteenth century had sought, when the problem of the accumulation and useful administration of men first emerged.

By operating at every level of the social body and by mingling ceaselessly the art of rectifying and the right to punish, the universality of the carceral lowers the level from which it becomes natural and acceptable to be punished. The question is often posed as to how, before and after the Revolution, a new foundation was given to the right to punish. And no doubt the answer is to be found in the theory of the contract. But 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 others the power to exercise over him the right that he himself possesses over them. It is highly probable that the great carceral continuum, which provides a communication between the power of discipline and the power of the law, and extends without interruption from the smallest coercions to the longest penal detention, constituted the technical and real, immediately material counterpart of that chimerical granting of the right to punish.

1NC CARCERAL ARCHIPELAGO SHELL—WELFARE BIOPOLITICS

AND, WELFARE POLICIES ARE THE CRUCIAL INTERNAL LINK BETWEEN THE SLIDE BETWEEN THE BIOPOLITICAL ORGANIZATION OF LIFE AND THE POLITICS OF MASS SLAUGHTER THAT IS ITS UNDERSIDE

DEAN, PROFESSOR OF SOCIOLOGY AT MACQUARIE UNIVERSITY, '04 [MITCHELL, "FOUR THESES ON THE POWERS OF LIFE AND DEATH", *CONTRETEMPS*, DECEMBER 5 2004, PAGES 19-20]

For Foucault, at least in the History of Sexuality and related texts, modern powers are more closely aligned to a bio-politics, a politics of life. This bio-politics emerges in the eighteenth century with the concerns for the health, housing, habitation, welfare and living conditions of the population. Such an observation leads him to place his concerns with health, discipline, the body, and sexuality within a more general horizon. Again the notion of bio-politics is quite complex. The idea of the population as a kind of 'species body' subject to bio-political knowledge and power operating in concert with the individual body subject to disciplinary powers would appear central.¹¹ No matter how bloody things were under the exercise of sovereign power with its atrocious crimes and retributions, it is only with the advent of this modern form of the politics of life that the same logic and technology applied to the care and development of human life is applied to the destruction of entire populations. The link between social welfare and mass slaughters can at times appear to be a fairly direct one. Of one of its first manifestations in German police science, Foucault argues, "it wields its power over living beings as living beings, and its politics, therefore has to be a bio-politics. Since the population is nothing more than what the state takes care of for its own sake, of course, the state is entitled to slaughter it. So the reverse of bio-politics is thanato-politics."¹²

Despite such statements, there is a hesitation, a point of indeterminacy, in this relation between bio-politics and thanato-politics. Foucault seems to identify a puzzle or an aporia of contemporary politics, which he cannot resolve or which may itself be irresolvable. "The coexistence in political structures of large destructive mechanisms and institutions oriented to the care of individual life is something puzzling," he states.¹³

But he immediately adds "I don't mean that mass slaughters are the effect, the result, the logical consequence of our rationality, nor do I mean that the state has the obligation of taking care of individuals since it has the right to kill millions of people." After proceeding through this set of inconclusive negatives he avers, as if trying to defer the answer to the questions he poses: "It is this rationality, and the death and life game which takes place in it, that I'd like to investigate from a historical point of view."

One aspect of this historical investigation occurred in Foucault's 1976 lectures. These lectures cover such concerns as the seventeenth-century historical-political narrative of the "war of the races," and the biological and social class re-inscriptions of racial discourse in the nineteenth century.¹⁴ He concludes with the development of the biological state racisms and the genocidal politics of the twentieth century, including a radical analysis of the Nazi state and of socialism. From this perspective, there is a certain potentiality within the human sciences which, when alloyed to notions such as race, can help make intelligible the catastrophes of the twentieth century. Such lectures seem to make the totalitarian rule of the twentieth century a capstone on the histories of confinement, internment and punishment that had made up his genealogical work.

This thesis is perhaps close to the work of the first generation of the Frankfurt School and a certain reading of Max Weber. Here the one-sided development of rationality and application of reason to 'man' in the human sciences has the consequence of converting instrumental rationality into forms of domination. Bio-politics in this reading is the application of instrumental rationality to life. The dreadful outcomes of the twentieth century then result from this kind of scientization and technologization of earlier notions of race. There is also a similarity in this reading of Foucault and the work of Zygmunt Bauman.¹⁵ The latter presents the Holocaust as something that must be understood as endogenous to Western civilization and its processes of rationalization rather than as an aberrant psychological, social or political pathology.

¹¹ "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

1NC CARCERAL ARCHIPELAGO SHELL—BIOPOLITICAL WARS

BIOPOLITICS HAS PRODUCED A NEW FORM OF WARFARE – STATE SYSTEMS OF CONTROL BASED UPON THE PROTECTION AND REGULATION OF LIFE ENABLE MASSIVE WARS UPON ENTIRE POPULATIONS. BOSNIA, KOSOVO, AFGHANISTAN, AND EVEN IRAQ ARE ALL EMPIRICAL EXAMPLES OF “HUMANITARIAN” MILITARY INTERVENTIONS BASED UPON JUSTIFICATIONS OF BIOPOLITICS.

OPHIR, COHN INSTITUTE FOR HISTORY & PHILOSOPHY OF SCIENCE & IDEAS, TEL AVIV UNIVERSITY, 2007 [ADI, “THE TWO-STATE SOLUTION: PROVIDENCE AND CATASTROPHE,” 8 THEORETICAL INQ. L. 117, L/N]

<<The techniques, practices, and institutions involved in destruction and those involved in relief are often understood to be two antithetical results of the same dialectic process. This process can be described in different terms, within different conceptual schemes. Thus, for example, Foucault speaks of disciplines and the emergence of a disciplinary society from which broader networks of bio-power and governmentalization have come about; n2 Habermas speaks of the colonization of the life-world by systems of administrative and economic power; n3 and Agamben, following Arendt and Foucault, speaks of the introduction of “bare life” into the administrative spheres of the state in a process that strips the governed of their political status and sets them as potentially or actually forsaken victims of a power that has blurred the distinction between fact and norm, the exception and the rule. n4 According to a view shared by all of these thinkers, modernity is a double-edged process in which the same or very similar and overlapping instruments, technologies, legal systems, coercive and ideological state apparatuses, relations of production, division of labor, and forms of exchange contribute at one and the same time to men's capabilities to destroy life and to protect it, to spread diseases and to cure them, to make people very wealthy and very poor, very powerful and completely helpless. Foucault gave this double-edged process a succinct formulation, turning Kant's optimism and trust in progress on its head:

Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity; massacres have become vital. It is as managers of life and survival, of bodies and race, that so many regimes have been able to wage so many wars, causing so many men to be killed. n5

Thus, contrary to what Kant and other believers in progress held, it is not war that has civilizing effects as its unintended consequences but the other way around: the capacity to govern, the placing of entire populations under the close inspective gaze and protective shield of the “managers of life,” which the civilizing process has brought to perfection, has enabled a new kind of warfare and led to wars of survival -- the most horrendous, devastating wars man has ever known.

The scene of war has changed quite significantly since Foucault wrote these words, and the dialectics of destruction and protection have assumed new forms, but their basic logic still holds sway. In a process that crosses national boundaries and reduces their significance, the gated communities of those who can destroy and protect at will are increasingly separated from the multitudes whose lives have been forsaken and who are now in dire need of the care and protection of those who have forsaken them. So close have been the development and augmentation of the capacity to destroy and the capacity to bring relief that today they are stored within the same apparatuses, often using the same techniques of domination, control, regulation and legislation, production and distribution.

Two notions exemplify this tendency very clearly. The more general notion is “security.” In today's parlance it means the provision of relative safety and freedom of movement to some, i.e., to those who live in protected environments in which the elimination of disastrous interruptions of everyday life and the routinization of action have been made possible again. At the same time, this relative safety that allows for normal coordination and routinization of action is made possible by so-called security measures that involve the placing of entire populations outside the law, in the twilight zone of exceptions and emergencies, where lives may be ruined and life-worlds dismantled without legal and political sanction or even a moral outcry. A more particular and peculiar notion is “humanitarian war,” which has been used to designate recent military interventions in Bosnia, Kosovo, and Afghanistan, and, to a lesser extent, even in Iraq and is called for in other places where “rogue” states seem to endanger the very survival of the people they govern. The same mechanisms, sometimes the same vehicles, carry both the bombs and the food packages to the same regions, sometimes to the same people. Humanitarian war, (card continues...)

1NC CARCERAL ARCHIPELAGO SHELL—BIOPOLITICAL WARS

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the ultimate fusion of disaster and relief, is the dialectical result of one totalizing process of modernization that has perfected man's capacity not only to create his own historical conditions but also **to tear the world apart** and, at one and the same time, to mend it. Or so it seems. In what follows I would like to question and complicate the story I have just told.

II. TWO STATE FORMATIONS

A simple but necessary qualification of the above account must be made first: It is neither man in the abstract nor men in the plural who have become such mighty agents of disaster and relief. The truly modern phenomenon is the new role of **states** (only vaguely implied in the passage taken from Foucault) as **generators and facilitators of disasters** and as authors or at least facilitators, sponsors, and coordinators of survival and relief operations. Moreover

-- and this is a subtler qualification and a bolder claim -- the modern state's relation to disaster is an important element in the constitution of the state's imagined subjectivity, i.e., in creating the totalizing effects of its power and providing the principle of its integration into a totality. The state's relation to disaster plays an important role in the way the state is conceived and represented (by its agents, by its more or less obedient subjects, and by its critics) as an imaginary singular person and an imaginary integrated totality (of spaces, people, groups, associations, and institutions). Contrary to views that may be ascribed to or drawn (directly and indirectly) from Foucault, Agamben, or Negri and Hardt, n9 I would like to contend that the processes these thinkers describe involve two distinct state formations or models (ideal types) of states and that the two must be carefully distinguished. Despite a certain overlap in the genealogies of these formations and their current fusion into what appears as a new, contiguous, rhizomatic form of power, the distinctions between these two state formations have not been entirely erased, and they should be respected for historical, methodological, theological, as well as political reasons. According to what seems to me a crucial difference in the formal relation to disaster, I henceforth call the first state formation "the providential state" and the second -- "the catastrophic state.">>

1NC CARCERAL ARCHIPELAGO SHELL—ALTERNATIVE

THE ALTERNATIVE IS TO REFUSE BIOPOLITICAL CARE—BIOPOLITICS RELIES ON ITS POSITIVE, CARING FORMS TO JUSTIFY ITS IMPOSITIONS OF TOTAL VIOLENCE. SINCE THE STRUCTURES OF POWER RELY ON REGULATING OUR INTIMATE LIVES, WE MUST REJECT IT AT THAT LEVEL AS WELL AND THEREBY SHORT CIRCUIT THE MICROPOLITICAL RELAYS OF BIOPOLITICAL CONTROL

PROZOROV, 2007, COLLEGIUM RESEARCH FELLOW, HELSINKI COLLEGIUM FOR ADVANCED STUDIES, UNIVERSITY OF HELSINKI, FINLAND, [SERGEI, *FOUCAULT, FREEDOM AND SOVEREIGNTY*, p. 141-145]

As both Foucault and Lacan argue, in their own distinct ways, the fundamental ethical experience lies in the realisation that 'we are much freer than we feel' and that, consequently, our empirical servitude or tutelage is largely voluntary and self-incurred (Foucault 1984f, 1993), so that we may finally cease 'throw[ing] back on to the world the disorder of which [our] being is composed' (Lacan 2001, 22. See also Lacan 1992). Once we dispense with transcendental narcissism through a Foucauldian problematisation of the self as always already diaarammatised and biopoliticised, it becomes clear that the object of the struggle for freedom is nothing other than ourselves, i.e. our 'selves' that have been wholly diagrammatised, biopoliticised and disciplined within the very 'plane of immanence' that Hardt and Negri view as the space of emancipation. Despite criticism from the more orthodox Left that the Foucauldian ethos of self-fashioning prevents engagement with the 'social' conditions of power relations, we must venture that no meaningful politics of freedom can bypass a problematisation of ourselves as subjects of resistance. This is crucial both because of the present historical conjuncture, when governmentality increasingly operates through individualisation and subjectification, and, more importantly, because no diagram can sustain itself without installing appropriate modes of subjectivity as its carriers. Any discourse of resistance, which views 'us' as unproblematic subjects of freedom in opposition to external forces of subjection, is always capable of degenerating, in an autoimmune fashion, into its own opposite, as it tries to pass any actual identity as somehow synonymous with freedom. Does not Hardt and Negri's project unwittingly legitimise the infinite enhancement of the productivity of biopolitical investment of life while perversely encouraging us to struggle heroically against the phantasmatic 'vampire' of Empire, which in the authors' own description is already dead?

From this perspective, Foucault's historical ontologies perform the opposite gesture to Hardt and Negri's identification of our unfreedom with its expropriation by the sovereign Other. While the authors of Empire disavow the necessary impossibility of their project as merely contingent by dissociating the constitutive excess of the global order as its redundant antithesis, theorising sovereignty as an external locus of oppression, Foucault's studies disturb the claims of order to necessity by demonstrating how order has no existence apart from the historically contingent practices of those subjectified by it (see Sharpe 2005; Fillion 2005, May 2006). Insofar as the ways in which we live, speak, labour and desire are not necessary, they exist only by virtue of our frequently unwitting acquiescence in them and lose all air of self-evidence once we refuse them. We are therefore less free than we might be because we erroneously locate the cause of our unfreedom outside our own subjectivity as a mere external obstacle, while our freedom is in fact necessarily impossible as long as we remain subjects of the diagram. To render our present unfreedom contingent is to restore contingency to our very being rather than assign it to an external locus. Thus, the benefit of the Foucauldian affirmation of freedom is, pace malevolent accusations of aestheticism, precisely its inwardness. Rather than divert our forces to confronting the phantasmatic external sovereign in a transgression that is always easy, since its object is entirely fictitious, this disposition reorients the question of freedom, resistance and, ultimately, global transformation to our everyday existence, which is itself thoroughly suffused by biopolitical rationalities. It is thus our actions, habits, lifestyles or forms of self-fashioning that serve to maintain the condition that Hardt and Negri have brilliantly depicted as intolerable.

Thus, the refusal of biopower amounts to little more than Foucault's proverbial 'refusal of what we are', but prior to this refusal, its subject must necessarily traverse the fantasy of the external sovereign Other who denies its freedom and accept that the 'big Other does not exist' (see Lacan 1992). We may note a parallel between Foucault's ethos of freedom and the political

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reconstruction of Lacanian ethics by Slavoj Žižek (2000, 2002, 2004a), who similarly emphasises the experience of 'subjective destitution', the refusal of one's positive identity in the symbolic order, as a necessary condition for a genuinely free act.' To practice exodus from the biopolitical diagram in a serious sense it is first necessary to recognise the extent to which its rationalities have already penetrated our existence. It is in this cathartic movement beside ourselves that we can refuse our voluntary servitude to the diagram rather than ceaselessly attempt to 'liberate' the diagram itself from its obscene excess. It is only by dissociating our desire for freedom from the biopolitical productivity that we are engaged in and simultaneously possessed by that we may come to the realisation that as a big Other, Empire does not exist. It is we and none Other that sustains it and it is by virtue of our refusal that Empire may be destroyed, not as a phantasmatic excess that hinders the liberation of our always-already autonomous productivity but as the very space, in which we live, produce, consume and sometimes pensively daydream of the destruction of that Other, which we ceaselessly recreate in our everyday practices.

In contrast to Hardt and Negri's utopia of 'biopolitics without sovereignty', the strategy of refusal of care that we have outlined in the previous chapter may now be summed up as the inversion of this formula, i.e. 'sovereignty without biopolitics'. What is at stake in this strategy that we may now label counterproductive is not the emancipation from exterior power but rather the relegation of power itself to a position of exteriority with regard to human existence. By ceasing to be mere living material for biopolitical investment, the sovereign power of bare life leaves governmental power with nothing more than negativity on its side and thereby empties it out. However unsavoury the prospect of the exteriority of a self- consciously careless power may be, we must always bear in mind Foucault's claim that the historical displacement of sovereign forms of power by biopolitical ones was due to the manifest ineffectiveness and inefficiency of the former (see Foucault 1990a, 85-106: 1977b, 86-7; 1991a). The exteriority of power posits a stumbling- block to any positive intervention into human existence. However spectacular, the violence of sovereign power is always already a symptom of its impotence, its utter incapacity to mend the caesura between law and life, the diagram and the subject.

Thus, the refusal of biopolitical care logically implies the reduction of power to an empty shell of impotent sovereignty, which certainly makes it a problematic prospect. It is hardly a debatable fact that the biopolitical government of the last two centuries has made genuine advances in medical and social care of the population, the provision of education and the establishment of certain guarantees of positive equality. To seek liberation from biopolitics in a serious sense is indeed to seek liberation from all that, at least in the sense of a radical destabilisation of the biopolitical apparatus if not its total destruction. At the same time, recalling Agamben's messianic vision of the coming community of whatever singularities that have deactivated power and freed its instruments from their canonical use, we may suggest that the stakes of any politics of freedom consist precisely in enacting, through experimental praxis, the possibilities of life outside biopolitical camps, 'a life, for which living itself would be at stake in its own living' (Agamben 2000, 9). We will know that this politics has been successful when such meto-homonymous forms of life render the existing biopolitical apparatuses redundant, when these apparatuses of power are left to their own devices and when their demise appears to be of little concern or consequence to the lives of the subjects. In other words, anti-biopolitical resistance weakens power to such an extent that, even if it remains in force, its force is entirely without significance.

In his reading of the global Empire, which assumes the retreat of biopolitics in the purely exploitative project of neoliberal globalisation, Ojakangas suggests that 'this exploitation is the result of the weakening of power, of all power, at least if we believe Nietzsche who says that it is precisely weakness that produces the harshest forms of violence' (Ojakangas 2005b, 52. Emphasis original). Since, in contrast to Ojakangas, we assert, that the retreat of biopolitics is not immanent to the rationality of Empire but rather a potential effect of resistance to it, the conclusion about the weakening of all forms of power must similarly be reconstructed. If it ever takes place, this weakening would be not an 'objective' historical process but a result of resistance to biopolitics through the refusal of its care and the consequent reduction of power to the pure form of sovereignty. A power reduced to pure sovereignty is in its own existential status a zoe without a bios, a power that simply is without being anything, a presence with no capacity for action, a power that is, strictly speaking, meaningless, because meaning concerns the finality of power and is thus to be found only within the positivity of the diagram. Thus, it is precisely the reduction of power to sovereignty that achieves a weakening of all power.

This strategy of resistance is evidently a radical gamble. After all, if power is productive and productivity is, in turn, an effect of power, the weakening of power must logically entail the decrease of productivity in the broadest sense of the word — a prospect entirely different from Hardt and Negri's utopia of unrestrained biopolitical production. Besides, insofar as biopower does indeed care and provide welfare, however dubious or exploitative, and fosters life, however sterile and regulated, its

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refusal exposes living beings to dangers that they were spared by virtue of the biopolitical embrace. The very idea of securing the processes of life as a telos of politics arises only with the advent of biopower and has no meaning outside the biopolitical diagram. It is all very well to refuse enslavement, domination, exploitation and even work, but to refuse care, and particularly effective care, is a different matter altogether that involves concrete costs and losses. Finally, the desire for the weakening of all power marks a departure from most emancipatory projects of humanity which were rather animated by the desire to liberate and mobilise in men and citizens the power necessary for the creation of better worlds. Since power is not alien to human existence, then the weakening of all power ultimately means that it is, in a sense, also our power that is diminished.

It is now clear why the Foucauldian ontology of freedom is so perplexing to his critics. It necessitates a rethinking of the entire tradition of emancipatory thought, which, however much it cast power in negative terms, never wished to weaken power but only to seize it, appropriate it, redirect its efforts towards the construction of a 'better future'. Ironically, it is Foucault, for whom power is positive and productive, who ultimately desires to weaken it, precisely because its productivity is the source of its violence.

While sovereign power merely abandons human beings to its unrelenting force without significance, biopower abducts human existence as the object of transformation in accordance with its productive rationalities and in its very gesture is violent, for all its best intentions. To recall our argument above, Foucault's key insight is that we should neither hate nor love power, as any passionate attachment to it is bound to turn every attempt at liberation into a new, possibly more intense form of subjection. Instead, our resistance to power must be conditioned by our fundamental indifference to it in order not to degenerate, at the very moment of its apparent success, into the construction of yet another diagram. If we resist power from the perspective of indifference, we thereby reduce it to a pure form, which can only be indifferent to our own existence. Thus, rather than incite us to 'take power' in order to utilise it for better ends, the Foucauldian affirmation of freedom seeks to externalise power from our existence.

The most radical aspect of Foucault's thought consists in his recasting of freedom in terms of dispossession rather than plenitude and his insistence on the practice of 'risking one's deformation as a subject by resistance not to the constraining principles per se, but to one's attachment to them, insofar as they constitute one's identity' (Hoy 2004, 10. See also Butler 1997; Bernauer 1990, 175-82).

What is at stake in practices of freedom is thus the cathartic realisation of the full extent of our implication in our own subjection, of our voluntary servitude to the diagram that we misrecognised as our autonomy, and, secondly, the ecstatic refusal of all our attachments to the diagram, including the positive powers that it grants us. Evidently, this experience of subjective destitution stands in sharp contrast with the canonical image of the liberated subject, empowered by its new-found freedom to pursue self-fulfilment in the absence of all external obstacles. Nonetheless, to say that our power is diminished in the practices of resistance does not mean that our resistance has not been successful. The life of a finite being is a finite force and must logically expend its own power in every struggle so that every victory marks a correlate exhaustion of power — only a most lifeless metaphysics could assert that man becomes more powerful in the course of struggle. Resistance is not an exercise in production and accumulation, but rather an unproductive expenditure of forces, so that a certain exhaustion is a necessary outcome of liberation from the diagram.

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AND, THIS POLITICS OF BIOPOLITICAL REFUSAL SOLVES—EMPIRICALLY, THE REJECTION OF STATE CARE FOR THE ABNORMAL AND SOCIALLY EXCLUDED CREATES THE CONDITIONS FOR REVOLUTIONARY CHANGE

PINKUS & GIORGI, 2006 [KAREN, PROFESSOR OF ITALIAN, FRENCH, AND COMPARATIVE LITERATURE AT USC & GABRIEL, ASSISTANT PROFESSOR OF SPANISH AND COMPARATIVE LITERATURE AT USC. "ZONES OF EXCEPTION: BIOPOLITICAL TERRITORIES IN THE NEOLIBERAL ERA". PROJECT MUSE]

Instead of rallying at traditional political sites such as public squares, in front of government buildings or at factories, **piqueteros** emerged as a political force demonstrating at national routes and city streets with picket lines (piquetes), turning themselves into obstacles to circulation and contesting the ways in which the public

space is used. The first *piquetes* in the mid-'90s took place on national highways in the provinces of Neuquén and Salta.⁵ Later the methodology migrated to the cities and to the other provinces, where the protestors blocked key access to and from the cities, as well as central avenues and significant urban sites. *Piqueteros'* methodology of protest, as much as their very existence as a political force, is thus a contestation of the new political distributions of space, and of the very notion of "public space" in the context of increasing privatization and zoning of "safe areas," as well as of violent containment of "dangerous" individuals and populations in controlled areas. The *piquetes* are thus significant not only because of the resistance they posed to the neoliberal rule in a context of wide complacency of the middle classes, and the creation of new forms to politicize and contest a brutal dismantling of social protection, but principally because they expose the extent to which neoliberalism constituted itself as a politics of space, that is, as an economy of territorial distribution, location, and separation of individuals and populations (in terms of included/excluded, employed/unemployed, legal/illegal, productive/nonproductive, healthy/unhealthy, and so forth) that at the same time deepens former social divisions and transforms them in new ways.

Perhaps the most evident icon of the neoliberal politics of space is the gated communities that proliferated in Argentina during the '90s, called "countries," using the English word (evoking, at the same time, the rural scenario and a different nation, as a "country" within the country). The gated community maps the boundaries between the "inside"—wealth, safety, cleanliness, quality of life, and so forth—and an "outside" marked as dangerous, unclean, crowded, and miserable. This logic of internal borders, of tracing new boundaries or retracing old ones, shows to what extent neoliberalism imagines itself as a politics of space by which the "quality of life" (wealth, health, safety, beauty, cleanliness, and so forth) can be cordoned and secured in a given territory (and thus produced as an effect of the territorial division). And it is precisely this logic that *piqueteros* disrupt, pointing not only to the inequality and injustice of such a design, but principally to a *structural ambivalence*, a sort of *internal failure or fracture* that dislocates the neoliberal boundaries and divisions. [End Page 102]

This ambivalence springs from the very mechanics of neoliberalism. At the same time that the neoliberal State cuts most of the social protection and abandons to their own fate those who are expelled by the new economic game, it develops mechanisms to contain these populations: urban surveillance, police control, housing projects where the "leftovers" produced by the neoliberal reforms can be separated and kept away from the rest of society and whose circulation and movements can be regulated and controlled by police and private security. Thus entire sections of the *conurbano* of Buenos Aires (the cities surrounding the capital) that had been working-class neighborhoods until a few decades ago, have become territorial "containers" for populations now considered "nonviable."⁶

Neoliberalism has not only increased the number of poor; it has also transformed the ways in which poverty as such is dealt with and inscribed in the social landscape and the public imagination. It turns poverty—or the threshold of "absolute poverty," the limit of indigence—into a terrain where the very status of the "human" is called into question, that is, the terrain where the normative and recognizable forms of life are split from "mere life," from the life reduced to biological survival and abandoned by both the legal and the social order. The indigence that neoliberalism constantly reproduces is placed at this crossroads between the suspension of the

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⁵But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

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legal order and the restriction, or simple elimination, of social protection: in this double suspension, which neoliberalism has rendered systematic, human lives are turned into *zōē*. The neoliberal politics of space thus reflects this more fundamental, biopolitical division between "human" and "less than human": the "outside" of the neoliberal city is not merely the periphery or "dangerous zone." **It is the biopolitical threshold that traces the difference with the "less than human," with those bodies marked and presented as degraded, unrecognizable life that have become more immediate than ever.**

By interrupting streets and routes, by disrupting the public order of the city,⁷ *pique-teros* bring back the life that has been banned and that the neoliberal city wants to contain or make invisible. But this reinscription is not only a call to the State for jobs and social aid or to other social sectors to create new modes of solidarity, reversing their stigmatization in the media; it is also a dislocation of the strategies of separation and confinement of bare life. The interruption of a central avenue in the city or a national route in the provinces is a way to prevent not only the separation and invisibility of the poor, but also to contest *the territorialization of what is fundamentally biopolitical*, rendering paradoxical the territorial mappings of inclusion/exclusion, and exposing the mechanism by which neoliberalism divides life in productive/nonproductive, healthy/unhealthy, included/residual subjects, at the same time that it makes these distinctions vertiginously unstable and precarious.⁸ [End Page 103]

The translation of the biopolitical divisions into the neoliberal politics of space is, as we see, condemned to failure. Spatial distributions can, temporarily, contain and, in a way, materialize or even realize the difference between the "assimilated" and the "residual," but eventually the distinction—threshold and ambivalence—reinscribes itself inside, fracturing the *bios* and disrupting the order with residues that cannot be contained in any outside, fundamentally because *there is no longer an outside*: the biopolitical division takes place within life itself, at the level of the way life is inscribed and (re)produced, and not at the level of material spaces and political boundaries. The excluded, the outside *is zōē*: the merely biological life is what constitutes the external threshold of our societies. And it is this external threshold that is systematically reinscribed inside: the more neoliberalism pushes away its residues, the more they break into its order; the farther they are expelled, the stronger their disruption through the faultlines of the social map. As Agamben writes:

The political system no longer orders forms of life and juridical rules in a determinate space, but instead contains at its very center a dislocating localization that exceeds it and into which every form of life and every rule can be virtually taken. [HS 175]

Piqueteros, as well as other forms of biopolitical struggle, act within this "dislocating localization" of which Agamben speaks. They exist at that point where the strategies of containment cannot confine in space what is a *general* biopolitical condition, not because "we all are residual," but because we are all constituted at the threshold in which our humanity is separated and split from "mere life." In neoliberal societies this threshold becomes ever more unstable and paradoxical given the economy of protection and abandonment of life. The threshold of exclusion is thus increasingly mobile—and it is exactly this mobility that we think is captured by Agamben's notion of exception: a mobility that should not be understood purely in spatial terms, but in terms of the "dislocating localization" that takes on different space-temporal configurations as it emerges from a biopolitical logic. **The dislocation *piqueteros* inscribe in the neoliberal city exposes the threshold of destitution and precariousness to which everybody is virtually exposed under neoliberalism. As a society of risk the neoliberal society universalizes the possibility of social and economic destitution. By inscribing themselves in the public space as *desocupados*, as social residues, and by politicizing the very limit that separates them from the rest of society, *piqueteros* expose precariousness as a shared condition and turn it into a dimension of (bio)political struggles. It is very significant, in this sense, that the most interesting cultural production in Argentina and Latin America takes place around this ambivalent threshold of exclusion and precariousness, which becomes a zone of aesthetic and ethical experimentation and an instance where new commonalities can be explored.** Literary texts by Rodolfo Fogwill, Diamela Eltit, Fernando Vallejo, João Gilberto Noll, or Mario Bellatin, for instance, explore, in the most diverse ways, the relationship between language and this life stripped of social place and legal recognition, even a legal name, as a dimension where new subjectivities, new

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⁸ "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

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logics of experience, and alternative economies of sociality and affect can be investigated. The threshold of "bare life," its disruption in the neoliberal city, can be turned, then, into the instance of exploration of new political and cultural practices. [End Page 104]

Sociologists Maristella Svampa and Sebastián Pereyra write that *piqueteros* are the movement of those who "have nothing but their own body exposed in the streets" [30]. The expression resumes exactly our point here: it is the mere life of a body, not a person's status as citizen, worker, or human fellow, *nothing but their own body*,

whose *self-exposure* dislocates the strategies of containment and turns its residual life into *force*: force of interpellation as much as material, physical presence. If the *piqueteros* were marked as "surplus," if they were defined and constituted as such by managerial decisions as much as by a media discourse that insistently depicted them as "leftovers," "misfits," and "scum," they reinscribed that threshold and transformed it into political force and into new modes of subjectivity.

Piqueteros played a key role in the mobilizations that brought down the Argentine government in 2001 in the middle of a catastrophic economic default. Large sectors of Argentine society, many of which had attacked the movement in the '90s, turned the *piqueteros* into the symbol of the resistance against neoliberalism. In the new era opened by the current government of Nestor Kirchner, which claims a center-left position and the responsibility for normalizing the social, economic and political life of Argentina, some sectors of the movement were coopted by the government in an alliance aimed to keep social peace and to open new possibilities for the excluded. In a global economic context that seems auspicious for Argentina's upper and (some) middle classes, the more combative sectors of *piqueterismo* are, once again, stigmatized as misfits and criminals. The criminalization of protest on the basis of the disturbance of public order and obstruction of public streets has been one of the most salient reactions against *piqueteros* during the recent years [see Svampa]. And in the new conjuncture allegedly aimed at expanding "social inclusion," the nonplace of the *piqueteros* in society is once again instantiated as exception: the "banned life" whose presence in the social order is a disruption as well as a challenge to the normative mechanisms and the systematic violence by which neoliberalism turns "life" into "human life," and vice versa.

THE CARCERAL ARCHIPELAGO—LINKS

LINK: GOVERNMENTALITY

BIOPOWER CULMINATES IN A FORM OF GOVERNANCE CALLED GOVERNMENTALITY. THIS UTILIZES TACTICS SUCH AS PASTORAL POWER TO NORMALIZE PRACTICES OF THE SELF, STRETCHING BEYOND INSTITUTIONS.

HOLMES AND GASTALDO '02 [DAVE, ASSISTANT PROFESSOR IN THE SCHOOL OF NURSING AT THE UNIVERSITY OF OTTAWA, DENISE, ASSISTANT PROFESSOR IN THE FACULTY OF NURSING AT THE UNIVERSITY OF TORONTO, *JOURNAL OF ADVANCED NURSING* 38(6), JUNE 2002, PAGES 559-560]

Governing life to govern society: the concept of governmentality From his later work on disciplinary power (Foucault [1975] 1995) and, subsequently, on bio-power (Foucault 1990), Foucault further developed his analysis of power, and defined his concept of 'governmentality'. Foucault's writings on biopower, or power over life, situated biological life as a political event and explored the global character of power in economic, social and historical terms (Gastaldo 1997, Moss 1998). Through his historical research on sexuality, and while articulating the concept of bio-power, Foucault (1990) progressively manifested an interest in government (Hindess 1996). Exploring both the local and the general levels involved in the exercise of power, Foucault expanded the notion of governance and explained more successfully how power functions (Moss 1998). Governmentality, a term Foucault (1979) coined, describes the general mechanisms of society's governance and does not refer specifically to the term, government, as commonly used. As Gordon (1991) explained: Government as an activity could concern the relation between self and self, private interpersonal relations involving some form of control or guidance, relations within social institutions and communities and, finally, relations concerned with the exercise of political sovereignty (pp. 2-3) According to McNay (1994), Foucault considered governmentality as a complex system of power relations that binds sovereignty-discipline-government in a tripartite manner. Governing involves these three forms of power. This conception allows us to appreciate how Foucault integrated the states of domination (sovereignty), disciplinary power (discipline) and the government of others and self (government). Governmentality involves domination and disciplinary techniques, as well as self-governing ethics (Deflem 1998). In his own terms, Foucault defined governmentality as: The ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security. (1979, p. 20) In short, government means to conduct others and oneself, and governmentality is about how to govern. 'The concept of government implies all those tactics, strategies, techniques, programmes, dreams and aspirations of those authorities that shape beliefs and the conduct of population' (Nettleton 1991, p. 99). Hence, government is an activity that aims to shape, mould or affect the conduct of an individual or a group, that is, to conduct the conducts of people (Gordon 1991). According to Foucault, this governmentalization of the state relies on a specific security apparatus that links all together in a very specific complex of procedures and techniques: diplomatic-military techniques, the police, and pastoral power, such as the care of others. Diplomatic-military techniques, the first dimension of the security apparatus, allows the state to protect itself against external threats and to preserve its territorial integrity through diplomatic representations, a permanent armed force, and established war policies (Gros 1996). In addition, to protect itself against internal threats, the state is endowed with a police force. Finally, pastoral power achieves care of others through various therapeutic regimes while ultimately helping to shape the self so that it fits within an appropriate, 'normalized' way of living (Dean 1999). The normalized way of living refers to a conformity to a set of social rules and ways of conceiving oneself and others. The power of normalization imposes homogeneity by setting standards and ideals for human beings (Rose 1998). Governing is as much about practices of government as it is about practices of the self because the concept of governmentality deals with those practices that try to shape, mould, mobilize and work through the choices, desires, aspirations and needs of individuals and populations (Rose & Miller 1992). Governmentality connects the question of government and politics to the self (Dean 1999). In our discussion, we will explore how nursing is a constitutive element of governmentality by looking at power over life as the governance of populations and individuals (Gastaldo 1997, Gastaldo & Holmes 1999).

LINK: DISCIPLINARY POWER

ANY ATTEMPT TO HELP PERSONS IN POVERTY IS ENTRENCHED IN MODERN DAY ADMINISTRATIVE COERCION AND SOLUTIONS. THIS ONLY MAKES THINGS WORSE AS IT IS FORM OF MANIPULATIVE MANAGEMENT.

CLIFFORD, 2001, MICHAEL, ASSOCIATE PROFESSOR OF PHILOSOPHY AT MISSISSIPPI STATE UNIVERSITY. PG. 42 – 44, *POLITICAL GENEALOGY AFTER FOUCAULT*, 2001.

Disciplinary society has rather meager beginnings. It arose, in the seventeenth and eighteenth centuries, primarily in response to the nuisances of changing Western world. While the ideologues were spouting the discourse of liberty, all around them gradual, subtle, yet profound methods of control and coercion were taking hold in the social body. Increases in population its concentration in urban areas, the shift to a mercantile society and corresponding changes in crime and work, the industrial revolution, colonialism, epidemic disease—all this caused many problems and in response arose many subtle, tiny, seemingly insignificant techniques, mechanisms, practices, and institutions to deal with them. The complex of power relations consisting of these techniques, apparatuses, practices, and institutions Foucault calls discipline. Discipline began as something primarily negative, as ways to handle contagious disease, to prevent desertion in military ranks, to prevent theft and absenteeism in the factories, to deal with the increasing population in schools. Yet as disciplinary practices became entrenched and refined they began to infiltrate society as a whole and their aims became more positive—in fact, linked to the productive growth and maintenance of the entire social body.

Foucault calls discipline a "technology of power" in that it consists of certain identifiable and interconnected apparatuses, techniques, and strategies. He defines a power strategy, at least partially, as the "totality of the means put into operation to implement power effectively or to maintain it." "18 Every strategy has an object or target, and for disciplinary power this target is the body: at first to monitor and to punish the body, if necessary; later to turn the body into a useful, productive force. Above all, discipline acts to make the body docile, to produce a body that can be "manipulated, shaped, trained, which obeys, responds, becomes skillful and increases its forces. ... A body is docile that may be subjected, used, transformed, and improved." "19 Discipline involves a whole "political technology of the body" wherein the body is invested with relations of power and domination: it is marked, trained, punished, worked, ranked, observed. The strategies of discipline directed toward the body proceed by various calculated, organized, subtle tactics, "without weapons or terror," implementing forces that bear directly, physically, materially on the body, but without recourse to violence or the dictates of ideology. Rather than appealing to the consciousness or conscience of individuals, it directly manipulates, controls, and "molds" the body through the tiniest, fussiest, most meticulous techniques applied to movements, gestures, habits, and practices, the everyday activity of the body itself. The strategy of discipline is to monitor and control the body through a direct, practical intervention concerned with the smallest details of what it does and how it lives. Discipline subjects the body, in other words, to what Foucault calls "a micro-physics of power," a power that invests bodies through a complex network of subtle mechanisms. This microphysics of power bears no resemblance to the liberal concept of power; as Foucault tells us, "The power exercised on the body is conceived not as a property, but as a strategy, that its effects of domination are attributed not to 'appropriation,' but to dispositions, maneuvers, tactics, techniques, functionings; that one should decipher in it a network of relations, constantly in tension, in activity, rather than a privilege that one might possess ... [or] a contract regulating a transaction or the conquest of a territory. In short, this power is ... the overall effect of its strategic position—an effect that is manifested and sometimes entrenched by the position of those who are dominated" (DP, 26-27).

A micro-physics of power requires a "micro-physical" analysis in that if we were to isolate any particular objective of any particular disciplinary practice, we would find this objective, this strategy, to be very specific and tied to the concrete practices and objectives of particular social institutions: for example, to train a soldier to march correctly, to instruct a student to hold a pen in the proper manner, to separate patients in a hospital, to monitor the quality of work of factory employees. A very detailed, painstaking, micro-physical analysis allows Foucault to assert that the general strategy of disciplinary power is one directed toward the body as the target of its machinations. The power exercised on the body in the course of these very specific machinations and implementations is not a centrally located or appropriated power, but a network of relations—autonomous, anonymous, discontinuous—that subjects the body to a dispersed set of procedures, analyses, norms, and controls that, through the interplay of their anonymous convergence, serves both as a matrix of coercion and of individualization. Disciplinary power is above all a power of subjection, both in the sense of being subjugated to a set of power relations and of being turned into a subject—an identity, an individual with certain qualities and characteristics—as a result of this subjugation.

LINK: THE GENTLE WAY

MAKING WELFARE LESS PUNITIVE WILL SIMPLY BECOME A VEHICLE FOR TIGHTER SOCIAL CONTROLS THAT MORE EFFECTIVELY POLICE THE SOCIAL BODY

FOUCAULT, CHAIR IN THE HISTORY OF SYSTEMS OF THOUGHT AT THE COLLEGE DE FRANCE, **1975** [MICHEL, *DISCIPLINE & PUNISH: THE BIRTH OF THE PRISON*, p. 80-82]

It was not so much, or not only, the privileges of justice, its arbitrariness, its archaic arrogance, its uncontrolled rights that were criticized; but rather the mixture of its weaknesses and excesses, its exaggerations and its loopholes, and above all the very principle of this mixture, the 'super-power' of the monarch. The true objective of the reform movement, even in its most general formulations, was not so much to establish a new right to punish based on more equitable principles, as to set up a new 'economy' of the power to punish, to assure its better distribution, so that it should be neither too concentrated at certain privileged points, nor too divided between opposing authorities; so that it should be distributed in homogeneous circuits **capable of operating everywhere, in a continuous way, down to the finest grain of the social body** ^[14] The reform of criminal law must be read as a strategy for the rearrangement of the power to punish, according to modalities that render it more regular, more effective, more constant and more detailed in its effects; in short, which increase its effects while diminishing its economic cost (that is to say, by dissociating it from the system of property, of buying and selling, of corruption in obtaining not only offices, but the decisions themselves) and its political

COST (by dissociating it from the arbitrariness of monarchical power). The new juridical theory of penalty corresponds in fact to a new 'political economy' of the power to punish. This explains why the 'reform' did not have a single origin. It was not the more enlightened members of the public, nor the philosophes, who regarded themselves as enemies of despotism and friends of mankind; it was not even the social groups opposed to the parlementaires who instigated the reform. Or rather it was not they alone; in this same overall project of a new distribution of the power to punish, and of a new distribution of its effects, many different interests came together.

The reform was not prepared outside the legal machinery and against all its representatives; it was prepared, for the most part, from within, by a large number of magistrates and on the basis of shared objectives and the power conflicts that divided them

Certainly the reformers did not form a majority of the magistrates; but it was a body of lawyers who outlined its general principles: a power to judge that would not be affected by the immediate exercise of the prince's sovereignty; that would be relieved of any claim to legislate; that would be detached from property relations; and which, having no other functions but to judge, would exercise that power to the full. In short, the power to judge should no longer depend on the innumerable, discontinuous, sometimes contradictory privileges of sovereignty, but on the continuously distributed effects of public power. This general principle defined an overall strategy that covered many different struggles. Those of philosophers like Voltaire and of publicists like Brissot or Marat; but also those of magistrates whose interests were nevertheless very diverse: Le Trosne, a judge at the presidial court of Orléans, and Lacretelle, the advocate-general at the parlement; Target, who with the parlements was opposed to Maupeou's reform; but also J. N. Moreau, who supported the royal power against the parlementaires; Servan and Dupaty, both magistrates, but in conflict with their colleagues, etc.

Throughout the eighteenth century, inside and outside the legal apparatus, in both everyday penal practice and the criticism of institutions, one sees the emergence of a new strategy for the exercise of the power to punish. And 'reform', in the strict sense, as it was formulated in the theories of law or as it was outlined in the various projects, WAS the political or philosophical resumption of this strategy, with its primary objectives: to make of the punishment and repression of illegalities a regular function, coextensive with society; **not to punish less, but to punish better; to punish with an attenuated severity perhaps, but in order to punish with more universality and necessity; to insert the power to punish more deeply into the social body**

LINK: DOCILITY/UTILITY

THE PLAN JUST INCREASES THE SMOOTH FUNCTIONING OF DISCIPLINARY POWER, MAKING PEOPLE MORE DOCILE AND USEFUL THROUGH THE ACCEPTANCE OF THEIR BURDEN TO POLICE THEMSELVES

FOUCAULT, CHAIR IN THE HISTORY OF SYSTEMS OF THOUGHT AT THE COLLEGE DE FRANCE, **1975** [MICHEL, *DISCIPLINE & PUNISH: THE BIRTH OF THE PRISON*, p. 218-221]

The formation of the disciplinary society is connected with a number of broad historical processes -- economic, juridico-political and, lastly, scientific -- of which it forms part.

1. Generally speaking, it might be said that the disciplines are techniques for assuring the ordering of human multiplicities. It is true that there is nothing exceptional or even characteristic in this: every system of power is presented with the same problem. But the peculiarity of the disciplines is that they try to define in relation to the multiplicities a tactics of power that fulfils three criteria: firstly, to obtain the exercise of power at the lowest possible cost (economically, by the low expenditure it involves; politically, by its discretion, its low exteriorization, its relative invisibility, the little resistance it arouses); secondly, to bring the effects of this social power to their maximum intensity and to extend them as far as possible, without either failure or interval; thirdly, to link this 'economic' growth of power with the output of the apparatuses (educational, military, industrial or medical) within which it is exercised: in short to increase both the docility and the utility of all the elements of the system. This triple objective of the disciplines corresponds to a well-known historical conjuncture. One aspect of this conjuncture was the large demographic thrust of the eighteenth century; an increase in the floating population (one of the primary objects of discipline is to fix; it is an anti-nomadic technique); a change of quantitative scale in the groups to be supervised or manipulated (from the beginning of the seventeenth century to the eve of the French Revolution, the school population had been increasing rapidly, as had no doubt the hospital population; by the end of the eighteenth century, the peace-time army exceeded 200,000 men). The other aspect of the conjuncture was the growth in the apparatus of production, which was becoming more and more extended and complex; it was also becoming more costly and its profitability had to be increased. The development of the disciplinary methods corresponded to these two processes, or rather, no doubt, to the new need to adjust their correlation. Neither the residual forms of feudal power nor the structures of the administrative monarchy, nor the local mechanisms of supervision, nor the unstable, tangled mass they all formed together could carry out this role: they were hindered from doing so by the irregular and inadequate extension of their network, by their often conflicting functioning, but above all by the 'costly' nature of the power that was exercised in them. It was costly in several senses: because directly it cost a great deal to the Treasury; because the system of corrupt offices and farmed-out taxes weighed indirectly, but very heavily, on the population; because the resistance it encountered forced it into a cycle of perpetual reinforcement; because it proceeded essentially by levying (levying on money or products by royal, seigniorial, ecclesiastical taxation; levying on men or time by *corvées* of press-ganging, by locking up or banishing vagabonds). The development of the disciplines marks the appearance of elementary techniques belonging to a quite different economy: mechanisms of power which, instead of proceeding by deduction, are integrated into the productive efficiency of the apparatuses from within, into the growth of this efficiency and into the use of what it produces. For the old principle of 'levying-violence', which governed the economy of power, the disciplines substitute the principle of 'mildness-production-profit'. These are the techniques that make it possible to adjust the multiplicity of men and the multiplication of the apparatuses of production and this means not only 'production' in the strict sense, but also the production of knowledge and skills in the school, the production of health in the hospitals, the production of destructive force in the army.

In this task of adjustment, discipline had to solve a number of problems for which the old economy of power was not sufficiently equipped. It could reduce the inefficiency of mass phenomena: reduce what, in a multiplicity, makes it much less manageable than a unity; reduce what is opposed to the use of each of its elements and of their sum; reduce everything that may counter the advantages of number. That is why discipline fixes; it arrests or regulates movements; it clears up confusion; it dissipates compact groupings of individuals wandering about the country in unpredictable ways; it establishes calculated distributions. It must also master all the forces that are formed from the very constitution of an organized multiplicity; it must neutralize the effects of counter-power that spring from them and which form a resistance to the power that wishes to dominate it: agitations, revolts, spontaneous organizations, coalitions -- anything that may establish horizontal conjunctions.

Hence the fact that the disciplines use procedures of partitioning and verticality, that they introduce, between the different elements at the same level, as solid separations as possible, that they define compact hierarchical networks, in short, that they oppose to the intrinsic, adverse force of multiplicity the technique of the continuous, individualizing pyramid. They must also increase the particular utility of each element of the multiplicity, but by means that are the most rapid and the least costly, that is to say, by using the multiplicity itself as an instrument of this growth. Hence, in order to extract from bodies the maximum time and force, the use of those overall methods known as

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LINK: DOCILITY/UTILITY

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time-tables, collective training, exercises, total and detailed surveillance. Furthermore, the disciplines must increase the effect of utility proper to the multiplicities, so that each is made more useful than the simple sum of its elements: it is in order to increase the utilizable effects of the multiple that the disciplines define tactics of distribution, reciprocal adjustment of bodies, gestures and rhythms, differentiation of capacities, reciprocal coordination in relation to apparatuses or tasks. Lastly, the disciplines have to bring into play the power relations, not above but inside the very texture of the multiplicity, as discreetly as possible, as well articulated on the other functions of these multiplicities and also in the least expensive way possible: to this correspond anonymous instruments of power, coextensive with the multiplicity that they regiment, such as hierarchical surveillance, continuous registration, perpetual assessment and classification. In short, to substitute for a power that is manifested through the brilliance of those who exercise it, a power that insidiously objectifies those on whom it is applied; to form a body of knowledge about these individuals, rather than to deploy the ostentatious signs of sovereignty. In a word, the disciplines are the ensemble of minute technical inventions that made it possible to increase the useful size of multiplicities by decreasing the inconveniences of the power which, in order to make them useful, must control them. A multiplicity, whether in a workshop or a nation, an army or a school, reaches the threshold of a discipline when the relation of the one to the other becomes favourable. If the economic take-off of the West began with the techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men [p. 221] made possible a political take-off in relation to the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection. In fact, the two processes -- the accumulation of men and the accumulation of capital -- cannot be separated; it would not have been possible to solve the problem of the accumulation of men without the growth of an apparatus of production capable of both sustaining them and using them; conversely, the techniques that made the cumulative multiplicity of men useful accelerated the accumulation of capital. At a less general level, the technological mutations of the apparatus of production, the division of labour and the elaboration of the disciplinary techniques sustained an ensemble of very close relations (cf. Marx, Capital, vol. 1, chapter XIII and the very interesting analysis in Guerry and Deleule). Each makes the other possible and necessary; each provides a model for the other. The disciplinary pyramid constituted the small cell of power within which the separation, coordination and supervision of tasks was imposed and made efficient; and analytical partitioning of time, gestures and bodily forces constituted an operational schema that could easily be transferred from the groups to be subjected to the mechanisms of production; the massive projection of military methods onto industrial organization was an example of this modelling of the division of labour following the model laid down by the schemata of power. But, on the other hand, the technical analysis of the process of production, its 'mechanical' breaking-down, were projected onto the labour force whose task it was to implement it: the constitution of those disciplinary machines in which the individual forces that they bring together are composed into a whole and therefore increased is the effect of this projection. Let us say that discipline is the unitary technique by which the body is reduced as a 'political' force at the least cost and maximized as a useful force. The growth of a capitalist economy gave rise to the specific modality of disciplinary power, whose general formulas, techniques of submitting forces and bodies, in short, 'political anatomy', could be operated in the most diverse political regimes, apparatuses or institutions.

LINK: CARCERAL DEMATERIALIZATION—PUBLIC ASSISTANCE

PUBLIC ASSISTANCE IS NOT A REVOLUTION AGAINST DISCIPLINARY POWER, BUT ITS NEXT STAGE—THE PUNITIVE SYSTEM BECOMES DIFFUSED THROUGHOUT SOCIETY USING MINUTE FORMS OF CONTROL IN MICROPOLITICAL SITES AS DOMINATION IS DIFFUSED IN THE CARCERAL ARCHIPELAGO

FOUCAULT, CHAIR IN THE HISTORY OF SYSTEMS OF THOUGHT AT THE COLLEGE DE FRANCE, **1975** [MICHEL, *DISCIPLINE & PUNISH: THE BIRTH OF THE PRISON*, P. 304-308]

4. With this new economy of power, the carceral system, which is its basic instrument, permitted the emergence of a new form of 'law': a mixture of legality

and nature, prescription and constitution, the norm. This had a whole series of effects: the internal dislocation of the judicial power or at least of its functioning; an increasing difficulty in judging, as if one were ashamed to pass sentence; a furious desire on the part of the judges to judge, assess, diagnose, recognize the normal and abnormal and claim the honour of curing or rehabilitating. In view of this, it is useless to believe in the good or bad consciences of judges, or even of their unconscious. Their immense 'appetite for medicine' which is constantly manifested -- from their appeal to psychiatric experts, to their attention to the chatter of criminology -- expresses the major fact that the power they exercise has been 'denatured'; that it is at a certain level governed by laws; that at another, more fundamental level it functions as a normative power; it is the economy of power that they exercise, and not that of their scruples or their humanism, that makes them pass 'therapeutic'; sentences and recommend 'rehabilitating' periods of imprisonment. But, conversely, if the judges accept ever more

reluctantly to condemn for the sake of condemning, the activity of judging has increased precisely to the extent that the normalizing power has spread. Borne along by the omnipresence of the mechanisms of discipline, basing itself on all the carceral apparatuses, it has become one of the major functions of our society. The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the 'social worker'-judge; it is on them that the universal reign of the normative is based; and each individual, wherever he may find himself, subjects to it his body, his gestures, his behaviour, his aptitudes, his achievements. The carceral network, in its compact or disseminated forms, with its systems of insertion, distribution, surveillance, observation, has been the greatest support, in modern society, of the normalizing power.

5. The carceral texture of society assures both the real capture of the body and its perpetual observation. It is, by its very nature, the apparatus of punishment that conforms most completely to the new economy of power and the instrument for the formation of knowledge that this very economy needs. Its panoptic functioning enables it to play this double role. By virtue of its methods of fixing, dividing, recording, it has been one of the simplest, crudest, also most concrete, but perhaps most indispensable conditions for the development of this immense activity of examination that has objectified human behaviour. If, after the age of 'inquisitorial' justice, we have entered the age of 'examinatory'

justice, if, in an even more general way, the method of examination has been able to spread so widely throughout society, and to give rise in part to the sciences of man, one of the great instruments for this has been the multiplicity and close overlapping of the various mechanisms of incarceration. I am not saying that the human sciences emerged from the prison. But, if they have been able to be formed and to produce so many profound changes in the episteme, it is because they have been, conveyed by a specific and new modality of power: a certain policy of the body, a certain way of rendering the group of men docile and useful. This policy required the involvement of definite relations of knowledge in relations of power; it called for a technique of overlapping subjection and objectification; it brought with it new procedures of individualization. The carceral network constituted one of the armatures of this power-knowledge that has made the human sciences historically possible. Knowable man (soul, individuality, consciousness, conduct, whatever it is called) is the object-effect of this analytical investment, of this domination-observation.

6. This no doubt explains the extreme solidity of the prison, that slight invention that was nevertheless decreed from the outset. If it had been no more than an instrument of rejection or repression in the service of a state apparatus, it would have been easier to alter its more overt forms or to find a more acceptable substitute for it. But, rooted as it was in mechanisms and strategies of

power, it could meet any attempt to transform it with a great force of inertia. One fact is characteristic: when it is a question of altering the system of imprisonment, opposition does not come from the judicial institutions alone; resistance is to be found not in the prison as penal sanction, but in the prison with all its determinations, links and extrajudicial results; in the prison as the relay in a general network of disciplines and surveillances; in the prison as it functions in a panoptic régime. This does not mean that

it cannot be altered, nor that it is once and for all indispensable to our kind of society. One may, on the contrary, cite the two processes which, in the very continuity of the processes that make the prison function, are capable of exercising considerable restraint on its use and of transforming its internal functioning. And no doubt these processes have already begun to a large degree. The first is that which reduces the utility (or increases its inconveniences) of a delinquency accommodated as a specific illegality, locked up and supervised; thus the growth of great national or international illegalities directly linked to the political and economic apparatuses (financial illegalities, information services, arms and drugs trafficking, property speculation) makes it clear that the somewhat rustic and conspicuous work force of delinquency is proving ineffective; or again, on a smaller scale, as soon as the economic levy on sexual pleasure is carried out more efficiently by the sale of contraceptives, or obliquely through publications, films or shows, the archaic hierarchy of prostitution loses much of its

former usefulness. The second process is the growth of the disciplinary networks, the multiplication of their exchanges with the penal apparatus, the ever more important powers that are given them, the ever more massive transference to them of judicial functions; now, as medicine, psychology, education, public assistance, 'social work' assume an ever greater share of the powers of supervision and assessment, the penal apparatus will be able, in turn, to become medicalized, psychologized, educationalized; and by the same token that turning-point represented by the prison becomes less useful when, through the gap between its penitentiary discourse and its effect of consolidating delinquency, it articulates the penal power and the disciplinary power. In the midst of all these mechanisms of normalization, which are becoming ever more rigorous in their application, the

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LINK: CARCERAL DEMATERIALIZATION—PUBLIC ASSISTANCE

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specificity of the prison and its role as link are losing something of their purpose. If there is an overall political issue around the prison, it is not therefore whether it is to be corrective or not; whether the judges, the psychiatrists or the sociologists are to exercise more power in it than the administrators or supervisors; it is not even whether we should have prison or something other than prison. At present, the problem lies rather in the steep rise in the use of these mechanisms of normalization and the wide-ranging powers which, through the proliferation of new disciplines, they bring with them.

In 1836, a correspondent wrote to La Phalange: 'Moralists, philosophers, legislators, flatterers of civilization, this is the plan of your Paris, neatly ordered and arranged, here is the improved plan in which all like things are gathered together. At the centre, and within a first enclosure: hospitals for all diseases, almshouses for all types of poverty, madhouses, prisons, convict-prisons for men, women and children. Around the first enclosure, barracks, courtrooms, police stations, houses for prison warders, scaffolds, houses for the executioner and his assistants. At the four corners, the Chamber of Deputies, the Chamber of Peers, the Institute and the Royal Palace. Outside, there are the various services that supply the central enclosure, commerce, with its swindlers and its bankruptcies; industry and its furious struggles; the press, with its sophisms; the gambling dens; prostitution, the people dying of hunger or wallowing in debauchery, always ready to lend an ear to the voice of the Genius of Revolutions; the heartless rich... Lastly the ruthless war of all against all' (La Phalange, 10 August 1836).

I shall stop with this anonymous text. We are now far away from the country of tortures, dotted with wheels, gibbets, gallows, pillories; we are far, too, from that dream of the reformers, less than fifty years before: the city of punishments in which a thousand small theatres would have provided an endless multicoloured representation of justice in which

the punishments, meticulously produced on decorative scaffolds, would have constituted the permanent festival of the penal code. The carceral city, with its imaginary 'geopolitics', is governed by quite different principles. The extract from La Phalange reminds us of some of the more important ones: that at the centre of this city, and as if to hold it in place, there is, not the 'centre of power', not a network of forces, but a multiple network of diverse elements -- walls, space, institution, rules, discourse; that the model of the carceral city is not, therefore, the body of the king, with the powers that emanate from it, nor the contractual meeting of wills from which a body that was both individual and collective was born, but a strategic distribution of elements of different natures and levels. That the prison is not the daughter of laws, codes or the judicial apparatus; that it is not subordinated to the court and the docile or clumsy instrument of the sentences that it hands out and of the results that it would like to achieve; that it is the court that is external and subordinate to the prison. That in the central position that it occupies, it is not alone, but linked to a whole series of 'carceral' mechanisms which seem distinct enough -- since they are intended to alleviate pain, to cure, to comfort -- but which all tend, like the prison, to exercise a power of normalization. That these mechanisms are applied not to transgressions against a 'central' law, but to the apparatus of production -- 'commerce' and 'industry' -- to a whole multiplicity of illegalities, in all their diversity of nature and origin, their specific role in profit and the different ways in which they are dealt with by the punitive mechanisms. And that ultimately what presides over all these mechanisms is not the unitary functioning of an apparatus or an institution, but the necessity of combat and the rules of strategy. That, consequently, the notions of institutions of repression, rejection, exclusion, marginalization, are not adequate to describe, at the very centre of the carceral city, the formation of the insidious leniencies, unavowable petty cruelties, small acts of cunning, calculated methods, techniques, 'sciences' that permit the fabrication of the disciplinary individual. In this central and centralized humanity, the effect and instrument of complex power relations, bodies and forces subjected by multiple mechanisms of 'incarceration', objects for discourses that are in themselves elements for this strategy. **we must hear the distant roar of battle.**

LINK: DISCIPLINE UNDERGIRDING RIGHTS

THE COURTS ARE ENGINEERED AS A MEANS OF CORRUPTING POPULAR JUSTICE. THEIR MEANS OF "FAUX-JUSTICE" IS SIMPLY A WAY TO PACIFY THE POPULATION SO AS TO QUASH REVOLT. ADHERENCE TO A COURTS SYSTEM ONLY LENDS LEGITIMACY TO ITS ILLEGITIMATE RULE

DEAN, 1999, DEPARTMENT OF SOCIAL STUDIES, U OF LUTON (MITCHELL), FOUCAULT CONTRA HABERMAS: NORMALISING DEMOCRACY, SAGE PUBLICATIONS, 1999. PG. 169

<<<A more elaborate version of his view of the representative institutions of parliamentary democracy can be found in Discipline and Punish:

Historically, the process by which the bourgeoisie became in the course of the eighteenth century the politically dominant class was masked by the establishment of an explicit, coded, and formally egalitarian juridical framework, made possible by the organisation of a parliamentary, representative regime. But the development and generalisation of disciplinary mechanisms constituted the other, dark side of these processes. 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, although, in a formal way, the representative regime makes it possible, directly or indirectly, with or without relays, for the will of all to form the fundamental authority of sovereignty, the disciplines provide, at the base, a guarantee of the submission of forces and bodies. The real, corporeal 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 effective mechanisms of power function in opposition to the formal framework that it had acquired. The 'Enlightenment', which discovered the liberties, also invented the disciplines. (Foucault, 1977: 222)

Foucault's position here is elaborated in relation to his account of the emergence and proliferation of disciplinary practices within multifarious institutions in the eighteenth century. His central concern in this passage is not with representative institutions, the institutions of sovereignty or law, with notions of social contract, nor with associated Enlightenment ideals, but with the somewhat subterranean history of the swarming of the minute mechanisms that were both coercive and enabling across the social body and that formed a kind of 'counter-law' or even 'infra-law'.

The description of a system of liberal-democratic rights as 'formal, juridical liberties' harks back to a critique of the formalism of the law that dates at least to the French Revolution itself and that finds its most influential expression in the denunciation of the bourgeois legal order as the juridical expression of capitalist relations of class exploitation by Marx and Engels. Foucault here, however, manages to introduce a novel inflection into that rather worn-out trope.

Instead of liberal-democratic rights and freedoms being means for the legitimation of a fundamentally unjust and unequal social order, they are rendered 'formal' by the insidious mechanisms that operate at the level of individual bodies and ensure the docility and usefulness of citizens. The point is that individuals can be understood both as bearers of democratic rights and liberties and, at the same time, as subjects formed by mechanisms of power such as discipline. The implication is that any examination of democracy needs to take into account both the political arrangements that protect the rights of citizens and enable them to exercise these rights and the normalising mechanisms of power that foster certain capacities and ensure their submission among these citizens.'

Perhaps the most interesting of Foucault's statements about law from the mid-1970s are found in The History of Sexuality, Volume One. There he suggests that the development of biopower - or the power over life - had the effect of the 'growing importance assumed by the action of the norm, at the expense of the juridical system of the law' (1979: 144). Far from representing the view that law ceases to be important, Foucault's argument is that law is increasingly invested with norms and operates more and more as a norm. Judicial institutions become 'incorporated into a continuum of apparatuses (medical, administrative and so on) whose functions are for the most part regulatory' (ibid.). In passing, it is well to note that Foucault's use of the term 'regulatory' connotes an association with the norm and normalising powers. Foucault's argument that we have entered into a phase of 'juridical regression' despite the proliferation of the framing of constitutions, codes and the 'whole continual and clamorous legislative activity', is that the function of law as a coercive technique of sovereignty has been displaced by its role in normalising power. Law cannot 'help but be armed', for Foucault (ibid.), but this feature is increasingly displaced by its regulatory functions.

LINK: POLICY

POLICY INITIATIVES ARE A TYPE OF GOVERNMENTALITY AS THEY ARE CONSTANTLY REFORMING THEMSELVES TO SHAPE AND REFORM REALITY.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT*, p. 28-29]

<<<Of course, these dimensions can be studied, and have been studied, without drawing upon the notion of government. But the approach suggested by these writings of Michel Foucault has two further features that we consider important. Policy studies tend to be concerned with evaluating policies, uncovering the factors that led to their success in achieving their objectives or, more usually, deciphering the simplifications, misunderstandings, miscalculations and strategic errors that led to their failure (e.g. Williams et al. 1986). We, on the other hand, are not concerned with evaluations of this type, with making judgements as to whether and why this or that policy succeeded or failed, or with devising remedies for alleged deficiencies (cf. Thompson 1987). Rather, we are struck by the fact that this very form of thinking is a characteristic of 'governmentality': policies always appear to be surrounded by more or less systematized attempts to adjudicate on their vices or virtues, and are confronted with other policies promising to achieve the same ends by improved means, or advocating something completely different. Evaluation, that is to say, is something internal to the phenomena we wish to investigate. For us, this imperative to evaluate needs to be viewed as itself a key component of the forms of political thought under discussion: how authorities and administrators make judgements, the conclusions that they draw from them, the rectifications they propose and the impetus that 'failure' provides for the propagation of new programmes of government. 'Evaluation' of policy, in a whole variety of forms, is thus integral to what we term the programmatic character of governmentality. Governmentality is programmatic not simply in that one can see the proliferation of more or less explicit programmes for reforming reality—government reports, white papers, green papers, papers from business, trade unions, financiers, political parties, charities and academics proposing this or that scheme for dealing with this or that problem. It is also programmatic in that it is characterized by an eternal optimism that a domain or a society could be administered better or more effectively, that reality is, in some way or other, programmable (cf. Gordon 1987; MacIntyre 1981; Miller and O'Leary 1989b; Rose and Miller 1988). Hence the 'failure' of one policy or set of policies is always linked to attempts to devise or propose programmes that would work better, that would deliver economic growth, productivity, low inflation, full employment or the like. Whilst the identification of failure is thus a central element in governmentality, an analysis of governmentality is not itself a tool for social programmers. To analyse what one might term 'the will to govern' is not to enthusiastically participate in it.>>>

POLICY AND GOVERNMENT TECHNOLOGIES AND PROGRAMMES ARE COUNTERPRODUCTIVE AS THEY ARE IMPLEMENTED ALONG LINES OF SUBJECTIVITY ACCORDING TO THE SPECIFIC MOTIVES OF THE INDIVIDUAL.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT: ADMINISTERING ECONOMIC, SOCIAL, AND POLITICAL LIFE*, p. 35]

<<<Such networks are, of course, not the simple aggregate of rationally planned technologies for shaping decisions and conduct in calculated ways (Thompson 1982). 'Governmentality' is embodied in innumerable deliberate attempts to invent, promote, install and operate mechanisms of rule that will shape the investment decisions of managers or the child care decisions of parents in accordance with programmatic aspirations. But such attempts are rarely implanted unscathed, and are seldom adjudged to have achieved what they set out to do. Whilst 'governmentality' is eternally optimistic, 'government' is a congenitally failing operation. The world of programmes is heterogeneous and rivalrous, and the solutions for one programme tend to be the problems for another. 'Reality' always escapes the theories that inform programmes and the ambitions that underpin them; it is too unruly to be captured by any perfect knowledge. Technologies produce unexpected problems, are utilized for their own ends by those who are supposed to merely operate them, are hampered by underfunding, professional rivalries, and the impossibility of producing the technical conditions that would make them work—reliable statistics, efficient communication systems, clear lines of command, properly designed buildings, well framed regulations or whatever. Unplanned outcomes emerge from the intersection of one technology with another, or from the unexpected consequences of putting a technique to work. Contrariwise, techniques invented for one purpose may find their governmental role for another, and the unplanned conjunction of techniques and conditions arising from very different aspirations may allow something to work without or despite its explicit rationale. The 'will to govern' needs to be understood less in terms of its success than in terms of the difficulties of operationalizing it.>>>

LINK: POLICY—SUBJECTIFICATION

GOVERNING OPERATES THROUGH THE SUBJECTIFICATION OF INDIVIDUALS.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT: ADMINISTERING ECONOMIC, SOCIAL, AND PERSONAL LIFE*, P. 42-43]

<<<Governing involves not just the ordering of activities and processes. Governing operates through subjects. The individual manager who comes to think of investments in terms of the discounting of future cash flows is a resource for a strategy of government oriented toward economic growth. Government to that extent is a ‘personal’ matter, and many programmes have sought the key to their effectiveness in enrolling individuals as allies in the pursuit of political, economic and social objectives. To the extent that authoritative norms, calculative technologies and forms of evaluation can be translated into the values, decisions and judgements of citizens in their professional and personal capacities, they can function as part of the ‘self-steering’ mechanisms of individuals. Hence ‘free’ individuals and ‘private’ spaces can be ‘ruled’ without breaching their formal autonomy. To this end, many and varied programmes have placed a high value upon the capacities of subjects, and a range of technologies have sought to act on the personal capacities of subjects—as producers, consumers, parents and citizens, organizing and orienting them in the decisions and actions that seem most ‘personal’, and that confront them in the multitude of everyday tasks entailed in managing their own existence. Experts have played a key role here. They have elaborated the arguments that the personal capacities of individuals can be managed in order to achieve socially desirable goals—health, adjustment, profitability and the like. They have latched on to existing political concerns, suggesting that they have the capacity to ameliorate problems and achieve benefits. They have allied themselves with other powerful social authorities, in particular businessmen, translating their ‘lay’ problems into expert languages and suggesting that rational knowledges and planned techniques hold the key to success. They have problematized new aspects of existence and, in the very same moment, suggested that they can help overcome the problems that they have discovered. And they have acted as powerful translation devices between ‘authorities’ and ‘individuals’, shaping conduct not through compulsion but through the power of truth, the potency of rationality and the alluring promises of effectivity. Again, we will take our examples from economic life, focusing here upon the internal world of the enterprise and the management of the productive subject. The government of economic life across the twentieth century has entailed a range of attempts to shape and modulate the relations that individuals have with society’s productive apparatus (Miller 1986b; Rose 1990). In the process, the activities of individuals as producers have become the object of knowledge and the target of expertise, and a complex web of relays has been formed through which the economic endeavours of politicians and businessmen have been translated into the personal capacities and aspirations of subjects.>>>

LINK: DISCOURSE/SUBJECTIFICATION

BECAUSE OF OUR NATIONS CURRENT DISCURSIVE PRACTICES, WE THE POLITICAL SUBJECTS ARE PUT BEFORE OUR NATION'S SOCIALIZATION AS A WAY OF CONNECTING US. THIS LEADS TO A SENSE OF PROTECTION THAT WILL STOP AT NO COSTS.

CLIFFORD, 2001, MICHAEL, ASSOCIATE PROFESSOR OF PHILOSOPHY AT MISSISSIPPI STATE UNIVERSITY. PG. 57, *POLITICAL GENEALOGY AFTER FOUCAULT*.

<<<Because the political status of individuals is so tied to the discursive practice of a particular form of government, the subjectivity of such individuals will likewise be determined by the various positions they bear in relation to the objects of such discourse.

For example, the distribution of goods is an object of the discourse of capitalist democracies; a liberal will bear a different relation to that object than a conservative, obviously. Yet, it is important to realize that such positions presuppose an established discursive practice that provides the various possibilities for subjectual relation to the objects of a discourse.

It is the position of individuals in relation to such objects that determines their subjectivity. It is not that we merely represent such positions in a discourse; without the discourse, the discursive practice, the various possibilities for subjectivity—of relating politically or ideologically to certain objects—would not be possible.

There are a variety of possible sites from which political discourse may be spoken by real individuals as political subjects. These include the more obvious political institutions such as the floor of the U.S. Senate, the courtroom, and the voting hall. Yet political

discourse is also found in the market place; the home, to the extent it is owned property, is subject to taxation, and is protected by law; the battlefield; and the classroom as a site of claims to the right to an education, of controversy over desegregation, and even of the Pledge of Allegiance.

Also, the media have always been a particularly influential "site" of political discourse.

If, as Hannah Arendt suggests, modern politics is the more or less peaceful, more or less violent struggle for power, then the enunciative modalities of the modern political subject will be modalities animated by this struggle.

The various objects of political discourse, in relation to which individuals are identified as political subjects, are understood in terms of this struggle for power,

or more precisely, in terms of a threat to the legitimate limits of power. Rights and freedoms can be taken away, political obligation can be violated, property can be stolen, power is something that can be abused. It is the possibility of such violations which animates the political subject. This does not mean that political subjects live in constant fear, with guns by their door, but it does suggest that everything they do or say or that is important to them as political subjects presupposes a discourse in which the concepts of rights, freedoms, property, and power have been given

meaning—value—by the threat of their loss. Political discourse is a kind of parody of negative theology in that the discursive objects through which it delimits political subjects are precisely those that are defined, or only make sense, in terms of a

lack or absence, whether real or potential.>>>

LINK: THE CARCERAL

THE PLAN IS NOT ISOLATED—IT OPERATES AMONG A LARGER PROJECT OF GOVERNMENTAL RATIONALITY THAT SHAPES HOW IT IS DEPLOYED

SIMONS, CRITICAL THEORY AND CULTURAL STUDIES AT THE UNIVERSITY OF NOTTINGHAM, **1995** [JON, *FOUCAULT AND THE POLITICAL*, p.37-38]

Foucault's recognition of government as a general problem at the beginning of the modern era allows him to supplement his 'micro-physical' analysis of practices of (disciplinary) power with a 'macro-physical' consideration of governmental rationality (Gordon, 1987: 296-7),¹¹ This involves asking what the purpose of power is as well as how it works. Beforehand, Foucault had located the existence of rationalities, i.e. 'specific regularities, logic, strategy, self-evidence and "reason"' on the level of 'regimes of practices' such as the prison, which constitute 'programmes of conduct', or what we might call micro-governmental rationalities with prescriptive implications. This type of rationality enables one to distinguish between true and false statements (e.g. about criminal personality), and also to develop rules, procedures and means to ends (e.g. to reform these personalities) . These programmes of government in prisons, hospitals or asylums were part of a wider disciplinary rationality. 'They crystallize into institutions, they inform individual behaviour, they act as grids for the perception and evaluation of things.' (1981b: 5, 8-11). There are several dynamics at work in the evolution of such a rationality. The most obvious is that practices of power emerge as local tactics to deal with problems of government in specific sites, such as family, army or school, but are applicable in a whole range of settings. This is the process Foucault discusses as the spread of the carceral, the establishment of disciplinary networks and the extension of normalizing power (1979a: 298-306). The articulation of numerous mini-programmes and technologies of government produces macro-governmental rationalities. The notion of rationality to which Foucault is referring is quite conventional, so it can be explained by drawing on Habermas's (1984: 169-74) reformulation of Weber's account. Technique is relevant to instrumental rational behaviour because it defines the means by which given ends can be achieved. Technical rationalization also requires that behaviour can be reproduced by others who follow the rules laid down by the techniques. Successful intervention in the social world renders political techniques 'objectively' rational. The combination of techniques of government in a programme and political rationality also requires purposive or value rationality, according to which ends and not only means are determined rationally. Political rationalities conceptualize and justify goals as well as means to achieve them, thus defining the proper parameters of political action and the institutional framework appropriate to those limits. They do so through discourses that make it seem as if techniques are addressing .iL.common pro em t roug shared logic an principle. Political rationalities are purposively rational in that, by providing generalized principles, they enable the systematic pursuit of values, the determination of ends selected according to those values, and effective planning of the application of means to achieve these given ends. The combination of technical and purposive rationality in political discourse renders it programmatic, inducing methodically rational conduct which is simultaneously rule governed, reproducible and principled.

¹¹“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

LINK: POLICING

THE PLAN IS INSERTED INTO LARGER FORMS OF POLITICAL RATIONALITY THAT REQUIRE POLICING AND NORMALIZATION

SIMONS, CRITICAL THEORY AND CULTURAL STUDIES AT THE UNIVERSITY OF NOTTINGHAM, **1995** [JON, *FOUCAULT AND THE POLITICAL*, p.39-40]

Foucault claims that the modern art of government is the consequence of A combination between the pastoral thinking inherent in police and reason of state. Reason of state took as its aim the enhancement of the state's strength in a competitive framework, relying on knowledge of the state (statistics) to measure its success. It broke with the Machiavellian concern to maintain the link of ruler and state, but was interested in population and welfare only in so far as they contributed to state power. Whereas the Greek state integrated individuals on the basis of an ethical community, the modern state does so by making the individual politically useful to its strength. The care of the individual becomes a duty for the state (1988k: 152-3, 147). Reason of state relies on the technology of police to make individuals useful. The aim of police is salvation in this world, in the form of 'health, well-being ... security, protection against accidents' (1982a: 215). The Italian and German idea of police of the seventeenth and eighteenth centuries was expressed in utopian tracts that regarded men's relations to each other, with their environment and in the economy as the concern of the state. These types of ideas became widespread in cameralism, mercantilism and the discipline of *Polizeiwissenschaft*, but were later most closely associated with political economy. Police proposes and attempts to practice a supervision of and intervention in everything, from trade and industry to provision for the poor, from transport and communications to health, from religion and public morals to education. It is concerned with how all these things are connected and contribute to the wealth and strength of the state. Police aims to increase the happiness of individuals, to improve their lives as working, trading, living beings, because the state can make use of what men do not need. Individuals are integrated into the state on the levels of population and society. Individual happiness can be guaranteed only in relation to aggregate developments and general relations, all of which are subject to policing (1981f: 246-52; 1988k: 153-60).¹³ In Von Justi's Elements of Police the main dilemma of police is presented as the need to increase the happiness of citizens in a way that also enhances the power of the state. This, according to Foucault, is what defines modern political rationality. Political economy differs from previous forms of police by introducing a distance an autonomy between state and economy. The physiocrats defined society as a quasi-nature with its own regularities which the state should respect, whereas Adam Smith denied that the workings of the economy were visible and therefore knowable by government. Without such knowledge, the economic sovereignty proposed by earlier police rationality was impossible. Political economy offers a critique of government, in particular of the totalizable unity conceived of by police and juridical sovereignty, which is taken up by liberalism (Gordon, 1991: 14-16; Burchell, 1991: 133).¹⁴ It is through disciplines, normalization and bio-power that welfare can be improved and populations governed. At the same time, these forms of government enhance the power of the state. The integration by pastoral power of concerns of state or collective strength with those of individual life makes the modern state a formidable machine of individualization and totalization. If augments individual capacities as it augments its own power. 'The modern Western state has integrated ... pastoral power' by reorganizing it as 'individualizing power' (1982a: 213-15). '[P]astorship happened to combine with its opposite, the state' (1981f: 267) at a particular conjuncture at the sixteenth century, out of which arose a 'new political rationality' and a 'new kind of relationship between the social entity and the individual'. Retaining 'the general framework of the reason of state', the political technology of police was introduced into it 'in order to make of the individual a significant element for the state' (1988k: 153).

¹³“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

LINK: WELFARE REGULATION

THEIR INTENTIONS WILL BE COOPTED BY THE BROADER REGIME OF WELFARE GOVERNMENTALITY—NUMEROUS QUALIFICATIONS AND PROVISIONS ARE USED TO DISCIPLINE WELFARE RECIPIENTS

GUSTAFSON, 2003 [KAARYN, PROF OF LAW @ UNIVERSITY OF CONNECTICUT, WOMEN OF COLOR RESOURCE CENTER, WORKING PAPER SERIES, NO. 3, [HTTP://LSR.NELLCO.ORG/UCONN/UCWPS/PAPERS/42/](http://LSR.NELLCO.ORG/UCONN/UCWPS/PAPERS/42/)]

The welfare reforms instituted in 1996 police the everyday lives of poor families. For example, the reforms include mandatory work requirements, require mothers to submit to intrusive questions about the paternity of their children, and require that states monitor the immunization records and school attendance of welfare recipients' children. More troubling, though, the federal reforms weave the criminal justice system into the welfare system, often entangling poor families in the process. The scope of the punitive policies created under the 1996 federal welfare reforms is without precedent. Some of the punitive policies instituted at the federal level are described in more detail below. A. Loosening the confidentiality of welfare records

One of the clearest examples of the intermingling of the welfare and criminal justice systems is the provision in the federal legislation allowing law enforcement officials access to the basic information contained in aid recipients' files. For a long time before the welfare reforms of 1996, welfare recipients had had the very details of their everyday lives recorded and monitored by welfare officials and, since the 1970s, recorded in computer databases. But before 1996, law enforcement could only access these files through legal process. As a result of some of the PRWORA provisions,

however, law enforcement officials may now access welfare recipients' files if doing so will assist in an official investigation in any way. The welfare recipient whose files are accessed need not be the subject of the investigation.

The federal legislation loosens the confidentiality of welfare records and makes them available to law enforcement agencies upon request. Under the federal regulations, both welfare offices and public housing agencies are required to "furnish any Federal, State, or local law enforcement officer, upon the request of the officer, with the current address, Social Security number, and photograph of any recipient of assistance" (7 U.S.C. 2020(e)(8); 42 U.S.C. 1437z). This exchange of information is not only available to law enforcement officials when the welfare Women of Color Resource Center Working Paper #3 7 recipient herself is suspected of violating the law, but also when an officer believes the aid recipient, or anyone in her household, "has information that is necessary for the officer to conduct an official duty." Id. The administrative data collected by welfare system, then, has become a tool of crime control. Further, the information exchange between public assistance files and law enforcement has expanded beyond mere investigatory use. Use of the welfare system in combating crime is vividly exemplified in the "fugitive felon rule" and a federal program called "Operation Talon," described in more detail below.

B. The Fugitive Felon Rule The welfare system has become a tool for officers of the criminal justice system. PRWORA instituted a "fugitive felon rule," a provision that prohibits any individual wanted by law enforcement

officials for a felony warrant or for violating the terms of parole or probation from receiving government benefits, including not only TANF benefits, but also food stamps, SSI, and housing assistance (P.L. 104-193, §§ 202 [SSI], 821 [food stamps], 903 [housing]). According to a 2002 report by the Government Accounting Office, approximately 110,000 beneficiaries had been dropped from the SSI, Food Stamp, and TANF rolls under the fugitive felon rule (GAO:2002:3). While government officials claim that fugitive felon rules remove dangerous criminals from the streets, it is not clear that dangerous criminals are the majority of those affected by the effort. According to the GAO report, more than one quarter of the SSI recipients excluded from aid under the rule were dropped because of parole or probation violations; in more than 37.4 percent of the cases, the offense on the warrant was not indicated in the data (GAO 2002:39). Not all parole or probation violations, however, are direct threats to public safety. An individual may have an arrest warrant issued for parole or probation offenses that, while they may be violations of parole, are not criminal acts. For example, an individual may have a warrant issued for missing a meeting with a parole or probation officer, missing a substance abuse meeting, or being determined to be psychologically unstable.

Excluding felons—even those who have served their sentences—from the full benefits of citizenship certainly draws upon precedents under some state laws. A number of jurisdictions exclude convicted felons, including those who have completed their sentences, from voting in elections (Uggen and Manza 2002). However, the drug felony exclusion and the fugitive felon rules extend even beyond political disfranchisement to encompass deprivations of economic citizenship. While withdrawing the right to vote may have little impact on an individual's daily life, economic disfranchisement can substantially and detrimentally affect not only daily

life, but also physical well-being. C. Operation Talon Operation Talon is a program developed under the Office of Inspector General to expedite enforcement of the fugitive felon rule. As a result of the 1996 rule changes, law enforcement officers now actively use the food stamp records of local social service agencies to

locate and apprehend individuals with outstanding arrest warrants. Government agents cross-check lists of individuals with outstanding arrest warrants against lists of food stamp recipients. Those individuals whose names show up in both lists then become the targets of sting operations. This practice raises several concerns. First, by allowing criminal investigators to seek personal information or conduct investigations without justifying those actions to a neutral adjudicator, the data sharing provisions allow the criminal justice system to side-step the Fourth Amendment protections against warrantless searches. Second, the program works by conning food stamp recipients into believing lies created by the government. The targets of Operation Talon are commonly drawn into the snare by letters stating that they need to show up for a critical meeting at a government office or that there is some type of bonus or prize awaiting them. When they arrive at the office, they are instead greeted by officers waiting to make arrests. Finally, and perhaps of most concern, Operation Talon undermines the beneficent nature of the food stamp program, transforming the welfare system into an extension of the criminal justice system. Operation Talon has had widespread effects. Between early 1997 and the middle of 2003, Operation Talon led to the arrest of 8,793 individuals across the country (Fong 2003). While the Office of Inspector General's year 2000 update on Operation Talon indicates that some individuals arrested under the program faced charges on violent or serious crimes, many others did not. For example: • 31% were for offenses known as "Group B offenses", which are considered less serious offenses (e.g., writing bad checks). • 23% were for drug-related offenses • 11% were for fraud charges, which may include welfare fraud. Administration of the program is inconsistent from one jurisdiction to another. States seem to have targeted different types of felony offenders under the program. For example, two-thirds of the individuals caught in the Illinois program instituted under Operation Talon had outstanding warrants on drug-related charges, while more than three-fourths of the California warrants were on fraud charges (which include but are not limited to welfare fraud charges) (OIG 2000). In neither case, nor in many other of the cases, is it clear that this program is protecting public safety by reining in violent criminals or simply providing law enforcement officers a new tool. Government costs—and any cost savings—associated with administering the program are unclear. In testimony before the U.S. House of Representatives Committee on the Budget, Inspector General Phyllis Fong stated, "It is difficult...for most States to determine costs savings because even though fugitives are removed from the food stamp eligibility roles, they may be only one member in an entire household that continues to be eligible" (Fong 2003). Researchers have yet to explore the effects of this program on the families who receive food stamps and other Women of Color Resource Center Working Paper #3 9 benefits. The big value for the federal government and for localities seems to rest in the

numerous press releases celebrating the number of arrests made through use of Operation Talon. D. The drug felony lifetime ban Law enforcement's use of the welfare system does not

stop at catching those with outstanding arrest warrants. Imposing additional punishments on convicted felons has also become one of the new functions of the welfare system. PRWORA gave states the option to exclude from their government aid programs those individuals who had been found guilty of drug-related felonies. As of December 2001, 42 states had adopted the drug felony ban either in part or in full (Allard 2002, 1). The states themselves determine the criteria they use to determine whether an individual is ineligible for government aid based on a past drug conviction and these criteria vary dramatically. In twenty-two states, all drug-related felony convictions—from possession of small quantities to major trafficking—disqualify an individual from welfare receipt for life (Allard 2002, 2). Poor adults in these states may receive neither cash aid nor food stamps. A study of the effects of the felony drug exclusion rule found that

roughly 92,000 adults across the United States had been excluded from aid because of the rules between 1996 and 1999 (Allard 2002). The lifetime ban is particularly hard on

(card continues...)

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

LINK: WELFARE REGULATION

(...card continues)

parents who have histories of drug felony convictions.

The restrictions on their eligibility for government benefits make it difficult for these parents, who already face barriers in employment because of their conviction histories, to reenter society and support their transition from the criminal justice system to civil society (Hirsch et al. 2002). As legal advocate Amy Hirsh notes, "Access to public benefits can mean the difference between success and disaster for parents with criminal records" (Hirsch et al. 2002, 37). The lifetime ban smacks of unfairness for parents who are trying to move beyond criminal pasts. The lifetime ban also unquestionably affects more families of color than white families, and more incarcerated mothers than incarcerated fathers. In 1999 more than one million of the 1.5 million minor children who had parents in state or federal prison were Black or Hispanic (Mumola 2000, 2). Thirty-five percent of the mothers in state prison in 1999 were serving sentences for drug offenses (compared to 23% of fathers) (Mumola 2000, 6). Rather than helping low-income women of color who use drugs or participate in the drug trade, the lifetime ban adds to the likelihood that these women and their children will be unable to achieve full economic participation in U.S. society. Deterring low-income parents from using drugs served as the rationale for the felony drug exclusion. There is, however, no way to know whether the rule served its deterrent function because there is no way to measure recipients' knowledge of the rule or to compare drug use among welfare recipients before the rules implementation with use after the implementation. What is certain is that the rules have punished thousands of families, imposing permanent pariah status on many. IV. State Policies that criminalize welfare minority Welfare reform ended aid as a federal entitlement and allowed states to develop their own rules about who was entitled to welfare and their own regulations and practices regarding removing Women of Color Resource Center Working Paper #3 10 families from the rolls. Many states instituted policies that heavily regulated and punished the behavior of parents receiving aid. These punitive policies included varying types of economic sanctions for parents who failed to comply fully with welfare rules such as the mandatory work hours. Still other state programs included policies borrowed from the criminal justice system: drug testing welfare applicants; fingerprinting applicants for cash aid and food stamps; and the refusal to provide aid to

children born to families on welfare, otherwise known as the "family cap." These state-initiated programs are detailed below. A. Drug Testing State efforts to surveil and control the bodies of welfare recipients go well beyond the regulation of how and where they spend their time. Presumptions of criminality underlie welfare reform practices that compromise the bodily integrity of poor

women. For example, federal welfare reform allows states to test welfare recipients for drug use. While, as of this writing, no state has a program of random testing for all welfare recipients, a few states require welfare recipients who have been convicted of drug use or possession to submit to and pass drug tests as a condition of receiving benefits. These states include Louisiana, New Jersey, and Wisconsin. Michigan lawmakers designed a pilot drug testing program in 1999 requiring all welfare applicants to provide urine samples as a condition of welfare receipt and requiring the random testing of welfare recipients thereafter. An injunction prevented the implementation of the program for years while the courts decided on its constitutionality. In 2002 Judge Alice Batchelder of the Six Circuit Court of Appeals ruled that suspicionless drug testing of welfare recipients did not violate the Fourth Amendment (illegal search) rights of poor mothers. Marchwinski v. Howard, 309 F.3d 330 6th Cir., Oct. 18, 2002. Judge Batchelder held that several concerns might constitute a "special need" for these searches. These concerns included "the safety of the children of families" receiving aid; "the risk to the public from the crime associated with illicit drug use and trafficking"; the need to insure that cash is "used by the recipients for their intended purposes and not for procuring controlled substances." 309 F.3d at 336. While all of these rationales might just as well justify drug testing of all recipients of child tax credits—or even all holders of drivers' licenses—it would be difficult to imagine such a policy. Implicit in the opinion was the assumption that welfare recipients are especially inclined to drug use and crime and therefore pose a particular risk to society at large. The decision also stated that drug testing did not intrude into welfare recipients' privacy interests because "welfare assistance is a very heavily regulated area of public life with a correspondingly diminished expectation of privacy." 309 F.3d at 337. According to this reasoning, then, government refusals to acknowledge the privacy rights of welfare recipients and the increasing state regulation of poor families justify further invasions—including those that intrude upon the bodily integrity of citizens who have not been charged with any crime. The injunction was lifted and drug testing of welfare recipients began in 2003. During the five weeks the drug testing program was in effect, 435 individuals were subject to urine testing and 45 tested positive, mostly for marijuana. Not long after the testing program began, the Marchwinski case was reheard en banc by the Sixth Circuit, which split evenly—six to six—on Women of Color Resource Center Working Paper #3 11 the earlier ruling. Marchwinski v. Howard, 2003 U.S. App. LEXIS 6893 (6th Cir. Apr. 7, 2003). Because there was no majority decision, the deadlock effectively reaffirmed the earlier district court decision granting injunction and barring implementation of universal drug testing of welfare recipients. The Marchwinski case, however, did not settle the issue of drug testing in Michigan. In September 2004 the Michigan House of Representatives passed a bill that, if it also passes in the state Senate, will require any welfare recipient in the state to undergo drug testing if any employee of the welfare agency (called the "Family Independence Agency") has probable cause to suspect the recipient of substance abuse (Michigan H.B. 6161, passed Sep. 22, 2004). Though legislative analysts noted before the vote that welfare agency employees lack the skills to be able to determine probable cause; that drug testing would be costly; that the bill violated the Marchwinski settlement reached between the Family Independence Agency and the ACLU; and that passage of the bill would likely result in costly litigation, the bill nevertheless passed by a vote of 73 to 33. The costs of punishing welfare recipients are treated as good investments. The drug testing of welfare recipients not only draws upon but also perpetuates widespread assumption that welfare recipients are latent or active criminals. B.

Biometric data collection A January 2002 report found that nine states (see Table 2, below), including the three most populous—California, New York, and Texas—have instituted biometric imaging, in most cases finger-imaging programs, as part of their welfare fraud control measures.

These biometric data collection requirements have been applied, depending on the state, to recipients of food stamps, TANF grants, and General Assistance grants (available to indigent adults without children). Individuals who apply for cash aid or food stamps in these states are required to submit fingerprints—and sometimes photographs—through an electronic imaging system. New fingerprints are cross-checked with those on record to identify cases where a person might have tried to apply for aid in two different welfare offices. The stated goals of these programs are to deter and catch individuals who might attempt to "double-dip" by using aliases to open welfare cases. Table 2: State welfare programs that require the collection of biometric data from welfare recipients Food Stamps TANF General Assistance Arizona X X - California X X X Connecticut - X X Illinois - X - Massachusetts X - New Jersey - - X New York X X X Pennsylvania X X - Texas X X - Source: Borden and Ruben-Urm 2002:18 Women of Color Resource Center Working Paper #3 12 While there were several well-publicized California and Illinois cases of double-dipping welfare fraud between 1975 and 1983, in all of those cases the welfare recipients had first signed up for aid before applicants were required to submit social security numbers, and before extensive computer verification systems existed. With computerization in place, individuals would have great difficulty opening multiple cases: even if they used fake social security numbers, computer checks on the numbers would be likely to reveal earnings or assets associated with those numbers. The finger-imaging systems, then, are superfluous to existing anti-fraud efforts. The collection of biometric data scrutinizes and stigmatizes low-income adults in a way that equates poverty with criminality. The finger printing of welfare recipients subjects low-income individuals to surveillance measures from which the middle and upper classes are exempt. Further, while the finger imaging requirement may not be doing much to prevent welfare fraud, it is likely compromising the well-being of recipients who fear the consequences of exchanging surveillance data for a government grant. Separate audits of the finger imaging systems in New York, Texas, and California determined that the systems were costly, caught few (if any) cheats, and served as both a hurdle and a deterrent to poor families in need of aid. In each case, less than one-half of one percent of the new and recertified cases triggered a match—0.44 percent in Texas (Texas DHS 1999). By instituting these programs, states signaled that crime control—specifically preventing the receipt of excess government benefits—takes priority over both relieving poverty and food insecurity and containing state administrative costs. The finger-imaging programs, which degrade families who apply for assistance and contribute to the stigma of receiving government aid, may also be deterring needy families from applying. It is generally true that only a fraction of those families eligible for food stamps receive them. But, nearly all the states with finger-imaging requirements in 2001 had fewer eligible families receiving food stamps than the national average (see Table 3). Table 3: 2001 Food Stamp Participation Rates in States that Require Finger Imaging for Food Stamps Food Stamp Participation Rate in 2001 Arizona 51% California 54% Massachusetts 45% New York 58% Pennsylvania 69% Texas 49% National Average 60% Source: Castner and Shirm 2004 Women of

Color Resource Center Working Paper #3 13 C. Child Exclusion through Family Caps Even childbearing has become a punishable offense. Under the "family cap" (known in some states as "maximum family grants") women who give birth to a child while on welfare are denied an incremental increase in cash aid,

despite the increased number of household members. Twenty-four states adopted family cap policies during the 1990s. Though Maryland phased out its family cap policy in 2002 and Illinois passed a bill in 2003 to phase out its program, Minnesota legislators, dismissing evidence from other states that the policy had ill effects on families, implemented a family cap policy for the first time in 2003. At the time family caps were instituted, incremental increases in assistance were relatively small, from about \$24 in Mississippi to about \$107 in California (Levin-Epstein 1999, 5). To an impoverished family with a young child, however, these dollars can be important. The family cap policies are particularly noteworthy because, in effect, they punish entire families for actions of the mother. Racial disparities can be seen not only among those who are subject to the family cap, but also in the effects of the family cap on families. Political Scientist Sanford Schram has found that "the percentage of [welfare] recipients who are African American" in a state was "related to the probability that a state would adopt a family cap policy" (Schram 2002, 97). Thus, African American women were more likely to be affected by the family cap than White women. The effects of the family cap are not insignificant. According to the U.S. Government Accounting Office, in an average month in the year 20000, approximately 108,000 families were receiving less cash assistance as a result of family cap policies (GAO 2001, 2). The family cap rules may also be increasing the number of abortions among low-income women of color. A study of women affected by New Jersey's family cap found that the abortion rate rose among welfare recipients subject to the rule—but only among African American welfare recipients (Jagannathan and Camasso 2003). The federal and state policies designed to reduce childbearing within low-income families reflect a number of disturbing trends, all related to the rising tide of punitive state practices and the withdrawal of state action directed toward the good of citizens. First, family cap policies have diverted funding and resources away from direct aid to the needy. Second, they have advanced the ideological notion that childbearing among poor women of color is such a threat to the general population that it warrants state action. Third, family cap policies promote the idea that efforts to deter childbearing among low-income women will serve a more general crime-control function by preventing the very births of a new generation of criminals. Finally, family cap policies suggest theories of eugenics, which hold that the world will be better off if certain classes and races are bred out of existence. V. Local criminalizing practices In addition to the policies and practices mandated by the states and

by the federal government, many jurisdictions have found additional ways to criminalize welfare recipients. Many counties across the country have instituted fraud control measures even more draconian than the measures Women of Color Resource Center Working Paper #3 14 implemented by the States and the federal government.

For example, San Diego California fraud investigators conduct unannounced home visits to all families who apply for aid. Families who refuse to comply with the visits are not only denied aid, but are also referred for fraud investigations.

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

LINK: WELFARE

THE CREATION OF NEW PROGRAMS OR ATTEMPT TO TARGET GROUPS FURTHER DEVELOP THE FEAR OF WELFARE 'TYPES' SORTING POPULATIONS INTO WANTED AND UNWANTED IDENTITIES

BATSLEER AND HUMPHRIS 2000 (JANET AND BETH, SENIOR LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, PRINCIPLE LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, *WELFARE, EXCLUSION, AND AGENCY* PGS 2-5)

The discourses of welfare mark social division, inclusion and exclusion: mark 'them' and 'us' in changing and shifting ways. From the essays in this collection, it will be clear that discourses of 'professional' and 'user', of 'competent' and 'incompetent', continue to be significant. Linked to these are concepts of normality and otherness, including criminality, madness and alienness, which mark the social divisions and social sites at which borders of inclusion and exclusion can be drawn.

Discussion of 'exclusion', and to a lesser extent 'inclusion', shapes much discourse surrounding welfare, health and education currently. It is useful to acknowledge the lineage of the term 'exclusion' in welfare discourse, which terms it has displaced, and what debates and dialogues it may enable to emerge. The term 'exclusion' follows in a lineage which includes 'deprivation' and 'marginality'. It disguises and yet cannot be completely separated from discourses which reference social and political injustice more directly, such as discourses about discrimination and disadvantage. Following the rediscovery of charity as a major welfare practice, and the mobilization of self-interest through the National Lottery alongside the committed withdrawal of the state as the central welfare provider and the development of the quasi-market as a system for the provision of services, there has been a rediscovery of fear of 'the mob', the outcasts, those who have no stake in existing social relations. From a situation in which issues of welfare were legitimately understood as the concern of the whole society and of the majority of its citizens - since everyone could be understood as vulnerable to sickness, neglect, old age, unemployment - welfare services are now 'targeted' at specific groups. Interdependence is not understood as a necessary condition for autonomy and citizenship. Instead, 'dependence on welfare' - another term for social exclusion - is not a state we can all expect to enter at some point in our lives, but a position to be avoided at all costs.

Anyone who fails to escape dependence on welfare is likely to be seen as deficient in some way, some kind of failure. From the connection with the discourse of deprivation, we can hear the continuation of victim-blaming into discourses of exclusion. 'Deprived children', whether in their own homes or out of them, are the sources of social infection as real and as serious as are carriers of diphtheria and typhoid' (Bowlby, cited in Pascall 1997: 77).

The excluded ones, the outcasts - the criminals, the paedophiles, the 'care in the community cases', the lone parents on council estates, the illegal immigrants, the teenage mothers - are sometimes understood as threatening, as capable of wielding a destructive, though often passive, power which - perhaps by 'draining resources' - could undermine social coherence. So although analyses of social exclusion draw most directly on a Durkheimian model of social integration rather than on models of democracy or models which highlight social conflict over resources and power (Levitas 1996), they are shadowed and haunted by the question of power, often in the form of the creation of division and difference, of the 'other' who haunts the 'norm'. And, of course, those who are excluded can indeed threaten, with the force of abjection, of the abject created at the boundary of exclusion and inclusion (Sibley 1995). Those who are called monstrous can behave monstrously. he humanist claims of liberal democracies to offer equality of status and fair treatment to citizens. They can speak the language of human rights and of the need to resist discrimination. They can even participate in the definition of 'need' and the debate about allocation of resources.

In Britain, one of the flagships of the New Labour government is the 'Social Exclusion Unit'. Its initial brief has been to address issues of truancy from school, the problem of rough sleepers and the problems facing the most deprived estates. 'Exclusion' is not understood as a dynamic process, or even as a category of analysis, but as a property of particular populations and areas. The antidote to exclusion, furthermore, is to be found in the operation of the labour market. To be included is to be incorporated into the system, to be found a place in the paid labour market, however flexible or marginal that place may be. Or it means to be found a place in the education system, with access to qualifications seen as the best precondition of access to the labour market. For young people aged 16-25, for lone parents with children over 5 years of age, there is to be 'no other option'. The 'gateway' to social inclusion is the 'gateway' to the labour market. 'Dependence on welfare' - that feminized sign

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LINK: WELFARE

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of subordination -needs to be replaced by citizenship and participation, specifically participation in the waged labour market. Much welfare practice will be concerned with enabling the transition from welfare to work.

If the place of the citizen is in the labour market, then the space occupied by those who are excluded can be defined as not occupied by citizens. Rather, it can perhaps be understood as occupied by the 'denizens' of an underclass (Hammar 1990), who need to be confined. For those who remain undisciplined by the exigencies of the labour market, there is certainly control of the space they may occupy. This control includes hostels for rough sleepers, foyer projects for the young 'homeless and jobless' in which accommodation and training are linked, curfews for young offenders, court orders for the parents of school truants, prisons, of course, for those convicted of criminal offences and for those on remand awaiting trial, detention centres for asylum seekers and compulsory treatment in the community for the mentally ill. Britain has one of the highest prison populations in Europe (Muncie and Sparks 1991), and just as welfare policy is being modelled on the American welfare system, so the pattern of racialization of the prison population so evident in the United States can be found here. Exclusion involves the drawing of borders. Those who have been excluded/have excluded themselves, will need to be contrcontrolled is here that the practices of control and care are so neatly intertwined, and it is here, therefore, that the work of professionals may make the most difference. Many chapters in this collection show the operation and histories of discourses of professionalism and competence as discourses of exclusion - exclusion from school, exclusion from free society, exclusion from citizenship, exclusion from definitions of the 'normal'. In forcing division, assessing and excluding practices may well become sites not only of anger and conflict, but also of interpersonal and collective violence. They may also become sites of resistance.

WELFARE CREATES DISCOURSES ON WHAT PEOPLE “NEED” WHICH REPLICATES NEGATIVE POWER RELATIONS.

BATSLEER AND HUMPHRIS 2000 (JANET AND BETH, SENIOR LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, PRINCIPLE LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, *WELFARE, EXCLUSION, AND AGENCY* PGS 7

However, there are those who are determined that their practice should continue to be informed by critical currents. Many feminist writers and, in particular, a number of black writers have continued to draw on discourses of professionalism in order to develop their own perspectives on a radical practice, distinct from both the older Fabian accounts and new market-based 'care manager' perspectives. In her important essay 'Women, welfare and the politics of need interpretation', Nancy Fraser suggests that welfare is a site which signifies the failure of the binary systems which are the basis of liberal understandings of society (public/private; state/market), and will not do as conceptualizations (Fraser 1989). Fraser writes: the social is a sphere of discourse about people's needs, specifically about those needs which have broken out of the domestic and/or official economic spheres that earlier contained them as 'private matters'. Thus the social is the site of discourse about problematical needs, needs which have come to exceed the apparently (but not really) self-regulating domestic and economic institutions of male dominated capitalist society. (Fraser 1989: 116) It is this sphere - as part of the landscape of civil society - in which social workers, educators, psychologists and health workers intervene. While it is clear that the market economy globally fails to meet basic needs and distributes this failure through certain familiar axes of inequality, the practice of welfare as 'needs assessment' can be seen as a key mechanism through which these inequalities are perpetuated. However, the essays in this volume are written at some distance from a functionalist account of welfare as simply maintaining the market economy. Welfare practice, including the definition of need, is a discursive practice in which a struggle over the distribution of resources occurs. Dominant juridical technical and administrative discourses of need are 'expert knowledges', monological discourses which separate professional from client and ensure the continuance of existing power relations of all kinds. But they are challenged by the needs discourses associated with oppositional movements, including movements of users and clients, as well as by the discourses of constituencies dedicated to reprivatizing need: strengthening the discourse of the family, for example, Critical professionals have an essential role in refusing to engage in monological discourses and 'expert' roles. In an analysis of discursive practices which leans hard on a Foucauldian account of power, the politics of needs interpretation is also a politics of discipline, control and subjectification, and always necessarily a politics of resistance.

LINK: WELFARE

WELFARE CREATED A SERIES OF NETWORKS BY USING SPECIFIC PROBLEMATIZATION TO DRIVE EXPANSION OF BIOPOLITICAL CONTROL.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, GOVERNING THE PRESENT, P. 72-74]

<<<Governing the networks of welfare

The English example illustrates three key features of welfarism. The first concerns the relations between political rationalities and the formation of networks of government. As a political rationality, welfarism is structured by the wish to encourage national growth and well being through the promotion of social responsibility and the mutuality of social risk. This rationality was articulated in a number of different ways. The Beveridge Report was framed in terms of a kind of contract between the State and its citizens, in which both parties had their needs and their duties. The state would accept responsibility to attack the 'five giants of Want, Disease, Idleness, Ignorance and Squalor' through a nationalised health service, a commitment to full employment and a social insurance system which would prevent the social demoralization and other harmful effects of periods of want by redistributing income across the life cycle. In return, the citizen would respect his or her obligations to be thrifty, industrious, and socially responsible. The Labour Party, on the other hand, articulated this rationality in terms of the just and equal treatment for each and for all, to be realized by planned, rationalised and universal state dispensation of security, health, housing and education.

The rationality of welfarism was programmatically elaborated in relation to a range of specific problematizations: the declining birthrate; delinquency and anti-social behaviour; the problem family; the social consequences of ill health and the advantages conferred by a healthy population; and the integration of citizens into the community. These were not novel problems, but in the post-war period they were to be problematized by a multitude of official and unofficial experts and, crucially, were to be governed in new ways. The key innovations of welfarism lay in the attempts to link the fiscal, calculative and bureaucratic capacities of the apparatus of the state to the government of social life. The social devices of the pre-war period consisted of a tangle of machinery for the surveillance and regulation of the social, familial and personal conduct of the problematic sectors of the population. The personnel, procedures, techniques and calculations that made up these devices were attached to specific locales and organizations: the courts, the reformatories, the schools and the clinics. Welfarism sought to articulate these varied elements into a network and to direct them in the light of centralised calculations as to resources, services and needs.

However, welfare was not a coherent mechanism that would enable the unfolding of a central plan. The networks were assembled from diverse and often antagonistic components, from warring Whitehall departments to peripheral and ad hoc agencies. This was no 'state apparatus', but a composition of fragile and mobile relationships and dependencies making diverse attempts to link the aspirations of authorities with the lives of individuals. Assembling and maintaining such networks entailed struggles, alliances and competitions between different groups for resources, recognition and power. The problem posed for the next thirty years, for those aspiring to form a 'centre' from which the welfare apparatus could be governed, was one of regulating those who claimed discretionary powers because of their professional or bureaucratic expertise. >>>>

LINK: WELFARE

THE WELFARE STATE REQUIRES THE GOVERNMENTAL INVESTMENT IN THE BODY AS A SITE FOR SECURITY AND CONTROL. THE RESULT IS A SEEMINGLY CONTRADICTIONARY SET OF INTERVENTIONS TO MANAGE, COLLECT, AND JUDGE THE DATA OF LIFE IN THE HOPES OF TOTALIZING THE CONTROL AND MOBILIZATION OF THE POPULATION THROUGH PASTORAL RELATIONS

ILPO HELÉN, PROFESSOR OF SOCIOLOGY UNIV OF HELSINKI, FINLAND, **2000**. [*ACTA SOCIOLOGICA WELFARE AND ITS VICISSITUDES*, JUNE, [HTTP://WWW.JSTOR.ORG/STABLE/4201196](http://www.jstor.org/stable/4201196), 3/7/09]

<<<Dean uses the catch-phrase 'government through processes' to describe governmentalization of the state, which refers to the fragmentation tendency of the modern state power and politics. The liberal welfare state has an inclination to disperse into various practices, or rather assemblages, defined by particular objectives of government, special expertise and knowledge/power formations. They form a kind of texture of institutions, projects and processes aiming to conduct the conduct of living human beings.

In general, this fabric state has adopted a peculiar position both outside and inside 'society'. The political authority regulates and intervenes in the relations and processes of society as an outside agent. However, the action taken by the agents of state authority happens and takes effect inside society, which means that 'socio-economic' relations and processes set the fundamental conditions for the policy-making and actions of the state.

The borderline character of the contemporary state is aptly described as a night watch, frugal in nature. However, if the aspect of bio-power and the prefix welfare are emphasized, a chemical metaphor might be even more appropriate. The positivity of the governmentalized state lies in its functioning as a catalyst for ensuring, fostering and directing vitality - forces and potentials of 'life' - of and in society.

The transformation of the state has engendered the paradox of modern political reason. The working of liberal and welfarist government is thought to be essentially self-demarcating; this very character implies, however, that the power of the state is limitless, total (cf. Schmitt [1933] 1958). Due to the basic principle that the state should secure human life and respect its natural

course and multiplicity, the instances of political rule need to have contact with every possible phenomenon and condition of human life. Good government requires comprehensive knowledge of the various phenomena of life, of individuals, groups and relations 'in society', as well as opportunities and capacities to affect, regulate and intervene in any biological, psychological and social phenomenon or process of life, both actual and possible. The total nature of the modern state lies in this potential. Foucault considered modern bio-political reason as demonic, because it mixes totalizing traits with individualizing ones.

Regarding the latter aspect, the idea of governmental practices as pastoral power is crucial. The pastoral aspect of contemporary 'government over life' is related to the personal care and guidance provided by the welfare services to secure and foster the health and well-being of individual members of society. According to Foucault, this aspect derives from the power of the pastor in early Christian congregations and the Catholic Church. The task of the pastor was to look after the spiritual

condition not only of his flock as a whole, but also of its individual members. To carry out this task he needed thorough knowledge of every member of his parish. In the regimes of welfare, this personal caring for and knowing about the members of the flock has been secularized, politicized and dispersed among numerous expertises and institutions. The demonic character of liberal and welfarist government is inherent in the very potentiality of pastoral power to be total. The pastoral aspiration turns the basic elements and subtleties of individual and collective life, existence and experience into political matters, and submit them to sophisticated regimes of government and to complex forms of knowledge and expertise. Moreover, all this is linked to the authority of the state. >>>

LINK: WELFARE

WELFARE IS THE ESTABLISHMENT OF A SERIES OF NETWORKS TO FURTHER ENTER AND CONTROL THE SOCIAL FIELD

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT*, p. 71-72]

<<<8. WELFARE AND THE GOVERNMENTALIZATION OF THE STATE

Political commentators tend to agree that during the first half of the present century, many western societies became 'welfare states', in which the State tried to ensure high levels of employment, economic progress, social security, health and housing through the use of the tax system and investments, through state planning and intervention in the economy, and through the development of an extended and bureaucratically staffed apparatus for social administration. From our perspective, however, this is less the birth of a new form of state than a new mode of government of the economic, social and personal lives of citizens. This mode of government, that we term 'welfarism' is constituted by a forms political rationality embodying certain principles and ideals and based upon a particular conception of the nature of society and its inhabitants. This welfarist rationality is linked to an array of mutually translatable programmes, technologies and devices ranging from tax regimes to social insurance, from management training to social casework, from employment exchanges to residential homes for the elderly.

We have discussed welfarism and the government of economic life elsewhere. Let us here consider welfarism and 'social' government. 'Social' does not refer in this instance to a given repertoire of social issues, but to a terrain brought into existence by government itself - the location of certain problems, the repository of specific hopes and fears, the target of programmes and the space traced out by a particular administrative machinery. The programmes of social government that proliferated in the nineteenth century involved complex alliances between private and professional agents - philanthropists, charitable organizations, medics, polemicists and others, and the state - formed around problems arising in a multitude of sites within the social body. From the latter half of the nineteenth century onwards, these programmes, and the schemes they gave rise to, were gradually linked up to the apparatus of the state. These connections were, no doubt, inspired by diverse aims and principles, but they appeared to offer the chance, or impose the obligation, for political authorities to calculate and calibrate social, economic and moral affairs and seek to govern them. Yet the state apparatus did not, could not, eliminate all other centres of power or decision, or reduce them to its creatures whether through the mechanisms of command and obedience or by subjecting everyone to perpetual surveillance and normalization. Welfarism is not so much a matter of the rise of an interventionist state as the assembling of diverse mechanisms and arguments through which political forces seek to secure social and economic objectives by linking up a plethora of networks with aspirations to know, programme and transform the social field. >>>>

LINK: WELFARE

THE US CAUGHT IN THE PARADOX BETWEEN SOCIAL WELFARE AND LIBERTARIAN AN FREEDOM. THE RESULT, EVEN OUR MUST AGGRESSIVE WELFARE AGENDA PURSUES THE MORALIZING POLITICS OF WORK AND ECONOMIC GROWTH

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, **1978** [MICHEL, *THE BIRTH OF BIOPOLITICS*, p. 19-20]

The third consequence (the second being the conjunction between the disciplines and liberalism), is the appearance in this new art of government of mechanisms with the function of producing, breathing life into, and increasing freedom, of introducing additional freedom through additional control and intervention. That is to say, control is no longer just the necessary counterweight to freedom, as in the case of panopticism: it becomes its mainspring. And here again we have examples of this, such as what took place in England and the United States in the twentieth century, in the 1930s say, when not only the economic but also the political consequences of the developing economic crisis were immediately detected and seen to represent a danger to a number of what were thought to be basic freedoms. Roosevelt's welfare policy, for example, starting from 1932,²⁸ was a way of guaranteeing and producing more freedom in a dangerous situation of unemployment: freedom to work, freedom of consumption, political freedom, and so on. What was the price of this? The price was precisely a series of artificial, voluntarist interventions, of direct economic interventions in the market represented by the basic Welfare measures, and which from 1911⁶, and even from the start moreover, were described as being in themselves threats of a new despotism. In this case democratic freedoms are only guaranteed by an economic interventionism which is denounced as a threat to freedom. So we arrive, if-you like—and this is also an important point to keep hold of—at the idea that in the end this liberal art of government introduces by itself or is the victim from within [of]* what could be called crises of governmentality. These are crises which may be due, for example, to the increase in the economic cost of the exercise of these freedoms. Consider, for example, how, in the texts of the [Trilateral]²⁹ in recent years, there has been an attempt to project the effects of political freedom on the economic level of cost. So there is a problem, or crisis, if you like, or a consciousness of crisis, based on the definition of the economic cost of the exercise of freedom. Another form of crisis would be due to the inflation of the compensatory mechanisms of freedom. That is to say, for the exercise of some freedoms, like that of the freedom of the market and anti-monopoly legislation, for example, you could have the formation of a legislative straitjacket which the market partners experience as excessive interventionism and excessive constraint and coercion. At a much more local level, you have everything which takes on the appearance of revolt and rejection of the world of the disciplines. Finally, and above all, there are processes of dogging such that the mechanisms for producing freedom, precisely those that are called upon to manufacture this freedom, actually produce destructive effects which prevail over the very freedom they are supposed to produce. This is, if you like, the ambiguity of all the devices which could be called "liberogenic," that is to say, devices intended to produce freedom which potentially risk producing exactly the opposite.

²⁸“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

LINK: WELFARE

THE BIRTH OF BIOPOLITICS EMERGES WHEN THE POPULATION IS REDUCED TO A MERE NUMBER. AS SUCH, INCREASED RELIANCE ON THESE NUMERICAL CONCEPTIONS FURTHER THE ABILITY TO ENGAGE IN BIOPOLITICAL POWER STRUCTURES— WELFARE IS A MEANS TO ELIMINATE AND DESTROY THOSE PIECE OF THE POPULATION WE DEEM "UNFIT"

ASHENDEN, 1999, LECTURER IN SOCIOLOGY AT THE U OF LONDON (SAMANTHA) FOUCAULT CONTRA HABERMAS: QUESTIONS OF CRITICISM, SAGE PUBLICATIONS, 1999. PG 152-3

<<<Biopolitics is thus characterised by a double focus: a focus on the individual body, its disciplininess, efficiency and so forth; and a concern with the 'species body' (1979a: 139), questions of demography, the health and regulation of the population. This is coterminous, at the level of knowledge, with the emergence of the idea of the individual case history, the documentation of the details of an individual's life, and the development of statistics. Foucault argues that these individualising and totalising forms of knowledge are made possible and linked by the development of the human sciences and by pantoptic and confessional technologies as institutional sites for the emergence of the concerns of the 'sciences of man'. These forms of knowledge and power link the welfare of individuals with the nation state and forms of political rule in new ways.

In his work on governmentality (1979b), Foucault links his general concern with biopolitics as a modern form of power over life to the question of political rationality, of 'rationalities of rule' as specific forms of the conduct of conduct. Foucault defines government in a general way as 'the conduct of conduct', a way of doing things or as an 'art' through which individual and collective conduct is conducted (Foucault, 1988, in Burchell, 1993: 267). 'Governmentality' signifies a concern with a range of institutions, apparatuses and knowledges which constitute, regulate and survey the political domain.

Foucault presents an historical thesis concerning the 'governmentalisation' of the state as a result of a confluence of new knowledges and techniques of rule which emerge in the sixteenth century and develop as practices of government from the eighteenth century. He documents a shift from sixteenth century raison d'état to modern mechanisms of government, arguing that a new art of government is formed around the problem of population.

Within the recognition of population as an issue and the possibility of its management we see the emergence of a domain of the social and the development of a range of new techniques of government centred on regulating and surveying this domain. **Central to this is 'the welfare state' problem**; 'the tricky adjustment between political power wielded over legal subjects and pastoral power wielded over live individuals' (1988: 67). Foucault, then, clearly distinguishes juridical or 'sovereign' forms of power (power as right, law, repression) from disciplinary or 'normalising' forms of power (power as the capacity to organise, sustain and enhance life). The two are linked: the modern individual is simultaneously a citizen with rights, part of a juridical polity, and a subject of normalisation, part of welfare society. Indeed, the emergence of this nexus of governmental relations is accompanied historically by the development of modern notions of citizenship. In this way practices concerning the management of populations are linked with discourses of sovereignty which remain as their justification. The modern epoch is thus characterised by 'this . . . heterogeneity between a public right of sovereignty and a polymorphous disciplinary mechanism' (Foucault, 1980: 106). This analysis opens a space—in which to consider—liberalism as a mode of government (see Burchell et al., 1991; Rose and Miller, 1992) and to explore the ways in which the welfare state and civil society are conjoined in modern society.>>>

LINK: WELFARE—DEPOLITICIZATION

WELFARE PROVISION MANUFACTURES AN EXPLICIT BOUNDARY THAT IS TO BE GOVERNED AND REGULATED, WHILE ALSO RENDERING THE PROBLEM OF POVERTY AS A TECHNICAL QUESTION, AND THUS NONPOLITICAL.

LI, 2007, PROFESSOR OF ANTHROPOLOGY AND SENIOR CANADA RESEARCH CHAIR IN POLITICAL ECONOMY AND CULTURE IN ASIA-PACIFIC AT THE UNIV OF TORONTO. [TANIA MURRAY, *THE WILL TO IMPROVE*, pp.7-9]

<<<Two key practices are required to translate the will to improve into explicit programs. One is problematization, that is, identifying deficiencies that need to be rectified. The second is the practice I call "rendering technical," a shorthand for what is actually a whole set of practices concerned with representing "the domain to be governed as an intelligible field with specifiable limits and particular characteristics . . . defining boundaries, rendering that within them visible, assembling information about that which is included and devising techniques to mobilize the forces and entities thus revealed."¹⁴ The practices of problematization and rendering technical are not separate. As James Ferguson explained in his landmark study of development in Lesotho, the bounding and characterization of an "intelligible field" appropriate for intervention anticipates the kinds of intervention that experts have to "offer." The identification of a problem is intimately linked to the availability of a solution. They coemerge within a governmental assemblage in which certain sorts of diagnoses, prescriptions, and techniques are available to the expert who is properly trained. Conversely, the practice of "rendering technical" confirms expertise and constitutes the boundary between those who are positioned as trustees, with the capacity to diagnose deficiencies in others, and those who are subject to expert direction. It is a boundary that has to be maintained and that can be challenged. There is a second dimension to rendering technical, equally central to my analysis. Questions that are rendered technical are simultaneously rendered nonpolitical. For the most part, experts tasked with improvement exclude the structure of political-economic relations from their diagnoses and prescriptions. They focus more on the capacities of the poor than on the practices through which one social group impoverishes another. This feature led James Ferguson to describe the apparatus of planned development as an "anti-politics machine" that "insistently repos[es] political questions of land, resources, jobs, or wages as technical 'problems' responsive to the technical 'development' intervention." Antipolitics of this kind is subliminal and routine. Experts are trained to frame problems in technical terms. This is their job. Their claim to expertise depends on their capacity to diagnose problems in ways that match the kinds of solution that fall within their repertoire. Yet the practice of excluding or, as Ferguson put it, "reposing political questions" in technical terms is itself an intervention with far-reaching effects. As I will show throughout this book, this exclusion both limits and shapes what improvement becomes. A third dimension of improvement might also be labeled antipolitics: the design of programs as a deliberate measure to contain a challenge to the status quo. In Britain in 1847, for example, an observer argued for special programs for paupers because they were "the class of men injured by society who consequently rebel against it."¹⁷ Another argued, "Assisting the poor is a means of government, a potent way of containing the most difficult section of the population and improving all the other sections."¹⁸ In the Netherlands, it was a subsistence crisis in 1816–17 combined with the French Revolution—a ready reminder of the dangers posed by poverty and despair—that prompted the scholar-administrator Van den Bosch to devise programs to teach rural paupers how to work. These were programs he later adapted and transposed to the Netherlands East Indies, as I explain in chapter 1.¹⁹ Social welfare programs in the global North arose from the convergence of expert concerns about the condition of the population, and the challenge of organized labor. The transnational practice of development as it emerged in the 1950s responded to the threat posed by popular mobilization in the global South, witness the subtitle to Walter Rostow's book *The Stages of Growth: A Non-Communist Manifesto*.²⁰ It was intimately linked to counterinsurgency and the cold war, a battle for hearts and minds waged through promises to solve the problem of hungry bellies. In Southeast Asia in the 1960s, the U.S. concern with falling dominoes prompted support for repressive regimes prepared to squash a communist threat. In Indonesia, Suharto's role in engineering the massacre of up to half a million alleged communists in 1965 was rewarded by lavish support from international aid donors that helped sustain the New Order regime for more than three decades (19 65-98). The New Order concept of development was an explicit attempt to contain the challenge presented by a mobilized peasantry demanding land reform and turn them into a "floating mass" that would vote as instructed, and concentrate on improved farming and other technical matters.²¹ Notwithstanding instances in which improvement is deployed to contain a political challenge, I do not argue that improvement is merely a tactic to maintain the dominance of particular classes, or to assert control by the global North over the South—an interpretation common to dependency theory and its variants.²² Rather than assume a hidden agenda, I take seriously the proposition that the will to improve can be taken at its word. This is another important lesson learned from Ferguson's Antipolitics Machine. Interests are part of the machine, but they are not its master term. There are indeed hybrids, in which improvement schemes serve to enrich a ruling group or secure their control over people and territory. There are instances of bad faith. There are sound reasons to be skeptical of some of the claims made in the name of improvement. But for several centuries trustees have endeavored to secure the welfare of populations and carried out programs that cannot be explained except in these terms. In my view, the rush to identify hidden motives of profit or domination narrows analysis unnecessarily, making much of what happens in the name of improvement obscure.²³ Trustees charged with the welfare of populations cannot support only the interests of a select group. They must attempt to balance all sorts of relations between "men and things." To govern, as Foucault made clear, is to seek not one dogmatic goal, but "a whole series of specific finalities." Diverse "finalities" may be incompatible, yielding interventions that are in tension with one another, or downright contradictory. As I will explain in chapter 1, concerns to secure orderly rule, entrepreneurial profit, revenues to support the state apparatus, and native improvement jostled awkwardly for more than a century in the Netherlands East Indies. In this colony as in others, they were the subject of continuous debate among colonial officials, missionaries, politicians, commercial lobbies, and critics of various persuasions. There was no unitary purpose to colonial rule.

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LINK: WELFARE—RIGHTS/MORAL OBLIGATION

RIGHTS DISCOURSE PROVIDES A LOGIC OF STATE SOVEREIGNTY THAT ASSUMES THE STATE HAS AN OBLIGATION TO UNIVERSALIZE NEEDS. THIS DEMAND REMAINS COMPLICIT WITH STATUS QUO POWER RELATIONS AND MASKS SYSTEMS OF BIOPOLITICS.

OPHIR, COHN INSTITUTE FOR HISTORY & PHILOSOPHY OF SCIENCE & IDEAS, TEL AVIV UNIVERSITY, **2007** [ADI, "THE TWO-STATE SOLUTION: PROVIDENCE AND CATASTROPHE," 8 THEORETICAL INQ. L. 117, L/N]

III. THE PROVIDENTIAL STATE FORMATION

An obvious model of the providential state is the welfare state, as its French name l'Etat providence indicates. The welfare state is based not only on rights but also on the needs of those who have rights. Some of those needs are (supposed to be) provided universally and regularly -- e.g., education or preventive medicine; other needs are meant to be provided to particular groups of citizens, such as the poor, the elderly, and the new and welcome immigrants. It is often claimed that people even have rights to the provision of these needs (right to education, to health, etc.), in distinction from and in addition to freedom-based rights (right to free speech, movement, property), but those rights can only be justified on the basis of the recognition of needs. To argue that that these needs-based rights are respected only because the provision of

certain needs is a precondition of the effective use of one's freedom is to miss the basic logic of needs. The first needs to be provided are those that enable people to survive, since it is survival, not freedom, that is basically at stake here. The state is said, for example, to have an obligation to provide for the basic needs of the wounded soldier or of the worker who has been injured in an accident at the workplace (and these two contexts were the paradigmatic sites of the initiation of the welfare state in the second half of the nineteenth century). This obligation is not an expression of

respect for everyone's freedom but a form of solidarity, an expression of a debt combined with a certain concern for the misery of the other. The state acts in these cases as a framework for fostering solidarity. Social insurance or national health insurance is a contract that embodies and gives tangible form to this kind of solidarity, as its formal, rationalized concretization. The logic of providential solidarity is universalistic despite its impediments. More accurately, one can point out these impediments, criticize them, and demand their elimination only on the basis of certain universal presuppositions. In this sense, citizenship is a principle of universal solidarity that is constantly challenged by the difference between citizens and other subjects of the same governing power (immigrants, refugees, tourists, etc.). The universalistic logic of providence goes against the particularist logic of the nation-state and the

particular bounds it sets on universal rights. By providing for the needs of children of immigrants, sick tourists, or devastated refugees, the providential state constantly crosses the boundaries of the nation and questions them, even when this is done halfheartedly, belatedly, and in a very partial and ineffective manner.

The difference between the rights of citizens and the duty of the state to make possible the survival of all its governed subjects is usually expressed in terms of the distinction between human rights and the rights of citizens. Critics of the human rights discourse argue that human rights advocacy exposes bare life to the direct act of power and that it thus assumes and reproduces the exclusion of those in need of care and seals their fate to be governed without enjoying political status. However, this argument is easily turned on its head. **By insisting on the state's obligation to provide the basic needs of non-citizens, human rights advocacy implies, even if it does not always explicitly admit, a recognition of these non-citizens as subjects of the power that governs them and enables their survival.** In theory, at least, the door is open for the restoration of the political rights of these non-citizens as much as it is open for their total abandonment: neither option is necessarily

implied or necessarily precluded by the providential contract. From the perspective of this contract, the rights of non-citizens are merely an auxiliary mechanism of inclusion. But the basic reason for the inclusion of non-citizens (or of impaired or marginalized citizens) is not their recognized rights but rather their needs and their very presence within the state or at its gates. By insisting on the rights discourse as the only way to contend with this situation, one misses once again the crucial point at stake: the appearance and troubling presence of urgent, unmet needs of tormented lives within the scope of the state's rule or even merely on its horizon. These needs, not a universal concept of human rights, are what determines the state's duty and directs its attention beyond the realm of citizenry (and, recently, also beyond its territorial boundaries). In other words, the rights discourse provides a pretext, justification, and rhetorical means for those already committed to alleviating the suffering of others. The state that puts its protective apparatus to work in order to rescue or bring relief to non-citizens or impaired citizens may do so on other -- theological, moral, or utilitarian -- grounds as well, using the same means to achieve the same end.>>

LINK: WELFARE—RISK CALCULATION

RISK CALCULATION AND DISASTER POLITICS ARE METHODS USED TO EXPAND BIOPOLITICAL CONTROL; THE STATE IS GIVEN POWER TO REACH AN IDEAL OF ABSOLUTE CONTROL ON THE PRETENSE OF PROTECTING UNIVERSAL POPULATIONS FROM DISASTER WHEN

OPHIR, COHN INSTITUTE FOR HISTORY & PHILOSOPHY OF SCIENCE & IDEAS, TEL AVIV UNIVERSITY, **2007** [ADI, "THE TWO-STATE SOLUTION: PROVIDENCE AND CATASTROPHE," 8 THEORETICAL INQ. L. 117, L/N]

<<The difference between the needs discourse and the rights discourse becomes clearest in the context of large-scale disasters. ⁿ¹⁸ Today few would deny that the state bears the duty to prevent disasters, protect its subjects when disasters take place, and bring relief to the survivors. **As much as this duty is based on the rights of citizens, or on the rights of men and women to be protected and saved, it reflects the role of the state as the ultimate provider of minimal conditions of existence.** This duty is usually activated not by an appeal to rights but by the prospect of an impending disaster and the very presence of populations exposed to that danger or already affected by it. Rights are invoked only when the state fails to fulfill its duty or when its discrimination among sectors of the population seems especially cruel and unjust. ⁿ¹⁹ But it is cruelty, not rights, that comes first. It is this universalistic duty one has in mind when criticizing the U.S. Administration for its failure to protect the lives and property of the poor, the black, and the illegal immigrants in the wake of Hurricane Katrina. Recognizing the same duty, the Israel Supreme Court ordered the government to distribute gas masks to the Palestinians in the Occupied Territories on the eve of the Gulf War. It is a duty to act in very particular circumstances, when the state can anticipate the eruption of a catastrophe or recognize the unfolding of a chronic, but no less devastating, disaster. This duty of the modern state is usually acknowledged even when the state is no longer, or has never been, a welfare state. In other words, the welfare state is a particular, unfortunately short-lived, and quite rare historical configuration of the providential state. **The universalistic duty to bring relief in cases of disaster is a thinner, but more general principle than the duty to provide minimum conditions for "respectful life," and it is this principle that concerns us here.** The state's universalistic duty to protect its inhabitant (and not only its citizens) in times of disaster and to bring relief to its victims may be interpreted as a transformation and rationalization of Divine Providence. **The state is not supposed to calculate sins of the past but to predict the probability of events in the future; its promises are not directed at another world to come but at the future, in and of this world; its actions are intended to save not only the pious and not out of grace, but rather everyone in distress, out of a universalistic moral duty.** This duty includes the assessment of risks and the calculation of chance, which replace the blind date with fortuna, and investment in preventive measures of all kinds, which replaces old forms of investment in Providence and redemption (through sacrifices to the gods, donations to the priests, etc.). The state does expect political and economic benefits from its providential interventions; these benefits form at least part of the rationale to invest in a far-reaching providential apparatus in the first place. Yet putting the providential apparatus to work in specific cases is determined, at least in part and always in unexpected ways, not by the prospect of gain but by the victims' needs. This is usually the case when the victims are citizens whose rights are fully respected, for most often these are the people whose needs are more readily recognized. **God has never been providential in the absolute sense that the modern state is** -- i.e., without tallying sins, without making care contingent on past deeds, and without discriminating between the faithful and the infidels. **The providential state is truly secular in that it knows no other world and neither seeks nor promises any redemption in which the sins of the past are balanced by future punishment or reward.** It seeks to provide whatever care it provides to each and every one of its citizens, among whom it discriminates -- when it discriminates -- according to who they are and what they have, not according to what they have done. Discriminatory legislation and regulation are present everywhere. But this discrimination does not belong to the technologies of prediction, prevention, and relief; rather it is a contingent and changing aspect of their administration since it is demanded of them from the outside. Ideally, **these technologies are colorblind; they recognize no difference in race, faith, ethnicity, or social stratum. Their regulative idea is one of private providence, i.e., of providence directed at any single individual.** In some cases this ideal has been stretched to include, even if not every living being, pets, domestic animals, and endangered species. Failure of the state apparatuses is evaluated and criticized in light of this regulative idea, which implies absolute control over territory and people, each individual and the population as a whole. **The tacit assumption is that, in disaster, everyone (or almost everyone or many more -- it does not really matter) could have been saved had the authorities only known better, foreseen, taken the appropriate preventive measures, used the proper equipment, employed it on time, etc. The state is ascribed potentially absolute power, and the disaster is conceived as a moment in which the gap between this perfect potentiality and the impaired and partial reality is exposed.** The state's failure to protect or save its subjects is usually interpreted as an incentive to strive towards developing and implementing more costly preventive measures and to organize a more sophisticated relief apparatus, **to bring the state closer to the ideal of absolute control in order to achieve absolute prevention.** The regulative idea of the providential state is a state of providence.>>

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LINK: WELFARE—PIECEMEAL REFORMS

AFFIRMATIVE'S LEGAL APPROACH WILL CO-OPT SOCIAL MOVEMENTS AND END UP STRENGTHENING THE SYSTEMS OF POWER THEY SEEK TO CHANGE

SPADE, ASSISTANT PROFESSOR AT SEATTLE UNIVERSITY SCHOOL OF LAW, **2009** [DEAN, "TRANS LAW REFORM STRATEGIES, CO-OPTATION, AND THE POTENTIAL FOR TRANSFORMATIVE CHANGE," 30 WOMEN'S RIGHTS L. REP. 288, L/N]

<<Another concern about law reform's co-optation of social movements and neutralization of their transformative potential can be seen in how battles for anti-discrimination laws often narrow our critical engagement with oppressive systems. Quests to broaden anti-discrimination laws to include gender identity, for instance, often include narratives about workers and our economy that are disappointingly complicit with current economic arrangements.ⁿ²¹ Advocates sometimes seem to be saying, "the unfair thing happens in our economy when I don't hire you, or I fire you because you are trans." But do we believe that everything would be fair and right in the world of employment if not for this one aberrant behavior of some employers? Even setting aside the fact that such laws do not seem to have the effect of stopping people from firing or not hiring trans people, that such laws are rarely enforced and members of our community rarely have access to legal resources to seek enforcement, and that proving discrimination is almost impossible, I worry about what critiques of the arrangements of working life we are forfeiting when our main intervention in economic exploitation is gender identity inclusive anti-discrimination laws.

Many people in our communities are in the positions they are in economically for a range of reasons related to the racial wealth divide, histories of enslavement, colonization, and land theft in their communities of origin whose legacies continue today to effect policies and practices. These include state laws and policies that criminalize the poor and mark people who have criminal convictions with lifelong stigma, the lack of a social welfare system that provides a livable benefit, the joke of a minimum wage, the transition of our economy to a contingent workforce with no job security or benefits, the exploitation of migrant laborers, the weakening of unionized labor, the erosion of public education, and other significant trends in capitalist and neoliberal economic arrangements. The narrow demand of anti-discrimination legislation in employment seems to shore up the erasure of the broader historical and contemporary structures that produce the growing wealth divide we see in the U.S. that impacts trans people so severely. The production of images of hardworking, qualified, professional trans people who just want a chance at success mobilized to support these reforms contribute to mythologies about employment that valorize self-sufficiency and individualism, pretend that the U.S. economy is a meritocracy where anyone hard-working can succeed, and justify demonization and abandonment of poor people.ⁿ²² In this way, the narrow law-reform focus limits the reach of our politics and co-opts our struggle, encouraging us to say something that props up our conditions of oppression rather than undermines them.

Moreover, law reform strategies frequently end up strengthening the systems that they seek to change. This dilemma is evident in the legal work that many of us do to change the welfare system. Our work comes from an understanding that the welfare system is unfair and arbitrary, people are frequently denied benefits illegally, the entire system is under-funded, the benefits are not livable, the eligibility criteria are inappropriate, and that the system operates to discipline labor and prevent broadscale transformative change of our inherently exploitative economic arrangements.ⁿ²⁴ We fight specific battles to oppose various cutbacks or punitive measures imposed on our clients with vigor. Yet, every time we fight some particularly egregious policy and seek change, we are also legitimizing and stabilizing the system overall. Of course, we must take any opportunity to struggle for increased life chances for people trying to survive on welfare, but we also need a broader strategy that addresses the fact that welfare always has been a system of racialized and gendered social control and exploitation and we must envision broader transformation.

The homeless shelter system of New York City is another example where the co-optive dangers of reform confront advocates. New York City's shelter system is discriminatory toward trans people and dangerous, punitive, and inadequate for all people without housing in the city. Yet, I worked with the Sylvia Rivera Law Project and other organizations for years to force the city to create a policy that would prevent trans women from being placed in men's shelters where they faced violence. Even while we did this work we were aware that we were patching one little hole in the system, and perhaps making the system more efficient in its abusive control and containment of poor people. We saw an immediate need for trans people, but we also saw our work in a broader context and understood our connections to the ongoing political organizing of poor and homeless people as essential to formulating our strategy. This is one of the concerns we always face when we use law reform as a tool, and that responsible law reformers must consider in depth: are we strengthening and legitimizing a fundamentally oppressive structure? When we engage in law reform we should balance the immediate reform objectives with a long-term vision of the work, and

(card continues...)

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LINK: WELFARE—PIECEMEAL REFORMS

(...card continues)

consider whether the immediate payoffs for vulnerable people balance out against the detriment of system-strengthening.ⁿ²⁶

An example of a law reform project with a payoff that does not justify its system-strengthening effect is hate crime legislation.

As is often discussed, trans people are frequent targets of bias-motivated violence and murder.ⁿ²⁷ A conservative estimate I have heard is that we are seven to ten more times likely to be murdered than people who are not trans.ⁿ²⁸ Anyone who works in our communities has known people who have been murdered; it is a common occurrence. The Sylvia Rivera Law Project is currently grieving the recent murder of a member of our New York community. When these horrifying events occur, calls for hate crimes legislation are a common response.ⁿ²⁹ The motivation for hate crimes legislation in our community makes sense on an emotional level. Many people know that murdered trans people are often considered "throw aways," that these murders are ignored by the media and police.ⁿ³⁰ Often, these murders are not investigated or prosecuted, or people found guilty of these murders receive unusually low punishments.ⁿ³¹ I have heard anecdotes about murderers of trans people being given the same sentence that a person would receive for killing a dog. These concerns and experiences of violence, trauma, erasure, and abandonment lead many to call for penalty enhancements, suggesting that increased punishment of people who murder trans people would mean that our lives were taken seriously and valued publicly.

However, recently an increasingly visible sector of trans people have been openly opposing hate crimes legislation.ⁿ³² Many have suggested that investing in the criminal punishment system by expanding its punishing powers is the last thing trans people should be doing. These advocates [*297] point out that hate crimes legislation has no payoff for trans people: it has

never been shown to prevent violence or have any deterrent value.ⁿ³³ Instead, it increases the resources of a system that we know targets and endangers trans people, especially poor people and people of color.ⁿ³⁴

This analysis warns us to not allow our grief to be co-opted by law into increasing the power of a system that perpetrates violence on our communities.ⁿ³⁵ This analysis asks us to move beyond a punishment-focused perpetrator perspective and instead focus on directing resources toward changes that enhance the lifespan of trans people, such as access to healthcare and employment, police accountability, decarceration, and education.

The popularity of hate crimes legislation in trans legal reform gives us an opportunity to consider the limitations of the perpetrator perspective and the problem of law co-opting anti-oppression frameworks to strengthen oppressive systems.

An additional concept from Critical Race Theory that may be useful in thinking about law's power to co-opt resistance struggles is the concept of "formal legal equality." Critical Race Theorists have used this term to describe legal change that declares equality while actually offering little change in conditions of existence.ⁿ³⁶ "Formal legal equality" strategies change the named status of a group in the law, and create a veneer of fairness for the system or the institution in question. However, the effects of such changes on disparity in life chances are often minimal.ⁿ³⁷ The people who were most vulnerable to premature death under the system or institution before the reform often remain the most vulnerable. The declaration of fairness and equality has been made, but those who fare the worst continue to fare the worst under a supposedly new regime.

Hate crimes legislation and anti-discrimination legislation are examples of formal legal equality measures that often do little to improve the life chances of those most vulnerable to oppression and, at worst, perpetuate inequalities in the legal system. Murders are not prevented by hate crimes legislation.ⁿ³⁸ Instead, increased resources for the criminal punishment system means that the same people who face heightened exposure and violence in that system

(people of color, queer and trans people, youth, immigrants, women, and people with disabilities) will bear the brunt of increased punishing power.ⁿ³⁹ Hate crime legislation merely offers a new formal declaration of equality, which often has little more than symbolic value. The quest

for such legislation also further mobilizes the logics of mass imprisonment that trans populations might want to oppose, such as the notion that the value of human life is determined by the amount of punishment meted out to those who destroy it, or the idea that enhancing criminal punishment makes people safer. Similarly, anti-discrimination laws declare that conditions of employment are now fair, but seem to do little to change the ongoing presence of an underclass of low-wage workers and unemployed people who are disproportionately people of color, trans people, immigrants, people with disabilities, and others who supposedly have been declared equal by law.ⁿ⁴⁰

This force of legal co-optation, and its connections to the stability of racialized class stratification, rears its head in even the most rudimentary questions of legal practice. How often must social movement lawyers ask ourselves, "How do we find the perfect plaintiff?" The moments when lawyers decide that the face of an issue must be someone both judges and the media can embrace (read: white, employed, citizen, able-bodied) are painful dividing moments for our communities even though they frequently occur behind closed doors. They are moments when the terms of inclusion and exclusion are set and where racist, classist, xenophobic, and abelist standards are reproduced. Even the question "is this a winning case?" highlights these issues. Do we only fight winning cases? In this system, and under these rules of law, whose oppression can be recognized? Who can prevail in court? Can people who experience multiple vectors of oppression ever be those perfect, winning plaintiffs in this model of practice? These questions guide lawyers to articulate legal agendas that are relevant to a very narrow

swath of a given community, and certainly least relevant to those facing the most severe manifestations of oppression. Law seems to push us toward these kinds of individualizing, divisive decisions that ultimately undermine our anti-oppression goals, weaken solidarity within our communities and across social movements, and restrict our vision until our victories are actually thinly veiled defeats that strengthen oppressive systems>>

LINK: IMPROVEMENT/GOOD INTENTIONS

TRUSTEESHIP, LIKE PATERNALISM, INSIDIOUSLY DISCIPLINES UNDER THE PREMISE OF GOOD INTENTIONS. THE WILL TO IMPROVE A SITUATION EXEMPLIFIES THE “CONDUCT OF CONDUCT”—THE PLAN DOES NOT OCCUR IN A VACUUM, BUT AS PART OF A LARGER PROJECT OF GOVERNMENTALITY

LI, 2007, PROFESSOR OF ANTHROPOLOGY AND SENIOR CANADA RESEARCH CHAIR IN POLITICAL ECONOMY AND CULTURE IN ASIA-PACIFIC AT THE UNIV OF TORONTO. [TANIA MURRAY, *THE WILL TO IMPROVE*, PP. 4-6]

<<<Many parties share in the will to improve. They occupy the position of trustees, a position defined by the claim to know how others should live, to know what is best for them, to know what they need. Trusteeship is defined as “the intent which is expressed, by one source of agency, to develop the capacities of another.” The objective of trusteeship is not to dominate others—it is to enhance their capacity for action, and to direct it In Indonesia, since the nineteenth century, the list of trustees includes colonial officials and missionaries, politicians and bureaucrats, international aid donors, specialists in agriculture, hygiene, credit and conservation, and so-called nongovernmental organizations (NGOs) of various kinds. Their intentions are benevolent, even utopian. They desire to make the world better than it is. Their methods are subtle. If they resort to violence, it is in the name of a higher good—the population at large, the survival of species, the stimulation of growth. Often, their schemes operate at a distance. They structure a field of possible actions. They modify processes. They entice and induce. They make certain courses of action easier or more difficult. Many schemes appear not as an external imposition, but as the natural expression of the everyday interactions of individuals and groups. They blend seamlessly into common sense.’ Sometimes they stimulate a more or less radical critique. Whatever the response, the claim to expertise in optimizing the lives of others is a claim to power, one that merits careful scrutiny. The will to improve is situated in the field of power. Michel Foucault termed “government.”⁶ Defined succinctly as the “conduct of conduct,” government is the attempt to shape human conduct by calculated means. Distinct from discipline, which seeks to reform designated groups through detailed supervision in confined quarters (prisons, asylums, schools), the concern of government is the well-being of populations at large. Its purpose is to secure the “welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, etc.” To achieve this purpose requires distinctive means. At the level of population, it is not possible to coerce every individual and regulate their actions in minute detail. Rather, government operates by educating desires and configuring habits, aspirations and beliefs. It sets conditions, “artificially so arranging things so that people, following only their own self-interest, will do as they ought.” Persuasion might be applied, as authorities attempt to gain consent. But this is not the only course. When power operates at a distance, people are not necessarily aware of how their conduct is being conducted or why, so the question of consent does not arise. The will to govern, and more specifically, the will to improve the condition of the population, is expansive. In Foucault’s definition, it is concerned with “men in their relations, their links, their imbrication with . . . wealth, resources, means of subsistence, the territory with all its specific qualities, climate, irrigation, fertility, etc.; men in their relation to . . . customs, habits, ways of acting and thinking, etc.; and lastly, men in their relation to . . . accidents and misfortunes such as famine, epidemics, death, etc.” Trustees intervene in these relations in order to adjust them. They aim to foster beneficial processes and mitigate destructive ones. They may operate on population in the aggregate, or on subgroups divided by gender, location, age, income, or race, each with characteristic deficiencies that serve as points of entry for corrective intervention. To improve populations requires the exercise of ^{what Foucault identified as a} distinct, governmental rationality—a way of thinking about government as the “right manner of disposing things” in pursuit not of one dogmatic goal but a “whole series of specific finalities” to be achieved through “multiform tactics.” Calculation is central, because government requires that the “right manner” be defined, distinct “finalities” prioritized, and tactics finely tuned to achieve optimal results.” Calculation requires, in turn, that the processes to be governed be characterized in technical terms. Only then can specific interventions be devised. An explicit, calculated program of intervention is not invented ab initio. It is traversed by the will to improve, but it is not the product of a singular intention or will. It draws upon and is situated within a heterogeneous assemblage or dispositive that combines “forms of practical knowledge, with modes of perception, practices of calculation, vocabularies, types of authority, forms of judgement, architectural forms, human capacities, non-human objects and devices, inscriptions techniques and so forth.”¹² Although there are occasions when a revolutionary movement or visionary announces a grand plan for the total transformation of society—the kind of plan James Scott describes as “high modern,” more often programs of intervention are pulled together from an existing repertoire, a matter of habit, accretion, and bricolage. There are of course individuals involved in devising particular interventions and programs of improvement. The position of programmers is structured by the enterprise of which they form a part. It is routinized in the practices in which they engage. What, then, are these practices?>>>

“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

LINK: SOCIAL SERVICES

SOCIAL SERVICES CREATE THE NEED TO IDENTIFY INDIVIDUAL “NEEDS” WHICH CREATES THE DISCURSIVE CATEGORIES NECESSARY FOR BIOPOLITICAL DOMINATION

CROSSKILL 2000 (DARYL, PHD CANDIDATE AT MANCHESTER METROPOLITAN UNIVERSITY, WELFARE, EXCLUSION, AND AGENCY, PGS 49-50)

Central to the view of the failure of the community care system was the perverse incentive experienced by social services to assign people to residential care because the cost would be met by the social security budget

This meant that there was no pressure to examine the circumstances of the individual to determine whether the residential option was in the individual's best interest. Griffiths therefore proposes that local authorities should be charged with the responsibility to 'identify and assess individuals' needs' (Griffiths 1988: 1, 1.3.1), identify 'actual and potential carers' (ibid.: 5, 3.2), 'keep under review ... the individual's

needs and circumstances'. He emphasizes the importance of 'identifying people in need as the 'first duty' in order to ensure that resources are focused on the 'individuals in greatest need' (ibid.: 6, 3.9). To make sure the point is not lost he comes back to it again to stress that local authorities must ensure that individuals in need 'be assessed (and regularly re-assessed)' (ibid.: 14, 6.4). To ensure that this is done, he recommends the explicit nomination of a care manager to an individual 'where a significant level of resources are involved' to

'oversee the assessment and re-assessment function' (ibid.: 14: 6.6). The power to judge, to police, to diagnose and treat, to educate and to assess and supervise constitute the disciplinary society...As the powers of judgement, assessment, supervision, and so on, become more entrenched in the maintenance of social order, so more and more people are drawn into the micro technologies.

(O'Brien and Penna 1998: 117) Training

Although the primary focus of Griffiths is the residential care of the 'mentally ill, mentally handicapped ... physically disabled and groups' (Griffiths 1988: 1, 1.1). In what sense such people - groups and in what sense one can group any other collection of people as being similar is not addressed, and probably not even the individuality, the specific identity, the sheer variety of individualized in this manner is evacuated by this approach. Not at all standardized, but also the very needs themselves are in the context of their production in the matrices of class, Griffiths, however, goes further. He underwrites the weight, not the originality of a given author, is really responsible for the texts produced out of it. (Said 1978: 94)

The Griffiths Report is thus a startling example of how Said's concept of orientalism as the codification and production of knowledge about areas of the world under colonial control has its 'return effect' on the codification and production of knowledge about the metropolitan poor; the 'native' within rather than the native without. As indicated above, these 'facts', this 'objectivity', (re)produce not merely conceptual categories but concrete differences between those who formulate such knowledge/power and those about whom it is formulated. We are confronted, not merely with an individual's views about how community care should be organized, but with a technology of power: 'my work is essentially geared to ensuring that the machinery and resources exist to implement such policies as are determined' (Griffiths 1988: iii, 6).

This power is justified as being in pursuit of the 'optimal quality of life' and therefore the regulatory mechanisms necessary for the successful implementation of the apparatus become a technical necessity. By reconstructing the identity of those in need of state-sponsored welfare as consumers, the individual reality of people's lives is subjugated to the politics of the norm. Although Griffiths claims that services should be structured on the basis of individual care needs, his proposals are in fact built around normative constructions of age and infirmity (ibid.: 3, 2.3).

It is precisely such regulatory and corrective mechanisms that Griffiths proposes. His view is that 'at present care is not being delivered effectively' (ibid.: iv,

12) and that this represents a technical failure of the system rather than a struggle for the meaning of community, or

rights of access, or resistance to forms of social control. Indeed, I community as the site of any kind of strife is invisible. For

Griffiths is a question of discipline, the kind of discipline that one encounters the market. The effects of the disciplinary regime and its 'micro-technologies' of power are the production of human beings who are 'useful', 'docile' and attuned to the administratively rational opera of modern political, economic and social orders' (O'Brien and 1998: 116). All the elements of the disciplinary society outlined in Foucault's

Discipline and Punish (1977) are to be found in the report.

LINK: NON-PROFIT AFFIRMATIVES / PRIVATIZATION AFF

NON-PROFIT ORGANIZATIONS DEPOLITICIZE SOCIAL JUSTICE, CO-OPT RADICAL DEMANDS WITHIN INSTITUTIONALIZED POWER STRUCTURES, AND REINFORCE THE STATUS QUO SYSTEMS OF CONTROL.

SPADE, ASSISTANT PROFESSOR AT SEATTLE UNIVERSITY SCHOOL OF LAW, **2009** [DEAN, “TRANS LAW REFORM STRATEGIES, CO-OPTATION, AND THE POTENTIAL FOR TRANSFORMATIVE CHANGE,” 30 WOMEN'S RIGHTS L. REP. 288, L/N]

<<A. The Emergence of the Nonprofit Sector as the Location for Social Justice Work has Separated Survival Services from Organizing

One critique that has emerged about the effect of the nonprofit model on current social justice movements is that it has separated the provision of direct, survival-based services, from organizing ⁿ⁴² Funding streams usually focus on either overtly political organizing work or direct service work ⁿ⁴³ and these two kinds of work have been segregated into different types of nonprofits that often operate with little connection or communication among them. Consequently, services are depoliticized, offering little opportunity for communities experiencing the effects of systemic oppression (e.g., poverty, homelessness, unemployment and health issues) to build networking relationships for analysis and resistance of this oppression when seeking services to meet their immediate needs ⁿ⁴⁴

Instead of survival services being a point of politicization, a locus from which people can connect their immediate needs to a community-wide issue of injustice or maldistribution, services are provided through a charity or social-work model that individualizes the issues to the particular client and too often includes an element of moralizing that casts clients as blameworthy for their need ⁿ⁴⁵ This dynamic reflects how the nonprofit sector emerged, in part, to fill the gap in

government services that occurred under Reaganomics. ⁿ⁴⁶ By ameliorating some of the worst effects of capitalist maldistribution, then, these services became part of maintaining the social order because they primarily operate through a depoliticizing charity framework rather than a social change model.

B. The Nonprofit Structure Undermines and Contains the Radical Potential of Social Justice Work, Leading to More Policy and Service-Based Work and Less Organizing

Critics have also pointed out that the increase in nonprofits has been accompanied by a greater prevalence of service-based and policy reform work, rather than base-building organizing in social justice movements ⁿ⁴⁷ Some have argued that because social justice nonprofits are funded through philanthropy - frequently directly by wealthy individuals and corporations - the strategies employed in this work have become more conservative to better fit those funders' capitalism maintenance and reformist goals, as opposed to the base-building, visionary organizing goals that might emerge more directly from communities facing oppression ⁿ⁴⁸ Funders favor policy work and services over base-building, resulting in lost opportunities for building political power among those directly affected by oppression. ⁿ⁴⁹ Instead, service and policy reform organizations typically put people directly affected by oppression in the role of "clients" while the people in charge of forming and directing agendas for reform are educated elites (e.g., lawyers, administrators, social workers and public health experts). Overall, the aims of these organizations and the breadth of their political demands come to reflect the perspectives of people well-served by the status quo and are far narrower and less radical than they could be due to the incentives provided by philanthropy to pursue system-stabilizing service and policy reform goals

C. Racism, Educational Privilege, and Classism within Nonprofits Mirrors Colonialism because the Direction of the Work and Decisions about its Implementation are Made by Elites Rather than by People Directly Affected by the Issues at Hand

The governance of nonprofits has been subject to critique as well. Critics have argued that the governance structure of most nonprofits, characterized by boards consisting of donors and elite professionals (sometimes with tokenistic membership for the community members who are directly affected by the organization's mission), perpetuates dynamics of dominance. Nonprofits serving primarily poor and disproportionately non-white populations are frequently governed almost entirely by white people with college and graduate degrees. Staffing follows this pattern as well, with most nonprofits requiring formal education as a prerequisite to working in administrative or management-level positions. The nature of the infrastructure in many social justice nonprofits often leads to concentrating decision-making power in the hands of people with race, education, and class privilege rather than in the hands of those facing the oppression. Consequently, the priorities and

(card continues...)

LINK: NON-PROFIT AFFIRMATIVES / PRIVATIZATION AFF

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implementation methods of such organizations frequently do not reflect the perspective or approach that would be taken by the people most directly affected by oppression. For people who value self-determination as a goal of liberation struggles or who believe that people struggling under oppression possess unique understandings of the operations of that oppression that are not shared by others, this concern is especially significant.

D. The Philanthropic Funding of Nonprofits Takes Direction of the Work Out of the Hands of the People Affected and Concentrates it on the Agendas and Time Lines of Funders, Preventing Long-Term, Self-Sustaining Movements from Emerging

Part of the reason that decision-making power in nonprofits becomes concentrated in the hands of elites is because of how the organizations secure funding. The process of successfully applying for funding including having 501(c)(3) status or a fiscal sponsor, researching applicable grants, writing formal funding requests using specific jargon, having an awareness of current trends in funding, and having personal relationships with philanthropic professionals requires skills and relationships that are concentrated in people with educational, class, and race privilege. The ability to direct work and spin it to a funder's vision is, more often than not, the key to success. As Suzanne Pharr has pointed out, the use of short-term funding cycles (often one to five years) and the focus on producing deliverables has meant that nonprofits have been encouraged to operate on short-term vision rather than build long-term sustainable structures.ⁿ⁵⁰

Under this model, funders seek concrete returns (e.g., statistics about numbers of clients served or clear evidence of policy change) on their investment within a limited grant period. Thus, base-building work that involves less tangible returns, such as the growth of shared political analysis within a community or relationship building, is undervalued. This model encourages organizations to identify goals that can be achieved quickly, not to implement long-term strategies necessary for more radical changes to politics and culture. Because radical redistribution goals cannot be achieved in the short term, social justice groups caught up in dependency on philanthropy have lost much of their capacity for strategizing for significant transformation.

E. The Emergence of the Nonprofit Sector has Created a Cultural Shift in Social Justice Activism, Including Professionalization, Corporatization, and Competition between Groups for Scarce Resources

This funder-driven elitism has also included a professionalization of social justice organizations such that corporate business models are increasingly used to manage these organizations. This trend is evidenced by a rise in nonprofits' use of such terms as C.E.O. (Chief Executive Officer) and C.F.O. (Chief Financial Officer) for top-level staff;ⁿ⁵¹ a hierarchical pay scale in which people are compensated at very different rates based on valuations of skills and abilities similar to those used in the private sector; and other labor practices that reflect business values more than social justice values.

Critics have lamented that young activists are increasingly looking at social movement work as a paycheck, and that the expectation of a professional salary has become central to decisions about what kinds of activism and organizing to pursue.ⁿ⁵² Business models of management that focus on top-down decision-making, coupled with organizational structures in which educational, race, and class privilege often correspond to high positions in the hierarchy, mean that decision-making, compensation, and quality of life at work are concentrated in the hands of white "social justice entrepreneurs" with graduate educations (e.g., lawyers, social workers, people with degrees in nonprofit management).

F. Nonprofits are a Way that Wealthy People and Corporations Avoid Tax Liability, and Most of that Redirected Money Does Not go to Social Justice

Finally, some critics urge social justice movements to be weary of the centrality of the nonprofit model because of its role in the maldistribution of wealth in the United States. Christine Ahn encourages taxpayers to recognize that money funneled into nonprofits by philanthropists is actually tax money diverted out of the government and into focused causes.ⁿ⁵³ The vast majority of that money does not, she points out, end up in social justice organizations fighting oppression.ⁿ⁵⁴ It goes primarily to churches, the arts, and right-wing causes, as well as back into the pockets of the wealthy through trustee fees, a system in which wealthy people "earn" hundreds of thousands of

dollars as board members of foundations.ⁿ⁵⁵ Only a tiny portion of the money ends up in social justice organizations and even then, there are contingencies that allow wealthy philanthropists to have inappropriate influence in directing the work.ⁿ⁵⁶

Ahn's analysis instructs social justice activists to remain critical of the nonprofit industrial complex, even while making use of nonprofit structures in their work, because of its broad role in reducing the tax liability of the wealthy and putting decisions about wealth redistribution that could be made through governmental use of taxes into the hands of the wealthy individuals and foundations.ⁿ⁵⁷ Ahn encourages social justice activists to view redirected tax money as their money - money that has been taken out of government revenue that can (theoretically) be directed through the electoral process by the people instead of being directed into causes chosen by the rich.^{n58>>}

LINK: HEALTH CARE/MEDICAID

MEDICAID IS A PRIME EXAMPLE OF THE INSTITUTION OF BIOPOLITICS – IT IS THE STATE REGULATION AND MANAGEMENT OF POOR WOMEN, TREATING THEM AS BIOLOGICAL DANGERS DUE TO THEIR POVERTY

BRIDGES, J.D. COLUMBIA LAW AND PH.D. COLUMBIA ANTHROPOLOGY, **2008** [KHIARA M., “PREGNANCY, MEDICAID, STATE REGULATION, AND THE PRODUCTION OF UNRULY BODIES,” NORTHWESTERN JOURNAL OF LAW AND SOCIAL POLICY 3.1, [HTTP://WWW.LAW.NORTHWESTERN.EDU/JOURNALS/NJLSP/V3/N1/3/](http://www.law.northwestern.edu/journals/njlsp/v3/n1/3/)]

<<After a year and a half of sitting in Alpha's bustling obstetrics clinic, I came to believe that by compelling patients to meet with a battery of professionals who inquire into areas of women's lives that frequently exceed the realm of the medical, **Medicaid mandates an intrusion into women's private lives and produces pregnancy as an opportunity for state supervision, management, and regulation of poor, uninsured women**. In essence, this article argues

that the receipt of Medicaid inaugurates poor women into the state regulatory apparatus. Further, **because the regime of prenatal care provided by the state through Medicaid is one delivered within a highly technological, biomedical paradigm of pregnancy, poor women are produced as possessors of "unruly bodies."** Because the uninsured poor are universally produced as such, I argue that **the consequence is a medicalization of poverty. As a result, the poor are treated as biological dangers within the body politic.**

A brief note: When I argue that poor women are "produced" as possessors of unruly bodies, I use the word "produce" in a conscious effort to evoke imagery of manufacture and industrial process. It is an effort to analogize the treatment of women's bodies at Alpha with the methodical creation of a product. In the case of pregnant women's bodies, however, the product that is ultimately produced is an unruly object that is most competently managed by trained professionals. Moreover, to say that pregnant women's bodies are "produced" as unruly—in lieu of describing their bodies as "treated" or "seen" as unruly—underscores that there is more at stake in the

Alpha obstetrics clinic than the mere representation of poor women's bodies. That is, **women's bodies behave as unruly when they are constantly measured, quantified, weighed, gauged, or otherwise assessed within a technology that speaks in terms of normal and abnormal. Variations from the norm become anxiety-marked occasions for further surveillance and the possibility of disciplining the body back to normality.** The bodies "produced" by the obstetrics clinic through the nine month gestation of the fetus are not merely "conceptualized" as, or "regarded" as, unruly; they behave accordingly. I take this point up further in Part IV.

In the following section, I present Foucault's notion of biopolitics and explain its relationship to the regime of prenatal care at operation in Alpha Hospital. A detailed description of the apparatus of professionals that initiates women's prenatal care at Alpha follows in Part Three. Part Four continues with a description of the highly technological care that is delivered as a matter of course at Alpha. A brief conclusion follows in Part Five.

II. ALPHA OBSTETRICS AND THE FOUCAULDIAN BIOPOLITICAL PROJECT

Much has been written about the state's interest in the production and management of health--both of the individual and of the population n4 **Foucault most famously, perhaps, elaborated upon this state interest via his notion of "biopolitics":** Whereas in the classical age, state power was demonstrated in the exercise of producing death, in the modern age, "this formidable power of death . . . now presents itself as the counterpart of a power that exerts a positive influence on life, that endeavors to administer, optimize, [*66] and multiply it, subjecting it to precise controls and comprehensive regulations." n5 Foucault describes a "power over life" that

focus[es] 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.

Following Foucault, prenatal care presents itself as an occasion par excellence for the state to "administer, optimize, and multiply" life, to subject the body to "precise controls and comprehensive regulations," and to ultimately gain a modicum of control over "the level of health" of the population.

Yet, pregnancy is not a legal event. That is, the fact of pregnancy alone does not put the pregnant woman within the jurisdiction of the biopolitical state. While the state may desire to exercise its "power over life" by submitting the expectant mother and her fetus to "an entire series of interventions and regulatory controls," the pregnant woman is not compelled to surrender herself to such a state project. Again, this is because, at present, the fact of pregnancy alone does not enable the state to reach the woman and her pregnant body with its biopolitical power. n8

The biopolitical state could achieve the regulation of every pregnant woman by creating a law that mandates that women receive prenatal care either from state actors or from persons that must otherwise answer to the state. However, at present, such a law does not exist. Indeed, there is no law in the United States that makes criminal or otherwise penalizes a woman's failure to submit herself to any kind of prenatal care during her pregnancy. That is, should a woman undergo the forty weeks of pregnancy without ever having sought and/or received medical care from a physician, nurse practitioner, midwife, or other professional whose services are intended to ensure the birth of a healthy baby and the continued health of the new mother, I am not aware of any law that punishes such a woman's behavior, or lack thereof. n9 In Colorado, a woman who exposes her fetus to controlled substances may be found to have neglected her child and, consequently, lose custody of the infant. n10 And, of

(card continues...)

LINK: HEALTH CARE/MEDICAID

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course, once a baby is born, there are a wealth of laws that punish a woman for directly harming or failing to protect her child. But, prior to a baby's birth, there is no law that penalizes a woman for "failing to protect" her not-yet-born child by neglecting or otherwise refusing to have a medically-managed pregnancy.

Undoubtedly, the power of moral sanctions imposed upon pregnant women who fail to receive prenatal care should not be underestimated.

Many of the pregnant women I have encountered at Alpha Hospital are very much aware of the "immorality" of a pregnant body unsupervised by a member of the medical establishment. On the unlikely occasion that a woman is not aware that a pregnancy unmanaged by medicine opens her up to moral condemnation, the employees of the OB/GYN clinic at Alpha Hospital often provide this education. For example: the majority of patients with whom I have spoken at Alpha Hospital's OB/GYN clinic began their prenatal care shortly after discovering their pregnancies and deciding that they wanted to carry them to term—usually within the first twelve weeks of pregnancy. Then again, many patients decide to come to Alpha Hospital after becoming dissatisfied with the care that they have received at another hospital. These patients—usually quite far along in their pregnancies—are expected to bring along with them documentation of their prenatal care from the other hospitals. This holds true even though Alpha repeats all laboratory tests, ultrasounds, vaginal examinations, and the like conducted by other hospitals. Hence, asking a woman for her records from another hospital frequently functions only to shame those women who cannot produce such documentation and provoke them into defending their documentation-less status. Many times, women in the final weeks of their pregnancies, yet seeking to begin prenatal care at Alpha Hospital, cannot produce such documents because they have not been receiving prenatal care and have asserted that they were in fact receiving care at another hospital solely to avoid moral censure. I have observed on numerous occasions the women who work behind the front desk at Alpha Hospital—two women who greet women arriving for their appointments and take their relevant paperwork, and two other women who solely answer the clinic's incoming telephone calls—exchange looks of disapproval when a visibly pregnant woman without documents seeks to begin her prenatal care at the hospital. n11 On one occasion, a prospective patient (who, I eventually learned, had recently arrived in New York City from the Dominican Republic) saw the disapproving glances and overheard a rhetorically-asked, "She doesn't have any papers?" In response, the patient answered back defensively and insolently, "I was going to the doctor in my country, so don't even worry about that!" n12

Although such moral sanctions are a powerful and effective force--which, at the very least, inform women that failing to receive prenatal care is commonly viewed as irresponsible behavior, but, more likely, induce pregnant women to actually submit themselves to prenatal care--these moral sanctions are not "law." Undoubtedly, moral sanctions might and should be understood as assisting the state's endeavor to encourage poor women to submit themselves to a state-invested prenatal care program:

a woman's feelings of guilt, due to moral condemnation of her medically-unsupervised pregnant body, may cause her to seek prenatal care. If the only medical care she can afford is that which is subsidized by the state, then the state finds itself a new subject upon her acceptance of state-subsidized care, brought forth by acts of extralegal morality. Nevertheless, morality is not law. That is, although moral sanctions may be analogized to the law insofar as both have blanket applications and potentially punitive natures, the state is not invested in moral sanctions and cannot directly use them to comprehensively regulate the pregnant body. Finally, moral sanctions do not allow the state to fill the extralegal, interstitial space of pregnancy. n13

While moral sanctions do not create legal subjects located within the state's biopolitical enterprise, Medicaid might At Alpha Hospital and other facilities that accept Medicaid insurance coverage for prenatal care, state subsidization of a pregnant woman's medical expenses via Medicaid functions as a carrot that entices women to submit themselves to state supervision, management, regulation, and discipline. Women are offered a contract where, in exchange for the state's payment of medical bills, they are obliged to open their lives to state intervention. A description of the process of initiating prenatal care at Alpha Hospital illustrates the point.>>

LINK: SOCIAL SERVICES

SOCIAL SERVICES CREATE THE NEED TO IDENTIFY INDIVIDUAL “NEEDS” WHICH CREATES THE DISCURSIVE CATEGORIES NECESSARY FOR BIOPOLITICAL DOMINATION

CROSSKILL 2000 (DARYL, PHD CANDIDATE AT MANCHESTER METROPOLITAN UNIVERSITY, WELFARE, EXCLUSION, AND AGENCY, PGS 49-50)

Central to the view of the failure of the community care system was the perverse incentive experienced by social services to assign people to residential care because the cost would be met by the social security budget. This meant that there was no pressure to examine the circumstances of the individual to determine whether the residential option was in the individual's best interest. Griffiths therefore proposes that local authorities should be charged with the responsibility to 'identify and assess individuals' needs' (Griffiths 1988: 1, 1.3.1), identify 'actual and potential carers' (ibid.: 5, 3.2), 'keep under review ... the individual's needs and circumstances'. He emphasizes the importance of 'identifying people in need as the 'first duty' in order to ensure that resources are focused on the 'individuals in greatest need' (ibid.: 6, 3.9). To make sure the point is not lost he comes back to it again to stress that local authorities must ensure that individuals in need 'be assessed (and regularly re-assessed)' (ibid.: 14, 6.4). To ensure that this is done, he recommends the explicit nomination of a care manager to an individual 'where a significant level of resources are involved' to 'oversee the assessment and re-assessment function' (ibid.: 14: 6.6). The power to judge, to police, to diagnose and treat, to educate and to assess and supervise constitute the disciplinary society...As the powers of judgement, assessment, supervision, and so on, become more entrenched in the maintenance of social order, so more and more people are drawn into the micro technologies.

(O'Brien and Penna 1998: 117) Training

Although the primary focus of Griffiths is the residential care of the 'mentally ill, mentally handicapped ... physically disabled and groups' (Griffiths 1988: 1, 1.1). In what sense such people - groups and in what sense one can group any other collection of people as being similar is not addressed, and probably not even the individuality, the specific identity, the sheer variety of individualized in this manner is evacuated by this approach. Not only standardized, but also the very needs themselves are in the context of their production in the matrices of class, Griffiths, however, goes further. He underwrites the weight, not the originality of a given author, is really responsible for the texts produced out of it. (Said 1978: 94)

The Griffiths Report is thus a startling example of how Said's concept of orientalism as the codification and production of knowledge about areas of the world under colonial control has its 'return effect' on the codification and production of knowledge about the metropolitan poor; the 'native' within rather than the native without. As indicated above, these 'facts', this 'objectivity', (re)produce not merely conceptual categories but concrete differences between those who formulate such knowledge/power and those about whom it is formulated. We are confronted, not merely with an individual's views about how community care should be organized, but with a technology of power: 'my work is essentially geared to ensuring that the machinery and resources exist to implement such policies as are determined' (Griffiths 1988: iii, 6).

This power is justified as being in pursuit of the 'optimal quality of life' and therefore the regulatory mechanisms necessary for the successful implementation of the apparatus become a technical necessity. By reconstructing the identity of those in need of state-sponsored welfare as consumers, the individual reality of people's lives is subjugated to the politics of the norm. Although Griffiths claims that services should be structured on the basis of individual care needs, his proposals are in fact built around normative constructions of age and infirmity (ibid.: 3, 2.3).

It is precisely such regulatory and corrective mechanisms that Griffiths proposes. His view is that 'at present care is not being delivered effectively' (ibid.: iv, 12) and that this represents a technical failure of the system rather than a struggle for the meaning of community, rights of access, or resistance to forms of social control. Indeed, 'the community as the site of any kind of strife is invisible'. For

Griffiths is a question of discipline, the kind of discipline that one encounters the market. The effects of the disciplinary regime and its 'micro-technologies' of power are the production of human beings who are 'useful', 'docile' and attuned to the administratively rational opera of modern political, economic and social orders.' (O'Brien and Penna 1998: 116). All the elements of the disciplinary society outlined in Foucault's *Discipline and Punish* (1977) are to be found in the report.

LINK: CENSUS—INFORMATION

THROUGH THE GATHERING OF INFORMATION BY EXPERTS AND PROFESSIONALS THE ‘CENTER OF CALCULATION’ ESTABLISHES DOMINATION OVER THE SOCIAL.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT: ADMINISTERING ECONOMIC, SOCIAL, AND POLITICAL LIFE*, p. 33-34]

<<< It is for these reasons that we have suggested the need for the analysis of the ‘indirect’ mechanisms of rule that are of such importance in liberal democratic societies: those that have enabled, or have sought to enable government at a distance. In conceptualizing such indirect mechanisms by which rule is brought about, we adapt for our own ends Bruno Latour’s notion of ‘action at a distance’ (Latour 1987b:219 *et seq.*). He develops this notion in answering the question ‘how is it possible to act on events, places and people that are unfamiliar and a long way away?’ Eighteenth-century French navigators could only travel to unfamiliar regions of the East Pacific, colonize, domesticate and dominate the inhabitants from their European metropolitan bases because, in various technical ways, these distant places were ‘mobilized’, brought home to ‘centres of calculation’ in the form of maps, drawings, readings of the movements of the tides and the stars. Mobile traces that were stable enough to be moved back and forward without distortion, corruption or decay, and combinable so that they could be accumulated and calculated upon, enabled the ships to be sent out and to return, enabled a ‘centre’ to be formed that could ‘dominate’ a realm of persons and processes distant from it. This process, he suggests, is similar whether it is a question of dominating the sky, the earth or the economy: domination involves the exercise of a form of intellectual mastery made possible by those at a centre having information about persons and events distant from them. Our notion of ‘government at a distance’ links this idea to a related approach developed in the work of Latour and that of Michel Callon (Callon and Latour 1981; Callon 1986; Latour 1986). In the context of analysing the establishment and generalization of scientific and technical innovations, Callon and Latour have examined the complex mechanisms through which it becomes possible to link calculations at one place with action at another, not through the direct imposition of a form of conduct by force, but through a delicate affiliation of a loose assemblage of agents and agencies into a functioning network. This involves alliances formed not only because one agent is dependent upon another for funds, legitimacy or some other resource which can be used for persuasion or compulsion, but also because one actor comes to convince another that their problems or goals are intrinsically linked, that their interests are consonant, that each can solve their difficulties or achieve their ends by joining forces or working along the same lines. This is not so much a process of appealing to mutual interests as of what Callon and Latour term ‘*interessement*’—the construction of allied interests through persuasion, intrigue, calculation or rhetoric. In the process occurs what Callon and Latour refer to as ‘translation’, in which one actor or force is able to require or count upon a particular way of thinking and acting from another, hence assembling them together into a network not because of legal or institutional ties or dependencies, but because they have come to construe their problems in allied ways and their fate as in some way bound up with one another. Hence persons, organizations, entities and locales which remain differentiated by space, time and formal boundaries can be brought into a loose and approximate, and always mobile and indeterminate alignment.>>>

LINK: HEALTH CARE

NURSING FUNCTIONS AS A FORM OF GOVERNMENTALITY THAT GOES INTO THE HOME AND USES TACTICS OF SURVEILLANCE TO INFLUENCE THE PRIVATE PRACTICES OF INDIVIDUALS IN THE NAME OF GENERAL HEALTH.

HOLMES AND GASTALDO '02 [DAVE, ASSISTANT PROFESSOR IN THE SCHOOL OF NURSING AT THE UNIVERSITY OF OTTAWA, DENISE, ASSISTANT PROFESSOR IN THE FACULTY OF NURSING AT THE UNIVERSITY OF TORONTO, *JOURNAL OF ADVANCED NURSING* 38(6), JUNE 2002, PAGES 560-561]

Nursing and the governance of the population

Nursing as a profession and a discipline is inherently political because it deals with biological existence and generates knowledge about it. Shaping the population for economic and social purposes demands supervision and intervention over biological processes (Foucault 1990). Hence, nursing is a constitutive element of governmentality because it takes part in this management. Currently, nursing's role in managing the population is centred on promoting life and recuperation from illness. Life is governed in a variety of ways, but we will explore two particular methods in this section -- knowledge production and social policy.

As one of the largest professional groups in the health field in many countries, nursing plays a major role in the population's health education. Nursing's academic gains and political development have meant that many professionals now serve as professors, researchers, policy makers, consultants and evaluators. These positions give them opportunities to gather information and create policies to be implemented from the local to the international level (Gastaldo et al. 2001).

Acknowledging nursing's influence in managing the population does not mean that nurses work in unison, or that they share a Machiavellian plan to rule society. Nursing, like any other profession, is divided by distinct philosophical and political positions, and it is often motivated by members' self-interests and personal agendas. Any attempt at producing a discourse to promote health is challenged by other discourses, and the governance of society occurs within a constant struggle of conflicting interests. As with any other exercise of power, dominant discourses in nursing face resistance (Gastaldo 1997). As power is the multiplicity of force relations extant within the social body, one specific manifestation of power will encounter another one resisting it. According to Foucault, we are continuously involved in struggles, because struggle for power is pervasive in every society:

Power is not something that is acquired, seized, or shared, something that one holds to or allows to slip away; power is exercised from innumerable points, in the interplay of nonegalitarian and mobile relations...there is no binary and all encompassing opposition between rulers and ruled at the root of power relations... (1990, p. 94)

Social policy constitutes its objects; it helps to give meaning to abstract concepts, such as health and caring. Policies about health generate new understandings of health. As Hewitt (1991) pointed out:

Social policy plays a co-ordinating role in forming 'the social'. It promotes and organizes knowledge, norms and social practices to regulate the quality of life of the population, its health, security and stability. (p. 225)

Health is considered a desirable asset in most societies and health policies tend to involve measures designed to promote health and recuperation from illness. Therefore, nursing is a profession that is well perceived (even though not prestigious), and its interventions are generally well accepted by the public. Since the 1980s, the health promotion movement has linked health to most aspects of public and private life. Moreover, healthy public policy may include issues such as housing, pollution, and violence, among others (Gastaldo 1997).

Two examples illustrate how nurses create policies and knowledge. In Canada, nurses have been instrumental in advancing the health promotion and home care movements during the last decades (McKeever 1996, Stewart 2000). Through research and political action, nurses have helped to de-institutionalize long-term care and to reframe health as a socially determined construct. While claiming to promote a humane and socially grounded care, these movements also reinforced the importance of self-care and self-responsibility for health, and they produced norms for the good citizen, the caring mother, and the acquiescent chronically ill or disabled person. The expectation created by these discourses fosters comparisons between individuals and groups. The comparisons allow nurses to establish "normality". As a consequence, the 'deviant individual becomes a target for surveillance and intervention' (Gastaldo & Holmes 1999, p. 21).

Governmentality also depends on access to knowledge. Those governing society need to understand the politics of everyday life. Epidemics, fertility, and life expectancy are at the core of the rationalities of government (Foucault 1990). Nursing research provides knowledge about the population and helps to decide priorities in funding. 'Research findings have provided scientific authority to justify policies that have saved huge amounts of public money by minimizing institutional

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(card continues...)

LINK: HEALTH CARE

(...card continues)

costs and shifting many of the costs of long-term care to family caregivers' (McKeever 1996, p. 203).

In the case of the home care movement, McKeever (1996) argued that policies also reflect a particular notion of family and home. The home has become the most important site for health care and health promotion in our society, and women the main producers of such services. But this place and worker remain rarely conceptualized in research (McKeever 1996). What prevail in research are samples of 'white' and nuclear families, where the psychological burden of caregivers is stressed over social and economic issues, such as social class, ethnicity, occupational history, and power relations between family caregivers, care recipients, and professionals (McKeever 1996). The home care movement naturalized the home as the optimal site for long-term care (institutional care is now seen as impersonal) and as a private space, where family provision of care is free and therefore saves public funds. As a consequence, long-term care recipients who do not have a family become a burden to society and families that do not provide care according to standards usually proposed by nurses are a problem -- somehow they challenge the norm. These situations require management as difficult cases (McKeever 1996).

In the case of health promotion, the discourse of risk reduction for society, once again, takes women's work for granted as free labour. The genderless health promotion discourse assumes that healthy diets will be cooked and served to families without asking by whom. Currently, 'good women' not only provide physical and emotional care, but also promote the health of their families. Furthermore, many of the changes in lifestyle proposed by the health promotion movement will take place at home. The stimulus, the surveillance, and the punishments and rewards for adopting, or not adopting, a healthier lifestyle are constituents of power relations among the members of the household. Knowing that the family is a privileged site for the regulation of individuals where power is capillary, as it reaches the core of its members, one could see that what is achieved in the household serves society at large, where power continues to operate at a macro-level, in order to govern the population.

LINK: HEALTH CARE

NURSES AND HEALTH CARE WORKERS ARE INTEGRAL PARTS OF THE STATE'S APPARATUS OF GOVERNMENTALITY. THIS DISCIPLINES THE SOCIAL BODY TO ENGAGE IN HEALTH-PRESERVING PRACTICES.

HOLMES AND GASTALDO '02 [DAVE, ASSISTANT PROFESSOR IN THE SCHOOL OF NURSING AT THE UNIVERSITY OF OTTAWA, DENISE, ASSISTANT PROFESSOR IN THE FACULTY OF NURSING AT THE UNIVERSITY OF TORONTO, *JOURNAL OF ADVANCED NURSING* 38(6), JUNE 2002, PAGES 563-564]

Governmentality and its implications for nursing

As Foucault stated, the concept of governmentality creates a new way of regarding the conduct of humankind; its aim is directed at 'the domains of ethics, government, and politics, of the government of self, others, and the state, of practices of government and practices of the self, of self-formation and political subjectification, that weaves them together without a reduction of one to the other' (emphasis added) (Dean 1994, p. 158).

Governing now implies going beyond the state and its official institutions or figures. Based on Foucault's idea, government can be understood as an active process which joins political rationalities...with governmental technologies' (Curtis 1995, p. 575); a process in which some ideals of social life set the conditions and create fields for intervention in most aspects of everyday living (Simon 1993, Curtis 1995). The articulation of political rationalities with technologies of government is ensured by a specific form of knowledge (scientific savoir) and the presence of an expert (nurse) who mediates between the political objectives and the object of intervention (population and individual). The state should now be considered as a network of institutions, deeply embedded within a constellation of ancillary institutions associated with society and the economic system' (Hall 1986, p. 17). Power operates within tiny, subtle and complex ramifications established by competent authorities. In an era of governmentality, power is pervasive and it relies on agents who can ensure the optimal functioning of this new art of government (Curtis 1995).

Nurses are health care professionals who are in direct contact with individuals, groups, communities, and populations. They are a powerful group of experts upon whom the state and its institutions rely. Working at the junction of the individual and collective body within power relations that promote and recuperate life, nurses are able, through their interventions, to mould, conduct or affect people as well as to construct, with the help of other health care professionals, people's subjectivities. This is accomplished through a vast range of techniques such as gathering information, producing and disseminating knowledge, and engaging in therapeutic encounters. Similar practices are undertaken by physicians, psychologists and social workers, to name a few. However, nurses are the biggest professional group of the Western world health care systems and the ones who are frequently made invisible, feel unimportant and victims of the organizations and groups that they help to create, sustain, and manage. The traditional framework used by nurses to analyse their practices helps to perpetuate the impression of a powerless profession.

According to Foucault's definition of governmentality, we believe that nurses constitute an important group that helps the state to govern at a distance. Nurses also form a critical group that challenges the status quo and works for a more equitable society. However, we believe that nurses predominantly conceive of health care as a neutral and apolitical practice (Meyer 1998, Freed 1999). Yet nurses' privileged position close to patients and communities allows them to act upon these individuals and groups. Through education, they normalize and discipline; through care, they alleviate the suffering of vulnerable individuals and communities and participate in the construction of patient identities as sick bodies or healthy bodies. They possess a scientific savoir that is generally accepted as true knowledge and are able to influence patient behaviours regarding their health, illness, and well-being. Nurses, as good translators of sophisticated medical and nursing terminology, are close to the public's needs and have their confidence.

Indeed, nurses are a group able to exercise power as health care providers, despite the fact that they seldom reflect about their own ways of exercising power or rarely perceive health care as a political activity. Nurses operate within a web of power relations defined by a society (also constituted by nurses) ruled by disciplinary and pastoral power strategies which are the main tools to govern conduct in our contemporary era. Despite the well known rhetoric regarding nurses' powerlessness, we believe that nurses constitute a powerful group of health care professionals located at the crossroad of the state's rationalities and patients' bodies and souls. This understanding situates them as an agency of governmentality.

LINK: SURVEILLANCE

THE BIOPOLITICAL SURVEILLANCE APPARATUS USED TO CONTROL AND MONITOR CITIZENS DISCRIMINATES UNIQUELY AGAINST WELFARE RECIPIENTS.

HENMAN AND MARSTON '8 [PAUL, COORDINATOR OF THE SOCIAL AND PUBLIC POLICY PROGRAM AT THE U. OF QUEENSLAND SCHOOL OF SOCIAL WORK AND HUMAN SERVICES, GREG, DIRECTOR OF THE SOCIAL POLICY UNIT AT THE U. OF QUEENSLAND SCHOOL OF SOCIAL WORK AND HUMAN SERVICES, "THE SOCIAL DIVISION OF WELFARE SURVEILLANCE", *JOURNAL OF SOCIAL POLICY* 37, PGS 191-3]

Following David Lyon, surveillance refers to 'the collection and processing of personal data, whether identifiable or not, for the purposes of influencing or managing those whose data have been garnered' (2001: 2). While surveillance operates across many aspects of our lives, the focus in this article is 'welfare surveillance', namely the practices of surveillance operating in the operation, delivery and provision of occupational, fiscal and social welfare. The notion of the social division of welfare surveillance begins with the observation that the application and experience of surveillance is different for different people/s, depending on what sort of welfare benefit they are receiving and how it is delivered

This is not an innovative observation, but one which has received minimal attention in recent writings on the moral reordering (Williams, 1999; Dean, 2005) and political transformation of the western welfare state (Gilbert, 2002; Pierson, 2001). Following Titmuss's characterisation of social, fiscal and occupational welfare, there are three corresponding domains of welfare surveillance. Social welfare surveillance refers to surveillance practices within the social welfare system; fiscal welfare surveillance refers to surveillance practices within the taxation system; and occupation welfare surveillance refers to surveillance practices within the workforce. In parallel with the three insights arising from Titmuss' social division of welfare, the idea of the social division of welfare surveillance produces three similar insights. Firstly, the distinction between the three fields refers to different 'administrative methods or institutional devices' and not to fundamental differences in the need for welfare surveillance. This points to a normative stance. Just as Titmuss' normative view that there should be an equivalence in the welfare received for a particular purpose from the different welfare domains, we hold that there should be an equivalence in the operation of

surveillance for people receiving welfare (for a particular purpose) between the three welfare domains. For example, people receiving a family-related benefit from social welfare should receive similar levels of compliance checks to those receiving a family-related fiscal or occupational benefit. Thus, by critically examining the boundaries between the three forms of welfare, the concept of the social division of welfare surveillance makes visible the invisible inequalities in surveillance and points to the unequal distribution of burdens and benefits in society

The second insight is that the moral or value distinctions – of 'deserving' and 'undeserving' – between the social, fiscal and occupational welfare systems signify differences in the intensity, intrusiveness and coverage of surveillance. Domains in which recipients are seen as deserving (particularly fiscal and occupational welfare) receive less surveillance than those regarded as undeserving (particularly social welfare). Thus, in the same way that the notion of a 'social division of welfare' brings to light and challenges the perceived 'naturalness' of differentials in welfare provision, the concept of a 'social division of welfare surveillance' brings to light and challenges the perceived 'naturalness' of differentials in welfare surveillance.

Thirdly, the concept of the 'social division of welfare surveillance' points to the existence of differential levels of surveillance for the same provision of welfare benefit/service For example, the surveillance of individuals receiving unemployment allowances may not be treated equally. Some unemployed are considered more risky and/or regarded more suspiciously than others, with variations in the corresponding level of intrusion and surveillance

(McDonald et al., 2003). Thus, the concept makes visible the invisible distinctions within a seemingly single welfare provision. Gandy (1993, 2006) has argued that differential surveillance treatment represents a form of discrimination

Similarly, Lyon's (2003) discussion of 'surveillance sorting' points to the way in which surveillance can be used to categorise the subjects of surveillance into different groups for subsequent differential forms of surveillance and/or governance

In the UK, Dee Cook (1989, 1991) examined the differential responses to tax and supplementary benefit fraud in the 1980s. She argues that: Those who defraud the state by fiddling welfare benefits and by fiddling personal taxes commit essentially similar economic crimes – making false statements to government departments in order to gain illegal financial advantage from the state. The outcome is identical – loss of state revenue – though the costs for the state of the two forms of fraud do differ. (1989: 266) She then notes that the cost of lost revenue through taxation fraud greatly exceeds the cost through social welfare fraud, yet the level of scrutiny and legal prosecution is greater for the latter

More recently, Gilliom's study of the surveillance of welfare mothers in the USA makes similar observations: In the Social Security old age pension, there is an assumption of eligibility and need that is determined by age and administered through a relatively simple and non-invasive program of application and distribution. With Aid to Families with Dependent Children [AFDC], however, regulations were written . . . [with] a sharp emphasis on determining and verifying eligibility on the basis of demonstrable and verified need and verified moral worth . . . It is, in this light, quite telling that the government's proudest surveillance programs were aimed at ferreting out and eliminating fraud in its welfare programs rather than ferreting out and assisting any hungry children, needy families, or unmet needs that our welfare programs had failed (2001: 127–8) These contradictions in US-administered programmes highlight the uneven distribution of burdens and benefits in the social division of welfare surveillance

LINK: BUREAUCRACY

IMPLEMENTATION PREVENTS SOLVENCY: THE RETURN WELFARE IS NOT WHAT YOU HOPE IT TO BE. THE VERY MANAGEMENT OF THE HEALTH AND BEHAVIOR OF THE POPULATION REQUIRES MASSIVE SURVEILLANCE, DISCIPLINE, AND CONTORL.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT*, p 79-82]

9. FROM WELFARE TO NEO-LIBERALISM Let us return to the contemporary political challenges to the extended state with which we began. For some thirty years following the publication of *The Road to Serfdom*,² neo-liberal hostility to the 'interventionist state' seemed eccentric to the main lines of political debate. From the mid-seventies onwards, in Britain, the United States and elsewhere in Europe, neo-liberal analyses began to underpin the appeal of conservative political programmes and pronouncements. The political mentality of neo-liberalism breaks with welfarism at the level of moralities, explanations and vocabularies. Against the assumption that the ills of social and economic life are to be addressed by the activities of government, it warns against the arrogance of government overreach and overload. It counter-poses the inefficiencies of planned economies to the strength of the market in picking winners. It claims that Keynesian demand management sets in motion a vicious spiral of inflationary expectations and currency debasement. It suggests that big government is not only

inefficient but malign: parties are pushed into making lavish promises in their competition for votes, fuelling rising expectations which can only be met by public borrowing on a grand scale. Because 'the welfare state' depends on bureaucracy, it is subject to constant pressure from bureaucrats to expand their own empires, again fuelling an expensive and inefficient extension of the governmental machine. Because it cultivates the view that it is the role of the state to provide for the

individual, the welfare state has a morally damaging effect upon citizens, producing 'a culture of dependency' based on expectations that government will do what in reality only individuals can. Neo-liberalism reactivates liberal principles: scepticism over the capacities of political authorities to govern everything for the best;

vigilance over the attempts of political authorities to seek to govern. Its language is familiar and needs little rehearsal. Markets are to replace planning as regulators of economic activity. Those aspects of government that welfare construed as political responsibilities are, as far as possible, to be transformed into commodified forms and regulated according to market principles. Economic entrepreneurship is to replace regulation, as active agents seeking to maximise their own advantage are both the legitimate locus of decisions about their own affairs and the most effective in calculating actions and outcomes.

And more generally, active entrepreneurship is to replace the passivity and dependency of responsible solidarity as individuals are encouraged to strive to optimise their own quality of life and that of their families. Neo-liberalism re-codes the locus of the State in the discourse of politics. The State must be strong to defend the interests of the nation in the international sphere and must ensure order by providing a legal framework for social and economic life. But within this framework autonomous actors - commercial concerns, families, individuals - are to go freely about their business, making their own decisions and controlling their own destinies. Neo-liberal political rationalities weave these philosophical themes into an operative political discourse. A rhetoric of the nation, the family, the traditional greatness of Britain, the virtues of law and order, and the respect for tradition provides a translatability between neo-liberalism and traditional right wing values, and simultaneously opens a complex space for the elaboration of governmental programmes.

Whatever its rhetoric, within the problematics of government, neo-liberalism is not rendered intelligible by counterposing a non-interventionist to an interventionist state. Rather, it should be seen as a re-organization of political rationalities that brings them into a kind of alignment with contemporary technologies of government. The new political initiatives often take the form of an attempted 'autonomization' of entities from the state, or rather, an autonomization of the state from direct controls over, and responsibility for, the actions and calculations of businesses, welfare organizations and so forth. They entail the adoption by the centre of a range of devices which seek both to create a distance between the formal institutions of the state and other social actors, and to act upon them in a different manner. One of the central mechanisms of neo-liberalism is the proliferation of strategies to create

and sustain a 'market', to reshape the forms of economic exchange on the basis of contractual exchange. The privatization programmes of the new politics have formed perhaps the most visible strand of such strategies, and one most aligned with the political ideals of markets versus state. But in terms of economic regulation at least, a rigid distinction between nationalized and private enterprises is misleading. On the one hand, the degree of political direction over the activities of nationalized companies was variable but small - perhaps the principal form that intervention took was the provision or refusal of investment capital. On the other hand, private sector enterprise is opened, in so many ways, to the action at a distance mechanisms that have proliferated in advanced liberal democracies, with the rise of managers as an intermediary between expert knowledge, economic policy and business decisions. Of course, 'market forces' intersect in different ways with investment decisions and the like when businesses are no longer formally owned by the state, as do the imperatives to profit. But we might consider that this reconstruction of the form of economic regulation is less a revolution against the real failures of central planning, than a rejection of the ideals of knowledge, power and the effectivity of planning that such

rationalities embodied. At the rhetorical and programmatic level, neo-liberalism also embodies a profound transformation in the mechanisms for governing social life. In place of collective provision and social solidarity the new rationality of government proposes notions of security provided through the private purchase of insurance schemes, health care purchased by individuals and provided by the health industry, housing offered through the private sector and efficiency secured through the discipline of competition within the market. The public provision of welfare and social security no longer appears as a vital part of a programme for political stability and social efficiency. Monetisation has played a key role in breaching the enclosures of expertise within the machinery of welfare. For

example, when contemporary British hospitals are required to translate their therapeutic activities from operating theatres to laundry room into cash equivalents, a new form of visibility is conferred upon them, new relations established and new procedures of decision making made possible. As we have already argued, making people write things down, and the nature of the things people are made to write down, is itself a kind of government of them, urging them to think about and note certain aspects of their activities according to certain norms. Power flows to the centre or agent who determines the inscriptions, accumulates them, contemplates them in their aggregated form and hence can compare and evaluate the activities of others who are merely entries on the chart. Managers rather than consultants become the powerful actors in this new network, and power flows

(card continues...)

² "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

LINK: BUREAUCRACY

(...card continues)

from the cabinet office to the operating theatre via a multitude of calculative and managerial locales, rather than in the other direction. This is not an attempt to impose a power where previously none existed, but to transform the terms of calculation from medical to financial, and hence to shift the fulcrum of the health network. Far from autonomizing the health apparatus, these new modes of action at a distance increase the possibilities of governing it. Similarly, relocating aspects of welfare in the 'private' or 'voluntary' sector does not necessarily render them less governable. To be sure, different procedures of translation and alliance are entailed when 'political' institutions are 'de-centred' in networks of power. But the opposition between state and non-state is inadequate to characterise these transformations. Neo-liberalism also entails a reorganization of programmes for the government of personal life. The language of the entrepreneurial individual, endowed with freedom and autonomy, has come to predominate over almost any other in evaluations of the ethical claims of political power and programmes of government. A sphere of freedom is to be (re-)established, where autonomous agents make their decisions, pursue their preferences and seek to maximise the quality of their lives. For neo-liberalism the political subject is less a social citizen with powers and obligations deriving from membership of a collective body, than an individual whose citizenship is active. This citizenship is to be manifested not in the receipt of public largesse, but in the energetic pursuit of personal fulfilment and the incessant calculations that are to enable this to be achieved. Neo-liberalism forges a kind of alignment between political rationalities and the technologies for the regulation of the self that took shape in Britain during the decades of the 1960s and 1970s. No doubt this alignment is not the only one possible, nor the most desirable. Nonetheless, neo-liberal programmes for the reform of welfare drew support from their consonance with a range of other challenges to the mechanisms of social government that emerged during these same decades from civil libertarians, feminists, radicals, socialists, sociologists and others. These reorganized programmes of government utilise and instrumentalise the multitude of experts of management, of family life, of lifestyle who have proliferated at the points of intersection of socio-political aspirations and private desires for self-advancement. Through this loose assemblage of agents, calculations, techniques, images and commodities, individuals can be governed through their freedom to choose. **CONCLUSION** Much of the analysis above is preliminary, but its central point is a simple one. The language of political philosophy: state and civil society, freedom and constraint, sovereignty and democracy, public and private plays a key role in the organization of modern political power. However, it cannot provide the intellectual tools for analyzing the problematics of government in the present. Unless we adopt different ways of thinking about the exercise of political power, we will find contemporary forms of rule hard to understand. It will thus be rather difficult to make a proper judgment of the alternatives on offer.

THE BUREAUCRATIC LOGIC OF GOVERNMENTALITY SABOTAGES THE PLAN ON THE GROUND. THE RESULT, THE POLICY'S GOALS ARE MANIPULATED SUSTAIN STATE INTERESTS.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT: ADMINISTERING ECONOMIC, SOCIAL, AND POLITICAL LIFE*, p. 38-39]

<<<A degree of congruence or translatability is thus necessary between calculative technologies and the programmes they are designed to instrumentalize. Different modes of aggregating the economic activities of the nation bring different results. One can, for instance, utilize an 'institutional' basis for aggregation (in which economic agents are grouped according to their socio-juridical characteristics— individuals, private enterprises) or a 'functional' basis (a system based on the principal activity—production, consumption, savings). The adoption of the former in the French system can be understood by reference to its utility for a system of economic forecasting. The French argued that, if the economic activities of the nation take place through agents who are physically and institutionally distinct, it made sense to construct one's accounts around these real economic agents rather than an abstract entity composed of different forces. Programmes of government are idealized schema for the ordering of social and economic life. As such they are not simply 'applied' through techniques such as national planning and accounting. Programmes constitute a space within which the objectives of government are elaborated, and where plans to implement them are dreamed up. But the technologies which seek to operate on activities and processes produce their own difficulties, fail to function as intended, and sometimes intersect poorly with the rationalities in terms of which their role is conceived. The example of attempts at economic planning in post-war France not only illustrates the importance of the 'technological' side of intellectual labour in rendering a domain amenable to government—in particular the key role of inscription of technologies—but also shows that governing is not the 'realization' of a programmer's dream. 'The real' always insists in the form of resistance to programming; and the programmer's world is one of constant experiment, invention, failure, critique and adjustment. In the theoretico-practical matrix of government, political programmes are inescapably associated with operational devices and critical judgements. Whilst a particular political programme sets out specific objectives for government, and proposes mechanisms to realize them, the operationalization of a programme is achieved through a complex and difficult process: formulating the categories and techniques to make it realizable; assembling and sometimes devising technologies to give effect to its objectives in the lives of individuals, enterprises and organizations; and evaluating, debating and contesting the consequences of such programmes and the conditions of their failure and success>>>

LINK: CASE WORKERS

CASE WORKERS TAKE AN AUTHORITATIVE ROLE IN THE LIVES OF INDIVIDUALS, ATTEMPTING TO IMPOSE SELF-MONITORING AND OTHER HABITS. IN THE FACE OF NON-COMPLIANCE, CASE WORKERS TAKE IT UPON THEMSELVES TO PUNISH INDIVIDUALS WHO WON'T CONFORM, CREATING A CYCLE OF POVERTY.

FLOERSCH, ASSOCIATE PROFESSOR OF SOCIAL SCIENCES AT CASE WESTERN RESERVE UNIVERSITY, '00 [JERRY, "READING THE CASE RECORD: THE ORAL AND WRITTEN NARRATIVES OF SOCIAL WORKERS", *SOCIAL SERVICE REVIEW* 74(2), JUNE 2000, PAGES 182-184]

The situated language of "doing for" and "doing with" functioned to guide case manager action. "Doing for" justified daily med drops. "Doing for" was getting the job done, that is, "I can do him." In an oral narrative (March 13, breakfast team meeting), Robert's case manager reported that "sometimes I think Robert is like a small child and pushes us until we will make decisions for him."

Situated comments like these did not appear in the case record. Indeed, they contrasted sharply with the court revocation letter that clearly identified the culprit as "lack of

initiative." In this situated expression we learned that Robert was not a rational adult. Sometimes he was "like a small child." In other instances—only in the oral narrative—they wondered if Robert "gets it." "Gets it" and "doing for" were situated terms that recognized illness and acknowledged that, given our current

knowledge of medication, individuals like Robert were incapable of selfmonitoring. "Doing for" expressed the case managers' willingness to help regardless of the presence or absence of initiative. In sum, situated knowledge privileged illness over Robert's rational action, that is, his willpower and goal-oriented action. In the textual narrative, the disciplinary knowledge of community support service and strengths did not acknowledge the possibility of the irrational subject; instead, consumers like Robert were produced as subjects, by goal-achievement treatment plans 182 Social

Service Review and notes. For disciplinary knowledge there were no illnesses; there were only individuals who lacked goals or could not achieve them. Robert did not follow medication instructions and did not keep his apartment clean. These practical realities befuddled everyone and created the conditions for situated understandings—"he doesn't get it."

Strengths language, in contrast, lacked the concepts necessary to think about these irrational thoughts

or actions. After repeated attempts at "doing for" and "doing with," it seemed that Robert would never "get it." In tracing the unfolding drama in the written and oral narratives, one could see how the situated expression, "he doesn't get it," correlates with another common expression, "natural consequences."

Case managers did not use the term "natural consequences" in written narratives. It was instead part of the oral narrative's production of Robert: "We may have to—I hate to say this—but we may have to let

the natural consequences step in." The condition of the apartment led case managers to conclude that he "doesn't get it" and that natural consequences would be the next step. Regardless of his desire to live in the apartment, the team considered pulling the monthly subsidy, because "he is living in the community and he has to live by the rules."

When Robert did not follow up the desire to live alone with appropriate manners, the power of strengths management was neutralized. Invoking "natural consequences" permitted

them to think in ways contrary to those specified by the disciplinary: goal setting and achievement. "Natural consequences" signified a fatalistic outcome.

Consequences followed, naturally, when no plan or action seemed to make a difference. Had case managers tried to translate "no goals or action plans" into strengths language, paradox would have resulted—the goal is to have no goal. Thus, situated practice emerged when the disciplinary was muted. Situated knowledge was rooted in but not reducible to its

companion, the disciplinary. In one sense, situated knowledge was complementary to the disciplinary. Had Robert been evicted for failing to pay rent, he would have experienced natural consequences. By feeling the effect of not paying, they hoped, Robert would learn that failure to take action had consequences. Even more, learning that B followed from A may have produced a rational subject. Thus, the situated use of "natural consequence"

had a complementary relation to the disciplinary. Yet in another sense, natural consequences were ambiguous and distasteful. Proposing eviction was taboo: "I hate to say this."

Allowing the eviction might result in a regrettable, long-term hospital stay, homelessness, or dependence on family; these options

were proscribed by the policy of deinstitutionalization, community support service, and strengths. After all,

hospital beds had been replaced by community support services. Case managers, therefore, could not allow

Robert to fall through their safety net. They did not. On April 15 Robert received an eviction notice from the

landlord. Staff encouraged him to move into a supervised group home, Residential House. After several weeks

of hesitation, Robert agreed. The residential home is a temporary program where it is hoped that residents will

learn skills and organize the appropriate social supports to return to independent apartment living. Although

case managers could have intervened and convinced the landlord not to evict Robert, they allowed the eviction

to occur and believed natural consequences had been invoked. Situated practice that supported market forces—landlord eviction— could have been contrary to

strengths philosophy and deinstitutionalization had it led to long-term, supervised housing alternatives. Case managers never used natural consequences to promote permanent, 24-hour residential care, nor did case managers

use arguments and resources for permanent supervised living. In Robert's case, upon eviction, a transitional group home resolved the tension between

the textually produced independent apartment dweller and the situated understanding that Robert "can't get it."

Tenant law and enforcement produced a housing crisis. Community support services, however, absorbed and

(card continues...)

LINK: CASE WORKERS

(...card continues)

resolved the tension by creating therapeutic spaces like Residential House, a group home designed to rehabilitate consumers like Robert. Although Robert moved into the home, and hospitalization was averted, case management continued with med drops and money management. At Residential House, residents never become full-time occupants; in this space, it was hoped that Robert would finally “get it.” Under supervision, he might learn skills needed for apartment living. Thus, by using a transitional space to reinvigorate the conditions for strengths to once again become operative, the limits of strengths were hidden. Yet, no oral or written narrative commented on Robert’s apparent “need” for permanent congregate care. Instead, his “want” to live alone was honored. The situated and the disciplinary, together, had reproduced community support services. In this case study, I have shown that workers’ situated practice complemented the disciplinary, but it was not a necessary condition. Situated practice performed its own work. The disciplinary and situated produced the same effect, but they correlate with different powers that operate on unique objects of practice. In Robert’s life, both knowledge/ power schemes kept him (and others like him) moving through the network of related sites and services. Robert, at some date, will be discharged from Residential House. He will likely reemerge in an apartment, and as one case manager noted, “the cycle will begin again.”

CASE WORKERS USE A GOAL-ORIENTED MODEL INTENDED TO DISCIPLINE THE INDIVIDUAL INTO CONFORMING TO THE SOCIAL NORMS THAT THEY FIND PREFERABLE.

FLOERSCH, ASSOCIATE PROFESSOR OF SOCIAL SCIENCES AT CASE WESTERN RESERVE UNIVERSITY, '00 [JERRY, “READING THE CASE RECORD: THE ORAL AND WRITTEN NARRATIVES OF SOCIAL WORKERS”, *SOCIAL SERVICE REVIEW* 74(2), JUNE 2000, PAGES 177-178]

Perhaps most important, the written narrative assumed, without question, that Robert was a linear-thinking subject. Texts, thus, produced Robert as a subject who thought in cause and effect, in three simple steps: (1) goals and timetables were set, (2) task responsibility was allocated to Robert and the team, and (3) progress was measured. These account for observations in the text like, “keep the apartment clean,” which means that workers made observations on Robert’s goal to clean his apartment. Their written narratives were observations about successful or unsuccessful goal achievement. Producing a goal-oriented subject in the case record was expected, given the strengths model. The written narrative reproduces for administrators, policy makers, and advocates of deinstitutionalization, empirical evidence for the efficacy of disciplinary power; it, in effect, reinforced the idea that long-term, residential facilities were unnecessary and produced dependency. I think that Robert’s textualized subjective wants (“I want to stay out of the hospital”) instantiated the project of community support service and strengths case management. In short, whose goal was it to stay out of the hospital? According to strengths, it was Robert’s. Although the narrative functioned to produce self-directed consumers, paradoxically, it also produced an omission: the possibility that illness prevented goal-oriented thinking and action. When goals were not achieved, how did the narrative explain Robert’s failure? How was responsibility for nonaccomplishment distributed? The strengths model assigned responsibility to Robert’s lack of ability. For example, in a revocation letter to the court, the case manager and psychiatrist wrote: “Robert lacked initiative for being responsible for his treatment and resists case management support.” In a failed medication drop, the case manager recorded: “Left note on his door that his medication would be at the office and it’s his responsibility to take his meds as prescribed.” And last, we heard frustration with the inability to achieve a goal: “When conversation switched to his budget and apartment condition, his attitude changed. He became argumentative and loud, seeming not to believe what I was saying.” Textual entries like these can be easily interpreted as “blaming the victim.” Without comment, the written narrative constructed lived experience as an assignment of daily tasks and their accomplishment. When Robert failed to keep the apartment clean, the written narrative offered no explanation. The progress notes did not provide depth. Did Robert fail? Or did community support fail? By writing a consumer’s subjectivity as wants, goals, steps, and progress, the strengths language ironically had nowhere to go; they had to see “nonaccomplishment” as “lack of initiative.” Was this a misapplication of strengths—an example, perhaps, of untrained case managers who thought in terms of deficits? I do not think so. In the strengths training workshop I attended, the leader instructed her neophyte case managers on the transparent nature of reality. She said, “each of us have differences in our talents which are not deeply hidden” (Strengths Training Workshop, March 19, 1997). Because strengths necessarily suppressed a language of illness—chronicity, cognitive psychology, and other disciplinary (clinical) knowledge/power schemes—the narrative could go nowhere else. In not accomplishing a goal, strengths led case managers to Robert’s initiative. To question initiative follows directly from goal planning: [case manager] “‘What do you want?’ [Robert] ‘I want to stay out of the hospital.’ [case manager] ‘How?’ [Robert] ‘I need to let the cleaning crew in my apartment.’” When the cleaning crew could not do its job, there was no acceptable strengths language to explain why. Strengths lacks a language to explain Robert’s refusal to allow the cleaning crew into his apartment. Without an alternative explanation, the strengths-based text became repetitive, merely rewriting goals into next month’s textual subject

LINK: EXPERTS

GOVERNMENTALITY ALLOWS FOR THE SUBTLE MANIPULATING OF THE INDIVIDUAL BY PROFESSIONALS AND TECHNOLOGIES OF CALCULATION AND STANDARDIZATION.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT: ADMINISTERING ECONOMIC, SOCIAL, AND POLITICAL LIFE*, p. 32-33]

««We use the term ‘technologies’ to suggest a particular approach to the analysis of the activity of ruling, one which pays great attention to the actual mechanisms through which authorities of various sorts have sought to shape, normalize and instrumentalize the conduct, thought, decisions and aspirations of others in order to achieve the objectives they consider desirable. To understand modern forms of rule, we suggest, requires an investigation not merely of grand political schema, or economic ambitions, nor even of general slogans such as ‘state control’, nationalization, the free market and the like, but of apparently humble and mundane mechanisms which appear to make it possible to govern: techniques of notation, computation and calculation; procedures of examination and assessment; the invention of devices such as surveys and presentational forms such as tables; the standardization of systems for training and the inculcation of habits; the inauguration of professional specialisms and vocabularies; building design and architectural forms—the list is heterogeneous and is, in principle, unlimited. The classical terminology of political philosophy and political sociology—State v. Civil Society, public v. private, community v. market and so forth—is of little use here. Such language certainly needs to be investigated, to the extent that it functions in important ways within political rationalities and political programmes, providing them with an ethical basis and differentiating the legitimacy of varied types of governmental aspiration. But at the technical level, operationalizing government has entailed the putting into place, both intentionally and unintentionally, of a diversity of indirect relations of regulation and persuasion that do not differentiate according to such boundaries. In particular, the capacities that have been granted to expertise—that complex amalgam of professionals, truth claims and technical procedures—provide versatile mechanisms for shaping and normalizing the ‘private’ enterprise, the ‘private’ firm, the ‘private’ decisions of businessmen and parents and the self-regulating capacities of ‘private’ selves in ways that are simply not comprehended in these philosophies of politics. Yet it is precisely these indirect means of action and intervention that are central to modern ‘mentalities of government’ and crucial for the possibility of modern forms of rule (MacIntyre 1981; Miller and O’Leary 1989b; Rose 1986, 1989a). The analysis of such technologies of government requires a ‘microphysics of power’, an attention to the complex of relays and interdependencies which enable programmes of government to act upon and intervene upon those places, persons and populations which are their concern.>>>>

BY USING MORAL CLAIMS, BIOPOWER, DISCIPLINARY POWER, PROFESSIONAL JARGON AND ELITIST BEHAVIOR PROFESSIONALS MAKE CLIENTS FEEL INFERIOR TO THEM

KNIJN & SELTEN, 2005 [TRUDIE & PETER, PROFESSOR OF INTERDISCIPLINARY SOCIAL SCIENCE AT UTRECHT UNIVERSITY, DEPARTMENT OF INTERDISCIPLINARY SOCIAL SCIENCES AT UTRECHT UNIVERSITY, *POLICY, PEOPLE, AND THE NEW PROFESSIONAL*, MAY 2005, p. 21]

In addition to economic comments on the public services, fmoral argu-ments arose that pointed to the paternalistic attitude of professionals to-wards their clients and to the increasing power of professionals in the public domain. By using terms like 'expertocracy' (Van Doorn & Schuyt 1978), 'bio-politics or the disciplinary power of professionals' (Foucault 1978) and 'disabling professions' (Illich 1977), social scientists and philo-sophers4 set the tone for a decade-long debate about the power of profes-sionals and their tendency to privilege their own interests above the common good, display elitist behaviour by using professional jargon, disrespect their clients, and deny their clients' knowledge and needs. These comments indeed hit professional specialists in the public do-mairl- medical specialists, lawyers, and psychiatrists as well as teachers and social workers - in their Achilles heel. Their professional ethics and expertise was being contested in the name of the liberation and emancipation of clients.

“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

LINK: EXPERTS

NEW TECHNOLOGIES OF GOVERNMENT ALTER THE CONDITIONS OF CONTROL AND DISCIPLINE THROUGH MORE REFINED RELATIONS TO EXPERTS SO AS TO INFUSE DECISION MAKING WITH THE OBJECTIVITY OF SCIENCE

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT: ADMINISTERING ECONOMIC, SOCIAL, AND PERSONAL LIFE*, p. 51]

<<<In this chapter we have suggested that Michel Foucault's concept of 'governmentality' can be usefully developed to analyse the complex and heterogeneous ways in which contemporary social authorities have sought to shape and regulate economic, social and personal activities. We have proposed an analysis of political rationalities that pays particular attention to the role of language, and the language of social science in particular.

Vocabularies and theories are important not so much because of the meanings that they produce, but as intellectual technologies, ways of rendering existence thinkable and practicable, amenable to the distinctive influence of various techniques of inscription, notation and calculation. We have sought to draw attention in particular to the programmatic character of

government, and to suggest that an analysis of this programmatic field of government should not be restricted to a judgement of success or failure. We have highlighted the ways in which expert knowledges, and experts as accredited and skilled persons professing neutrality and efficacy, have mobilized, and have been mobilized within such programmes. We have argued that an analysis of modern 'governmentality' needs to free itself from a focus upon 'the state' and from a restricted conception of the kinds of mechanism through which authorities seek to regulate the activities of a differentiated assembly of social agencies and forces. Further, we have proposed that the analysis of 'governmentality' needs to be accompanied by an investigation of the 'technologies' which seek or claim to give effect to the aspirations of programmers. Our argument has been that in advanced liberal democracies such as our own, these technologies increasingly seek to act upon and instrumentalize the self-regulating propensities of individuals in order to ally them with socio-political objectives. A range of 'new technologies' has been devised which provide citizens as economic and social actors with numerous techniques through which they can instrumentalize the diverse spheres of social life themselves in order to avoid what they have come to consider unwelcome and achieve what they have come to believe they want. In this context, the rise to prominence in the last decade of political rationalities placing emphasis upon the self-government of individuals, and seeking to limit the incidence of 'the state' upon the lives and decisions of individuals, can be seen as one articulation, at the level of a political rationality, of the new possibilities for political rule which these technologies have established.

Political authorities no longer seek to govern by instructing individuals in all spheres of their existence, from the most intimate to the most public. Individuals themselves, as workers, managers and members of families can be mobilized in alliance with political objectives, in order to deliver economic growth, successful enterprise and optimum personal happiness. Programmes of government can utilize and rely upon a complex net of technologies— in management, in marketing, in advertising, in instructional talks on the mass media of communication—for educating citizens in techniques for governing themselves. Modern political power does not take the form of the domination of subjectivity (Miller 1987). Rather, political power has come to depend upon a web of technologies for fabricating and maintaining self-government.>>>

LINK: SURVEILLANCE

SURVEILLANCE AND THE EXPANSION OF GOVERNMENTALIZATION REQUIRES CONSTANT INVASION IN THE NAME OF PROBLEMS.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT*, p. 61-63]

3. PROGRAMMES OF GOVERNMENT <<<Government is a problematizing activity: it poses the obligations of rulers in terms of the problems they seek to address. The ideals of government are intrinsically linked to the problems around which it circulates, the failings it seeks to rectify, the ills it seeks to cure. Indeed, the history of government might well be written as a history of problematizations, in which politicians, intellectuals, philosophers, medics, military men, feminists and philanthropists have measured the real against the ideal and found it wanting. From the danger of de-population, the threats posed by pauperism or the forecasts of the decline of the race, through the problematization of urban unrest, industrial militancy, failures of productivity, to contemporary concerns with international competitiveness, the articulation of government has been bound to the constant identification of the difficulties and failures of government. It is around these difficulties and failures that programmes of government have been elaborated. The programmatic is the realm of designs put forward by philosophers, political economists, physiocrats and philanthropists, government reports, committees of inquiry, White Papers, proposals and counterproposals by organizations of business, labour, finance, charities and professionals, that seek to configure specific locales and relations in ways thought desirable. The relation between political rationalities and such programmes of government is not one of derivation or determination but of translation - both a movement from one space to another, and an expression of a particular concern in another modality. Thus in the early years of this century in Britain, the language of national efficiency served to articulate general political ideals concerning the ends to which government should be addressed, and provided a way of formulating a range of competing programmes and disputes from different political forces. Similarly, programmes for administering and managing the enterprise in the United States in the inter-war period elaborated the basis of managerial authority in a way that was congruent with American ideals of personal freedom, initiative and democracy. A translatability was established between the ideals of American political culture and programmes for governing the newly emerged giant corporations with their professional managers. Such translatability between the moralities, epistemologies and idioms of political power and the government of a specific problem space establishes a mutuality between what is desirable and what can be made possible through the calculated activities of political forces. Programmes, as Colin Gordon has pointed out, are not simply formulations of wishes or intentions. First of all, programmes lay claim to a certain knowledge of the sphere or problem to be addressed - knowledges of the economy, or the nature of health, or the problem of poverty are essential elements in programmes that seek to exercise legitimate and calculated power over them. Governing a sphere requires that it can be represented, depicted in a way which both grasps its truths and re-presents it in a form in which it can enter the sphere of conscious political calculation. The theories of the social sciences, of economics, of sociology and of psychology, thus provide a kind of intellectual machinery for government, in the form of procedures for rendering the world thinkable, taming its intractable reality by subjecting it to the disciplined analyses of thought. Theories and explanations thus play an essential part in reversing the relations of power between the aspiring ruler and that over which rule is to be exercised. For example, before one can seek to manage a domain such as an economy it is first necessary to conceptualise a set of processes and relations as an economy which is amenable to management. In a very real sense, 'the economy' is brought into being by economic theories themselves, which define and individuate a set of characteristics, laws and processes designated economic rather than, say, political or natural. This enables 'the economy' to become something which politicians, academics, industrialists and others think can be governed and managed, evaluated and programmed, in order to increase wealth, profit and the like. Similarly sociology, as a set of techniques and investigations that reveal the nation as a set of aggregated statistics with their regular fluctuations, and as knowable processes with their laws and cycles has played a key role in the constitution of society and its diverse components and domains as a governable entity. Relations of reciprocity obtain between the social sciences and government. As government depends upon these sciences for its languages and calculations, so the social sciences thrive on the problems of government, the demand for solutions and the attraction of theories which have the plausibility of science and the promise of the rational disciplining and technologising of the social field. Programmes presuppose that the real is programmable, that it is a domain subject to certain determinants, rules, norms and processes that can be acted upon and improved by authorities. They make the objects of government thinkable in such a way that their ills appear susceptible to diagnosis, prescription and cure by calculating and normalizing intervention. >>>

LINK: FREEDOM—REDEPLOYED

THE CONCEPT OF FREEDOM HAS BEEN COOPTED AND ROBBED OF MEANING BY GOVERNMENT

PROZOROV, 2007, COLLEGIUM RESEARCH FELLOW, HELSINKI COLLEGIUM FOR ADVANCED STUDIES, UNIVERSITY OF HELSINKI, FINLAND, [SERGEI, *FOUCAULT, FREEDOM AND SOVEREIGNTY*, p1-3]

'Freedom Fries': Beyond the Illusion of the Perfect Order

Speaking about freedom today is a strangely uneasy experience. On the one hand, is there anything more self-evident and less contestable than the human desire for freedom? We may endlessly debate on the form of political order that best satisfies this desire, discuss the relative advantages of 'negative' and 'positive' freedom, invent countless new definitions of freedom and even provocatively proclaim the lack or perversion of freedom in our own societies, but a discourse against freedom appears to us today to be manifestly impossible. Indeed, not a single political regime in the contemporary world posits itself as self-consciously 'unfree'. Even when the despotic nature of a political regime is obvious to any observer, it is inevitably disavowed rhetorically by the regime in question as an indicator of some mysterious 'true freedom', thus demonstrating that even as freedom may be denied in practice, it may never be rejected as a fundamental value of human existence. If there is a concept in political discourse that lacks any negative connotations, it must be freedom. On the other hand, this very incontestability of freedom contrasts starkly with the everyday experience of our lives, in which freedom is increasingly a vacuous term. In the post-Cold War period, the promise of global emancipation has been delivered to us in a strange form of the discourse of globalisation, which incites us to become free by modelling our lives on the universalised economic rationality. Rigorously specified in terms of entrepreneurship, competitiveness, efficiency and flexibility, our freedom begins to lose its purpose, becoming increasingly indistinct from its very opposite. In the political terrain, the triumph of liberal democracy after the demise of Soviet socialism rendered any alternative form of political order a priori illegitimate. The incontestability of their vision of freedom has thrown Western democracies into a complex choreography of aggressive intervention for 'advancing freedom's cause' (National Security Strategy of the USA 2006, 11) internationally and a retreat from this very cause domestically in order to 'protect' it from dangers of terrorism that result from its international promotion. When the subjects of resistance to Western interventionism are routinely referred to as 'enemies of freedom' (ibid., 2), it appears that the term has acquired a new, rather esoteric meaning that only the elect few can comprehend. In this case, we may be free without really knowing it or act as enemies to our own freedom when we think we are actually fighting for it.

The very incontestability of the value of freedom renders it inherently ambiguous, which opens an infinite range of possibilities for its abuse under the guise of a self-assumed 'responsibility to promote human freedom' (ibid., 10). Painfully obvious to those treated as 'enemies of freedom', this abuse is also increasingly evident to an ever wider audience, as is evidenced, for example, by global protests against the Iraq war in 2003. Indeed, when a packaged set of constitutional reforms and market deregulation is presently delivered to target societies by means of military interventions or economic coercion under the guise of 'liberation', we know instinctively that something is seriously 'wrong' with this vision of freedom but have enormous conceptual difficulties in unravelling what exactly is wrong with it and how we might possibly remedy it. It is clear that the aggressive global promotion of Western liberal freedom is both violent in relation to recipient societies and has dangerous boomerang effects on Western 'free societies' themselves. However, we can only articulate this criticism in the form of an affirmation of freedom that, at least on the semantic surface, would be strictly synonymous with the pseudo-emancipatory discourses that we set out to criticise. A critique advanced in the name of freedom always risks being inaudible in the white noise of celebratory conceit, vacuous pledges and austere threats, all invoking the sanctity of freedom. When the National Security Strategy of the United States, which explicitly authorises the preventive deployment of military force against the 'enemies of freedom', refers to freedom and liberty more than a hundred times in its fifty pages, it becomes increasingly difficult to speak about freedom outside the context of its use as an instrument of authority. Perhaps, the best example of this abuse of the notion of freedom is the staggeringly asinine decision of certain American patriots to rename French fries 'freedom fries' in the light of the French opposition to the Iraq war. Besides exemplifying the authoritative appropriation of freedom to oneself in the very same act of denying it to others, whose very exercise of the freedom of opinion apparently renders them unworthy of it, this incident also points to the problem of the devaluation of the very notion of freedom in its deployment as a political slogan. It is as if our every affirmation of the desire for freedom is readily offered to be nourished by different versions of 'freedom fries', indigestible meals, in which hypocritical moralising is mixed with blatant deceit.

Should we then do the same with freedom as what Slavoj Žižek proposes we do with the similarly abused concept of democracy? "Democracy" is more and more a false issue, a notion so discredited by its predominant use that, perhaps, one should take the risk of abandoning it to the enemy. (Žižek 2004c) In fact, it would hardly be possible to practice a similar abandonment in relation to freedom, if only because the very belief in our capacity to abandon a formerly valued object of discourse presupposes a

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LINK: FREEDOM—REDEPLOYED

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certain measure of our freedom from this discourse, a certain remainder of subjectivity that remains untainted by our 'social construction' as political subjects. Freedom is thus necessarily implicated in any act of negation of determined meanings, common sense and received wisdom, as the capacity for our self-determination. Thus, if we can discard fetishised notions, dismantle confining discourses and exit ideological structures, we can do this only on the basis of a simultaneous affirmation of our freedom, an affirmation that is still in search of its own discourse.

In our view, the reason why this search is so frustratingly difficult is the commitment of discourses on freedom to what we may term the illusion of a perfect order. Even if we agree that our contemporary 'free societies' are not particularly 'free' and that the ideal of freedom all too frequently functions as an instrument of domination, the critical project remains tied to the task of conjuring a vision of a social order, in which freedom would be both established and guaranteed.

In other words, any critique of a 'free society', in which we live, is expected to chart its own vision of a 'free society' that would function as a positive alternative to the object of criticism. If, for instance, we are convinced that the contemporary process of globalisation has little to do with freedom, we must take it upon ourselves to advance an alternative vision of globalisation, in which our desire for freedom would be satisfied. Any critique advanced in the name of freedom must then have as its ultimate outcome a design of a political project, whose implementation would enhance our freedom.

As a minimal presupposition of almost every conventional discourse on freedom, the assumption of the perfect order nonetheless presupposes too much. Firstly, freedom is a priori linked to a form of order as the only possible locus for its practice and, moreover, becomes an attribute of that order. As a result, it becomes logically impossible to conceive of freedom apart from the form of order, so that, for instance, the question of the freedom of the subjects of a 'totalitarian' order may never even arise. Secondly, when it is linked to the form of order, freedom begins to be conceived as an abstract endowment, a constitutionally guaranteed right, rather than a concrete experience or a practice. This reduction effaces the possibility of problematising the very sense of 'unfreedom' that is widespread in formally 'free' regimes and, as the history of the twentieth century demonstrates, has frequently led to the demise of the 'formal' freedom itself. Moreover, the abstraction of the concept of freedom from its practice enables its infinite abuse, as it loses all reference to the concrete experiences of subjection and liberation and is rather inscribed in the structure of the political system and its rationalities of government. When we so insistently link freedom to the form of government, we need not be unpleasantly surprised when freedom begins to function as its instrument.

LINK: COLLECTIVE FREEDOM (COMMONS)

ATTEMPTS TO MAKE FREEDOM COLLECTIVE NECESSARILY FAIL – THERE ARE NO FREE COMMUNITIES, ONLY FREE PEOPLE

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Yet, for all its universality freedom remains unthinkable as an attribute of any collective unity. Against the long tradition of the appropriation of the value of freedom by artificial unities, whether particularistic or quasi-universalist, our approach to freedom insists that freedom is the inalienable attribute of individuals, since 'individuals are the sole existents' (Caputo 2000, 190). As soon as we endow a collective unity with the existential attribute of freedom we open up an infinite possibility of the sacrifice of individuals in the name of the freedom of the community (society, nation, religion, culture or the 'international community') to protect itself from 'alien' elements, be they conceived in medical, criminal, theological or moral terms (cf. Dillon 1998; Prozorov 2007a). In this manner, 'freedom' becomes nothing more than a possibility of exercising power for the unencumbered execution of the governmental project, be it liberal or socialist, majoritarian or minoritarian, cosmopolitan or communitarian. Thus, the normative discourse on the perfect order adds nothing to our understanding of freedom but rather endangers the experience of the latter by the illusory attempt to establish an order of 'good life' where freedom as such would be unnecessary.

The affirmation of universality inherent in freedom has therefore little to do with the 'organic' image of social harmony at work in both cosmopolitanism and communitarianism: to be worthy of the name, freedom must presuppose one's exit from any form of community, local or global, the rupture of all social ties, the fragmentation of all unities. The universality that we speak of has nothing to do with the reduction of the individual experience of freedom to a cosmopolitan 'world community', which is explicitly or implicitly at work in the current discourses on cosmopolitan democracy (Held 1995; Habermas 2001. Cf. Calhoun 2003). The practice of freedom affirms that which is human in its subject beyond all positive determination and it is this 'bare' humanity rather than any cosmopolitan identity that is intrinsically shared equally by all human beings. From this perspective, equality is neither anterior to freedom nor antagonistic to it, but rather functions as its logical correlate, the other side of the same coin.

Thus, a community, founded on freedom, may only be thinkable in terms of absolute equality and non-exclusivity, a community of human beings solely qua human beings in the absence of any identitarian predicates whatsoever. In other words, freedom is universal as a concept but not as a practice: however idiosyncratic one's affirmation of freedom might be, it must presuppose the freedom of others, all others that are wholly other, in this very affirmation. Conversely, however universal the experience of freedom might be, its practice only makes sense as an individual act in relation to oneself, whose form and content can never be stipulated in advance. What is universal is our capacity to transgress the limits that confine us, yet any such transgression must be a concrete transgression of our limits in order not to degenerate into a silly parroting of past experiences or the heroic acts of role models. None of this is meant to demote the possibility of collectivist practices of freedom but merely to emphasise that even in most tightly integrated groups the decision to adopt and continue to enact the group identity must be taken freely by individual members in order for such collectivist practices to be practices of freedom in any meaningful sense. This is the requirement that differentiates an underground party cell from a prison cell.

In other words, what we must emphasise as a precondition for our discourse on freedom is the logical impossibility of transferring freedom from actually existing individuals to any collective unity or form of order. On the one hand, no particular order can be founded on freedom, since the latter presupposes an ever-present possibility of exception from it, and, on the other hand, freedom can be practiced in any form of order, as nothing positive precludes it. The fact that our being is always being-with-others does nothing to prescribe the delegation of our freedom to the abstract entity that is ultimately composed of 'with' rather than of 'being'. We all are with others only as (and by) ourselves, never forming an entity endowed with being aside from the part of our existence that we devote to it. This is not equivalent to reductionism, as the relational structure of 'with' is certainly constitutive of our identity (and thus no community is ever merely a sum of its parts), but this constitutive character does not endow this structure with any attributes of the existent. Thus, as an existential attribute, freedom is logically inapplicable to any collective structure and may only concern its individual members, who in turn may be conditioned, to a greater or lesser extent, by this collective. Camus's dictum on the necessarily individual practice of a necessarily universal affirmation illuminates another possibility of linking freedom to the existential condition of being-with-others that avoids the crude anthropomorphisation of the preposition.

At the same time, this rejection of a 'collective freedom' must not be equated with an ontological individualism, particularly characteristic of liberal political philosophy. What is at stake is definitely not the approach to the
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LINK: COLLECTIVE FREEDOM (COMMONS)

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individual as a self-enclosed and self-sufficient 'rational actor' If anything, Foucault's nominalism is considerably more radical than that deployed in the liberal tradition: one need only recall his notion of 'sub-individuals' (Foucault 1980a, 208) as the vehicles of power relations. The Foucauldian critique of power relations, immanent to the social realm, does not stop, as liberalism does, at the individual as the 'last instance' of freedom, its 'natural subject', but, as we shall discuss in detail below, penetrates the individual itself in the affirmation of the potentialities for being otherwise, an affirmation that necessarily splits the subject into an instituted identity and the force of subjectivity, manifested in resistance to it. This affirmation of 'being beside oneself' that we shall present as the defining feature of Foucault's ontology of freedom goes beyond the very opposition of individualism and collectivism, illuminating a domain of human existence that is common to us all and yet irreducibly our own. Ultimately, Foucault's philosophical ethos is an affirmation of being human beyond any known humanism This ethos affirms the possibility of the community of free beings, whose possibility was first inaugurated by Nietzsche (2003), a community of 'whatever singularities' that have dispensed with all identitarian predicates and equally share their singular freedom in the sense of potentiality for being (other than) what they are (see Agamben 1993b; Nancy 1991; Derrida 1996). While both collectivism and individualism have historically been marked by the abduction of existence by the diagram of government, this community of freedom, whose contours lie almost entirely in the future, would be marked by the blissful absence of any project, to which human existence must be sacrificed In the meantime, the task for today's political thought is the liberation of freedom from the unbearable weight of normative I discourses that threaten to bury this experience for good.

LINK: POSITIVE RIGHTS

POSITIVE RIGHTS JUST MEAN THAT THE STATE KNOWS WHAT IS BEST; THE AFF WANTS TO HAND THE POOR OVER TO SYSTEMS OF CONTROL SO THAT THEY CAN ‘DO WHAT’S BEST.’

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Two (More) Concepts of Liberty: Towards a 'Properly' Negative Freedom

Our understanding of 'concrete freedom' in terms of transcendence within immanence, whereby the diagrammatic subject is metonymically displaced beside itself, has emphasised the irreducibility of freedom to any positive determination of human being. In this section, we shall elaborate the fundamental 'negativity' this ontology of freedom through its comparison with the influential account of two concepts of liberty offered by Isaiah Berlin.

Berlin has famously distinguished between negative and positive liberty as responses to two distinct political questions. The concept of positive responds to the question of 'what, or who is the source of control or interference that can determine someone to do or be this rather than that?' (Berlin 2002: 169) Berlin's key insight is the association of this notion of freedom with the tendency to split the individual into 'higher' and 'lower', rational and empirical selves and subject the latter to the former. Throughout history, this approach has posited as the 'rational' ideal a certain version of a 'truer' or 'higher' freedom, which empirical individuals must be indoctrinated into in order to fully appreciate and be able to practise it. 'Once I take this view, I am in a position to ignore the actual wishes of men and societies, to bully, oppress, torture them in the name, and on behalf of their 'real' selves, in the secure knowledge that whatever is the true goal of man (happiness, performance of duty, wisdom, a just society, self-fulfilment) must be identical with his freedom - the free choice of his 'true', albeit often submerged and inarticulate, self.' (Ibid., 180)

Berlin's critique of this aspect of the discourse on positive freedom parallels Foucault's deconstruction of subjectivity as an effect of subjection to a certain regime of power-knowledge: 'Enough manipulation of the definition of man, and freedom can be made to mean whatever the manipulator wishes.' (Ibid., 181) The specific object of Berlin's criticism is the notion of self-realisation, which Foucauldian studies of governmentality posit as the constitutive principle of contemporary liberal government (Rose 1998; Cruikshank 1999). The principle of self-realisation is viewed by Berlin as an injunction to a 'total self-identification with a specific principle or ideal in order to attain [freedom], (Berlin 2002, 181). At the very moment freedom is linked with the notion of truth, there opens an infinite possibility for pedagogical technologies of indoctrination that promise to guide the empirical individual to the realisation of his true or higher self. 'To force empirical selves into the right pattern is no tyranny but liberation. [...] Liberty, so far from being incompatible with authority, becomes virtually identical with it. Clearly, [individuals] must be educated. For the uneducated are irrational, heteronomous, and need to be coerced. But the uneducated cannot be expected to understand or co-operate with the purposes of their educators.' (Ibid., 194-195) The very notion of 'true freedom' therefore permits the deployment of the pedagogical asymmetry that cancels out the immediate experience of freedom in the name of its 'true' acquisition in the practices of indoctrination.

If the individual is ignorant, immature, uneducated, mentally crippled, denied adequate opportunities of health and development, he will not know how to choose. Such a person will never know what it is he really wants. If there are people who understand what human nature is and what it craves, and if they do for others, perhaps by some measure of control, what these others would be doing for themselves if they were wiser, better informed, maturer, more developed, are they curtailing their freedom? They are interfering with people as they are, but only in order to enable them to do what they would do if they knew enough, or were always at their best, instead of yielding to irrational motives, or behaving childishly, or allowing the animal side of their nature the upper hand. Is this then interference at all? [...] Surely not. Teachers and parents are bringing out their submerged or real selves, and catering to their needs as against the transient demands of the more superficial self, which greater maturity will slough off like a skin. If you substitute for parents a Church, or a Party or a State, you get a theory on which much modern authority is based. (Ibid., 284. Emphasis added.)

This thesis parallels Carl Schmitt's seminal critique of the 'educational theory' involved in the legitimisation of autocratic rule in self-proclaimed liberal democracies: 'The people can be brought to recognise and express their own will correctly through the right education. This means nothing else that the -ducator identifies his will at least provisionally with that of the people, not to mention that the content of education that the pupil will receive is also decided by the educator.

The consequence of this educational theory is a dictatorship that suspends democracy in the name of a true democracy that is still to be created. (Schmitt 1985b, 28) Similarly, Berlin notes the tendency in the political thought from the nineteenth century onwards to deploy 'positive freedom' as the legitimisation for oppressive and
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LINK: POSITIVE RIGHTS

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even tyrannical practices of rule: 'What had begun as a doctrine of freedom turned into a doctrine of authority and, at times, of oppression, and became the favoured weapon of despotism.' (Berlin 2002, 37) Discourses of positive freedom are therefore inherently marked by what we have termed the illusion of a perfect order, whereby freedom as an existential condition of human being is supplanted by its attribution to a form of social order, so that a 'free society' takes upon itself the task of disciplining or eradicating dissent, all in the cause of 'true freedom'. For Berlin the linkage between freedom and truth necessarily invokes the claim to possess a 'final solution' (ibid., 213) to the question of freedom, the belief in the possibility of achieving total harmony and the complete fulfilment of all human ideals through the construction of a utopian diagram. More recently, John Caputo (2000, chapter 1) has discussed the same tendency in his critique of the 'hermeneutics of the Secret' with its self-gratifying belief that one has 'surpassed the limits of offering a mere mortal interpretation' and instead has uncovered the locus of the truth of human being, and consequently the pathway to real freedom, which the 'poor existing individuals' must tread to realise their inner truth. This position is well illustrated by the following statement of Michael Walzer (1986, 67), articulated in a harsh critique of Foucault's 'nihilism': 'we need men and women who tell us when state power is corrupted or systematically misused, who cry out that something is rotten, and who reiterate the regulative principles with which we might set things right.' The rather odd proposition that one does not know that 'something is rotten' before some 'men and women', infinitely more astute than ourselves, kindly enlighten us on this matter betrays a most extreme sense of self-certitude, which is nonetheless operative at the most mundane sites of governmentality, from 'self-help' literature to international 'policy advice' programmes.

LINK: LAW

PROCEDURE AND RIGHTS WILL NOT SAVE YOU, LAW IS WAR BY OTHER MEANS. THE LEGAL ORDERS FAÇADE OF RATIONAL, RULE BASED DECISION MAKING BELIES THE ROLE IT PLAYS AT SUSTAINING RELATIONS OF VIOLENCE AND SUBORDINATION

FOUCAULT, 1971(MICHEL, THE COLLEGE DE FRANCE, LANGUAGE, COUNTERMEMORY, PRACTICE, P.150-151)

Following traditional beliefs, it would be false to think that total war exhausts itself in its own contradictions and ends by renouncing violence and submitting to civil laws. On the contrary, the law is a calculated and relentless pleasure, delight in the promised blood, which permits the perpetual instigation of new dominations and the staging of meticulously repeated scenes of violence. The desire for peace, the serenity of compromise, and the tacit acceptance of the law, far from representing a major moral conversion or a utilitarian calculation that gave rise to the law are but its result and, in point of fact, its perversion: "guilt, conscience, and duty had their threshold of emergence in the right to secure obligations; and their inception, like that of any major event on earth, was saturated in blood."³⁸ Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity, where the rule of law finally replaces warfare; humanity installs each of its violences in a system of rules and thus proceeds from domination to domination.

The nature of these rules allows violence to be inflicted on violence and the resurgence of new forces that are sufficiently strong to dominate those in power. Rules are empty in themselves, violent and unfinalized; they are impersonal and can be bent to any purpose. The successes of history belong to those who are capable of seizing these rules, to replace those who had used them, to disguise themselves so as to pervert them, invert their meaning, and redirect them against those who had initially imposed them; controlling this complex mechanism, they will make it function so as to overcome the rulers through their own rules.

The isolation of different points of emergence does not conform to the successive configurations of an identical meaning; rather, they result from substitutions, displacements, disguised conquests, and systematic reversals. If interpretation were the slow exposure of the meaning hidden in an origin, then only metaphysics could interpret the development of humanity. But if interpretation is the violent or surreptitious appropriation of a system of rules, which in itself has no essential meaning, in order to impose a direction, to bend it to a new will, to force it participation in a different game, and to subject it to secondary rules, then the development of humanity is a series of interpretations. The role of genealogy is to record its history: the history of morals, ideals, and metaphysical concepts, the history of the concept of liberty or of the ascetic Me; as they stand for the emergence of different interpretations, they must be made to appear as events on the stage of historical process.

³⁸“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

LINK: LIBERAL POLICIES

REFORMING GOVERNMENT PRACTICES IS NOT A LESSENING OF STATE CONTROL BUT A MUTATION AND STABILIZATION OF GOVERNMENT UNDER THE DISCOURSE OF GOVERNING WISELY

BARRY, OSBORNE & ROSE. 1996. [ANDREW, LECTURER @ DEPT. OF SOCIOLOGY UNIVERSITY OF LONDON, THOMAS, LECTURER DEPT. OF SOCIOLOGY UNIVERSITY OF BOSTOL, NIKOLAS, PROF. OF SOCIOLOGY @ UNIVERSITY OF LONDON. *FOUCAULT AND POLITICAL REASON*. PG.8]

It is clear that Foucault means something rather different by liberalism than do political philosophers. He does not speak of a liberal "period", nor is he concerned principally with writing the history of the philosophical ideas of liberty or of rights. From Foucault's perspective liberalism is more like an *ethos* of government. Liberalism is understood not so much as a substantive doctrine or practice of government in itself, but as a restless and dissatisfied ethos of recurrent critique of State reason and politics. -Hence, the advent of liberalism coincides with the discovery that political can be its own undoing that by governing over-much, rulers thwarted the very ends of government. Hence liberalism is not about governing less but about the continual injunction that politicians and rulers should govern cautiously, delicately, economically. Modestly (Rose 1993a, Osborne 1994). Thus liberalism represents, in a certain sense, a cautious and self critical—if not necessarily "enlightened—approach to the problem of government

INSTITUTIONS PRODUCE PARTICULAR TYPES OF BODIES THROUGH DISCIPLINARY PROCEDURES—LIBERAL POLICIES STILL GOVERN

TWIGG, 2000. JULIA, READER IN SOCIAL POLICY AT THE UNIVERSITY OF KENT. PG. 130 - 131, *RETHINKING SOCIAL POLICY*

<<<<The body for Foucault is not natural or neutral but created and reproduced through discourse. Foucault sets out to map the history of bodies and the effects of power on them, a territory he terms 'biopower'. Through this, bodies are defined, ordered and controlled. One of the ways it operates is through 'dividing practices' techniques whereby populations or categories of person are created by dividing them off from others: the isolation of lepers or the confinement of the poor or mad are examples. Dividing practices are often given a physical or spatial expression through separate buildings, different categories of ward, subdivisions of the institution. Fundamental to the operation of disciplinary institutions like the prison, the asylum, or the Poor Law institution is the ordering of bodies within them (see Chapter 5 this volume). Such institutions constrain and control the bodies of inmates. Bentham's panopticon is the paradigm of disciplinary technique, offering the organization of space and human beings in a visual order that lays bare the structures of power. Surveillance is continuous and all are caught in the machine, even the one who watches (Foucault, 1973, 1977, 1979; Rabinow, 1984; Merquior, 1985; Sheridan 1980).

Knowledge for Foucault is a form of power. Thus in parallel with the emergence of dividing and exclusionary institutions, we observe the rise of scientific classifications that order mental diseases, that provide taxonomies of the poor, or elaborate types of sexual deviance. By the application of such systems of knowledge, particular populations or groups are defined and created. Through the collection of data and statistical techniques, 'norms' are created against which individuals can be judged and classified. Anomalous individuals or populations are then made subject to corrective or therapeutic technologies

The terms in which such schemes are elaborated and applied are often overtly humane, full of the rhetoric of humanitarian reform and progress. It is part of Foucault's aim to show that progressive and enlightened responses are just as much expressions of power as more openly repressive ones. Foucault thus overturns the account given of medicine, or the treatment of the insane, or the growth of sexual toleration and freedom as unambiguously progressive, and substitutes a darker account in which the development of the modern age represents not enlightenment and progress but new and different forms of repression — ones in which the disciplinary forces are no longer external and physical but internalized in systems of thought and the practices that support them. Disciplinary techniques are not simply imposed by institutional structures but exist in forms of self-formation, applied by individuals to themselves, using such techniques as confession, self-interrogation, therapy, the exercise and control of the body. Often these processes of self-development are mediated by another — a priest, a therapist, a personal trainer. >>>

LINK: “WOMEN”

THE ATTEMPT TO PRESCRIBE POLICY SOLUTIONS FOR "WOMEN" IS FLAWED; THE DENIAL OF INDIVIDUALITY IS PART OF THE PROBLEM. THESE CONSTITUTE A FLAWED POWER RELATION, IN WHICH THIS LARGE GROUPING ALLOWS THE SOLUTION TO REACH NO ONE

SMART, 1992, PROFESSOR OF SOCIOLOGY AT MANCHESTER U (CAROL), *DISRUPTIVE BODIES AND THE UNRULY SEX: THE REGULATION OF REPRODUCTION AND SEXUALITY IN THE NINETEENTH CENTURY*, (PUBLISHED AS PART OF *REGULATING WOMANHOOD: HISTORICAL ESSAYS ON MARRIAGE, MOTHERHOOD, AND SEXUALITY*), ROUTLEDGE, 1992, PG. 8

<<<My focus here, therefore, is the construction of Woman in legal discourse; a Woman who is simultaneously brought into being and subjected to specific modes of regulation because of characteristics designated as natural within the discursive-act of her very construction. My point is that, whereas many women experienced the modes of regulation thus imposed, not all feminine subjectivity was necessarily coterminous with the Woman in the discourse. I am seeking to explore how legal, medical and early social scientific discourses intertwine to produce a woman who is fundamentally a problematic and unruly body; whose sexual and reproductive capacities need constant surveillance and regulation because of the threat that this supposedly 'natural' woman would otherwise pose to the moral and social order. At the same time I am not presuming that the forms of regulation imposed are always (or even often) 'successful' in the sense of achieving a modified subjectivity or even moderated behaviour. The former is a question which can probably never be resolved if we are looking at historical subjects; the latter is more open to scrutiny but that would be a different project to the one undertaken in this chapter.

If we accept that even dominant discursive constructions of Woman may vary, we meet the possibility of a range of contradictions within this categorisation. Women were thus constructed as both powerful and powerless, as sexual agents but also as victims, as dangerous but in need of protection. This is not a new insight but it is perhaps time for us to go beyond remarking this apparent set of contradictions to try to understand in greater detail how they were manifested and able to persist. I think we can only do this if we take seriously a poststructuralist theory of power and a deconstructionist view of the category woman. Let us start with the latter issue; an approach which is the project of Butler's *Gender Trouble* (1990). As she states:

As a genealogy of gender ontology, this inquiry seeks to understand the discursive production of the plausibility of that binary relation [between the real/authentic and the illusory/artificial] and to suggest that certain cultural configurations of gender take the place of 'the real' and consolidate and augment their hegemony through that felicitous self-naturalization (Butler 1990: 32-3)>>>

WOMEN'S RIGHTS AND THE ACTIVISMS SURROUNDING THEM ARE TRAPPED IN GOVERNMENTAL CONTROL AND SEEK TO BRAKE FREE.

BARRY, OSBORNE & ROSE. 1996. [ANDREW, LECTURER @ DEPT. OF SCIOLOGY UNIVERSITY OF LONDON, THOMAS, LECTURER DEPT. OF SOCIOLOGY UNIVERSITY OF BROSOL, NIKOLAS, PROF. OF SOCIOLOGY @ UNIVERSITY OF LONDON. *FOUCAULT AND POLITICAL REASON*. PG.1]

The essays in this book propose some new ways of anatomizing political reason, ways that may operate upon and through history, but which do so in order to gain a purchase upon our present and its politics. Contemporary political reason seems troubled and uncertain. The death of Stat~ socialism as a viable political doctrine has been accompanied, not by an uncontested triumph of liberal democracy and free-market individualism but by a proliferation of political doctrines and programmes that are unstable and difficult to classify in conventional terms. In the name of empowering both individual and community, parties of both right and left advocate the removal of aspects of welfare and security from State control and supply. A revived communitarianism couples an emphasis on individual responsibility with a critique of the all-powerful State and finds converts from all parts of the political spectrum. Campaigns for citizenship link demands for certain political and legal rights with projects to reform individuals at the level of their personal skills and competencies. Ecological politics seem to

be so attractive to many because of the simultaneous demands for action by public authorities and changes in the conduct of private companies and individuals. Feminist arguments have gone beyond the twin options of total destruction of patriarchy or simple campaigns for equality to take on issues raised by the new reproductive technology, the right to life sexual abuse and sexual harassment to -engage with a range of other issues such as the organization of work, and child-care that call both for action by both political authorities and ethical transformations across a population. If one thing unites these different aspects of political thought, it is the ways in which they seek a form of politics "beyond the State", a politics of life of ethics which emphasizes the crucial political value of the mobilization and shaping of individual capacities and conduct

LINK: CRIMINALITY

THE ADDITION OF STATISTICS AND POPULATION CONTROL IS THE DEFINITION OF A REGIMENT OF DISCIPLINARY POWER, POWER IMPOSED MACROPOLITICALLY, BUT OPERATING TO INFLUENCE MANY IN A MICROPOLITICAL WAY. THIS FORM OF ATTACK ON CRIME CANNOT HOPE TO CHANGE THE OVERALL SITUATIONS IN WHICH CRIMES ARE COMMITTED.

SMART 95. PROFESSOR OF SOCIOLOGY AT MANCHESTER U (CAROL), LAW, CRIME, AND SEXUALITY: ESSAYS IN FEMINISM, SAGE PUBLICATIONS, 1992. PG. 33

<<<It is a story that has been told many times — although most effectively in The New Criminology (Taylor et al., 1974) — that criminology is an applied discipline which searches for the causes of crime in order to eradicate the problem. Admittedly criminology as a subject of scholarship embraces much more than this. For example, it tends to focus also on the operations of the criminal justice system, the relationship between the police and communities, or systems of punishment. However, such topics fit just as easily under the rubric of the sociology of law or even philosophy. What is unique about criminology, indeed its defining characteristic, is the central question of the causes of crime and the ultimate focus on the 'offender' rather than mechanisms of discipline and regulation which go beyond the limits of the field of crime. It is this defining characteristic I wish to take issue with here. Arguably it is this which creates a kind of vortex in this area of intellectual endeavour. It is the ultimate question against which criminology is judged. Can the causes of crime be identified and explained? Moreover, once identified, can they be modified?

Criminologies of the traditional schools have been unashamedly interventionist in aim if not always in practice. This goal was criticized by the radical criminologists of the 1970s for being oppressive, conservative, and narrowly partisan (that is, on the side of the state and/or powerful). Moreover, the radicals argued that the traditional criminologists had, in any case, got their theories wrong. Crime, it was argued, could not be explained by chromosomal imbalance, hereditary factors, working class membership, racial difference, intelligence and so on. So among the many errors of traditional criminology the two main ones to be identified were an inherent conservatism and inadequate theorization. The repudiation of these errors was condensed into the most critically damning term of abuse — positivism. To be positivist embodied everything that was bad. Positivism, like

functionalism, had to be sought out, exposed and eliminated. Now, in some respect I would agree with this, but the problem we face is whether critical criminologies or the more recent left realist criminologies have transcended the problem of positivism or whether they have merely projected it onto their political opponents while assuming they are untainted.

I would argue that positivism is wrongly misconstrued if its main problem is seen as its connection to a conservative politics or a biological determinism. The problem of positivism is arguably less transparent than this and lies in the basic presumption that we can establish a verifiable knowledge or truth about events, in particular that we can establish a causal explanation, which in turn will provide us with objective methods for intervening in the events defined as problematic. Given this formulation, positivism may be, at the level of political orientation, either socialist or reactionary. The problem of positivism is, therefore, not redeemed by the espousal of left politics. Positivism poses an epistemological problem not a simple problem of party membership.

It is this problem of epistemology which has begun to attract the attention of feminist scholarship (the postmodern woman of my title). Feminism is now raising significant questions about the status and power of knowledge (Harding, 1986; Weedon, 1987) and formulating challenges to modes of totalizing or grand theorizing which impose a uniformity of perspective and ignore the immense diversity of subjectivities of women and men. This has in turn led to a questioning of whether 'scientific' work can ever provide a basis for intervention as positivism would presuppose. This is not to argue that intervention is inevitably undesirable or impossible, but rather to challenge the modernist assumption that once we have the theory ('master' narrative, Kellner, 1988) which will explain all forms of social behaviour we will also know what to do, and the rightness of this 'doing' will be verifiable and transparent.>>>

LINK: EDUCATION

LIFELONG LEARNING PROMOTES A DISCIPLINARY FORM OF SELF-REFLEXIVITY

FEJES AND NICOLL 08 (ANDREAS AND KATHERINE, SENIOR LECTURER AND POSTDOCTORAL FELLOW IN EDUCATION AT LINKÖPING UNIVERSITY, SWEDEN AND SENIOR LECTURER AT THE UNIVERSITY OF STIRLING, SCOTLAND. *FOUCAULT AND LIFELONG LEARNING: GOVERNING THE SUBJECT*, 2008, 26-27)

For Foucault then, governmentality is concerned with the conduct of conduct and this involves regarding 'the forces and capacities of living individuals, as members of a population, as resources to be fostered, to be used, to be optimized' (Dean 1999: 20). Thus, as Dean suggests, 'to analyze government is to analyze those practices that try and shape, sculpt, mobilize and work through the choices, desires, aspirations, needs, wants and lifestyles of individuals and groups' (Dean 1999: 12). Government then is the disciplining into a form of life freely accepted that works by shaping subjectivity through the 'educating' of subjects who would otherwise remain 'undisciplined' and therefore unproductive. This mode of shaping becomes increasingly important within cultures where disciplining through force, coercion or intrusive regulation meets with increasing disapproval. In contemporary culture therefore, governmentality involves a non-coercive pastoral power that works through infiltrating regulation into the very interior of the experience of subjects (Rose 1989). Subjects 'educate' or fashion themselves, a process where subjective experiences are simultaneously shaped and yet paradoxically remain uniquely one's own.

Governing therefore does not so much determine people's subjectivities, but rather elicits, fosters, promotes and attributes it. It is not oppressive in any obvious sense, but instead it works on, through, and with, active subjects by promoting working on oneself through, among other things, processes of reflection and reflexivity. Thus, the changing exercises of power are coded by hanging discourses of learning, with greater emphasis placed on the fashioning of reflective spaces through which to do the work required in the care of the self. What this suggests is that the regulation of populations combines with the disciplining of individuals to mobilize subjects who may combine differing aspects and combinations of docile bodies and active subjectivities, and where notions of reflection become more the order of the day. Here reflection is not simply a more humane or empowering form of pedagogic practice. It is still a form of regulation, but one that is more subtle and apparently less intrusive, enabling individuals to have more space so that they can act upon and for themselves and express desires. This is a view explored by Barry (2001), who uses changes in the pedagogical practices of museums as analogies for the changing exercises of power in governing more generally. He posits what he rightly indicates is a too simplistic dichotomy of, on the one hand, discipline that aims to produce docile bodies with the imperative to learn. Here museum visitors are positioned to engage in passive contemplation of static displays. On the other hand, Barry posits interactivity, which encourages flexibility and offers the possibility of discovery. Here visitors are positioned to participate interactively with dynamic displays and simulations. This position is embedded in certain pedagogic discourses of reflection and experiential learning. It is not hard to see how these ideas about changing forms of governing relate to the policy discourses of lifelong learning more widely, where elements of docility and the imperative to be active by learning (or else!) are to be found alongside the encouragement to become flexible, adaptable, enterprising and invitations to discover. Both identify exercises of power, but the practices associated with them and the possibilities for a multiplicity of positions and shaping of subjectivity differ as they ebb and flow. This therefore provides possibilities for multiple meanings of lifelong learning.

LINK: SAFETY

THE GOVERNMENT-ENDORSED DISCOURSE OF “SAFETY” IS ESSENTIAL TO BIOPOWER IN THE US; THE AFF’S PLAN ATTEMPTS TO IMPROVE CONDITIONS FOR THE POOR IN THE NAME OF THEIR SAFETY, BUT THEIR PROPOGATION OF THE DISCOURSE OF SAFETY FURTHER INCREASES GOVERNMENT POWER

PACKER, 2003 [JEREMY, ASSISTANT PROFESSOR OF COMMUNICATIONS AT PENN STATE, *FOUCAULT, CULTURAL STUDIES, AND GOVERNMENTALITY*, P. 151-153]

<<Biopower as it operates in the United States is dependent upon the safety discourse. This is the political/social arm of biopower in which populations are taken as a whole, invested with productive possibilities and normalized according to new knowledges that create systems of assessment and diagnosis. What is unique about biopolitics is that it depends first, upon the production of knowledge to validate the normative standards by which populations can be measured and second, upon policy initiatives that are mandated to bring the population up to snuff. In the scenario of disciplined mobility the real question is, what specific knowledge is deployed in order to legitimate the normative practices of mobility, and furthermore, how has this knowledge been transferred into everyday practices and self-reflection?

Biopolitics attempts to control and produce mobilizations of particular populations, such as motorcycle gangs or youth. At times the safety discourse itself accounts for the very creation of these populations. Actuarial practices depend upon the production of very specific categories, while insurance companies over the past seventy years have continuously been guilty of using scare campaigns that depend upon just such stereotypes, which serve not only to validate their actuarial tactics, but also actively to disenfranchise some populations from mobility altogether. More generally, the very same populations historically denied social mobility often have their mobility curtailed through safety campaigns. Women were considered a problematic addition to the driving environment in the early 1950s due to their supposed inability to deal with the technical demands of the automobile. After insurance companies reformulated the normative driver using women drivers of middle age as their actuarial yardstick, campaigns were aimed more specifically at women's supposed desire for a safer driving environment in order to reorient the mobile environment. During the Depression when itinerant laborers used it as a means of mobility and later when larger numbers of youth began hitchhiking this form of mobility was increasingly surveyed, regulated, and outlawed. “Driving While Black” is another example of the fairly repressive ways in which the mobility of minority populations are regulated. In particular, police profiling sanctions and initiates this form of surveillance. Safety campaigns of this sort limit and redirect these populations mobility, because their mobile activities are said to be dangerous, although this does not raise the question of whether their very mobility itself is dangerous to social-political orders.

A potentially more insidious outcome of the proliferation of the safety discourse is that it has increasingly served as a free-floating legitimator. The claim that some activity, product, or form of conduct is unsafe automatically legitimates public concern, media worthiness, litigation, and governmental involvement. The space for public debate about nearly any topic is limited not by what is the just, the good, or the democratic, but rather by what is safe. As I have shown, what is safe remains an abstraction, but it is treated as though it were not only an automatic good, but something definable, measurable, and controllable. Goodness, justice, and democracy are also abstractions, but ones which have a long history of intellectual debate. I am not trying to assert that these other abstractions should be the end point or absolute grounds for every policy decision or public discussion. However, the safety discourse, due in large part to its appearance of objectivity, colonizes discussions concerning how to manage things properly and reduces all other>>

LINK: DANGER/SYSTEMIC IMPACTS

THE LEGITIMACY AND SMOOTH FUNCTIONING OF THE LIBERAL REGIME RESTS UPON CONSTANTLY INVOKING THE NEED TO COMMONPLACE DANGER IN THE NAME OF THE POPULATION

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, **1978** [MICHEL, *THE BIRTH OF BIOPOLITICS*, p. 19-20]

What, then, will be the principle of calculation for this cost of manufacturing freedom? The principle of calculation is what is called security. That is to say, liberalism; the liberal art of government, is forced to determine the precise extent to which and up to what point individual interest, that is to say, individual interests insofar as they are different and possibly opposed to each other, constitute a danger for the interest of all. The problem of security is the protection of the collective interest against individual interests. Conversely, individual interests have to be protected against everything that could be seen as an encroachment of the collective interest. Again, the freedom of economic processes must not be a danger, either for enterprises or for workers. The freedom of the workers must not become a danger for the enterprise and production. Individual accidents and events in an individual's life, such as illness or inevitable old age, must not be a danger either for individuals or for society. In short, strategies of security, which are, in a way, both liberalism's other face and its very condition, must correspond to all these imperatives concerning the need to ensure that the mechanism of interests does not give rise to individual or collective dangers. The game of freedom and security is at the very heart of this new governmental reason whose general characteristics I have tried to describe. The problems of what I shall call the economy of power peculiar to liberalism are internally sustained, as it were, by this interplay of freedom and security.

Broadly speaking, in the old political system of sovereignty there was a set of legal and economic relations between the sovereign and the subject which committed, and even obliged the sovereign to protect the subject. But this protection was, in a way, external. The subject could demand the protection of his sovereign against an external or internal enemy. It is completely different in the case of liberalism. It is no longer just that kind of external protection of the individual himself which must be assured. Liberalism turns into a mechanism continually having to arbitrate between the freedom and security of individuals by reference to this notion of danger. Basically, if on one side—and this is what I said last week—liberalism is an art of government that fundamentally deals with interests, it cannot do this—and this is the other side of the coin—without at the same time managing the dangers and mechanisms of security/freedom, the interplay of security/freedom which must ensure that individuals or the community have the least exposure to danger.

A number of consequences follow from this. First, we can say that the motto of liberalism is: "Live dangerously." "Live dangerously," that is to say, individuals are constantly exposed to danger, or rather, they are conditioned to experience their situation, their life, their present, and their future as containing danger. I think this kind of stimulus of danger will be one of the major implications of liberalism. An entire education and culture of danger appears in the nineteenth century which is very different from those great apocalyptic threats of plague, death, and war which fed the political and cosmological imagination of the Middle Ages, and even of the seventeenth century. The horsemen of the Apocalypse disappear and in their place everyday dangers appear, emerge, and spread everywhere, perpetually being brought to life, reactualized, and circulated by what could be called the political culture of danger in the nineteenth century. This political culture of danger has a number of aspects. For example, there is the campaign for savings banks at the start of the nineteenth century;²² you see the appearance of detective fiction and journalistic interest in crime around the middle of the nineteenth century; there are the campaigns around disease and hygiene; and then think too of what took place with regard to sexuality and the fear of degeneration.²³ degeneration of the individual, the family, the race, and the human species. In short, everywhere you see this stimulation of the fear of danger which is, as it were, the condition, the internal psychological and cultural correlative of liberalism. There is no liberalism without a culture of danger.

²² "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

LINK: BORDERS

THE DIVISION BETWEEN OUR BORDERS IS NOT GEOGRAPHICAL, IT IS BIOPOLITICAL. OUR PERPETUAL FEAR OF VIOLENCE THAT OCCURS AROUND THE BORDER IS USED TO CONTROL POPULATIONS. THEY ARE THERE TO TRY AND DIVIDE OURSELVES FROM THE UNCONTROLLABLE VIOLENCE THAT ‘SURELY’ OCCURS OUTSIDE OUR NATION’S BORDERS

PINKUS & GIORGI 2006. [KAREN, PROFESSOR OF ITALIAN, FRENCH, AND COMPARATIVE LITERATURE AT USC & GABRIEL, ASSISTANT PROFESSOR OF SPANISH AND COMPARATIVE LITERATURE AT USC. “ZONES OF EXCEPTION: BIOPOLITICAL TERRITORIES IN THE NEOLIBERAL ERA”. PROJECT MUSE]

Contemporary discourses on economic, social, and cultural exclusion are deeply associated, especially in the media, with images of militarized, fiercely controlled borders and coastlines, as well as with recurrent commonplaces about the widening gap between rich and poor, between the “privileged” and “wretched.” But however much these boundaries and these social maps can be presented as fixed in order to satisfy the anxieties of the audience (anxieties, in turn, systematically reproduced and stimulated by the media), they are also extremely precarious and unstable. The very insistence on phrases such as “fortress Europe,” the proposals for a “double” or “triple fence” on the US-Mexico border, or the claims for more security and vigilance in upper- and middle-class neighborhoods in the cities—all are symptomatic of defensive reactions to an increasingly unstable economy of inclusion/exclusion and inside/outside. It is as if the effort to reinforce the borders between territories and between groups and populations were menaced not only by the quantitative increase of people trying to cross borders or of poverty and “social danger,” but also, and perhaps more decisively, by the closeness or immediacy of an “outside” that should be kept out, fenced, constantly pushed away—an “outside” thus that cannot be understood exclusively in spatial or territorial terms, but that points toward an economy where territories, politics, and life intertwine in specific ways. Our media are characterized by a rhetorics of emergency: images of packed migrants in the Centers of Temporary Permanence being prepared to be returned to their countries of origin, or directly—as in Ceuta and Melilla, the Spanish cities in North Africa—being physically rejected, and in some cases killed, by border patrols; of indigents increasingly visible and present (and thus persecuted) in cities throughout the globe. The concurrent instability and violence rupturing different territorial and social boundaries point toward a dynamic in which what takes place is not only a social conflict between rich and poor, or between privileged and unprivileged, but also a tension—and an ambivalence—at the level of the inscription of bodies, and of life itself, in the social and political order. The “outside,” then, although represented and “materialized” in spatial terms, seems to point toward to another dimension that is not exclusively territorial, geopolitical, or cultural, but fundamentally biopolitical: the dimension or the level at which human life is inscribed, constituted, recognized, and defined within a given sociopolitical order. What is deployed through the rhetorics and the politics of borders and boundaries, what the media stages in the spectacle of the territorial security and perpetual danger, be it at a transnational or an urban scale, is a split or division at which “human life” is separated from the unrecognizable, the residual, life reduced to its “merely biological” status—“bare life,” to use Agamben's expression, which is in many ways identified with the diverse forms of poverty and indigence so deeply intensified in the neoliberal era.

LINK: BORDERS

THE USE OF A SECURITIZED BORDER PERPETUATES BIOPOWER BY DETERMINING WHAT MAY LIVE AND DIE. THE DIVISION ALLOWS FOR MASSIVE AMOUNTS OF VIOLENCE TO ALL OUTSIDE THE STATE

PINKUS & GIORGI 2006. [KAREN, PROFESSOR OF ITALIAN, FRENCH, AND COMPARATIVE LITERATURE AT USC & GABRIEL, ASSISTANT PROFESSOR OF SPANISH AND COMPARATIVE LITERATURE AT USC. "ZONES OF EXCEPTION: BIOPOLITICAL TERRITORIES IN THE NEOLIBERAL ERA". PROJECT MUSE]

National or continental borders are, as we currently see both in Europe and the US, constantly redrawn, pushed further and further from the "inside," to contain the so-called [End Page 99] "flows" or "waves" of migrants.¹ At the same time, urban landscapes throughout the planet are reshaped by rapidly changing maps of safety and risk, due to the "sudden" outbreaks of social violence and criminality and the reinforced claims for security and "safety zones." All these dislocations of the maps of "security" and "containment" show to what extent the distinction between inside/outside has become more ambivalent, more fractured, and thus more defensive and paranoid. This ambivalence and this internal fracture, we want to suggest, has to do with the biopolitical dimension from which such dislocations originate. As the "outside" becomes more proximate and immediate, violence intensifies. At the same time, it forces a redrawing of the very boundaries of the political.

As Giorgio Agamben and Roberto Esposito have, in different manners, explained, the inscription of life in modern political regimes, and the very political recognition of life as "human life" takes place as an ambivalent split or division. Agamben discusses the politicization of life in terms of the "inclusive exclusion" of "bare life" or *zōē*, that is, the "mere life" that has no human or socially recognized status. This "merely biological" life is the threshold of human life, at the same time exterior and interior, included as that which needs to be constantly separated, expelled, so that the "form of life," or *bios*, can be recognized as "human" and be protected by the legal and the social order. In this ambivalent and violent threshold between *bios* and *zōē*, writes Agamben, "the humanity of living man is decided" [HS 8].²

Roberto Esposito, in turn, describes the politicization of life as "immunization" or "negative protection of life": as power takes hold of the biological foundation of the species, it finds within life itself that which can threaten it. Sovereignty thus takes place in the paradoxical movement of separating or dividing life from itself in order to protect it. If politics is "the possibility, or the instrument, to keep life alive" [la possibilità, o lo strumento, per trattenere in vita la vita]" [Esposito 42], then immunity functions to segregate life from that which threatens its perpetuation and its potency. The paroxysmal paradox of this *dispositif* is that, in trying to preserve life, immunity may eliminate life itself. In order to protect "the People," biopower can erase large sectors of the population; in order to increase health, it can destroy the body. In this vertiginous ambivalence, argues Esposito, we need to understand some of the most dramatic paradoxes of our era that, under the logic of security, can normalize and make acceptable any form of violence.

What these two approaches (which are far more complex and rich than we can elaborate here) have in common is the paradoxical dynamic of the political inscription of life: a paradox by which the "excluded" reinscribes itself systematically in the "included," and the "outside"—the residual *zōē* or the threats to life—breaks in and disrupts the "inside." It is in relation to this threshold that many *dislocations* of contemporary societies can be read: no border or zone, no stigmatized identity can contain or suffocate the ambivalence and dislocating force of this process by which human life is separated from itself in order to be inscribed in and shaped by the political order. The outside is made of these biopolitical divisions, or, as Agamben says, these "biopolitical caesuras" by which life is politically inscribed and constituted through a process of separation and distinction that is constantly haunted by its own ambivalence. [End Page 100]

¹But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

LINK: ECONOMICS

ECONOMIC GROWTH LEGITIMIZES STATE EXERCISE OF SOVEREIGN VIOLENCE AND THE INCREASING RELIANCE ON CONTROL RATHER THAN DIRECT INTERVENTION

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, **1978** [MICHEL, *THE BIRTH OF BIOPOLITICS*, p. 19-20]

But—and this is what Ludwig Erhard's text says implicitly—let's suppose an institutional framework whose nature or origin is not important: an institutional framework x. Let us suppose that the function of this institutional framework x is not, of course, to exercise sovereignty, since, precisely, there is nothing in the current situation that can found a juridical power of coercion, but is simply to guarantee freedom. So, its function is not to constrain, but simply to create a space of freedom, to guarantee a freedom, and precisely to guarantee it in the economic domain. Let us now suppose that in this institution x—whose function is not the sovereign exercise of

the power to constrain, but simply to establish a space of freedom—any number of individuals freely agree to play this game of economic freedom guaranteed by the institutional framework. What will happen? What would be implied by the free exercise of this freedom by individuals who are not constrained to

exercise it but who have simply been given the possibility of exercising it? Well, it would imply adherence to this framework; it would imply that consent has been given to any decision which may be taken to guarantee this economic freedom or to secure that which makes this economic freedom possible. In other words, the institution of economic freedom will have to function, or at any rate will be able to function as a siphon, as it were, as a point of attraction for the formation of a political sovereignty. Of course, I am adding to Ludwig Erhard's apparently banal words a whole series of implicit meanings which will only take on their value and effect later. I am adding a whole historical weight that is not yet present, but I will try to explain how and why this meaning, which is at once theoretical, political, and programmatic, really was in the minds of those who wrote this discourse, if not in the mind of the one who actually delivered it. I think this idea of a legitimizing foundation of the state on the guaranteed exercise of an economic freedom is important. Of course, we must take up this idea and its formulation in the precise context in which it appears, and straightaway it is easy to see tactical and strategic shrewdness. It was a matter of finding a juridical expedient in order to ask from an economic regime what could not be directly

asked from constitutional law, or from international law, or even quite simply from the political partners. Even more precisely, it was an artful move with regard to both the Americans and Europe, since by

guaranteeing economic freedom to a Germany in the process of reconstruction and prior to any state apparatus, the Americans, and let's say different American lobbies were assured that they could have the free relationships that they could choose with this German industry and economy. Secondly, both Western and Eastern Europe were reassured by ensuring that the institutional embryo being formed presented absolutely none of the dangers of the strong or totalitarian state they had experienced in the previous years. But beyond these immediate tactical imperatives, and beyond the immediate context and situation of 1948, I think there was the formulation in this discourse of something which will remain a fundamental feature of contemporary German governmentality*: we should not think that economic activity in contemporary Germany, that is to say, for thirty years, from 1948 until today, has been only one branch of the nation's activity. We should not think that good economic management has had no other

effect and no other foreseen and calculated end than that of securing the prosperity of all and each. In fact, in contemporary Germany, the economy, economic development and economic growth, produces sovereignty; it produces political sovereignty through the institution and institutional game that, precisely, makes this economy work. The economy produces legitimacy for the state that is its guarantor. In other words, the economy creates public law, and this is an absolutely important phenomenon, which is not entirely unique in history to be sure, but is nonetheless a quite singular-phenomenon in our times. In contemporary Germany there is a circuit going constantly from the economic institution to the state; and if there is an inverse circuit going from the state to the economic institution, it should not

be forgotten that the element that comes first in this kind of siphon is the economic institution. There is a permanent genesis, a permanent genealogy of the state from the economic institution. And even this is not saying enough, for the economy does not only bring a juridical structure or legal legitimization to a German state that history had just debarred. This economic institution, the economic freedom that from the start it is the role of this institution to guarantee and maintain, produces something even more real, concrete, and immediate than a legal legitimization; it produces a permanent consensus of all those who may appear as agents within these economic processes, as investors, workers, employers, and trade unions. All these economic partners produce a consensus, which is a political consensus, inasmuch as they

accept this economic game of freedom. Let's say that in leaving people free to act, the German neo-liberal institution lets them speak, and to a large extent it lets them act because it wants to let them speak; but what does it let them say? Well, it lets them say that one is right to give them freedom to act. That is to say, over and above juridical legitimization, adherence to this liberal system produces permanent consensus as a surplus product, and, symmetrically to the genealogy of the state from the economic institution, the production of well-being by economic growth will produce a circuit going from the economic institution to the population's overall adherence to its regime and system. If we believe historians of the sixteenth century, like Max Weber,²⁵ it would seem that the enrichment of an individual in sixteenth century protestant Germany was a sign of God's arbitrary election of that individual. What did wealth signify? Wealth was a sign that God really had granted his protection to that individual and that he showed by this the certainty of a salvation which could not be guaranteed by anything in the individual's real and concrete works. You will not be saved because you have tried to enrich yourself as you should, but if in actual fact you have become rich, this is a sign sent to you on earth by God that you will be saved. So, enrichment enters into a system of signs in sixteenth century Germany. In twentieth century Germany, an individual's enrichment will not be the arbitrary sign of his election by God, but general enrichment will be the sign of something else: not, of course, of God's election, [but] the daily sign of the adherence of individuals to the state. In other words, the economy always signifies, but not at all in the sense that it endlessly produces those

signs of the equivalence and exchange value of things, which, in its illusory structures, or its structures of the simulacrum, has nothing to do with the use of things. The economy produces political signs that enable the structures, mechanisms, and justifications of power to function. The free market, the economically free market, binds and manifests political bonds. A strong Deutschmark, a satisfactory rate of growth, an expanding purchasing power, and a favorable balance of payments are, of course, the effects of good government in contemporary Germany, but to a certain extent this is even more the way in which the founding consensus of a state—which history, defeat, or the decision of the victors had just outlawed—is constantly manifested and reinforced. The state rediscovers its law, its juridical law, and its real foundation in the existence and practice of economic freedom. History had said no to the German state, but now the economy will allow it to assert itself. Continuous economic growth will take over from a malfunctioning history. It will thus be possible to live and accept the breach of history as a breach in memory, inasmuch as a new dimension of temporality will be established in Germany that will no longer be a temporality of history, but one of economic growth. A reversal of the axis of time, permission to forget, and economic growth are all, I think, at the very heart of the way in which the German economic-political system functions. Economic freedom is jointly produced through growth, well-being, the state, and the forgetting of history.

History had said no to the German state, but now the economy will allow it to assert itself. Continuous economic growth will take over from a malfunctioning history. It will thus be possible to live and accept the breach of history as a breach in memory, inasmuch as a new dimension of temporality will be established in Germany that will no longer be a temporality of history, but one of economic growth. A reversal of the axis of time, permission to forget, and economic growth are all, I think, at the very heart of the way in which the German economic-political system functions. Economic freedom is jointly produced through growth, well-being, the state, and the forgetting of history.

*“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

LINK: ECONOMICS

THE INDIVIDUAL IS TAUGHT SELF DISCIPLINE THROUGH THE IMPOSITION OF ECONOMIC ROLES AND SOCIETAL RESPONSIBILITIES.

MILLER AND ROSE, 2008, PROFESSOR OF MANAGEMENT ACCOUNTING AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE & MARTIN WHITE PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE AND DIRECTOR OF THE BIOS CENTER [PETER & NIKOLAS, *GOVERNING THE PRESENT: ADMINISTERING ECONOMIC, SOCIAL, AND PERSONAL LIFE*, p. 49-50]

<<<Within these rationalities, new relations can be formed between the economic health of the nation and the 'private' choices of individuals. The citizen is now assigned a vital economic role in his or her activity as a consumer.

To maintain the economic health of the societies of the west, construed both in terms of budgetary discipline and high levels of employment, a constant expansion in consumption is required. Economies are successful to the extent that they can promote this, at one and the same time proliferating and differentiating needs, producing products aligned to them and ensuring the purchasing capacity to enable acts of consumption to occur. However, whilst the language of the consumer, and consumer responsiveness structures political argument, providing the rationale for programmes of reform in domains as diverse as the organization of the car industry, delivery of health care and the organization of water and sewage systems, consumption is itself shaped by a differentiated range of practices and techniques whose mentalities are not those of government but of profit. This reveals the extent to which certain conditions of existence are necessary for particular political rationalities to be made operable. In this case, the rationalities of autonomy have become operable, in part, because of the emergence of a plethora of discourses and practices for shaping and regulating the conduct, choices and desires of individuals: popular television and entertainment, and particularly the transformation of the world of goods through expert techniques of product differentiation, targeting and marketing.

Thus whilst the aim of maximizing consumption may be a matter of state, the executive power operates in an indirect manner upon it, by policies on advertising, interest rates, credit and the like. The language of enterprise again forms a kind of matrix for thought here, consumers being considered as, in a sense, entrepreneurs of themselves, seeking to maximize their 'quality of life' through the artful assembly of a 'lifestyle' put together through the world of goods.

Within this politicoethical environment, the expertise of market research, of promotion and communication, provides the relays through which the aspirations of ministers, the ambitions of business and the dreams of consumers achieve mutual translatability. Design, marketing and image construction play a vital role in the transfiguring of goods into desires and vice versa, imbuing each commodity with a 'personal' meaning, a glow cast back upon those who purchase it, illuminating the kind of person they are, or want to become. Product innovation and consumer demand are connected through the webs of meaning through which they are related, the phantasies of efficacy and the dreams of pleasure which guide both. Through this loose assemblage of agents, calculations, techniques, images and commodities, consumer choice can be made an ally of economic growth: economic life can be governed through the choices consumers make in their search for personally fulfilling forms of existence. The rationalities of personal autonomy and self-fulfilment are also linked to a transformation in programmes and technologies for regulating the internal world of the enterprise (e.g. Peters and Waterman 1982; see Rose 1990). Once again, expertise plays a vital translating role, promising to align general politico-ethical principles, the goals of industry and the self-regulatory activities of individuals. The vocabulary of enterprise provides versatile tools for thought: the worker is no longer construed as a social creature seeking satisfaction of his or her need for security, solidarity and welfare, but as an individual actively seeking to shape and manage his or her own life in order to maximize its returns in terms of success and achievement. Thus the vocabulary of entrepreneurship does not merely seek to shape the way bosses calculate and activate business strategies in the external world of the market, but also can be formulated by the experts of management into a new set of techniques for ensuring business success. In these programmes, the world of the enterprise is reconceptualized as one in which productivity is to be enhanced, quality assured and innovation fostered through the active engagement of the self-fulfilling impulses of the employee from lowliest worker to highest manager, aligning personal desires with the objectives of the firm.

Organizations are to get the most out of their employees, not by managing group relations to maximize contentment, or by rationalizing management to ensure efficiency, but by releasing the psychological

(card continues...)

LINK: ECONOMICS

(...card continues)

strivings of individuals for autonomy and creativity and channelling them into the search of the firm for excellence and success. Psychological consultants to the organization provide the techniques for charting the cultural world of the enterprise in terms of its success in capitalizing upon the motivations and aspirations of its inhabitants. And these experts have invented a whole range of new technologies in order to give effect to these programmes, techniques for promoting motivation through constructing a regime of values within the firm, for reducing dependency by reorganizing management structures, for encouraging internal competitiveness by small group working, for stimulating individual entrepreneurship by new forms of staff evaluation and reward. The 'autonomous' subjectivity of the productive individual has become a central economic resource; such programmes promise to turn autonomy into an ally of economic success and not an obstacle to be controlled and disciplined. The self-regulating capacities of individuals are to be aligned with economic objectives through the kinds of loose and indirect mechanisms that we have described earlier: the capacities of language to translate between rationalities, programmes, technologies and self-regulatory techniques, and the particular persuasive role of expertise. Significantly, these programmes do not merely seek to instrumentalize the aspirations of workers, but also seek to act upon the selves of managers. There is no opposition between the modes of selfpresentation

required of the manager and the ethics of the personal self, indeed becoming a better manager is to become a better self, and innumerable training courses and seminars operate in these terms. The values of self-realization, the skills of self-presentation, self-direction and self-management are both personally seductive and economically desirable. Again, expertise plays the role of relay, teaching managers the arts of self realization that will fulfil them as individuals as well as employees. Economic success, career progress and personal development intersect in this new expertise of autonomous subjectivity. No doubt there is a considerable discrepancy between the images portrayed in the proliferating texts written along these lines, and the reality of the practices of management. And, no doubt, the promises of this new generation of programmers of the enterprise will soon be deemed to have failed: increased productivity, improved flexibility and enhanced competitiveness will still prove elusive goals. But it is more than ideology that can be observed here. As with the previous illustrations, what is at issue here is the establishing of connections and symmetries, at both the conceptual and practical level, between political concerns about the government of the productive life of the nation, the concerns of owners of capital to maximize the economic advantages of their companies, and techniques for the governing of the subject. Expertises of the enterprise play a crucial role in linking up these distinct concerns into a functioning network. Their languages and techniques provide both the necessary distance between political authorities and organizational life, and the translatability to establish an alliance between national economic health, increased organizational effectiveness, and progressive and humanistic values>>>

THE FREE MARKET'S CLAIM TO DETERMINE A NATURAL PRICE FOR ALL COMMODITIES TWISTS THE FOCUS OF GOVERNMENT FROM JUSTICE TO TRUTH PRODUCTION BY MARKET SUPPORT PROVIDING THE ALIBI FOR DEPRIVATION AND LETTING DIE.

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, 1978 [MICHEL, *THE BIRTH OF BIOPOLITICS*, P. 19-20]

Now this is where the change takes place for a number of reasons that I will mention shortly. In the middle of the eighteenth century the market no longer appeared as, or rather no longer had to be a site of jurisdiction. On the one hand, the market appeared as something that obeyed and had to obey "natural," that is to say, spontaneous mechanisms. Even if it is not possible to grasp these mechanisms in their complexity, their spontaneity is such that attempts to modify them will only impair and distort them. On the other hand—and this is the second sense in which the market becomes a site of truth—not only does it allow natural mechanisms to appear, but when you allow these natural mechanisms to function, they permit the formation of a certain price that Boisguilbert³ will call the "natural" price, the physiocrats will call the "good price,"⁴ and that will later be called the "normal price,"⁵ that is to say, a certain price—natural, good, normal, it's not important—which will adequately express the relationship, a definite, adequate relationship between the cost of production and the extent of demand. When you allow the market to function by itself according to its nature, according to its natural truth, if you like, it permits the formation of a certain price which will be called, metaphorically, the true price, and which will still sometimes be called the just price, but which no longer has any connotations of justice. It is a certain price that fluctuates around the value of the product.

The importance of economic theory—I mean the theory constructed in the discourse of the economists and formed in their brains—the importance of the theory of the price-value relationship is due precisely to the fact that it enables economic theory to pick out something that will become fundamental: that the market must be that which reveals something like a truth. This does not mean that prices are, in the strict sense, true, and that there are true prices and false prices. But what is discovered at this moment, at once in governmental practice and in reflection on this governmental practice, is that inasmuch as prices are determined in accordance with the natural mechanisms of the market they constitute a standard of truth which enables us to discern which governmental practices are correct and which are erroneous. In other words, it is the natural mechanism of the market and the formation of a natural price that enables us to falsify and verify governmental practice when, on the basis of these elements, we examine what government does, the measures it takes, and the rules it imposes. in -this sense, inasmuch as it enables production, need, supply, demand, value, and price, etcetera, to be linked together through exchange, the market constitutes a site of veridiction, I mean a site of verification-falsification for governmental practice.⁶ Consequently, the market determines that good government is no longer simply government that functions according to justice. The market determines that a good government is no longer quite simply one that is just. The market now means that to be good government, government has to function according to truth. In this history and formation of a new art of government, political economy does not therefore owe its privileged role to the fact that it will dictate a good type of conduct to government. Political economy was important, even in its theoretical formulation, inasmuch as (and only inasmuch as, but this is dearly a great deal) it pointed out to government where it had to go to find the principle of truth of its own governmental practice. In simple and barbaric terms, let's say that from being a site of jurisdiction, which it remained up to the start of the eighteenth century, the market, through all the techniques I discussed last year with regard to scarcity and grain markets, etcetera/ is becoming what I will call a site of veridiction. The market must tell the truth (dire le Droit); it must tell the truth in relation to governmental practice. Henceforth, and merely secondarily, it is its role of veridiction that will command, dictate, and prescribe the jurisdictional mechanisms, or absence of such mechanisms, on which [the market] must be articulated.

LINK: MARXISM

MARXIST SINGULARIZATION OF CAPITAL FORECLOSES DIVERSE STRATEGIES OF RESISTANCE AND REINSTATE THE SAME REDUCTIONIST MODEL OF LIFE AND ECONOMY IT ATTEMPTS TO OPPOSE IN WESTERN CAPITAL

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, **1978** [MICHEL, *THE BIRTH OF BIOPOLITICS*, p. 19-20]

What does this mean, historically? It means that we should guard against thinking that at a given moment there was the literal and simple economic reality of capitalism, or of capital and the accumulation of capital, which with its own necessity would have come up against old rules of right, like the right of primogeniture, for example, or ancient feudal right, etcetera, and then created, in accordance with its own logic and requirements and somehow by pressure from below, new and more favorable rules of right, whether prOperty rights, legislation on joint- stock companies, patent law, and so on. This is not how we should view things in fact. We should keep in mind that historiCally we are dealing with a singular figure in which economic processes and institutional framework call on each other, support each other, modify and shape each other in ceaseless reciprocity. Capitalism was not a process from below which comes up against the law-of primogeniture;-for-example. in fact, we can only understand the-historical figure-of capitalism if we consider the role that was actually played by the rule of primogeniture, for example, in -its formation and genesis. The history of capitalism can only be an economic-institutional history. And from this stemmed a whole series of studies of economic history, of juridical-economic history, which were very important in a theoretical debate, but also, and this is what I want to come to, from a political point of view, because it is quite clear that the problem and stake of this theoretical and historical analysis of capitalism, and of the role played by the juridical institution, was of course political.

What is this political stake? Well, it's very simple It is quite simply the problem of the survival of capitalism, of the possibility and the field of possibilities still open for capitalism. Because if we accept that in a Marxist type of analysis, in the broadest sense of the term, it is the economic logic of capital and its accumulation that is determinant in the history of capitalism, then you can see that in fact there can only be one capitalism since there is only one logic of capital. There can only be one capitalism which is defined precisely by the single necessary logic of its economy and regarding which all we can say is that this institution has favored it and this other institution has impeded it. We have either a flourishing capitalism or a shackled capitalism, but in any case we have Capitalism (le capitalisme). The capitalism we know in the West is capitalisn tout court, merely modulated by favorable or unfavorable elements. And, as a further consequence, the current impasses of capitalism are clearly historically definitive impasses insofar as they are ultimately, in the last instance, determined by the logic of capital and its accumulation. In other words, when you link all the historical figures of capitalism to the logic of capital and its accumulation, the end of capitalism is revealed in the historical impasses it is currently manifesting.

If, on the other hand, what economists call "capital"* is actually only a process which falls within the domain of pure economic theory and which only has, and can only have historical reality within an economic- institutional capitalism, then you can see that the historical capitalism we know is not deducible as the only possible and necessary figure of the logic of capital. In actual fact, historically, we have a capitalism with its singularity but which, in virtue of this very-singularity, may give rise-to institutional and consequently economic transformations, to economic- institutional transformations, which open up a field of possibilities for it. In the first type of analysis, which refers entirely to the logic of capital and its accumulation, there is a single capitalism and so, before long, no more capitalism at all. In the other possibility you have an historical singularity of an economic-institutional figure before which a field of possibilities opens up (if, at least, you take a bit of historical distance and use a bit of economic, political, and institutional imagination). That is to say, in this battle around the history of capitalism, around the history of the role of the institution of la-w;- of the rule in capitalism, we are actually dealing with a whole political stake.

THE CARCERAL ARCHIPELAGO—IMPACTS

IMPACT: BIOPOLITICS = PERMANENT CATASTROPHE

BIOPOLITICS ALLOWS FOR THE STATE TO EXCLUDE AND ELIMINATE TARGETED POPULATIONS. HOWEVER, AS 20TH CENTURY EMPIRICS SHOW – NO ONE IS SAFE FROM THESE FORCES AS THIS LIFE DISTINCTION IS NEVER STABLE, LEADING TO PERPETUAL CYCLES OF EXCLUSION, ABANDONMENT, AND DESTRUCTION.

OPHIR, COHN INSTITUTE FOR HISTORY & PHILOSOPHY OF SCIENCE & IDEAS, TEL AVIV UNIVERSITY, **2007** [ADI, "THE TWO-STATE SOLUTION: PROVIDENCE AND CATASTROPHE," 8 THEORETICAL INQ. L. 117, L/N]

<<In order to fully comprehend the notion of the catastrophic state, it is not enough to think about cases of enormous human destructiveness. Two aspects of the state apparatus should be considered in relation to each other: on the one hand, the state as a set of closely related apparatuses of domination and control with their imaginary unity and, on the other hand, the production of disaster as a form of governance. The paradigmatic case, that which brings to perfection the logic of the state as author and administrator of disaster, would then no doubt be the totalitarian states of the twentieth century. Anyone may be targeted -- designated individuals as well as an anonymous mass of people who happen to belong to a certain group. The particular grouping of those doomed may be based on ideological categories (race, class, ethnic group, etc.), or on arbitrary bureaucratic categories, or on both at once. **Violence is but one necessary, yet mostly marginal, means for the production of destruction.** Other means involved are those used by different state apparatuses, bureaucratic systems for exercising the ongoing work of government: surveillance and discipline, classification, head-counting, and statistical calculation; the management of space and time; control of transportation and communication; intervention in the production and exchange of goods. The production and discriminatory administration of disaster have grown out of the state's expansion of biopolitical mechanisms and its constituting their continuation by other means or by the very same means but employed in different proportions. War itself has become one of these means through which biopolitics preserves and expands. However, the development of biopolitical apparatuses has never been a sufficient condition in itself for the emergence of totalitarianism; an ideological component that differentiates between those who could be abandoned in war or disaster and those whose rights should be respected is also necessary. This differentiation between the two groups -- those to be saved and those to be abandoned -- is of crucial importance. On the one hand, the state's disastrous policies are usually justified and become legitimized by a providential promise directed at one sector of the governed population only. It is for the sake of the survival or redemption of the Aryan race, the workers, the revolutionaries, or the nation that so many people are sent to their doom. **Only when the very survival of the nation or race or other chosen group is at stake or when redemption is delayed by sinners and the ignorant can the state's destructive forces be thus unleashed.** On the other hand, **the whirling nature of these forces puts everyone at risk, for the differentiation between the lives not worth living and the lives for whose sake so many are sent to their death is never stable.** Hitler went from Jews to Gypsies to Communists to Slavs -- only the ending of the war stopped his catastrophic machine. Stalin had to constantly reproduce those elements dangerous to the revolution of which the revolutionary forces should be purified. Nobody could be really safe before the final solution had been fully completed or the revolution fully consummated. Totalitarian regimes set the perfect example of the catastrophic state, no doubt, but the unstable differentiation between those who should be saved or redeemed and those who can be forsaken, along with the capacity and willingness to use mass destruction as a way of governance and method of progress, cannot be limited to totalitarianism. Despite their tremendous impact, totalitarianism (at least as Arendt defined it) and systematic genocide have been relatively rare since their first appearance in the twentieth century, neither the regime nor the politics of death exhaust the possibilities of the catastrophic state formation. **A perpetual cycle of exclusion, abandonment, and destruction and the protection of the well-governed from the rage, revenge, pollution, or viral infections of the ill-governed are not uncommon in today's world.** Scattered slaughter, political production of famine, negligence, and inaction in the face of epidemic or ecological hazard, policies of early evacuation of endangered populations, systematic deconstruction and fragmentation of what used to be an integrated social space -- all are cases in point. A continuum should be reconstructed here, not between totalitarian and liberal-democratic states, as Agamben suggests, but between more and less powerful disaster-producing apparatuses and more and less explicit and purposeful use of these apparatuses. Agamben's claim that the camp, which the totalitarian regimes of the twentieth century developed and used as their main instrument for the management of life and death, has become the "biopolitical paradigm of the modern" should be reinterpreted in light of this continuum of catastrophic state formations. Agamben conceives the camp as paradigmatic because in and through this enclosed and spatially segregated space

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IMPACT: BIOPOLITICS = PERMANENT CATASTROPHE

(...card continues)

the very distinction between law and life has collapsed, exceptions have become the rule, and abandonment has become an orchestrated mode of existence, while power is exercised on bare lives with no mediation, inscribing its rules in the inhabitants' bodies, property, and space. Under these conditions, biopolitics may turn at any moment into thanato-politics, i.e., the administration of life becomes the administration of death, as the Nazi and Soviet camps clearly demonstrated. From our perspective, however, the camp is but one form of the state's involvement in the production of disaster. It is not the particular form of the camp that has become the hallmark of the catastrophic state, but rather the capacity and readiness to inflict wholesale disasters on designated parts of the governed population. The reconstructed continuum I have in mind between more and less devastating disaster-producing apparatuses would be both chronological (for states appeared as authors and agents of disasters long before they had achieved the might that would allow them to destroy everything) and typological (for the readiness to use means of destruction along some ideological lines may always be mitigated by restraints imposed by remnants of other state formations -- the providential state or the liberal-constitutional state). The totalitarian regime certainly occupies the extreme end of such a typological continuum. It is fully equipped and prepared to destroy everything and annihilate anyone and uses its destructive forces knowingly, intentionally, on targeted populations, according to a scheme of action whose discursive articulation is an essential element of that regime's ideology. Catastrophic states of lesser coercive power would be more limited in their

destructive power, more inhibited in its use, and less explicit and articulate about it. In Rwanda, a planned and systematic genocide was interrupted by the fall of the catastrophic regime; in Congo, Sudan, and Angola, the state was too weak to employ its destructive means systematically; in Iraq, Saddam's regime targeted smaller groups and was more timid about its destructive policies. A state would stop being catastrophic not simply due to the diminishing power of its destructive apparatuses -- sometimes the weakness of the state may also play a role in the generation of disaster -- but only when the legal and ideological categories used to call for, direct, or justify the abandonment of a designated segment of its governed population become meaningless. A more nuanced typology of catastrophic state formations exceeds the purpose and scope of this

Article, but at least one type bears mention: it is the new, contemporary form of military occupation in places like Iraq, Chechnya, and Palestine (since the beginning of the second Intifada). In each of these cases and in Palestine first and foremost, destruction proceeds through a systematic fragmentation of space and through classification of the population that can legally inhabit each cell of the dissected space. This method may have already brought the Palestinians to "the verge of humanitarian catastrophe," whose suspension, without eliminating its threat, has become a main strategy of the ruling

apparatus. The governed are targeted not for what they have done and not simply for what they are, but for being in the wrong place. The clearest examples of less extreme catastrophic state formations, however, are those that preceded the totalitarian regimes of the twentieth century and co-existed along with them outside

of Europe, in Europe's colonies across the globe. At an early point in its development, colonialism took an aggressive form and turned from an adventure of private entrepreneurs into an undertaking of the state. It was then that the state's destructive power took a course of its own. The conquered lands, which soon became vast zones of exception for the conquering sovereigns, turned into a space for experimenting with and developing apparatuses of destruction. These apparatuses did, of course, include warfare, from night raids to massacres in broad daylight, but they also entailed much more the entire slave industry, spatial organization of control, bureaucratization of the native life-world, trade regulations, ethnography, demography, and various types of bureaucratic knowledge, barbed wire and concentration camps. All of these have been integrated at one point or another into the technologies of destruction Some of the new techniques were developed by economic actors and their private armies and some by religious missionaries, but regardless they were gradually incorporated into the consolidating state apparatuses. As these apparatuses grew and developed, the fusion with the apparatuses of relief and protection found new forums and was driven by new incentives,

first, in relation to the colonizers and, later and partially, but very significantly for the ideology of colonialism, in relation to the native populations. The main point was that with the emergence of colonialism, the modern Western state became involved for the first time and on a massive scale with the administration of the lives of subjects it had no obligation to protect and whom it could forsake even without proclaiming an emergency, for the exceptional status of the native was inscribed on his skin and lands from the outset. Colonialism became a bureaucracy of the exception and, hence, potentially an administration of disaster for the native populations. The shift from domination and control, which could involve exploitation and oppression but also development and education, to mass killings or a socio-economic production of "natural" disasters did not have to occur through war, legislation, civic consent, or any form of sovereign decision. Rather, it was the "natural" continuation of domination by other means. Although the colonizers' discourse hardly went so far as to declare the colonized population to be superfluous (as the Nazis treated the Jews, some other "inferior races," and, finally, the Germans themselves), colonialism often acted as though the colonized were just that. The justifying ideologies have changed several times since the beginning of colonialism and took new forms when the destructive apparatuses migrated back to Europe and spread to the

Near and Far East. But the principle that kept this entire technology together has remained the same: the state administers the lives of non-citizens who may be killed without anyone being punished, and, if necessary, may be eliminated as nothing more than waste. The state's raison d'être is the perpetual exclusion of these non-citizens and the protection of the others from their rage, revenge, or contagious pollution The emergence of totalitarian regimes in Europe proved that once the apparatuses of destruction operate, they may be turned inward as well and that Europe, too, may be colonized and systematically destroyed. The same [*144]

lesson was later repeated in China and East Asia. In all of these cases, the state devoured its subjects, usually those whom it governed as or had made into non-citizens, and presented this process as a necessary condition for its very survival. Something like the divine violence that Benjamin described as that which is totally separated from the political order has been set in relation to the law, in the form of its total negation or perpetual suspension, and has become a necessary condition for the existence of that order.>>

IMPACT: NUCLEOBIOPLICIDE

THIS INTIMATE REGULATION OF LIFE IN ORDER TO MANAGE THE POPULATION IS THE PREREQUISITE TO THE MASS VIOLENCE OF THE LAST CENTURY OF WESTERN POLITICS—BIOPOLITICS IS WHAT MAKES GENOCIDE, WORLD WARS, AND NUCLEAR DESTRUCTION POSSIBLE

FOUCAULT, CHAIR IN THE HISTORY OF SYSTEMS OF THOUGHT, COLLEGE DE FRANCE, **1976** [MICHEL, *THE HISTORY OF SEXUALITY, VOLUME I: AN INTRODUCTION*, P. 135-140]

Since the classical age the West has undergone a very profound transformation of these mechanisms of power. "Deduction" has tended to be no longer the major form of power but merely one element among others, working to incite, reinforce, control, monitor, optimize, and organize the forces under it: a power bent on generating forces, making them grow, and on ordering them, rather than one dedicated to impeding them; making them submit, or destroying them.

There has been a parallel shift in the right of death, or at least tendency to align its with the exigencies of a life-administering power and to define itself accordingly. This death that was based on the right of the sovereign is now manifested as simply the reverse of the right of the social body to ensure, maintain, or develop its life. Yet wars were never as bloody as they have been since the nineteenth century, and all things being equal, never before did regimes visit such holocausts on their own populations. But this formidable power of death—and this is perhaps what accounts for part of its force and the cynicism with which it has so greatly expanded its limits—now presents itself as the counterpart of a power that exert a positive influence on life, that endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations. Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purposes of wholesale slaughter in the name of life necessity; massacres have become vital. It is as managers of life and survival, of bodies and the race, that so many regimes have been able to wage so many wars, causing so many men to be killed. And through a turn that closes the circle, as the technology of wars has caused them to tend increasingly toward all-out destruction, the decision that initiates them and the one that terminates them are in fact increasingly informed by the naked question of survival. The atomic situation is now at the end point of this process: the power to expose a whole population to death is the underside of the power to guarantee an individual's continued existence. The principle underlying the tactics of battle—that one has to be capable of killing in order to go on living—has become the principle that defines the strategy of states. But the existence in question is no longer the juridical existence of sovereignty; at stake is the biological existence of a population. If genocide is indeed the dream of modern powers, this is not because of a recent return of the ancient right to kill; it is because war is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of the population.

THE CARCERAL ARCHIPELAGO— ALTERNATIVES

ALT: CRITIQUE—EXPOSES POWER RELATIONS

CRITIQUE ITSELF IS AN EFFECTIVE ALTERNATIVE—SINCE POWER CAN ONLY OPERATE THROUGH STRUCTURES OF KNOWLEDGE, EXPOSING THE FOUNDATIONS OF SYSTEMS OF CONTROL DISRUPTS THEM

LI, 2007, PROFESSOR OF ANTHROPOLOGY AND SENIOR CANADA RESEARCH CHAIR IN POLITICAL ECONOMY AND CULTURE IN ASIA-PACIFIC AT THE UNIV OF TORONTO. [TANIA MURRAY, *THE WILL TO IMPROVE*, PP. 22-26]

<<<CRITICAL POSITIONS

Critique, writes Nikolas Rose, has the potential to "reshape and expand the terms of political debate, enabling different questions to be asked, enlarging spaces of legitimate contestation, modifying the relations of the different participants to the truths in the name of which they govern or are governed."⁷² The critic I picture, from Rose's account, is the academic whose primary medium for learning about and changing the world is text. In contrast, the critic conjured by Gramsci is an activist, interested both in studying and in helping to produce conjunctures at which social groups come to see themselves as collectivities, develop critical insight, and mobilize to confront their adversaries. There are also the "prickly subjects" I mentioned earlier—the targets of improvement schemes, who occupy an important place in my account.

A follower of Marx, Gramsci considered the fundamental groups driving social transformation to be classes differentiated by their access to the means of production. Yet he understood that the actual social groups engaged in situated struggles are far more diverse, reflections of their fragmentary experiences, attachments, and embedded cultural ideas. Thus for him, the question of how a collective, critical practice emerges could not be answered with reference to abstract concepts such as capital and labor. It had to be addressed concretely, taking into account the multiple positions that people occupy, and the diverse powers they encounter. Building on Gramsci's work, Stuart Hall proposes an understanding of identity as the product of articulation. Rather than view identity as the fixed ground from which insights and actions follow, he argues that new interests, new positionings of self and others, and new meanings emerge contingently in the course of struggle. Thus a Gramscian approach yields an understanding of the practice of politics and the critical insights on which it depends as specific, situated, and embodied. An example may help to illustrate the kind of analysis this approach enables.

In 2001, Freddy, a young man from Lake Lindu in Centra Sulawesi, recounted to me how he had "learned to practice politics" (belajar berpolitik). What this meant, for him, was learning to figure out for himself what was wrong and right in the world, and how to carry that assessment forward to bring about change. His epiphany occurred a few years earlier, when an NGO based in the provincial capital Palu began helping the people of his village organize to contest the construction of a hydroelectric dam that would flood their land and forcibly evict them. Home from Java, where he had worked and studied for some years, he was sent by the village Headman to observe the activities of this NGO, and report back on what kinds of trouble they were fomenting. So he started to attend their meetings, listening from the back, and came to the gradual realization that much of what they said about the importance of livelihoods, conservation, and the legitimacy of customary land rights made perfect sense. In contrast, the more he listened to officials promoting the dam as a step toward "development" in the province as well as a better future for the villagers, the less credible he found them.

The campaign against the dam occurred under the New Order regime, when individuals who had critical insights shared them frequently in the form of cynical jokes and asides but did not articulate them in public forums or engage in collective action. NGOs such as the ones assisting Freddy's village were threatened by the authorities and accused of being communist. But seeing the dedication of the NGO's young staff, and absorbing some of their intellectual energy, he became convinced that learning to practice politics was a positive step. He described his feeling as one of awakening from a long and lazy sleep. He began to look with new eyes at the people around him in his village and in the State apparatus who were too afraid to engage in political debate. When I met him in zocii, after the fall of Suharto, he felt the possibilities for practicing politics had opened up, but people were slow to grasp them. They had to unlearn habits of quiescence cultivated through three decades of New Order doublethink and doubletalk and start to think of politics positively, as an entitlement.

Throughout the struggle for independence and especially in the period 1945 to 1965, until the army-led coup that ushered in the massacre of half a million people labeled communists, many Indonesians had been active in conducting politics and vigorous in debating the shape of the nation. There were mass mobilizations of workers, peasants, women, youth, regional, and religious communities, all engaged in struggles over the distribution of resources and the recognition of differences (cultural, historical, regional, religious) that supplied points of distinction and alliance. But Sukarno, the first president, retreated into the paternalism of "Guided Democracy," paving the way for his successor, Suharto, to declare politics an unhelpful distraction to the work of development. Politics became a dirty word. The goal of Suharto's regime was to secure a stable state of nonpolitics in which nothing "untoward" or "excessive" would happen—the condition of eerie stillness memorably described in John Pemberton's ethnography about Java.⁷⁴

In the hostile conditions of the New Order, reclaiming politics and giving it a positive inflection was no mean feat. To understand how it was achieved by a young man in a highland village in Sulawesi, we must examine both the process through which his political positioning emerged and the particular shape it took. Together with his covillagers, Freddy came to see himself as a member of an indigenous group defending its territory against the state—an identity he did not carry with him when he left the village to pursue his studies years before. That identity emerged when a set of ideas to which he was exposed by the NGOs supporting his village helped him to make sense of his situation, locate allies and opponents, and organize." Identities, as Stuart Hall argues, "are subject to the continuous 'play' of history, culture and power." They are "unstable points of identification or suture."

... Not an essence but a positioning."⁷⁶

In this book, I explore the positionings that enable people to practice a critical politics. I also explore positionings formed through the will to improve: the position of trustee, and the position of deficient subject whose conduct is to be conducted. Gramsci did not examine the position of trustee, which stands in an awkward relation to that of the "organic intellectual" whose job is to help subalterns to understand their oppression and mobilize to challenge it. Yet the work of the intellectual and the trustee are not entirely distinct. As I will show, Indonesian activists engaged in a critical politics find numerous deficiencies in the population they aim to support. Their support becomes technical, a matter of instructing people in the proper practice of politics. They too are programmers. They share in the will to improve, and more specifically, the will to empower. Their vision of improvement involves people actively claiming the rights and taking on the duties of democratic citizenship.⁷⁷

The value of a Gramscian approach, for my purposes, is the focus on how and why particular, situated subjects mobilize to contest their oppression. This was not a question elaborated by Foucault. Conversely, Foucault has the edge on explicit theorization of how power shapes the conditions in which lives are lived. Although Gramscians turn to the concept of hegemony for this purpose, Gramsci's formulations were notoriously enigmatic and fragmented. In her critical review of the use of Gramsci by anthropologists, Kate Crehan argues that the term hegemony for Gramsci "simply names the problem—that of how the power relations underpinning various forms of inequality are produced and reproduced."⁷⁸ He used it not to describe a fixed condition, but rather as a way of talking about "how power is lived in particular times and places," always, he thought, an amalgam of coercion

(card continues...)

ALT: CRITIQUE—EXPOSES POWER RELATIONS

(...card continues)

and consent.”

Foucault shared the concern to examine how power is lived but approached it differently. Gramsci understood consent to be linked to consciousness. Foucault understood subjects to be formed by practices of which they might be unaware, and to which their consent is neither given nor withheld. Further, Foucault highlighted the ways in which power enables as much as it constrains or coerces. It works through practices that are, for the most part, mundane and routine. Thus the binary that is compatible with a Gramscian analytic—people either consent to the exercise of power or they resist it—was not useful to Foucault.⁸⁰ I do not find it necessary to choose between Gramsci and Foucault on this point.

Some practices render power visible; they trigger conscious reactions adequately described in terms such as resistance, accommodation, or consent. Other modes of power are more diffuse, as are peoples' responses to them. John Allen put this point eloquently when he observed that power “often makes its presence felt through a variety of modes playing across one another. The erosion of choice, the closure of possibilities, the manipulation of outcomes, the threat of force, the assent of authority or the inviting gestures of a seductive presence, and the combinations thereof.”⁸¹

Powers that are multiple cannot be totalizing and seamless. For me this is a crucial observation. “The multiplicity of power, the many ways that practices position people, the various modes “playing across one another” produce gaps and contradictions. Subjects formed in these matrices—subjects like Freddy—encounter inconsistencies that provide grist for critical insights

Further, powers once experienced as diffuse, or indeed not experienced as powers at all, can become the subject of a critical consciousness Indeed, exposing how power works, unsettling truths so that they could be scrutinized and contested was as central to the political agenda of Foucault as it was for Gramsci.⁸² Foucault did not elaborate on how such insights might become collective, although the connection is easily made. To the extent that practices of government form groups rather than isolated individuals, critical insight is potentially shared. One of the inadvertent effects of programs of improvement—the dam at Lake Lindu, for example—is to produce social groups capable of identifying common interests and mobilizing to change their situation.⁸³ Such collectivities have their own internal class, ethnic, and gender fractures. Their encounter with attempts to improve them forms the basis of their political ideas and actions. Scholars working in a Foucauldian mode have often observed the “strategic reversibility” of power relations, as diagnoses of deficiencies imposed from above become “repossessed” as demands from below, backed by a sense of entitlement.⁸⁴ Bringing insights from Foucault and Gramsci together enables me to extend this observation, and to put the point more starkly: improvement programs may inadvertently stimulate a political challenge

The way they do this, moreover, is situated and contingent. Floods and diseases, topography, the variable fertility of the soil, prices on world markets, the location of a road—any of these may stimulate critical analysis by tincturing expert schemes and exposing their flaws.>>>

“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

ALT: CRITIQUE—MICROPOLITICAL RESISTANCE

MICROPOLITICAL CHALLENGES CAN DISRUPT THE WHOLE SYSTEM OF DOMINATION—MACROPOLITICAL STRUCTURES MUST BE CONSTANTLY REPRODUCED AT THE FINEST GRAINS OF THE SOCIAL BODY

KULYNYCH, ASSISTANT PROFESSOR OF POLITICAL SCIENCE AT WINTHROP UNIVERSITY, **1997** [JESSICA J., "PERFORMING POLITICS: FOUCAULT, HABERMAS, AND POSTMODERN PARTICIPATION," *POLITY* (30.2), p, 37]

Participation as resistance compels us to expand the category of political participation. Whereas traditional studies of participation delimit political participation from other "social" activities, once participation is defined as resistance this distinction is no longer tenable. Bonnie Honig suggests that performative action is an event, an agonistic disruption of the ordinary sequence of things, a site of resistance of the irresistible, a challenge to the normalizing rules that seek to constitute, govern, and control various behaviors. And, [thus,] we might be in a position to identify sites of political action in a much broader array of constations, ranging from the self-evident truths of God, nature, technology and capital to those of identity, of gender, race and ethnicity. We might then be in a position to act-in the private realm."

A performative concept of participation as resistance explodes the distinction between public and private, between the political and the apolitical. As Foucault explains, what was formerly considered apolitical, or social rather than political, is revealed as the foundation of technologies of state control. Contests over identity and everyday social life are not merely additions to the realm of the political, but actually create the very character of those things traditionally considered political. The state itself is "superstructural in relation to a whole series of power networks that invest the body, sexuality, the family, kinship, knowledge, technology and so forth."⁷² Thus it is contestations at the micro-level, over the intricacies of everyday life, that provide the raw material for global domination, and the key to disrupting global strategies of domination. Therefore, the location of political participation extends way beyond the formal apparatus of government, or the formal organization of the workplace, to the intimacy of daily actions and iterations.

A performative understanding of political participation demands recognition of a broader array of actors and actions as well. Performative participation is manifest in any activity that resists the technological and bureaucratic construction of privatized client-citizens, or reveals the contingency of contemporary identities. Political action, understood in this sense, does not have to be intentional, rational, and planned; it may be accidental, impulsive, and spontaneous. It is the disruptive potential, the surprising effect, rather than the intent of an action that determines its status as participation. Consequently, studies of participation must concern themselves not just with those activities we intentionally take part in and easily recognize as political participation, but also with those accidental, unplanned, and often unrecognized instances of political participation. If resistance is a matter of bringing back into view things that have become self-evident, then we must be prepared to recognize that consciousness of the contingency of norms and identities is an achievement that happens through action and not prior to action. Performative participation is manifest in any action, conscious or unconscious, spontaneous or organized, that resists the normalizing, regularizing, and subjectifying confines of contemporary disciplinary regimes.

Such a concept of political participation allows us to see action where it was previously invisible. So where Gaventa, in his famous study of Appalachian miners, sees quiescence in "anger [that is] poignantly expressed about the loss of homeplace, the contamination of streams, the drain of wealth, or the destruction from the strip mining all around ... [but is only] individually expressed and shows little apparent translation into organized protest or collective action," a concept of performative resistance sees tactics and strategies that resist not only the global strategies of economic domination, but also the construction of apathetic, quiescent citizens. When power is such that it can create quiescence, then the definition of political participation must include those forms of political action that disrupt and counter quiescence. A concept of political participation that recognizes participation in sporadically expressed grievances, and an "adherence to traditional values" by citizens faced with the "penetration of dominant social values," is capable of seeing not only how power precludes action but also how power relationships are "not altogether successful in shaping universal acquiescence."

ALT: CRITIQUE—CHALLENGE DISCOURSE

DOMINANT DISCOURSES AND SOCIAL UNDERSTANDINGS INFLUENCE NOT ONLY THE TYPICAL UNDERSTANDING OF WELFARE BUT ALSO THE RECIPIENTS' UNDERSTANDING OF THEMSELVES. HOWEVER, THE FLUIDITY AND SUPERFICIALITY OF DISCOURSES LEAVES PERFECT ROOM FOR RESISTANCE AGAINST POWER.

MCCORMACK, DEPARTMENT OF SOCIOLOGY AT WELLESLEY COLLEGE, **2004** [KAREN, "RESISTING THE WELFARE MOTHER", *CRITICAL SOCIOLOGY* 30(2), SPRING 2004, PAGES 357-360]

The three people quoted above, one a former President of the United States, the second a caseworker at the Department of Social Services, and the last a woman receiving welfare represent surprisingly consistent understandings of welfare. Each of these quotes suggests an understanding of welfare recipients as manipulative and undeserving, as a particular type of person, one who is less honest, less hardworking than the rest of us. While these three individuals do not share a singular, consistent understanding of welfare, these quotes display some commonality that exists despite their different social locations, revealing a "common sense" understanding of welfare that had solidified by the mid-1990s. In this paper, I explore the complex and contradictory operations of this welfare discourse for women receiving public assistance. Foucault (1978:101) rightly turns our attention to the complexity of discourse as a powerful, material force, when he writes that: We must make allowances for the complex and unstable processes whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy. Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it.³ In the quotes above, we see the reinforcement and transmission of power, but in the words of women receiving assistance, alongside the transmission of power we can glimpse its resistance. The discursive practices surrounding welfare and its recipients are part of "the moral economy,"⁴ a particular understanding of the relationship between morality and wealth. Simply stated, the moral economy of wealth involves the discursive production and circulation of symbolic representations of wealth that serve to invest the behavior of the wealthy with a certain moral identity . . . through the moral economy of wealth, financial wealth is transformed into moral worth, and so-called redundant or excess resources are accounted for as signs of the bountiful surplus moral value and virtue of the wealthy. (Herman 1999:7) The Protestant ethic of hard work and ascetic living, coupled with the widely accepted achievement ideology (of a fair and just meritocracy), celebrate the achievements of the wealthy while deriding the shiftlessness of the poor (cf. Weber 1930, MacLeod 1997). This specifically American equation of morality and wealth provides for little acknowledgement of structural determinants of opportunity and economic well being, relying instead upon explanations for economic success or failure located clearly with the efforts and abilities of the individual. Programs to aid the poor in the U.S. have historically accepted the values of this moral economy by attempting to separate the deserving poor from the undeserving. The content of these categories has changed over time, though the assumption remains that poverty represents a failing of the individual except in unusual circumstance (which have varied historically from disability, death of a spouse, etc.). With large numbers of women with children moving into the workforce in the 1980s, the decline of married-couple households, and the increasing number of African American women receiving assistance (following the Civil Rights Movement), poor single mothers joined the "undeserving" category in what can only be understood as a backlash against feminist and civil rights gains (cf. Quadagno 1996; Sidel 1996; Fraser and Gordon 1994). Within this moral economy, particular discursive practices frame the welfare mother as undeserving, lazy, dependent, irresponsible, oversexed; she came to be seen as responsible for her own fate and marked as an outsider. That this image represents the real character of poor women receiving assistance becomes taken for granted, apparently needing no substantive evidence. Ronald Reagan was instrumental in constructing the image of the Welfare Queen, the penultimate abuser of a system designed to help the poor. The welfare queen lied and cheated to take money from the state while she lived well, drove expensive cars, and owned a nice home. While the welfare queen in Reagan's speech quoted above was shown to be a fabrication,⁵ the image of the welfare queen lived on long past Reagan's presidency. The flip side of the welfare queen in this moral economy is the wealthy entrepreneur and philanthropist. Herman proposes that the ". . . moral economy provides these men with the basic discursive categories, linguistic repertoires, and vocabularies of motive with which they give rhetorical shape to their self-identity." The moral economy, particularly the specific dominant discourse about welfare constructs these categories for women receiving assistance as well. The particular discursive practices surrounding welfare are stigmatizing to women receiving assistance. That is, they mark these women as less deserving, more dangerous, less human than the "rest of us." That women receiving welfare payments echo the judgments made against them (in particular ways to be discussed below) speaks to the power of discourse. Governmental assistance does not provide enough money for families to get by, nor does the minimum wage provide enough to support families. Edin and Lein (1997) have demonstrated the relative costs of work vis-à-vis public assistance for poor women with children, showing clearly that neither provides enough and that low-wage work leaves women worse off than welfare. Women on welfare understand this reality; they see the shortage of jobs, the impossibility of survival on a low-wage job while attempting to pay for rent and childcare. And yet even they often echo the sentiments about the lazy, manipulative welfare mother. By naming welfare mothers as others –
(card continues...)

³ "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

ALT: CRITIQUE—CHALLENGE DISCOURSE

(...card continues)

dependent, immoral, and irresponsible – the dominant discourse allows for little positive identification as persons receiving assistance. Previous examinations of stigma among welfare recipients suggest that negative effects of the moralizing discourse are pervasive. Kingfisher (1996:33) writes that the experience of stigma was so pervasive among her sample that “all recipients who participated in [her] study were aware of the stigma associated with being on welfare and felt compelled to address it in one way or another.” Yet what I found in interviewing women receiving welfare was not a monolithic “welfare discourse” or “welfare stigma,” a clear field within which women lived, but rather a more varied materialization of these dominant practices that was dependent upon the communities in which they lived. For women residing in mixed-class communities, interacting with the working poor, working and middle classes, Kingfisher’s assessment rang true. These women were palpably aware of the dominant imagery and took steps to distance themselves from the putative welfare mother. On the other hand, women living in the inner city, surrounded by other poor people, appeared to be partially immune from the pernicious associations with the welfare mother. While they were not wholly unaware of the dominant practices, they were also operating upon a different field, one in which poverty and welfare receipt were understood quite differently. The meanings of welfare produced by the recipients themselves can run counter to the dominant construction. Dodson’s (1999:189) exploration of the lives of poor women and girls suggests that many alternative strategies exist in the margins, that women construct a range of responses to dominant constructions, ways that they “. . . tried to make sense of their place in the world and to hold on to themselves.”

FORMS OF RESISTANCE ARE IMMENSELY VIABLE IN THE AREAS OF DISCOURSE AND SOCIAL UNDERSTANDINGS.

MCCORMACK, DEPARTMENT OF SOCIOLOGY AT WELLESLEY COLLEGE, '04 [KAREN, “RESISTING THE WELFARE MOTHER”, *CRITICAL SOCIOLOGY* 30(2), SPRING 2004, PAGES 374-375]

Possibilities for Resistance A society is thus composed of certain foregrounded practices organizing its normative institutions and of innumerable other practices that remain ‘minor,’ always there but not organizing discourse and preserving the beginnings or remains of different (institutional, scientific) hypotheses for that society or for others. (de Certeau 1984:48) The remains of different hypotheses can be heard in the meanings attributed to welfare by many of the recipients, whose understandings of the administration of social services to the poor contain within them a challenge to the universality of the dominant construction. To a certain extent, strategies that accommodate the dominant discourse, that reinforce the common sense understanding of welfare receipt, also resist by challenging the application of such an understanding to themselves. All of the women that I interviewed rejected some part of the welfare mother discourse. For some women, this was an active process of separating themselves from the putative welfare mother while discursively reinforcing her existence, while for others resistance took the form of direct discursive challenge to the underlying assumptions about poverty and value that bolster the ideology. Scott (1985, 1990) uses the phrases “everyday forms of resistance” and “hidden transcripts” to describe those discursive practices that resist dominant constructions. Everyday forms of resistance are those mundane practices that occur as recipients participate in their daily lives, challenging in an unorganized and often invisible way the meanings that render them powerless objects. None of the women interviewed belonged to any type of welfare rights organizations, and while they may have discussed their rights with lawyers at legal aid offices or their teachers at various educational sites, they weren’t involved in any organized effort to change the policies or meanings of welfare. The types of resistance in which they were engaged were all a part of their everyday lives. As one recipient put it, they are ‘just livin’ life.’ Engagement with the dominant discourse may in fact make possible these “reverse” discursive forms. Foucault (1990:101-102) writes that: There is not, on the one side, a discourse of power, and opposite it, another discourse that runs counter to it. Discourses are tactical elements or blocks operating in the field of force relations; there can be different and even contradictory discourses within the same strategy. . . . By recognizing the category of the welfare recipient or welfare mother, by naming poverty and deservingness, these women are also able to construct their response and, sometimes, their resistance to these categories. The forms of their resistance are not arbitrary but are patterned clearly by the level of stigma and surveillance that they experience.

“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

ALT: CRITIQUE—SOLVES WELFARE

THE CRITIQUE ITSELF DISRUPTS THE STRUCTURES OF KNOWLEDGE WHICH MAKE DISCIPLINARY POWER FUNCTION BY EXPOSING THE SYSTEMS OF DOMINATION ON WHICH IT RELIES

CAROL WILSON **JOHNSON**, PHD CANDIDATE, PHILOSOPHY, TEXAS WOMEN'S UNIVERSITY, **2004** [*FOUCAULT, ROGERIAN ARGUMENT, AND FEMINIST STANDPOINT THEORY: INTERSECTING DISCOURSES CONCERNING WELFARE REFORM DURING THE 1990S*, [HTTP://WWW.ALLIANCE1.ORG/RESEARCH/ARTICLEARCHIVE/FEMINIST-WELFARE-REFORM.PDF](http://www.alliance1.org/research/articlearchive/feminist-welfare-reform.pdf), PP. 16-18]

<<<Understandably, research applying Foucault to the issue of social welfare continues to grow. As early as 1982, Martin Hewitt contributed an important work entitled *Social Policy and the Politics of Life: Foucault's Account of Welfare*. In his analysis, Hewitt compares Foucault's approach to social welfare with Marxist social policy. Hewitt explains that Marx moves the subject of welfare away from the recipient to that of the social and

economic systems that control them (17). For Marx, welfare laws and policies are created for the benefit of the policy makers and politicians, not for the recipients (17). According to Hewitt, **Foucault "extends this process of decentering" begun by Marx, shifting the study of social welfare from its connection with "structures such as social class, ideological hegemony, social formation and the state," to the question of how these structures are constituted and perpetuated** (17). To paraphrase Hewitt, **Foucault is concerned with the discursive power relationship between the practitioner and the recipient as well as the manner in which the recipient becomes complicit in his own regulation—the social service system was designed to place the client at the center in an effort to regulate and normalize deviant individuals and to support and perpetuate existing forms of power relations** (17-18). **Hewitt sees Foucault's contribution as one of resistance—Foucault encourages the "construction of new subjects" through the examination of the rules, regulations, and methodologies used by the system to govern** (18). Also in 1982, Charles C. Lemert and Garth Gillan contributed a critical work, *Michel Foucault: Social Theory as Transgression* examining the problems some scholars experience with his theories and identifying his connection to social theory. They believe the difficulty many readers find with Foucault occurs because he blends the economic, political, historical, and social using untraditional methods to

identify how power and knowledge are constructed. As the authors note, **the relationship between power and knowledge informs most of Foucault's writings**. Foucault pushes the boundaries of the commonly accepted *a priori* history of human sciences to explore a new epistemological paradigm that privileges the history of discursive systems over seminal historical events, and he searches for new ways to approach thinking about the limits of knowledge (66- 70). It is this exploration of "limits" that sets Foucault apart, for he questions the very language that is used to construct history by exploring how the "questions asked by history, philosophy, and politics" constitute and limit the content of history (59). Also, Lemert and Gillan identify the relationship Foucault draws between man and truth, how this relationship changed from the Classical Age's concept that man was defined in relation to truth to modernity's view that "humanity is truth taking shape within itself" (81). Further, they identify Foucault's concerns about sexuality, noting that the body is not just biological, or sexual, but a "discursive body," a sight of political and ideological definition and conflict (82). Subsequently, power relations are inscribed on the body and found in everyday life interactions and individual consciousness, not just in the workings of the state (111). A specific application of Foucault to social welfare is Mary Jo Klick's master's thesis, *Crutches! Crutches! We All Fall Down: A Foucauldian Approach to Current Discourse on Welfare Reform*. Klick uses Foucault's genealogical approach to identify inconsistencies in the welfare discourse of the mid-1990s in Massachusetts, as the state implemented policies that emphasized a transition to work. Klick examines some of Foucault's "propositions" concerning power connecting them to welfare discourse in Massachusetts. Further, Klick examines the differences between feminist critiques of Foucault by Nancy C. M. Hartsock and Francis Bartkowski, disagreeing with Hartsock's critique of Foucault's reluctance to define a better system and concurring with Bartkowski's emphasis on the concept of resistance to organizing systems of power. Klick finds resistance occurring more in women's behavior than in their discourse. A recent collection of essays linking Foucault to social work is found in *Reading Foucault for Social Work*, edited by Adrienne S. Chambon, Allan Irving, and Laura Epstein. The purpose of this collection was to provide those in the field of social work a "set of lenses" constructed from the silica of Foucauldian theory through which they might examine and question the current practices of their discipline. Of particular interest to this study is the chapter by Ken Moffatt entitled "Surveillance and Government of

the Welfare Recipient." From comprehensive interviews with social workers working in a specific northern metropolitan area of the United States, Moffatt found **that the mechanisms put into place by the social service system to control physical interactions with clients, to guide interrogation of client behaviors, and to construct and identify which clients might be "welfare cheats" contributed to the dehumanization of clients in the welfare office**. He also identified how **the "technical and functional" language shared by the various institutions cohabiting the social welfare domain ("police, parole officers, and social workers") work together to govern and categorize the client, constructing them as objects of study and discipline** (232). >>>>

ALT: CRITIQUE—KEY TO REVOLUTION

REVOLUTION TODAY REQUIRES NOT ONLY THE RECOGNITION OF HOW SOCIAL IDENTITIES ARE CONSTRUCTED, BUT THE CRITIQUE OF THAT NORMALIZATION AS THE CENTRAL SITE FOR REVOLUTION

COHEN & TAYLOR, EMERITUS PROFESSOR OF SOCIOLOGY AT THE LONDON SCHOOL OF ECONOMIC & EDITORIAL BOARD OF NEW, **1992** [STANLEY & LAURIE, *ESCAPE ATTEMPTS: THE THEORY AND PRACTICE OF RESISTANCE TO EVERYDAY LIFE SECOND EDITION*, P. 43-44]

We want to show just how massive is the presence of paramount reality, and how ingenious, complex and even desperate can be the identity work which seeks to evade its clutches. Some of this work will require no more than shifts in modes of consciousness, some will require the adoption of new forms of behaviour, new locations, new partners. Some will involve resort to fantasy, imagination, even a total life commitment to the search for an alternative reality. But all of it is premised upon that strange feature of the consciousness of modern life, that persistent sense that we are more than the arrangements which we live, that we stand apart from reality rather than within it, the belief, in John Barth's words, that 'reality is a nice place to visit, but you wouldn't want to live there'. When we talk of strategies, tactics and plans for escaping and resisting reality, the reality we refer to is that of contemporary Western society. We take this society as given only in the sense that in writing about how the prisoners coped, we took the prison order as given. ~es not mean that we think the social order is immutable, any more than we think that prisons can't be abolished. But this is not our subject matter. What concerns us are the ways in which we make sense of ourselves and our life within the structural walls of society. Our subject matter is self in spite of the structural order, not so much the possibilities of self in another social order. It is appropriate that we should have reached this interest from our research on long-term 43 Escape Attempts prisoners. Erving Goffmann arrived at a similar sense of the tension between self and society from his own research into total institutions: Without something to belong to, we have no stable self, and yet total commitment and attachment to any social unit implies a kind of selflessness. Our sense of being a person can come from being drawn into a wider social unit; our sense of selfhood can arise through the little ways in which we resist the pull. Our status is backed by the solid buildings of the world, while our sense of personal identity resides in the cracks.⁸ This book is an investigation of the interstitial establishment of identity, but also an account of how the interstices themselves are constructed by people, or are routinely provided by society itself. We are not the only ones involved in this enterprise. There is an explicitly new component to the great revolutionary movements which have traditionally been concerned with the bricks and mortar, with changing the social structural and institutional arrangements in order to create a world without injustice and deprivation, a world of material plenty and spiritual fulfilment. Identity problems are no longer regarded as psychological residues which can be dealt with after the revolution. Identity work has either been more explicitly added to the revolutionary agenda or in the face of massive structural complexity and immobility, structural work has been abandoned and replaced by attempts to construct new symbolic models and meanings within the old order. The identity workers of the world are beginning to unite. This work in our society takes the form of resistance and escape. It is by looking at these forms of resistance and escape that we can maintain our original interest in struggles against society', in the articulation of alternative realities. Our heroes though are no longer criminals, outsiders, revolutionaries and cultural critics. People in this book are only occasionally to be found at the front of revolutionary armies, fighting in the streets or raving from their asylum cells. More often they are discovered at home with their hobbies, at the pictures with their children, or on holiday with their friends. ⁴⁴ Open Prison Their fights against reality are rarely frontal assaults, running battles or planned campaigns. They are more often interruptions in the flow of life, interludes, temporary breaks, skirmishes, glimpses of other realities. This is the story of just how significant, ubiquitous, heroic, comic, powerful and pathetic, such attempts can be. ⁴⁵

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

ALT: FREEDOM*

VOTING NEGATIVE IS AN AFFIRMATION OF FREEDOM—YOU SHOULD USE YOUR BALLOT AS A SIGNAL OF INDIVIDUAL REVOLT, NOT FOR ABSTRACT COLLECTIVE DECISIONMAKING. THIS FORM OF FREEDOM IS A *PRIORI* AND IS NECESSARY TO CREATE WIDESPREAD RESISTANCE TO DOMINATION

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Moreover, it is precisely the divorce of freedom from the discourse of the perfect order that renders freedom a political concept par excellence. Our focus on political freedom in this book is the very opposite of a reduction of freedom to the circumscribed domain of politics, be it defined in terms of the state, community, ideology or institutions. On the contrary, what renders freedom political is its a priori antagonistic nature with regard to every positive form of order. Never content with its confinement to the private realm, freedom always engages with order in its totality, transcending its internal demarcation of the public and the private. If we approach 'the political' as a name for the problem of constitution of order in the absence of first principles (i.e. as a constitutive act of power that has no ground beyond itself), then freedom serves as a counterpart, or in Derridean terms, a supplement of the political, insofar as it consists in the deconstructive engagement with order that disrupts the hold of its foundational principles on the lives of the subjects governed by it. Moreover, as we shall discuss in detail in Part 2, such practices of freedom are intricately linked to the elementary act of the foundation of order, being nothing more than a subversive repetition, by individuals captured within a political order, of the sovereign act of the foundation of the latter. In terms of this parallel, political freedom refers to the problem of the constitution of the subject in the absence of any first principles that would govern this constitution. Simply put, political freedom consists in the confrontation with any circumscribed domain of politics in the name for the potentialities of existence that are curtailed by it. By the same token, we might speak of artistic freedom in terms of confrontation with the regime of 'what counts for art' or of sexual freedom as confronting the existing conventions regulating sexual behaviour. In this sense, when divorced from the normative question of the perfect order, freedom becomes political by contesting whatever counts for politics in any given situation. It would thus be entirely wrong to suggest that freedom is anti-political- on the contrary, what practices of freedom do is liberate the political from its confinement within sedimented and stratified forms of order that are in a strict sense made possible by a fundamental depoliticisation (see Ranciere 2001; Prozorov 2005).

If freedom is political in this sense, then it must logically precede any positive order of politics, which invites the question of its ontological status in relation to this positivity. This book will deal with this question extensively in an attempt to elaborate a Foucauldian ontology of freedom that posits freedom as both anterior and exterior to any form of positive order, functioning as its singularly paradoxical 'slippery foundation' that simultaneously makes possible both its establishment and its transgression. The task of this book is to liberate a concrete experience of freedom from the weight of abductive governmental projects through an engagement with Foucault's philosophy that asserts, pace innumerable critics, that Foucault's critical project unfolds on the basis of a certain ontology of freedom and is therefore affirmative (though in an idiosyncratic way) rather than purely negative or even nihilist (Fraser 1995; Walzer 1986).

Moreover, reconceptualising freedom as an ontological condition of human being rather than as an attribute of social order will introduce into a discourse on freedom a certain kind of universalism that is absent in both ideological and multiculturalist accounts, for which freedom is only meaningful as an internal attribute of a certain particularistic order. To speak of universalism in relation to Foucault's thought is certainly controversial, given the prevalent reading of Foucault as a radical pluralist in both synchronic and diachronic aspects, emphasising the irreducible particularism of all forms of power, knowledge and ethics. However, the universalism we shall affirm is a necessary consequence of thinking freedom onto logically as a potentiality for being otherwise that is inherent in and available to all human beings. This element of universality should be distinguished from any distinction between individualism and communitarianism. Countless critics have charged Foucault with opting for a hyperbolically individualistic mode of practicing freedom that aestheticises one's own existence (Wolin 1994; Habermas 1985). While these charges have been

convincingly dismissed by pointing both to textual evidence and Foucault's own political and social commitments (Bennett 1996; Simons 1995), the answer to the question of whether a Foucauldian freedom is a solely individual experience or lends itself to collective action requires the displacement of the very opposition between the collective and the individual.

It is certainly true that no collective 'project' could ever be inferred from a Foucauldian ontological affirmation of freedom, both because it opposes the reduction of existence to a normative project and because it must logically presuppose taking exception from any such project as the very substance of freedom. At the same time, Foucault's standpoint recalls Albert Camus's understanding of revolt as an individual affirmation of common existence: 'I revolt, therefore we are' (Camus 2006, part 1). For Camus, the act of revolt actualises the universal solidarity of human beings by manifesting, beyond the limits that it

(card continues...)

ALT: FREEDOM*

(...card continues)

transgresses, the infinite possibilities of freedom that do not depend on one's particular identities, attributes or circumstances. In his discussion of the Iranian revolution of 1979, Foucault appears to echo Camus in asserting that revolt, although always arising out of particular circumstances of subjection or oppression, affirms nothing particular but rather the possibility available to us all: 'It is through revolt that subjectivity (not that of great men but of whomever) introduces itself into history and gives it the breath of life.' (Foucault cited in Bernauer 1990, 180) As a potentiality, freedom is not only available to all without any possibility for discrimination, but it is also available to all equally: in asserting one's freedom one is always already wholly free, irrespectively of the positive degree of autonomy that one thereby achieves. In such a sense, a practice of freedom functions as an affirmation of human universality and is therefore unthinkable in terms of a narcissistic individualism

This is not to say that freedom cannot be abused by its deployment against the freedom of the other. Indeed, the possibility of abuse or perversion is inherent in the very notion of freedom as radically heterogeneous to any form of normative prescription. To be worthy of the name, freedom must necessarily presuppose the permanent risk of its own abrogation or, in Derrida's terms, of a 'radical evil' that would destroy freedom from within: '[w]ithout the possibility of radical evil, of perjury, and of absolute crime, there is no responsibility, no freedom, no decision.' (Derrida 1996,219) We must therefore accept the infinite risk of freedom: if freedom is not to be viewed as an epiphenomenon of a particular order, we must presuppose the ever-present possibility of its abuse. 'Freedom is freedom for both good and evil.' (Agamben 1999, 183) Thus, a discourse on freedom must refuse the conventional blackmail gesture, whereby an act that most of us would consider outright evil is demonstrated to be manifestly free so that a moralising critic could ceaselessly pontificate about the inappropriateness of 'that sort of freedom'. This blackmail is ironically less widespread in the domain of empirical politics than in political theory: the formal freedoms of contemporary liberal-democratic societies surely allow for infinite abuse that can never be adequately insured against other than through the installation of a dystopian police state. Yet, none of this appears to disqualify these actually existing freedoms on the grounds of the absence of adequate insurance against abuse - a charge regularly levelled against Foucault (Rorty 1992; Walzer 1986; Wolin 1994). Freedom in the sense of potentiality for being otherwise is an ontological condition of possibility of practices, whose effects are entirely contingent and may well consist in abrogating their own conditions of possibility in e.g. the assumption of 'voluntary servitude' or the negation of the freedom of the Other. However, taking this risk of infinite abuse is essential to any concept of freedom worthy of name, since the only alternative would be a restrictive specification of freedom in positive terms that would return us to the normative discourse on the perfect order. The abuse of freedom cannot be insured against precisely because of its universality that proscribes any endowment of freedom with rational or moral foundations and positive identitarian predicates. 'In the end, there is no explanation for the man who revolts. His action is necessarily a tearing that breaks the thread of history and its long chains of reasons.' (Foucault cited in Bernauer 1990, 175)

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

ALT: FREEDOM

WE MUST THINK FREEDOM FREELY—CRITIQUE SHOULD BE AFFIRMED AS THE OPENING OF A SPACE FOR THOUGHT WHERE OLD STRUCTURES OF DOMINATION DISAPPEAR

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We may immediately observe that all these four dimensions connote a certain 'negativity without rest' (Bernauer 1990, 180), a preoccupation with exiting all regimes of confinement, or, in John Caputo's (2000, 255) brilliant formulation, 'twisting loose' from all historically constituted forms of life. Similarly, Jon Simons's (1995) study of the political significance of Foucault's work emphasises its underlying drive of transgressing, both 'theoretically' and 'practically', the limits that define our identity. The movement of Foucault's thought in all its phases is concerned with marking exit signs in spaces that were previously considered inescapable. Thus, the concern with freedom not merely defines the substance of Foucault's studies from *Madness and Civilisation* (1967), with its furious condemnation of the hypocrisies of the humanist 'liberation of the insane' that led to ever more intense forms of confinement, to *The Care of the Self* (1990c) that sought to illuminate the possibility of an ethical self-relation freed from epistemic-moral imperatives. In addition to these thematic concerns, the desire for freedom animates the movement of thought itself, whereby the very activity of thought becomes a practice of freedom, insofar ~ as in its affirmation of the freedom of others it effects a cathartic purge of its own deep structures, liberates dissonance within itself, dissents from the rules and norms of political criticism and finally, in an ecstatic dispossession, unfaithfully frees itself from its own identity: 'Thought is freedom in relation to what one does.' (Foucault 1984c, 388) What is singular about Foucault's thought on freedom is

that besides taking freedom as an object of thought, he makes thought itself the ~, object of practices of freedom, thinking freedom freely rather than confining it once ~, more within a certain epistemic-moral mode of thought by elaborating a 'theory of ~ freedom'.

To think freedom freely is to resist the temptation to fix its meaning and define the possibilities of its practice by locating it within a form of order, real or imaginary, practical or theoretical, possible or impossible. This entails abandoning the dangerous illusion of ever resolving this question, of ever having the last word on freedom, if only because freedom itself would be such a last word: 'The guarantee of freedom is freedom.' (Foucault quoted in Gordon 1991, 47)

It is this affirmation of the freedom of thought in the thought of freedom that seems to us to be a singular feature of Foucault's philosophy that defines what being Foucauldian might mean today. Posing the question of the significance of 'Foucault Now', Todd May arrives at a similar conclusion, emphasising how Foucault's works invite our permanent return to them not because they must be 'deciphered, commented upon, researched, psychoanalysed, annotated, cited, and for those of us who teach, assigned to undergraduate students as part of a new, improved canon' (May 2006, 76. Cf. Fox 1998). Instead, May suggests that reading Foucault might be a form of 'spiritual exercise' that orients our way of living, showing us that, as Foucault has insisted, 'we are much freer than we feel' (Foucault 1988b, 10):

We return to [Foucault's writings] not to discover whether the penal regime of torture ever overlapped with that of rehabilitation, but to recall the contingencies of our own history, and to remind ourselves - because we so often forget - that our history is indeed contingent. We return to his writings because he speaks to us, from out of our past - and perhaps still, out of our present - of who we have been and who we are, and he does so in ways that allow us to imagine who we might become. We return to Foucault Now, and we will return to him in the future, because the freedom he sought in his life and freedom of which he gives us a glimpse in ours is, contrary to all those in power who would prefer that we do not know it, a set of possibilities that remain intact before us. Our task, the task that remains to us, is to live these possibilities. (May 2006, 76)

From this perspective, 'being Foucauldian' has more to do with the receptivity to this liberating experience of the movement of thought towards its own freedom than with the fidelity to particular concepts, postulates and hypotheses. If, as Trent Hamann (2006, 79) correctly claims, reading Foucault can be a 'life-changing experience', the consequence of this experience must surely be distinct from a pious conformity of a convert.

Since the life-changing force of Foucault's work consists precisely in thought freeing itself from all that constrains it and ultimately from its own identity, being Foucauldian must also mean being unfaithful to Foucault, ruthlessly pushing his insights to the limit, probing their implications at most unfamiliar sites and ultimately playing these implications off against what may have been the original intentions of the author. Being Foucauldian necessarily entails deforming his thought-experience precisely in order to repeat it as a transformative and liberating experience adequate to our present. No commentary or exegesis will ever serve this purpose, as it will always remain stuck outside the 'labyrinth' of Foucault's thought, 'in which [it] can lose [itself] and appear at last to eyes that [it] will never have to meet again' (Foucault 1989, 17). Yet, it is possible to enter this labyrinth of thought that flees from itself once we give up the attempt to trace in the maze of

its underground passages Foucault's 'true' identity. Fully aware that 'we are difference, [and] our selves the difference of masks' (Foucault 1989, 131), we shall make no attempt to attain the 'truth' of Foucault's thought by tracing our path along the many abandoned masks. Unfaithfully and freely, we shall make our own way through Foucault's labyrinth. This is therefore not a book about Foucault and his thought on freedom - it is a book about political freedom that in our view cannot be written ~ without an engagement with Foucault's freedom of thought.

ALT: FREEDOM

FREEDOM ONLY EXISTS IN AN IMMANENT RELATION TO LIFE—THE ONLY WAY TO PRODUCE FREEDOM AGAINST DOMINATION IS IN CONSTANT SELF-CONSTITUTION

PROZOROV, 2007, COLLEGIUM RESEARCH FELLOW, HELSINKI COLLEGIUM FOR ADVANCED STUDIES, UNIVERSITY OF HELSINKI, FINLAND, [SERGEI, *FOUCAULT, FREEDOM AND SOVEREIGNTY*, p34-35]

Yet, what is it that refuses, resists and twists loose, if not the anterior subject whom, according to Foucault's critics, Foucault must presuppose to make his discourse on freedom meaningful? It is crucial to emphasise that to posit the subject of resistance is not to endow it with any pre-political authentic identity. According to Nikolas Rose, resistance is rather located in the gap between one's actual existence and the positivity of identity that specifies it in discourse: 'human being - like all else - exceeds all attempts to think it.' (Rose 1 996b, 35----Q) Similarly, in Paul Patton's argument (1995, 359),

Foucault needs only a minimal or, in our terms, austere ontology of human being as a 'material to which techniques [of subjectification] are applied and which resists [this application]'. The ontological precondition of freedom is not an anterior subjectivity but a sheer capacity to act, be acted upon and resist force. As we shall argue in detail below, a Foucauldian subject resists solely as a living being. 'It is not a question of advocating such resistance, of praising autonomy or blaming domination as respective exemplars of a good and evil for all, but simply of understanding why such resistance does occur. Foucault does not think that resistance to forms of domination requires justification. To the extent that it occurs, such resistance follows from the nature of particular human beings. It is an effect of human freedom.' (Patton 1998, 73. See also Patton 2000; Connolly 1998; Oksala 2005) The vitalist overtones of this understanding of freedom have been elaborated in Gilles Deleuze's reconstruction of Foucault's concept of biopower.

Life becomes resistance to power when power takes life as its object. [...] When power becomes biopower, resistance becomes the power of life, a vital power that cannot be contained within the paths of a particular diagram. Is not the force that comes from outside a certain idea of Life, a certain vitalism, in which Foucault's thought culminates? Is not life the capacity to resist force? [...] There is no telling what man might achieve 'as a living being', as a set of forces that resist. (Deleuze 1988, 92-3)

Although this notion of life as an ontological precondition of freedom appears to betray a residual naturalism in Foucault's otherwise strongly anti-essentialist approach, it is necessary to note the nuances in this conception of freedom. While Foucault (1990a, 157) has occasionally affirmed the apparently natural 'bodies and pleasures' as the locus of 'genuine' practices of freedom in opposition to the discourse of sexual liberation, it would be

erroneous to conclude that this affirmation reintroduces the principle of originary authenticity with regard to some prediscursive primal matter (cf. Horowitz 1995; Oksala 2005, chapter 5). The subject of resistance for Foucault is not an anterior vital force that resists but that which emerges in the act of resistance to diagrammatic enfolding. Freedom therefore does not consist in letting the primal forces of life be but in their confrontation with that which threatens to enclose them within a discursive domain of positivity. Resistance is therefore not protective but rather constitutive of freedom as 'something one has and does not have, something one wants, something one conquers' (Nietzsche 1977, 271). For this reason, freedom can never be a foundation of any social order, since it exists and manifests itself solely in acts of resistance to the 'self-constituting practices' that this order prescribes and can never be 'a state-of-being within a society that would accord with our moral nature, noumenal or social-historical' (Rajchman 1994a, 193). Yet, on the other hand, freedom can never exist apart from the social order, since it is only activated in the practice of resistance to and the transgression of the identity constituted by the diagram

We may therefore sum up the third response to the question of freedom in Foucault's work as the advancement of the notion of concrete freedom, which involves the diagram without being reducible to its operations and is extra-diagrammatic not because it precedes the diagram but because it confronts it. To paraphrase Foucault, we may term this attitude to freedom 'unhappy positivism', a sense of disappointment in and dissatisfaction with any positive diagrammatic constitution of freedom that animates permanent resistance to governmental modes of subjectification.

ALT: FREEDOM—BEYOND IDENTITY

ALT – AFFIRM THE UNKNOWABILITY OF ONE’S IDENTITY, TO MOVE INTO THE HAPPY LIMBO OF DISREGARD. WE ASK YOU NOT TO ANTAGONIZE THE STATE, BUT TO ANTIGONIZE.

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In our view, the Foucauldian resistance to the diagrammatic constitution of subjectivity is furthest away from questioning or contesting identity, affirming a 'hybridity' of identities or their 'multiplicity', let alone opposing 'marginal' identities as authentic in opposition to the 'dominant' ones. All forms of 'identity politics' remain heterogeneous to the practice of concrete freedom, insofar as they are tied to the language of positivity, the assumption of authenticity and the articulation of freedom with knowledge

Foucault's famous call for the 'insurrection of subjugated knowledges' (1980e, 81) ought to be understood in his own minimalist terms, whereby the 'subjugated knowledges' in question are entirely exhausted by the knowledge of their subjugation and the cathartic dispossession of the subject from the diagrammatic knowledge of oneself. The effect of this knowledge is then not the anxiety about finding an authentic, local or marginal alternative to one's diagrammatically constituted identity but the displacement of

the concern with identity as such, following Foucault's cryptic summation of his method (1977d, 185): 'What is the answer to the question? The problem. How is the problem resolved? By displacing the question.' The task is therefore to define non-identity otherwise than negatively or in terms of a binary opposition. To speak of non-identitarian freedom is not to oppose identity to 'pure difference' or affirm non-identity as an 'alternative' to identity. Neither is it to invoke the experience of a 'loss of identity', since, as a property of the diagram, identity is never one's own to possess or to lose. It is rather to de-problematise identity, admit to 'not knowing who we are' and to renounce all interest in such knowledge, shrugging one's shoulders indifferently in response to the question of one's identity. In Foucault's expression, it is to enter a 'happy limbo of non-identity' (Foucault in Dews 1995, 168) that renders one immune to the diagrammatic seduction of self-discovery and self-fulfilment. In his *Coming Community* (1993b), Giorgio Agamben has provided a poignant illustration of what this 'happy limbo' might be like in his discussion of St. Thomas's meditations on the fate of children who die unbaptised, the inhabitants of limbo. Since these children have no fault other than the original sin, they cannot be consigned to hell and their only punishment is the 'perpetual lack of the vision of God' (Agamben 1993b, 4). However, since these children were not baptised and therefore lack any supernatural knowledge, implanted at baptism, they cannot suffer this lack, or even perceive it as such. Thus, Agamben argues, what was intended as punishment turns into a natural joy for the inhabitants of limbo: 'Irremediably lost, they persist without pain in divine abandon. God has not forgotten them, but rather they have always already forgotten God, and in the face of their forgetfulness, God's forgetting is impotent. Like letters with no addressee, these uprisen beings remain without a destination. Neither blessed like the elected, nor hopeless like the damned, they are infused with a joy with no outlet.' (Ibid., 5) Thus, the limbo paradoxically becomes the site of genuine human freedom, which is only accessible through an exodus from or abandonment by the positive order and the identities that it specifies, an experience that only resembles an utter catastrophe from an intra-diagrammatic perspective: 'These beings have left the world of guilt and justice behind them: the light that rains down on them is that irreparable light of the dawn following the novissima dies of judgment. But the life that begins on earth after the last day is simply human life.' (Ibid., 6) The inhabitants

of Foucault's limbo of non-identity are similarly unaware of their privation. Insofar as one renounces the interest in the authenticity of one's identity and the techniques of its actualisation, the promise of diagrammatic liberation begins to be received with a mild and somewhat uncomprehending amusement. Isn't the very discourse on identity, in all its varieties, beguilingly strange in its promise to deliver to the subject the truth of his individuality by subjecting him to the knowledge that is entirely alien to him or, conversely, tirelessly teaching him what he is presupposed to already know? Isn't there something ludicrous in the effort to extract the truth of being from the depths of subjective interiority by filling these very depths with a plethora of discursive constructions? Isn't the very notion of identity little more

than an amusing artefact, which stops being amusing when one's entire existence becomes subjected to it, when it brands and penetrates one's very being? Against all misrecognised affinities, the Foucauldian subject of freedom is therefore entirely distinct from today's 'postmodern subjects', cosmopolitan 'frequent travellers' (Calhoun 2003), who are engaged in the play of multiple identities, permanently 'reinventing' themselves in accordance with both the imperatives of the market and New Age ethics, the latter being the perfect correlate of the former (see Zizek 2006, 383-4). What is at stake here is the opposition between plenitude and lack: while the 'postmodern' resistance to diagrammatic identity targets its restrictive character and finds the pathway to freedom in the multiplication and hybridisation of identities, the Foucauldian gesture is the exact opposite, i.e. the affirmation of one's fundamental non-identity with oneself, the ontological negativity that renders impossible even one identity, not to speak of their multiplicity. Yet, the relation between plenitude and lack is not a simple opposition: the ontological negativity of the subject is of course only a lack or a privation from an intra-diagrammatic perspective, as it points to the impossibility of closure, thus depriving the diagram of ontological consistency.

In contrast, in the exteriority of the diagram, this 'lack' rather points to the plenitude of metonymous 'being beside itself', an unnameable excess of being that can never be incorporated into any identity. From this dual affirmation of internal lack and external plenitude follows not the desire for the proliferation of identities, but the effacement of the desire for identity as such The subject of freedom may thus be formalised as S (S), a being beside its own diagrammatic identity that it brackets off precisely by its minimal exteriority to it. At the same time, this formula reminds us that one may never dwell in the pure outside, dispensing with the diagram in its entirety. Instead, diagrammatic identity is not eliminated but, strictly speaking, bracketed off, 'retained' only in the sense of being set aside. This formula demonstrates that the subject of concrete freedom fashions itself through a homonymous difference from its own diagrammatic identity and a metonymic displacement from it, thereby emerging as one's own metonymous J double at the exterior limit of the diagram.

ALT: LOCAL KNOWLEDGE

LOCAL CRITIQUES OF KNOWLEDGE CAN EMPIRICALLY DESTABILIZE BROADER UNITIES BY DISRUPTING THEIR EVERYDAY CONNECTIONS

FOUCAULT, PROFESSOR AT THE COLLEGE OF FRANCE, **1980** [POWER/KNOWLEDGE: SELECTED INTERVIEWS & OTHER WRITINGS, PG. 96-99]

I would say, then, that what has emerged in the course of the last ten or fifteen years is a sense of the increasing vulnerability to criticism of things, institutions, practices, discourses. A certain fragility has been discovered in the very bedrock of existence—even, and perhaps above all, in those aspects of it that are most familiar, most solid and most intimately related to our bodies and to our everyday behaviour. But together with this sense of instability and this amazing efficacy of discontinuous, particular and local criticism, one in fact also discovers something that perhaps was not initially foreseen, something one might describe as precisely the inhibiting effect

of global, totalitarian theories. It is not that these global theories have not provided nor continue to provide in a fairly consistent fashion useful tools for local research: Marxism and psychoanalysis are proofs of this. But. I. believe these tools have only been provided on the condition that the theoretical unity of these discourses was in some sense put in abeyance, or at least curtailed, divided, overthrown, caricatured, theatricalised, or what you will. In. each case, the attempt to think in terms of a totality has in fact proved a hindrance to research. So, the main point to be gleaned from these events of the last fifteen years, their predominant feature is the local character of criticism. That should not, I believe be taken to mean that it's qualities are those of an obtuse, naive or punitive empiricism; nor is it a soggy eclecticism, an opportunism that laps up any and every kind of theoretical approach.; nor does it mean a self-imposed ascetism which taken by. Itself would reduce to the worst kind of theoretical impoverishment: I believe that what this essentially local character of cynicism indicates in reality is an autonomous non-centralised kind of theoretical production one that is t~ say whose validity is not dependent on the approval of the established regimes of thought. It is here that we touch upon another feature of these events that has been manifest for some time now: it seems to me that this local criticism has proceeded by means of what one might term 'a return of knowledge'. What I mean by that phrase is this: It is a fact that we have repeatedly encountered, at least at a superficial level, in the course of most recent times, an entire thematic to the effect that it is not theory but life that matters, not knowledge but reality, not books but money etc.; but it also seems to me that over and above, and arising out of this thematic, there is something else to which we are witness, and which we might describe an Insurrection of subjugated knowledges. By subjugated knowledges I mean two things: on the one hand, I am referring to the historical contents that have been burned and disguised in a functionalist coherence or formal systemisation. Concretely, it is not a semiology of the life of the asylum, It is not even a sociology of delinquency, that has made it possible to produce an effective cynicism of the asylum and likewise of the prison, but rather the immediate emergence of historical contents. And this is 80 Power/Knowledge simply because only the historical contents allow us to rediscover the ruptural effects of conflict and struggle that the order imposed by functionalist or systematising thought is designed to mask. Subjugated knowledges are thus those blocs of historical knowledge which were present but disguised within the body of functionalist and systematising theory and which criticism - which obviously draws upon scholarship- has been able to reveal. On the other hand, I believe that by subjugated knowledges one should understand something else, something which in a sense is altogether different, namely, a whole set of knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath the required level of cognition or scientificity. I also believe that it is through the re-emergence of these low-ranking knowledges, these unqualified, even directly disqualified knowledges (such as that of the psychiatric patient, of the ill person, of the nurse, of the doctor-parallel and marginal as they are to the knowledge of medicine- that of the delinquent etc.), and which involve what I would call a popular knowledge (ie savoir des gens) though it is far from being a general commonsense knowledge, but is on the contrary a particular, local, regional knowledge, a differential knowledge incapable of unanimity and which owes its force only to the harshness with which it is opposed by everything surrounding it-that it is through the re-appearance of this knowledge, of these local popular knowledges, these disqualified knowledges, that criticism performs its work. However, there is a strange kind of paradox 10 the etesire to assign to this same category of subjugated knowledges what are on the one hand the products of meticulous, erudite, exact historical knowledge, and on the other hand local and specific knowledges which have no common meaning and which are in some fashion allowed to fall. !?O disuse whenever they are not effectively and explicitly maintained in themselves. Well, it seems to me that our critical discourses of the last fifteen years have in effect discovered their essential force in this association between the buried knowledges of erudition and those disqualified from the hierarchy of knowledges and sciences. Two Lectures 83 In the two cases- in the case of the erudite as in that of the disqualified knowledges- with what in fact were these buried, subjugated knowledges really concerned? They were concerned with a historical knowledge of struggles. In the specialised areas of erudition as in the disqualified, popular knowledge there lay the memory of hostile encounters which even up to this day have been confined to the margins of knowledge. What emerges out of this is something one might call a genealogy, or rather a multiplicity of genealogical researches, a painstaking rediscovery of struggles together with the rude memory of their conflicts. And these genealogies, that are the combined product of an erudite knowledge and a popular knowledge, were not possible and could not even have been attempted except on one condition, namely that the tyranny of globalising discourses with their hierarchy and all their privileges of a theoretical avant-garde was eliminated.

ALT: LOCAL KNOWLEDGE

ONLY THE ALTERNATIVE, IN CHALLENGING THE MOST OBVIOUS FRINGES OF POWER EXERTION, CAN OVERCOME THE OPPRESSION OF THE STATE APPARATUS

FOUCAULT, PROFESSOR AT THE COLLEGE OF FRANCE, **1980** [POWER/KNOWLEDGE: SELECTED INTERVIEWS & OTHER WRITINGS, PG. 96-99]

The problem for me is how to avoid this question, central to the theme of right, regarding sovereignty and the obedience of individual subjects in order that I may substitute the problem of domination and subjugation for that of sovereignty and obedience. Given that this was to be the general line of my analysis, there were a certain number of methodological precautions that seemed requisite to its pursuit. In the very first place, it seemed important to accept that the analysis in question should not concern itself with the regulated and legitimate forms of power in their central locations, with the general mechanisms through which they operate, and the continual effects of these. On the contrary, it should be concerned with power at its extremities, in its ultimate destinations, with those points where it becomes capillary, that is, in its more regional and local forms and institutions. Its paramount concern, in fact, should be with the point where power surmounts the rules of right which organise and delimit it and extends itself beyond them, invests itself in institutions, becomes embodied in techniques, and equips itself with instruments and eventually even violent means of material intervention. To give an example: rather than try to discover where and how the right of punishment is founded on sovereignty, how it is presented in the theory of monarchical right or in that of democratic right, I have tried to see in what ways punishment and the power of punishment are effectively embodied in a certain number of local, regional, material institutions, which are concerned with torture or imprisonment, and to place these in the climate- at once institutional and physical, regulated and violent - of the effective apparatuses of punishment. In other words, one should try to locate power at the extreme points of its exercise, where it is always less legal in character. A second methodological precaution urged that the analysis should not concern itself with power at the level of conscious intention or decision; that it should not attempt to consider power from its internal point of view and that it should refrain from posing the labyrinthine and unanswerable question: 'Who then has power and what has he in mind? What is the aim of someone who possesses power?' Instead, it is a case of studying power at the point where its intention, if it has one, is completely invested in its real and effective practices. What is needed is a study of power in its external visage, at the point where it is in direct and immediate relationship with that which we can provisionally call its object, its target, its field of application, there- that is to say-where it installs itself and produces its real effects. Let us not, therefore, ask why certain people want to dominate, what they seek, what is their overall strategy. Let us ask, instead, how things work at the level of on-going subjugation, at the level of those continuous and uninterrupted processes which subject our bodies, govern our gestures, dictate our behaviours etc. In other words, rather than ask ourselves how the sovereign appears to us in his lofty isolation, we should try to discover how it is that subjects are gradually, progressively, really and materially constituted through a multiplicity of organisms, forces, energies, materials, desires, thoughts etc. We should try to grasp subjection in its material instance as a constitution of subjects. This would be the exact opposite of Hobbes' project in Leviathan, and of that, I believe, of all jurists for whom the problem is the distillation of a single will-or rather, the constitution of a unitary, singular body animated by the spirit of sovereignty- from the particular wills of a multiplicity of individuals. Think of the scheme of Leviathan: insofar as he is a fabricated man, Leviathan is no other than the amalgamation of a certain number of separate in- dividualities, who find themselves reunited by the complex of elements that go to compose the State; but at the heart of the State, or rather, at its head, there exists something which constitutes it as such, and this is sovereignty, which Hobbes says is precisely the spirit of Leviathan. Well, rather than worry about the problem of the central spirit, I believe that we must attempt to study the myriad of bodies which are constituted as peripheral subjects as a result of the effects of power.

THOUGHT IS CRUCIAL TO POLITICAL REFORM; THE THOUGHT INDUCED BY THE ALTERNATIVE WOULD SPARK MASSIVE POLITICAL CHANGE

-BRATICH, 2003 [JACK, ASSISTANT PROFESSOR OF COMMUNICATIONS AT UNIVERSITY OF NEW HAMPSHIRE, *FOUCAULT, CULTURAL STUDIES, AND GOVERNMENTALITY*, P. 68]

This conception of thought has very practical, concrete effects for political action, since "as soon as one can no longer think things as one formerly thought them, transformation becomes both very urgent, very difficult, and quite possible" (Foucault, 1988b, p. 155). Or, as Rose (1999) puts it, "showing the role of thought in holding [contingent arrangements] together . . . also show[s] that thought has a part to play in contesting them" (p. 59). More than just being a condition for change, thought is also imperative to prevent a return or doubling of the institutions and practices targeted for transformation. Without "the work of thought upon itself ... whatever the project of reform, we know that it will be swamped, digested by modes of behavior and institutions that will always be the same" (Foucault, 1988b, p. 156).

ALT: LOCAL KNOWLEDGE

ONLY A BOTTOM UP ANALYSIS OF POWER RELATIONS AT THE MOST INFINTESIMAL LEVEL HAS THE ABILITY TO TRULY CHANGE THE CYCLE OF POVERTY AND EXCLUSION; THE CRITICISM OF THE ALTERNATIVE REDIRECTS THE FLOW OF POWER AWAY FROM THE BOURGEOISIE AND DISRUPT THE CIRCULATION OF STATE KNOWLEDGE

FOUCAULT, PROFESSOR AT THE COLLEGE OF FRANCE, 1980 [POWER/KNOWLEDGE: SELECTED INTERVIEWS & OTHER WRITINGS, PG. 96-99]

A third methodological precaution relates to the fact that power is not to be taken to be a phenomenon of one individual's consolidated and homogeneous domination over others, or that of one group or class over others. What, by contrast, should always be kept in mind is that power, if we do not take too distant a view of it, is not that which makes the difference between those who exclusively possess and retain it, and those who do not have it and submit to it. Power must be analysed as something which circulates, or rather as something which only functions in the form of a chain. It is never localised here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organisation. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this

power. They are not only its inert or consenting target; they are always also the elements of its articulation. In other words, individuals are the vehicles of power, not its points of application. The individual is not to be conceived as a sort of elementary nucleus, a primitive atom, a multiple and inert material on which power comes to fasten or against which it happens to strike, and in so doing subdues or crushes individuals. In fact, it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. The individual, that is, is not the vis-à-vis of power; it is, I believe, one of its prime effects. The individual is an effect of power, and at the same time, or precisely to the extent to which it

is that effect, it is the element of its articulation. The individual which power has constituted is at the same time its vehicle. There is a fourth methodological precaution that follows from this: when I say that power establishes a network through which it freely circulates, this is true only up to a certain point. In much the same

fashion we could say that therefore we all have a fascism in our heads, or, more profoundly, that we all have a power in our bodies. But I do not believe that one should conclude from that that power is the best distributed thing in the world, although in some sense that is indeed so. We are not dealing with a sort of democratic or anarchic distribution of power through bodies. That is to say, it seems to me—and this then would be the fourth

methodological precaution—that the important thing is not to attempt some kind of deduction of power starting from its centre and aimed at the discovery of the extent to which it permeates into the base, of the degree to which it reproduces itself down

to and including the most molecular elements of society. One must rather conduct an ascending analysis of power, starting, that is, from its infinitesimal mechanisms, which each have their own history, their own trajectory, their own techniques and tactics, and then see how these mechanisms of power have been- and continue to be- invested, colonised, utilised, involuted, transformed, displaced, extended etc., by ever more general mechanisms and by forms of global domination. It is not that this

global domination extends itself right to the base in a plurality of repercussions: I believe that the manner in which the phenomena, the techniques and the procedures of power enter into play at the most basic levels must be analysed, that the way in which these procedures are displaced, extended and altered must certainly be demonstrated; but above all what must be shown is the manner in which they are invested and annexed by more global phenomena and the subtle fashion in which more general powers or economic interests are able to engage with these

technologies that are at once both relatively autonomous of power and act as its infinitesimal elements. In order to make this clearer, one might cite the example of madness. The descending type of analysis, the one of which I believe one ought to be wary, will say that the bourgeoisie has, since the sixteenth or seventeenth century, been the dominant class; from this premise, it will then set out to deduce the internment of the insane. One can always make this deduction, it is always easily done and that is precisely what I would hold against it. It is in fact a simple matter to show that since lunatics are precisely those persons who are useless to industrial production, one is obliged to dispense with them. One could argue similarly in regard to infantile

sexuality - and several thinkers, including Wilhelm Reich have indeed sought to do so up to a certain point. Given the domination of the bourgeois class, how can one understand the repression of infantile sexuality? Well, very simply - given that the human body had become essentially a force of production from the time of the seventeenth and eighteenth century, all the forms of its expenditure which did not lend themselves to the constitution of the productive forces - and were therefore exposed as redundant - were banned, excluded and repressed. These kinds of deduction are always possible. They are simultaneously correct and false. Above all they are too glib, because one can always do exactly the opposite and show, precisely by appeal to the principle of the dominance of the bourgeois class, that the forms of control of infantile sexuality could in no way have been predicted. On the contrary, it is equally plausible to suggest that what was needed was sexual training, the encouragement of a sexual precociousness,

(card continues...)

ALT: LOCAL KNOWLEDGE

(...card continues)

given that what was fundamentally at stake was the constitution of a labour force whose optimal state, as we well know, at least at the beginning of the nineteenth century, was to be infinite: the greater the labour force, the better able would the system of capitalist production have been to fulfil and improve its functions. I believe that anything can be deduced from the general phenomenon of the domination of the bourgeois class. What needs to be done is something quite different. One needs to investigate historically, and beginning from the lowest level, how mechanisms of power have been able to function. In regard to the confinement of the insane, for example, or the repression and interdiction of sexuality, we need to see the manner in which, at the effective level of the family, of the immediate environment, of the cells and most basic units of society, these phenomena of repression or exclusion possessed their instruments and their logic, in response to a certain number of needs. We need to identify the agents responsible for them, their real agents (those which constituted the immediate social entourage, the family, parents, doctors etc.), and not be content to lump them under the formula of a generalised bourgeoisie. We need to see how these mechanisms of power, at a given moment, in a precise conjuncture and by means of a certain number of transformations, have begun to become economically advantageous and politically useful. I think that in this way one could easily manage to demonstrate that what the bourgeoisie needed, or that in which its system discovered its real interests, was not the exclusion of the mad or the surveillance and prohibition of infantile masturbation (for, to repeat, such a system can perfectly well tolerate quite opposite practices), but rather, the techniques and procedures themselves of such an exclusion. It is the mechanisms of that exclusion that are necessary, the apparatuses of surveillance, the medicalisation of sexuality, of madness, of delinquency, all the micro-mechanisms of power, that came, from a certain moment in time, to represent the interests of the bourgeoisie. Or even better, we could say that to the extent to which this view of the bourgeoisie and of its interests appears to lack content, at least in regard to the problems with which we are here concerned, it reflects the fact that it was not the bourgeoisie itself which thought that madness had to be excluded or infantile sexuality repressed. What in fact happened instead was that the mechanisms of the exclusion of madness, and of the surveillance of infantile sexuality, began from a particular point in time, and for reasons which need to be studied, to reveal their political usefulness and to lend themselves to economic profit, and that as a natural consequence, all of a sudden, they came to be colonised and maintained by global mechanisms and the entire State system. It is only if we grasp these techniques of power and demonstrate the economic advantages or political utility that derives from them in a given context for specific reasons, that we can understand how these mechanisms come to be effectively incorporated into the social whole. To put this somewhat differently: the bourgeoisie has never had any use for the insane; but the procedures it has 100 Power/Knowledge Two Lectures 101 employed to exclude them have revealed and realized from the nineteenth century onwards, and again on the basis of certain transformations - a political advantage, on occasion even a certain economic utility, which have consolidated the system and contributed to its overall functioning. The bourgeoisie is interested in power, not in madness, in the system of control of infantile sexuality, not in that phenomenon itself. The bourgeoisie could not care less about delinquents, about their punishment and rehabilitation, which economically have little importance, but it is concerned about the complex of mechanisms with which delinquency is controlled, pursued, punished and reformed etc. As for our fifth methodological precaution: it is quite possible that the major mechanisms of power have been accompanied by ideological productions. There has, for example, probably been an ideology of education, an ideology of the monarchy, an ideology of parliamentary democracy etc.; but basically I do not believe that what has taken place can be said to be ideological. It is both much more and much less than ideology. It is the production of effective instruments for the formation and accumulation of knowledge - methods of observation, techniques of registration, procedures for investigation and research, apparatuses of control. All this means that power, when it is exercised through these subtle mechanisms, cannot but evolve, organise and put into circulation a knowledge, or rather apparatuses of knowledge, which are not ideological constructs. By way of summarising these five methodological precautions, I would say that we should direct our researches on the nature of power not towards the juridical edifice of sovereignty, the State apparatuses and the ideologies which accompany them, but towards domination and the material operators of power, towards forms of subjection and the inflections and utilisations of their localised systems, and towards strategic apparatuses. We must eschew the model of Leviathan in the study of power. We must escape from the limited field of juridical sovereignty and State institutions, and instead base our analysis of power on the study of the techniques and tactics of domination.

ALT: RESISTANCE

RESISTANCE MUST ATTEMPT TO SUBVERT AND CONTEST ALL INSTANCE OF CONTROL—EVEN POLITICAL FAILURES BASED ON THE ALTERNATIVE WILL PRODUCE CHANGE IN THE END

CLIFFORD, 2001, MICHAEL, ASSOCIATE PROFESSOR OF PHILOSOPHY AT MISSISSIPPI STATE UNIVERSITY, *PG. 140 – 141, POLITICAL GENEALOGY AFTER FOUCAULT*, 2001

<<<<What can be done against the disciplinary mechanisms and power relations which subject us? Is there any recourse besides juridical, rights-based appeals to sovereignty?⁵⁰ Foucault offers us no easy, formulaic answers. Resistance has to be specific and appropriate to the situation it opposes. It may require calculated retreats, compromises, temporary submissions. The most basic form of resistance would be a simple refusal: "To say no is the minimum form of resistance."⁵¹ Such resistance can have a significant impact on the powers that be. Moreover, it can open up other possibilities for strategic resistance. Resistance can also take the form of "confrontation strategies," which can take shape as direct challenges, and can be more or less violent. Even when such confrontations are ineffective, they can make it possible to identify strengths and weaknesses in a given power relation, which can be used strategically in future attacks. Another possible form of resistance would be various "subversion strategies," which operate by using the dictates of a given power relationship against itself, but without outright opposition. Even the appeal to rights can be effective in suspending or even upsetting relations of power, provided that such an appeal is recognized as a strategy, that it is raised in response to a specific practice, and that it does not end up perpetuating or reinforcing a particular disciplinary coercion, or of setting up a new one in its place.⁵² Whatever its form, any strategy of resistance will have as its aim, ultimately, to refuse a certain form of subjection which limits the possibilities of what we can be as free human beings: "The political, ethical, social, and philosophical problem of our day is not to liberate the individual from the state and from the state's institutions, but to liberate us both from the state and from the type of individualization which is linked to the state. We have to promote new forms of subjectivity through a refusal of the kind of individuality which has been imposed on us for several centuries."⁵³ Promoting new forms of subjectivity requires resisting entrenched relations of power. This does not mean we can ever be completely free of power relations. On the contrary, the best we can do is to replace one power relation with another. The best we can hope for is a power relation with fewer constraints and more open possibilities for free activity, for expressions of human subjectivity.^{54>>>}

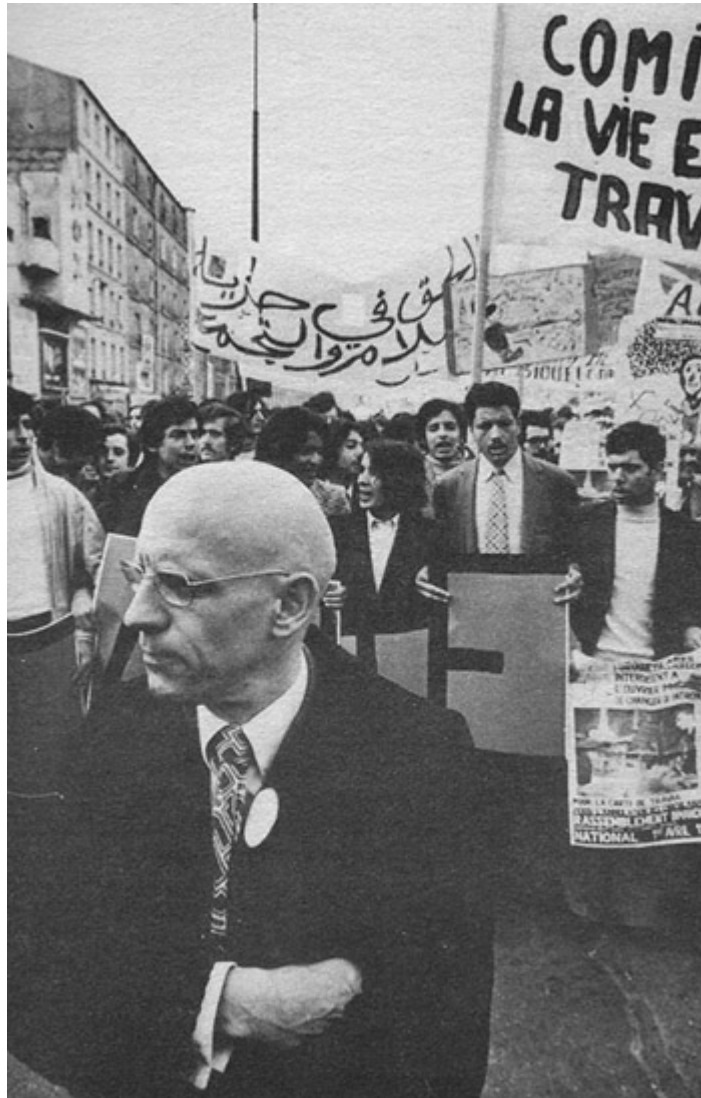
RESISTANCE IS IMMANENT TO RELATIONS OF POWER—CRITIQUE SHOULD REFUSE CONSENT

SIMONS, CRITICAL THEORY AND CULTURAL STUDIES AT THE UNIVERSITY OF NOTTINGHAM, **1995** [JON, *FOUCAULT AND THE POLITICAL*, p.37-38]

Resistance is possible when power pushes towards its limits. Power relations should always be analysed in terms of adversarial struggle and confrontational strategies. There must always be points of insubordination at which it is possible not to escape power per se, but to escape the particular strategy of power relation that directs one's conduct.-Each adversarial relation is potentially reversible (1982a: 225-6). The term that best characterizes Foucault's concept of adversarial, strategic, potentially reversible power relations is 'agonism' (222). The word suggests a contest involving strategy, reaction and even taunting, as in a wrestling match." Agonism may be as serious as political domination or as light as child's play. It permeates all the different types of relationships (economic, familial, communicative and sexual) within which power relations are immanent (1978b: 94). There is, however, one sense in which resistance becomes absolute for Foucault. All regimes structures of power reach their limit when people give 'preference to the risk of death over the certainty of having to obey', which is 'that moment when life will no longer barter itself, when the powers can no longer do anything, and when, before the gallows and the machine guns, men revolt'. No power can continue to rule over people who refuse to be intimidated by death (1981e: 5). Foucault discusses here the Iranian revolution about which he was accused of being unduly enthusiastic, but he refers to the Warsaw ghetto revolt as involving the same degree of intensity and defiance. When a regime becomes merely destructive, it ceases to govern (1982a: 220). An act of suicide would demonstrate the limits of a power relation (1988p: 12). Certainly in the context of bio-power, 'death is power's limit, the moment that escapes it' (1978b: 138). Foucault is too enthusiastic about revolt that demands the ultimate sacrifice." His admiration for the spiritual, revolutionary experience as a way of life suggests a mode of living that transcends the limits of normal life. Yet he is simultaneously aware that such existence is sustained by a momentary light that will soon die out (1988f: 218-9). Absolute transgression is a lightning flash, not daylight. Less dramatic but more continuous acts of resistance may be more significant affirmations of agonistic liberty (Thiele, 1990: 922-3). Another objection is that if bio-power has made this the century of genocide, how will the willingness to die limit the oppressive power of regimes that do not wish to govern whole populations but to murder them? Death and sacrifice may indicate the limits of power but they are not its insurmountable impasses. As in Tian An Men Square, sometimes when governments order the tanks to crush the bodies in their path the soldiers obey. Foucault's enthusiasm for revolt that costs lives is unbearably light because while life may be lived as resistance, death cannot be lived. It is a transgression that escapes all limits. With these qualifications in mind, Foucault's argument that revolt as refusal to obey demonstrates the limits to power remains valid. To some extent, all political power is conditional upon the cooperation and obedience of its subjects, who always have the potential to withdraw their consent and thus defeat tyrannies (Sharp, 1985: 151). Foucault argues that such revolt stands in the way of 'absolute absolutism' and anchors all forms of liberty (1981e: 5). It is not the existence of universal rules and doctrines of natural rights that limit power, but practices of liberty (5, 8). 'Liberty is a practice ... [I]t is never assured by the institutions and laws that are intended to guarantee [it]' (1984g: 245). Liberty should not be considered as a secure state of liberation unbreached by excesses of power, but as the practices that effectively limit power (1988p: 2-3). It is not the philosophical critique of power that limits its excesses, but practical critique in the form of resistance.

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

THE CARCERAL ARCHIPELAGO—ANSWERS TO:



***AT: NO ALTERNATIVE

THEIR NO ALTERNATIVE ARGUMENT IS ANOTHER LINK—THE QUESTION OF ALTERNATIVES TO BIOPOLITICS IS A RIGGED GAME THAT ENSURES THE SMOOTH FUNCTIONING OF DOMINATION BY REDUCING THE POLITICAL TO THE BIOPOLITICAL PRODUCTION OF NEW MODALITIES OF POWER

PROZOROV, 2007, COLLEGIUM RESEARCH FELLOW, HELSINKI COLLEGIUM FOR ADVANCED STUDIES, UNIVERSITY OF HELSINKI, FINLAND, [SERGEI, *FOUCAULT, FREEDOM AND SOVEREIGNTY*, p 147-150]

Conclusion
Why Want Freedom?

We have concluded the second part of this book with an outline of **an anti-biopolitical strategy of the counterproductive 'refusal of care' that runs against the dominant tendencies in contemporary critical thought**. While today's critical discourse in political and international relations theory is constituted by a diverse critique of sovereignty of both the state and the subject, we have reaffirmed sovereignty as, in a strict sense, another name for freedom, its rigorous ontopolitical counterpart. **Whereas the critique of the 'demonic project' of modernity tends to focus on its disavowed sovereign foundation, we have suggested that freedom is rather jeopardised by the immanent rationalities of biopolitical rule, resistance to which must necessarily traverse the stage of the reaffirmation of the sovereignty**

of bare life. Finally, we have highlighted the radical heterogeneity of concrete freedom to any form of immanentism, which, intentionally or unwittingly, betrays the experience of freedom through its subsumption under a positive form of political order, which would itself be 'free', so that the freedom of its subjects would become redundant. In contrast, we have defined freedom as a necessarily transgressive experience, a rupture of the transcendence of the undecidable decision within the immanence of the diagram, which simultaneously effects a rupture in the subject itself between its diagrammatic identity and its meto-homonym of irreducibly potential being that can never be subsumed under any diagram. It is precisely that which cannot be subsumed that, to recall Schmitt, is sovereign, and it is resistance to such subsumption that constitutes the subject as a being that is always beside itself.

Nonetheless, **when concretised as a mode of political practice, the ethos of sovereign freedom does not posit a teleology of our empowerment as sovereigns in the positive sense, but rather invokes the possibility of the weakening of all power as the outcome of our ceaseless resistance to the diagrammatic abduction of our existence. The state of exhausted destitution that awaits us when we twist loose from the diagram is certainly a poor contender in a rhetorical competition with the eschatological visions of triumphant emancipation that have successfully tempted humanity throughout modernity and continue to do so, as we are invited to transcend modernity, albeit in a typically modern fashion. Moreover, this exhausted fulfilment of our sovereign power is unlikely ever to be complete or final, hence the struggle for freedom will always be a complex strategic game of advances and retreats, states of capture and moments of liberation. The Foucauldian politics of freedom is thus entirely in accordance with Foucault's own description of himself as an 'active pessimist', clearly aware that 'everything is dangerous' but nonetheless devoted to deciding, every day, on 'which is the main danger'** (Foucault 1984b, 343). Yet, why should a

pessimist be active? Why do we still resist, if our experience, including the experience of reading Foucault, teaches us that promises of a 'better tomorrow' at best disappoint and at worst deceive, that **projects of emancipation may always lead to more effective enslavement** and that no perfect order can ever be built on our desire for freedom? The question we must address in the conclusion to this book is: why want freedom?

In answering this question we may undertake another 'transvaluation' of contemporary critical discourse. On the basis of our previous discussion we may claim that the desire for freedom is determined not by the orientation towards a 'brighter future', but by the experiences of the past. This **thesis differentiates our account from the so-called 'messianic' turn** in continental philosophy, primarily associated with the later work of Jacques Derrida (1992b, 1995, 1996. See also Badiou 2003; Agamben 2004). In this approach, the concept of the messianic is divorced both from the concrete figure of the messiah and from the theological tradition in general. This 'messianism without messianism' (Derrida 2005, 86-92) only seeks to retain in the messianic tradition the experience of a pure event that ruptures the existing order of being, radically reshaping one's conditions of existence. More specifically, in Derrida's influential work on the 'democracy to come' (1994, 1996, 2005), **the messianic dimension refers to the temporal structure of democracy as a promise that is indefinitely deferred** and, by virtue of its very semantic structure, may never be actually fulfilled: a democracy to come will never be actually present at any determinate moment in the future. The 'to-come' not only points to the promise but suggests that democracy will never exist, in the sense of present existence, not because it will be deferred but because it will always remain aporetic in its Structure.' (Derrida 2005, 86) Although Derrida takes particular care to differentiate this notion from a Kantian or a Habermasian 'regulative idea' and insists that despite its 'promissory/structure' 'democracy to come' must guide our actions in the 'here and now', he nonetheless affirms this ideal as an orientation towards the future: 'the to of the 'to come' wavers between imperative injunction (call or performative) and the patient perhaps of messianicity (nonperformative exposure to what comes, to what can always not come or has already come' (ibid., 91). Whether 'democracy to come' is something we must venture to establish or patiently wait for, it is nonetheless something that is structurally, i.e. necessarily, impossible at present.

In contrast to Derrida, **Foucault's ontology of freedom contains no messianic expectation, as freedom is and has always been present as the condition of possibility of any form of order. No diagram could ever be established in any other manner than by a free sovereign decision. Moreover, no diagram need ever have been established, were its subjects not sovereign to themselves prior to its establishment. The diagram is entirely dependent on the freedom of its subjects, which it abducts and orders in accordance with its positive rationalities. The experience of freedom is therefore entirely independent of the future and is always instantly available in the here and now as a transgression of the limits of our own diagrammatic identities. Even when the diagram appears fully closed**

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***AT: NO ALTERNATIVE

(...card continues)

unto self-immanence and all possibilities of freedom seem to be foreclosed, the very genealogy of this diagram permits us to hear, behind its claims to truth and morality, 'the distant roar of battle' (Foucault 1977b: 308) that made it possible. Freedom is therefore not 'always to come' but rather 'always has been'. We must pay attention to the grammatical structure of the present perfect tense, which indicates the inclusive character of predication: the action, described by the present perfect, started in the past and continues in the present. This grammatical structure corresponds exactly to our ontology of freedom in its affirmation of both the antecedence of the freedom of human beings to any order of government and its continuing existence even under the worst forms of oppression. Thus, in a strict sense, we should speak not of our desire for freedom, whose advent lies in the future, but of the desire of our freedom to escape its captivity in the deficit of existence.

It is by virtue of our always already having been free in the ontological sense that we resist and it is this ontological freedom that finds its ontic manifestation in every concrete act of resistance. The singularity of Foucault's thought consists not in the eschatological promise of future liberation but in its demonstration of the infinite range of possibilities of freedom in the here and now. In this sense, the Foucauldian position is heterogeneous to Derrida's messianism but accords with what may be called a 'post-messianic' philosophy of Agamben (see Ojakangas 2005b; Mills 2004). Whereas Derrida conceives of the messianic as always 'to come', present in our present only as a deferred promise or injunction, for Agamben the messianic moment has already arrived or, more precisely, there is no need to wait for its arrival since its experience is entirely available to us in Our present existence. While Derrida's messianism does not seek to dismantle the existing diagrams but rather to highlight their undecidability and the presence of the messianic promise within them, Agamben's approach seeks to dispense with the existing structure of the political order as such in a self-consciously apocalyptic prophecy of a profane 'happy life' beyond the reach of power.

As we have remarked above, Agamben's key difference from Foucault is the eschatological pathos, wholly alien to the latter philosopher. Nonetheless, both of these approaches emphasise the universal availability of the experience of freedom in the here and now and thereby dismantle the messianic horizon of expectation. Our freedom is neither the task of the bright future nor even the instrument for bringing it about. For both Foucault and Agamben, the experience of freedom must rather involve a certain liberation from the future, insofar as any determinate image of the future, any telos of political practice, functions as an instrument of our subjection in the present.

Instead, the experience of freedom is available to us all in our present existence as an ever-present potentiality of our present to be otherwise than it is. At the same time, ontic practices of freedom remain rare, their availability all too frequently obscured by the diagram's claims to truth and morality, necessity and self-evidence, and most insidiously, to liberation. Thus, Foucault's claim that we are ontologically much freer than we feel entails that ontically we have not been as free as we might have been. The desire of our freedom is therefore animated by our realisation of the full extent of our subjection in the past that has made us what we are in the present.

We have started this book with describing Foucault's thought on freedom as an exemplar of free thought, an experience of thought that itself liberates us from our identity. We may now conclude that this experience of flight can hardly be conceived as a blissful state of contentment. The ecstatic exodus of thought from the confinement of our historical ontologies ultimately finds freedom at the exterior limit of every diagram as the excess of human being over any attempt to reduce it to a positivity, an identity or a project. This experience of the universal availability of freedom leads to a sobering realisation of the full extent of our unfreedom in the past.

Moreover, given that freedom can never be granted by any diagram but can only be reclaimed from it, we begin to recognise that all too often we only have ourselves to blame for our unfreedom. Indeed, many of the practices we have previously engaged in under the assumption that there was 'no alternative' only succeeded in governing us because of the absence of our resistance to them. Being freer than one felt before,

the ecstatic experience of Foucault's thought, does not open to us a horizon of 'bright future' but, rather less eminently, reveals to us the full extent of our voluntary servitude in the past. The practice of concrete freedom in the present is therefore driven by the failures to be free in the past - the subjection and suffering incurred as necessary and self-evident, the possibilities foregone due to the claims for their impossibility, the attachment to diagrammatic artefacts that promised us access to our authentic identity. The experience of free thought leaves us with scars that we did not know we ever had, the scars left by the wounds that we never perceived as wounding. These scars mark our prior deficit of existence, making us painfully perceive that we 'could have been otherwise', were our potentiality not abducted by the diagram and reduced to the actuality of our positive identity. If, as Žižek (2004b) correctly claims, 'liberation hurts', this is not merely because liberation necessarily presupposes a violent confrontation, but rather because the very moment of liberation leaves us with a bitter regret about all that' could have been'.

AT: NO ALTERNATIVE

THEIR CLAIMS THAT WE NEED TO MAKE SOME STRUCTURAL CHANGE MISS THE POINT – OUR ALTERNATIVE IS POWERFUL PARTICULARLY BECAUSE IT AVOIDS THE TRAPS OF GOVERNMENT AND THUS CAN TRANSCEND IT ALL

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Secondly, what is demanded of Foucault is a set of universal and normative rather than particular and aesthetic) criteria, in terms of which the question of 'better' codes and disciplines could be posed. As Nancy Fraser (1995, 147) claims, 'what Foucault needs, and needs desperately, are normative criteria for distinguishing acceptable from unacceptable forms of power' (and consequently of resistance) to avoid slipping into the nihilist 'wholesale rejection of modernity'. As Foucault is taken to reject 'humanism', he is required to offer 'some alternative, posthumanist ethical paradigm capable of identifying objectionable features of a fully realised autonomous society' (Fraser 1994b, 185). In short, the only form a discourse on freedom can take is that of a paradigmatic positivity, an alternative to the present disciplinary and confessional society, and thus located on the same ontological plane. In this aspect of criticism, Foucault's critics resort to the discourse of the 'perfect order' that we have introduced above: Foucault's discourse on freedom is held to be incoherent or outright unintelligible, insofar as it resists the identification of freedom with a certain form of social order. What is at stake is not merely Foucault's lack of enthusiasm about the 'liberal state', which could always be ignored as a purely political divergence, but, far more seriously, the absence of 'positive evaluation' of any form of state as a necessary container for practices of freedom.

If Foucault's discourse were merely a reflection of his commitment to some positive alternative to liberalism (e.g. socialism or conservatism), the debate between Foucault and his critics might have at least unfolded on the same level of normative political philosophy and, however interminable and fruitless, would have a comforting familiarity as belonging to the century-old tradition of social criticism. Instead, Foucault's intervention in the discourse of political philosophy is so disconcerting precisely because, rather than provide a new perspective on the already-existing field of inquiry, it sought to reshape this field itself, by thoroughly reorienting political thought in a number of ways: from the problematic of transcendent sovereignty to the analysis of immanent power relations, from the critique of 'repression' to the study of productivity of power, and, most importantly for our study, from the grand thematic of 'liberation' to the analysis of concrete practices of freedom. All these reorientations are, however, effaced in the demand of Foucault's critics to return to the prior conventions of the discourse on freedom in order to be admitted into this field – a disciplinary action, if there ever was one. In other words, the order of the discourse on freedom established by Foucault's liberal critics offers a highly limited choice of two enunciative modalities: a 'positive evaluation' of what is basically a liberal modality of freedom (with its assumptions of subjective anteriority and interiority) or the elaboration of a positive alternative to 'liberal humanism' (which of course, could then be dismissed as normatively unacceptable).

AT: NO ALTERNATIVE/PERMUTATION—NO DIAGRAM

THE CONCEPT OF FREEDOM IS AN A PRIORI ISSUE THAT CANNOT EXIST WITH ANY OF THE AFF'S CONSTRAINTS—ONLY BY REJECTING ALL ORDERING DIAGRAMS CAN WE PRODUCE FREEDOM

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We may thus sum up the Foucauldian ontological conception of freedom in terms of potentiality for being otherwise that exceeds every historical determination of being through the constitution of an identity, the articulation of a discourse or the of a diagram. Non-diagrammatic, non-discursive and non-identitarian - it appears that the only characteristics of a Foucauldian concept of freedom are purely negative, begging the question of the attraction of such freedom. After all, the existence in proximity to the void, stripped of the security of identity and the governmental guarantees of the sanctity of the 'free space', resigns one to an insecure life in a state of utter symbolic destitution without offering as a reward or a consolation any teleology of a final liberation. With regard to this objection, we ought to note that in our account freedom figures as a practice among others, that, moreover, owes its existence to its non-necessity, the possibility to renounce and exchange it for such undoubtedly attractive values as belonging, security or community. Moreover, given that historically only a free subject could be the subject of exchange, freedom functions as the ontological condition of possibility of the attainment of all these aspirations. Yet, this possibility does not justify the identification of freedom with any of these values, 'so reformulating the definition of freedom that it is always represented as something good without qualification' (Berlin 2002, 49). We must therefore concur with Berlin's insistence on the need to break with the tendency to equate freedom with happiness or the 'good life': 'Everything is what it is: liberty is liberty, not equality or fairness or justice or culture or human happiness or a quiet conscience.' (Ibid., 172) **It is therefore entirely unwarranted to demand of the practices of freedom the fulfilment of any of these desires** - insofar as our aspirations necessarily involve other beings, our attainment of these aspirations logically cannot be determined solely by our free pursuit of them. Moreover, **our desires may well be mutually exclusive**, so that some pathways of being-otherwise would be foreclosed by the choice of other such pathways. Besides, understanding freedom in terms of potentiality must also presuppose the possibility of not pursuing any such pathway at all. Passivity, impasse and frustration are thus necessarily inscribed in the very concept of freedom as the possible effects of its practice. Freedom is therefore not a guarantee for the fulfilment of any desire but rather the condition of possibility of its pursuit.

Summing up our reconstruction of the Foucauldian ontology of freedom, we must conclude that its singular achievement consists in simultaneously thinking freedom ontologically as an ever-present potentiality of human being and positing this ontology outside the confines of a 'perfect order', in which everyone's freedom would be fully actualised. Foucault refers to the latter disposition as transcendental narcissism (1989, 203), according to which one's freedom, happiness or any other value require a validation of their transcendental status to be worthwhile. Transcendental narcissism finds empirical individuality insufficient and supplements it with the construction of chimerical entities, onto which one projects one's vision of 'true freedom', in whose image the world (rather than merely one's own self) must be re-ordered. However, in Foucault's ontology a 'free world' is a manifest impossibility, unthinkable even as a utopia. It is not by changing the world, i.e. transforming the positive forms of truth, power and ethics that govern our being in the world, that man becomes free; on the contrary, man is from the outset fundamentally free, because the ontology of these forms is historical and our being in the world may therefore never be reduced to these positivities.

In Foucault's ontology of freedom, transcendental narcissism is disabled by demonstrating that there is nothing transcendental about our truth, power and ethics and, moreover, that there is nothing about them that is, in a strict sense, ours. The externalisation of the epistemic-political-ethical regime of the diagram, achieved by the painstaking labour of Foucault's archaeologies and genealogies, opens a clearing, in which human freedom is finally visible and articulable as the permanent excess of all historical-ontological enfolding of human existence. This affirmation is evidently furthest away from any positive project of transformation, however global and radical, but rather concerns enhancing the possibilities of living in but in excess of the diagram. In Thomas Dumm's terms, the task of concrete freedom proceeds from dispensing with Marx's Eleventh Thesis on Feuerbach: '[T]he philosophers have transformed the world in various ways, to make it unrecognisable, and for too many of us, unlivable. The point is not to change the world but to live in it.' (Dumm 1994, 332)

From this perspective, the significance of Foucault's ontology of freedom consists in illuminating the radical heterogeneity of freedom to any diagram of order, liberal or socialist, real or utopian, emancipatory or repressive.

For all their differences, all diagrams, from the most hideous tyranny to the least

(card continues...)

AT: NO ALTERNATIVE/PERMUTATION—NO DIAGRAM

(...card continues)

plausible utopia are equally heterogeneous to freedom, although the degree of its suppression and the possibilities of its practice that remain open will certainly vary considerably.

In Foucault's phrase, 'Whatever scenario one takes a power relation would be established and the question would still remain how to limit its effects.' (Foucault 1988g, 168. See also Foucault 1988b) The negativity of this notion of freedom is evident in its lack of any recourse to the language of rights, its scepticism with regard to the governmentally sanctioned 'civil liberties', its evasion of all normative ideals that are perceived as unwarranted containers to the practice of freedom. Yet, it would be incorrect to dismiss this freedom as a mere antonym of power. Indeed, the very notion of potentiality logically and etymologically presupposes the power

of a human being to be and not to be, to be thus and otherwise. In the second part of this book we shall posit 'concrete freedom' as in itself a form of exercise of power, the sovereign 'power of life' that ruptures the immanence of every diagram. Before delving into the discussion of the relation between freedom and sovereignty, let us introduce in the following interlude the literary figure that for us epitomises the Foucauldian practice of freedom, J.M. Coetzee's Michael K.

THEIR CRIES OF NO ALT ONLY SHOW THEIR FIXEDNESS TO THE FLAWED WAYS OF THE STATUS QUO.

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At the same time, Foucault's 'austere ontology' permits us to understand why the transgression of limits does not consist in the leap out of the diagram into the outside, which, of course, is a space impossible to inhabit (cf. Foucault 1987, 1997). There is nothing on the outside that could be valorised and presented as an 'alternative' to diagrammatic positivities. The very language of 'alternatives' that countless critics sought to impose on Foucault is diagrammatised from the outset by the subsumption of the brute alterity of the outside under distinct positive forms, so that a discourse on freedom is confined to the discussion of relative benefits of different diagrams. In contrast, the practices of concrete freedom have nothing to do with the desire for 'another diagram', but are rather entirely contained in passage to the exterior limit of the diagram in question: 'transgression has its entire space in the line that it crosses.' (Foucault 1977a, 34)

AT: PERMUTATION

PERM FAILS – THE ALTERNATIVE CAN ONLY EXIST OUTSIDE OF THE SOCIAL

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Concrete Freedom: The Resistance of a Living Being The third response to the question of a Foucauldian freedom, drawing primarily on Foucault's writings on art, transgression and 'aesthetics of existence', attempts precisely this task of dissociating freedom from the positivity of the diagram. Such authors as Gilles Deleuze (1988), James Bernauer (1990), Jon Simons (1995), John Rajchman (1985), Paul Patton (1995) and Thomas Dumm (1996) argue not merely for the possibility of a Foucauldian discourse on freedom, but for the centrality of freedom to Foucault's historical ontology. Rajchman distinguishes between two notions of freedom at work in Foucault's discourse. Foucault's nominalist histories of e.g. madness, medicine or sexuality disentangle the processes of formation of what Rajchman refers to as 'nominal' freedoms that in our terminology are discursively constituted, positive properties of a diagrammatically specified identity. According to Rajchman, exposing the constituted character of such freedoms serves to enhance one's 'real freedom', which is understood as a practice rather than a final state, a practice that consists in one's 'revolt' against the instituted identity. For every instituted conception of freedom we apply a nominalist reversal and attempt to determine the larger practice within which it figures; that practice is then what involves our 'real' freedom, something asocial, which cannot be instituted or guaranteed. Thus our real freedom does not consist either in our telling true stories and finding our place within some tradition or ethical code, in completely determining our actions in accordance with universal principles or in accepting our limitations in authentic self-relation. [...] Our real freedom is found in dissolving or changing the politics that embody our nature, and as such it is asocial or anarchical. No society or polity could be based on it, since it lies precisely in the possibility of constant change. Our real freedom is thus political, though it is never finalisable, legislatable or rooted in our nature. (Rajchman 1985, 122-23) In this approach, a 'real' freedom or, in Foucault's own (and arguably less contentious) expression, 'concrete freedom' (Foucault 1988b, 36) is characterised by the following features. Firstly, and recalling Rorty's idea of a 'private' quest for autonomy, this freedom is 'asocial' and 'anarchical', irreducible to any social order but rather implicated in every project of its transformation. It is thus clear why it is impossible to satisfy the demand of Foucault's critics for a positive alternative to a liberal diagram of freedom. Whatever such alternative could be conjured, 'real' freedom would still relate to the project of its transgression rather than be fully actualised within its utopian diagram. Nonetheless, pace Rorty, this notion of freedom is explicitly political in the sense employed by philosophers as diverse as Carl Schmitt (1976) and Jacques Ranciere (1995), since it consists in the moment of radical openness and contestation and has the force of a constitutive decision that takes exception from the positivity of the diagram. Freedom is therefore an active practice of resistance rather than a retreat into the governmentally sanctioned private space. In Foucault's fortunate formulation, freedom is an 'art [rather than a state] of not being governed quite so much' (Foucault in Chambers 2001, 116): Liberty is a practice. The liberty of men is never assured by the institutions and laws that are intended to serve it. This is why almost all of these laws and institutions are quite capable of being turned around. Not because they are ambiguous, but simply because 'liberty' is what must be exercised. The guarantee of freedom is freedom. (Foucault in Gordon 1991, 47. Emphasis added.) One will know that freedom is alive not when the interests emerging in a society are allowed to express themselves, be represented and be pursued, not even when dissent and heresy are allowed to manifest themselves, but when contestation, unruliness, intractability are not yet abolished. (Pizzomo 1992, 207) Incapable of being firmly established or guaranteed by any institutional structure of the political order, concrete freedom consists in a momentary act rather than a permanent state of affairs: 'It is occasion, spark, challenge. It is risk, it is not guaranteed, backed-up or assured: it always remains without an end.' (Rajchman 1985, 123) Concrete freedom is thus simultaneously political and extra-diagrammatic. Insofar as we understand the political as the constitutive outside of the social order rather than as a functionally differentiated subsystem within it (see Schmitt 1976; Laclau and Mouffe 1985; Lefort 1988; Ranciere 1995), we may suggest that concrete freedom is political without being social. In other words, it targets the totality of the diagram, in which human existence is reduced to a positive social project, contesting not the already sedimented features of this project but rather the very process of this sedimentation, whereby the acts of power, implicated in the formation of any diagram, are effaced by their reinscription as instruments of liberation. In short, the affirmation of concrete freedom is driven by the abduction of human existence, necessarily presupposed in any establishment of a 'nominally' free social order. Secondly, this notion of freedom is entirely divorced from any assumption of originary authenticity and the correlate projects of self-discovery or self-actualisation that are central to the epistemic regime of liberal government. As a number of studies have demonstrated, liberal governmental rationality synthesises the mobilisation of human desire for freedom with the specification of its content, so that one is incited to discover and liberate one's 'inner self' through following an externally devised model of e.g. an 'active citizen', an 'enterprising employee' or a 'caring mother' (see Rose 1990; Marinetto 2003; Triantafyllou and Nielsen 2001; Rankin 2001). The concept of concrete freedom targets not merely these models of freedom, but the very desire for self-discovery that they respond to. In Foucault's phrase (1982, 216), 'the target nowadays is not to discover what we are but to refuse what we are.' Insofar as subjective interiority is always an effect of governmental practices of subjectification, freedom must consist in the resistance to 'the administrative inquisition which determines who one is' (Bernauer 1994, 258), 'a refusal to contract into an identity, a continual twisting loose from the historical forms of life by which I [one] is always already shaped' (Caputo 1993, 255).

AT: PERMUTATION—DEPOLITICIZATION/CONTAINMENT

THE PERMUTATION IS A STRATEGY OF TECHNICAL CONTAINMENT—IT REDUCES POLITICAL CONTESTATION TO A CONFLICT OF IMPLEMENTATIONS AND A QUESTION OF EXPERTISE—VOTE NEGATIVE TO KEEP THE FRONT OF STRUGGLE OPEN

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<<<Although rendering contentious issues technical is a routine practice for experts, I insist that this operation should be seen as a project, not a secure accomplishment. Questions that experts exclude, misrecognize, or attempt to contain do not go away. On this point I diverge from scholars who emphasize the capacity of expert schemes to absorb critique, their effective achievement of depoliticization. Hubert Dreyfus and Paul

Rabinow, among others, argue that expert knowledge takes "what is essentially a political problem, removing it from the realm of political discourse, and recasting it in the neutral language of science." They find expertise closed, self-referencing and secure once a "technical matrix" has been established. Resistance, or failure to achieve a program's stated aims, comes to be "construed as further proof of the need to reinforce and extend the power of the experts." Thus "what we get is not a true conflict of interpretations about the ultimate worth or meaning of efficiency, productivity, or normalization, but rather what might be called a **conflict of implementations**."²⁴ Similarly,

Timothy Mitchell describes discursive practices that translate issues of poverty, landlessness, and hunger into problems of public health to be solved by technical interventions in social relations and hygiene. In his account, experts rule: much of the time, they succeed in disguising their failures and continue to devise new programs with their authority unchallenged.²⁵ Ferguson offers the qualified observation that development "may also very effectively squash political challenges to the system" by its insistent reposing of political questions in technical

term.²⁶ Nikolas Rose stresses the "switch points" where critical scrutiny of governmental programs is absorbed back into the realm of expertise, and "an opening turns into a closure."²⁷ Closure, as these scholars have shown, is indeed a feature of expert discourses. Such discourses are devoid of reference to questions they cannot address, or that might cast doubt upon the completeness of their diagnoses or the feasibility of their solutions. In particular, as Ferguson and Mitchell stress, they exclude what I call political-economic questions—questions about control over the means of production, and the structures of law and force that support systemic inequalities. I am fascinated by the question of how these questions are screened out in the constitution of improvement as a technical domain, and I examine this operation in detail in several chapters of this book. Yet I am equally interested in the "switch" in the opposite direction: in the conditions under which expert discourse is punctured by a challenge it cannot contain; moments when the targets of expert schemes reveal, in word or deed, their own critical analysis of the problems that confront them. I make a conjuncture of this kind the focus of my analysis in chapters 4 and 5. From the perspective proposed by Foucault, openings and closures are

intimately linked. He describes the interface between the will to govern and what he calls a strategy of struggle as one of "permanent provocation."²⁸ He writes: For a relationship of confrontation, from the moment it is not a struggle to the death, the fixing of a power relationship becomes a target—at one time its fulfillment and its suspension. And in return the strategy of struggle also constitutes a frontier for the relationship of power, the line at which, instead of manipulating and inducing actions in a calculated manner, one must be content with reacting to them after the event. In effect, between a relationship of power and a strategy of struggle there is a reciprocal appeal, a perpetual linking and a perpetual reversal.²⁹ As I see it, the unsettled meaning of the terms politics and the political hinge on this element of linking and reversal.³⁰ Is politics the name for a relation of power, or a practice of contestation? At what point does one slide into the other? In order to pin down the relation of "perpetual reversal" that Foucault describes in rather abstract terms and to make it the subject of empirical investigation, I have settled on a terminology that distinguishes between what I call the practice of government, in which a concept of improvement becomes technical as it is attached to calculated programs for its realization," and what I call the practice of politics—the expression, in word or deed, of a critical challenge. **Challenge often starts out as refusal of the way things are. It opens up a front of struggle**. This front may or may not be closed as newly identified problems are rendered technical and calculations applied. Government, from this perspective, is a response to the practice of politics that shapes, challenges, and provokes it. The practice of politics stands at the limit of the calculated attempt to direct conduct. It is not the only limit, however. In the next section, I examine the limit presented by force.>>>

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AT: OUR DEMAND FRAMEWORK SOLVES—NOT IMPLEMENTED

GOVERNMENTAL POLICIES ARE FORMED ON PRAGMATICS, NOT ON THE ETHICAL APPEAL AGAINST THE PROBLEM—THEIR GOOD INTENTIONS GET DROWNED OUT

DUYVENDAK & UITERMARK, 2005 [JAN WILLEM, JUSTUS, PROFESSOR OF SOCIOLOGY AT UNIVERSITY OF AMSTERDAM, PH.D. DEGREE AT THE AMSTERDAM SCHOOL OF SOCIAL SCIENCES, *POLICY, PEOPLE, AND THE NEW PROFESSIONAL*, MAY 2005, P.64-66]

Historical resreach (Duyvendak & Rijkshroeff 2004; Fermin 1997; Prins 2000 [2004]; Rijkshroeff, Duyvendak & Pels 2004) has demonstrated that over the last decades, much of the policy making has been driven by pragmatic conditions rather than principles. Moreover, one and the same policy instrument seems to have been applied over time for different reasons, either pragmatic or principle related. (Luceo & Kobben '992') To put it another way, policy does not have a one-to-one relationship with ideals; it is based on a variety of motives and justifications as well as principles, and cannot be reduced simply to the implementation of an ideal. An idea that commonly crops up in the public and political debates is that the ideal of a multicultural society permeates all phases of policymaking, including the results, but the literature reveals serious doubts about whether there is a direct relationship between ideas and the actual results of policies (Lipsky 1980; Wilson 1989; Pressman & Wildavsky 1984). In many studies on multiculturalism, the 'black box' of public administration and how policies are executed remains closed. People assume that there is a close link between the policy pursued and what professionals do in practice. In the Netherlands, policies were multicultural in the sense that they recognised the right of ethnic self-organisation, and due to the religiously 'pillarised' past there was a legal framework that provided rights to minorities (and to other citizens) to follow their own cultural and religious identities. Whether this indeed led to a lot of multicultural practices is an entirely different question - one we want to answer in this chapter on professional practices. Due to space considerations, however, we cannot investigate the complex relationship between ideals, policies, and practices in detail. What we can do is shed some light on how recent shifts in public debates and the political climate have affected professional practices by briefly discussing two cases. The first concerns the Neighbourhood Alliance, an organisation that shares many of the criticisms that are now often made against multiculturalism. We show that this organisation attempts to translate an ideological critique of multiculturalism into a concrete program. At the same time, we see that there are powerful forces at play on a local level that make it difficult to effectively implement this program. The second case concerns recent reforms of Rotterdam's local right-wing government in which the party of the late Pim Fortuyn is quite hegemonic. This government's mission was to create and implement policies that departed radically from those of the left-wing governments that had ruled Rotterdam for decades. In this case too, we find that the translation of an anti-multicultural ideal into policy practice is not straightforward. Both cases highlight that there are many obstacles that frustrate the translation of ideals into policy and the implementation of policies into practice. These obstacles play their part even when the ideals themselves are hegemonic in the public debate. The notion that ideals and policies on the one hand and professional practices on the other are closely linked is also a fundamental assumption in the debate on (de) professionalization: new neo-liberal policies are blamed for limiting the maneuvering space of professionals.

DEBATES DON'T TRANSLATE INTO GOVERNMENT IMPLEMENTATION—THE GOVERNMENT HAS ITS OWN AGENDA AND DOES NOT CT IN THE PEOPLE'S INTERESTS WHICH LEADS TO DISCONTEMPT IN THE PUBLIC SPHERE

DUYVENDAK & UITERMARK, 2005 [JAN WILLEM, JUSTUS, PROFESSOR OF SOCIOLOGY AT UNIVERSITY OF AMSTERDAM, PH.D. DEGREE AT THE AMSTERDAM SCHOOL OF SOCIAL SCIENCES, *POLICY, PEOPLE, AND THE NEW PROFESSIONAL*, MAY 2005, P.73]

The most important observation is simply that there is a world of difference between the national debate and the reality of policymaking in neighbourhoods. The concerns of local actors are not necessarily the same as those expressed in the public sphere. While commentators who participate in the national debate may be concerned about Dutch norms and values or the (lack of) compatibility between Islamic and Western civilisations, most organisations in disadvantaged neighbourhoods simply want to reach their target groups in order to develop and maintain policy interventions. As a consequence, they sometimes end up acting against the very beliefs that are promoted in the public sphere. This is most apparent with the issue of political and administrative organisation along ethnic lines. In the Dutch case, such a constellation is normally not defended on ideological grounds ('each ethnic group should have a seat at the table!') but on pragmatic grounds ('we can only reach immigrants through immigrant organisations'). In a sense, then, examining the exceptional position of the Neighbourhood Alliance helps us understand that most of the time ideology does not find its way into professional practice. When an organisation like the Neighbourhood Alliance explicitly scrutinises professional practices from an ideological viewpoint, it becomes apparent that almost all professional practices fall short of addressing public concerns (as manifested by the public sphere). Interestingly, this is also the case for the Neighbourhood Alliance itself on the basis of the research we have carried out so far, we conclude that only under very specific conditions (high involvement of headquarters with the panel, high level of professional support, co-operative attitude of other local stakeholders) does its program actually translate somewhat into practice.

AT: THEY WANT IT/LINK: NEED

CLAIMS OF OBJECTIVELY BEING TO DECIDE WHAT A PERSON NEEDS ALSO IS THE RIGHT TO CONTROL THEM

BATSLEER AND HUMPHRIS 2000 (JANET AND BETH, SENIOR LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, PRINCIPLE LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, *WELFARE, EXCLUSION, AND AGENCY* PGS 15-16)

The concept of 'voice' and 'agency' involves far more than is usually considered in relation to welfare as 'good practice' in promoting participation and user involvement in the management of services. It is 'important for welfare professionals to consider how best to engage Powerful perspectives emerging in organized form from groups not so far defined the nature of 'good practice'. Power has exercised in welfare practice by claims to knowledge which are true. generalizable, universal. Many of these scientific claims to knowledge have been incorporated - via medicine and psychology in particular - into welfare discourse In this context, the claim to knowledge about others is a claim to power in relation to them, for good or ill. The power lies in part in the capacity to define, analyse and name -even bring into being - human populations, and to establish, through these claims to knowledge, systems of control of those populations.

AT: WE LIMIT GOVERNMENT POWER

GOVERNMENT RELIES ON PARTIAL MODERATION TO MAINTAIN POWER. REFORM IS NOT SUCCESS FOR YOUR DEMAND IT IS A FORM OF ADAPTATION ON BEHALF OF THE GOVERNMENT

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, **1978** [MICHEL, *THE BIRTH OF BIOPOLITICS*, p. 19-20]

I WOULD LIKE TO refine a little the theses or hypotheses that I put forward last week with regard to what I think is a new art of government that began to be formulated, reflected upon, and outlined around the middle of the eighteenth century. I think an essential characteristic of this new art of government is the organization of numerous and complex internal mechanisms whose function—and this is what distinguishes them from *raison d'Etat*—is not so much to ensure the growth of the state's forces, wealth, and strength, to ensure its unlimited growth, as to limit the exercise of government power internally. This art of government is certainly new in its mechanisms, its effects, and its principle. But it is so only up to a point, because we should not imagine that this art of government is the suppression, obliteration, abolition, or, if you prefer, the *Aufhebung* of the *raison d'Etat* I tried to talk about last week. In fact, we should not forget that this new art of government, or this art of the least possible government, this art of governing between a maximum and a minimum, and rather minimum than maximum, should be seen as a sort of intensification or internal refinement of *raison d'Etat*; it is a principle for maintaining it, developing it more fully, and perfecting it. It is not something other than *raison d'Etat*, an element external to and in contradiction with *raison d'Etat*, but rather its point of inflection in the curve of its development. If you like, to use a not very satisfactory expression, I would say that it -is the reason of the least state within and as organizing principle of *raison d'Etat* itself, or again: it is the reason of least government as the principle organizing *raison d'Etat* itself. There is someone, unfortunately I've not been able to find his name in my papers, but when I do I will tell you, but certainly from the end of the eighteenth century, who spoke about "frugal government." Well, I think that actually at this moment we are entering what could be called the epoch of frugal government, which is, of course, not without a number of paradoxes, since during this period of frugal government, which was inaugurated in the eighteenth century and is no doubt still not behind us, we see both the intensive and extensive development of governmental practice, along with the negative effects, with the resistances and revolts which we know are directed precisely against the invasive intrusions of a government which nevertheless claims to be and is supposed to be frugal. Let's say--and this will be why we can say that we are living in the age of frugal government—that this extensive and intensive development of a government that is nevertheless supposed to be frugal has been constantly accompanied, outside and within government, by the question of the too much and the too little. Stretching things and giving a caricature of them, I would say that whatever the extension and intensive development of government there may be in fact, the question of frugality has been at the very heart of the reflection which has revolved around government.* The question of frugality has, if not replaced, at least overtaken and to an extent forced back and somewhat marginalized a different question which preoccupied political reflection in the sixteenth and seventeenth centuries, and even up to the start of the eighteenth century, which was the problem of the constitution. Certainly, all the questions concerning monarchy, aristocracy, and democracy do not disappear. But just as they were the fundamental questions, I was going to say the royal questions, in the seventeenth and eighteenth centuries, so starting from the end of the eighteenth century, throughout the nineteenth century, and obviously more than ever today, the fundamental problem is not the constitution of states, but without a doubt the question of the frugality of government. [The] question of the frugality of government is indeed the question of liberalism. I -would now like to take-up two or three of the points I mentioned last week in order to clarify and refine them.

*"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AT: LETTER OF THE LAW—FAILS

THE CONTINUAL RELIANCE ON THE UTOPIAN PROMISE OF THE LAW HAS FAILED FOR DECADES AND DECADES—THIS RELIANCE SERVES NOT TO CREATE CHANGE, BUT TO CHANNEL OUR IMPULSES TOWARD HOPE—THE DOMINATING SPIRIT OF THE LAW OVERWHELMS THE LETTER

BELL, VISITING PROFESSOR OF LAW AT NYU, 2004 [DERRICK, SILENT COVENANTS: BROWN V. BOARD OF EDUCATION AND THE UNFULFILLED HOPES FOR RACIAL REFORM, P. 185-189]

Racial Equality: A Goal Too Vulnerable

An understandable but, in retrospect, serious misjudgment was our over-reliance on court orders to achieve racial equality. In our school desegregation campaigns, equality would be realized when schools were no longer identifiable by race. This equality by "definitional fiat" limitation is circumscribed, as Brandon Lofton, a student in my constitutional law class points out, because we designated the U.S. government as maker and guarantor of the promise of equality." Lofton cites the speeches of Martin Luther King, Jr., and other black leaders who insisted that the government must honor its commitment to racial equality.

By so doing, Lofton argues, "the civil rights leadership limited its conception of African-American identity and freedom to the American legal and social context." This tactic helped the movement dismantle segregation at the point when the blatant "Jim Crow" system threatened the nation's policymakers' designs for world leadership after World War II. Thus when, with persistent pleading from the State and Justice Departments, the Supreme Court proclaimed that separate facilities were now to be inherently unequal, as Michael Seidman noted:

the demand for equality had been satisfied and blacks no longer had just cause for complaint. The mere existence of Brown thus served [to] legitimate current arrangements. True, many blacks remained poor and disempowered. But their status was no longer a result of the denial of equality. Instead, it marked a personal failure to take advantage of one's definitionally equal status.¹⁴

Equality by proclamation not only failed to truly reflect the complexity of racial subordination, it also vested the government and the courts with the ultimate moral authority to define African-American freedom. When the Brown decision was followed by civil rights laws, mostly motivated by black activism that highlighted the continuing racism that undermined our Cold War battles with the Soviet Union, policymakers and much of white society easily reached the premature conclusion that America was now fair and neutral. With implementation of the moderate civil rights laws, the trumpets of "reverse discrimination" began sounding the alarm. In quick response, the government and the courts began giving priority to the rights of "innocent whites" caught in the remedial web of civil rights laws that, to be effective, had to recognize and correct the priorities of race that some whites had deemed vested and permanent.

Soon the cacophony settled into a virtual orchestra playing a melody that in this century resembles the song that begins: "The party's over." I am not sure what that policy-activated orchestra was playing in the nineteenth century when the nation abandoned Reconstruction policies. In both eras, though, there is the readiness to mute any sound of the racial remedies earlier and solemnly promised to blacks in order to maintain stability and solidarity among whites whose own social and economic status varies widely.

Today, black people and many Hispanics are trapped in a racial time warp. We are buffeted by the painful blows of continuing bias as the law upon which we relied for remedies is reinterpreted with unsupported assurances that the disadvantages we suffer must be caused by our deficiencies because, we are told without even a trace of irony, racism is a thing of the past. The hypocrisy so apparent in the claims of a color-blind society illustrate the harsh and disconcerting truth about racial progress. We prefer to ignore or rationalize rather than confront these truths because they disrupt our long-settled expectations of eventual racial equality.

Given the setbacks in civil rights suffered in recent decades, and the decline in the relative well-being of so many people of color, civil rights adherents need to reconsider our racial goals. We need to examine what it was about our reliance on racial remedies that may have prevented us from recognizing that these legal rights could do little more than bring about the cessation of one form of discriminatory conduct that soon appeared in a more subtle though no less discriminatory form. I hope that this examination leads us to redefine goals of racial equality and opportunity to which blacks have adhered for more than a century.

Stanford professor Robert Gordon explained the need for this redefinition. Interpreting the writings of the Critical Race Theory adherents, he referred to the writings of Italian Marxist Antonio Gramsci and his notions of "hegemony." Gordon explained that:

the most effective kind of domination takes place when both the dominant and dominated classes believe that the existing order, with perhaps some marginal changes, is satisfactory, or at least represents the most that

(card continues...)

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AT: LETTER OF THE LAW—FAILS

(...card continues)

anyone could expect, because things pretty much have to be the way they are.¹⁵ Views of this kind afflict the working classes who, though recognizing they are ill-treated and poorly paid, toil on in silence, concluding that nothing can be done and "making waves" about their condition will only make things worse.

We civil rights professionals are not immune to the hegemonic syndrome. Even as we fight through the courts to improve conditions, our actions represent a major denial of reality about the nation's history and how and when it addresses even the most severe racial inequities. Thus, as Gordon asserts, we civil rights lawyers are a key cog in "legitimizing" class society by providing it an opportunity fromtime to time to appear "approximately just." While the law functions as a tool of the dominating class, it must function so as to induce both the dominant and dominated classes to accept the hierarchy. It accomplishes this result by appearing to be universal and operating with a degree of independence by making "it possible for other classes to use the system against itself . . . and force it to make good on its utopian promises." In so acting, Gordon maintains, the law can serve as an agent for positive gains by disadvantaged groups.

But there is a catch. The very process of realizing a gain sought through the courts ultimately serves to deepen the legitimacy of the system. Gordon and other critical legal scholars are correct in asserting that the effort to gain rights and even the discussion of rights serve to co-opt and legitimize the very concept of rights and equality, leaving them empty of dependable substance.

Professor Kimberle Crenshaw saw the dilemma a dozen years ago, but concluded that as long as race consciousness thrives, blacks will have to rely on rights rhetoric to protect their interests.¹⁶ There are, though, limited options to those deemed the Other in making specific demands for inclusion and equality. Doing so in the quest for racial justice, though, means that "winning and losing have been part of the same experience." Crenshaw recognized race and racism as playing key roles in the maintenance of hegemony, adding: "until whites recognize the hegemonic function of racism and turn their efforts toward neutralizing it, African-American people must develop pragmatic political strategies—self-conscious ideological struggle—to minimize the costs of liberal reform while maximizing its utility." Given racism's critical role in providing an outlet for white frustrations caused by economic exploitation and political manipulation, one wonders whether American society could survive as we know it if large numbers of whites ever realized what racism costs them and decided to do something about it.

The obsession with white dominance renders that much-needed recognition unlikely. Can it be that at some unacknowledged level racial equality advocates know we are living an impossible dream? And as a shield against that awful truth, can it be that we hold tightly to our belief in eventual racial justice and the litigation and legislation we hope will give meaning to that belief? Remaining faithful to the racial-equality creed enables us to drown out the contrary manifestations of racial domination that flourish despite our best efforts.

Long ago, in a major denial of reality, the racial-equality commitment had to survive the undeniable fact that the Constitution's framers initially opted to protect property, which included enslaved Africans. That commitment had to overlook the political motivations for the Civil War amendments, self-interest motivations almost guaranteeing that when political needs changed, the protection provided the former slaves would not be enforced. In conformity with past practice, protection of black rights is now predictably episodic. For these reasons, both the historic pattern and its contemporary manifestations require review and replacement of racial-equality ideology with specific programs leading to tangible goals.

Racism translates into a societal vulnerability of black people, whose exploitation few politicians—including those at the presidential level—seem able to resist. And why not? The unwillingness to remedy even the most serious racial injustices, if those remedies will appear detrimental to the expectations of whites, is now settled. The effectiveness of "racial bonding" by whites requires that blacks must seek a new and more realistic goal for our civil rights activism. African Americans need a rationale based on what we can gain for ourselves rather than on what we can obtain from courts or other government entities.

¹⁵ "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AT: CAPITALISM = FREEDOM

THE MARKET PRIVILEGES THE NATURAL OPERATING OF THE MARKET OVER THE FREEDOM OF INDIVIDUALS, AND EVEN SMOOTH FUNCTIONING OF THE ECONOMY CANNOT EXIST WITHOUT LIMITS AND REGULATIONS

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, 1978 [MICHEL, *THE BIRTH OF BIOPOLITICS*, p. 19-20]

Why speak of liberalism, and why speak of a liberal art of government, when it is quite dear that the things I have referred to and the features I have tried to indicate basically point to a much more general phenomenon than the pure and simple economic doctrine, or the pure and simple political doctrine, or the pure and simple economic-political choice of liberalism in the strict sense? If we take things up a bit further back, if we take them up at their origin, you can see that what characterizes this new art of government I have spoken about would be much more a naturalism than

liberalism, inasmuch as the freedom that the physiocrats and Adam Smith—talk about is much more the spontaneity, the internal and intrinsic mechanics of economic processes than a juridical freedom of the individual recognized as such. Even in Kant, who is much more a jurist than an economist, you have seen that

perpetual peace is not guaranteed by law, but by nature. In actual fact, it is something like a governmental naturalism which emerges in the middle of the eighteenth century. And yet I think we can speak of liberalism. I could also tell you—but I will come back to this?—that this naturalism, which I think is fundamental or at any rate original in this art of government, appears very dearly in the physiocratic conception of enlightened despotism. I will come back to this at greater length, but, in a few words, what conclusions do the physiocrats draw from their discovery of the existence of spontaneous mechanisms of the economy which must be respected by every government if it does not want to induce effects counter to or even the opposite of its objectives? Is it that people must be given the freedom to act as they wish? Is it that governments must recognize the essential, basic natural rights of individuals? Is it that government must be as little authoritarian as possible? It is none of these things. What the physiocrats deduce from their discovery is that the government must know these mechanisms in their innermost and complex nature. Once it knows these mechanisms, it must, of course, undertake to respect them. But this does not mean that it provide itself with a juridical framework respecting individual freedoms and the basic rights of individuals. It means, simply, that it arm its politics with a precise, continuous, dear and distinct knowledge of what is taking place in society, in the market, and in the economic circuits, so that the limitation of its power is not given by respect for the freedom of individuals, but simply by the evidence of economic analysis which it knows has to be respected.²¹ It is limited by evidence, not by the freedom of individuals. So, what we see appearing in the middle of the eighteenth century really is a naturalism much more than a liberalism. Nevertheless, I think we can employ the word liberalism inasmuch as freedom really is at the heart of this

practice or of the problems it confronts. Actually, I think we should be dear that when we speak of liberalism with regard to this new art of government, this does not mean* that we are passing from an authoritarian government in the seventeenth century and at the start of the eighteenth century to

a government which becomes more tolerant, more lax, and more flexible. I do not want to say that this is not the case, but neither do I want to say that it is. It does not seem to me that a proposition like that has much historical or political meaning. I did not want to say that there was a quantitative increase of freedom between the start of the eighteenth century and, let's say, the nineteenth century. I have not said this for two reasons. One is factual and the other is a reason of method and principle. The factual reason first of all. What sense is there in saying, or simply wondering, if an administrative monarchy like that of France in the seventeenth and eighteenth centuries, with all its big, heavy, unwieldy, and inflexible machinery, with its statutory privileges which had to be recognized, with the

arbitrariness of decisions left to different people, and with all the shortcomings of its instruments, allowed more or less freedom than a regime which is liberal, let's say, but which takes on the task of continuously and effectively taking charge of individuals and their well-being, health, and work, their way of being, behaving, and even dying, etcetera? So, comparing the quantity of freedom between one system and another does not in fact have much sense. And we

do not see what type of demonstration, what type of gauge or measure we could apply. This leads us to the second reason, which seems to me to be more fundamental. This is that we should not think of freedom as a universal which is gradually realized over time, or which undergoes quantitative variations, greater or lesser drastic reductions, or more or less important periods of eclipse. It is not a universal which is particularized in time and geography. Freedom is

not a white surface with more or less numerous black spaces here and there and from time to time. Freedom is never anything other—but this is already a great deal—than an actual relation between governors and governed, a relation in which the measure of the "too little" existing freedom is given by the "even more" freedom demanded. So when I say "liberal" I am not pointing to a form of governmentality which would leave more white spaces of freedom. I mean something else. If I employ the word "liberal," it is first of all because this governmental practice in the process of establishing itself is not satisfied with respecting this or that freedom, with guaranteeing this or that freedom. More profoundly, it is a consumer of freedom. It is a consumer of freedom inasmuch as it can only function insofar as a number of freedoms actually exist: freedom of the market, freedom

to buy and sell, the free exercise of property rights, freedom of discussion, possible freedom of expression, and so on. The new governmental reason needs freedom therefore, the new art of government consumes freedom. It consumes freedom, which means that it must

produce it. It must produce it, it must organize it. The new art of government therefore appears as the management of freedom, not in the sense of the imperative: "be free," with the immediate contradiction that this imperative may contain. The formula of liberalism is not "be free." Liberalism formulates simply the following: I am going to produce what you need to be free. I am going to see to it that you are free to be free. And so, if this liberalism is not so much the imperative of freedom as the management and organization of the conditions in which one can be free, it is clear that at the heart of this liberal practice is an always different and mobile

problematic relationship between the production of freedom and that which in the production of freedom risks limiting and destroying it. Liberalism as I understand it, the liberalism we can describe as the art of

government formed in the eighteenth century, entails at its heart a productive/ destructive relationship [with] freedom [Liberalism must produce freedom, but this very act entails the establishing of limitations, controls, forms of coercion, and obligations relying on threats, etcetera. Clearly, we

have examples of this. There must be free trade, of course, but how can we practice free trade in fact if we do not control and limit

a number of things, and if we do not organize a series of preventive measures to avoid the effects of one-country's hegemony over others, which would be precisely the limitation and restriction of free trade? All the European countries and the United States encounter this paradox from the start of the nineteenth century when, convinced by the economists of the end of the eighteenth century, those in power who want to establish the order of commercial freedom come up against British hegemony. American governments, for example, who used this problem of free trade as a reason for revolt against England, established protectionist tariffs from the start of the nineteenth century in order to save a free trade that would be compromised by English hegemony. Similarly, there must be freedom of the internal market, of course, but again, for there to be a market there must be buyers as

well as sellers. Consequently, if necessary, the market must be supported and buyers created by mechanisms of assistance. For freedom of the internal market to exist, the effects of monopolies must be prevented, and so anti-monopoly legislation is needed. There must be a free labor market, but again there

must be a large enough number of sufficiently competent, qualified, and politically disarmed workers to prevent them exerting pressure on the labor market. We have then the conditions for the creation for a formidable body of legislation and an incredible range of governmental interventions to guarantee production of the freedom needed in order to govern.

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AT: REPRESSION—POWER = PRODUCTIVE

POWER IS NOT LOCATED IN INSTITUTIONS, BUT RATHER IS LINKED TO THE NORMALIZATION OF SOCIAL PRACTICES. ONLY A PROPER ANALYSIS OF POWER'S TRUE EFFECTS CAN FORMULATE MODES OF RESISTANCE.

HOLMES AND GASTALDO '02 [DAVE, ASSISTANT PROFESSOR IN THE SCHOOL OF NURSING AT THE UNIVERSITY OF OTTAWA, DENISE, ASSISTANT PROFESSOR IN THE FACULTY OF NURSING AT THE UNIVERSITY OF TORONTO, *JOURNAL OF ADVANCED NURSING* 38(6), JUNE 2002, PAGES 558-559]

Before governmentality: the issue of power Power is a well-studied concept that has been examined from various theoretical perspectives. Well known works from Lukes (1974), Marx (1946), Weber (1986), and Arendt (1995) were particularly useful for understanding recent and current socio-political issues. Michel Foucault, the late French philosopher, offered an original way to look at power that differed from many theories which address power as it deals with the state, the legitimacy of power, the notion of ideology, and questions regarding the possession and source of power (Dean 1999). Foucault maintained that we must look at power not only as a repressive exercise (a dimension which of course exists); we must also concentrate upon its constructive aspects. For Foucault, power 'seems to include everything from overt forms of coercion and manipulation to the subtle exercise of authority and influence' (Weberman 1995, p. 193). This understanding of power is innovative because power has been conceived of traditionally as only a negative and repressive force. Power has been linked to prohibition, punishment, and imposition of laws, but Foucault also explored the notion of constructive (or productive) power, arguing that there are ways to exercise power that generate little conflict or frustration; power relations that are more difficult to resist (Weberman 1995). In summary, we distance ourselves from the traditional 'juridico-discursive' point of view (McHoul & Grace 1993, Weberman 1995), which tends to state that: Power takes the form of openly articulated (hence discursive) prohibition, coercion, threats and punishment (hence juridical) and has the effect of restricting the activities of the ruled by preventing them from doing what they want to do (Weberman 1995, p. 191). According to Foucault, we must overcome this obsession with repressive and sovereign power if we want to offer a more comprehensive understanding of how power is exercised in society. We must investigate, through research, how power produces subjectivities. Foucault observed that the construction of self (subjectivity) is linked to established forms of knowledge and institutionalized practices. Self is not an essence; it is created by the influence of multiple forms of power. Foucault also emphasized the idea of studying power where it produces effects, locally and often in subtle forms. For Foucault, power is to be seen as: The multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them, as the support which these force relations find in one another, thus forming a chain of system... power is not an institution, and not a structure, neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular society (1990, pp. 92-93). Power does not function only on the basis of law, but also through techniques related to discipline and normalization (Foucault 1980a). Nor is power based on violence, but on control and productive exercises in ways that surpass the state and its institutions (Foucault 1994a). Moreover, power relations are not one-sided, and any particular group does not hold power. In fact, power is fluid and circulates among and through bodies (McHoul & Grace 1993). Power is employed and exercised through a net-like organization; it is not the property of someone or a group. Power acts upon individuals as they, in turn, act upon others. Therefore, power is relational. Foucault insisted that 'power is everywhere; not because it embraces everything, but because it comes from everywhere' (Foucault 1990, p. 93).

AT: TRUTH

TRUTH DOES NOT EXIST IN A VACUUM—IT CAN ONLY BE PRODUCED IN AND THROUGH POWER RELATIONS

FOUCAULT, PROFESSOR AT THE COLLÈGE DE FRANCE, **1978** [MICHEL, *THE BIRTH OF BIOPOLITICS*, p. 19-20]

The question here is the same as the question I addressed with regard to madness, disease, delinquency, and sexuality. In all of these cases, it was not a question of showing how these objects were for a long time hidden before finally being discovered, nor of showing how all these objects are only wicked illusions or ideological products to be dispelled in the [light]* of reason finally having reached its zenith. It was a matter of showing by what conjunctions a whole set of practices—from the moment they become coordinated with a regime of truth—was able to make what does not exist (madness, disease, delinquency, sexuality, etcetera), nonetheless become something, something however that continues not to exist. That is to say, what I would like to show is not how an error—when I say that which does not exist becomes something, this does not mean showing how it was possible for an error to be constructed—or how an illusion could be born, but how a particular regime of truth, and therefore not an error, makes something that does not exist able to become something. It is not an illusion since it is precisely a set of practices, real practices, which established it and thus imperiously marks it out in reality. The point of all these investigations concerning madness, disease, delinquency, sexuality, and what I am talking about now, is to show how the coupling of a set of practices and a regime of truth form an apparatus (dispositif) of knowledge-power that effectively marks out in reality that which does not exist and legitimately submits it to the division between true and false. In the things I am presently concerned with, the moment when that which does not exist is inscribed in reality, and when that which does not exist comes under a legitimate regime of the true and false, marks the birth of this dissymmetrical bipolarity of politics and the economy. Politics and the economy are not things that exist, or errors, or illusions, or ideologies. They are things that do not exist and yet which are inscribed in reality and fall under a regime of truth dividing the true and the false.

“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

AT: AGAMBEN

AGAMBEN'S THEORIES ARE ULTIMATELY INCORRECT—NONE ARE ABANDONED, ONLY SPECIFICALLY INCORPORATED INTO BIOPOWER

PROZOROV, 2007, COLLEGIUM RESEARCH FELLOW, HELSINKI COLLEGIUM FOR ADVANCED STUDIES, UNIVERSITY OF HELSINKI, FINLAND, [SERGEI, *FOUCAULT, FREEDOM AND SOVEREIGNTY*, p7]

While Agamben's sovereign seems to appear on the scene only to retreat from it, leaving its subjects in the perpetual apprehension of his presence-in-his-absence, Foucault's imagery of power relations presents to us a myriad of agencies of power, busily (re)forming their objects so that nothing in principle should remain untouched by the mechanisms of power. Quarantine operations during epidemics, the compilation of dossiers on delinquents, campaigns against children's masturbation, etc. - Foucault's writings create an impression of an endless vertigo of governmental activity of doctors, teachers, wardens, judges, social workers that might make one wish for Agamben's abandonment. The objects of a Foucauldian power are never abandoned but rather permanently abducted by myriad governmental agencies, simultaneously confined in the restricted domains of power and rendered productive in accordance with their rationalities. This form of power that Foucault has famously termed 'biopolitics' does not oscillate between killing and abandoning to a permanently insecure life; instead, in a formula that we find no less disconcerting, it makes live (cf. Foucault 1990a, 138). The crucial point here is that, contrary to some overly enthusiastic readings (Hardt and Negri 2000, 2004), biopolitical power does not foster, augment, extend and nurture 'life-as-such' (which, in its very 'as-suchness' should be able to do perfectly well without biopower) but only the forms of life that are in accordance with its specific rationality. Biopower makes one live the existence it has first captured and confined. In this manner, human existence is recast as a project, endowed with identity, subjected to authority and granted a teleological destination. As we shall discuss in detail below, Foucault's key insight is that while in this state of abduction individuals can be viewed and view themselves as free in the positive sense, this very positive freedom also functions as a subtle form of constraint, which forcefully prevents the actualisation of other pathways of freedom.

AT: RORTY

RORTY DOESN'T APPLY – LIBERAL SOCIETIES ARE JUST AS BAD IN THE ONTOLOGICAL SENSE, AND THAT FOCUS PREVENTS US FROM GENUINELY LIBERATING OURSELVES.

PROZOROV, 2007, COLLEGIUM RESEARCH FELLOW, HELSINKI COLLEGIUM FOR ADVANCED STUDIES, UNIVERSITY OF HELSINKI, FINLAND, [SERGEI, *FOUCAULT, FREEDOM AND SOVEREIGNTY*, p29-30]

The crucial contribution of the governmentality problematic is the rejection of the view of 'liberal society' proposed by Rorty: numerous empirical studies of liberal government demonstrate precisely that a 'liberal society' (or, more concretely and correctly, a liberal diagram) does 'invent' and 'create' and, furthermore, that it creates particular kinds of subjective identity and prescribes particular 'practices of freedom'. In a crude summation, 'the [liberal] state is constituted by a promise: 'We will assist you to practice your freedom as long as you practice it our way.' (Dean 1998, 217) Contemporary analyses of neoliberal governmentality are particularly illuminating in their analysis of the linkage that this diagram establishes between freedom and the governmentally constructed pedagogical routines that specify the practice of freedom by providing authoritative templates for its 'proper' exercise: individuals are thereby 'bound into the language and evaluations of expertise at the very moment that they are assured of their freedom and autonomy' (Rose 1990, 203. See also Cruikshank 1999; Marinetto 2003; Brigg 2001). This governmental activity of, in Ian Hacking's (2002) term, 'making up people' disturbs Rorty's version of the public/private distinction, in which the constitution of a plurality of idiosyncratic forms of subjectivity is relegated to the realm of individual existence, whose sanctity is guaranteed by the non-interfering state (cf. Weintraub 1997; Burchell 1991; Hindess 1996b). Instead, governmentality studies demonstrate the ways in which the 'private' quest for autonomy is increasingly mobilised by government for the achievement of its goals, whereby freedom paradoxically becomes a duty: 'The self is to be a subjective being, it is to aspire to autonomy, it is to strive for personal fulfilment in its earthly life, it is to interpret its reality and destiny as a matter of individual responsibility, it is to find meaning in existence by shaping its life through acts of choice.' (Rose 1996b, 151) The very desire for and enjoyment of freedom thus paradoxically become a governmental injunction. Slavoj Žižek (2006, 310) has phrased this injunction in terms of an ironic reversal of the Kantian ethical imperative: 'You must because you can!' Recast as a governmental 'grant' rather than a natural limit to government, the subject's freedom becomes an obligation, and, furthermore, an obligation to be enjoyed as a personal project of self-actualisation rather than simply a duty to be fulfilled. Moreover, the epistemic presupposition of a deeper, fundamental identity to be actualised in self-expression turns the practice of freedom into a hard labour of anxious self-scrutiny. One of titles of self-help manuals, cited by Nikolas Rose (1990, 242) in his brilliant study of the liberal government of subjectivity, urges the subject 'to be that self which one truly is'. It is at the moment of the presupposition of the existence of a 'true self' that is contrasted with one's 'empirical self' that the injunction to freedom becomes equivalent to the subjection to external expertise. The illumination of the possibility of 'mobilisation of freedom' for the purposes of government is the central contribution of the problematic of governmentality that allows a discourse on freedom to transcend the facile dualism between repression and emancipation.

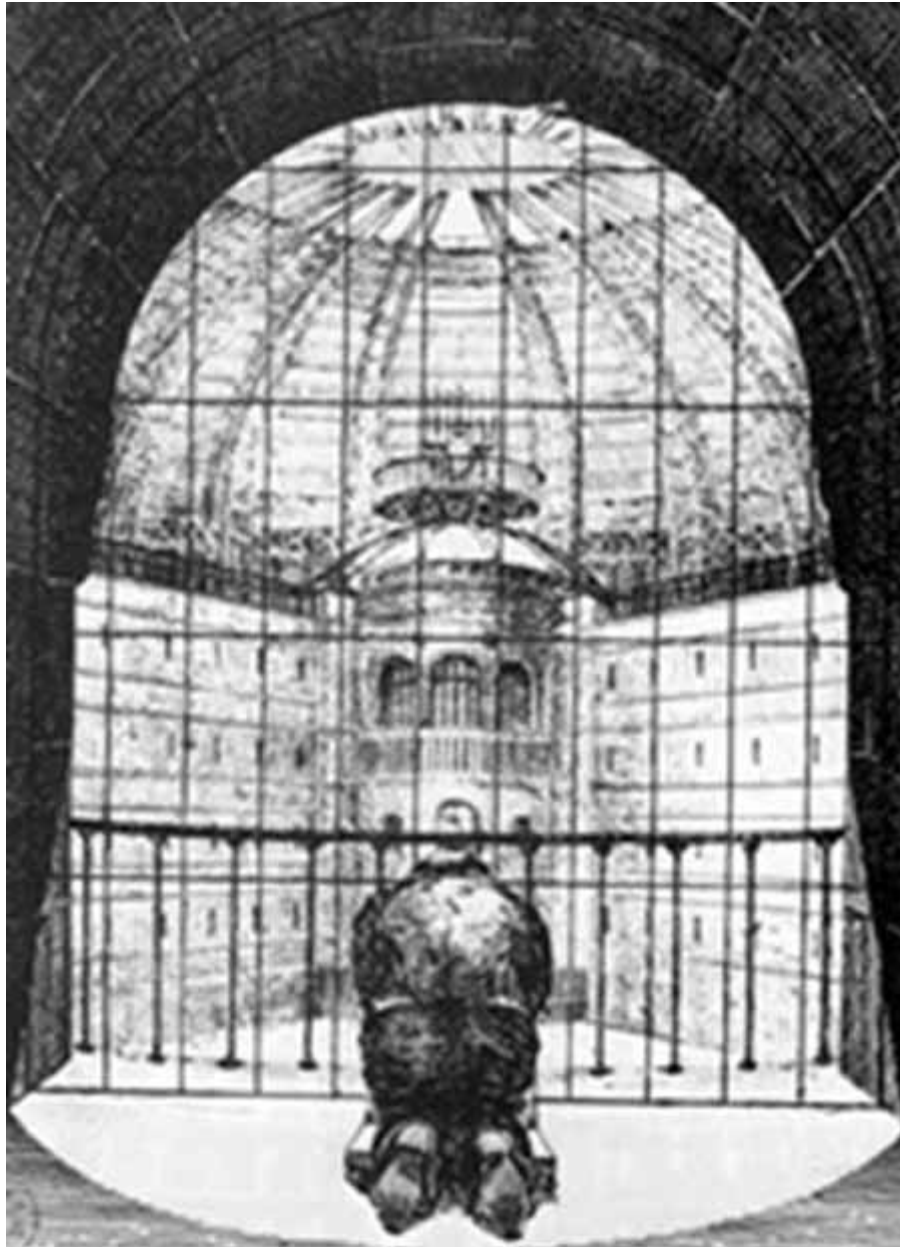
AT: HABERMAS

HABERMAS' IDEA OF CONTESTATION DOES NOT UNDERSTAND RELATIONS OF POWER

OWEN 99, DIRECTOR OF THE CENTER FOR POST-ANALYTIC PHILOSOPHY, U OF SOUTHAMPTON (DAVID OWEN), *FOUCAULT CONTRA HABERMAS: ORIENTATION AND ENLIGHTENMENT*. SAGE PUBLICATIONS, 1999. PG. 30

<<<The general claim to be advanced now is this: genealogy exemplifies orientation in thinking in which thinking is oriented to an immanent id and this orientation in thinking is articulated in terms of the process, becoming otherwise than we are through the agonistic use of reason, section will reverse the ordering of the previous section in order to dr. out clearly both the difference between the conceptions of enlightenment which characterise critique and genealogy, and the form of, and relation to, orientation in thinking exhibited by genealogy. It is appropriate to begin by simply illustrating the claim that genealogy resists the hegemony of critique's conception of enlightenment and it does so by articulating a distinct conception of enlightenment. Wri, EL5 in response to Habermas' description of his work as anti-Enlightenment Foucault makes the following remarks: 'I think that the Enlightenment as a set of political, economic, social, institutional, and cultural events on which we still depend in large part, constitutes privileged domain for analysis. I also think that as an enterprise for linking progress of truth and the history of liberty in a bond of direct relation, formulated a philosophical question that remains for us to consider. I think finally, as I have tried to show with reference to Kant's text [An answer to the question: "what is enlightenment?" 'I, that it defined a certain manner of philosophizing. But that does not mean that one has to be 'for' or 'against' the Enlightenment. It even means that one has to refuse everything that might present itself in the form of a simplistic and authoritarian alternative: you either accept the Enlightenment and remain within the tradition of its rationalism (this I considered a positive term by some and used by others, on the contrary, as reproach); or else you criticize the Enlightenment and then try to escape from its principles of rationality (which may be seen once again as good or bad) And we do not break free of this blackmail by introducing 'dialectical' nuances while seeking to determine what good and bad elements there may have been in the Enlightenment. (1984a: 42-3)>>> cault, 1979d: 794; cf. 1988a).

THE CARCERAL ARCHIPELAGO—AFFIRMATIVE



AFF: WELFARE GOOD—DEMAND

WE NEED TO REINVENT THE NEW DEAL MOVEMENT AND DEMAND FULL AND EQUAL CITIZENSHIP—OUR DEMAND MAKES WELFARE A POWERFUL WEAPON AGAINST NEOLIBERALISM

MCCULSKEY '03 [MARTHA, PROF. OF LAW @ SUNY BUFFALO, INDIANA LAW JOURNAL, 78 IND. L.J. 783]

First, legal scholar William Forbath explains that, during the New Deal period, a powerful and broad-based (though divergent) popular movement expressly called for a new understanding of citizenship in which the government and capital owners were obligated to support workers and their families and in which citizens were entitled to "decent work, a measure of economic autonomy and democracy, and social provision."ⁿ¹⁴⁷ Though this social citizenship vision was not implemented in the New Deal social security legislation that produced AFDC, it offers a counterpoint to the currently prevailing neoliberal assumptions by suggesting that a work-centered view of citizenship can embrace rather than constrain workers' bargaining power, based on a citizenship vision where workers are given rights and status to promote their wellbeing.

THE WELFARE STATE IS A PRECONDITION FOR POLITICS—RECLAIMING THE WELFARE STATES REAFFIRMS OUR BASIC, EVERYDAY INTERACTIONS WITH THOSE AROUND US

OLSON, 2006 [KEVIN, ASSISTANT PROFESSOR OF POLITICAL SCIENCE AT THE UNIVERSITY OF CALIFORNIA, IRVINE, *REFLEXIVE DEMOCRACY*, PG. 16-18]

A focus on participatory equality provides a unique justification for welfare states. It is internally rooted in our own practices instead of being imposed from outside. This argument is not based on moral intuitions, but on commitments of a much more mundane kind. These are the ones we make going about our daily business of interacting with one another. These implicit values are revealed by our practices, not deduced from some more abstract ethical theory. A particular kind of welfare state is needed to support the democratic commitments that arise from our daily interactions. The conception I will outline is oriented toward promoting equal opportunities in the political and cultural spheres. As such, it is most concerned to underwrite particular kinds of capacities and target inequalities that have a particularly political significance. In this view the state is justified on political and legal grounds, rather than as a vector of redistribution and economic regulation. This is not to say, however, that such a state would not have important redistributive consequences. Because it is justified as a means for equalizing the material conditions needed for its own legitimization, such a state would certainly exercise a redistributive function in the course of its other duties. Equally important, this vision promotes redistribution in an indirect sense. The political sphere is the arena in which citizens formulate policy, structure the economy, and set tax rates. When previously marginalized citizens have equal opportunities to participate, they will be able to raise redistributive claims in the political sphere as they see fit. The most distinctive feature of this line of justification is its minimalism. Here the welfare state is defined in relation to political and cultural practice. When welfare supports equal political agency, citizens are able to decide how best to support their own ongoing equality and agency as citizens. This view is minimal in the sense that it does not draw on substantive social ideals of equality or justice. There is no utopian vision in this conception. Rather, it relies on a lean analysis of practice, identifying presuppositions and consequences of practices we have already adopted. As a form of justification, this argument is morally parsimonious. This view has important implications for many other normative problems. When citizens have the ability to ensure their own participatory agency, they are placed on an equal footing in the public sphere. Equal opportunities to participate in turn allow each person the same chances to express her views and translate them into laws, policies, or norms. As a result, the political sphere becomes more than just an arena for horse trading and compromise. In a deep way, it reflects the basic presuppositions of social cooperation itself: the idea that people entering cooperative endeavors should be able to agree on the terms under which they will cooperate. This participatory arena is a space in which the norms regulating cooperative endeavors can be worked out. Equal participation thus becomes the mean through which other norms, values, and goals are developed. As such, many other problems of social justice can be dissolved into such a conception of democratic equality. We need not devise philosophical answers for all such questions if we have some way of ensuring that the deliberation of actual citizens are fair and thoroughly democratic.

¹⁴⁷ "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AFF: WELFARE GOOD—SITE OF RESISTANCE

WELFARE WORKERS CAN BE GOOD. GOVERNMENTALITY DOES NOT PREDETERMINE THE TACTICAL SPACES WITHIN BUREAUCRACY

BATSLEER AND HUMPHRIS 2000 (JANET AND BETH, SENIOR LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, PRINCIPLE LECTURER AT MANCHESTER METROPOLITAN UNIVERSITY, *WELFARE, EXCLUSION, AND AGENCY* PGS 12-13)

Critical professionals

There is no such thing as a neutral professional, and never has been. Even before the New Right and New Labour notions of welfare workers as regulators of an excluded underclass, liberal education encouraged an uncritical attitude to theory. Power relations were not explicitly addressed, and the teaching of values operated in a conceptual power vacuum. As a result, 'values' has been subject to colonization in a changing political context.

In social work for example, although the language of 'anti-discrimination' and 'anti-racism' has been a preoccupation of training for a number of years, from the start it was purged of its radical potential by constant redefinition and incorporation into prevailing notions of welfare practice. If there is no such thing as a neutral professional, is professional work within state bureaucracies inevitably reactionary and supportive of the status quo? Is it possible to push our way towards 'critical intelligence' (Mayo and Thompson 1995) which will make a difference? We have coined the phrase 'critical professionals', which, though it may sound contradictory, expresses our belief that educators and practitioners can to an extent, as we have suggested above, work in the interests of their students/clients towards challenging the hegemony of the market. As Jane Thompson says, we can 'remain engaged in the process of contesting the purpose and significance of learning (and education and welfare practice), as distinct from measuring everything that moves on a five-point scale' (Thompson 1995: 4).

A key element of this is engaging with theory in a way which does not ignore the context within which professional practice takes place and which seeks alternatives to the technicist and instrumentalist role imposed upon professionals. Theory, seen currently as 'methods of intervention' to aid problem solving, needs to be used as a way of problematizing reality, of rendering power relations visible. The critical

professional not only acknowledges subjugated knowledges but actively works to make alternative definitions of need influential in the responses to need. She also recognizes difference, not for the purpose of 'managing' diversity and deconstructing subjectivity, but as a basis for resistance

against the positioning of particular identities as subordinate (Williams 1996). Crucially, he is engaged in collective action, working across differences with clients and colleagues in specific local issues towards a common goal of ending injustice. These themes are developed further in the chapter by Humphries in this volume.

At the very border created by excluding discourses and practices, new voices and reverse discourses come into being. In much welfare discourse, particularly in the discourses of professionalism, a clear-cut distinction is held to exist between the professional and the client. From one account, (Smith 1987), this can be understood as the means by which the professional class asserts its control within the system and the client/user either colludes with or resists that control.

The discourses and practices of welfare are analysed as a site of struggles: a site in which the subjection of welfare dependants in a variety of forms can lead to the emergence of new voices, entering into a political dialogue about needs, rights and citizenship. Feminist analyses of the links between the personal, the social and the political have been central to the development of this understanding. The recognition that existing theorizations have effectively excluded women's perspectives from the domain of the political, subordinating them to the 'private' domain of the family, has instigated much fruitful theoretical work. Feminist analyses - among others - have opened up the possibility of dialogue between professionals and clients, in a participatory approach to the interpretation of need. While not denying the experience of class difference between professionals and users/clients, it is possible to recognize the possibility of common ground, or a shared set of nonexpert knowledges, in which a critical dialogue may occur between professionals and the various user/survivor movements.

AFF: WELFARE GOOD—TRANSFORM WELFARE

CHALLENGING THE WELFARE STATE ABANDONS THOSE THAT ARE SUBJECT TO VIOLENCE—
TRANSFORMATION IS BETTER

HOGGETT, 2000 PAUL, DIRECTOR OF THE CENTRE FOR ECONOMIC AND SOCIAL RESEARCH AND PROFESSOR OF POLITICS AT THE UNIVERSITY OF THE WEST OF ENGLAND, BRISTOL, PG. 144 – 147, *RETHINKING SOCIAL POLICY*, 2000

<<<In rethinking the welfare state we are inevitably drawn to the question of what needs should be addressed by a welfare society. Both Giddens (1994) and Fiona Williams (in Chapter 22 of this volume) raise the question of whether existing models of welfare need to go beyond purely redistributive strategies which address our basic needs towards a wider and more inclusive purview of human capacities which include questions of identity and well-being.

From its inception, the welfare state addressed the five great issues — want, disease, squalor, idleness and ignorance — which, with the exception of ignorance, were concerned with our physical needs.

It has paid lip-service to well-being and prevention whilst devoting its resources (often inadequately) and its thinking to the acute and immediately pressing difficulties that people have faced.

To my mind this connects to a wider assumption that social policy is designed primarily to address social problems (Spicker, 1995). But well-being can only be thought of as a problem with some difficulty. Moreover well-being refers to the totality of an individual's social relations. As the user movement within mental health insists, what we require is a service that can adopt a holistic approach to integrated subjects rather than one adapted to specialized, professional interventions aimed at 'objects'.

Because physical needs primarily require material resources for their satisfaction, the primary concern of the post-war welfare state was with the fair and efficient allocation of these resources. The social democratic tradition in the UK has been intimately linked to this redistributive vision, to questions of 'who gets what?' Yet it was not this vision that drew

me into working in the welfare state in the early 1970s. Like many others I found the social democratic vision inherently limiting. Not just because it assumed that distribution could be tackled within capitalism but, more importantly, because it seemed blind to the necessity of transforming social relations. It was as if the quality of life were merely a matter of the quantity of material goods (the size of the 'social wage' as it was put in those days) rather than something which was also concerned with the nature of social relations — in households, between sexes and generations, in neighbourhoods, in factories and indeed within the welfare institutions themselves. Yet it is the nature of these social relations which determines the extent to which our emotional needs are satisfied.

What are our emotional needs and what kinds of social arrangements contribute to their satisfaction? Honneth (1995) adopts Winnicott's psychoanalytic perspective when arguing that the core of the subject is built upon the recognition derived from a 'good enough' experience of parental love and understanding. His phrase 'good enough' draws our attention to the paradox that a good enough environment is also one that will fail the child just enough to facilitate the development of its autonomy. It provides the ontological security, the stable and secure sense of being, which enables the subject to move on in new struggles for self-respect and self-esteem. Without this sense of being, one Giddens (1991) following Erickson (1959) refers to as 'basic trust', the individual lacks any experience of an internal community. The alternative is a life of unbearable aloneness, one portrayed vividly in studies such as that conducted by James Glass (1989) of people who have been categorized as 'psychotic'.

Thus, the concept of 'well-being' provides a core principle around which a new vision of positive welfare could be organized. We could think of it as a meta-level principle which probably underlies a number of the 'good enough principles for welfare' that Fiona Williams develops (in Chapter 22 of this volume), specifically interdependence, care, bodily integrity and ontological (as opposed to social) identity. A secure sense of being provides the basis for doing and relating. With this foundation, interdependence becomes possible; without it, social relations become a continuing agonistic struggle. Bodily and psychical integrity, freedom from physical and emotional violence, are central to the development of our being. Traumatized subjects are haunted by a past which casts its shadow over all assertions of agency, in the worst case leaving them doomed to repeat past injuries in future encounters: as we now know, so many abusive fathers were themselves once abused children.

4 Development towards interdependence

(card continues...)

AFF: WELFARE GOOD—TRANSFORM WELFARE

(...card continues)

As Barnes and Walker (1996) note, empowerment is not just about involvement in policy decisions which affect your life, it is about increasing personal powerfulness in all aspects of life. The concept of human development includes the idea of empowerment but goes beyond it. It is equivalent to a concern for the full development of human powers and capacities — moral, expressive, cognitive and spiritual. If this reminds some readers of the early Marx, the Marx of the Economic and Philosophical Manuscripts, I have no problem with this. Nor do I have any regrets if this sounds 'sixtiesish'. The unfashionableness of such ideas is perhaps epitomized by the 'New' Labour government which seems intent on convincing its citizens that the only source of value comes from paid work, no matter how alienating and exploitative this may be, and that the only form of dependence that can be welcomed is dependence upon the vagaries of an unregulated labour market. In contrast, DIY culture (McKay, 1998) is one of the clearest repudiations of this restricted sense of what it means to be human that we have in Britain today. As Squall (1995),¹ the mouthpiece of 'sorted itinerants', used to put it in its editorial statement, this is a culture 'standing for diversity, community and respect. To give fair voice to those who have none, have gone hoarse, or are frightened to speak.

To battle for a better environment — countryside, urban and psychological. There is a paradox at the heart of the struggle for development which DIY culture recognizes, for to discover your power you have to have respect for limits, including your own. We need each other. A simple idea, but how strongly we rail against it, how hard our narcissistic culture finds this prospect. A society which has no sense of tragedy, pain or disappointment is dangerous. Its power is based upon the denial of its relations of interdependence with the other and on a denial of limits, including those provided by nature itself.

Even within the debates in social policy around the theme of empowerment one senses a reluctance at times to speak of our need for each other and our obligation towards each other. For example, there is a danger that we collude with that wider cultural orientation, one cultivated so assiduously by Thatcherism, which sees all public service workers primarily as a kind of enemy within, blindly pursuing their own interests under the guise of serving others. Such rhetoric connects to deeply held and often unconscious impulses within all of us which foster a ruthless attitude towards those such as teachers, nurses and carers on whom, at times, we all depend. As Winnicott (1945) once noted, at the very beginning our love for our mother is ruthless. It is as if the mother has no existence beyond her relationship to the child. Only later do we develop a capacity for concern for the mother (other), understanding her(him) as a separate being with her(his) own needs, i.e. as a person who deserves respect.

It has become too easy to denigrate public sector workers as if they were all simply bearers of discourses of domination, agents of the disempowerment of service users rather than actors also caught within the inherently contradictory logics of care and control, equity and rationing, and empowerment and exploitation (Foster and Hoggett, 1999). Public sector workers and service users face each other in a relationship of conflictual interdependence. There are real tensions between the needs of these two groups which cannot simply be ducked, for by doing so we collude with that rhetoric of consumer sovereignty which has been used to assault the

British workforce for two decades. If the value of interdependence is to lie genuinely at the heart of a new vision of welfare then the idea of mutual respect between workers and users must be one of its programmatic objectives. Such respect can only be generated through a process of open and, at times, conflictual argumentation in which each side is drawn towards an acceptance of the abuse and wilful misunderstanding which it sometimes inflicts upon the other. For this to begin, people need to speak up and make their voices heard, even though there is a risk that they may get some things wrong. In social policy such a process of argumentation is only now beginning (Ungerson, 1997; Morris, 1997).>>>

AFF: WELFARE GOOD—CARING

BIOWPOWER IS ACTUALLY GOOD: IT IS NECESSARY TO HELP THOSE THAT ARE TRULY IN NEED OF MEDICAL CARE AND CONTAINS ALL OF THE ELEMENTS THAT WE NEED TO FEEL CARE.

WILLIAMS, 2000, FIONA, PROFESSOR OF SOCIAL POLICY AT THE UNIVERSITY OF LEEDS, PG. 343 – 345, *RETHINKING SOCIAL POLICY*

<<<One important way in which welfare states construct a boundary between public rights and responsibilities and private duties is the extent to which they recognize, remunerate or socialize the work involved in caring for and/or supporting children, older frail or sick people, people who are disabled and require support. On the whole, this work has been assumed to be the unpaid responsibility of women in the home. In the 1960s and 1970s women's demands focused upon improving childcare support facilities for women to enable them to work and this was

followed by an attempt to get women's caring of older and/or sick and/or disabled family members recognized. All of this was a radical departure from the post-war welfare settlement in which informal care was an invisible and taken-for-granted area of welfare (Land and Rose, 1985).

Local carers' groups and carers' organizations and later a National Carers' Organization campaigned for the right of women to benefits for caring responsibilities, especially married women who had been denied (until 1986 when it was challenged by the European Court) a care allowance on the basis that care was part of a married woman's natural duty. More research revealed the extent to which caring responsibilities involve financial, emotional and physical costs to women (Finch and Groves, 1983). As more claims were made

women had to confront the difficult issue of whether by demanding a wage for carers they would simply reinforce the idea that caring is women's work. Other strategies have included demanding, or creating, the conditions for men to share caring responsibilities, or following what has been called the 'residential route' (Finch, 1984). However, this strategy, with its resonances of institutionalized care, has been profoundly problematic for people requiring support. Care may assume duty and responsibility, it may involve love and commitment, but, as disabled

people have pointed out (see Chapter 3 this volume), the emphasis upon care and the notion of care as unvalued and oppressive labour obscures the fact that caring is also a relationship which may involve unequal relations of power between the carer and the cared-for person.

The principle of care requires us to heed not only the needs and interests of the carer but also the needs and interests of the cared-for person. People who require support have demanded the choice as to who cares for them, where and how. For many disabled people, the very concept of 'care' cannot be disentangled from a notion of dependence; it sits uneasily with a view of empowerment which leads to respect, choice and control (Morris, 1993). Thus, one of the strategies to enable disabled people to pursue independent lives has been the demand for direct payments — that is, for disabled people to receive cash payments in order to employ carers of their own choice and to determine the type of support and assistance they require.

'Care', then, requires recognition but also careful negotiation of the different interests caught up in its discourse and practice. Care suggests duty, responsibility, obligation, power, control, oppression, conflict, altruism, love, solidarity and reciprocity. We all at some time care and are cared for. The focus upon care that different groups and campaigns have brought provides us

with a grounded set of ethics with which to balance the twentieth-century preoccupation with the ethic of paid work at the centre of our values, duties and rights. The ethics of care assume

relationships which are bound by mutual interdependence. Its practice involves the values of attentiveness, responsiveness, competence and responsibility, negotiation and mutual recognition (Tronto, 1993; Sevenhuijsen, 1998). This

means that it is through caring and being cared for that we take account of the needs of others, not in an abstract way but in terms of their specific contexts, and this provides a grounding for the civic virtues of responsibility, tolerance and an awareness of 'otherness', of diversity and competing claims. The values of care can, then, inform concepts of citizenship: they

involve concepts to do with responsibilities and relationships and they can engender practices of moral deliberation and dialogue grounded in everyday activities. It is the boundaries of these concepts of care to which we turn next: intimacy. >>>

AFF: WELFARE GOOD—REFORMIST FRAME

THE LANGUAGE OF POLITICAL EMPOWERMENT DEPLOYED BY THE 1AC IS KEY—COMMITMENT AND LANGUAGE ARE KEY TO SUCCESS. THE PLAN HAS TO BE FRAMED WELL TO SUCCEED. REPRESENTATIONS DETERMINE SUCCESS OR FAILURE IN TAKING ON THE RIGHT.

EDELMAN '03 [PETER, PROF. OF LAW AT GEORGETOWN, BERKELEY JOURNAL OF EMPLOYMENT AND LABOR LAW, 24 BERKELEY J. EMP. & LAB. L. 475]

So let us not say that we cannot have a movement for economic justice. The roots of the civil rights movement and the women's movement go back to the 19th century. They did not know how things were going to go when they started. When people started to work on the environment, and when a few lonely people started to oppose the war in Vietnam, they didn't know where it was going to go. So how do you start a movement? You put one foot in front of the other. There are building blocks all over the country - people doing fabulous organizing and community building work that is wonderful on the ground where it is, but also constitutes building blocks for national action.

People like Larry Ferlazzo of the Sacramento Valley Organizing Committee, Lee Ann Hall of the Northwest Federation of Community Organizations, John Donahue of the Chicago Coalition for the Homeless, Geoff Canada of the Harlem Children's Zone, Wing Yang of the Chinatown Organizing Project in New York City, Dorothy Stoneman of YouthBuild, [*487] and on and on and on. This is really what Paul Wellstone was about. This is why my remarks are in his memory as well as in memory of Mario Olmos, because Paul Wellstone's politics were unlike anyone who has served recently in the United States Senate, including people I revere, like Ted Kennedy.

This is a politics based on building from the ground up. There are two key words here - empowering and power. Empowering means giving people a sense of efficacy, of being effective. Power is what we are after, and power is what we are going to achieve. What are the elements of action? One level has to be messages through the mass media, in every way we can think of. The right has been all too skilled at honing politically effective messages

- think, for example, of how they have sold people who will never amass enough wealth to have to pay the estate tax on the idea that it is a "death tax" which is terribly unfair. At the local level, the people who are doing great work

now, especially those who are delivering services and building houses and helping others in other ways, need to get more political - to see that public policy affects their work, to see that who runs for office makes a difference for their work, to see that people who hold office can be more responsive if they feel some

pressure. Millions of people volunteer their time with great generosity to help others, and don't see that much of the need for what they do is because of failures of public policy. There is an enormous challenge to get them to see the connection. If I can say a word to the students, we need you to be full-time public interest lawyers if you can swing it financially. If you choose private practice, you can make a valuable contribution, too, not

only by giving of your professional time on a pro bono basis, but by being a civic and community leader. We always need people who are well connected to use those connections for better public policy.

Paul Wellstone always closed his speeches by quoting Sojourner Truth, who said routinely in her speeches that she was "on fire" for her cause of abolishing slavery. Paul would then say, fervently, "I'm on fire for economic justice, I'm on fire for social justice, I'm on fire for racial justice." We need some passion in our work and in our commitment to change. We need to be on fire, as Paul Wellstone was, as Sojourner Truth was. In the book of Ecclesiastes it says, very succinctly, "There is a time to listen and a time to speak." n39 Now, as much as at any time ever, is a time to speak.

AFF: LETTER OF THE LAW/OVER-IDENTIFICATION

ATTEMPTS TO STEP OUTSIDE OF THE LAW ULTIMATELY RELEGATE ONE TO SUBJECTION TO THE LAW WITHOUT RECOURSE TO CHANGE IT, TRICKING THE LEAST EMPOWERED TO ACCEPT THEIR ISOLATION—REJECTING FEARS OF COOPTION AND DEMANDING HUMAN RIGHTS AND ACCESS TO THE LAW IS FAR MORE REVOLUTIONARY

ŽIŽEK, INSTITUTE FOR SOCIAL SCIENCES AT THE UNIVERSITY OF LJUBLJANA, **1998** [SLAVOJ, “WHY DOES THE LAW NEED AN OBSCENE SUPPLEMENT?” *LAW AND THE POSTMODERN MIND*, P. ELECTRONIC]

Finally, the point about inherent transgression is not that every opposition, every attempt at subversion, is automatically "coopted." On the contrary, the very fear of being coopted that makes us search for more and more "radical," "pure" attitudes, is the supreme strategy of suspension or marginalization. The point is rather that true subversion is not always where it seems to be. Sometimes, a small distance is much more explosive for the system than an ineffective radical rejection. In religion, a small heresy can be more threatening than an outright atheism or passage to another religion; for a hard-line Stalinist, a Trotskyite is infinitely more threatening than a bourgeois liberal or social democrat. As le Carre put it, one true revisionist in the Central Committee is worth more than thousand dissidents outside it. It was easy to dismiss Gorbachev for aiming only at improving the system, making it more efficient—he nonetheless set in motion its disintegration. So one should also bear in mind the obverse of the inherent transgression: one is tempted to paraphrase Freud's claim from The Ego and the Id that man is not only much more immoral than he believes, but also much more moral than he knows: the System is not only infinitely more resistant and invulnerable than it may appear (it can coopt apparently subversive strategies, they can serve as its support), it is also infinitely more vulnerable (a small revision etc., can have large unforeseen catastrophic consequences). Or, to put it in another way: the paradoxical role of the unwritten superego injunction is that, with regard to the explicit, public Law, it is simultaneously transgressive (superego suspends, violates, the explicit social rules) and more coercive (superego consists of additional rules that restrain the field of choice by way of prohibiting the possibilities allowed for, guaranteed even, by the public Law). From my personal history, I recall the moment of the referendum for the independence of Slovenia as the exemplary case of such a forced choice: the whole point, of course, was to have a truly free choice—but nonetheless, in the pro-independence euphoria, every argumentation for remaining within Yugoslavia was immediately denounced as treacherous and disloyal. This example is especially suitable since Slovenes were deciding about a matter that was literally "transgressive" (to break from Yugoslavia with its constitutional order), which is why the Belgrade authorities denounced Slovene referendum as unconstitutional—one

was thus ordered to transgress the Law ... The obverse of the omnipotence of the unwritten is thus that, if one ignores them, they simply cease to exist, in contrast to the written law that exists (functions) whether one is aware of it or not—or, as the priest in Kafka's The Trial put it, law does not want anything from you, it only bothers you if you yourself acknowledge it and address yourself to it with a demand

... When, in the late eighteenth century, universal human rights were proclaimed, this universality, of course, concealed the fact that they privilege white, men of property; however, this limitation was not openly admitted, it was coded in apparently tautological supplementary qualifications like "all humans have rights, insofar as they truly are, rational and free," " which then implicitly excludes the mentally ill, "savages," criminals, children, women." . So, if in this situation, a poor black woman disregards this unwritten-implicit, qualification and demands human rights, also for herself, she just takes the letter of the discourse of rights "more literally than it was meant" (and thereby redefines its universality, inscribing it into a different hegemonic chain). "Fantasy" designates precisely this unwritten framework that tells us how are we to understand the letter of Law. The lesson of this is that—Sometimes, at least—the truly subversive thing is not to disregard the explicit letter of Law on behalf of the underlying fantasies, but to stick to this letter against the fantasy that sustains it. Is—at a certain level, at least—this not the outcome of the long conversation between Joseph K. and the priest that follows the priest's narrative on the Door of the Law in The Trial?—the uncanny effect of this conversation does not reside in the fact that the reader is at a loss insofar as he lacks the unwritten interpretive code or frame of reference that would enable him to discern the hidden Meaning, but, on the contrary, in that the priest's interpretation of the parable on the Door of the Law disregards all standard frames of unwritten rules and reads the text in an "absolutely literal" way. One could also approach this deadlock via Lacan's notion of the specifically symbolic mode of deception: ideology "cheats precisely by letting us know that its propositions (say, on universal human rights)' are not to be read a la lettre, but against the background of a set of unwritten

(card continues...)

AFF: LETTER OF THE LAW/OVER-IDENTIFICATION

(...card continues)

rules. Sometimes, at least, the most effective anti-ideological subversion of the official discourse of human rights consists in reading it in an excessively "literal" way, disregarding the set of underlying unwritten rules.

VI

The need for unwritten rules thus bears witness to, confirms, this vulnerability: the system is compelled to allow for possibilities of choices that must never actually take place since they would disintegrate the system, and the function of the unwritten rules is precisely to prevent the actualization of these choices formally allowed by the

system. One can see how unwritten rules are correlative to, the obverse of, the empty symbolic gesture and/or the forced choice: unwritten rules prevent the subject from effectively accepting what is offered in the empty gesture, from taking the choice literally and choosing the impossible, that the choice of which destroys the system. In the Soviet Union of the 1930s and 1940s, to take the most extreme example, it was not only prohibited to criticize Stalin, it was perhaps even more prohibited to enounce publicly this prohibition, i.e., too state that one is prohibited to criticize Stalin-the system needed to maintain the appearance that one is allowed to criticize Stalin, i.e., that the absence of this criticism (and the fact that there is no opposition party or movement, that the Party got 99.99% of the votes at elections) simply demonstrates that Stalin is effectively the best and (almost) always right. In Hegelese, this appearance qua appearance was essential.

This dialectical tension between the vulnerability and invulnerability of the System also enables us to denounce the ultimate racist and/or sexist trick, that of "two birds in the bush instead of a bird in hand": when women demand' simple equality, quasi-"feminists" often pretend to offer them "much more" (the role of the warm and wise "conscience of society,"

elevated above the vulgar everyday competition and struggle for domination ...) the only proper answer to this offer, of course, is "No, thanks! Better is the enemy of the Good! We do not want more, just equality!" Here, at least, the last lines in Now Voyager ("Why reach for the moon, when we can have the stars?") are wrong. It is homologous with the native American who wants to become integrated into the predominant

"white" society, and a politically correct progressive liberal endeavors to convince him that, he is thereby renouncing his very unique prerogative, the authentic native culture and tradition-no thanks, simple equality is enough, I also wouldn't mind my part of consumerist alienation! ... A modest demand of the excluded group for the full participation at the society's universal rights is much more threatening for the system than the apparently much more "radical" rejection of the predominant "social values" and the assertion of the superiority of one's own

culture. For a true feminist, Otto Weininger's assertion that, although women are "ontologically false," lacking the proper ethical stature, they should be acknowledged the same rights as men in public life, is infinitely more acceptable than the false elevation of women that makes them "too good" for the banality of men's rights.

OVER-IDENTIFICATION WITH THE LAW IS MUCH MORE SUBVERSIVE THAN TRYING TO STEP OUTSIDE OF IT

ŽIŽEK, INSTITUTE FOR SOCIAL SCIENCES AT THE UNIVERSITY OF LJUBLJANA, **1998** [SLAVOJ, "WHY DOES THE LAW NEED AN OBSCENE SUPPLEMENT?" *LAW AND THE POSTMODERN MIND*, P. ELECTRONIC]

Perhaps, the truly subversive authors are not direct "transgressors" a la Sade but those (from Pascal through Kleist, Kierkegaard and Kafka to Brecht's learning plays) who belong to the "overconformist" line: authors who subvert the ruling ideology by taking it more literally than it is ready to take itself-the uneasy, disturbing effect on the reader of Pensees or The Prince of Homburg resides in the fact that they as it were disclose the hidden cards of the ideology they identify with (French Catholicism, the German military patriotism,

revolutionary Communism) and thus render it inoperative, i.e., unacceptable for the existing order. These works violently confront us with the fact that ideology requires a distance from itself in order to rule unimpeded: if ideology is to maintain its hold on us, we must experience ourselves as not fully in its grasp-"I'm not merely a direct embodiment of ... [Jansenism, Prussian

patriotism, Communism]; beneath this ideological mask, there lurks a warm human person with his small sorrows and joys that have nothing to do with big ideological issues...." What Pascal, Kleist, and Brecht do is invert this (mis)perception: the apparently nonideological experience of the "warm human person" beneath the ideological mask is in itself false, it is here to obfuscate the fact that the ideological mask effectively runs the game-in Brecht's Massnahme, for example, individuals are, violently reduced to their

"ideological mask," so that the very moment the desperate hero, unable to endure any longer the sight of the suffering of the poor peasants, wants to shed off his mask and show his true face in order to help them, he is denounced as false, as the moment of betrayal of the revolutionary Cause ...

AFF: DEMANDS SOLVE

DON'T READ THE AFFIRMATIVE AS A SIMPLE AND PRAGMATIC INTERVENTION INTO EXISTING POLITICS, IT IS ALSO A RADICAL GESTURE TOWARD REDEFINING THE EXISTING SOCIO-POLITICAL COORDINATES.

ZIZEK, PROF. OF SOC. @ LJUBLJANA, **2004** [SLAVOJ, "FROM POLITICS TO BIOPOLITICS...AND BACK," *THE SOUTH ATLANTIC QUARTERLY*, 103: 2/3 SPRING/SUMMER]

Second, there are (also) political acts: politics cannot be reduced to the level of strategic-pragmatic interventions. In a radical political act, the opposition between a "crazy" destructive gesture and a strategic political decision momentarily breaks down—which is why it is theoretically and politically wrong to oppose strategic political acts, as risky as they can be, to radical "suicidal" gestures à la Antigone, gestures of pure self-destructive ethical insistence with, apparently, no political goal. The point is not simply that, once we are thoroughly engaged in a political project, we are ready to put everything at stake for it, inclusive of our lives, but, more precisely, that only such an "impossible" gesture of pure expenditure can change the very coordinates of what is strategically possible within a historical constellation. This is the key point: an act is neither a strategic intervention into the existing order, nor its "crazy" destructive negation; an act is an "excessive," transstrategic, intervention that redefines the rules and contours of the existing order.

THE STATE CAN ALWAYS BE CHALLENGED THROUGH ATTEMPTS TO RECOGNIZE THE SOCIAL FANTASY AND ASSUME THE ROLE OF BARE LIFE.

EDKINS, PROFESSOR OF INTERNATIONAL POLITICS AT THE UNIVERSITY OF WALES, **2003** [JENNY, *TRAUMA AND THE MEMORY OF POLITICS*, 216]

At the point at which changes in the political ordering of the state are demanded, protests move to the sites that are central to the current structure. The protests reclaim memory and rewrite it as a form of resistance. The story is never finished: the scripting of memory by those in power can always be challenged, and such challenges are found at moments and in places where the very foundations of the imagined community have been laid out. They play on, and demand a recognition of, the contingency of political community and its structure as social fantasy.

For the most part, these protests are insistently non-violent. As such they have a particular effectiveness in their appeal against the structures of sovereign power put into place by the treatment of life as bare life that was discussed in the previous chapter. In a sense that I shall explore in this chapter, they assume, or take on, bare life. The protesters, in refusing violent means, expose the violence of the state. This exposure is particularly poignant and powerful when it takes place in the face of the memorials to state violence.

AFF: NEOLIBERALISM TURN/:

STATE WITHDRAWAL FROM POWER IS A TECHNIQUE OF CONTROL. EMPOWERMENT, RESONSIBILIZATION ARE ATTEMPTS TO REDISTRIBUTE POWER IN WAYS HARED TO OPPOSE AND NAME

BARRY, OSBORNE & ROSE. 1996. [ANDREW, LECTURER @ DEPT. OF SCIOLOGY UNIVERSITY OF LONDON, THOMAS, LECTURER DEPT. OF SOCIOLOGY UNIVERSITY OF BROSTOL, NIKOLAS, PROF. OF SOCIOLOGY @ UNIVERSITY OF LONDON. *FOUCAULT AND POLITICAL REASON*. PG.11-12]

Above all, it is a mistake to -see neo-liberalism as simply a negative political response to the welfarism or corporatism of previous decades. Hall retains this emphasis in his contention that Thatcherism embodies a fiscal retreat by the State, even if this is countermanded by an enhancement of repressive powers. This is to impose too reductive, reactive and unvocall an interpretation upon the variety of phenomena embraced under the designation of Thatcherism; a consequence, no doubt, of the obsession with the question of the State that has dominated so much recent thinking in this area. This "retreat from the State" is also itself a positive technique of government: we are perhaps witnessing a degovernmentalization of the state but surely not "de-governmentalization" per se. Rather these studies suggest that what has been at issue has been the fabrication of techniques that can produce a degree of "autonomization" of entities of government from the state; here the state, allying itself with a range of other groups and forces, has sought to set up—in Latourian language—chains of enrollment, "responsibilization" and "empowerment" to sectors and agencies distant from the centre, yet tied to it through a complex of alignments and translations.

AFF: NEOLIBERALISM TURN/:

RESTORING WELFARE IS A NECESSARY STEP TO CHALLENGE MARKET EXPLOITATION AND THE ASCENDANCY OF NEOLIBERAL IDEOLOGICAL WAR AGAINST MINORITIES

MCCULSKEY '03 [MARTHA, PROF. OF LAW @ SUNY BUFFALO, INDIANA LAW JOURNAL, 78 IND. L.J. 783]

All of these alternative visions of social citizenship reject Lochner's substance by recognizing "the market" as an inherently moral--or immoral--institution organized around a particular and politically contingent distribution of rights and responsibilities. Because these alternative visions refuse to define existing market structures as necessarily and naturally efficient--in the overall societal interest--they escape the problem that alternative distributions of rights and responsibilities are inherently harmful to aggregate well-being. Each shifts the debate about the immorality of government protection from assistance for those at the bottom of the social hierarchy (based on class, gender, and race) to assistance for those at the top. Each reconstructs [*821] the increased bargaining power resulting from government protection for impoverished families as socially beneficial moral opportunity, not moral hazard. And because each focuses on poverty as a problem of harmful market privilege as well as harmful market disadvantage, each of these citizenship visions includes not just a right to be free from the most severe economic disadvantages, but a right to share in broader economic privileges. n164 And these alternative visions each go further than the Keynesian justification of "redistribution" because they each show that government protections altering existing market behavior do not necessarily constitute an alternative to the market (redistribution), or a correction to an otherwise neutral market (efficiency), but instead can be an alternative approach to structuring the market itself. As Fineman explains, government protection of rights should not be viewed as a means of responding to market failures, but as means of creating and sustaining particular markets. n165 These visions recognize government "interference" with the market as the norm, not the exception. They present the market as thoroughly structured by laws and ideologies that represent and enforce particular citizenship values. Forbath explains how the law of "laissez-faire" capitalism has not simply facilitated free-market contracts, but has used coercive redistribution to enforce caste: for example, by giving employers' property interests in workers' labor and obedience, by criminalizing unemployment, and by restricting workers' collective bargaining rights. n166 Fineman argues that ideologies and laws governing the family are integral to the market. n167 Roberts recognizes that the long history of government policies engendering black poverty (from slavery through Jim Crow and the more recent backlash against civil rights and welfare) stem not from irrational prejudice that deviated from free market self-interest maximizing, but from a political economy rationally and often successfully designed to maximize white power. n168 Although predominant public opinion may not go as far as Forbath, Fineman, and Roberts in reenvisioning the rights and responsibilities of citizenship, there is hardly a clear popular consensus in favor of the neoliberal assumption that the social good requires markets structured to increase employers' bargaining power relative to workers with children. n169 Nor is it obvious that the popular support for welfare reform reflects general agreement that society will benefit from providing incentives for more [*822] low-wage jobs and less parental child care. n170 Although white racism and patriarchal values undergird much popular sympathy with neoliberal reform arguments, popular disillusionment with AFDC's "redistribution" also may partly reflect the problem that AFDC failed to go far enough to change the distribution of bargaining power of those left insecure by the prevailing market. The three alternative visions of women on AFDC take this popular criticism of welfare "dependency" in a different direction: they recognize that social citizenship programs like AFDC have failed to support full citizenship for its recipients but explain the problem as a failure to sufficiently increase (not constrain) recipients' bargaining power (in state, market, or family). Exposing the market as a construction of politics will not in itself change the class, race, and gender antipathy that has helped construct the current market. However, by removing the economic mask that has sheltered that antipathy and its resulting privileges from direct debate, perhaps we can better challenge the inegalitarian citizenship vision it represents. Defenders of social citizenship should look beneath the line between redistribution and efficiency to directly address the question of which distribution of private gains, encouraged through which government protections, will produce the greatest public good.

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AFF: NEOLIBERALISM TURN/:

UTOPIAN DEMANDS FOR RESTORING WELFARE ARE CRITICAL TO EXPOSING THE FISSURES AND CRACKS IN NEOLIBERALISM. WE HAVE TO IMAGINE A NEW FUTURE IN ORDER TO STRUGGLE FOR IT

SMITH, ANNA MARIE. WELFARE REFORM AND SEXUAL REGULATION. NEW YORK: CAMBRIDGE UP, 2007.

In a just society, welfare equality would be established, the caregivers' entitlement program would be integral to the set of welfare equality policies, the racial patriarchy would be defeated, and legal marriage would be abolished. The just society would not be ushered into being by a benevolent dictator or a technocratic elite. On the contrary, it would be best if the transitions from our current conditions to a more progressive society and then to a just society resulted out of radical progressive mobilizations from below.⁹² In the transitional phase, the most powerful institutions would be effectively called to account and exposed to vigorous criticism and reform. Where the policy-making process is at present dominated by antidemocratic forces, the power of actors such as corporations and the sociopolitical elite would be significantly reduced. Instead of settling for an approach to governance that cedes control to a State bureaucracy, the policy-making process in a more progressive society would conform to an "active citizenship" model: it would become more democratically responsive, interactive, and transparent. Policy makers would be held in check by a well-informed and highly mobilized citizenry.⁹³ The political process in a more progressive society would provide a whole variety of opportunities for dissenters to organize collectively to press their demands. We would find, at the core of the more progressive society, permanent democratic contestation: "social movements based on shifting identities [that] mobilized routinely and dynamically around whatever injustices, experiences, and problems [that] seem most pressing at a particular point in time."⁹⁴ To the extent that an established social movement lost its critical edge and either faded away or became co-opted into institutionalized centers of authority, new protest groups would spring up to advance a fresh round of democratic demands. In this manner, "all individuals would have the capacity to participate in shaping their own identities and destinies through social movements capable of transforming the political, economic, cultural, and other complex organizations and institutions that shape the world."⁹⁵ Social movements would be valued as sites of democratic negotiation and shifting coalitions, sources of new criticism about emerging or occluded forms of oppression and exploitation, and catalysts for "vigorous debate, contestation, and conflict."⁹⁶ Instead of allowing identities to become reified and exclusionary, a vibrant social movement culture would tend to encourage different oppositional groups to learn from each other and to band together in novel ways. Continuous democratic pressure would be placed upon the State and other dominant institutions to reassess established policies for hidden forms of injustice and to respond to emerging needs. Because social movements, rather than officially recognized social groups, would serve as the key political actor in a more progressive society, the illiberal dangers inherent in group rights politics – such as the arbitrary drawing of group boundaries and the intragroup domination of nonconformists⁹⁷ – would be minimized. Given the protest movements' plural, shifting, and context-sensitive membership structures, their autonomy from the political party system, and the competition between multiple and overlapping activist projects for grass-roots energy and popular allegiance, the social movement culture would tend to enhance democratic debate and contestation. Social movements have already proved their unique capacity to bring to light concealed forms of domination and to spur the State and other established institutions to respond positively to the democratic demands of an increasingly pluralistic, multicultural, and complex society.⁹⁸ Insofar as these groups' diverse discourses began to influence one another and each struggle's critical perspective began to be taken up by other groups, people from quite different walks of life would find "common ground and feel connections with people from different regions of the country, different racial, ethnic, and class backgrounds, different religions, ages, genders, sexualities, occupations – and the list goes on".⁹⁹ A more progressive society would have to accommodate social movements from every political corner, including right-wing organizations and political projects that interrupted the established left-right division altogether. Taylor comments, "institutional authorities and political and economic elites might find such a society a nightmarish dystopia, but it is the dynamism and creativity of the social movement society that appeals to those of us who envision a multicultural and egalitarian way of practicing citizenship."¹⁰⁰

"But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AFF: AT: EXPERTISE—MARKET WORSE

PROFESSIONALS THAT REPORT TO THE GOVERNMENT ARE BEING UNDERMINED WHICH CAUSES THE GOVERNMENT TO ACT WITH LITTLE KNOWLEDGE

DUYVENDAK, KNIJN & KREMER, 2005 [JAN WILLEM, TRUDIE & MONIQUE, PROFESSOR OF SOCIOLOGY AT UNIVERSITY OF AMSTERDAM, PROFESSOR OF INTERDISCIPLINARY SOCIAL SCIENCE AT UTRECHT UNIVERSITY, RESEARCH FELLOW AT NETHERLANDS SCIENTIFIC COUNCIL ON GOVERNMENT POLICY, *POLICY, PEOPLE, AND THE NEW PROFESSIONAL*, MAY 2005, p. 7-8]

In the 1970S and 1980s, scholars were loudly criticising the power and intentions of social professionals. Three decades later, one hears a different voice, that of professionals whose power, expertise and knowledge are being undermined, which is causing serious problems. During an interview, Bourdieu (1998) said that the right hand of the state does not know what the left hand is doing. In other words, technicians, bureaucrats and policymakers have no clue about the work of those who actually implement public policy, such as teachers, policemen and social workers. As a consequence, the knowledge of what is really going on in society is not shared with decision makers, who in tum do not acknowledge the specific character of socio-professional work. They do not distinguish between the logic of the market and professional logic: 'How can we not see, for example, that the glorification of earnings, productivity, and competitiveness, or just plain profit, tends to undermine the very foundation of functions that depend on a certain professional disinterestedness often associated with militant devotion?' (Bourdieu 2002: 183184). Bourdieu and other analysts of social policy point out that the role of professionals has been changed - or reduced - as a consequence of the restructuring of welfare states by way of marketisation and accountability, the redefinition of citizens into consumers, and an accentuation of client participation. new modes of governance have intentionally limited the discretionary space of professionals. Marketisation and the focus on consumer-led services stress the voice of users or consumers at the expense of professionals. Since clients have now gained both voice (by means of legal appeals and by 'turning organisations upside down') and exit options (by giving clients vouchers or money to choose their preferred services), professionals have lost autonomy and authority. This makes it difficult to intervene in people's lives, even when clients may need support (Tonkens 2003). Additionally, the stress on accountability forces professionals to live up to managerial and bureaucratic standards. These new forms of governance have changed the motivation of professionals, their workload and the content of their job (Clarke & ewman 1997; Exworthy & Halford 1999). Rather than behaving like professionals they are led by a new kind of consciousness, 'a dispersed managerial consciousness', as Clarke and ewman put it. 7 The most striking evidence for the change in climate is the fact that a leading critic of professional power, Eliot Freidson, published in 2001 a book in defence of professionalism, *Professionalism: The Third Logic*. He describes two dominant logics that have now overruled the logic of professionalism: bureaucracy and consumerism. What worries Freidson is not so much the restriction of the knowledge monopoly of professionals, but the fact that professionals are no longer supposed to be the moral protectors of this knowledge. If they can no longer decide how and where this knowledge is to be put to use, professionalism itself is at stake. Professionals have a claim of license to balance the public good against the needs and demands of the immediate clients or employers. Transcendent values add moral substance to the technical content of disciplines... While they should have no right to be the proprietors of the knowledge and techniques of their disciplines, they are obliged to be their moral custodian. This is how Freidson's book ends (2001: 222).

AFF: AT: EXPERTISE—MARKET WORSE

PROFESSIONAL ACCOUNTABILITY HAS DECREASED SUBSTANTIALLY, CAUSING THE GOVERNMENT LITTLE KNOWLEDGE OF POLICY IMPLEMENTATION AND THE PROBLEMS THE POLICIES CREATE

DUYVENDAK, KNIJN & KREMER, 2005 [JAN WILLEM, TRUDIE & MONIQUE, PROFESSOR OF SOCIOLOGY AT UNIVERSITY OF AMSTERDAM, PROFESSOR OF INTERDISCIPLINARY SOCIAL SCIENCE AT UTRECHT UNIVERSITY, RESEARCH FELLOW AT NETHERLANDS SCIENTIFIC COUNCIL ON GOVERNMENT POLICY, *POLICY, PEOPLE, AND THE NEW PROFESSIONAL*, MAY 2005, p. 9-10]

The first debate is about policy changes. The classic welfare state is a thing of the past. In that welfare state, allocation took place via two routes: bureaucracy, in which each client received the same treatment or benefits, and professionalism, in which professionals owned the knowledge and discretionary space to do what they thought was best for clients, patients and other venerable or dependent citizens. Today governments want to organise less and less themselves. The role of the state is at stake, torn between reducing its governing power in the implementation of services and keep professionals from crossing boundaries. The implementation of services is increasingly contracted out to the market or to private non profit organisations. Political democratic control decreases, since accounting and monitoring is put in the hands of quasi-autonomous non-profit organisations. This entails a significant shift in the public public services. New concepts and trends have entered the policy arena. Besides contractualisation, privatization we now have to add accountability, managerialism, marketisation and user-led services. These concepts and trends affected state policy towards social services, 8 *POLICY, PEOPLE, AND THE NEW PROFESSIONAL*, 1 welfare states stimulate and efficiency I public services via a "marketisation" that has changed both the process and the culture of social and care services. Given the fact that services are paid out of taxes, transparency has become important - not only because politicians demand it: citizens too urge for more accountability. Accountability is therefore crucial in this process that inevitably limits the autonomy of professionals. Since decision makers still want to know what is going on at the level of implementation, accountability and marketisation have often gone along with re-bureaucratization.

AFF: PERMUTATION—HEALTH CARE

RETHINKING OUR UNDERSTANDINGS OF NURSING IS CRUCIAL TO UNDERSTANDING AND PROPERLY ADDRESSING THE ROLE THAT NURSES PLAY IN GOVERNMENTALITY.

HOLMES AND GASTALDO '02 [DAVE, ASSISTANT PROFESSOR IN THE SCHOOL OF NURSING AT THE UNIVERSITY OF OTTAWA, DENISE, ASSISTANT PROFESSOR IN THE FACULTY OF NURSING AT THE UNIVERSITY OF TORONTO, *JOURNAL OF ADVANCED NURSING* 38(6), JUNE 2002, PAGES 564]

Final remarks: exploring the limits and potential of governmentality

Rethinking nursing through the concept of governmentality could be perceived by many as a threatening experience. We have commented previously that the use of Foucauldian concepts 'can generate a form of critical immobilism' (Gastaldo & Holmes 1999, p. 23) because governmentality links together repressive and constructive ways of exercising power. The deterministic nature of 'power everywhere' and the sense of being governed, even through our freedom, generate strong and emotive responses such as a need to escape, especially because moral attributes traditionally have been attached to different ways of governing. We are used to searching for 'the right way' of practising nursing care and of being ethical in our interpersonal relationships or when governing society. For instance, compliance through disciplinary power becomes an imperative for patients suffering from life-threatening diseases, which can be managed by medication. However, the concept of governmentality challenges many assumptions taken for granted in nursing: ethics becomes politics, patient empowerment becomes a call for self-regulation, and in many ways nursing research serves the economic elites to the detriment of social equity

The concept of governmentality should be seen as a valuable tool for deconstructing nursing as an apolitical practice and a powerless profession. However, it should also help us to envision alternative ways of practising nursing. To insist on a single unified identity as powerless professionals means many times that no criticism can be raised against nurses; it represents the creation of an analytic shield that protects and explains the current arrangements of power. Critical perspectives are seen as unreasonable or victim blaming. To conceive nurses as professionals who exercise power serves a two-fold purpose: it allows for a more complex conceptualization of practice and it can potentially reveal some of the elements that perpetuate nurses' underprivileged position in society

Being historically situated in a nonprivileged position to negotiate working conditions or to benefit from social prestige does not mean that nurses do not exercise power or that they are not powerful. The examples presented in this paper illustrate some of the ways in which nurses exercise power in their everyday practices. What remains is the need to articulate power exercises with political rationalities to which groups of nurses subscribe and to analyse the governmental technologies we develop and support. This process should be guided by critiques that emerge from considerations of governmentality because this concept reminds us that competing discourses, even among nurses, are constantly reshaping ideas and practices regarding nursing and health in the social, economic, and political arenas. Personally and as professionals, we have been exploring the potential of combining ideas about governmentality with critical social theories such as emancipatory feminism (Manias & Street 2000). To understand power without being able to identify 'possible transformations' (Meyer 1998) derived from this Foucauldian perspective will not lead nursing into critical political action. However, the concept of governmentality sheds light on the impossibility of a single strategy to achieve more social recognition for nurses and reminds us that we are powerful at the same time that we are situated historically in a nonprivileged position

AFF: PERMUTATION—POLITICS

WE CAN PROBLEMATIZE AND WRITE THE CRITICAL HISTORIES OF THE PRESENT WITHOUT GIVING UP ON POLITICS AND EMANCIPATION

BARRY, OSBORNE & ROSE. 1996. [ANDREW, LECTURER @ DEPT. OF SOCIOLOGY UNIVERSITY OF LONDON, THOMAS, LECTURER DEPT. OF SOCIOLOGY UNIVERSITY OF BOSTON, NIKOLAS, PROF. OF SOCIOLOGY @ UNIVERSITY OF LONDON. *FOUCAULT AND POLITICAL REASON*. PG.6-7]

Although these theories of the present" address themselves to our political reason, then, this is not in the sense that any specific political prescriptions or proscriptions flow. This does not condemn historians of the present themselves in any way to be without politics or "beyond politics". For there is certainly an ethos of engagement tied to this way of conceiving of the present, one that may itself be historical but should not be despised for that. In his essay on Kant and the Enlightenment, Foucault insists that if modernity connotes anything it is not a period or a mode of experience but an "ethos", a way of orientating oneself to history. Kant's distinction was hardly to have inaugurated this modernity itself, so much as to have posed the question of the present as an issue. Here we find some hints as to Foucault's own understanding of the necessary ethos of the intellectual in the present. Foucault highlights Kant's "pragmatisanthropology", so different from the medium of the three Critiques, which opened up a space for Enlightenment not as certainty but as a kind of permanent questioning of the present, indeed a "commitment to uncertainty" (Gordon 1986: 74). As Colin Gordon emphasizes, for Foucault this commitment entailed a novel version of critique itself not so much to establish the limits of thought, but to locate the possible place for transgression (ibid.: 75). This understanding of the present does not take the anti-Enlightenment stance of other grand genealogies of the present moment. Gordon cites the work of Cassirer, Hayek, Adorno and Horkheimer as instances of genealogical thought linked to a "semiology of catastrophe". But as Foucault himself notes, one "does not [have] to be 'for' or 'against' the Enlightenment" (Foucault 1986: 43). Rather, the style of Foucault's histories of the present owes something to the classical orientation of Tocqueville or Weber, where "the analysis addresses the hazards and necessities of a system, not the unrecognized invasions of an alien, pathological mutation" (ibid.: 78, see also Owen 1994).

AFF: AT: SOCIAL WORK NORMALIZING

THE CRITIQUE'S PESSIMISTIC VISION OF POWER RELATION SHUTS DOWN ALL EMANCIPATORY POLITICS— CRITICAL UNDERSTANDINGS OF SOCIAL WORK ALLOW US TO USE THAT SOCIAL LOCATION FOR PROGRESSIVE CHANGE

AMY B. **ROSSITER**, PROFESSOR YORK UNIVERSITY, **1997**, [*JOURNAL OF PROGRESSIVE HUMAN SERVICES*, "A PERSPECTIVE ON CRITICAL SOCIAL WORK", PP.]

«««Poststructuralists believe that identity itself is socially constructed through 'discourse.' Such a derivation for identity marks the individual as always/already social. Discourse is defined as sets of statements which "delimit what can be said, whilst providing the spaces-- the concepts, metaphors, models, analogies-- for making new statements within any specific discourse" (Henriques et al., 1984, p. 106). Since this definition is admittedly cumbersome, it may be easier to think of discourses as "language cookie cutters" that create a variety of shapes in the "dough" of conceptual thought. This analogy takes us to the heart of poststructuralism's usefulness for this (and many other) discussions-- its view of power. Foucault's work during the 1970's and the early 1980's concentrated on the ability of power to produce rather than to repress (Foucault, 1979; 1980). Foucault tried to understand the historical shift from direct, physical power over the body, to power that operates through subjectivity (socially constructed identity). Foucault asked how, over historical time, we came to be self-regulating as "individuals"; and how it happens that such self-regulation coincides with the interests of power. He argued that discourses produce identity, and that power resides in the ability to create those discourses. The individual is understood as a site of multiple "internalized" discourses-- each with its own history, each an effect of power. Thus, identity itself is produced by power. It is through this understanding of the creation of subjectivity that poststructuralists overcome the structuralist impasse: the individual as coerced and oppressed by the external social realm. In the last decade, feminists became interested in the liberatory potential of Foucault's work (Code, 1991; de Lauretis, 1986; Nicholson, 1990; Walkerdine, 1990; Weedon, 1987). Much of feminist poststructuralism looked at how discourses that were made in the interest of maintaining capitalist patriarchy provided the identity positions of femininity. This work was largely motivated by the possibility it offered of creating alternative discourses and refusing identities given through discourses of capitalist patriarchy-- in effect, recreating ourselves through language. Poststructuralist theory is extremely helpful to social work because it provides a means to understand our own position in the organization of power. Foucault (1979) specifically names the helping disciplines as professions which carry out the work of social regulation. When social workers create clients through social work language, the definition of normal is socially produced through relations of power. The question for social work is: how can we best handle our position at sites where power and help are interwoven? Despite its emancipatory project, poststructuralism is criticized for lacking a political program (Habermas, 1992; Wapner, 1989). Poststructuralism claims that all language is socially given and arises from the material and historical world; there is no foundational reality outside language. Therefore, no explanation of reality can be considered true or universal. This leads to relativism: a state in which it is impossible to say that one version of reality is better than another. Foucault is criticized for being unable to determine a way of "... distinguishing the resistance of the women's movement or the Polish Solidarity movement from, say, the Ku Klux Klan or Jim Jones' People's Temple" (White, 1986, p. 430). This is an important criticism, and needs to be considered in relation to a critical social work. However, critics generally fail to keep in mind the emancipatory contribution of Foucault's study of power. Near the end of his life, Foucault said "My role—and that is too emphatic a word—Is to show people that they are much freer than they feel, that people accept as truth, as evidence, some themes which have been built up at a certain moment during history and that this so-called evidence can be criticized and destroyed" (Martin, Gutman & Hutton, 1988, p. 10). Critical theory considers questions of the relationship between freedom and our responsibility for making culture. In thinking about critical social work it is important to situate social work, itself, as a site of cultural production. Richard Lichtman (1990) asserts that there is no fixed human nature, no universal needs that fall outside social meanings. He argues that humans beings, lacking instincts, are required to complete themselves through culture. While not denying the limits and potentials of biology, he says that culture makes meaning and motivation, and thus, human nature. Human nature is never static, but is continually produced by history, the material world, language, biological capacity, and interpersonal relations: humans produce the culture that produces humans. With respect to social work, the question is: how is culture made through the activity of social work? The goal of social work is determined by one's understanding of that question, since social work has a role in producing the culture that makes human beings. This process of production takes place even in the smallest sites of practice: the condition of waiting rooms, the tone of the intake process, forms, dress, and so on. So if

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AFF: AT: SOCIAL WORK NORMALIZING

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poststructuralism has ended the possibility of innocent knowledge (knowledge outside power relations, which allowed us to say that one version of reality was truer than another) and if we still have the responsibility for creating culture, how do we work together to create a just culture? By definition, the work of making culture does not consist solely of individual decisions regarding identity; it requires that many versions of reality be intersubjectively considered.

Poststructuralists decry the place of reason in modernity, claiming that reason has been invoked to justify power and to suppress potentially dissenting voices. One of their critics, Jürgen Habermas, tries to rescue the concept of reason from the poststructuralists. While deeply concerned with the problem of power, Habermas believes that reason itself is embedded in language, and must be intrinsic to a project of justice. He accepts the poststructuralist position regarding the power of language to construct subjectivities, but argues that it is because of the power of language that we need a communicatively-centered reason, rather than a subject-centered one. Thus, Habermas' work consists of restructuring philosophy, transforming it from a philosophy of individual reason, to a philosophy of intersubjective communication. His motivation for undertaking this shift is the need for democratic control of the norms of justice. Habermas argues for a discourse ethic in which language, embedded as it is with reason, is central to the articulation of just norms. Habermas calls that process an "ideal speech situation" (Habermas, 1990, p. 86). An ideal speech situation has three criteria: 1. Equality of access: all affected may participate 2. Equality of participation: a. all allowed to introduce any assertion into the discourse b. all allowed to question any assertion in the discourse c. all allowed to express attitudes, desires and needs 3. No speaker may be prevented, by internal or external coercion, from exercising her/his rights as laid down in (1) and (2). The ideal speech situation is an ideal—rarely, if ever, fully achievable. It can, nevertheless, guide our thinking about processes of creating just norms. Habermas sees such use of language as capable of instituting democratic control over social processes, thus resisting the encroachment of irrational economic and administrative systems. Discourse ethics is a process through which culture can be

made intentionally and consciously. Towards Synthesis How do these threads of thought (Foucault and feminist post-structuralists, Lichtman and Habermas) contribute to the orientation of a social work I find worth doing? A primary objective of social work is the notion of justice. The historical challenge to social work is to move away from discourses that regulate by policing the boundaries of normal/abnormal, sick/well, and so forth, toward a discourse that understands justice as the foundation of well-being. The following principles are necessary for a justice-centred social work: 1. Social workers must accept that they are subjects (producers) of culture and not merely subjected to it. Social work is a form of cultural production, traditionally useful in the maintenance of power, which obligates all social workers to become intentional and conscious about their agency in producing culture. 2. As social subjects, social workers must actively work with themselves and others to understand how social formation is vulnerable; we are "freer than we feel." 3. We can use that freedom to make a culture that is oriented to justice when we engage with others and help others engage, in intersubjectively coordinated action that holds democratic participation through discourse ethics as an ideal. >>>

AFF: AT: SOCIAL WORK NORMALIZING

A MORE CRITICAL UNDERSTANDING AND PRACTICE OF SOCIAL WORK IS CRUCIAL TO EXAMINING THE INSIDIOUS STRUCTURES OF POWER AND DECONSTRUCTING THE OPPRESSION INHERENT TO THE PROFESSION

AMY B. ROSSITER, PROFESSOR YORK UNIVERSITY, 1997, [*JOURNAL OF PROGRESSIVE HUMAN SERVICES*, “A PERSPECTIVE ON CRITICAL SOCIAL WORK”, PP.]

“Reorienting social work in a critical direction means making a fundamental transformation in our understanding of knowledge and practice. It is fair to say that the controlling metaphor for social work has been the technical/scientific. The ideal of “real” social work is the establishment of empirically tested theory; generation of practice principles that match the theory; and teaching those principles as technique to students, whose clients then need to alter their perspectives in relation to the reigning theory. The result is a belief in expertise, professionalism, infallible theories and technical practices. Concurrently, it produces in practitioners a massive sense of fraudulence, and a disbelief in personal adequacy. Postmodernists rejected this orientation as the residue of modernism; the epistemology that grounded imperialism, modern patriarchy, and contempt for the natural world. Jane Gorman, for example, interprets postmodernism in social work as that practice which values local and particular knowledge, “contextually embedded local narratives,” relationship and empathy (1993, p. 257). Postmodernists eschew “grand recits” in favour of the complexity and particularity of voices speaking from their own /locations. However, teaching from such a place is difficult. It requires violating both norms of the academy, which themselves were developed from modernist forms of authority, and student expectations of certainty; it flies in the face of professionalism in social work, which hinges on expert knowledge; and it challenges deeply internalized notions of “getting it right” (MacMahon, 1991). Teaching from a postmodernist position also recalls the critique of postmodernism on grounds of relativism: how, after all, are we to teach such an unspecified project? With this in mind, I have articulated two areas of emphasis in the practice of critical social work: learning responsible epistemic practices in social work; and paying attention to communicative responsibility in practice. Instituting these two practices will shift our notion of expertise from something acquired by “an expert” to something held by an “experienced person,” who “. . . proves to be, on the contrary, someone who is radically undogmatic; who, because of the many experiences he

has had and the knowledge he has drawn from them, is particularly well-equipped to have new experiences and to learn from them” (Gadamer, 1992, p. 355). Much of social work theory positions social workers as the knowers and their clients as, at best, repositories of “strengths.” Implicit in such theory is the notion that theoretical and practical objectivity is possible-- and therefore that social workers can possess an objective view of a client, which will lead to the correct intervention. The ideal of a complete perspective results in power abuses in social work practice, and maintains professional blindness to social control through the profession.

I suggest, instead, that responsible epistemic practices in social work involve understanding knowledge as partial, located and always situated within the perspective of the knower. Three ways to approach such a project are: (1) beginning to view knowledge as “empowering fictions” (Baker, 1993); (2) rejecting traditional views of objectivity in favour of a concept of partial perspective; and (3) developing a concept of critical empathy. “Empowering Fictions”: Poststructuralism provides the concept of “suspicion of knowledge” as a tool for understanding how knowledge itself normalizes and disciplines populations. Clearly, social work knowledge is produced within a normalizing apparatus; social work practice creates boundaries between deviance and normality. But because we are held captive by definitions of knowledge as whole, neutral, and objective, we have few tools to deconstruct how our work covertly produces “normalcy.” Consequently, victims of oppression are subjected to practices in which social care and social control are interpenetrated. >>>

AFF: AT: BUREAUCRACY LINK

AFF CARD: TECHNIQUES OF SURVEILLANCE AND GOVERNANCE ARE NOT INEVITABLE VIOLENT OR NEGATIVE. ACCOUNTANCY AND OTHER FORMS OF OVERSIGHT CAN ALSO BE MOBILIZED FO ALTERNATIVE ARTS OF GOVERNING

BARRY, OSBORNE & ROSE. 1996. [ANDREW, LECTURER @ DEPT. OF SCIOLOGY UNIVERSITY OF LONDON, THOMAS, LECTURER DEPT. OF SOCIOLOGY UNIVERSITY OF BROSOL, NIKOLAS, PROF. OF SOCIOLOGY @ UNIVERSITY OF LONDON. *FOUCAULT AND POLITICAL REASON*. PG.8]

But this stress on the relations between expertise and politics does not imply that it is one of functionality or of co-optation. Rather, the relations established, although "functionalizable", are contingent. As Foucault himself argued, the discipline of architecture acquired particular political significance in relation to the political rationality of police as it did for Jeremy Bentham in proposing a practice of reformatory incarceration. This does not mean either that architecture is inevitably to be understood, let alone explained, in terms of

its functioning within modern forms of political power, or that "similar" styles and forms of architecture might not be articulated with quite different political projects. Likewise, **if particular technologies such as auditing and accountancy have a particular utility to neo-liberalism, this does not mean that there is an intrinsic relation between the techniques and the politics, such that they must be discarded by those who seek an alternative art of government.** In any case, **it is never in these analyses merely a question of being either for or against the technological. Humans' relations to technology are not merely those of a passive "reduction"; rather, technology is an aspect of what it is to be human** (Canguilhem 1994). And if

technology is political it is because technology always carries with it a certain "telos" of operations, a certain directive capacity. **In other words, technology—both in terms of of the human side of technology and of the technology of what it is to be human—is integral to those relations of authority and subjectivity that insert our selves into the space of the present, giving us the status of living beings capable of having “experience” of the present. In short, technology neither is, nor could be either, “outsode” politics or corrosive of politics; it is tied irrevocably to our self understanding and our understanding of the political.**

AFF: AT: COPTION LINK

THE FEAR OF COPTION PREVENTS FROM CHANGING THE SYSTEM FOR THE BETTER—TRANSGRESSIONS, LIKE THEIR ALTERNATIVE, ONLY REINFORCES THE SYSTEM

ŽIŽEK, INSTITUTE FOR SOCIAL SCIENCES AT THE UNIVERSITY OF LJUBLJANA, 1998 [SLAVOJ, “WHY DOES THE LAW NEED AN OBSCENE SUPPLEMENT?” *LAW AND THE POSTMODERN MIND*, P. ELECTRONIC]

Finally, the point about inherent transgression is not that every opposition, every attempt at subversion, is automatically "coopted." On the contrary, the very fear of being coopted that makes us search for more and more "radical," "pure" attitudes, is the supreme strategy of suspension or marginalization. The point is rather that true subversion is not always where it seems to be. Sometimes, a small distance is much more explosive for the system than an ineffective radical rejection. In religion, a small heresy can be more threatening than an outright atheism or passage to another religion; for a hard-line Stalinist, a Trotskyite is infinitely more threatening than a bourgeois liberal or social democrat. As le Carre put it, one true revisionist in the Central Committee is worth more than thousand dissidents outside it. It was easy to dismiss Gorbachev for aiming only at improving the system, making it more efficient—he nonetheless set in motion its disintegration. So one should also bear in mind the obverse of the inherent transgression: one is tempted to paraphrase Freud's claim from The Ego and the Id that man is not only much more immoral than he believes, but also much more moral than he knows—the System is not only infinitely more resistant and invulnerable than it may appear (it can coopt apparently subversive strategies, they can serve as its support), it is also infinitely more vulnerable (a small revision etc. can have large unforeseen catastrophic consequences). Or, to put it in another way: the paradoxical role of the unwritten superego injunction is that, with regard to the explicit, public Law, it is simultaneously transgressive (superego suspends, violates, the explicit social rules) and more coercive (superego consists of additional rules that restrain the field of choice by way of prohibiting the possibilities allowed for, guaranteed even, by the public Law). From my personal history, I recall the moment of the referendum for the independence of Slovenia as the exemplary case of such a forced choice: the whole point, of course, was to have a truly free choice—but nonetheless, in the pro-independence euphoria, every argumentation for remaining within Yugoslavia was immediately denounced as treacherous and disloyal. This example is especially suitable since Slovenes were deciding about a matter that was literally "transgressive" (to break from Yugoslavia with its constitutional order), which is why the Belgrade authorities denounced Slovene referendum as unconstitutional—one was thus ordered to transgress the Law ... The obverse of the omnipotence of the unwritten is thus that, if one ignores them, they simply cease to exist, in contrast to the written law that exists (functions) whether one is aware of it or not—or, as the priest in Kafka's *The Trial* put it, law does not want anything from you, it only bothers you if you yourself acknowledge it and address yourself to it with a demand

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AFF: ALTERNATIVE FAILS

OPPOSITIONS TO FREEDOM FAIL, THEY ARE CO-OPTED BY GOVERNMENT

BARRY, OSBORNE & ROSE. 1996. [ANDREW, LECTURER @ DEPT. OF SOCIOLOGY UNIVERSITY OF LONDON, THOMAS, LECTURER DEPT. OF SOCIOLOGY UNIVERSITY OF BOSTON, NIKOLAS, PROF. OF SOCIOLOGY @ UNIVERSITY OF LONDON. *FOUCAULT AND POLITICAL REASON*. PG.2]

But if political reason itself is mutating, analysis of politics lags some way behind. It has proved difficult and painful for much political theory and political sociology to abandon the oppositions that have sufficed for so long: State and civil society, economy and family, public and private coercion and freedom. Yet contemporary movements in politics show Just how clumsy and inept such oppositions are: each, in different ways, demands a form of government that combines action by political and non-political authorities, communities and individuals. And the relations of force of power, of subordination of liberation and "responsibilization" of collective allegiance and individual choice that are brought into being in these new configurations are difficult to visualize let alone to evaluate, in the language of orthodoxy. Indeed in a very real sense, it is liberalism itself that is at stake in these new forms of political reason – the peculiar sense in which, for liberalism, freedom was simultaneously the antonym, the limit and the objective of government and the ways in which these relations of liberty and authority were thought through and enacted in western societies over the subsequent 150 years.

AFF: APOCALYPSE TURN/:

FOUCAULT IS NOT A NEGATIVE ARGUMENT BUT AN ETHOS FOR APPROACHING PROBLEMS. HE EXPLICITLY REJECTS THE APOCALYPTICISM OF YOUR KRITIK IMPACT AS COUNTERPRODUCTIVE CRISIS RHETORIC

BARRY, OSBORNE & ROSE. 1996. [ANDREW, LECTURER @ DEPT. OF SOCIOLOGY UNIVERSITY OF LONDON, THOMAS, LECTURER DEPT. OF SOCIOLOGY UNIVERSITY OF BOSTON, NIKOLAS, PROF. OF SOCIOLOGY @ UNIVERSITY OF LONDON. *FOUCAULT AND POLITICAL REASON*. PG. 4-52]

Foucault might be said to approach the question of the present with a particular ethos but not with any substantive or *a priori* understanding its status. His concern is not to identify some current, perhaps definitive, "crisis" in the present. Foucault makes no reference to concepts, such as post-fordism, postmodernity, "McDonaldization" or late capitalism that have often been used to characterize a certain kind of break with the past. Nor is he concerned simply with a blanket denunciation of the present. No political programmatic follow automatically from his work in this field. Foucault once argued in an interview, that one of the "most destructive habits of modern thought ... IS that the moment of the present is considered in history as the break, the climax, the fulfilment, the return of youth, etc." - confessing that he had himself found himself at ~e~ ~wn into the orbit of such a temptation (Foucault 1989c: 251). But if it IS the case that, for example, the closing pages of *Madness and Civilization* adopt an unquestionably apocalyptic tone in their pronouncements on the present, and that Foucault himself was to regret the adoption of such apocalyptic tones, in a sense, the conception of the present does retain a certain stability across his work. Above all, one might say, Foucault was concerned to introduce an "untimely" attitude in our relation towards the present. Untimely in the Nietzschean sense: acting counter to our time, introducing a new sense of the fragility of our time, and thus acting on our time for the benefit, one hopes, of a time to come (Nietzsche 1983: 60, cf. Rose 1993b: 1, Bell 1994: 155).

AT: BIOPOLITICS—BIOPOLITICS GOOD

BIOPOLITICS GOOD—IT LEADS TO FREEDOM AND RESISTANCE TO THE MOST OPPRESSIVE PARTS OF THE SYSTEM THROUGH RESISTANCE FROM BELOW

DICKINSON, UNIVERSITY OF CINCINNATI, MARCH 2004 [EDWARD ROSS, “BIOPOLITICS, FASCISM, DEMOCRACY: SOME REFLECTIONS ON OUR DISCOURSE ABOUT “MODERNITY,” *CENTRAL EUROPEAN HISTORY*, VOL. 37, NO. 1, P.41-44]

In any case, the focus on the activities and ambitions of the social engineers in the literature on biopolitical modernity has begun to reach the point of diminishing returns. In the current literature, it seems that biopolitics is almost always acting on (or attempting to act on) people; it is almost never something they do. This kind of model is not very realistic. This is not how societies work. The example of the attempt to create a eugenic counseling system in Prussia should be instructive in this respect. Here public health and eugenics experts—technocrats—tried to impart their sense of eugenic crisis and their optimism about the possibility of creating a better “race” to the public; and they successfully mobilized the resources of the state in support of their vision. And yet, what emerged quite quickly from this effort was in fact a system of public contraceptive advice — or family planning. It is not so easy to impose technocratic ambitions on the public, particularly in a democratic state; and “on the ground,” at the level of interactions with actual persons and social groups, public policy often takes on a life of its own, at least partially independent of the fantasies of technocrats. This is of course a point that Foucault makes with particular clarity. The power of discourse is not the power of manipulative elites, which control it and impose it from above. Manipulative elites always face resistance, often effective, resistance. More important, the power of discourse lies precisely in its ability to set the terms for such struggles, to define what they are about, as much as what their outcomes are. As Foucault put it, power—including the power to manage life —“comes from everywhere.”¹⁰⁵ Biomedical knowledge was not the property only of technocrats, and it could be used to achieve ends that had little to do with their social-engineering schemes.¹⁰⁶ Modern biopolitics is a multifaceted world of discourse and practice elaborated and put into practice at multiple levels throughout modern societies. And of course it is often no less economic—no less based on calculations of cost and benefit—at the level of the individual or family than it is in the technocrats’ visions of national efficiency.

In fact, the literature of the past twenty years has made it abundantly clear that a great deal of “official” biopolitical discourse generated by academics and civil servants was essentially reactive. A vast amount of discussion among eugenics, population policy, and welfare experts focused on the concrete “problem” of the demographic transition of the early twentieth century. It was the use of reproductive knowledge and reproductive technology by millions of Europeans to limit their fertility — the Geburtenrückgang or decline of births, in German parlance — that was the center of concern. While much of the historical literature stresses the role of science in shaping technocratic ambition, of course actually a large proportion of the technocrats’ discourse was concerned with orchestrating a return to more “natural” and less technologically-enabled reproductive patterns. The problem, particularly for the more influential moderate and pronatalist branch of eugenics, was not only how to apply modern science to humanity, but more importantly how to get humanity to stop applying modern science to itself.

Atina Grossmann, in her history of the organized mass popular movement for fertility control in Germany in the 1920s, has given us a good example of what this shift in perspective can reveal. Grossmann stresses the technocratic ambition and relatively conservative intent of many medical sex reformers, the power of the “motherhood-eugenics consensus” to shape and limit acceptable definitions of women’s social and sexual roles and aspirations in this period, and the prevalence of the rhetoric of “social health, medicalization, cost effectiveness, and national welfare.” And yet, in the final analysis she describes a powerful reform movement that helped to spread contraceptives and contraceptive knowledge widely among the German population. Popular groups were “increasingly insistent that the working class also had a right to the benefits of scientific progress” (in the form of contraceptive technologies); and while most of the medical establishment opposed the widespread use of contraceptives, the popular movement garnered critical support from radical socialists within the medical profession. As Grossmann remarks, “the German case is instructive precisely because it illustrates the fallacies of setting up rigid categories of ‘popular’ and ‘professional.’”¹⁰⁷

In short: is the microphysics of modern power/knowledge always the microphysics of oppression, exploitation, and manipulation? Are technocratic elites always in charge of the imperatives of discourse — or do discourses have their own logic, which

(card continues...)

“But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”

AT: BIOPOLITICS—BIOPOLITICS GOOD

(...card continues)

technocrats can define, escape or direct no more (or less) than can anyone else? Discourse may or may not be a locomotive, driving down a pre-determined track and dictating individual decisions and fates by its own internal logic; but even if it is, the technocrats aren't driving it, and in fact their schemes may get field of state activity was often the product of technocratic "readings" of biopolitical discourse. But it was only one small part of a much broader process by which a large proportion of the German population came to define their needs and aspirations in new ways. We need not exaggerate the degrees of freedom that process generated to be able to appreciate that in some cases, to some extent, and sometimes willy-nilly, discourse and policy were actually a response to that broader process of redefinition — in short, to "demand-side" pressures.

Uncoupling "technocracy" from "discourse" is not yet enough, however. We should also be alive to the ways in which new social practices, institutions, and knowledge generated new choices — a limited range of them, constrained by all kinds of discursive and social frameworks, but nonetheless historically new and significant. Modern biopolitics did create, in a real sense, not only new constraints but also new degrees of freedom— new levers that increased people's power to move their own worlds, to shape their own lives. Our understanding of modern biopolitics will be more realistic and more fruitful if we reconceptualize its development as a complex process in which the implications of those new choices were negotiated out in the social and discursive context. Again, in the early twentieth century many more conservative biopolitical "experts" devoted much of their energy precisely to trying— without any discernable success— to control those new degrees of freedom. For most social liberals and Social Democrats, however, those new choices were a potential source of greater social efficiency and social dynamism. State policy reflected the constant negotiation and tension between these perspectives.

Nor should we stop at a reexamination of knowledge and technology. It might make sense, too, to reexamine the process of institution-building, the elaboration of the practices and institutions of biopolitics. No doubt the creation of public and private social welfare institutions created instruments for the study, manipulation, or control of individuals and groups. But it also generated opportunities for self-organization and participation by social groups of all kinds. Grossmann's birth control movement was but one instance of the explosive growth of the universe of associational life in the field of biopolitics, which itself was only one small part of a much broader development: the self-creation of a new, urban industrial social order, the creation of a self-government of society through myriad nongovernmental organizations. In these organizations, citizens were acting to shape their own lives in ways that were often fundamentally important as part of lived experience — of the "life world." Of course there was nothing inherently democratic about these organizations or their social functions — many were authoritarian in structure, many cultivated a tendentially elitist culture of expertise, and some pursued exclusionary and discriminatory agendas. Nevertheless, they institutionalized pluralism, solicited participation, enforced public debate, and effectively sabotaged simple authoritarian government. Again, National Socialist totalitarianism was in part a response precisely to the failure of political, social, and cultural elites to contain and control this proliferation of voices, interests, and influence groups.¹⁰⁸

¹⁰⁸ "But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another."

AT: BIOPOLITICS—BIOPOLITICS GOOD

BIOPOLITICS IS GOOD—ONLY SEEING IT AS BAD A) IGNORES THE MASSIVE DECREASE IN STRUCTURAL VIOLENCE IT HAS CAUSED AND B) VIEWS POWER UNIDIRECTIONALLY IN CONTRADICTION WITH THEIR OWN CRITIQUE

DICKINSON, UNIVERSITY OF CINCINNATI, MARCH 2004 [EDWARD ROSS, “BIOPOLITICS, FASCISM, DEMOCRACY: SOME REFLECTIONS ON OUR DISCOURSE ABOUT “MODERNITY,” *CENTRAL EUROPEAN HISTORY*, VOL. 37, NO. 1, P. 36-39

This understanding of the democratic and totalitarian potentials of biopolitics at the level of the state needs to be underpinned by a reassessment of how biopolitical discourse operates in society at large, at the “prepolitical” level. I would like to try to offer here the beginnings of a reconceptualization of biopolitical modernity, one that focuses less on the machinations of technocrats and experts, and more on the different ways that biopolitical thinking circulated within German society more broadly.

It is striking, then, that the new model of German modernity is even more relentlessly negative than the old Sonderweg model. In that older model, premodern elites were constantly triumphing over the democratic opposition. But at least there was an opposition; and in the long run, time was on the side of that opposition, which in fact embodied the historical movement of modernization. In the new model, there is virtually a biopolitical consensus.⁹² And that consensus is almost always fundamentally a nasty, oppressive thing, one that partakes in crucial ways of the essential quality of National Socialism. Everywhere biopolitics is intrusive, technocratic, top-down, constraining, limiting. Biopolitics is almost never conceived of—or at least discussed in any detail—as creating possibilities for people, as expanding the range of their choices, as empowering them, or indeed as doing anything positive for them at all.

Of course, at the most simple-minded level, it seems to me that an assessment of the potentials of modernity that ignores the ways in which biopolitics has made life tangibly better is somehow deeply flawed. To give just one example, infant mortality in Germany in 1900 was just over 20 percent; or, in other words, one in five children died before reaching the age of one year. By 1913, it was 15 percent; and by 1929 (when average real purchasing power was not significantly higher than in 1913) it was only 9.7 percent.⁹³ The expansion of infant health programs—an enormously ambitious, bureaucratic, medicalizing, and sometimes intrusive, social engineering project—had a great deal to do with that change. It would be bizarre to write a history of biopolitical modernity that ruled out an appreciation for how absolutely wonderful and astonishing this achievement—and any number of others like it—really was. There was a reason for the “Machbarkeitswahn” of the early twentieth century: many marvelous things were in fact becoming machbar. In that sense, it is not really accurate to call it a “Wahn” (delusion, craziness) at all; nor is it accurate to focus only on the “inevitable” frustration of “delusions” of power. Even in the late 1920s, many social engineers could and did look with great satisfaction on the changes they genuinely had the power to accomplish.

Concretely, moreover, I am not convinced that power operated in only one direction—from the top down—in social work. Might we not ask whether people actually demanded welfare services, and whether and how social workers and the state struggled to respond to those demands? David Crew and Greg Eghigian, for example, have given us detailed studies of the micropolitics of welfare in the Weimar period in which it becomes clear that conflicts between welfare administrators and their “clients” were sparked not only by heavyhanded intervention, but also by refusal to help.⁹⁴ What is more, the specific nature of social programs matters a great deal, and we must distinguish between the different dynamics (and histories) of different programs. The removal of children from their families for placement in foster families or reformatories was bitterly hated and stubbornly resisted by working-class families; but mothers brought their children to infant health clinics voluntarily and in numbers, and after 1945 they brought their older children to counseling clinics, as well. In this instance, historians of the German welfare state might profit from the “demand side” models of welfare development that are sometimes more explicitly explored in some of the international literature.⁹⁵

In fact, even where social workers really were attempting to limit or subvert the autonomy and power of parents, I
(card continues...)

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AT: BIOPOLITICS—BIOPOLITICS GOOD

(...card continues)

am not sure that their actions can be characterized only and exclusively as part of a microphysics of oppression. Progressive child welfare advocates in Germany, particularly in the National Center for Child Welfare, waged a campaign in the 1920s to persuade German parents and educators to stop beating children with such ferocity, regularity, and nonchalance. They did so because they feared the unintended physical and psychological effects of beatings, and implicitly because they believed physical violence could compromise the development of the kind of autonomous, self-reliant subjectivity on which a modern state had to rely in its citizenry.⁹⁶ Or, to give another common example from the period, children removed from their families after being subjected by parents or other relatives to repeated episodes of violence or rape were being manipulated by biopolitical technocrats, and were often abused in new ways in institutions or foster families; but they were also being liberated. Sometimes some forms of the exercise of power in society are in some ways emancipatory; and that is historically significant.

Further, of course we must ask whether it is really true that social workers' and social agencies' attempts to manipulate people worked. My own impression is that social policy makers grew increasingly aware, between the 1870s and the 1960s, that their own ends could not be achieved unless they won the cooperation of the targets of policy. And to do that, they had to offer people things that they wanted and needed. Policies that incited resistance were — sometimes with glacial slowness, after stubborn and embittered struggles—de-emphasized or even abandoned. Should we really see the history of social welfare policy as a more or less static (because the same thing is always happening) history of the imposition of manipulative policies on populations? I believe a more complex model of the evolution of social policy as a system of social interaction, involving conflicting and converging demands, constant negotiation, struggle, and—above all—mutual learning would be more appropriate. This is a point Abram de Swaan and others have made at some length; but it does not appear to have been built into our theory of modernity very systematically, least of all in German history.⁹⁷

BIOPOLITICS IS NOT THE PROBLEM IN AND OF ITSELF, IT'S BIOPOLITICS DEPLOYED IN TOTALITARIAN SOCIETIES WHICH IS BAD—OUR STRENGTHENING OF DEMOCRATIC STRUCTURES PREVENTS, NOT CAUSES, THEIR IMPACT

DICKINSON, UNIVERSITY OF CINCINNATI, MARCH 2004 [EDWARD ROSS, "BIOPOLITICS, FASCISM, DEMOCRACY: SOME REFLECTIONS ON OUR DISCOURSE ABOUT "MODERNITY," *CENTRAL EUROPEAN HISTORY*, VOL. 37, NO. 1, P. 18-19]

In an important programmatic statement of 1996 Geoff Eley celebrated the fact that Foucault's ideas have "fundamentally directed attention away from institutionally centered conceptions of government and the state . . . and toward a dispersed and decentered notion of power and its 'microphysics.'"⁴⁸ The "broader, deeper, and less visible ideological consensus" on "technocratic reason and the ethical unboundedness of science" was the focus of his interest.⁴⁹ But the "power-producing effects in Foucault's 'microphysical' sense" (Eley) of the construction of social bureaucracies and social knowledge, of "an entire institutional apparatus and system of practice" (Jean Quataert), simply do not explain Nazi policy.⁵⁰ The destructive dynamic of Nazism was a product not so much of a particular modern set of ideas as of a particular modern political structure, one that could realize the disastrous potential of those ideas. What was critical was not the expansion of the instruments and disciplines of biopolitics, which occurred everywhere in Europe. Instead, it was the principles that guided how those instruments and disciplines were organized and used, and the external constraints on them. In National Socialism, biopolitics was shaped by a totalitarian conception of social management focused on the power and ubiquity of the völkisch state. In democratic societies, biopolitics has historically been constrained by a rights-based strategy of social management. This is a point to which I will return shortly. For now, the point is that what was decisive was actually politics at the level of the state.

A comparative framework can help us to clarify this point. Other states passed compulsory sterilization laws in the 1930s — indeed, individual states in the United States had already begun doing so in 1907. Yet they did not proceed to the next steps adopted by National Socialism — mass sterilization, mass "eugenic" abortion and murder of the "defective." Individual figures in, for example, the U.S. did make such suggestions. But neither the political structures of democratic states nor their legal and political principles permitted such policies actually being enacted. Nor did the scale of forcible sterilization in other countries match that of the Nazi program. I do not mean to suggest that such programs were not horrible; but in a democratic political context they did not develop the dynamic of constant radicalization and escalation that characterized Nazi policies.

AT: BIOPOLITICS—BIOPOLITICS GOOD

THEIR CRITIQUE OF BIOPOLITICS HAS A PESSIMISTIC VIEW OF MODERNITY, TOTALIZING A DIVERSE HISTORICAL EPOCH AND IGNORING THE GOOD MANIFESTATIONS OF BIOPOLITICAL GOVERNANCE—NAZISM IS THE EXCEPTION, NOT THE RULE

DICKINSON, UNIVERSITY OF CINCINNATI, MARCH 2004 [EDWARD ROSS, “BIOPOLITICS, FASCISM, DEMOCRACY: SOME REFLECTIONS ON OUR DISCOURSE ABOUT “MODERNITY,” *CENTRAL EUROPEAN HISTORY*, VOL. 37, NO. 1, P.21-23]

This issue is important, I believe, in part because the project of ferreting out the contribution of biopolitical discourses to the construction of National Socialism so dominates the literature, creating a sense of impending disaster that I believe has all too strongly shaped the questions we, as historians, are asking about the history of modern biopolitics. I want to give two examples that I believe reveal the way this focus constrains our collective historical imagination. I do so not in order to point out that my colleagues are “wrong,” but to suggest how powerfully our imaginations and our questions are shaped by the specter and spectacle of National Socialism. In a brilliant review article published in 1996, Peter Fritzsche posed the question “Did Weimar Fail?” Fritzsche gave voice to a healthy skepticism regarding the tendency in the literature to imply that the history of social welfare programs is only part of the prehistory of National Socialism. The “darker vision of modernism” presented by Detlev Peukert, he suggested, “is compelling but not wholly persuasive.” The “spirit of science” itself, he argued, does not introduce “quite so automatically a ‘discourse of segregation’ without the application of racist politics”; and he asked “to what extent are reformist practices invariably collusions in disciplinary regimes?” And yet, Fritzsche’s reflections are haunted by almost unrelieved foreboding, which merely accurately reflects the tone of the literature he was reviewing. He suggested that “the central theme of this scholarship . . . is the regimentation and discipline of citizens in often dangerously imaginative ways”; it “establishes significant continuities between the Weimar era and the Third Reich”; the history of the republic reveals the “dark shadows of modernity.”⁵⁸ Indeed, the conceptual framework Fritzsche set up seems to take totalitarianism, war, and mass murder as the end-point of “continuity.” Taking up a question asked by Gerald Feldman, Fritzsche suggested that the Weimar Republic was neither a gamble nor an experiment, but rather a laboratory of modernity. From this perspective, Fritzsche asserts, perhaps Weimar should be regarded as “less a failure than a series of bold experiments that do not come to an end with the year 1933.” The failure of political democracy “is not the same as the destruction of the laboratory.” Thus, the “coming of the Third Reich was not so much a verification of Weimar’s singular failure as the validation of its dangerous potential.”⁵⁹ Fritzsche’s was a wonderful metaphor for Weimar Germany, a period of enormous creativity and experimentation in any number of fields; and it is surely also a fruitful way to conceive of the relationship between Weimar and Nazi Germany. And yet—again, as Fritzsche’s more skeptical comments pointed out—the laboratory didn’t simply stay open; the experimenters didn’t simply keep experimenting; not all the experiments simply kept running under new management.⁶⁰ Particular kinds of experiments were not permitted in the Third Reich: those founded on the idea of the toleration of difference; those that defined difference as a psychological, political, or cultural fact to be understood and managed, rather than as a form of deviance or subversion to be repressed or eliminated; those founded on the idea of integration through selfdirected participation (as opposed to integration through orchestrated and obedient participation); and those that aimed at achieving a stable pluralism. There were many such experiments under way in the Weimar period; given the extent to which the political fabric of the Weimar Republic was rent by ideological differences, they were often of particular importance and urgency. Many of those experiments appeared to be failing by the end of the 1920s; and that in itself was a critically important reason for the appeal of the ideas championed by the Nazis. The totalitarian and biological conception of national unity was in part a response to the apparent failure of a democratic and pluralist model of social and political integration. And yet, many of those very same experiments were revived, with enormous success, after 1949. Examples from my own field of research might include the development of a profession of social work that claimed to be a value-neutral foundation for cooperation between social workers of radically differing ideological orientation; the development of a psychoanalytic, rather than psychiatric, interpretation of “deviance” (neurosis replaces inherited brain defects); and the use of corporatist structures of governance within the welfare bureaucracy. These mechanisms did not work perfectly. But they were a continuation of “experiments” undertaken in the Weimar period and shut down in 1933; and they did contribute to the stabilization of a pluralist democracy. That was not a historically trivial or selfevident achievement, either in Germany or elsewhere. It required time, ingenuity, and a large-scale convergence of long-term historical forces. We should be alive to its importance as a feature of modernity. As Fritzsche’s review makes clear, then, much of the recent literature seems to imply that National Socialism was a product of the “success” of a modernity that ends in 1945; but it could just as easily be seen as a temporary “failure” of modernity, the “success” of which would only come in the 1950s and 1960s. As Paul Betts recently remarked, we should not present the postwar period as a “redemptive tale of modernism triumphant” and cast Nazism as merely a “regressive interlude.” But neither should we dismiss the fact that such a narrative would be, so to speak, half true—that the democratic welfare state is no less a product of modernity than is totalitarianism.

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AT: BIOPOLITICS—BIOPOLITICS GOOD

THEIR CRITIQUE OF BIOPOLITICS ONLY FOCUSES ON THE DARK SIDE OF MODERNITY. THIS ONE SIDED PICTURE MASKS THE ACHIEVEMENTS OF BIOPOLITICAL MODERNITY, WHICH IS THE LARGE SCALE ABSENCE OF MASS MURDER NOT ITS CAUSE

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A second example is Geoff Eley's masterful synthetic introduction to a collection of essays published in 1996 under the title *Society, Culture, and the State in Germany, 1870–1930*. Eley set forth two research agendas derived from his review of recent hypotheses regarding the origins and nature of Nazism. One was to discover what allowed so many people to identify with the Nazis. The second was that we explore the ways in which welfare policy contributed to Nazism, by examining “the production of new values, new mores, new social practices, new ideas about the good and efficient society.” Eley suggested that we examine “strategies of policing and constructions of criminality, notions of the normal and the deviant, the production and regulation of sexuality, the . . . understanding of the socially valued individual . . . the coalescence of racialized thinking . . .”⁶² So

far so good; but why stop there? Why not examine the expanding hold of the language of rights on the political imagination, or the disintegration of traditional authority under the impact of the explosive expansion of the public sphere? Why not pursue a clearer understanding of ideas about the nature of citizenship in the modern state; about the potentials of a participatory social and political order; about human needs and human rights to have those needs met; about the liberation of the individual (including her sexual liberation, her liberation from ignorance and sickness, her liberation from social and economic powerlessness); about the physical and psychological dangers created by the existing social order and how to reduce them, the traumas it inflicted and how to heal them? In short, why not examine how the construction of “the social” — the ideas and practices of the modern biopolitical interventionist complex — contributed to the development of a democratic politics and humane social policies between 1918 and 1930, and again after 1945? Like Fritzsche's essay, Eley's accurately reflected the tone of most of those it introduced. In the body of the volume, Elizabeth Domansky, for example, pointed out that biopolitics “did not ‘automatically’ or ‘naturally’ lead to the rise of National Socialism,” but rather “provided . . . the political Right in Weimar with the opportunity to capitalize on a discursive strategy that could successfully compete with liberal and socialist strategies.”⁶³ This is correct; but the language of biopolitics was demonstrably one on which liberals, socialists, and advocates of a democratic welfare state could also capitalize, and did. Or again, Jean Quataert remarked—quite rightly, I believe — that “the most progressive achievements of the Weimar welfare state were completely embedded” in biopolitical discourse. She also commented that Nazi policy was “continuous with what passed as the ruling knowledge of the time” and was a product of “an extreme form of technocratic reason” and “early twentieth-century modernity's dark side.” The implication seems to be that “progressive” welfare policy was fundamentally “dark”; but it seems more accurate to conclude that biopolitics had a variety of potentials.⁶⁴ Again, the point here is not that any of the interpretations offered in these pieces are wrong; instead, it is that we are, collectively, so focused on unmasking the negative potentials and realities of modernity that we have constructed a true, but very one-sided picture. The pathos of this picture is undeniable, particularly for a generation of historians raised on the Manichean myth— forged in the crucible of World War II and the Cold War— of the democratic welfare state. And as a rhetorical gesture, this analysis works magnificently — we explode the narcissistic self-admiration of democratic modernity by revealing the dark, manipulative, murderous potential that lurks within, thus arriving at a healthy, mature sort of melancholy. But this gesture too often precludes asking what else biopolitics was doing, besides manipulating people, reducing them to pawns in the plans of technocrats, and paving the way for massacre. In 1989 Detlev Peukert argued that any adequate picture of modernity must include both its “achievements” and its “pathologies”— social reform as well as “Machbarkeitswahn,” the “growth of rational relations between people” as well as the “swelling instrumental goal-rationality,” the “liberation of artistic and scientific creativity” as well as the “loss of substance and absence of limits [Haltlosigkeit].”⁶⁵ Yet he himself wrote nothing like such a “balanced” history, focusing exclusively on Nazism and on the negative half of each of these binaries; and that focus has remained characteristic of the literature as a whole. What I want to suggest here is that the function of the rhetorical or explanatory framework surrounding our conception of modernity seems to be in danger of being inverted. The investigation of the history of modern biopolitics has enabled new understandings of National Socialism; now we need to take care that our understanding of National Socialism does not thwart a realistic assessment of modern biopolitics. Much of the literature leaves one with the sense that a modern world in which mass murder is not happening is just that: a place where something is not —yet— happening. Normalization is not yet giving way to exclusion, scientific study and classification of populations is not yet giving way to concentration camps and extermination campaigns. Mass murder, in short, is the historical problem; the absence of mass murder is not a problem, it does not need to be investigated or explained.

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AT: BIOPOLITICS—BIOPOLITICS GOOD

FASCISM IS NOT THE INEVITABLE FLIP-SIDE OF BIOPOLITICAL MODERNITY, BUT A BREAK WITH THE PROGRESSIVE AND INCLUSIVE NATURE OF BIOPOLITICS

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I would like to return, then, to the question: in what ways did modern biopolitics contribute to the building of a democratic political order in Germany? What else, besides National Socialist racial policy, did the discourse of biopolitics make possible? For what else was the biopolitical discourse of the turn of the century a “condition of possibility”?

What other choices did it create, besides the ones the Nazis made? Taken together, the more recent literature on the development of welfare programs in Germany now allows us to reach some definite conclusions. Welfare policy has been a key field of inquiry for those elaborating the new vision of German modernity as biopolitical nightmare. In fact, Detlev Peukert formulated his own highly influential version of that account in the context of a study of a particular branch of child welfare policy. In his *Grenzen der Sozialdisziplinierung* (The Limits of Social Discipline), child welfare appeared as a cautionary tale regarding the “inner, structural pathologies of social assistance,” and more generally about the “pathogenesis of modernity.” Using correctional education in reformatories as a case study, he argued that the project of social policy was essentially a form of “inner colonialism,” a bourgeois attempt to impose a set of alien norms and values from without and “above”; indeed, it was guided by a “totalitarian claim to validity” for bourgeois social and behavioral norms.⁶⁶ Like colonialism and totalitarianism, it was characterized from the beginning by a “tendency toward dehumanization,” because there was no room in bourgeois reformers’ “utopias of order” for those who would or could not conform. The ideal of “education for all” expanded the “life-chances of individuals from the lower classes, opened the way for them to culture and prosperity. But at the same time, it meant also an even more determined declaration of war [Kampfansage] against those who . . . would not allow themselves to be educated.” For “the ‘ineducable’ beyond the pedagogical province, no right to life remained.” The idea of the “implementation of a final solution to the problem of the asocial [people]” was a “further conclusion” (Folgerung) implicit in the project of universal socialization.⁶⁷ At the end of Peukert’s book stood the National Socialist drive to pass a Law on

Community Aliens, which would have put the “antisocial” completely at the mercy of the police, and the creation in 1940 of two special “youth concentration camps” for ineducable delinquents. Again, Peukert was very aware that he was writing the history of only one kind of modernity, and that the most destructive potentials of modern social engineering discourse were only to be realized in a very specific historical context. The “Final Solution” was, as he remarked, “one among other possible outcomes of the crisis of modern civilization,” and one possible only in the context of the concatenation of economic, social, and political disasters through which Germany passed in the two decades before 1933.

The fact that Nazism was “one of the pathological developmental forms of modernity does not imply that barbarism is the inevitable logical outcome of modernization,” which also created “opportunities for human emancipation.” And yet, again, the history that Peukert actually wrote was the history of disaster—a disaster that, frequently, does seem at least highly likely. The “fatal racist dynamic in the human and social sciences,” which consists in their assignment of greater or lesser value to human characteristics, does “inevitably become fixated on the utopian dream of the gradual elimination of death,” which is “unfailingly” frustrated by lived reality. In periods of fiscal crisis the frustration of these “fantasies of omnipotence” generates a concern with “identifying, segregating, and disposing of” those judged less valuable.⁶⁸ In the most detailed exposition of his analysis, *Grenzen der Sozialdisziplinierung*, Peukert argues that, given the “totalitarian claim to validity” of bourgeois norms, only the two “strategies of pedagogical normalization or eugenic exclusion” were open to middle-class social reformers; when the one failed only the other remained. Yet the failure of pedagogical normalization was preprogrammed into the collision between middle-class “utopias of order” and the “life-worlds” of

the working class, which were rendered disorderly by the logic of industrial capitalism.⁶⁹ Again, in Peukert’s model it seems to me that it is really only a matter of time and circumstance before the fundamentally and necessarily murderous potential of modernity is unleashed. A number of major studies in the 1990s, in contrast, emphasized the importance of the break in the development of social policy in 1933. These works consolidated the consensus regarding the importance of the economic and political crisis of the early 1930s and the destruction of

democracy and the rule of law. Beyond that, however, they also suggest that the conceptual foundations of Nazi social, medical, and racial policy were actually quite distinct from those of Weimar policy — despite the fact that they were recognizably part of the broader discourse of modern biopolitics. They point out, too, that there was an important institutional caesura in welfare policy between 1933 and 1939. In the third volume of their history of poor relief in Germany (1992), for example, Florian Tennstedt and Christoph Sachse concluded not only that the destruction of democratic elements in the welfare system by the Nazis had reversed the developments of the Weimar period, but also that the triumph of racist principles in Nazi welfare policy “points to a completely new understanding of social policy.” While there had been exclusionary tendencies in welfare policy in the nineteenth and twentieth centuries, the development of social policy over time had actually been “characterized by a dynamic of inclusion.” Nazi policy, which aimed at “the hardening of racial inequalities,” thus “sought a radical break with a central and secular developmental tendency of modernity.”⁷⁰ Hans-Uwe Otto and Heinz Sünker concurred in a volume published in the same year: the National Socialist instrumentalization of welfare was driven by a “radicalization of critiques of the welfare state already familiar in the Weimar period” and constituted an “abandonment of the . . . generally social-integrative function” of social policy.⁷¹ Stefan Schnurr argued that the Nazi “welfare” system broke with earlier social policy in that it was guided explicitly by a “social-biological explanation of social problems” and by “openly exterminatory intent”; “interest in this form of radical, goal-rational translation of social-biological and eugenic ideologies into social policy, guided by naked cost-benefit calculations, is not to be found in the leading contemporary conceptualizations of social work.”⁷² In a definitive study of Weimar child welfare policy published in 1996, Markus Gräser held that the shift toward eugenic and

biologicistic models and toward exclusion of the “inferior” in the later 1920s and in the depression “completely contradicted the inclusionary tendency of welfare policy.”⁷³ Finally, Young-sun Hong’s magisterial study of Weimar social policy, published in 1998, delivered a pithy summary statement: “The Nazi project for the racial reconstruction of society,” she held, “implied a fundamental redefinition of the meaning of welfare which stripped the concept of all liberal-Christian connotations” derived from the founding traditions of social policy; “continuities at the level of technique were themselves refunctioned as they were subordinated to an antithetical system of substantive ends.”⁷⁴

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AT: BIOPOLITICS—BIOPOLITICS GOOD

BIOPOLITICS IS NOT TOTALITARIAN, IN FACT IT IS GOOD—IT HAS EMPIRICALLY LEAD TO THE STRENGTHENING OF LIBERAL DEMOCRACY WHICH HAS ON-BALANCE PREVENTED THE VIOLENCE THEY DESCRIBE AND BEEN USED AGAINST OPPRESSIVE STRUCTURES

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In short, the continuities between early twentieth-century biopolitical discourse and the practices of the welfare state in our own time are unmistakable. Both are instances of the “disciplinary society” and of biopolitical, regulatory, social-engineering modernity, and they share that genealogy with more authoritarian states, including the National Socialist state, but also fascist Italy, for example. And it is certainly fruitful to view them from this very broad perspective. But that analysis can easily become superficial and misleading, because it obfuscates the profoundly different strategic and local dynamics of power in the two kinds of regimes. Clearly the democratic welfare state is not only formally but also substantively quite different from totalitarianism. Above all, again, it has nowhere developed the fateful, radicalizing dynamic that characterized National Socialism (or for that matter Stalinism), the psychotic logic that leads from economistic population management to mass murder. Again, there is always the potential for such a discursive regime to generate coercive policies. In those cases in which the regime of rights does not successfully produce “health,” such a system can—and historically does—create compulsory programs to enforce it. But again, there are political and policy potentials and constraints in such a structuring of biopolitics that are very different from those of National Socialist Germany. Democratic biopolitical regimes require, enable, and incite a degree of self-direction and participation that is functionally incompatible with authoritarian or totalitarian structures. And this pursuit of biopolitical ends through a regime of democratic citizenship does appear, historically, to have imposed increasingly narrow limits on coercive policies, and to have generated a “logic” or imperative of increasing liberalization. Despite limitations imposed by political context and the slow pace of discursive change, I think this is the unmistakable message of the really very impressive waves of legislative and welfare reforms in the 1920s or the 1970s in Germany.⁹⁰

Of course it is not yet clear whether this is an irreversible dynamic of such systems. Nevertheless, such regimes are characterized by sufficient degrees of autonomy (and of the potential for its expansion) for sufficient numbers of people that I think it becomes useful to conceive of them as productive of a strategic configuration of power relations that might fruitfully be analyzed as a condition of “liberty,” just as much as they are productive of constraint, oppression, or manipulation. At the very least, totalitarianism cannot be the sole orientation point for our understanding of biopolitics, the only end point of the logic of social engineering.

This notion is not at all at odds with the core of Foucauldian (and Peukertian) theory. Democratic welfare states are regimes of power/knowledge no less than early twentieth-century totalitarian states; these systems are not “opposites,” in the sense that they are two alternative ways of organizing the same thing. But they are two very different ways of organizing it. The concept “power” should not be read as a universal stifling night of oppression, manipulation, and entrapment, in which all political and social orders are grey, are essentially or effectively “the same.” Power is a set of social relations, in which individuals and groups have varying degrees of autonomy and effective subjectivity. And discourse is, as Foucault argued, “tactically polyvalent.” Discursive elements (like the various elements of biopolitics) can be combined in different ways to form parts of quite different strategies (like totalitarianism or the democratic welfare state); they cannot be assigned to one place in a structure, but rather circulate. The varying possible constellations of power in modern societies create “multiple modernities,” modern societies with quite radically differing potentials.

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AT: BIOPOLITICS—BIOPOLITICS GOOD

BIOPOLITICS IS GOOD—IT'S KEY TO PROMOTE DEMOCRACY AND CHECK TOTALITARIANISM

DICKINSON, UNIVERSITY OF CINCINNATI, MARCH **2004** [EDWARD ROSS, “BIOPOLITICS, FASCISM, DEMOCRACY: SOME REFLECTIONS ON OUR DISCOURSE ABOUT “MODERNITY,” *CENTRAL EUROPEAN HISTORY*, VOL. 37, NO. 1, P. 39-40]

All of these questions, however, still address primarily the activities of technocrats and social managers. We are still asking how bad social engineering is. In fact, this entire discourse seems to be shaped by the fundamental suspicion that trying actively to create a better society is always and necessarily a bad thing—an undemocratic, manipulative, oppressive thing.⁹⁸ This assumption is rooted in a particular understanding of the micropolitics of expertise and professionalism. It is frequently argued that modern forms of technical knowledge and licensing create relations of dominance and subordination between experts and their “clients.” Thus Paul Weindling, for example, asserted that, “Professionalism, reinforced by official powers, meant that welfare defined new spheres for the exercising of coercion . . . The new technocracy of professions and welfare administrators might be seen as erecting antidemocratic and coercive social structures by extending the welfare state.” Michael Schwartz, similarly, observed in 1992 that “even in the democratic variant of science there was a tendency to technocratic elitism” and the “scientific objectification of humanity.”⁹⁹ And Detlev Peukert reminded us that “rationalization as a strategy of experts inherently contained [barg systematisch] the danger of the technocratic arrogance of experts, the overwhelming of those affected by the catalog of norms for rational living derived from the expert knowledge of the professions, but not from the experience of those affected.”¹⁰⁰ Even more sinister, again, is the tendency of these same experts to exclude, stigmatize, and pathologize those they are not able to “normalize.” Zygmunt **Bauman** has presented the same case with a particular clarity, concluding that since modernity is “about” order, and order always implies its opposite, chaos, “intolerance is . . . the natural inclination of modern practice. Construction of order sets the limits to incorporation and admission. It calls for the denial of rights, and of the grounds, of everything that cannot be assimilated—for the de-legitimation of the other.”¹⁰¹

At its simplest, this view of the politics of expertise and professionalization is certainly plausible. Historically speaking, however, the further conjecture that this “micropolitical” dynamic creates authoritarian, totalitarian, or homicidal potentials at the level of the state does not seem very tenable. Historically, it appears that the greatest advocates of political democracy—in Germany leftliberals and Social Democrats—have been also the greatest advocates of every kind of biopolitical social engineering, from public health and welfare programs through social insurance to city planning and, yes, even eugenics.¹⁰² The state they built has intervened in social relations to an (until recently) ever-growing degree; professionalization has run ever more rampant in Western societies; the production of scientific and technocratic expert knowledge has proceeded at an ever more frenetic pace. And yet, from the perspective of the first years of the millennium, the second half of the twentieth century appears to be the great age of democracy in precisely those societies where these processes have been most in evidence. What is more, the interventionist state has steadily expanded both the rights and the resources of virtually every citizen—including those who were stigmatized and persecuted as biologically defective under National Socialism. Perhaps these processes have created an ever more restrictive “iron cage” of rationality in European societies. But if so, it seems clear that there is no necessary correlation between rationalization and authoritarian politics; the opposite seems in fact to be at least equally true.

⁹⁸But perhaps the most important effect of the carceral system and of its extension well beyond legal imprisonment is that it succeeds in making the power to punish natural and legitimate, in lowering at least the threshold of tolerance to penalty. It tends to efface what may be exorbitant in the exercise of punishment. It does this by playing the two registers in which it is deployed—the legal register of justice and the extra-legal register of discipline—against one another.”