



Liberalism and the governance of populations

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review of:

Michel Foucault (2008) *The birth of biopolitics: Lectures at the collège de France, 1978-1979*, trans. G. Burchell. Basingstoke and New York: Palgrave Macmillan. (HB: pp. 346, £20.99, ISBN 978-1-4039-8654-2)

The birth of biopolitics is the sixth instalment in the ongoing publication of the lectures given by Michel Foucault from 1971 to 1984 in his tenure as Professor of the History of Systems of Thought at the *Collège de France*. This volume is the first translation into English of the series of twelve lectures delivered from January to April 1979. It develops the theme of the previous year's lectures, of which an English translation was published in 2007 as *Security, territory, population* (see Foucault, 2007).

Foucault's objective in *The birth of biopolitics* is the historical exploration of the 'framework of political rationality' (317) in which 'biopolitics' becomes an issue for liberal governments. By 'biopolitics' he means 'the attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birthrate, life expectancy, race...' (ibid.). Foucault seeks to understand how 'liberalism', which is broadly 'concerned about respect for legal subjects and individual free enterprise', can take into account a 'population' (ibid.). For Foucault this appears as something of a paradox, as the 'technology of government' in which problems of life and population have been posed has 'constantly been haunted by the question of liberalism' (323-324). He aims to trace the development of liberalism to discover how the governance of populations has become a legitimate concern for liberal thought; in other words, how biopolitics can be made compatible with a liberal system of government.

Unfortunately, due to his concentration on the history of liberalism from its 18th century 'classical' form to 20th century neo-liberalism, Foucault says nothing else in this lecture series about 'biopolitics' specifically. The brief comments cited above are from his 'course summary' published after the conclusion of the lectures. As he puts it: 'This year's course ended up being devoted entirely to what should have been only its

introduction' (317). The reader might therefore be dissatisfied that the broad question these lectures purport to answer is never addressed here directly. Foucault anticipates frustration among his listeners, assuring them that 'in spite of everything, I really did intend to talk about biopolitics, and then, things being what they are, I have ended up talking at length, and maybe for too long, about neo-liberalism...' (185). It would be fair to say that these lectures are concerned rather with the gestation of biopolitics than with its birth.

If an explanation of how the governance of populations is consistent with liberal freedoms is not to be found here, what remains of interest is Foucault's attempt over twelve lectures to frame the question. An obvious way in which he might have approached the problem, but chose not to, is through conceptual analysis. His assertion that 'universals do not exist' (3) in the history of ideas suggests that an extensive analysis of the logical consistency of 'liberalism' and 'biopolitics' would have been contrary to his method. He insists on not using 'all those universals employed by... political philosophy in order to account for real governmental practice' (2) and sees liberalism 'not as a theory or ideology' but simply as 'a way of doing things... regulating itself by continuous reflection' (318). However, in the absence of any philosophical analysis of the key concepts of liberalism and biopolitics (based on stable definitions), one cannot see how Foucault could have known when his main question had been satisfactorily answered. His method appears to leave him unable to *identify* a system of government as liberal in the first place, and subsequently unable to assess the compatibility of biopolitics with the liberal ideas of that system. Given the range of perspectives from which liberalism was contested throughout the 20th century, Foucault's assumption that a dominant governmental practice (i.e. biopolitics) must be consistent with liberalism begs an obvious question. Is biopolitics perhaps the effect of a *non-liberal* theory of government? Is liberalism actually the 'general framework of biopolitics' (22) as he claims, or are there more plausible candidates among the political ideas of Foucault's time? These elementary questions are left unconsidered in these lectures.

Foucault assumes that the governance of populations must be consistent with 'liberalism'. To show how this is the case he attempts to trace a two hundred year history of liberal practice from the 18th century to the present, with specific emphasis on German ordoliberalism and the neo-liberalism of the Chicago School. Despite his decision not to employ 'universals' he does use a consistent definition of liberalism around which his history takes a coherent shape. Liberalism is a practice of government which emerges in the 18th century and qualifies the early modern idea of *raison d'État* (or 'Reason of State') by proving that the 'self-limitation of governmental reason' (20) is the most effective means to a state's enrichment (102). Foucault takes great care in his opening lecture to distinguish liberalism from the theories of governmental practice predominant in the 17th century. These include the idea of *raison d'État*, in which a state establishing its independence from the Holy Roman Empire and Catholic Church was supposed to wield unlimited sovereign power in its own territory. In opposition to *raison d'État* a range of legal theories (including those of fundamental law, natural law and the social contract) are presented as external limitations to the power of the state. However, the new governmental reason Foucault calls 'liberalism' 'consists in establishing a principle of limitation that will not be extrinsic to the art of government,

as was law in the seventeenth century, but intrinsic to it: an internal regulation of governmental rationality' (10). Governments should constrain their power through an understanding of the most effective means for achieving their ends, rather than as a response to 'external' claims of legitimacy.

The principle of this internal regulation is 'economic truth' (22) understood as the effect of natural market processes, unimpeded by government, on utility and the wealth of the state. The free market is a 'site of veridiction' which must 'tell the truth' (32) and it is here that the science of political economy, of which Adam Smith's *The wealth of nations* is the most influential example, can show governments where the internal limitation of their activity lies. As Foucault puts it: 'Governmental reason will have to respect these limits inasmuch as it can calculate them on its own account in terms of its objectives and [the] best means of achieving them' (11). A government that ignores this limitation is not illegitimate, 'but simply a clumsy, inadequate government that does not do the proper thing' (10). As the market is now the site of truth and subject to the calculations of the political economists, the fundamental question of liberalism is 'the utility of a government in a regime where exchange determines the value of things' (47).

After providing his account of the emergence of liberalism, Foucault proceeds to discuss the rise of German 'ordoliberalism' following World War II. He gives a detailed historical account of the role of 'economic growth', through the market economy, in producing a legitimate state after the collapse of the Nazi regime. Whereas liberalism in its 'classical' (18th century) form argued that within a certain space market mechanisms should be left free from the interventions of a legitimate sovereign, in the Germany of the late 1940s and early 1950s the state itself has 'its real foundation in the existence and practice of economic freedom' (85-86). The market economy produces legitimacy for the new German state and enables 'the forgetting of history' (86).

Foucault is keen to distinguish this new form of liberalism from its classical forerunner. Market processes no longer work in opposition to state intervention but are the very source of the state's legitimacy and sovereignty. He describes a reciprocal relationship in which economic growth 'produces political sovereignty through the institution and institutional game that, precisely, makes this economy work' (84). It follows that neo-liberalism dissociates the market economy from the principle of *laissez-faire* supported by classical liberals (131). It instead embraces an 'active, vigilant, and intervening' liberal regime (133) which ensures that a competitive framework is enforced through active state policy, for example in preventing the formation of monopolies, and that social security is provided to those who cannot benefit from the market. This is broadly what is understood today as a 'social market economy'.

Foucault emphasises that government must act not on particular effects of the market economy (such as price levels) but instead must apply general principles to the *framework* of the market as a whole (140). He speaks of 'interventionism... as the condition enabling the formal mechanism of competition to function so that the regulation the competitive market must ensure can take place correctly...' (160). Furthermore, according to the 'Rule of law' or *Rechtsstaat*, this intervention must be framed by laws that limit the actions of the public authorities in advance (169). In other

words, the framework of the market is secured by the form of the law rather than by the sovereign will. This is an important political principle which has a dominant place in Hayek's (1944) *The road to serfdom*. Foucault's elucidation is particularly clear and impressive.

In the final lectures Foucault turns to the neo-liberalism of the Chicago School. He is careful to avoid the assumption that American neo-liberalism is a diffused version of German ordoliberalism, because 'the constant renewal of liberal politics' has been a constant in the history of the United States (193). And 20th century American neo-liberalism has features that distinguish it from the other forms of liberalism he has earlier spoken of. Unlike the opposition of the state and the market economy in classical liberalism, and the integration of the state and the economy in the 'economic constitution' (167) favoured by the ordoliberals, the Chicago school economists aim to apply economic analysis to the full range of social relationships. This is a complex undertaking which Foucault handles very well in these lectures. He speaks of an 'inversion of the relationships of the social to the economic' (240). American neo-liberalism involves generalising the economic form of the market 'throughout the social body and including the whole of the social system not usually conducted through or sanctioned by monetary exchanges' (243). Economists such as Gary Becker propose a model of *homo oeconomicus* in which the non-random responses of a person to changes in their environment can be studied by economic science. The broad scope of this approach allows economists to use 'the typical analyses of the market economy to decipher non-market relationships' (240) including what are typically called social phenomena such as an individual's relationship to his/her family, insurance and retirement, and even criminality.

Foucault spends some time discussing how the Chicago School neo-liberals use their model of *homo oeconomicus* to analyse criminality and 'human capital'. For the latter he presents the neo-liberal critique of the treatment of 'abstract' labour in classical and Marxist political economy. 'Abstraction' is not an effect of capitalism but of the economic theory being employed. The worker should not be seen as the object of supply and demand in the form of labour power but 'as an active economic subject' (223). From the worker's point of view, 'labor comprises a capital, that is to say, it [is] an ability, a skill: as they say: it is a "machine". On the other side it is an income, a wage, or rather, a set of wages... an earnings stream' (224). Every individual should therefore be seen as an *enterprise* with an interest in investing in his/her 'human capital'. As Foucault puts it: 'a society made up of enterprise-units... is at once the principle of decipherment linked to liberalism and its programming for the rationalisation of a society and an economy' (225). Foucault's treatment of these economic theories and their sociological implications is lucid and insightful, and justice cannot be done to it in this review.

The lecture series concludes with a discussion of the relevance for economic liberalism of Adam Ferguson's theory of 'civil society'. As a historical overview of liberal economics, and the political contexts in which its various strands have emerged, there is much that is valuable here. His analysis of the rise of ordoliberalism as a critique of Nazism, and the subsequent 'inflation' of this ideology to oppose Marxism, state socialism, Keynesianism, or any intervention in the free market process, is particularly

astute. His grasp of the sociological assumptions and implications of liberal economics, for example in his expounding of ‘human capital’, is often brilliantly intuitive and penetrating. However, what remains unanswered at the end of this series is whether Foucault’s exposition of ‘liberalism’ can be accepted as ‘the general framework of biopolitics’ (22). Earlier I questioned what seemed to be his *a priori* assumption that liberalism and biopolitics are consistent with one another. Even if this assumption is granted, and Foucault’s historical approach to the problem is an appropriate method, a major difficulty with the overall argument still exists. Namely, that the most serious challenge to biopolitics is posed by the strands of the liberal tradition that Foucault chooses not to consider in these lectures.

In his early lectures Foucault makes a clear distinction between, on the one hand, the concerns of natural right, natural law and the ‘social contract’ that constituted ‘external limitations’ to *raison d’État*, and, on the other, the internal ‘self-limitation of governmental reason’ characteristic of liberalism. He later acknowledges the importance of a ‘revolutionary’ theory of rights for liberalism, but argues: ‘The [system] that has been strong and has stood fast is, of course, the radical approach which tried to define the juridical limitation of public authorities in terms of governmental utility’ (43). He claims that this system characterises the history of European liberalism, and goes on to assert that ‘the problem of utility increasingly encompasses all the traditional problems of law’ (44). However, it can be argued that these ‘external limitations’ play a more significant role in liberal thought than Foucault allows for. To argue that they have largely been replaced by ‘internal’ considerations of ‘utility’ is highly misleading. To see this point one need only consider some of the major works of Anglophone liberal thought published in the decade preceding Foucault’s lectures. In his famous essay *Two concepts of liberty*, published in 1969, Isaiah Berlin considered Thomas Hobbes’s theory of a ‘free man’ in *Leviathan* to be the paradigmatic example of ‘negative liberty’ (Berlin, 2002: 170). John Rawls considered his *A theory of justice*, published in 1971, to be a continuation of the ‘social contract’ tradition of Locke, Rousseau and Kant (Rawls, 1999: 10). And Robert Nozick drew heavily on the natural rights theory of John Locke for his *Anarchy, state and utopia* (1974). These were highly influential works for liberal thought at the time of Foucault’s lectures (1979), yet in none is an understanding of ‘freedom’ or ‘liberty’ derived from calculations of utility.

Foucault’s conflation of liberalism with utilitarian free-market economics appears to lead him to problematic assumptions about the individual freedoms that he wants to reconcile with biopolitics. He says that ‘freedom in the regime of liberalism is not a given, it is not a ready-made region which has to be respected... Liberalism is not acceptance of freedom; it proposes to manufacture it constantly, to arouse it and produce it...’ (65). The suggestion that an individual is not free unless s/he is made so by government is not an intelligible characterisation of liberal thought. The very idea of ‘negative liberty’ consists in accepting an area in which the individual is master (Berlin, 2002), irrespective of the ‘management of freedom’ (63) by government. In Hohfeld’s famous categorisation of rights, a ‘liberty-right’ (which he called a ‘privilege’) ‘is to be free of any duty to the contrary. Thus, legally, I have the liberty-right to do x if there is no law imposing a duty on me not to do x’ (Jones, 1999: 17). Again this is not easy to reconcile with Foucault’s claim that freedom, for a liberal, does not exist unless it is

manufactured by government. And contrary to his claim that ‘freedom is not a universal which is particularised in time and geography’ (63), for liberal philosophers such as Nozick (1974) and Rothbard (1982) who draw on Locke’s inheritance of the Thomist natural law tradition, it necessarily is. St Thomas Aquinas wrote in his *Summa Theologica* that ‘the rational creature... has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law’ (c.1274: 997). Locke writes of ‘Reason’ as the basis for the Law of Nature that obliges everyone ‘[not] to harm another in his Life, Health, Liberty or Possessions’ (1689a: 271). These are not marginal traditions in the history of liberalism, even from the 18th to the 20th century (one can think of the influence of Locke in the United States Constitution), and it is strange that Foucault overlooks their relevance in the context of these lectures.

If one considers how Foucault’s account of liberalism could be applied to the question of biopolitics in contemporary society, one is again presented with ambiguities. In the UK today it can be said that a range of technologies of government, which could be used for the biopolitical management of populations, have been criticised and resisted on grounds of civil liberties. These include DNA databases, the proposal for a compulsory scheme of identity cards, and the removal of *habeas corpus* (the lawful right to seek relief from detention without charge) for reasons of national security against terrorist attacks. These are all issues over which the Conservative MP David Davis, then Shadow Home Secretary, resigned from the House of Commons in 2008. A defence of civil liberties also appears to be a source of agreement between Conservative and Liberal Democrat ministers in the coalition government formed in May 2010. If Foucault’s analysis (or anticipation) of the challenge of biopolitics was accurate, then one would expect to find economic calculations of utility (or a variant of this) at the heart of these political concerns. However, arguments in defence of market competition or the price system do not appear at the forefront of the criticism of ID cards or the holding of terrorist suspects without charge.

Another strand of liberal thought which could be highly relevant for the governance of the populations of multicultural societies is that concerning, *inter alia*, the freedom of intellectual enquiry, the freedom of opinion and religious association, and the moral good of toleration, as expressed in John Milton’s (1644) *Areopagitica*, John Locke’s (1689b) *A letter concerning toleration* and J.S. Mill’s (1859) *On liberty*. Echoes of these works can be found in the ‘value pluralism’ of Isaiah Berlin (2002) and John Gray (2000). If the liberal concern regarding biopolitics was to be framed entirely in terms of utility and ‘economic truth’, as Foucault (1979) puts it, then the insights available from these perspectives would be largely missing from view.

In conclusion, these lectures offer an insightful history of the political and social context in which the central strands of liberal economics emerged in the 18th and 20th centuries. A reader looking for an introduction to ordoliberalism and/or the basic ideas of the Chicago School could do worse than to read this volume. The editor (Michael Senellart) and translator (Graham Burchell) have provided a fluent translation packed with comprehensive information on the context of the course. The footnotes are extensive and scholarly, and a useful section on the ‘Course Context’ is supplied by Michael Senellart. In terms of Foucault’s stated purpose in delivering these lectures, the verdict

must be that he has been unsuccessful in this respect. If one seeks to know whether the governance of populations is possible under a liberal system of government, then this lecture series raises many questions while providing few, if any, answers.

references

- Aquinas, T. (c.1274/1948) *Summa Theologica*, trans. Fathers of the English Dominican Province. Notre Dame: Christian Classics.
- Berlin, I. (2002) *Liberty*. Oxford: Oxford University Press.
- Foucault, M. (2007) *Security, territory, population: Lectures at the collège de France, 1977-1978*, trans. G. Burchell. Basingstoke and New York: Palgrave Macmillan.
- Foucault, M. (2008) *The birth of biopolitics: Lectures at the collège de France, 1978-1979*, trans. G. Burchell. Basingstoke and New York: Palgrave Macmillan.
- Gray, J. (2000) *Two faces of liberalism*. New York: The New Press.
- Hayek, F. (1944/2001) *The road to serfdom*. London: Routledge.
- Jones, P. (1999) *Rights*. Basingstoke: Palgrave.
- Locke, J. (1689a/1988) *Two treatises of government*, Student ed. Cambridge: Cambridge University Press.
- Locke, J. (1689b/1983) *A letter concerning toleration*, trans. W. Popple. Indianapolis: Hackett Publishing Company.
- Mill, J. (1859/1991) 'On Liberty', in J. Mill and J. Gray (ed.) *On liberty and other essays*. Oxford: Oxford University Press pp. 5-130.
- Milton, J. (1644/1886) 'Areopagitica' in *Famous pamphlets*. Morley's Universal Library.
- Nozick, R. (1974) *Anarchy, state and utopia*. Oxford: Blackwell.
- Rawls, J. (1999) *A theory of justice*, Revised ed. Oxford: Oxford University Press.
- Rothbard, M. (1982) *The ethics of liberty*. New York: New York University Press.

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