

REFRAMING POLITICAL FREEDOM: AN ANALYSIS OF GOVERNMENTALITY

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I. GOVERNANCE & GOVERNMENTALITY: SAME PROBLEM, DIFFERENT ANSWERS

Over the last fifteen years, “governance” has emerged as a research agenda in international relations theory. The term “governance” has been used as a kind of catch-all term to refer to any strategy, tactic, process, procedure or programme for controlling, regulating, shaping, mastering or exercising authority over others in a nation, organization or locality. Governance tends to be judged good when political strategies seek to minimize the role of the state, to encourage non-state mechanisms of regulation, to reduce the size of the political apparatus and civil service, to introduce “the new public management”, to change the role of politics in the management of social and economic affairs. Governance refers also to the outcome of all these interactions and interdependencies: the self-organizing networks that arise out of the interactions between a variety of organizations and associations. Politics is consequently seen to increasingly involve exchanges and relations amongst a range of public, private and voluntary organizations, without clear sovereign authority. Governance has allowed the state to survive within contemporary power relations and it can be understood in terms of the transformation of the regulating, controlling and de-centralising role of the state.

All things considered, governance defines the transformation of power in post-neoliberal societies in terms of flexibility of social control – in other words, the invention and assembly of a whole array of technologies that connect calculations and strategies developed in political centres to the thousands of spatially scattered points of the state, which endeavour to manage economic life, the health and habits of the population, the civility of the masses and so forth. In the framework of governmentality studies, which is the methodological starting point of this essay, governance has been defined as *government at a distance*. Political forces instrumentalise forms of authority other than those of “the state” in order to “govern at a distance” in both constitutional and spatial senses: distanced constitutionally, in that they operate through the decisions and endeavours of non-political modes of authority; distanced spatially, in that these

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technologies of government link a multitude of experts in distant sites to the calculations of those at a centre.

Governance as a form of *government at a distance* operates by opening lines of force across a territory, spanning space and time. Its activities are aimed at translating singular standards, individual judgments and conducts into normative prescriptions. To govern no longer means to negotiate a contractual mediation between the different interests of groups, corporations or classes, but to act in accord with independent, international and local, public and private agencies which promote both global and individualised expertise considered essential for the achievement of desired objectives. Studies on governance typically claim that the state has lost power to non-state actors and that political authority is increasingly institutionalised in spheres not controlled by states.

In this perspective, the role of non-state actors such as biotechnological corporations, medical and security agencies in re-shaping and carrying out global governance functions is not an instance of transfer of power from the state to non-state actors, but rather an expression of a changing logic or rationality of government by which civil society as a passive object of government to be acted upon is redefined as an entity that is both an object *and* a subject of government.

The French historian and philosopher Michel Foucault introduced the term “gouvernementalité” (“governmentality”) in the 1970s in the course of his investigations of political power. Government, as he put it in his 1977–1978 course entitled “Security, Territory and Population”, was an activity that undertakes to conduct individuals throughout their lives by placing them under the authority of a guide responsible for what they do and for what happens to them. Or, as he put it a couple of years later summarizing the 1979–1980 course “On the Government of the Living”: governmentality was “understood in the broad sense of techniques and procedures for directing human behaviour – government of children, government of souls and consciences, government of a household, of a state, or of oneself”.

In these lectures, together with those of 1978–1979 on “The Birth of Biopolitics”, he proposed a particular approach to the analysis of the successive formulations of the art of governing. Foucault’s essay on governmentality argued that a certain mentality, what he termed “governmentality”, had become the common ground of all modern forms of political thought and action. Governmentality is an ensemble of the institutions, procedures, analyses and reflections, calculations and tactics that allow the exercise of this very specific albeit complex form of power.

He counterposed the art of government that was taking shape in Europe in the eighteenth century to two other poles: sovereignty and the family. Thinking about power in terms of sovereignty was “too large, too abstract and too rigid,” and the model of the family was “too thin, weak and insubstantial”. Although the former was concerned with how a prince might best maintain his power over a territory, the model of the family was merely concerned with the enrichment of this small unit. Government, in contrast, was concerned with population which could not simply be controlled by laws or administrative fiat or be conceived as a kind of extended family. Studies on governmentality are not just studies about the actual organisation and operation of systems of power or about the relations that are created among political and other actors and organisations at local levels and their connection with actor networks and the like. Within this theoretical framework, various practices of rule are conceptualised in a different way with respect, first, to state-society relations, and, second, to the functioning of power.

Unlike political theory, which considers the autopoietic logic of governance, governmentality studies are concerned with the conditions of possibility and intelligibility of the ways in which government seeks to act upon the conduct of the self and others, to obtain certain ends in relation with governance policy and to modify individual conducts where governmental policies are at work. The sociologist Nikolas Rose has distinguished the *analytics of governmentality* from *sociologies of governance*:

“First, analyses of governmentalities are empirical but not realist. They are not studies of the actual organization and operation of systems of rule, of the relations that obtain amongst political and other actors and organizations at local levels and their connection into actor networks and the like [...]. But what distinguishes studies of government from histories of administration, historical sociologies of state formation and sociologies of governance is their power to open a space for critical thought.”¹

In the analytics of governmentality, Rose adds,

“Governing should be understood nominalistically: it is neither a concept nor a theory, but a perspective. For sociologists of governance [...] the object of investigation is understood as an emergent pattern or order of a social system, arising out of complex negotiations and exchanges between “intermediate” social actors,

¹ N. Rose, *The Powers of Freedom: Reframing Political Thought*, (Cambridge: Cambridge University Press, 1999) 19

groups, forces, organizations, public and semi-public institutions in which state organizations are only one – and not necessarily the most significant – amongst many others seeking to steer or manage these relations. But the object of analytics of government is different. These studies do not seek to describe a field of institutions, of structures, of functional patterns or whatever. They try to diagnose an array of lines of thought, of will, of invention, of programmes and failures, of acts and counter-acts. Far from unifying all under a general theory of government, studies undertaken from this perspective draw attention to the heterogeneity of authorities that have sought to govern conduct, the heterogeneity of strategies, devices, ends sought, the conflicts between them, and the ways in which our present has been shaped by such conflicts”².

In this sociological and theoretical framework, the sciences of economics, management, and accounting could be seen once again – as they had been by Marx, Weber, Sombart, and many other theorists of capitalism – as crucial for constructing and governing economy. Today, the technologies of budgets, audits, standards, benchmarks, risk and assurance, biotechnology and personal medicine are crucial for the operationalisation of programmes of governing at a distance that characterises the new forms of public management taking shape under rationalities of advanced liberalism.

At the start of the 1980s, Foucault’s work was being embraced in different ways in various national and disciplinary contexts. Although at one level his analytical framework was not tied to a specific set of problems, it should be regarded partly as a response to a particular challenge: how to make sense of the transformations in the art of government that were under way in Britain, the United States, and other Western countries. Liberal *governmentalities* stressed the limits of the political and stressed the role of a whole array of non-political actors and forms of authority – medics, religious organisations, philanthropists, and social reformers – in governing the *habitus* of the people. Strategies of social government had begun from the argument that such techniques were insufficient to ward off the twin perils of unbridled market individualism and the anomie it carried in its wake, or the social revolution with all the dangers that it entailed. Government, from this point onwards, would have to be conducted from the social point of view, and these obligations had to be accepted by the political apparatus itself: a point of view embodied in the doctrines of social rights, the ethical principles of social solidarity and social citizenship, and the technologies of social welfare and social

² N. Rose, *ibid*, 21.

insurance. These took the form of a critique of the welfare state, social security mechanisms, state planning, and state ownership of enterprises, indeed of the whole apparatus of the social state that had taken shape during the course of the twentieth century. It was in this context that a novel periodisation of governmentalities began to take shape.

This tripartite division of liberalism, welfarism, and advanced liberalism became formalised into a typology and chronology in which analysis sought to place each and every programme, strategy or technology under this general covering law. This mode of analysis rendered the new forms of power embodied in the advanced liberal art of government since the early 1970s both visible and intelligible, and it demonstrated the complex costs and benefits of those rationalities and technologies that sought to govern through freedom and security of the population in the 1990s.

II. THE PROBLEM OF THE GOVERNMENT OF FREEDOM AND SECURITY

Foucault's analysis of governmentality ("the sum of institutions, procedures, analyses and reflections, calculations and tactics which enable the exercise of this specific and extremely complex form of power, for whom the population is its principal target, the political economy its privileged form of knowledge and the dispositives of security its essential technical instrument") has enabled to distinguish the analysis of power from the analysis of domination and sovereignty, to differentiate the typologies of analysis of the methods of action of the state and its effects on the lives of the subjects who depend on them and lastly to approach on of the principal problems of contemporary politics: how is it possible to govern in order to be less governed? Or rather, how should freedom, which is our fundamental political condition, be governed? At the heart of this inquiry is immersed the dilemma of government: governing freedom means producing new insecurity; producing new insecurity means destroying the freedom to govern.

In order to analyse this problematic place of contemporary politics, starting from the work of Foucault, we will confront the principal themes of *Governmentality studies*, which has been an established line of research for the last twenty years, especially in the English speaking world starting with the Foucauldian interpretation of neo-liberalism³. Governmentality

³ A. Barry, T. Osborne, N. Rose, *The Foucault and Political Reason. Liberalism, Neo-liberalism and Nationalities of Government* (Chicago: The University of Chicago Press, 1996); N. Rose, *The Politics of Life itself: Biomedicine, Power, and the Subjectivity in the Twenty-First Century* (New Jersey: (In-formation) Princeton University Press, 2007);

Studies explored both the individual areas where neo-liberal governmentality developed (in particular the new management sciences, the insurance techniques, biomedicine and biotechnology), and the wider theoretical question – rich with antinomies and a plurality of possible answers – which characterises the last phase of Foucauldian production (the lessons at the *Collège de France* already cited, the “trilogy of sexuality” and lastly the “hermeneutics of the subject”).

In general, the problem of governmentality can be summarized with the following aporia: how can a critique of the rationality of neoliberal politics be distinguished from the rationalization of the same politics? For Governmentality Studies the ambivalence of the problem is due to the very subject of this politics. A world populated, in an entirely theoretical way, by autonomous individuals produce an apparent paradox: is it possible to think that the freedom of a subject is the condition of his subjection to a government? And that such a subjection is the condition of the same freedom? In neoliberal governmentality the exercise of authority in fact presupposes the existence of a subject with needs, desires, rights, interests and choices. To act freely, such a subject must be first formed, guided, moulded and put in a condition to exercise his or her own freedom in a system of domination.

The problem of freedom, understood as a condition of the government and not only as its constitutive limit, emerged in the last thirty years of the 20th century during which the crisis of the welfare state exploded and neoliberal policies were fully realised, in particular in Britain and North America and later in European countries. In this context, governmental rationality depends on the development of specific forms of knowledge and on their transformation into technology of the government. Such rationality tends to “de-governmentalise” the state and to “de-statalise” the practices of government, to privatize knowledge, to separate the substantial authority of experts (doctors, managers, etc.) from state apparatuses, placing such experts and their knowledge on the market

T. Lemke, *Eine Kritik der Politischen Vernunft. Foucault Analyse der moderne Gouvernamentalität*, (Hamburg: Berlino, 1997); P. O'Malley, *Crime and Risk Society* (Aldershot: Dartmouth 1998); U. Bröckling, S. Krasmann & T. Lemke, *Gouvernamentalität der Gegenwart* (Suhrkamp: Frankfurt/M, 2000); J.Z. Bratich, J. Packer & C. McCarthy, *Foucault, Cultural Studies and Governmentality* (Albany: State University of New York Press, 2003); P. O'Malley, *Risk, Uncertainty and Government* (London: Cavendish, Glasshouse, 2004); N. Rose & P. Miller, “Political Power beyond the State: Problematics of Government” in *The British Journal of Sociology*, 43/2 (1992): 172-205; N. Rose, P. O'Malley & M. Valverde, “Governmentality” in *The Annual Review of Law and Social Science* 2/5 (2006) 1-5.22

governed by competition, individual responsibility and consumer demand. Neoliberal governmentality, in contrast to classic liberalism, does not at all intend to govern “through society”, but through the regulated choices of individuals aimed at obtaining social and economic self-promotion. In other words, individuals must be governed – and must govern themselves – through their freedom. They are not the isolated atoms of classic political economy, besieged by primordial instincts dictated by contingent interests but responsible subjects and members of heterogeneous communities able to self-determine themselves through moral relations that are independent of the will expressed by central government.

According to Foucault, this transformation is the result of a double discontinuity which was produced in the history of governmentality. The first is between liberal governmentality and public-judicial governmentality dating from the formation of nation states and the theory of the reason of state. Foucault argues that in liberal governmentality what is at issue is no longer the distribution of power, the foundation of the action of government upon a constitution, on a bunch of moral and legal rules, on the type of regime and the consensus that this is able to receive, in other words on the dialectic between natural or original rights of each individual and the power of the sovereign which must respect the limits of interference, an imperative in force in the “legal-deductive path” of public law from the 17th century onwards.

The ascendancy of the market and economic science, and the decline of the rule of law and its function as the external limit of the exercise of power, produced a second discontinuity between the “revolutionary” French and the “radical” English methods of governing the market. The first solution attaches a series of imprescriptible and inviolable rights of the individual which condition the exercise of state power and economic activity. The second solution considers the “independence of the governed” the object of its activity. In this case, law is not the result of a preventive determination, but the result of a utilitarian transaction.

The Foucauldian genealogy explains how the radical-utilitarian roots of neoliberal policies have prevailed over the public-judicial ones, even if not in an entirely antagonistic manner. Indeed, during the era of the Welfare State public economic interventions were already steered by the criteria of utility, but it only after the neoliberal “revolution” that administrative governmentality is finally replaced. Administrative governmentality, which until then had characterized public policies and the political dialectic, continued to pursue the growth of the power of the state, together with the general welfare of the population, while the principal goal of neoliberal governmentality is the smooth running of the market (that is the

respect for the game of the multiple particular interests of the governed, of the market and of the pressure groups) which is of general benefit to the population.

There is another difference between the neoliberal governmentality analyzed by Foucault at the end of the 1970s and the governmentality of “advanced liberalism” studied by Governmentality Studies between the 1980s and 1990s. What distinguishes the policies of advanced liberalism from those of neo-liberalism is the normative reflexivity of social and political practices. This essential difference was analyzed in particular by N. Rose and P. O’Malley, according to whom the governmental practices of “advanced liberalism” are characterized by the use of diverse forms of freedom and action, but also by the deployment of instruments dedicated to their surveillance. In contrast to neo-liberal policies which were implicated in a *negative* idea of society, “advanced liberal” policies instead focus on the valorisation of “human capital”, emphasise the levels of reciprocal trust and civil participation which ultimately transform into “communitarian” politics, which aim to reaffirm the “shared values” in the choices that are taken individually within the free market (and in life in general).

In summary, the governmental practices of advanced liberalism and neo-liberalism are distinguished in the extent to which they promote and regulate forms of “indigenous government” in individuals. From the 1990s onwards, the problem of the protection of a social framework around the activity of the market, made way to the need to reconfigure the social in a plurality of markets which operated in the service, supply and knowledge sectors and the retraining of the unemployed as citizens-consumers (*work-fare* and *work-for-done*).

III. THE GOVERNMENT OF ADVANCED LIBERALISM

The problem of government and of the “governmentalisation of the State” emerged with renewed urgency towards the middle of the 1970s, at the moment of the financial and social crisis of the Welfare State and of the absorption of social and production life in the political economy. The phase of material expansion of the world economy which had started after the Second World War was drawing to a close, the system of fixed parity between the principal national currencies (the gold-dollar exchange standard) ended in favour of a system of flexible and fluctuating exchange rates, the oil crisis was flaring up and the progressive financilisation of capital had begun as a result of the expansion of world commerce generated by growing competition, while the growing accumulation of global liquidity in deposits could no longer be controlled. This situation

led governments to intervene in exchange rates in order to attract or repel off shore capital for the benefit of domestic economies. It was the beginning of what Robert Gilpin has defined the “global financial revolution” of the twentieth century, and what we can define in terms of an “epistemic break” (Bachelard) which characterised the transition from a public-juridical governmentality to a neo-liberal governmentality.

The rise in real wages, which enabled families to afford durable goods (homes and consumer goods), and the growing cost of reproduction on the part of the Welfare State, were no longer manageable through taxation. On the left, observers began to talk about “the crisis of the legitimation of the state”: social services such as health, education and the pension system were cut because of the heavy taxes that they imposed upon profits and because of the threat they constituted for “accumulation”. This crisis had been provoked by the search for security and stability on the part of families which incurred debts with the state in order to finance their consumption. The fight against inflation, for real wages, against turnovers, for holidays, for housing, for the “quality of life” pushed the way to the creation of a debt economy which posed the question of the reproduction of the work-force outside the traditional form of the ideology of exchange and of wage against work. In order to prevent productivity from falling irreparably, the welfare state was forced to protect the value of the workforce through credit, raising the social demand for consumer goods, but also borrowing to the point of penalising supply.

During the same years in which some analysts declared the “fiscal crisis of the state” provoked by trade union struggles and struggles to improve social and health services, education and more in general by the search for a diffuse social wealth, the neo-liberal right began to talk about the contradiction between the growth of the “unproductive” sector of the welfare state and the expenditure of the private “productive” sector in which national wealth was produced. The state should no longer accompany the citizen from “cradle to grave”. The relationship should assume a different form: the state should be limited to keeping the legal and security infrastructure running, the citizen should promote individual and collective well-being through his or her own responsibility and self-entrepreneurial capacity. The state had grown to the detriment of the private sector, while Keynesian attempts to sustain aggregate demand through deficit policies led to a rise in inflation and taxes which penalized industry. To govern better, the state had to govern less and, above all, spend less. It was a matter, as Milton Friedman argued, of encouraging individuals to govern themselves within a legal structure guaranteed by the state.

Both critiques underlined the cost of government activity. The left critique aimed at increasing these costs on the part of the private and capitalist sector in a vision of class struggle, while at the same time warning of the risk of a immeasurable extension of the state bureaucracy's power of control and repression of the lives of individuals. The neoliberal critique denounced the "totalitarian" risk of a new protagonism of the State to the detriment of "civil society" along the example of Nazism or Communism. In contrast to what was written during the 1940s by F.A. Hayek, according to whom the only principles upon which government activity can be founded are the principles of classical liberalism: the freedom to carry out a choice dictated exclusively by one's conduct; for the neoliberals of the Chicago school the market was not omnipotent, while *laissez-faire* was not the miraculous solution for the government of society. In contrast to the remedies elaborated by Hayek or by the *Ordoliberalen*, a group of German jurists and economists gather before the Second World War around the journal "Ordo", the government of society should be restructured in the name of an economic logic, while the government of the economy should create and support both business and competition. The whole of society should, in other words, be reorganized following economic lines and a calculating rationality centred on the human faculty of choice.

The convergence between these two critiques of the welfare state, and of the political and social compromise that sustained it, derived from the common observation for which public expenditure was economically supported by the subaltern classes to the advantage of the middle classes through a tendentially universalistic politics which reinforced social inequalities and tax injustices. That said, the political differences between the two critiques came to light when the neoliberal platform was adopted by governments in the English-speaking West at the end of the 1970s. It became clear at this point the extent of the structural and anthropological revolution that was in progress. The market was considered the ideal mechanism for the coordination of the decisions of a multitude of actors in the common interest of the government. Every social and economic sector previously governed by a bureaucratic and social logic assumed the new techniques of financial administration, competition and entrepreneurship. The government in this way changed formula and content, finding a new function in the management of a myriad of para-state and semiprivate authorities and subjects which exercised their powers upon individual conduct.

Neo-liberalism established itself therefore as a dispositive of government and not only as one of the canons of liberal political philosophy. Such a dispositive accumulated a large latent transformation for most of the 20th century which organized the powers of the state, devolving many

responsibilities in the administration of health, human reproduction and social wealth to a series of organs independent of government, and in doing so increasing the functions attributed to “governmental power” by Foucault himself. The rationality and the objectives of neoliberal governmentality have not changed with respect to the Foucauldian definition, while instead it is the dispositives of government that have been adapted to the new forms of life that have emerged “at the multiple intersections between the imperatives of the market and the drive for shareholder value”.

Neoliberal governmental rationality coincides with the “logic of transfer”. This definition, inspired by Bruno Latour,⁴ explains how the activity of government consists in connecting the objects of authority with the projects of organizations, groups and individuals who are the subjects of the government. It is only through these transfer processes that the relation between government and governed is recovered. The object of the government is to create a flexible and contingent “assemblage” between political agencies, political bodies, economic, legal, social and technical authorities and the aspirations, the judgments and the ambitions of formally autonomous entities such as companies, pressure groups, families and individuals.

Unlike public-judicial governmentality, on which the welfare state was also modelled, advanced liberal governmentality is inextricably tied to the activities and calculations of independent philanthropic, medical, sanitary, police, entrepreneurial, bureaucratic, parental and employment authorities. Such an operational method has been defined by Nikolas Rose and Peter Miller in terms of a *government at a distance*: the government hardly ever intervenes directly in interests and relations of power, but acts indirectly by connecting the multiplicity of more or less independent organs with the aim of directing the outcomes of individual and collective conduct. Government at a distance therefore establishes flexible relations between existent subjects separated in time and space, as well as in formally distinct and autonomous spheres. Its activity consists in *translating normatively* individual standards, judgments and conduct. Governing no longer means negotiating a contractual mediation between the divergent interests of groups, corporations or classes, but acting upon the actions of these autonomous bodies indicating the results, promoting the agenda, monitoring the partial results, allocating the necessary budgets, and promoting the expertise regarded to be indispensable for the achievement of an objective.

⁴ B. Latour, *Science in Action*, (Milton Keynes: Open University Press, 1987) 219-32

The evolution from administrative governmentality to neo-liberal governmentality has revealed, on the one hand, the inadequacy of the pastoral projects of normalisation and rationalisation adopted by welfare policies and, on the other hand, has brought to light a new form of citizenship based on the techniques of self-esteem, self-empowerment, self-entrepreneurship and individual well-being. These new “technologies of citizenship” presuppose the existence of free and active citizens, of informed and responsible consumers, of community members who self-regulate themselves and agents capable of taking decisions at their own risk and danger. The citizen becomes an active agent in the regulation of professional expertise, in particular that which is dedicated to health care and the prevention of disease, and a fundamental actor for his/her own and others’ security. With regard to the old image of the liberal *homo oeconomicus*, isolated and selfish atom in a free market, the new citizen is placed at the intersection between the ties and affinities created within restricted communities, in professional groups, in the individual choices of the markets useful for the consolidation his/her own and others’ security. Out of this arises a new emphasis on the *ethos* of self-conduct which interprets individual freedom in terms of *autonomy*, in other words the capacity to realise one’s desires in life and to determine the direction of one’s existence through personal choices.

IV. THE PASTOR OF SOMA

With the concept “pastoral power”, Michel Foucault alluded to the relation which, especially in oriental culture, defines the relation between the family and the economic management of its life. It is “pastoral power” which associates liberal governmentality with the reason of state, the aspiration, in other words, of directing the conscience and soul of individuals just as the “pastor watches over his sheep”. Its aim is to manage in a circumspect way the resources of humans. With the birth of the modern economy, the family *oikonomia* loses its role as model to become an articulation of a wider mechanism. The family is only one of the domains of the political economy whose aim is to “improve the destiny of the populations, their health, to increase their wealth and their life expectancy”. With the advent of the “biopolitical” era, in other words of the “seizure of power over man as a living thing, of a stationalisation of biological existence or at least of a tendency that will lead towards what could be called a stationalisation of biological existence”, pastoral power leaves the family domain and focuses on the body of the whole population. Governmentality imposes the incorporation of the control of the body in the general techniques of the administration of the population. The result, according to Foucault, is an *epistemic* change which involves first of all the objective of governmental rationality: “for millennia man has remained the

same as what Aristotle saw: a living animal also capable of political existence; modern man is an animal in whose politics life as a living thing is in question”.

The long duration of the process of governmentalisation of the state and of the generalisation of pastoral power in the sense of a government of the freedom of individuals, reaches maturation in the 20th century, first with the creation of insurance technologies elaborated at the height of the welfare state, in other words, those governmental formulae between socialism and liberalism in which collective security was bound to individual restraint, then with the governmentality of advanced liberalism which attributes to the individual a true pastoral role through which he or she can create a personal identity by practicing everyday his or her own autonomy. In this context, there emerges another criterion of differentiation deriving from the “epistemic break” between neo-liberal and advanced liberal governmentality beginning with health policies and, in particular, with the *pharmacogenomic* technologies and personalised medicine.

Nikolas Rose⁵ has argued that, since *Birth of the Clinic* (1963), and then with the lessons at the Collège de France (1977-8) and lastly with the “trilogy on sexuality” (1978-1984), Foucault explained the interest of governmental power in the life of the governed in terms of a *politics of health* (birth and death rates, diseases and epidemics, comprehension of the biological constitution of a population and its consequences of different sub-populations – activities which compelled governmental power in the middle of twentieth century during Nazi-Fascism to adopt coercive and deadly measure in name of the future of the “race”). According to Rose, contemporary “biopower” can instead be described as a sum of *policies of life* in which the state devolves its power to near-autonomous legislative organs (bio-ethical commissions, private companies like fertility clinics, biotechnological multinationals which sell products like genetic tests direct to consumers; professional groups such as the medical associations regulated at a distance by complex mechanisms of certifications, standards, bench-marketing and balances.

Governmental policies are the result of a meticulous operation in laboratory by the new techniques of the bio-economy: genetic screening, reproductive technologies, organ transplants, the genetic modification of organisms, personalized medicine cut to the individual genotype codified in microchips, the *in vitro* manufacture and regeneration of organs or the

⁵ N. Rose, *The Politics of Life itself: Biomedicine, Power, and the Subjectivity in the Twenty-First Century* (New Jersey: (In-formation) Princeton University Press, 2007)

use of genetic cells which can be differentiated according to the type of tissue. The enormous computational power of the new technologies today connects medical histories and family genealogies with genomic sequences, the power of pharmaceutical multinationals' marketing, the committees on the regulation of drug addiction and the bio-ethic commissions, the pursuit of profits and surplus value promised by this research.

The dynamics of this new model of power is to connect experts with subjects, and the empowerment sciences of human capital with the events that cut across the lives of individuals. The objective is to elaborate a common strategy to deal with, and to *prevent*, disease, exclusion, poverty, and more in general the *risk* of a life exposed to the dangerous inclination of losing one's self-control. More in general, Rose argues that the analysis of power today disregards the normative characterisation which induces by force of circumstances the presupposition of the existence of a *verticality* between its subject and its objects, between the principles to which its political rationality obeys and the technologies of government through which different political authorities implement the government's programme established *a priori* from the catalogue of principles. Instead a *horizontal* dimension prevails whereby the typical pastoral function of governmental power loses its constitutive transcendental characterisation (the Sovereign, or the Pastor, who governs the flock or the people) and acquires an immanent profile: render the individual components of the population responsible with the aim of identifying together with institutions the solutions to the problems of individual and collective life. In this way, governmentality passes from a coercive to a cooperative model.

With regard to the genealogy of power prepared by Foucault since "*Society must be defended*", in which the model of the Christian pastoral of the souls and bodies occupied a central place in the definition of the governmental paradigm, the genealogy of the new "somatic pastoral" identified by *Governmentality Studies* explains a further transformation in governmentality. With regard to the era of liberal biopolitics analysed by Foucault, in which it was state power that held the prerogative of intervention in the life of the population through the institutions of the clinic, the prison, the asylum and the army, in the era of the somatic pastoral the pharmaceutical industry, together with a multiplicity of public and private bodies, has acquired the power to intervene in the molecular composition of life itself, free to mobilise, control and recombine the biochemical mechanisms and the genetic variations to guarantee an optimal level of the life of the population.

Figures such as doctors, chief executives of multinationals, bankers of the

poor, genetic specialists and criminologists who advocate the genetic screening of the population to prevent criminal tendencies all invite the population to share the responsibility of managing the highest value of a community, that of life (“bio-value”). Their job is to demonstrate that state clinical power has lost its monopoly over the diagnosis and therapeutic calculation of the quality of life having surrendered it to a new multiplicity of subjects which conduct an intense activity of capitalization on health, illness and on the intellectual property of genetic technologies. Resuming this analysis, Kaushik Sunder Rajan has outlined the epistemic and economic revolution carried out by the governmentality of advanced liberalism in comparison to the previous one.⁶ In the case of health policies, these have moved from *pharmacogenetics*, based essentially of the study of genetic variables, to *pharmacogenomics*, in other words, the commercial, industrialized science which has emerged with the scientific revolution of the genome. This transition means that it is not necessary to suffer from a specific pathology in order to study its genetic causes. It is possible, instead, to study the genetic variability to predict a future pathology. The therapeutic intervention increasingly shifts towards the preliminary stages of the manifestation of a disease to the point that, on the base of the analysis of genome, it is possible to hypothesise from birth the existence of certain genetic tendency and therefore modify it early on.

Compared with the era of the welfare state, the pharmaceutical industry has today become an autonomous insurance industry. This industry relies on the self-regulating capacity of individuals in the choice of diagnosis and therapeutic intervention, in other words on the government of the self stimulated by a combination of strategic actors who constitute the emergent structure of *postgenomic* medicine. The new insurance technology, no longer public and universal, but private and individual, aims at the construction of a “molecular surveillance” which on the one side intends to prevent anomalies in the genetic makeup of individuals and, on the other, directs all the capacities of the human body and soul towards a strengthening of its resistance against such anomalies. Its objective is to modify the understanding that subjects have of themselves through a renewed centrality attached to flesh, organs, tissues, cells, molecular sequences, of their regularity and irregularity, in other words, of a somatic knowledge that everyone must acquire about their own body.

If, therefore the welfare state, and the neoliberal states forged in its crisis, could still be represented in the terms of a distribution of wealth with a more or less egalitarian element of risk, in “post-neoliberal”

⁶ K. S. Rajan, *Biocapital. The Constitution of Postgenomic Life*, (Durham/London: Duke University Press, 2006)

governmentality risk is strictly individual and is cut to the measure of the citizen-consumer. If before society predicted the possibility of a potential catastrophe – transforming the exception into a rule – in the societies of advanced liberalism the rule is constituted by the variability and contingency of events, the anomaly is the law upon which the ability of prediction of governmental rationality is measured. Risk is the fundamental element of capital and no longer the moment of its dissolution. If risk remains therefore the characteristic factor of insurance technologies, it is inseparable from the risk of the enterprise of the pharmaceutical multinationals which invest in therapeutic development. As such, every individual becomes the potential object of therapeutic intervention, the object of a capitalisation, as well as the consumer of insurance technologies. It is the individual in person, as a rational actor on the market, who guides the choice of the instruments to minimise the risk on life both for themselves and for others.

In this situation risk is not at all eliminated; rather, if it is possible, it is exponentially increased. The individualization of technologies of controls can minimalise it, localise it and, in part, neutralise it but never banish it. Advanced liberalism is populated with actors who have an absolute need to calculate the future, for the very reason that they not able to do it. Life as such remains the principal source that produces risk, *biocapital* depends on it completely, it is founded on it, and it remains subject to its contingency. This negative and destructive characterization of life is typical of the liberalist *episteme* which removes the *affirmative* and *relational* character of life. If it is therefore true, as Foucault has written, that “there is no liberalism without the culture of danger”, in this culture it is not possible to discern the constitutive potential of life and the virtuous impossibility of subsuming it protection dialectic of security/destruction of freedom.

V. THE AMBIGUOUS *CONSTITUTIO LIBERTATIS* OF GOVERNMENT

The emergence of neoliberal governmentality, and its evolution into advanced liberal governmentality, has enabled a multiplicity of forms of life, not all contained in the rational plan established, albeit in a flexible manner and the widest possible, by the government at a distance. It is the very subjects of the government, on the basis of the freedom that it grants them, who formulate hypotheses that are not always commensurable with governmental rationality. It is however in the nature of *government at a distance* to predict the existence of conduct that does not perfectly fit in the plan of normalisation and prefixed rationalisation, even that which is most flexible and open to every type of determination. If in fact the “will to govern” cuts across all the possible governmental assemblages, these assemblages are never the mere product of a unilateral will to govern. For

its imperfect nature, the activity of transfer realised by the government at a distance is a fragile *relais*, constantly subjected to contestations and to a constant transformation which fuels the production of risk, rather than reducing it. The high rate of uncertainty contained in governmental technologies elaborated in “advanced liberalism” is due to the assemblage of different, and often antagonistic, knowledge, powers, capacities, competences and judgments.

The uncertainty in question is not however the mere result of a lack of rationality on the part of the government, or of the unpredictability of the market, but derives directly from the freedoms enjoyed by individuals. The point at which the circularity of the production of freedom (on the part of the government for the benefit of the subjects and of the subjects in favour of the government) is interrupted is the uncertain, random and regular nature of such production. The “construction” of freedom remains the imperative of liberal life, but has as its downside the totalising control of all the spheres of individual life: movement in space, material existence, nourishment, treatment practiced upon individuals. A number of exponents of Governmentality studies seem to ignore its constitutive paradox: liberal life is subject to an incessant, solicitous prescriptive activity that is always aimed at the benevolent goal of preventing risks thus running the risk of suppressing it – liberal life – in a system of totalising prevention⁷.

Liberalism constantly risks creating paternalistic and neo-conservative policies which impose a normative ethics and securitarian, if not authoritarian, political instances. As such, the problem of inequality and poverty generated by the market is blamed, in a discriminatory and racist manner, on the incapacity of certain sectors of the population to exercise their own autonomy. The ingenuity of these policies is to believe in the representation of the individual able to behave in the same way as a business acts in the market. The presumption of having erased the division between the private sphere of the market and the public-state sphere has created the illusion that the “social question” no longer exists. From this presumption derives the idea that neo-liberalism tied to economic globalization leads to the disappearance of the role of the state. The crisis of the state, like the crisis of the “social”, now fully unfolded in front of our eyes, does not imply the end of the State or the end of “society”⁸. The necessity to “govern less” does not imply the State’s renouncement from

⁷ J. Donzelot & C. Gordon, “Comment gouverner les sociétés libérales? L’effet Foucault dans le monde anglo-saxon” in *Esprit*, 339 (November 2005)

⁸ M. Dean, *Governmentality, Governmentality. Power and Rule in Modern Society* (London: Sage, 1999) 206-7.

governing, nor does it translate in the establishment of a securitarian State, or a permanent state of exception, which irreversibly overturn the constitutional web - and the material composition - of all the existing political institutions.

The problem of government is just the opposite. Its objective is to prevent and correct the anomalies which break the consensual circularity between the government and the governed. The freedom in question is, on the one hand, the political product of a will to govern subjects, on the other the product of their opposition to such a project, in other words a *social and political construction* that is not the presumption rather the result of a power relation. The uncertainty tied to the production of freedom is due to the increasing autonomy of the corporations of experts (in particular medical corporations) and pharmaceutical multinationals from state authority, but it is above all the product of counter-conducts of the governed which constitute an instrument of permanent problematisation of governmental rationality. From this point of view, the representation of the individual as a free and autonomous citizen in the market is a pretence which re-elaborates, and neutralizes, conflict between governmental conduct and the diffuse counter conducts regarding the practices of freedom which constitute the horizon of liberalist politics.

VI. CONCLUSION: THE DILEMMA OF GOVERNMENT

There is full awareness in Governmentality Studies of the ambiguity between the production of freedom which a subject enjoys and the idea that such production is the necessary result of the rationalization of governmentality. To understand in depth this ambiguity it is useful to return to some of the assertions made by Michel Foucault. The experience of freedom is understandable in so far as one abandons the conventional distinction which opposes subject or object, in which subjectivity is considered the authentic place of moral autonomy and power as the entity which exploits, denies and destroys such autonomy. Contrary to the claims made by the old theory of power, the Frankfurt School not being the last, governmentality does not distort subjectivity, nor is it able to dominate it. Its pastoral power, on the contrary, fixes, promotes and intensifies the truth on them.

Foucault identified the genealogical origin of this experience of freedom in the Kantian text "What is the enlightenment"⁹. In this text he invites us to abandon the classic opposition between domination and liberation because

⁹ M. Foucault, "Qu'est-ce que les Lumières?" in *Dits et Ecrits*, (Paris: Gallimard, 2001), 1381-1397; 1498-1507

power acts through practices which form subjects as *free persons*. Unlike domination, power presupposes the capacity of the subject to act on its own limits, to render itself the object of its own practices, to practice the faculty of critique starting from its own existence. The fundamental disposition of the modern subject is, in other words, a new *ethos* which pushes it to stay in its own present, to determine autonomously its own conduct and to establish objectives on the basis of its analysis of reality. It was Charles Baudelaire who clearly expressed this attitude towards the present in terms of the relationship that the subject has with itself. To be modern, for Baudelaire, means not accepting one's self for one is, but taking one's self as an object of complete transformation. Modern man is no longer in search of the hidden truth of his identity, but is constantly looking to invent himself in terms of a specific historic subject.

Neo-liberal and "post-neo-liberal" governmentality lead this *ethos* to the dilemma between security and freedom. The ambiguity that arises is due to the constant clash between freedom and subjection: one is the condition of the other. To act freely, the subject must first be trained in the use of such freedom. In such conditions, freedom cannot be but the product of a system of domination. There however exists a way of escaping this dilemma: the *ethos* identified by Foucault prompts one not to adhere to a specific moral model or to pre-established end. It leaves open every possibility of determination because critique always has its end itself¹⁰. Overturning therefore the point of view of governmentality, the production of freedom does not depend on the *systemic* logic of the balance between government and governed, but on subjects' obstinate and wild desire to live freely and on the *ethos* of those who intend to govern themselves and their like autonomously which obstructs that logic up until extreme consequences. This capacity of resistance comes from life, from the sum of its functions that are useful in resisting death and no longer from a core of subjective rights, or from the will of individuals who oppose the state or the market.

Governmentality Studies stopped on the threshold of the contestation of the ambiguity between the critique of governmental rationality and the rationalisation of the same governmentality. What is yet to be discussed is the origin of the desire to self-determination of the citizen-consumer as a free and autonomous subject, without it being fully clear what are the limits to such self-determination and in what position it finds itself regarding the freedom produced by government.

¹⁰ T. Osborne, *Aspects of Enlightenment. Social Theory and the Ethics of Truth* (London: UCL Press, 1998)