

The Problem of Organization:
A Study of Michel Foucault's Conception of Systemic Power

Anthony Garruzzo

Submitted in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy
under the Executive Committee
of the Graduate School of Arts and Sciences

COLUMBIA UNIVERSITY

2024

© 2024

Anthony Garruzzo

All Rights Reserved

Abstract

The Problem of Organization:

A Study of Michel Foucault's Conception of Systemic Power

Anthony Garruzzo

This dissertation addresses a challenge facing Michel Foucault's conception of systemic power, a challenge I call 'the problem of organization.' Foucault argues that power is exercised through systems (*'dispositifs'*) that are made up of various elements, such as institutions, procedures, techniques, and discourses, that co-operate in the execution of strategies of mastery and control. However, this view gives rise to a question: What accounts for the organization in purpose and function exhibited by systems of power, such as the criminal justice system or the public health apparatus, if the strategies they put into operation are not consciously arranged or centrally coordinated by any specific person or group? I argue that Foucault answers this challenge by conceiving such systems as *technological*, drawing on accounts of technology found in the work of Georges Canguilhem, Martin Heidegger, and Friedrich Nietzsche. Foucault holds that this organization emerges not in accordance with a conscious plan, as in a conspiracy, nor through an evolutionary process, as in an organism, but instead, like in a technology, through the decentralized coordination made possible by the production and circulation of knowledge.

Table of Contents

Acknowledgments.....	iv
Dedication.....	vii
Part 1: The Problem of Organization.....	1
Introduction.....	2
Chapter 1: Strategy.....	8
1.1 What Is a <i>Dispositif</i> ?.....	8
1.2 Strategic Functionalism.....	10
1.3 What Is a Strategy?.....	12
1.4 Agonistic Rationality or Governmental Rationality?.....	16
1.5 Reasoning and Rationality.....	23
Chapter 2: From Organic to Strategic Functionalism.....	25
2.1 Introduction.....	25
2.2 Preservationism.....	27
2.3 Holism.....	30
2.4 Evolutionism.....	37
Chapter 3: Apparatuses as Technology.....	41
3.1 Introduction.....	41
3.2 Canguilhem on Mechanical Causality.....	43
3.3 Heidegger on Technological Mastery.....	49
3.4 Nietzsche on Contingent Emergence.....	58
Chapter 4: Conclusion: Decentralized Coordination.....	69

4.1 Introduction.....	69
4.2 Is the Production and Circulation of Knowledge Decentralized?.....	71
4.3 Organization in Technologies through Knowledge	75
Part 2: Politics without a Center	78
Introduction.....	79
Chapter 5: The Politics of the Guarantee	87
5.1 Introduction.....	87
5.2 Hobbes on the State of War	88
5.3 Good Faith	91
5.4 Equality-in-Freedom.....	93
5.5 Transition to Locke	95
5.6 The Founding of the Polity	97
5.7 Vigilante Justice.....	99
5.8 The Myth of the Sovereign	100
Chapter 6: Foucault on the Juridical State	111
6.1 Introduction.....	111
6.2 The Law and the Juridical.....	112
6.3 The Strategic Conception of Law	115
6.4 Criminal Law and Criminal Normalization	118
6.5 Cynicism and Suspicion.....	122
Chapter 7: Conclusion: Politics without Guarantees	125
7.1 Introduction.....	125

7.2 Why Call This ‘Politics’?.....	127
7.3 Disposable Lives.....	129
7.4 Resistance and Politics.....	131
Bibliography	134

Acknowledgments

I would like to thank everyone who helped me along my way during the years it took to complete this dissertation.

First, I want to thank my advisors, Fred Neuhouser and Taylor Carman. It meant more than I can say to know that Fred would be there to provide advice and guidance and suggestions through all of the ups and downs of the dissertation writing process day after day, year after year, stalwart and indefatigable. When everything else seemed uncertain, I knew I could at least rely on Fred to be there and to tell me exactly what he thought. He is serious about his work, especially his work with students, in a way that is truly rare.

Taylor was endlessly generous to me with his time and with his ideas throughout the writing of this dissertation. I cannot even remember the number of occasions that he set everything aside to discuss philosophy with me for hours and hours in his office. His passion for philosophy is palpable and contagious, and I could not have dreamt of a better interlocutor as I began to formulate the ideas that make up this dissertation. The end result is infinitely stronger and sharper than it would have been if it had not emerged out of our spirited conversations.

I want to thank Bernard Harcourt, Axel Honneth, and Francey Russell for their insightful comments and constructive criticism. Thanks also to Sabina Vaccarino Bremner, Thimo Heisenberg, and Colin Koopman for their incredible generosity in offering feedback and advice. Thanks to Jonathan Neufeld, who was the first to encourage me in philosophy and to believe in me when it mattered most: I owe everything to him. Thanks to Larry Krasnoff, for supporting me through the years like no one else. Without fail, his comments and his advice cut right to the heart of the matter, and his learning and curiosity seem limitless, something I can only hope to emulate.

I want to thank the many friends in New York City and elsewhere who were there for me during the good times and the bad times while writing this dissertation. Thank you to Elizabeth Branscum, Samara Burns, Conor Cullen, Gabrielle Ferrari, Joe Hamilton, Chris Hoffman, Meredith Jackson, Ye Eun Jeong, Andrew Lee, Jenna Moxley, Tahlia Pajaczkowska-Russell, Rohan Shah, Niyati Shenoy, and Felipe Taufer. Thanks also to Julia Bannon, David Farrow, and Alex Valin: this wonderful writing group, half exciting intellectual conversation and half therapy support group, came into my life when I needed it most. Thanks to Billy McCarthy, for effortless kindness during the hardest times and for effortless laughs during the best times. Thanks to Evan Jones, for talking endlessly with me about philosophy, politics, and everything else. Thanks most of all to Olivia Branscum. I could never have known what a stroke of luck it was to start graduate school at the same time as her. Her deep curiosity, casual brilliance, and unfailing thoughtfulness are a constant reminder of what philosophy can be at its best.

I want to thank my parents, Frank and Darcy Garruzzo, and my sister and brother, Cassandra Mueller and Frankie Garruzzo. Without their love and support none of this would have been possible. I want to thank my niece, Margot Mueller, for the light she brings into everyone's life. I want to thank my great uncle, Fortunato Bertucci, for believing in me before anyone else did. I also want to thank my grandparents, Edward Frank, Sandy Frank, and Caterina Garruzzo. I feel an immense sense of gratitude and pride to come from such extraordinary people. Finally, I want to thank my partner in all things, Emma Jones. Emma has an intensity of feeling about what matters most unlike anyone else. She was there from the beginning, to call me back when I got lost, to distract me when I needed to get out of my head, to talk things through with me again and again and again. In my philosophical writing—and in everything else

besides—I would never have been able to find my way if she were not there to remind me what is true and good and beautiful.

Lastly, I want to thank my grandfather, Giuseppe Garruzzo. To know him is to know the quiet confidence that comes from a life of devotion and purpose. If it were not for his long hours of patient work and struggle, I would not be in a position to lead a life so different from his. I would never have gotten to enjoy the profound privilege of committing these years to study and philosophy. I dedicate this dissertation to him.

Dedication

For my grandfather, Giuseppe Garruzzo

Part 1: The Problem of Organization

To give you a notion of the Earth's dimensions, I can tell you that before the invention of electricity, it was necessary to maintain, over the whole of six continents, a veritable army of four-hundred-sixty-two thousand, five hundred and eleven lamplighters. Seen from some distance, this made a splendid effect. The movements of this army were ordered like those of a ballet. First came the turn of the lamplighters of New Zealand and Australia; then these, having lit their street lamps, would go home to sleep. Next it would be the turn of the lamplighters of China and Siberia to perform their steps in the lamplighters' ballet, and then they would vanish into the wings. Then came the turn of the lamplighters of Russia and India. Then those of Africa and Europe. Then those of South America, and of North America. And they never missed their cues for their appearances onstage. It was awe-inspiring.

—Antoine De Saint-Exupéry, *The Little Prince*

Introduction

It will be the task of the first part of this dissertation to address a challenge faced by Michel Foucault's theory of systemic power. This challenge calls into question the foundations of Foucault's influential account of *dispositifs* of power. The term '*dispositif*,' which is typically translated into English as 'apparatus' or 'device,' is meant to refer to a network of various elements—such as institutions, practices, techniques, and discourses—that co-operate in the exercise of power and control. A *dispositif* is, in other words, a *system* of power. One example, which serves as the topic of Foucault's most important work, *Discipline and Punish*, is the modern carceral apparatus. This apparatus exercises power and control over crime through the co-operation of interrelated institutions (such as the court and the prison), practices (such as solitary confinement and police interrogation), techniques (such as inspection and surveillance), and discourses (such as juridical theories and social sciences). One of the most important contributions that the concept of the *dispositif* makes to social and political theory—which in part accounts for its reputation among philosophers such as Gilles Deleuze and Giorgio Agamben as among Foucault's most significant theoretical innovations—is that it opens to view the extent to which power is maintained not by individuals or even by institutions but through the co-operation of complex, encompassing systems of governance and control.

The challenge I pose to this theory of systemic power is what I call *the problem of organization*. This is a problem that confronts any conception of systemic power but that raises especially urgent questions for the theory developed by Foucault. This challenge asks what it is that accounts for the co-operation among the various elements that contribute to a systemic form of power. Why is it, for example, that the various elements that make up the carceral apparatus—the various institutions, techniques, discourses, and so forth—happen to work in concert with one

another in the exercise of power over crime and criminality? What explains the degree of *organization* in purpose and function that is exhibited by a system that, according to Foucault's own analysis, is assembled out of a hodgepodge of different technical devices, political discourses, religious practices, architectural schemes, and so forth?

It might seem on its face peculiar, if not altogether paranoid, to believe that such an arbitrary set of elements as those that make up the carceral apparatus are able to collaborate in the exercise of power. It could even be argued that there is no such thing as 'a carceral apparatus' in the sense of something more than a loosely related bundle of practices, institutions, and so forth that happen to connect in some way to the prison. This would be to deny that there exists a relatively unified and coherent system of power for the term 'carceral apparatus' to identify, a system that admits of analysis and investigation in its own right. This thought puts into question the very legitimacy of the concept of an apparatus or *dispositif* as a category of analysis. Only if there is a meaningful sense in which the elements of an apparatus make up an organized system can the concept of an apparatus point toward a definite object of analysis and inquiry, rather than serve as a mere gesture to a loosely defined domain of interest.

There is, then, a sense in which what is at stake in the problem of organization is the acknowledgment of systemic power in general. The commitment to the study of systemic power gathers force from the conviction that there are processes of power that cannot be orchestrated by any central agency or authority, that these processes depend on the complex of institutional arrangements, authoritative sciences, bureaucratic procedures, legal structures, and so forth that in more or less direct ways mediate our every interaction. But this conviction takes for granted that there is a kind of reciprocity, a degree of complementarity, among the mishmash of elements that make up this complex. For all their differences, for all their seeming randomness and

irrelevance, these elements must be able to *function as one* to the extent that they facilitate the exercise of power and control through their relations to one another. Without an account of this functional co-operation, this organizational unity, the view that power is orchestrated at the level of the system can only represent a venture in paranoid thinking, a search for a conspiracy in spite of the absence of any conspirators.

My aim in the first part of this dissertation will be to motivate the problem of organization through a reconstruction of Foucault's account of *dispositifs* of power, as well as to point the way to its solution. I argue that we can begin to understand how the spontaneous organization of a variety of elements into systems of power can be possible once we understand such systems to be a kind of *technology*. In the phrasing of Foucault, they are "technologies of power" (D&P p. 131). This interpretation draws on Matteo Pasquinelli's argument that Foucault's choice of the term '*dispositif*' references Georges Canguilhem's use of this term in his writings on machinery and mechanisms, as well as Timothy Rayner's account of the importance of Martin Heidegger's conception of technology for Foucault's understanding of power. A *dispositif* is a kind of technology in at least three crucial ways: in light of the mechanical character of its operations, in light of the relation of mastery and control that it establishes with its object, and in light of the complexity of the history that explains its origins and uses.

I will argue that once we understand apparatuses as technology, we are in a position to recognize an important dimension of Foucault's celebrated notion of power/knowledge relations. This is that the effects that the production and circulation of knowledge has on the coordination of processes of power cannot be anticipated or planned. Much like in Friedrich Hayek's account of the 'spontaneous order' that emerges through free market transactions—an order which Hayek argues is impossible for any central planner to anticipate or replicate due to the essentially

decentralized character of the circulation of economic knowledge—in Foucault’s understanding of systemic power, knowledge is viewed as a mechanism of organization and coordination that cannot itself be coordinated or planned. This double aspect of knowledge—that it is able to facilitate coordination but cannot itself be coordinated—accounts for its distinctive role in making possible the emergence of strategies of control and mastery that are not centrally arranged or consciously planned. This effect of knowledge is nowhere more obvious than when bodies of knowledge give rise to *technologies* that could not have been foreseen by those who developed and promulgated this knowledge, technologies that put into operation new mechanisms of mastery and control. In this sense, it is decentralized processes of knowledge production and circulation, rather than centralized processes of planning, that account for the organization in purpose and function of a technology such as a *dispositif*.

This part of the dissertation will have four chapters. In the first two chapters, I will introduce the notion of a *dispositif*, as well as show why the problem of organization represents a challenge for it. I will argue that this challenge gains traction especially in light of Foucault’s claim that a *dispositif* exercises power through the execution of a *strategy*. This claim represents a variation on what might be considered the central thesis of functionalism, which is that social ensembles should be viewed as having a teleological structure, i.e. as organized in such a way as to execute various tasks and perform various functions. However, even though Foucault shares this premise with the advocates of functionalism, such as G. W. F. Hegel, Auguste Comte, Émile Durkheim, and Jürgen Habermas, he rejects many of its other basic tenets. In particular, he rejects the view that, much like in an organism, this teleological structure is organized in such a way as to provide the conditions for the survival and reproduction of the society. In place of this organic model of purposive structure, Foucault introduces a *strategic model* that understands

apparatuses as organized in accordance with strategies for the exercise of control. While the first chapter of this dissertation will be devoted to reconstructing the conception of strategy that is deployed in this model, the second chapter will provide an analysis of what distinguishes a strategic from an organic model of teleological organization.

The strategic model makes the problem of organization, which was already a pressing concern of the organic-functionalists, even more urgent for Foucault, since it deprives him of an appeal to socio-evolutionary processes (in analogy to the biological evolutionary processes that account for the purposive structure of organisms) in order to explain how this teleological organization comes into being. The turn to strategy, in this sense, helps to account for Foucault's move away from an evolutionary history of the development of functional institutions (i.e. Hegelianism) toward genealogical histories of the emergence of strategic apparatuses (i.e. Nietzscheanism). But this turn requires Foucault to explain, without appeal to the theoretical resources that functionalism draws from biology, what can account for the emergence of this purposive organization in the structure of apparatuses. Foucault will seek theoretical resources in the field of technology instead.

In the third chapter, I will show what is at stake in considering an apparatus to be a kind of technology. I will argue that an apparatus has three crucial features that mark it as a technology: its mode of operation, which is mechanical in the sense described by Canguilhem; its relation to its object, which it renders into a kind of 'standing-reserve,' as Heidegger puts it; and its history of origin, which is many-sided and multi-directional, i.e. genealogical, to use the language of Nietzsche. In this sense, Foucault's understanding of *dispositifs* represents a complex synthesis of notions about technology found in the work of Canguilhem, Heidegger, and Nietzsche.

In the fourth chapter, I will show how the technological understanding of *dispositifs* sets the stage for the solution to the problem of organization. This organization comes into being not, as in a conspiracy, in accordance with a plan, nor, as in an organism, through an evolutionary process. Instead, as in a technology, this organization comes into being through the decentralized coordination effected by the production and circulation of knowledge.

Chapter 1: Strategy

1.1 What Is a *Dispositif*?

It seems that there has been an endless stream of essays and articles that have taken some variation on the name ‘What is a *dispositif*?’ for a title.¹ The essays by Deleuze and by Agamben with this name are only the most famous examples. My aim in taking up this question yet again is in order to lay the groundwork for addressing a question that, by contrast, has received less direct attention and consideration. This question asks what distinctive contribution, if any, the concept of a *dispositif* makes to the study of systemic power. Only once we have the basic elements of Foucault’s account of *dispositifs* in view will we be in a position to understand what the role of this concept is in inaugurating what Deleuze calls Foucault’s “new functionalism” (F p. 25).

I would suggest, following Agamben, that the most complete definition of a *dispositif* to be found in Foucault’s corpus appears in an interview that he gave in 1977. It is worth quoting Foucault on this point at length:

What I’m trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements. Secondly, what I am trying to identify in this apparatus is precisely the nature of the connection that can exist between these heterogeneous elements... Thirdly, I understand by the term ‘apparatus’ a sort of—shall we say—formation which has as its major function at a given historical moment that of responding to an *urgent need*. The apparatus thus has a dominant strategic function. (P/K pp. 194-195)

Only a moment later in the same interview, Foucault adds:

¹ See, e.g., Bussolini (2010) and Pasquinelli (2015).

I said that the apparatus is essentially of a *strategic* nature, which means assuming that it is a matter of a certain manipulation of relations of forces, either developing them in a particular direction, blocking them, stabilising them, utilising them, etc. The apparatus is thus always inscribed in a play of power, but it is also always linked to certain coordinates of knowledge which issue from it but, to an equal degree, condition it. This is what the apparatus consists in: strategies of relations of forces supporting, and supported by, types of knowledge. (P/K p. 196)

Agamben draws three conclusions from this definition. The first conclusion is that an apparatus is a kind of network or system, which links together a diverse set of elements. There is no obvious constraint, at least in principle, on what kinds of elements can be included within this set. These elements can be architectural designs, technical devices, administrative policies. They can be philosophical theories, scientific discourses, judicial procedures. As Agamben says, they can be “virtually anything” (p. 2). The apparatus, however, is not merely the collection of elements, but the *network of relations* that exists between them, much like how a machine is not just a bunch of parts, piled together at random in a heap, but a set of parts that are *arranged* in such a way as to carry out a mechanical operation. The systemic character of an apparatus, in this sense, helps us to understand why it is the case that an apparatus is able to be constructed from such a hodgepodge of elements, as if it were a machine assembled from odds and ends left behind in a workshop. To the extent that a set of elements can be put in a certain kind of relation to one another, no matter what those elements are, they are able to be a part of an apparatus. But this raises the question of what kind of relation must be established between elements in order for them to constitute an apparatus.

This question is answered by the second conclusion that Agamben draws, which is that “[t]he apparatus always has a concrete strate-gic function and is always located in a power relation” (p. 3). An apparatus is, in other words, a set of elements that are related in such a way as to execute a strategy. This strategy will (in a sense that stands in need of further clarification)

be elaborated in a response to a problem (i.e., in Foucault's phrase, it will address an "*urgent need*"). It will also (again, in a sense calling for further clarification) facilitate the exercise of power, through, as Foucault puts it, "the manipulation of relations of forces." The far-reaching significance of this conception of strategy to the understanding of apparatuses cannot be overstated. For now, however, what is most important to observe is the role of strategy in characterizing the organizational structure of an apparatus. An apparatus is defined by the functional relations that it establishes between its elements, the relations that account for the disposition of the elements to operate in tandem with one another in the execution of a strategy. This harmony in function between the elements is what makes them elements *of an apparatus* rather than a series of random elements that have no relation or relevance to one another.

The third conclusion that Agamben draws, which I will consider at greater length below, is that the apparatus "appears at the intersection of power relations and relations of knowledge" (p. 3). We will be able to appreciate the full significance of this point only once we have established the grounds for understanding an apparatus to be a kind of technology. But this requires first that we understand what is at stake in Foucault's claim that an apparatus is organized in such a way as to put into operation a strategy.

1.2 Strategic Functionalism

This claim seems to place Foucault in the company of other adherents of 'functionalist' social theory, who understand ensembles of social phenomena such as institutions, practices, and norms to be structured in such a way as to contribute to the execution of various tasks and the performance of various functions. This tradition of social thought, in spite of some prominent

attempts at its revival,² has fallen out of favor in recent years. However, in my view, the renewed interest in systemic power makes its reevaluation imperative. It would be an extraordinary result if a persuasive theory of systemic power were to be devised that managed to deny any place to the functionalist preoccupation with the functional interconnections that exist between the various institutional constellations in society. For my part, I cannot imagine what could make power ‘systemic’ if not that it is maintained through systems that are organized in such a way as to perform functions and produce effects that either directly or indirectly facilitate the exercise of control.

At the same time as it is imperative to consider Foucault’s account of *dispositifs* in relation to functionalist social theory and analysis, it would also be misleading to call Foucault’s account ‘functionalist’ without any caveats. This is because functionalism, as the term is typically used, refers to a position that holds that social ensembles exhibit not just any kind of purposive structure but the kind of purposive structure that is associated with organisms and organic life.³ While there is no general consensus among the various functionalist theorists in what precise respects societies should and should not be regarded as analogous to organisms (and only the crudest functionalism would consider the analogy perfect and total), nevertheless all of the major functionalists take the model of purposive structure they use to study society from organisms. In this sense, Foucault’s claim that the purposive structure of an apparatus is *strategic*, rather than *organic*, represents a fundamental departure from traditional functionalism and justifies the christening of his view by Deleuze as a “new functionalism” (F p. 25). The importance of this departure was not lost on Foucault himself. When it was suggested to him in

² See, e.g., Honneth (2014b), Jaeggi (2018), and Neuhouser (2023).

³ See Neuhouser (pp. 29-44).

an interview that “the metaphorical system governing your analysis is that of the organism,” he responded, “No, I don’t agree with that at all” (P/K p. 206). He explained this was because:

“When I speak of strategy, I am taking the term seriously” (P/K p. 206).⁴

1.3 What Is a Strategy?

But what, then, distinguishes a strategic model of purposive structure from an organic model? This question can be answered only if we set out what is meant by the term ‘strategy’ in the first place. Foucault provides the most explicit characterization of what he means by this term in a piece called “The Subject and Power.”⁵ Foucault calls attention to three meanings of the term that are relevant to his own use of it:

The word “strategy” is currently employed in three ways. First, to designate the means employed to attain a certain end; it is a question of rationality functioning to arrive at an objective. Second, to designate the manner in which a partner in a certain game acts with regard to what he thinks should be the action of the others and what he considers the others think to be his own; it is the way in which one seeks to have the advantage over others. Third, to designate the procedures used in a situation of confrontation to deprive the opponent of his means of combat and to reduce him to giving up the struggle; it is a question, therefore, of the means destined to obtain victory. (S&P p. 793)

These three meanings of ‘strategy,’ Foucault is quick to note, are not in opposition to one another, since, for example, each of these senses of the term will apply in a situation in which there is a confrontation between antagonists. (In other words, the third meaning that he mentions presupposes the first two.) However, Foucault neglects to undertake the careful analytical work to show what precisely the relationship between each of these meanings is. He is also somewhat ambiguous on the question of which of these meanings he means to invoke when he makes use

⁴ See also Foucault (AK pp. 21-22).

⁵ This was first published as an afterword to the influential book on Foucault written by Hubert Dreyfus and Paul Rabinow, but my citations are to the version of the piece that was reprinted in the journal *Critical Inquiry*.

of the concept of strategy himself, as he does quite frequently throughout his writings, lectures, and interviews. However, it is by no means difficult to disentangle these issues in light of the more general program for the study of power that Foucault puts forward in this piece and elsewhere.

The first meaning of ‘strategy’ Foucault identifies is more typically called instrumental rationality or means-end reasoning. To the extent that I adopt a means that I believe to be suited to realizing an aim I have, I act in accordance with a ‘strategy’ for achieving it. For our purposes, I will opt for the term ‘instrumental rationality’ instead of using terms like tactics and strategy when I mean to call up this meaning, since it is fundamental to Foucault’s conception of the exercise of power that the strategies it puts into operation are not merely instrumental. It is useful, then, to mark a difference between the generic category of instrumental rationality and the specific species of rationality connected to processes of power by reserving use of the term ‘strategy’ only for the latter.

It is telling that when Foucault explains the second meaning of the term ‘strategy’ he identifies that he uses the word ‘game.’ It is obvious that he has in mind the conception of strategy that serves as the basis for game theory, and for this reason I will call this ‘game rationality.’ Like instrumental rationality, game rationality is practical reasoning oriented around using means suited to realize an aim. It is, then, not a kind of rationality that is distinct from instrumental rationality but rather a sub-species of it. What is distinctive about game rationality is that, in pursuing the means for realizing an aim, it takes into account the existence of agents who are capable of acting freely and strategically themselves in service of their own aims. To strategize, in this sense, is to consider what course of action is most likely to advance one’s own aims *in light of the probable activities of others*. This kind of strategy is often a feature of games,

such as sports and gambling, since the players in games are often able to ensure their own victory only by mobilizing their capacities and resources in ways calculated to anticipate the moves of the other players.

This second meaning calls attention to an important, indeed fundamental assumption of the concept of strategy. This is that the ‘target’ of a strategy—whoever or whatever is taken into account by the calculations of a strategy bent on achieving its own aims—must be someone capable of a certain kind of spontaneity or, as Foucault puts it, “freedom” (S&P p. 790).

Foucault’s way of making this point has the unfortunate effect of making it appear to be a kind of paradox. He suggests there can be power only if there is also freedom. (“Power is exercised only over free subjects, and only insofar as they are free” (S&P p. 790).) What Foucault means is that, to the extent that the exercise of power is strategic in the game rational sense, it can be exercised only upon someone who exhibits the capacity for agency that makes him an appropriate target of the kind of reasoning that defines a strategy—that makes him, in other words, less like a mere instrument lying in wait to be used and more like a competitor in a game, a force to be anticipated and, if necessary, outfoxed.

I would suggest that what Foucault means to express with the word ‘freedom’ here is better captured by the term ‘spontaneity.’ There is no need for those who are the targets of a strategy to be ‘free’ in any of the senses of this term that are familiar from political philosophy—for instance, for them to be free from the threat of coercion and violence, or free to make choices in accordance with their own interests. However, for someone to be the target of a strategy she must exhibit a degree of spontaneity, in the sense that her activities must not be possible to predict and control in a perfect and total way.⁶ When this kind of total mastery is not possible,

⁶ It is interesting to note that within the tradition of political philosophy Foucault’s unorthodox use of ‘freedom’ here perhaps best approximates the sense attributed to it by Thomas Hobbes. Hobbes writes that freedom “signifies

then a measure of control can be established only on the basis of a strategy that aims to anticipate and channel the spontaneity that, nevertheless, can never be fully dominated. Foucault reserves use of the term ‘power’ only for such forms of control that—in contrast with physical forms of constraint such as the use of chains or enclosures—are partial and strategic in the sense that they fail to eliminate and even take for granted a certain degree of spontaneity and recalcitrance on the part of their targets (S&P p. 790).

This brings me to the third meaning of ‘strategy’ that Foucault identifies in the passage I quoted above, which I will call ‘agonistic rationality.’⁷ This term is meant to capture a kind of strategy that is oriented around defeating an adversary in some kind of struggle or contest. Because this kind of strategy is oriented toward realizing an aim—victory over the enemy—it is a kind of instrumental rationality. Because it takes for granted and takes into account the more or less spontaneous behaviors of someone free from total mastery—the enemy—it is also a kind of game rationality. However, not every kind of game rationality will be a form of agonistic rationality. In fact, Foucault makes it clear that when he argues that the exercise of power is strategic, he means to suggest it exhibits a kind of game rationality that is distinct from, and even opposed to, agonistic rationality. Power instead operates in accordance with what Foucault calls ‘governmental rationality’ (or ‘governmentality’).⁸ The claim, then, that the elements of an

(properly) the absence of opposition; (by opposition, I mean external impediments of motion)...For whatsoever is so tied or environed, as it cannot move but within a certain space, which space is determined by the opposition of some external body, we say it has not liberty to go further” (p. 166).

⁷ The term ‘agonism,’ which is derived from the Greek word for struggle and contest (*agon*), is invoked by Foucault himself (S&P pp. 790, 792). See also Mouffe (2005) and Honig (1993).

⁸ There seems to be no consensus on whether Foucault intended the neologism ‘governmentality’ to be understood as a portmanteau of ‘government’ and ‘rationality’ or of ‘government’ and ‘mentality.’ For my purposes, it makes no difference which of these is correct, since Foucault makes direct use of the term ‘governmental rationality’ as well. (See, e.g., (BB pp. 8, 10)). Foucault also sometimes seems to use the terms interchangeably, as when he says, “I do not think that there is an autonomous socialist governmentality. There is no governmental rationality of socialism” (BB p. 92). See Brown (2005) for an insightful reconstruction and application of Foucault’s concept of governmentality.

apparatus are connected by their role in the execution of a strategy of power must be interpreted to mean that *they are organized in such a way as to put into operation a strategy of administration and governance.*

The following diagram shows the relationships between the various kinds of practical rationality I have discussed:

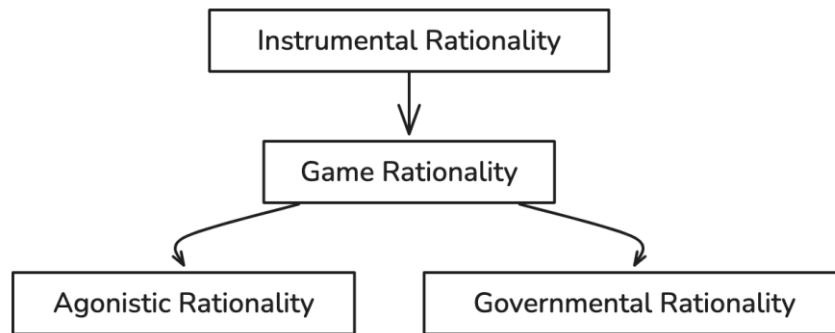


Figure 1: Diagram of the Kinds of Practical Rationality

1.4 Agonistic Rationality or Governmental Rationality?

We will finally be in a position to understand what Foucault means when he attributes to *dispositifs* a purposive structure on the model of a (governmental) strategy once we have made clear the distinction between agonistic and governmental rationality. There can be no doubt that for a long time Foucault entertained the thesis that the exercise of power follows an agonistic logic. This thesis derives from the proposal, which marks the earliest phase of his writings on power, that the use of power ought to be interpreted as though it took place in a kind of *war*. Foucault would sometimes represent this proposal as an inversion of the famous dictum of Carl von Clausewitz: if, according to Clausewitz, war is politics pursued by other means, then, according to Foucault's new analytical approach, politics will be viewed as war waged by other means (SMD p. 15). It is possible that Foucault first came to this idea through his reading of

Nietzsche. In his essay on Nietzsche's genealogical method, Foucault credits Nietzsche with the view that, "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" (FR p. 85).

However, by the time of the writing of "The Subject and Power," Foucault will declare without equivocation: "The relationship proper to power would not, therefore, be sought on the side of violence or of struggle...but rather in the area of the singular mode of action, neither warlike nor juridical, which is government" (S&P p. 790). In this piece, Foucault is found not only abandoning the project of analyzing relations of power through the lens of war and agonism but even making the claim that the eruption of agonism in a relation amounts to its breakdown as a relation of power (S&P p. 794). Agonism, far from being a defining feature of power, is now said to be incompatible with it. This striking reversal in Foucault's thinking is possible to explain only in light of the evolution of his understanding of strategy. His deepening understanding of what is distinctive about the kind of strategy that is oriented around the exercise of control and mastery, which is encapsulated by his concept of *government*, accounts for this dramatic shift.

Much like agonistic rationality, governmental rationality is a kind of instrumental rationality and also a kind of game rationality, as I have said. It is a species of practical reasoning that is oriented around rendering whoever is the target of it susceptible, in a stable and regular (if nevertheless imperfect) way, to suggestion and guidance in her behavior. Parenting, for example, is an art that is dominated by the problems of governmental rationality (D&P pp. 215-216). A parent, whenever he is engaging in the art of parenting, is essentially concerned with elaborating a strategy for rendering his child susceptible to his directives and suggestions. There can be many kinds of strategies for establishing this relationship: some direct and others manipulative;

some involving threats and others using ‘positive reinforcement;’ some aimed at instilling a sense of authority and hierarchy and others focused on cultivating a feeling of trust and camaraderie. To the extent that a parent abandons any effort at standing in this kind of relationship to his child, perhaps because the child has reached the age of maturity, it might be said that he is no longer engaged in parenting—that the nature of the relationship, through the loss of the dynamic of governance, has fundamentally transformed. It is precisely this understanding of parenting as a kind of temporary government that accounts for Kant’s famous definition of enlightenment as a collective experience of the freedom associated with maturity, in analogy with coming out from a condition of “tutelage” (p. 85). Tutelage, guardianship, custody, wardship: these terms bring to the fore the distinctively governmental character of the power relation fundamental to parenting. They also call to mind the association which is so important to Foucault’s late writings between ‘care’ and power, as in the caretaking of the shepherd with her flock or the pastor with his congregation (hence ‘pastoral power’) (HS IV pp. 305-309).

The strategies of parenting, however, are not concerned with winning a victory over the child, as if she were an enemy to be defeated in a contest or conquered in a struggle. (Or perhaps it would be more accurate to say that the treatment of parenting as an agonistic intergenerational struggle of wills would seem to be only a relatively marginal and eccentric practice, even if it enjoys a certain Freudian pedigree.) For this reason, parenting is a useful example for illustrating the differences between governmental and agonistic rationality. There are at least two basic differences between these modes of strategic relationality and rationality worth mentioning here.

First, a strategy of government, unlike a strategy of agonism, does not imply a differentiation between friend and enemy, i.e. between sides that stand in opposition to one another and that elaborate their strategies in light of this opposition. This differentiation, which

Carl Schmitt famously proposes is the defining feature of the political precisely in order to make the case that politics is an agonistic and adversarial process, is replaced in governmental relations by a differentiation between the forces of governmental control and mastery (what, following Jacques Rancière, I will call ‘the police’)⁹ and whoever is the target of this subjection (i.e. ‘the subject’). There are a number of ways in which the differentiation between police and subject is not the same as the differentiation between friend and enemy: for example, someone in a state of subjection, such as a child, does not even need to be aware that she is under the sway of a regime of regulation and governance for this to be the case, while an enemy is someone who, in the face of one’s strategy, elaborates a strategy of her own. The unstable, reciprocal back-and-forth typical of relations of agonism, which arises from each side attempting to arrive at a strategy for overpowering and outwitting the other, has no parallel in relations of government, which can involve a deployment of strategy that is completely one-sided and one-directional. A parent, for instance, may pursue a strategy aimed at policing the behavior of a child who, for her part, has no project, no purpose, no agenda.

Second, a strategy of government is different from a strategy of agonism because it lacks any final aim or end, while a strategy of agonism is oriented always and fundamentally toward the end of victory. Victory, the defeat of the enemy, is an ‘end’ in both senses of the term: it is the aim that provides orientation and direction to an agonistic strategy, and it is the point at which the agonistic strategy comes to a conclusion since, at the moment of defeat, the enemy is deprived of the capacity to keep up the relation of struggle, i.e. to even maintain itself as an enemy. This is why it might be said that ‘victory’ in a struggle is at the same time an act of ‘conquering’: it is the feat of winning in a contest *by rendering one’s opponent no longer able to*

⁹ See Rancière (pp. 28-29).

continue competing in it, i.e. it is victory through, or as, conquest. (Victory at a game of soccer, by contrast with in a struggle, by no means involves stripping the opposing team of the ability to continue to play soccer, but there are other recreational games, such as chess, that imitate this feature of struggle.) Because in the realm of social and political affairs the end of a struggle through the defeat of one side by the other side implies, in a more or less subtle way, the subjection by the defeated side to a regime arranged by the victors¹⁰—such as in the negotiations following surrender in a war—Foucault suggests that the end of struggle, namely conquest, is in an important sense equivalent with the establishment of *government*, i.e. of a stable regime of order and power (S&P pp. 794-795). This point is worth emphasizing since it shows that while it is true that according to Foucault’s mature view agonism and power are opposites, this is not because he has come to consider agonistic struggle irrelevant or unimportant to the exercise of power. He rather views agonism and power as profoundly intertwined yet fundamentally distinct modes of relationality, each conditioning and setting the stage for the other, like the phases in a cycle.¹¹

But even if there is no equivalent to victory in the case of government, is it true that government lacks a final aim or end? This question recalls Hannah Arendt’s on its face perplexing claim that, like peace, power is “an end in itself” (CR p. 150). Arendt explains:

This, of course, is not to deny that governments pursue policies and employ their power to achieve prescribed goals. But the power structure itself precedes and outlasts all aims, so that power, far from being the means to an end, is actually the very condition enabling a group of people to think and to act in terms of the means-end category. (CR p. 150)

¹⁰ That is to say, at least when a struggle is not *genocidal*. The aim of genocide is to avoid the necessity of arranging a regime that encompasses a people who are or who were once an adversary by obliterating the very existence of that people. It is the most total and the most ruthless form of agonistic struggle, and it manifests not only in heinous acts and chilling crimes but as an overall strategic orientation. See Fanon (pp. 42-43).

¹¹ This distinction between power and agonism parallels the distinction that Chantal Mouffe and Ernesto Laclau make between positive order (i.e. ‘society’) and negative opposition (i.e. ‘antagonism’) (pp. 79-131).

Arendt adds that “since government is essentially organized and institutionalized power,” just like when it is asked with the end of power is, the “question What is the end of government? does not make much sense either” (CR p. 150). I would suggest that Arendt is precisely capturing the insight here that motivates Foucault to distinguish agonistic and governmental strategy on this point. While governmental power is, of course, mobilized in service of a myriad of aims, the maintenance of a regime for exercising control and mastery—precisely *because* such a regime renders possible an indefinite array of aims—is a kind of ‘end in itself’ in the sense that it warrants pursuing in its own right, i.e. for an indefinite period of time and irrespective of any particular aim. There could never be a point at which the work of government is ‘done.’

It is important to emphasize that this is a point not about psychology but about what, for lack of a better word, might be called ‘strategic relationality.’ The suggestion is not that people find power desirable in itself, irrespective of what it can be used to gain and accomplish. (This is undoubtedly true, but irrelevant.) The idea is rather that, practically speaking, there is no point in the development of a ‘normal’ regime of power (by contrast with an emergency power, as in the context of war) at which the regime can be said to be fit for destroying or dismantling because it has ‘served its purpose.’ It might be opposed or challenged because of the ill effects it causes or the grave dangers it poses, but not on the grounds that its reason for being is temporary and has been fulfilled. In this way, the development of regimes of power parallels the advancement of (other) technologies, which have in common with such regimes that they not only perform functions but also *expand capacities*. Because new capacities—for communication, for production, for mastery and control—by definition open up new possibilities for action and creation, their very existence has a ‘purpose’ or ‘function’ irrespective of any particular purpose or function their exercise could ever come to facilitate, which is to continue to hold these

possibilities open. A technology can become obsolete with the invention of a new technology that provides for and improves upon its uses, but not because the existence of a technology that lends itself to such uses has, paradoxically, somehow ceased to be useful—and the same is true for a regime.¹²

In summary, governmental and agonistic strategy can be distinguished in two respects. First, with respect to the differentiations they make between the poles of the strategic relation: the opposition between friend and enemy that exists in an agonistic struggle, which involves the elaboration of a strategy of conquest on both sides and in light of the strategy of the other, is replaced by a relation between police and subject in a governmental strategy, that is, a one-directional strategic elaboration on the part of the police that seeks not any kind of ‘victory’ but rather only to render the more or less spontaneous behaviors of the subject to some extent suggestible and controllable. (If the subject ever takes up a strategy without at the same time inducing a relation of struggle and agonism, this can only be a strategy of recalcitrance and defiance: the act of making oneself ungovernable. A riot, for example, is an act of recalcitrance, while a protest is an act of struggle. It is a great feat of political organizing to channel the unrest that might otherwise have given rise merely to rioting into genuine protest.)¹³ Second, with respect to their relationship to ends: while an agonistic strategy has as its end, i.e. its point of both orientation and termination, victory in the form of conquest, a governmental strategy, precisely because of the numberless array of ends that the control and mastery it confers can

¹² When parents finally release the power they have fostered over their children—to the extent that they do this by choice and not out of a sense that it is no longer possible to maintain—this is not because the control it makes possible has ceased to be useful but because a higher purpose that is in contradiction with this power, such as the autonomy of the child, has motivated them to forgo it.

¹³ See King (pp. 214-217).

serve, is determined by no end in particular, i.e. it develops as if it were an end in itself, not bound in its temporality or in its orientation by any end outside of it.

1.5 Reasoning and Rationality

Before I turn away from the topic of strategy, I want to make one more point that is crucial to the understanding of apparatuses as systems structured in accordance with strategies and that might have been obscured by my use of the terms ‘reasoning’ and ‘rationality’ when describing the various kinds of strategy. This point, even though I will elaborate it at greater length throughout this dissertation, is imperative to introduce now to avoid misunderstandings: it is possible for a process to be organized in accordance with a strategy *even when this strategy is not explicitly conceived or consciously pursued by anyone who determines how the process unfolds*. In other words, when I say that the unfolding of a strategy is a ‘rational’ process, I do not mean to suggest that there must exist a rational agent, whether individual or collective, whose efforts to orchestrate and facilitate this process accounts for its rationality. I mean for the term ‘rational’ only to capture a certain kind of organizational structure, a structure which empowers various elements to function together in the realization of a purpose. In this sense, the term, at least for my purposes, derives its meaning from the notions of ‘organization’ and ‘teleology.’

This is important to note because only if we distinguish the use of ‘rationality’ to refer to conscious processes of reasoning from the use of ‘rationality’ to capture a kind of organizational structure can we avoid prejudicing in advance our answer to the question—raised with great force by the advocates of methodological individualism—of whether rational *organization* can

come into being in any way other than through rational *planning*.¹⁴ Can these two meanings of rationality come apart not only from a conceptual point of view but even in practice? The answer I develop here, following Foucault, is a resounding *yes* (P/K pp. 202-206; HS I pp. 94-95). However, it is necessary for anyone who answers *yes* to this question to show what besides centralized planning and conscious coordination is able to account for the emergence of such rational organization. This, under the heading of ‘the problem of organization,’ is the task that I have set for myself.

¹⁴ The locus classicus for the argument against functionalist and teleological modes of social analysis from the point of view of methodological individualism is Elster (1982).

Chapter 2: From Organic to Strategic Functionalism

2.1 Introduction

I have now explained what Foucault means by ‘strategy’ when he argues that a *dispositif* puts a strategy into operation. The kind of strategy that Foucault has in mind is what he calls a ‘governmental’ strategy, which is one that is oriented around rendering the behaviors of whoever is subject to it susceptible to guidance and direction in a more or less stable and reliable (if inevitably imperfect and partial) way. If it is a defining feature of a *dispositif*, then, that it operates in accordance with a governmental strategy, this means that the various elements that make up a *dispositif* must be organized in such a way as to work in concert with one another in the execution of this strategy. As I have already suggested, this view puts Foucault’s understanding of apparatuses at odds with the accounts of the purposiveness exhibited by institutional arrangements and social systems advanced within the functionalist tradition of social theory and analysis. While Foucault shares the view, which is foundational to functionalism, that such social ensembles are organized in such a way as to execute tasks and perform functions, he proposes to understand this purposive organization on the model of a strategy rather on the model of an organism. This point of difference is of special interest for my purposes here because it implies that the theoretical resources that functionalists typically put to use when accounting for the existence of this purposive organization are not available to Foucault—since these resources, which are drawn from the biological theory of evolution, only apply on the assumption that the purposive structure of social ensembles is organic. To show, then, how the strategic model of purposive organization differs from the organic model will set the stage for my exploration in the remainder of the first part of this dissertation of how, using resources

found in the philosophy of *technology* rather than biology, Foucault develops an original solution to the problem of organization that serves his distinctive understanding of systemic power.

I will argue that there are at least three commitments that are typical of an organic model of purposive structure that have no counterpart in the strategic model taken up by Foucault. I say that these commitments are merely ‘typical’ in order to avoid implying that there exists a general consensus among functionalist social theorists and analysts—much less among biological theorists and researchers—that these commitments are each necessary to the study of organic purposiveness. Indeed, the irony is not lost on me (and I suspect it was not lost on Foucault either)¹⁵ that two of the philosophers whose work was instrumental in inspiring Foucault’s turn toward the strategic model in his studies of systemic power, Friedrich Nietzsche and Georges Canguilhem, were also both committed proponents of a more expansive understanding of the purposiveness involved in vital and organic processes. Perhaps, then, there is room for dismantling the binaries that this dissertation reinforces—the binaries separating, on the one hand, strategy, machine, technology, and will from, on the other hand, life, organism, biology, and vitality.¹⁶ However, even if we are careful to avoid the dogmatic assumption that there can be no rapprochement or reconciliation between the concepts of strategy and organism, this does nothing to undermine my argument here that the three commitments I identify indicate a paradigm for the study of purposive organization that has been influential in social theory, that is historically and theoretically associated with the concepts of the organic and the living, and that

¹⁵ See Foucault’s introduction to Canguilhem’s *The Normal and the Pathological*, where Foucault draws out comparisons between the preoccupations central to his work and Canguilhem’s understanding of the history of science and of the concept of life. See also Revel (2009).

¹⁶ By contrast with Foucault, the task of complicating these binaries is a much more central preoccupation of Deleuze and Guattari. See Smith (2018). However, even Deleuze and Guattari will write: “The enemy is the organism. The [Body-without-Organs] is opposed not to the organs but to that organization of the organs called the organism” (TP p. 158).

is abandoned by Foucault in favor of an alternate paradigm he encapsulates with the concept of strategy.

It will perhaps be helpful to list these three commitments at the outset before turning to the task of considering them in detail. The first commitment is to the view that the purposive structure is, at the most general level, oriented around the task of providing the conditions for the *survival and reproduction* of the whole that it makes up ('preservationism'). The second commitment is to analyzing the function of each element that plays a part in the purposive structure (each 'organ') *from the point of view of a totality or a 'whole,'* a whole which is distinguished from its parts by the fact that, unlike them, it is self-maintaining and self-reproducing ('holism'). The third commitment is to the view that this purposive structure emerges through an *evolutionary process* which results from its unplanned and unforeseen progressive development toward an organizational form that is adapted to its environment in the sense that it is able to survive and reproduce itself ('evolutionism'). The three commitments that define the organic model of purposive organization and that set it apart from the strategic model are, then, in sum: commitments to *preservationism, holism, and evolutionism.*

2.2 Preservationism

It is possible to understand the attractions of preservationism for the purposes of functionalist analysis by considering its value in helping to handle the problem of organization. This is a problem, as I have said, that confronts any account of social ensembles that views them as making up systems that coordinate the execution of tasks and the performance of functions. The problem of organization asks how such a system could come into existence and remain in existence if it is not arranged and maintained in accordance with a conscious plan and design. A

methodological approach that, if it does not altogether solve this problem, at least neutralizes its relevance can be glimpsed through the lens of preservationism. This approach begins with the insight that there are certain tasks and functions that a living being, as well as a collective made up of multiple living beings such as a species or a society, *must perform*. (I will focus on societies in my exposition, for obvious reasons.) These are whatever tasks and functions are necessary to the survival of the society, such as the procurement of food and water, the protection against dangers and diseases, and the generation and integration of new members. Because by definition survival is possible only if the tasks and functions that provide for such ‘basic necessities’ are performed, the very fact that a society has persisted is proof that in some way or other it is managing to perform them. This thought gives us grounds for positing—regardless of whether we can explain their origins or account for their persistence—that the society includes systems that facilitate the satisfaction of its basic needs. For example, a social researcher can never be mistaken if when beginning to study a society she assumes in advance, and as a principle to guide her research, that the society has some system in place for making available a supply of food that is adequate for its survival. In this sense, she has grounds for positing the existence of a systemic arrangement that is structured to function in a certain way *before she has any knowledge* of what the system is or how it came to be.

However, these considerations can provide a principle to orient the analysis of functional ensembles only to the extent that they serve to meet *basic needs*. Any task or function that, by contrast, is not necessary to the preservation of the society—perhaps relating to the production of useless luxuries or to the maintenance of destructive inequalities—must fall outside the scope of a teleological analysis that is preservationist. This is, of course, not because a social ensemble that performs ‘inessential’ functions is for some reason unlikely or impossible, but only because

of the artificial limits on teleological analysis that are set by the model of the organism. By contrast, there is no in principle or *a priori* limit to the purposes that a *strategy* might serve, as long as it can be shown how and why a strategy would have emerged with such a purpose at its center. If, then, from the organic point of view, every functional ensemble must serve some kind of *necessity*, by contrast, from the strategic point of view, every functional ensemble must merely address a *problem* that is able to provoke the mobilization of a governmental strategy in response to it.

This distinction between a ‘basic necessity’ and a ‘governmental problem’ may at first glance appear to be trivial. This impression is supported by the truly capacious understanding of what the basic necessities of a society are that is developed within the tradition of organic-functional social theory. Many theorists in this tradition argue, for example, that because material needs such as protection from attack and climate and access to food and water can be secured only through complex forms of interpersonal cooperation, such as the dividing up of labor, that any social ensemble that helps to facilitate this cooperation, such as political, legal, religious, familial, and educational systems, is serving a ‘basic need’ as well: the need for social cohesion and integration.¹⁷ Once the status of social cohesion and integration as a basic (if only indirectly ‘material’) need has been accepted, it is difficult to imagine what might present as a governmental problem (whether it is student truancy, mental illness, petty crime, or rising inflation) that might not also be interpreted in a more or less indirect way as linked to a basic need.

However, this point by no means renders the distinction between basic needs and governmental problems unimportant for the purposes of teleological analysis. Even if, on the

¹⁷ See, e.g., Habermas (pp. 130-177).

basis of an imaginative and flexible understanding of basic needs, all problems capable of giving rise to a governmental strategy (crime, disease, inflation, terror, etc.) can be reconceptualized as basic needs, this act of reconceptualization causes a profound transformation in the way the issue is analyzed. The issue—vagrancy, for instance—becomes intelligible as the object of a functional ensemble such as the criminal justice system only through its analysis as a danger, however indirectly, *to the survival of society as a whole*. This analysis removes the issue from the context of *power* in which it was first encountered as a problem that called for a response (for instance, when vagrancy posed a threat to early capitalist ventures)¹⁸ and considers it only in light of conjectures, which are grandly speculative and nearly impossible to falsify, about its bearing on the preservation of the whole of society. The issue is transformed, in other words, from a problem taken up by power at a certain moment in history into a local impediment or obstacle to the global self-maintenance processes of the vast social organism: a ‘social pathology’¹⁹ instead of a *policing problem*.

2.3 Holism

These points about preservationism already hint at its profound entanglement with *holism*, the second commitment of the organic model of teleology. There is a straightforward sense in which holism—the view that the function of each element with a role in a purposive structure can only be understood from the standpoint of the structure *as a whole*—follows from preservationism. This is because, as I have said, preservationism begins from the assumption that any collection of living beings, to the extent that it has survived, must have arrangements in

¹⁸ See Foucault (D&P pp. 82-89).

¹⁹ See Neuhouser (2023) and Honneth (2014a).

place for performing the tasks that are necessary to its survival. If, by contrast, the collective were unable to preserve itself under the conditions in which it exists, it would have perished. Its very persistence, in this sense, proves its functional organization. However, this assumption applies only to a collection of living beings that is *self-sufficient* in the sense that its basic needs are met on the basis of *its own activities*, not through its relationship to others. If, for example, a given community were able to meet its needs for food only through a system of trade it established with another community, then it could not be assumed that the first community, considered in isolation, makes up a collective that is organized in such a way as to provide for all of its basic needs. To abstract the first community from the whole it makes up through its relationship to the second community, in other words, would be to make it illegitimate as an object of organic-functionalist analysis since the preservationist assumption that it is structured to perform the tasks and functions necessary to its survival would be untrue: it lacks an adequate system of food production. Organic-functionalist analysis must take as its object, then, not a ‘community’ in the sense of a collective that shares a sense of belonging and identity, but a ‘social totality’ in the sense of a collective that is able, through activities internal to it and not in virtue of its coordination with others outside of it, to meet all of its basic needs. Economic interdependence between communities, then, shows the communities to be part of the same social totality. (‘Globalization’ is the term used to refer to the tendency under capitalism toward the emergence of a social totality that encompasses the entire globe.)

These considerations suggest that the holism implied by the organic model is a holism of a particular kind. Not merely any ‘whole’ made up by an ensemble of social elements, such as a cluster of interrelated practices and institutions, is able to serve as the central reference point for an organic-functionalist analysis: only a *social totality* can. There is a much weaker sense in

which the teleological analysis of strategies is holistic as well, but this version of holism must not be confused with the strong sense of holism that is assumed by organic-functionalism. Because a strategy, such as in a military campaign, typically consists not in an isolated activity but in a set of activities that are united by the roles they perform in advancing the same cause (activities related to combat, occupation, intelligence gathering, the resupply of equipment and essentials, and so forth), there is a sense in which the purposive character of each activity, as far as the strategy is concerned, is evident only in light of its relation to the strategy considered *as a whole*. However, there is no need for a strategic whole to constitute an *organic totality* in order for it to be possible to analyze it as purposively structured. As I have said, an organic totality, such as a biological species, an individual organism, or a social totality, makes up a totality in this sense only in virtue of its ability to preserve itself on the basis of its own activities alone, i.e. in virtue of its self-sufficiency. The organic-functionalist analysis of social ensembles is ‘holistic,’ then, not just in that it conceives the elements of such an ensemble as making up a functional whole through their co-operation in the execution of tasks: it also conceives each ensemble merely as an ‘organ’ in an organic whole, i.e. as a more or less discrete nexus of specialized functions that, nevertheless, is possible to understand as purposively structured only in light of its role in rendering the organic totality capable of preserving itself. I said before that the attribution of functions in an organic-functionalist social analysis is ‘grandly speculative,’ and now it is possible to understand more precisely why this is the case: it is because only by reference to a *speculative theory* of the function of each ensemble, not relative to this or to that discrete issue (crime, war, etc.), but in the preservation of a society *as a whole*, that an organic-functional analysis of any given social ensemble is possible.

There is no parallel to this kind of speculative theorizing in the case of a strategic analysis, since a strategic analysis has no need to make reference to an organic totality that incorporates each moment of functional articulation it reveals in a self-sufficient, self-preserving whole. This is not to suggest, however, that strategic analysis can be purified of any element of speculation whatsoever: the strategy of a collaborative endeavor such as a commercial enterprise, for instance, if it is not pursued in accordance with a strict plan of action that is documented and archived in some form, may have to be inferred on the basis of evidence that is essentially incomplete and open to contradictory interpretations. Indeed, there may even be no fact of the matter about what ‘*the*’ strategy was, since (for instance) the people who were indispensable to determining the course it followed may at the same time have been operating in service of incompatible visions of what the strategy was to be. In this sense, a strategy, even as a retrospective and historical object of analysis, can *contain contradictions* which render any final determination of its true character impossible—not because strategic processes are too vague or claims about them are too unfalsifiable for them to serve as the object of empirical investigation (there can be no doubt that we can empirically study the strategy of, say, a military campaign or a political movement), but for deep ontological reasons, i.e. because they are processes that are grounded in the *co-operation* of elements that sometimes co-operate only in an imperfect, partial, or even contradictory way, as if they were actors attempting to put on a play while drawing on contradictory versions of the script. In the case of such a performance, which version of the play could you say the actors performed together? The answer would have to be inconclusive—not because of a lack of evidence, but because the play they performed was a contradictory object.

I mention this point about the potential for contradiction in a strategy in part because of its relevance to questions about the speculative character of teleological analysis, but also in part

to point out that the concept of ‘contradiction’ is an analytical concept that belongs only to strategic analysis and not to organic analysis. The reason for this is that the strong holism of organic analysis makes the notion of ‘contradiction,’ as opposed to the notions of ‘dysfunction’ and ‘pathology,’ unintelligible. From the point of view of an organic totality such as a social whole, there exist a variety of ensembles that function together, in more or less discrete and specialized ways, to provide for the preservation of the whole. These ensembles, these ‘organs,’ can become dysfunctional or pathological if they cease to perform the functions that, under ‘normal’ or ‘healthy’ conditions, they carry out to help ensure survival and preservation. However, it is not clear what it could mean to suggest there are ‘contradictions,’ as opposed to inefficiencies or imperfections, in the way these ensembles function: they either do or do not facilitate preservation as they should. In other words, the model of functionality that is set at the level of the totality serves as an ideal that each ensemble can do better or worse at instantiating (depending on the degree to which it is functioning or dysfunctioning), but the model itself is incapable of containing contradictions since it derives from an idealized notion of an organic totality as a functional whole organized to preserve itself.²⁰ Just as a heart can do better or worse at carrying out the necessary functions it performs in the human body (depending on whether it is healthy or diseased) but not be ‘contradictory’ in its functions, a functional social ensemble such as the criminal justice system can never contain a ‘contradiction’ according to organic-functionalist analysis: it can be only either functioning or dysfunctioning, either healthy or pathological.

²⁰ Honneth (2014a), for example, writes: “One can only eventually speak of ‘diseases of society’ coherently and substantially enough if one represents the society as an organism in which the individual spheres or subsystems, thought of as organs, are cooperating so harmoniously that we can work out an idea of its unhindered, ‘free’ development” (p. 701).

In this sense, it is inevitable for an organic-functionalist analysis, to the extent that it considers the object it is analyzing to be purposively structured at all, to attribute an extremely high degree of *unity* and *harmony* to the functional organization it uncovers. This is not to say that it must assume that the ensemble it investigates will exhibit this harmony in purpose and function *as a matter of positive fact* (since, again, the ensemble may be dysfunctional), but it necessarily will be harmonious ‘in its concept’ (to use a Hegelian turn of phrase). Indeed, the ensemble will show itself to be dysfunctional only by comparison to the ideal of harmony and unity that is set by its concept—i.e. only through its failure to actualize its concept. This means that to the extent that social ensembles are taken to be functionally organized at all according to this analysis, they will exhibit an extraordinary, indeed ‘ideal,’ degree of unity and harmony in their functionality, each ensemble making its own specialized contribution, which complements the specialized contributions of every other ensemble, to the overarching end that mediates and incorporates the activities of them all, which is self-preservation. Whatever ‘functions’ that social ensembles such as the economic system or the political system perform that *cannot* take up a place within this grand unified functional scheme—‘functions’ that are contradictory, random, or destructive, for instance—will not be susceptible to analysis *as functions* at all. Only, as Hegel would say, can the rational (in the sense of what is harmonious, necessary, and sustainable) be “actual” (pp. 19-21), i.e. only can purposive structures that are rational in this robust Hegelian sense be intelligible as purposively structured from the point of view of an organic-functionalist analysis.

To the extent that the notion of ‘contradiction’ has any purchase at all in this analysis, it is only from the standpoint of a diagnostic of ‘crisis tendencies,’ which is a diagnostic of the structural features of an organic totality that cause it to tend, not toward a state of equilibrium in

which it can preserve itself indefinitely, but rather toward its degeneration and dissolution as an organic totality. However, even the contradictions that it is possible to reveal through the diagnosis of crisis tendencies are only intelligible as contradictions *from the point of view of an ideal model of functional unity and harmony that contains no contradictions*, i.e. they are intelligible only *in retrospect* once they have already been resolved, from the point of view of the new organic totality that has overcome them (hence Hegel's famous argument that the philosophical reconstruction of the rational concept of an organic whole is possible only in retrospect, once its evolution is completed (p. 23)).²¹ In this sense, the Hegelian understanding of 'contradiction' is, roughly speaking, the diachronic analogue to the synchronic concept of 'dysfunction': a dysfunction is when a functional ensemble fails to perform the function it should from the point of view of the organic totality as it exists *at that moment in time*, while a contradiction is when a functional ensemble fails to function as it should from the point of view of the organic totality as it exists *once it has developed and evolved* to the point at which it has overcome any tendency to crisis or degeneration. This means that there are no resources even within Hegel (who elaborates perhaps the most compelling vision of contradiction of all the organic-functionalist theorists) for the conceptualization of contradiction *as such*—contradiction *in itself*, and not merely as the negation of an ideal that lacks contradiction.²² By contrast, as I

²¹ Habermas, recognizing this obstacle to the use of organic-functionalist analysis for the diagnosis of the crisis tendencies that exist *in the present*, i.e. that have not already been overcome and resolved, argues that such an analysis must be supplemented with a fundamentally moral commitment to a certain ideal of progress not derivable from the analysis itself if it is to be applied to the present rather than only in retrospect. In other words, since the crisis tendencies cannot be diagnosed based on an ideal of functional harmony that has already been actualized in history if the diagnosis is to be prospective and critical instead of retrospective, Habermas proposes that they should instead be diagnosed on the basis of a moral ideal of functional harmony that is projected into the future. See McCarthy (pp. xv-xvi).

²² The inability for Hegel to think forms of difference such as contradiction 'in themselves' without subordinating them to the logic of the concept is, of course, a central theme of Deleuze's *Difference and Repetition*. See also Deleuze (WID p. 159).

have already suggested, there is no difficulty in conceiving of a *strategy* that is contradictory in the sense that, for example, it aims at incompatible goals or makes use of incompatible tactics. This in itself suggests that the strategic model has a great advantage over the organic model for the analysis of functional social ensembles, since it seems much more accurate to the profound disunity and disarray of social reality to imagine that the tasks that are carried out by educational institutions, by military forces, by regulatory bodies and private corporations and so forth are in important and deep ways *contradictory*, not just with one another but also in themselves.²³

2.4 Evolutionism

This takes me to the third and final commitment that distinguishes the organic from the strategic model, which is *evolutionism*. It is, admittedly, possible to imagine a form of organic-functionalism that takes up a commitment to preservationism and holism but that makes no commitment to evolutionism for reasons I have already mentioned: preservationism represents a point of departure for teleological analysis that is capable of remaining agnostic in the face of the problem of organization, while evolutionism, the view that organic purposive structure emerges through an evolutionary process caused by the mechanisms of ‘natural selection’ first theorized by Charles Darwin, is an *answer* to the problem of organization that is premised on the organic character of the organization that needs explaining. In other words, evolutionism explains *why* an organic totality such as a species or a society exhibits such a high degree of organization in purpose and function among the various elements that make it up. This explanation should be

²³ Foucault is explicit that he understands apparatuses to be capable of contradictions in their functioning and that these contradictions help to explain how they change over time (P/K p. 195).

familiar to anyone with knowledge of the elementary principles of natural selection, and for this reason it is not worth belaboring.

In brief, natural selection refers to a process that accounts for the gradual transformation of an organic totality such as a species or a society into an organizational form that is functionally adapted to its environment. This transformation occurs not in a predetermined way or in accordance with a plan, but because more or less random variations in the structure of the organic totality (caused, for example, by the mixing or mutation of genetic material in the species, or by chance events and arbitrary trends in the society) happen to make it better or worse adapted to its environment in the sense of better or worse equipped to provide for its preservation under the prevailing conditions. These more or less random variations have a cumulative effect over the course of generations, as the organic totalities that vary in ways that are maladaptive face extinction while the organic totalities that vary in ways that are adaptive are able to assure their own survival and reproduction. It is as if 'nature,' by causing the organic totalities that are adapted to it to survive while those that are not perish, were 'selecting' the kinds of purposive structures that are suited to it. This anthropomorphic metaphor, which is implicit in the very term, evokes the role of natural selection in answering the problem of organization: these purposive structures were 'selected' not by human beings or by God, but by nature itself.

There has, of course, been a robust debate about the extent to which evolutionary ideas taken from biology can be applied to the study of society at least since Herbert Spencer first developed the disastrous doctrines of what came to be called 'social Darwinism.' However, for my purposes here, it is not necessary that we have an answer to the question, which is decisive for any theory of socio-evolutionary processes, of whether the differences between a biological species and a social totality are too significant for the evolutionary theory developed to explain

the emergence of purposive structure in the former to be used with any legitimacy when explaining the purposive structure found in the latter. The important point is that, whether or not these theoretical resources taken from evolutionary biology are legitimately at the disposal of organic-functionalist social theory, there can be no doubt that they are *not* available for the purposes of a strategic-functionalist analysis. This is because the mechanisms of natural selection cannot determine the development of a strategy.

Natural selection, as we have seen, is premised on the assumption that the longevity of the purposively organized entity under consideration is determined by the extent to which the entity is suited to its environment. Because the entities that are better suited have greater longevity, and the entities that are worse suited have lesser longevity, after a long duration of time there will remain only the entities that happen to be functionally adapted to their environment. The longevity of a strategy, however, while linked to its suitability for self-preservation and self-perpetuation, is determined by a wide variety of factors. These include the very aims of the strategy, which may be determinate and finite, and which therefore may bring a strategy that is capable of persisting indefinitely to a more or less abrupt and definitive end—such as when a strategy of war, which is able to be financed, supplied, and supported for the foreseeable future, is brought to a sudden end through its own success in compelling the surrender of the enemy. Other factors having nothing to do with suitability for self-preservation—such as changes of circumstance that make a strategy suddenly redundant (since its aims were accomplished in another way) or suddenly pointless (since the aspirations animating it have proved unimportant)—can also impact the longevity of a strategy. When the relationship between the longevity of a purposive structure and its capacity for self-preservation is in these various ways profoundly mediated and circumstantial, there can be no grounds for

assuming that its capacity for self-preservation directly accounts for the existence of the structure in its current form, which means there can be no grounds for conceiving the structure as the product of an evolutionary process facilitated by natural selection.

These considerations show that if the organization in purpose and function of a social ensemble such as an apparatus (i.e. an ensemble that puts into operation a *strategy*) is to be explained—if, that is to say, an answer to ‘the problem of organization’ confronting Foucault’s new functionalism is to be found—such an explanation must draw on principles other than those that are used to account for the evolution of organisms into entities functionally structured to preserve themselves. My argument, which represents the central thesis of the first part of this dissertation, is that in his search for what these principles might be Foucault turns to the *philosophy of technology* instead.

Chapter 3: Apparatuses as Technology

3.1 Introduction

Foucault can often be found referring to technologies in the course of his analyses of power. For example, he famously describes the panopticon prison that was designed by the Utilitarian social reformer Jeremy Bentham as a “marvellous machine” (D&P p. 202) and as a “political technology” (D&P p. 205). He also repeatedly characterizes the investigations he undertakes throughout *The History of Sexuality* as investigations into “technologies of sex” (HS I pp. 118-119) and “technologies of the self” (HS II p. 11; HS III pp. 43-45). There can be no doubt that Foucault would have been aware of the rich theoretical and philosophical associations that this term calls up, especially considering his deep engagement with the thought of Canguilhem, Heidegger, and Deleuze. It also seems difficult to dispute that Foucault would have expected for his use of ‘*dispositif*,’ which is a term that in ordinary usage typically refers to a kind of mechanical device or contraption, to bring to mind the notion of technology. He even makes this connection himself in a crucial passage in *Discipline and Punish* where he suggests that the various penal “mechanisms [*dispositifs*]” he identifies cannot be distinguished through reference to opposing theories of law, types of institution, or kinds of morality, since what instead sets them apart as penal mechanisms is their character as opposing “technologies of power” (D&P p. 131). At least from the point of view of Foucault’s lexical choices, then, there is every reason to believe that the concept of technology occupies a fundamental place in his understanding of power.

I am by no means the first one to make this observation (Rayner 2001; Agamben 2009). However, the concept of technology holds a special importance for the purposes of my investigation here since technology, much like organic life, is characterized by a certain kind of

functional organization. Indeed, I would suggest that what makes an object technological is in part that it is organized in such a way as to facilitate the performance of certain functions and tasks—functions and tasks, say, relating to the production of consumer goods, the surveillance of potential threats, the transportation of raw materials, or the construction of large edifices. This means that technology is ‘rational’ in the precise sense of this term (rooted in the notions of organization and teleology) that I defined above in order to characterize the structure of an apparatus. These considerations justify taking up, at least as a provisional and orienting hypothesis, the proposition that Foucault understands an apparatus to be *a kind of technology*—indeed, that he holds that the processes that account for the organization in purpose and function that defines an apparatus are more or less the same as the processes that account for the functional organization of any technology. The remainder of the first part of this dissertation will be devoted to the attempt to explore, as well as to vindicate, this proposition.

Before I consider what accounts for the organizational structure of a technology (a topic that will turn our attention to the question of the relationship between *knowledge* and *technology*), it would be useful to give a more precise characterization of what it means to call an apparatus a kind of technology other than that it enjoys a certain functional organization—which is a feature that on its own is not adequate to distinguish it from an organism. I will argue that a *dispositif*, according to Foucault’s account of it as a strategic-functional social ensemble, has three features that make it a technology: the *mechanical* character of its operation; the relation of *mastery* it establishes with its object; and the *contingency* of its emergence in history. Each of these features corresponds to a notion about technology and power that is developed in the work of one of three thinkers who exerted an enormous influence on Foucault: Canguilhem, Heidegger, and Nietzsche. In part because of the evidence it will provide for the deliberate and

calculated character of Foucault's deployment of the language of 'technology,' I will frame my discussion of each feature in terms of the intellectual debt that Foucault owes to these philosophers.

3.2 Canguilhem on Mechanical Causality

Matteo Pasquinelli has suggested that Foucault's use of the term '*dispositif*' has its origins in his reading of Canguilhem's account of machinery and mechanisms in his classic essay "Machine and Organism." Other possible sources of the term have also been proposed. Agamben, for example, suggests that '*dispositif*' was adopted by Foucault as a successor to the term '*positivité*,' "an etymological neighbor of *dispositif*" which features more prominently in Foucault's earlier writings on discourse and which Agamben believes he derived from Jean Hyppolite's reading of Hegel (p. 3). Meanwhile, Judith Revel (2002) claims the term came to Foucault's attention through his reading of Deleuze and Guattari's *Anti-Oedipus* (p. 24). For my purposes, the intellectual-biographical question concerning which of these accounts is true, while interesting in itself, is more or less beside the point. I would suggest that, whatever the origins of the term are, Pasquinelli provides compelling grounds for believing that the philosophical discussions of technologies, mechanisms, and machinery that were happening among French thinkers at the time, and that came to a certain kind of apotheosis in the work of Canguilhem, played an important role in shaping the conception of power Foucault would come to develop. (More evidence for this claim, which Pasquinelli does not mention, is Foucault's early fascination with the machines that appear in the literary writings of Raymond Roussel, which is the topic of one of Foucault's first books (Deleuze WID p. 160).)

More specifically, I would argue that Foucault's account of the kind of causality that characterizes the operations of an apparatus can be understood as drawing upon the model of causality that Canguilhem proposes to be a defining feature of machinery. This model of causality depends on the notion of a 'mechanism,' a term that appears in Foucault's work with such frequency that it would be absurd even to begin to count the number of instances. Canguilhem writes that a machine is a kind of "construct" that is human-made or "artificial" and "whose essential function depends on mechanisms" (p. 33). But what is it that makes a kind of causality 'mechanical'?

It is imperative if we are to understand the answer to this question that we are careful not to confuse the notion of *mechanical* causality with the notion of *mechanistic* causality. Neither Canguilhem nor Foucault in mentioning mechanisms means to suggest that a machine or an apparatus operates in a way that is 'mechanistic' in the sense that it is determined totally and completely by physical processes. If this were what the term 'mechanical' meant, then reference to mechanisms would not serve to distinguish machines from any other kind of physically determined entity. It would also make a mechanical account of the causality of social ensembles such as educational systems and regulatory regimes profoundly implausible, since it is difficult to imagine what, for instance, a purely physical and totally deterministic explanation of the effects that schooling has on students or that regulation has on corporations would be. At the very least, this kind of mechanistic account would be in contradiction with Foucault's strategic understanding of power, which, as I have already said, rules out total physical determination since it assumes a degree of indeterminacy and spontaneity on the part of whoever is the target of a strategy. Moreover, this conflation of the mechanical and the mechanistic would make incomprehensible the overarching argument of Canguilhem's essay, which is meant to provide

support for a certain kind of philosophical vitalism. It is precisely because machines are mechanical *but not mechanistic* in their causality that, according to Canguilhem, even within René Descartes's thought, machines are unable to provide a model for the analysis of life that is truly mechanistic in the sense that it is stripped of any reference to formal and final causality, as opposed to mere efficient causality (pp. 40-44). ("In short," Canguilhem writes, "with the Cartesian explanation, in spite of appearances, it may seem that we have not taken a single step outside finalism" (p. 43).) This argument about machines lends support to Canguilhem's 'vitalist' conclusion that the concept of life, even when analyzed on the model of a machine as Descartes attempts, proves irreducible to physicalistic and mechanistic concepts.

But then what is 'mechanical causality' if this term is not meant to refer to mechanistic determination? This question can be answered only through an account of what a 'mechanism' is. Canguilhem writes:

A mechanism is a configuration of solids in motion such that the motion does not abolish the configuration. The mechanism is thus an assemblage of deformable parts, with periodic restoration of the relations between them. The assemblage consists in a system of connections with a determined degree of freedom: for example, a pendulum and a cam valve each have one degree of freedom; a threaded screw has two. The material realization of these degrees of freedom consists in guides—that is, in limitations on the movements of solids in contact. In any machine, movement is thus a function of the assemblage, and mechanism is a function of configuration. (pp. 32-33)

A mechanism, in other words, is characterized by a certain kind of regularity and repeatability in its operation. The mechanism must make up an 'assemblage,' which is to say a device or contraption such as a watch, catapult, pendulum, or pulley, that is able to maintain its integrity through the course of its operation. An operation that can be put into motion only once—that, as it proceeds, undoes the arrangement among the elements that made its execution possible—could never be the work of a mechanism. It is, then, the capacity for a device, contraption, machine, or apparatus to function while maintaining the organizational arrangement that renders it

functional—the arrangement that equips it to carry out its characteristic operation in a regular and consistent way—which makes it into a mechanism.

This understanding of mechanisms helps to explain why Foucault’s investigations into what he often called “the mechanisms of power”²⁴ would have led him to formulate his conception of *dispositifs* of power. A mechanism of power would include any arrangement, any ‘assemblage,’ that puts into operation the exercise of power in a regular and repeatable way. In this sense, mechanisms of power might be contrasted with uses of power that are idiosyncratic, circumstantial, or opportunistic—that is, with uses of power that are grounded in a *decision*, where a decision, unlike a mechanism, is guided only by the will peculiar to whoever or whatever is in a position to make the decision.²⁵ A mechanism is by its very nature systemic in the sense that its operation must be regular and orderly in virtue of the arrangement of the elements that together put it into motion. The investigation of the mechanisms of power, then, as opposed to the study of the decisions made by individuals in positions of power, must consist of an investigation into the *systemic arrangements* that make possible operations of power that are regular, reliable, and repeatable—an investigation, that is to say, into *dispositifs* of power.

To claim as I have, and as Foucault does,²⁶ that the exercise of power by apparatuses is both mechanical *and* strategic might seem paradoxical on its face. It might be argued that a strategic undertaking, such as a military campaign or a commercial enterprise, is by its very

²⁴ See, e.g., Foucault (D&P p. 23; HS I p. 23; S&P p. 794; P/K p. 51).

²⁵ This point explains why Foucault considers his studies of governmental power to be opposed to the perspective Niccolò Machiavelli takes up in *The Prince* (SMD pp. 168-169). Because Machiavelli focuses on the strategies of power only from the point of view of the decisions that must be made by the ruler, his work is a study of the idiosyncratic power exercised by rulers rather than of the regularized power exercised through mechanisms. See Senellart (2013).

²⁶ Foucault (P/K p. 51).

nature the kind of operation that is decisionistic rather than mechanical in character, since the way it unfolds depends on the decisions of whoever is charged with advancing the undertaking. If this were the case, then the strategic character of an operation would prove that the operation was not mechanical at all but rather occurred in virtue of the set of strategic decisions that brought it into existence. However, this argument rests on the confusion between the two meanings of the term ‘rationality’ that I distinguished above. What makes an operation ‘strategic’ is the teleological character of its organization: it must be structured in such a way as to execute a strategy. This functional organization may exist on the basis of a series of decisions pursuing a strategy, but it may also be maintained through a series of arrangements that regularize and routinize the implementation of a strategy. In other words, there can exist strategies for governing economic activities, criminal habits, immigration patterns, hygienic practices, and so forth that are put into operation not only when a government official or police officer happens to be thinking strategically but also by means of arrangements that regularize and routinize their implementation, i.e. by means of *mechanisms*.

It is important to keep in mind that an operation does not cease to be mechanical if it requires input from people in order to be executed: a catapult is no less of a mechanism because after each projectile it launches it must be manually returned to its starting position. The temptation to think otherwise arises from the confusion of a mechanism with an “automaton,” which, as Canguilhem points out, is different from a mechanism in that it has the “miraculous” ability to function automatically without drawing on a source of energy, while a mechanism “must receive from elsewhere the movement it transforms” (pp. 33-34). It is the degree of regularity of an operation, arising from its relation to a systemic arrangement, that determines its status as a mechanism, and it is the degree of organization of an operation, oriented around the

management and guidance of behaviors, that determines its status as a strategy. There is no paradox, then, in defining an apparatus as a functional ensemble whose operations exhibit the *organization* of a strategy and the *regularity* of a mechanism.

For an operation of power to be mechanical implies not only that it is not *put into effect* through the decisions to rule made by those with power, but also that it does not *come into effect* through the decisions to obey made by those subject to power. A mechanism, even if it is set into motion by a directive or command, brings about its characteristic effects through an operation that is possible only in virtue of the functional interconnection between its various elements, each making its own specialized contribution to the operation as a whole. The directive, without the mediation of the elements of the mechanism, could not take effect—unlike in the case of what might be called, following Canguilhem, a ‘commandment,’ which is a kind of directive that can take effect through its acknowledgement alone. Canguilhem introduces this distinction between what he calls the “technological” and “political” conceptions of the causality of directives when describing Descartes’s understanding of the role of the soul in causing the behaviors of the body:

Descartes means that when the soul moves the body, it does not do so in the way that (as popular representation would have it) a king or a general commands his subjects or soldiers. Instead, by likening the body to a clock mechanism, he means to say that the movements of the organs direct one another like interlocked cogwheels. Thus, in Descartes, the technological image of “command” (a type of positive causality by a device or by the play of mechanical connections) substitutes for the political image of commandment (a kind of magical causality; causality by word or by sign). (p. 42)

The notion of “causality by word or by sign” that Canguilhem mentions here is “magical” in the sense that it assumes that the mere expression of the command is what causes it to be implemented, as if it were an incantation or a prayer that through its verbalization alone brought about its own fulfillment. Because there is no mechanism intervening between the command and

its realization as an effect, the only way to explain this effect is through reference to the *decisions* of the subjects who, upon having the command conveyed to them by word or by sign, choose to act in accordance with its dictates. This decisionistic view of the causality of power understands subjection to the exercise of power to be possible only through ‘voluntary servitude’:²⁷ if it were not for the decisions of those subject to power to be obliging and obedient when instructed to act in a certain way by those with power, their commandments would have no means of even taking effect (HS I p. 85).²⁸ The mechanical view, by contrast, implies that the modes of subjection are as various and diverse as the means that can be devised for eliciting effects in people’s behaviors—means such as the deployment of terror (D&P p. 49), shame (D&P pp. 106-107), surveillance (D&P p. 177), codification (D&P pp. 93-94), and examination (D&P pp. 184-185). To the extent that these means can be integrated within an arrangement, an apparatus, that regularizes and routinizes their use, they can be put into operation as mechanisms of power.

3.3 Heidegger on Technological Mastery

I have argued that the first feature of a *dispositif* that shows it to be a kind of technology is that its operations are *mechanical*, in the sense that they are executed in a regular and routine way due to the functional arrangement of the elements that make up the *dispositif*. The second feature that shows a *dispositif* to be a kind of technology is the relation of *mastery* that it establishes with its object.

²⁷ Rosen (1996) argues that it is the central task of theories of *ideology* to provide an account of ‘voluntary servitude’ in this sense. Elsewhere, drawing on Rosen’s claim, I argue that it is Foucault’s rejection of decisionistic understandings of power that accounts for his abandonment of the concept of ideology (unpublished MS).

²⁸ Allen (2002) argues that, in this sense, Foucault opposes what she calls the “command-obedience model” of power (p. 132).

This feature recalls the understanding of technology that Heidegger develops in “The Question Concerning Technology.” Heidegger’s approach in this essay is to consider technology not from the point of view of its “instrumentality,” that is, merely as a kind of means to an end like any other instrument (p. 9). This is not because he thinks it is incorrect to consider technology to be a kind of instrument, a device with a certain set of functions (perhaps to serve a strategy) and with a certain mode of operation (perhaps a series of mechanisms) (pp. 4-5). It is because his interest is rather in the kind of *relation* that technology establishes between whoever and whatever has a role in its operation. He describes this relation, somewhat opaquely, as a kind of “challenging-forth” (p. 16). I would suggest that this notion can also be expressed through the concept of *technological mastery*. But what does it mean to ‘challenge-forth’ in this sense, i.e. to stand in a relation of technological mastery to someone or to something? Heidegger’s answer to this question depends on his argument that technology represents a “way of revealing” whatever is made an object of its characteristic mode of mastery and control, a way of revealing this object to the extent that it can be arranged for appropriation and use like mere resource material (*Bestand*) (p. 12).

But what could it mean to describe technology as a “way of revealing” (p. 12)? Heidegger argues that much like a *technē* (i.e., a technique or skill that confers mastery), technology is *productive* in the sense that it “occasions” the emergence of its object (pp. 6-13). Just as a master in the art of medicine occasions the emergence of health in the body, or a master in the art of war occasions the emergence of victory in the field of battle, technology represents a way of “[bringing] something into appearance” (p. 9). What this ‘something’ is depends, of course, on the technology in question: it may be a technology in the field of transportation, communication, construction, manufacturing, and so forth. However, in each case the technology

occasions the emergence of an ‘object’ (which might be a ‘process,’ as in communication, or a ‘good,’ as in manufacturing, or a ‘result,’ as in transportation) that would not have existed in this form otherwise. Technology is a ‘way of revealing,’ then, in the sense that, like a master sculptor ‘revealing’ the work of art that is hidden in a block of marble by hewing it into form (i.e. by ‘producing’ it), technology brings into appearance from the materials it ‘processes’ an object that could emerge in this form only in and through the operation of its mastery.

Technology constitutes a “mode of revealing” in another sense as well (p. 13). Because the mastery that technology puts into operation—again, much like the mastery that is deployed by a *technē*—can produce its object only by arranging the materials it puts to use in the characteristic form of the object, such mastery is possible only on the basis of a *technical knowledge* of what procedures, under what conditions, are able to bring out this arrangement from the materials (p. 13). In this sense, there can be no kind of mastery that is not also a way of “knowing”—a way of knowing that is ‘technical’ in the sense that it consists in a knowledge of the techniques that, when applied to some material, make possible its transformation into a product (p. 13). This means that, as Heidegger puts it, technology has a characteristic relationship to “truth”: it reveals the reality of its materials, although only to the extent that they are susceptible to its distinctive kind of mastery and control (p. 12). This ‘truth’ is embodied in the kind of technical knowledge that is unique to technological mastery and that—in order to distinguish it from the technical knowledge that belongs to other kinds of mastery, such as the knowledge of a master painter or a master gardener—we might call ‘engineering knowledge.’

Technological mastery, then, is a relation to an object that constitutes a “way of revealing” it in the sense that it *causes the object to appear*, both in reality (through the production of it) and in concept (through the knowledge of it that made its production possible).

But, then, what this mastery reveals is the object only to the extent that it can be brought under the kind of relation of mastery and control that is characteristic of technology—that is, only to the extent that it lends itself to ‘engineering.’ By ‘engineering,’ I have in mind what Heidegger calls “challenging-forth” (p. 16). He writes: “The revealing that rules throughout modern technology has the character of a setting-upon, in the sense of a challenging-forth” (p. 16). To understand, then, the mode of revealing that is at work in a relation of technological mastery, we must understand what is distinctive about relating to something as material *for engineering*. Heidegger proposes at least two features that distinguish this relation from the “poietic” relation established by other kinds of mastery or *technē* (p. 13).

The first of these features is that technological mastery renders its object into a kind of “stock” (*Bestand*) (p. 17). The stock that is at the disposal of a technology is different from the materials put to use by an artisan because this material is arranged by the technology itself in such a way as to be *ready for use* by it. As Heidegger puts it, the material “is stockpiled” (p. 15). He writes:

The coal that has been hauled out in some mining district has not been supplied in order that it may simply be present somewhere or other. It is stockpiled; that is, it is on call, ready to deliver the sun’s warmth that is stored in it. The sun’s warmth is challenged forth for heat, which in turn is ordered to deliver steam whose pressure turns the wheels that keep a factory running. (p. 15)

It is, then, that what is brought under a relation of technological mastery is “on call,” in the sense that it is *prepared by* the technology for *deployment by* the technology, that constitutes it as a kind of stock. This term (*Bestand*) is also sometimes translated as “standing-reserve,” which captures the sense in which stock is like a reserve army, standing in wait to be deployed (p. 17). By contrast, a technique that neglects to arrange the availability of its materials, instead to some extent allowing the opportunity for their appropriation to be a matter of circumstance or

contingency, is not technological.²⁹ This is why Heidegger says that, unlike a modern wind turbine, an old windmill—such as a gristmill or a windpump—is *not* a technology in the relevant “modern” sense that he is considering:

The revealing that rules in modern technology is a challenging, which puts to nature the unreasonable demand that it supply energy that can be extracted and stored as such. But does this not hold true for the old windmill as well? No. Its sails do indeed turn in the wind; they are left entirely to the wind’s blowing. But the windmill does not unlock energy from the air currents in order to store it. (p. 14)

In other words, for some material, such as coal, wind, sunlight, or steel, to become material *for engineering*, it must be constituted as a stock or resource in the sense that it must be put in order (i.e. ‘stored’) in such a way as to be available for deployment by a technology. The old windmill, because it does not store the energy of the wind but instead puts its energy to use only when the wind happens to blow, does not establish a relation of technological mastery with the wind.

This point recalls the account Foucault provides of what he calls “the political technology of the body” when he introduces this term in *Discipline and Punish* (D&P p. 26). He suggests that the means of exercising “mastery” over people’s bodies that constitute this technology are oriented around transforming the body into a “useful force” (D&P p. 26). However, as Foucault says, “[T]he body becomes a useful force only if it is both a productive body and a subjected body” (D&P p. 26). If a body is useful to the extent that it performs functions that are ‘of use,’ then it is “productive” only to the extent that it has the *ability* to perform these functions, and it is “subjected” only to the extent that it has the *disposition* to perform these functions. A body that, by contrast, is unable or unwilling to perform these functions is, by definition, useless. This suggests that the relation of mastery that this technology establishes with people’s bodies is a

²⁹ For example, the paramount importance that Machiavelli attributes to fortune (*Fortuna*) in his account of the form of virtue that confers mastery on a ruler means that his understanding of the art of power (i.e. statecraft) is *not* a technological one.

relation that reduces them to resource material or ‘standing-reserve,’ in the sense that they are *put in order* for deployment as materials within the operations of an apparatus such as an industrial factory or a military unit. Unlike in the case of an old windmill, which waits for the wind to arrive before drawing on its force, disciplinary technologies aim to put people’s bodies in order so that their force is available for deployment not just when people who are able and disposed to cooperate ‘happen to appear,’ but under circumstances arranged by the technology itself.

The second feature of a relation of technological mastery follows from the first. In order for material to be rendered into stock—that is, in order for it to be readied for deployment—it must be “ordered” in such a way as to be prepared for use by a technology, just as if it were inventory registered and organized in a warehouse (p. 17). Whatever is not ‘put in order’ in this sense could not be stock, since then it would not be arranged to be ready for appropriation and use. According to Heidegger, ordering material in this sense consists of both “regulating” and “securing” it (p. 16). To regulate a material is to be able to guide, direct, and channel its behaviors, much like how a parent, in exercising power over a child, is able to steer the course of a child’s behaviors. To secure a material is, by contrast, to minimize the risk of spontaneity and recalcitrance on the part of the material in the face of the attempt to appropriate it for use. Securing, then, will be much more unique to a relation of technological mastery than regulating (which will be a feature of many other techniques and practices), even if it is only through both securing *and* regulating that a material is put in order as stock—which means it is only through *both* that technological mastery is established.

Meanwhile, engineering knowledge will consist of whatever knowledge of materials is needed to arrange them for deployment in this way. This knowledge will ‘reveal’ the reality of

these materials only to the extent that they can be so arranged—that is, only to the extent that they are susceptible to engineering (‘challenging’). In Heidegger’s words:

The revealing that rules throughout modern technology has the character of a setting-upon, in the sense of a challenging-forth. That challenging happens in that the energy concealed in nature is unlocked, what is unlocked is transformed, what is transformed is stored up, what is stored up is, in turn, distributed, and what is distributed is switched about ever anew. Unlocking, transforming, storing, distributing, and switching about are ways of revealing. But the revealing never simply comes to an end. Neither does it run off into the indeterminate. The revealing reveals to itself its own manifoldly interlocking paths, through regulating their course. This regulating itself is, for its part, everywhere secured. Regulating and securing even become the chief characteristics of the challenging revealing. (p. 16)

This account of the role of knowledge and ‘revelation’ in rendering objects susceptible to technological engineering finds a parallel in Foucault’s analyses of how apparatuses mobilize bodies of knowledge in order to exercise mastery over ‘objects’ such as crime, disease, madness, and sexuality. For example, early in *Discipline and Punish* when Foucault is describing what distinguishes the modern penal apparatus from previous systems of punishment, he suggests that “‘crime’, the object with which penal practice is concerned, has profoundly altered: the quality, the nature, in a sense the substance of which the punishable element is made” (D&P p. 17). This is a transformation not in *which* crimes are punished (such as when something that was once a crime, like blasphemy, becomes legal) but in *what* ‘crime’ *is* such that it is the target of the mechanisms of the penal apparatus. No longer does the penal system target for punishment *criminal acts*, which can be defined and apportioned a penalty in accordance with a legal code, but instead it begins to address itself to what Foucault calls, borrowing the language of the 18th century political philosopher Gabriel Bonnot de Mably, the “soul” of the criminal (D&P p. 16).

Foucault argues that this transformation can be recognized in changes that occur in the procedures used to arrive at a judgment in a criminal trial. Because a criminal judgment, by giving rise to a verdict and a sentence, sets in motion a punishment, the procedures used for

producing it function as *penal mechanisms* to the extent that they are regular and routine in their operation.³⁰ This suggests that the penal operation as a whole—the system for assigning, arranging, and executing punishments—is to some extent indicated by the procedures of criminal judgment.

Foucault calls attention to ways in which these procedures begin to orient their role in the assignment, arrangement, and execution of punishments around questions relating to the soul, rather than merely the acts, of the criminal. Instead of a judgment arising only in response to the act investigated in the course of the trial—that is, in response to what this act was, who committed it, and whether it violated the law—judgments begin to depend on the psychological history and behavioral tendencies of the person who stands accused. For example, the evaluation of the criminal’s psyche can influence the assessment of the evidence used to reach a verdict (*Is this person’s testimony reliable?*); the appraisal of the event used to bring charges (*Can someone have criminal intent during a psychotic episode?*); the estimation of the risks used to arrange a penalty (*Is this person dangerous to others?*); and so forth (D&P p. 19). To the extent that the punishment put into effect by a judgment depends on the evaluation of the psyche of the criminal in these ways, the mechanisms of punishment are able to set into motion an operation for the exercise of mastery and control over crime only by addressing themselves to the *soul* of the criminal.

The soul of the criminal, in other words, is rendered into a material available for incorporation into the operations of the penal apparatus—the operations that set into motion and put into effect punishments. The difference between ‘the criminal act’ and ‘the criminal soul’ as

³⁰ A judge who, by contrast, forgoes ordinary procedures when coming to a judgment in favor of concerns rooted wholly in her own personal idiosyncrasies may set in motion a punishment in a way that is not mechanical—assuming, however, that mechanisms that function to constrain the discretion of judges, such as appellate courts, do not intervene to prevent her.

potential objects of the penal apparatus is the difference between two techniques (one juridical, the other “medico-judicial”³¹) for rendering ‘crime’ into an object susceptible to mastery.

Foucault’s argument, then, that in the modern period the criminal soul becomes the object of the penal apparatus should be understood to mean that, as Heidegger would say, the criminal soul is transformed into a kind of standing-reserve, arranged by a technology for use within its operations. This interpretation is supported by Foucault’s claim that this transformation is possible only through the emergence of bodies of knowledge that reveal in what ways the criminal soul is susceptible to discernment, arrangement, and intervention. The criminal trial, for example, is able to give rise to a judgment that sets in motion a punishment only through appeal to *truths* about the psyche of the criminal. As Foucault writes:

Ever since the Middle Ages slowly and painfully built up the great procedure of investigation, to judge was to establish the truth of a crime, it was to determine its author and to apply a legal punishment. Knowledge of the offence, knowledge of the offender, knowledge of the law: these three conditions made it possible to ground a judgement in truth. But now a quite different question of truth is inscribed in the course of the penal judgement... A whole set of assessing, diagnostic, prognostic, normative judgements concerning the criminal have become lodged in the framework of penal judgement [*l’armature du jugement pénal*]. Another truth has penetrated the truth that was required by the legal machinery [*la mécanique judiciaire*]; a truth which, entangled with the first, has turned the assertion of guilt into a strange scientifico-juridical complex. (D&P p. 19)

There can be no doubt that Foucault means to suggest here that the modern penal apparatus constitutes a ‘way of revealing’ the criminal soul, in much the same sense that Heidegger argues that every means of establishing a relation of technological mastery constitutes a ‘way of revealing’ what it makes into an object of intervention and control. The apparatus is able to exercise mastery over the criminal soul only by bringing it into appearance, both in reality (through procedures, such as diagnostic tests and therapeutic practices, that bring it to the

³¹ Foucault (D&P p. 22).

surface) and in concept (through bodies of knowledge, such as psychiatry and criminology, that articulate its tendencies, pathologies, responsiveness to treatment, and so forth).

The knowledge of the soul that is mobilized by this apparatus is a kind of ‘engineering knowledge,’ in the sense that it is a technical knowledge of the ways in which the soul can be arranged as material for appropriation by the apparatus—the ways in which it can, for example, be targeted in a criminal trial. If, by contrast, there existed no psychiatric knowledge that constituted a kind of engineering knowledge in this sense, then there could be no techniques (no methods of examination, diagnosis, and prognosis) for rendering the psyche of a criminal available as a point of reference for the mechanisms used to arrive at a judgment in a criminal case. In this sense, engineering knowledge—of crime, of disease, of madness, of sexuality—represents the technical knowledge that is the precondition for the incorporation of these objects into the operations of an apparatus. This suggests that an apparatus of power, like any other technology in the Heideggerian sense, stands in a relation of mastery to its object that is grounded in a knowledge of techniques for engineering or ‘challenging’ it—that is, a knowledge of techniques for preparing and arranging the object for incorporation into its operations.

3.4 Nietzsche on Contingent Emergence

I have now argued that a *dispositif* of power, as Foucault conceives it, exhibits two features that are characteristic of technology. The first is that it operates on the basis of *mechanisms*, as this term is defined by Canguilhem in his account of machinery. The second is that it establishes a relation of *technological mastery* with its object, in the way that Heidegger argues is characteristic of modern technology in general. I turn now to considering the third and

final feature of an apparatus that marks it as a kind of technology, which is the *genealogical* character of the history of its emergence, as this mode of history is conceived by Nietzsche.

The term ‘genealogy,’ according to its ordinary usage, refers to a practice for chronicling the histories of families. It is perhaps surprising, then, to suggest that this historiographical practice is in some sense useful for, or even related to, the study of the history of techniques and technologies. In what ways, if any, is the family history recorded by a genealogy like the historical emergence of a technology? This question can be answered only through an account of the model of *historical origins* that Nietzsche derives from the traditional practice of genealogy. This model is of interest to Nietzsche, as well as Foucault, because it represents a way of accounting for the historical sources of an event, such as a person’s birth, without implying it arises from a single point of origin. In order to distinguish this model of historical sources from the model that assumes a point of origin, Foucault proposes to call this the ‘provenance’ (*provenance*)³² of an event, rather than the ‘origin’ (*origine*) of it. (He suggests this distinction is meant to track the distinction that Nietzsche makes on occasion—although not consistently—between the terms ‘*Herkunft*’ and ‘*Ursprung*’ (FR pp. 77-83).) Genealogy is relevant to the study of the history of techniques and technologies, then, because, much like the births recorded by a family genealogy, a technology has a *provenance*, even though it lacks a point of origin.

In what ways is the ‘provenance’ that is uncovered by a genealogy different from a ‘point of origin’? How are these models of what might be called historical “genesis” different from one another (WC p. 396; P/K pp. 195-196)? I will argue this question can be answered through an account of ‘overdetermination.’ This concept, which was taken up by Louis Althusser, and which

³² I depart from Donald F. Bouchard and Sherry Simon by translating the French term ‘*provenance*’ as ‘provenance’ rather than as ‘descent’ (FR p. 80). I make this amendment not only because of the advantage of using a term that is cognate to the original, but also because ‘provenance’ seems to me to convey better than ‘descent’ that genealogy remains an investigation into historical origins or sources, even if it is not a search for *the* origin.

was first introduced by Sigmund Freud, refers to a kind of causal relation: an event is ‘overdetermined’ insofar as it was made to happen only by the conjunction of two or more distinct causes. In this sense, overdetermination might also be called *conjunctural causation*. (It is often suggested that Freud ascribes a different meaning to this term, but when he formulates it in the context of his theory of dreams, and as he deploys it in later work, he uses ‘overdetermination’ to refer to conjunctural causation in most if not all instances.)³³ It is clear that Foucault has overdetermination in this sense in mind when he describes genealogy as a project “that tries to restore the conditions of appearance of a singularity from multiple determining elements” (WC p. 396).

It is important that this concept of ‘overdetermination,’ which has its source in the work of Althusser and Freud, not be confused with the use of this term that has become popular in Anglo-American philosophy and was adopted by David Lewis, among others.³⁴ Lewis calls an event ‘overdetermined’ whenever there are two or more causes of it that, even if any were to have occurred without the other(s), would have been sufficient to cause the event on its own. As Lewis puts it, according to his use of the term, overdetermination is a kind of “*redundant causation*” (p. 182; original italics). This implies that the conjunctural causation called ‘overdetermination’ by Althusser and Freud is, in an important sense, the *opposite* of the redundant causation given this name by Lewis. An event is the effect of *conjunctural* causation if and only if the *conjunction* of multiple distinct causes was required to cause it to happen because none of the causes, if present in isolation, would have been sufficient to make it occur. In other words, since the conjunction alone is fit to be the cause, not any of the causes that make up the

³³ See Laplanche and Pontalis (pp. 292-293).

³⁴ Lewis (2000). See also Sider (2003).

conjunction considered in isolation from any other, this means that no cause is redundant, i.e. that there is no redundancy at all. My references to ‘overdetermination’ from here forward will be intended to refer only to this notion of *conjunctural* causation, never to *redundant* causation.

My proposal, then, is that the method for uncovering the provenance of a person that is developed within the historiographical practice called ‘genealogy’ provides a model for accounting for the causes of an overdetermined event. The overdetermined events that are documented by a family genealogy are each of the births that it records. There is an obvious sense in which every birth is represented as overdetermined by a family genealogy: it is shown to have its source in the birth of not one but a multitude of unrelated ancestors. In fact, each generation documented by a genealogy will bring to light twice as many ancestors of a person as the number of degrees that the generation is removed from her own.³⁵ The search deeper and deeper into a person’s family history, then, cannot but uncover an ever-larger number of distinct sources of her existence. This is why there can be no sense in raising the question of what *the* point of origin of a person is from the point of view of a genealogy. Her birth is the result of many—indeed, for all practical purposes, infinitely many—sequences of births that happened, through chance pairings from generation to generation, to set the stage for her own. None of these ancestors in particular, nor even any of these lines of ancestry considered in isolation from the others, can be said to represent her point of origin. Instead, the collection of her ancestors considered as a whole—as well as the pairings, the ‘conjunctions,’ of each of them that account for the transition from each generation to the next—make up her provenance. A family genealogy reveals these multiplicitous historical origins, this ‘provenance,’ even as it shows the search for an origin to be impossible.

³⁵ I set aside the complications that arise due to consanguineous pairings.

Before I consider what it would mean to appeal to this notion of a provenance in the study of the history of a technology, I want to draw out three concepts that are useful for understanding overdetermination by considering their relevance to family genealogy. These are the concepts of ‘conjunction,’ ‘contingency,’ and ‘singularity.’ It is important to keep in mind that the term ‘overdetermination’ is not merely another name for multiple causation. This is because the concept of overdetermination captures only one kind of multiple causation: conjunctural causation. It is easy to illustrate the distinction between a kind of multiple causation that is conjunctural and a kind that is not in the case of a family genealogy. What makes the birth of each person, as it is recorded by a genealogy, conjunctural is not that the person has multiple ancestors. Imagine that it were possible for a person to be born from a single parent: if the person had only one parent, and her parent also had only one parent, then in this case she would have multiple, i.e. two, ancestors. The births of each of these ancestors would be the ‘cause’ of her own in the sense that they are conditions that account for its occurrence. But this would not be a case of conjunctural causation, since the relation between each of the multiple causes is *sequential* rather than *conjunctural*, i.e. since, even though they are distinct *causes* (multiple causation), they do not make up distinct causal *chains* (conjunctural causation). Any causal sequence of events, in other words, that includes at least three events will represent the last event in the sequence as having multiple causes. However, only if two or more distinct sequences of events (e.g. distinct lines of ancestry) happen to culminate in a single event can the last event be considered overdetermined. In this sense, overdetermination is possible only through what Althusser, again following Freud, calls ‘condensation.’³⁶ A ‘conjunction’ is any set of events that derive from unrelated causes but that, only in combination with one another, are able to bring

³⁶ See Althusser (pp. 99-101; 215-216) and Freud (pp. 49-50).

about a given event. The ‘conjunctions’ in a family genealogy are each pairing of parents that results in the birth of a child. Every generation, meanwhile, constitutes what might be called a ‘historical conjuncture’: a moment in the historical unfolding of various distinct sequences of events, various distinct lines of ancestry, in which they ‘condense’ or ‘fuse’ through their conjunction.

I am suggesting, then, that for multiple causes to make up a conjunctural cause they must be ‘unrelated’ to one another in the sense that none derives from any of the others, i.e. each arises from its own distinct causal chain or sequence. This is to say, in other words, that in order for multiple causation to be conjunctural, the relations between the multiple causes that bring about an event must be *contingent*. By contrast, multiple causation is not conjunctural if each of the multiple causes combines with each of the others in a way that is necessary or at least non-arbitrary—such as when a certain kind of event, like a stock market crash, inevitably or characteristically initiates a series of events that is *patterned*, i.e. that exhibits a degree of regularity and order in its development, like rises in rates of bankruptcy and unemployment, stirrings of political discontent and civil unrest, shifts toward interventionist economic policy, and so forth.

It is only because conjunctural causation is by definition contingent in this sense (i.e. in the sense that only *coincidence*, not any necessity or tendency, accounts for the combination of the multiple causes) that it implies that any event that results from it must have multiple historical sources, i.e. a *provenance*. The hypothetical person who has not two but only a single parent, a parent who himself also has only a single parent, is someone who, even though she has multiple ancestors (i.e. a parent, a grandparent), has her origin in only one *line* of ancestry. Her birth can be explained through reference to the historical development of just this lineage, in

much the same way that any series of events in history that exhibits a tendency or follows a pattern can be said to have its point of origin, if not in a single event, then in a single *development* that realizes itself through multiple events (e.g. Spengler's life cycle of civilizations, Keynes's trade cycle, Kuhn's cycle of revolutionary and normal science, etc.).³⁷ This means that for an event to have a provenance—for it not only to originate from multiple events but also derive from *from multiple sources*—it must not only have multiple causes that combine with one another to make it happen but also the combination of these causes must be *contingent*, i.e. it must be *conjunctural*.

Overdetermination, then, is by definition a kind of causation that is contingent. It is also, again by definition, a kind of causation that gives rise to an event that is *singular*. For an event to be 'singular' means for it to be historically unique in the sense that it does not instantiate any general pattern or trend.³⁸ This means that the singularity of any event that is overdetermined follows from the contingency of overdetermination itself. Only if a combination of multiple causes does not follow a pattern or trend, i.e. only if this combination is itself singular, can it be contingent. A 'conjunction,' then, can also be defined as any combination of causes that is singular rather than generic. But if the conjunction is singular, then so too will be the event that results from it. In a family genealogy, for example, there is no pattern or trend that accounts for

³⁷ Of course, I do not mean to suggest that the only historical accounts of multiple causation that are not conjunctural in their mode of explanation are accounts that appeal to historical 'cycles.' Any historical analysis that appeals only to an overarching tendency, even if it does not assume that this tendency has a periodic or cyclical character, will fail to be conjunctural. Nevertheless, cyclical understandings of historical developments are useful for illustrating the concept of multiple causation without conjunctural causation since they are devoted to analyzing sequences of events in terms of an underlying pattern or trend that, because it recurs throughout history, can and must be abstracted from any of its particular instantiations. Therefore, accounts of this kind are compelled to make a distinction, not merely implicitly like any tendential account but explicitly in the course of the analysis, between events that have a non-arbitrary relation from the point of view of the pattern (i.e. that are moments of its development) and events that are instead contingent from its point of view.

³⁸ For an account of the distinction between what is 'singular' and what is 'particular,' see Deleuze (D&R pp. 1-2).

which ancestral lines, through the pairing of a descendant from each, will ‘condense’ or ‘fuse’ in any given generation in the sense of culminating in the same birth. From the point of view of a genealogy, it is arbitrary which distinct sequences of births happen to fuse in each generation. This is what it means to call these pairings ‘conjunctural’ and ‘contingent.’

But it follows that each birth recorded in a genealogy is *singular* since it must therefore be the result of a condensation of ancestral lines that could have occurred in no other generation, i.e. during no other historical conjuncture.³⁹ A birth in a genealogy is never only one of many of a certain kind (e.g. one birth of many within a certain lineage, or one birth of many within a certain generation). It must be represented at the same time as the *singular* birth that could be heir to the *singular* combination of lineages capable of fusing only in that generation. Because overdetermination causes events that are singular in this sense, the investigation of an overdetermined event, such as in a genealogy, must seek to reveal what is unique about the conditions that occasioned it. In other words, it must investigate an event not through a search for generic patterns and trends that might account for it but through an analysis of the singular conjunction of conditions—the concrete *historical conjuncture*—that gave rise to it.

I quoted Foucault before claiming that genealogy is a project “that tries to restore the conditions of appearance of a singularity from multiple determining elements” (WC p. 396). It should be clear now why the conception of ‘overdetermination’ as *conjunctural causation*—i.e. as a kind of multiple causation in which two or more causes, in *conjunction* with one another, i.e. through their *contingent* and non-redundant combination, give rise to an event that is *singular*—

³⁹ I set aside complications that arise due to the existence of siblings. From the point of view of a family genealogy, siblings (unless and until they have children of their own) represent what Deleuze calls a ‘repetition,’ which he defines as *difference without a concept* (D&R pp. 12-13). This is to say, even though siblings are represented as *different* in a family genealogy (i.e. they are different people), their difference is not explicable through the concepts used to articulate differences in a genealogy (concepts such as ‘lineage’ and ‘generation’). This is because siblings have the *same* lineage, are of the *same* generation, etc.

can be said to provide a key for understanding what Foucault has in mind. Since the traditional practice of genealogy, which documents histories of ancestry, is a historiographical method devoted to recording the historical origins of events that are overdetermined, this practice models a way of conceptualizing origins of this kind—that is, of conceiving of a *provenance*. However, I have yet to consider what the relevance is of genealogy to the investigation of the historical origins of technologies and techniques. My proposal is that the event of the appearance of a technology in history is overdetermined, and that it is the task of genealogy, as it is practiced by Foucault following Nietzsche, to account for the provenance of a technology.

I will call the appearance of a technology in history an event of *appropriation*. This term, which I borrow from Deleuze’s reading of Nietzsche,⁴⁰ is meant to capture what Nietzsche himself tends to call ‘interpretation.’ Nietzsche argues that what distinguishes his genealogical approach to history from the inquiries conducted by other historians into the topics he investigates, such as punishment and asceticism, is that he distinguishes the purposes for which these matters are appropriated at any moment in history (i.e. their ‘interpretation’) from the explanation for why they came into being in the first place (i.e. their ‘origin’). He writes:

[T]here is for historiography of any kind no more important proposition than the one it took such effort to establish but which really *ought to be* established now: the cause of the origin of a thing and its eventual utility, its actual employment and place in a system of purposes [*Einordnung in ein System von Zwecken*], lie worlds apart: whatever exists, having somehow come into being, is again and again reinterpreted to new ends, taken over, transformed, and redirected by some power superior to it; all events in the organic world are a subduing, a *becoming master*, and all subduing and becoming master involves a fresh interpretation, an adaptation through which any previous “meaning” and “purpose” are necessarily obscured and even obliterated. However well one has understood the *utility* of any physiological organ (or of a legal institution, a social custom, a political usage, a form in art or in a religious cult), this means nothing regarding its origin. (p. 77; original italics)

⁴⁰ See Deleuze (N&P p. 3). The term ‘event of appropriation’ is also sometimes offered as a translation of Heidegger’s use of the term ‘*Ereignis*’ (see, e.g., Polt (2006)).

Nietzsche's objection to approaches to history that fail to be genealogical in this sense, in other words, is that these approaches are unable to account for the *conjunctural* character of an event of appropriation or interpretation. For any 'element,' such as "a legal institution, a social custom, a political usage, a form in art," to be 'appropriated' or 'interpreted' means for it to be incorporated, as Nietzsche says, within "a system of purposes." This is why I have suggested that the emergence of a 'technology' is possible only through appropriation: if what makes something technological is, at least in part, that it is organized in such a way as to perform certain functions (i.e. that it constitutes a "system of purposes"), then the appearance of a technology at a moment in history must be an event of appropriation and interpretation in Nietzsche's sense.

This account of 'interpretation' or 'appropriation' opens to view the conjunctural character of the emergence of 'a system of purposes' such as a technology because it suggests that an event of appropriation is possible only through the *conjunction* of two kinds of conditions that cannot have the same historical sources. The first kind includes whatever conditions account for the availability of the elements (such as a procedure, custom, science, or institution) that come to be appropriated at the moment of the emergence of the technology. The second kind includes whatever conditions account for the appearance of the 'will' (i.e. the *strategy*) that introduces the 'interpretation' that brings these elements together into a 'system of purposes,' i.e. that constitutes them as elements *of a technology*. Because the will does not *invent* but only *interprets* and *appropriates* the elements that it deploys in constituting the technology (like an engineer drawing on previous designs and research so as to put them to use in a new way), these elements must have historical sources that are not the same as the will. It is in this sense *contingent* that—to borrow an example from Foucault—a 'will to power' should have emerged in the 19th century that appropriated elements originating in religion (such as practices of

solitary penitence), in medicine (such as techniques of documentation and supervision), in philosophy (such as theories of the social contract), in the military (such as methods of disciplinary training), and so forth by incorporating them into a relatively, if imperfectly, unified system of purposes, i.e. into the modern penal apparatus.

Nietzsche makes this same point when he says that an event of appropriation or interpretation depends on the conjunction of what is “relatively *enduring*,” such as a custom or procedure, and what is relatively “*fluid*, the meaning, the purpose, the expectation associated with the performance of such procedures” (p. 79; original italics). Since this conjunction is contingent—i.e. since these ‘enduring’ elements have distinct historical origins, if not from one another, then at the very least from the ‘fluid’ strategy that appropriates them—the technology that comes into being because of it is *overdetermined*. An investigation that revealed the diverse historical origins of these elements, as well as what about the historical conjuncture in which they were incorporated into the technology accounts for the emergence of the strategy that appropriated them, would provide an explanation of the *provenance* of this technology. The investigation of such a provenance, like the investigation of any provenance, is what Nietzsche and Foucault mean by *genealogy*.

Chapter 4: Conclusion: Decentralized Coordination

4.1 Introduction

I take myself at this point to have established three major conclusions. First, an apparatus is a network of elements that are organized in such a way as to put into operation a (governmental) *strategy*. Second, the concept of strategy provides a model of purposive organization that is distinct from the model of purposive organization associated with organic life in at least three ways: it makes no assumption that the principle of this purposive organization is *preservation*; it makes no assumption that this purposive organization can be exhibited only by a self-sufficient, self-preserving *whole*; and it makes no assumption that this purposive organization arises through a process that is *evolutionary*. Third, an apparatus is *technological* in at least three senses: it carries out characteristic operations on the basis of *mechanisms*; it establishes a relation of *mastery* with its object, on the basis of technical knowledge, that puts the object in order for deployment as if it were a stockpiled resource material; it comes into being through the *appropriation* of a set of elements that, in spite of their diverse historical origins, are at a certain moment in history incorporated into a functional whole by it.

These conclusions have been aimed at vindicating the central thesis of the first part of this dissertation, which is that Foucault's conception of apparatuses requires an account of what explains the degree of *organization* in purpose and function that these apparatuses exhibit, an account that he develops by understanding apparatuses to be not *organic* but *technological*. If my argument has been successful up to this point, then the only task that remains to be done is to provide an account of what resources drawn from the philosophy of technology can be used to explain the organization in purpose and function of an apparatus. I argue that these resources are

to be found in an analysis of the ways in which decentralized processes of *knowledge production and circulation* condition the emergence of *technologies*. I propose, moreover, that this analysis stands at the center of Foucault's notion of power/knowledge relations. If this analysis is convincing, then it suggests that purposive organization can come into being in ways other than through centralized planning or organic evolution. It suggests that purposive organization can emerge through the effects of coordination caused by processes of knowledge production and circulation that are not themselves coordinated in a deliberate or rational way, a theme that preoccupied Foucault as early as his first archeological works and as late as his final ethical writings.

My aim in this conclusion, then, will be to show that our arrangements for the exercise of power are in an important sense coordinated not in accordance with our plans but *on the basis of our knowledges*. An important implication of this analysis of the relation between knowledge and power is that, even though knowledge and power are entangled in profound ways, this is not because power is able to *instrumentalize* knowledge to serve strategies of control and mastery that it develops independently in light of its own 'interests' (strategies, for instance, for exercising control over crime, labor, health, and immigration). This would be a view in which power and knowledge are *not autonomous* from one another, because power, like a person who fashions an instrument to serve a particular use, would *subordinate* knowledge to its own will. This is perhaps what Francis Bacon means in saying that 'knowledge is power,' but it could not be further from Foucault's view (SMD pp. 30-33).

Foucault means to argue, instead, that it is because knowledge and power are relatively autonomous from one another—in the sense that each, as it unfolds in history, by no means follows a course (a 'law' of development) set for it by the other—that knowledge is able to

provide a principle for the coordination of power that does not derive from the conscious planning or conspiratorial plotting of a group or class who stands to gain from the elaboration of a regime of mastery and control. This is not to suggest that the coordination of power derives *in its entirety* from the decentralized coordination effected by knowledge—Foucault often refers to mechanisms of power, such as Bentham’s panopticon prison or Taylor’s ‘scientific management,’ that are designed in an explicit and deliberate way. But even these explicit attempts to engineer technologies of power—if they are not to come from nowhere as if constructed by Robinson Crusoe, condemned to begin a civilization alone and from nothing—must *appropriate* bodies of knowledge and research that came into being before their mobilization by power in this way could have been expected or anticipated. It is, then, in this sense the *contingency* of technological innovations that accounts for the possibility that knowledge and power could be *both* profoundly entangled *and* relatively autonomous: the birth of a technology is an event in history in which the (relatively) autonomous elaboration of knowledge and the (relatively) autonomous elaboration of power happen to ‘fuse’ and converge through the transformation of the knowledge that has been elaborated into a technique of mastery and control. It is this role of technology in providing a kind of historical point of suture between knowledge and power that explains its central importance in accounting for how the coordination of power can emerge from the decentralized production and circulation of knowledge.

4.2 Is the Production and Circulation of Knowledge Decentralized?

However, this argument depends on the view that the production and circulation of knowledge is in itself decentralized. Before I turn to considering in what sense bodies of knowledge condition the emergence of technologies of power, then, I will explore Foucault’s

grounds for adopting this conception of knowledge. This view traces back to some of Foucault's earliest writings, although it finds its fullest expression in the last work of his so-called archeological period: *The Archeology of Knowledge*. It would go well beyond the scope of this dissertation to rehearse this conception of knowledge in full, yet alone to defend it against alternatives and objections. Instead, I will settle for an attempt only to motivate it, as well as to show in what sense it implies that knowledge production and circulation are decentralized, by reconstructing Foucault's account of how the 'objects' that make up the subject matter of bodies of knowledge come to be identified. The identification of objects for research and investigation is only one of four processes that is decentralized yet accounts for the elaboration of bodies of knowledge, according to Foucault's analysis. (The other three are what Foucault calls the formation of 'enunciative modalities,' 'concepts,' and 'strategies.')

My discussion here, then, will provide only a partial indication of the degree to which the elaboration of knowledge is decentralized in Foucault's view.

It is perhaps worth mentioning that the term 'decentralized coordination' is my own. Foucault instead tends to speak of 'regularity in dispersion.' For example, he will define the concept of a 'discursive formation,' which is the central concept of the *Archeology*, in these terms.⁴¹ For our purposes, however, these terms can be treated as synonymous: What makes the elements of a discursive formation 'dispersed' is that they lack a centralized principle (e.g. a method, theory, or plan) that coordinates them. What makes the elements of a discursive formation 'regular' is that they are, nevertheless, coordinated (in the sense that they have points of reference in common, such as the objects they investigate or the concepts they deploy). The

⁴¹ Foucault writes: "Whenever one can describe, between a number of statements, such a system of dispersion, whenever, between objects, types of statement, concepts, or thematic choices, one can define a regularity (an order, correlations, positions and functionings, transformations), we will say, for the sake of convenience, that we are dealing with a *discursive formation*" (AK p. 38; original italics).

concept of ‘regularity in dispersion,’ then, is only another name for decentralized coordination, although with the disadvantage that it renders opaque the relationship between this concept and Foucault’s later investigations into strategies of power that are not coordinated by any centralized authority or agency, such as the state. For this reason, I will prefer the term ‘decentralized coordination.’

But in what sense is the process that accounts for the identification of objects for research and investigation decentralized? Foucault describes three dimensions of a body of knowledge that, even though they take form in a more or less contingent way (i.e. not in a way that is patterned or predictable), nevertheless account for what come to be regarded as the objects that make up the subject matter of the body of knowledge. I will follow Foucault in illustrating each of these dimensions by appealing to the example of the formulation of ‘madness’ as an object of knowledge in fields like psychiatry, sociology, criminology, and jurisprudence. The first dimension is what Foucault describes as the “surfaces” of “emergence” of the object (AK p. 41). In taking up an object of study, such as madness, bodies of knowledge must assume, either implicitly or explicitly, that it is possible for this phenomenon to appear only in certain contexts and under certain conditions. For example, the study of varieties of mental illness, such as “dementia, neurosis or psychosis,” must develop methods of diagnosis (such as through a classification of symptoms, a technique of evaluation, a system of documentation) that take for granted that these illnesses manifest only in certain ways and only under certain conditions (AK p. 41). These ‘surfaces of emergence’ might include clinical settings, family life, sexual encounters, or judicial proceedings—any ‘domain’ in which a mental illness might make itself observable or recognizable. There is no centrally arranged plan or generally shared method for determining what these surfaces of manifestation might be. Instead, researchers, clinicians,

judges, lawyers, theorists, civil authorities, religious figures, and so forth elaborate conceptions of what these surfaces might be in ways that are neither completely independent from, nor consciously coordinated with, one another.

The second dimension is what Foucault calls “the authorities of delimitation” (AK p. 41). Bodies of knowledge can be elaborated only if it is taken for granted that certain individuals, certain texts, certain institutions have the authority to specify what is and what is not characteristic of the object that makes up their subject matter. In the case of madness, for example, it could become an object of study only to the extent that it was defined as a certain kind of phenomenon (with certain causes, that accounts for certain behaviors, that is treatable in certain ways, etc.) within fields such as medicine, law, religion, criminology, and sociology. But, even as these fields become coordinated with one another to the extent that they recognize each other as authorities on questions relating to the phenomenon, the emergence of authorities happens in accordance with no central plan or conscious arrangement. It is not as if some individual or even some body of researchers makes a *decision* that, for example, the psychiatry of madness ought to be supplemented by a sociology of madness that engages the same object while using distinct methods and theories. Each field, after emerging in a more or less autonomous way, begins to develop its own authority to define what the object ‘madness’ is and what it is not. The process, then, of the emergence of this authority, which itself leads to the articulation of the object, is decentralized.

The third and final dimension is what Foucault calls “the grids of specification” (AK p. 42). Bodies of knowledge will be able to make a phenomenon such as madness into an object of study only by elaborating a system for classifying it in various ways. These will include classifications of the types of madness, of the causes of madness, of the methods for diagnosing

madness, of the methods for curing madness, and so forth. It is perhaps most obvious why, of all three dimensions, the elaboration of ‘grids of specification’ in this sense is necessary for the identification of objects of study, while at the same time it is perhaps least obvious why we should think that this process of elaboration is decentralized. However, I would suggest that the study of the history of science provides grounds for believing that the systems of classification of any given phenomenon are not formed in a way that is fully planned or consciously coordinated—in part, due to the fact that the formulation of these systems depends on what are considered to be the ‘surfaces of emergence’ and the ‘authorities of delimitation’ of the phenomenon. It must be admitted, however, that this claim—like the others, although perhaps to an even stronger degree—assumes that the historical emergence of a science is not a fully rational process: a claim that is, of course, contentious, even if it has many prominent adherents and advocates besides Foucault.⁴²

4.3 Organization in Technologies through Knowledge

These, then, are three dimensions of the processes that lead to the identification of objects within fields of research that are decentralized, at least according to Foucault’s analysis of knowledge. If this analysis is persuasive, then it implies that any technology that comes into being through the appropriation of bodies of knowledge that address themselves to a certain object, such as crime, disease, or sexuality, will be *organized* in its relation to this object even though no one will have consciously planned or actively coordinated this organization.

But I have already shown, through my reconstructions of insights about technology developed in the writings of Canguilhem, Heidegger, and Nietzsche, that *every* technology

⁴² Classic arguments for this conception of science include Kuhn (1962), Feyerabend (1975), and Latour (1991).

comes into being in virtue of an organized relation to an object that is mediated by bodies of knowledge in this sense. Indeed, this claim is by no means surprising: it is knowledge that, by providing an understanding of what a phenomenon is—including an understanding of under what conditions it can be expected to appear, in what ways it can be recognized and observed, and by what means it can be affected and manipulated—provides for the possibility of the birth of new technologies, i.e. new mechanical arrangements for the exercise of engineered mastery and control over the phenomenon. This is as true of ‘political’ technologies like the panopticon prison and the public health apparatus as it is of other technologies, like the steam engine, the cotton gin, or the printing press. Far from a theoretical impossibility or a philosophical mystery, then, purposive organization that arises neither through central planning nor organic evolution is as commonplace as the emergence of new technologies.

In other words, in the case of a political technology, as in the case of any other technology, the identification of an object in knowledge will condition the purposive organization exhibited by the technology in at least three ways. First, the technology will be able to provide mastery over its object, i.e. it will be able to arrange that object for incorporation and deployment, only to the extent that the object is formulated by bodies of knowledge as a phenomenon that is susceptible to intervention and manipulation in various ways, i.e. as susceptible to engineering (Heidegger). Second, the technology will be able to ‘mechanize’ this technique of mastery and control, i.e. to become constituted as an arrangement (a piece of machinery) that applies this technique through regular and orderly mechanisms, only in virtue of the understanding of the causal relations of the object (i.e. in what ways it can and cannot be affected) implicit or explicit in bodies of knowledge about it (Canguilhem). Third, the technology will be able to formulate an organizational scheme for mechanizing this technique of

mastery and control only to the extent that the purpose (i.e. the ‘will’ or the strategy) this organizational scheme is formulated to serve is able to appropriate bodies of knowledge about the object it is targeting that show this object to be susceptible to mechanized techniques of mastery and control that can be put in service of its strategy (Nietzsche). Knowledge in this sense is like a device that puts objects in order for use by power, as if it were like a machine that manufactures items for use by a person who, without the help of this machine, would have no means of fabricating these items for herself—a person who, indeed, has no understanding of the mechanisms that the machine puts into operation in order to carry out these feats of fabrication. In other words, the device we call ‘knowledge’ accounts for the organization in purpose and function exhibited by apparatuses of power to the extent that it fabricates objects, in accordance with no purpose or plan, that come to be used by power—objects that power could not fabricate for itself.

This conception of the relation between knowledge and power is groundbreaking, among other reasons, because of the new *conjunctural* approach to the analysis of the history of knowledge and power that it makes possible, an approach that Foucault puts into practice throughout his genealogical writings. Only in a historical conjuncture in which a *problem* confronting a regime of power is possible to address through the appropriation of *given* bodies of knowledge can a new system for the exercise of power—organized in accordance with a new strategy of policing and governance—come into being. Only in such a conjuncture, in other words, can history witness the birth of an apparatus of mastery and control never seen before.

Part 2: Politics without a Center

Discovering the rules of society best suited to nations would require a superior intelligence that beheld all the passions of men without feeling any of them; who had no affinity with our nature, yet knew it through and through; whose happiness was independent of us, yet who nevertheless was willing to concern itself with ours; finally, who, in the passage of time, procures for himself a distant glory, being able to labor in one age and obtain his reward in another. Gods would be needed to give men laws.

—Jean-Jacques Rousseau, *The Social Contract*

Introduction

In 1976, in the first volume of the *History of Sexuality*, Foucault made a pronouncement that would become a rallying cry for a generation of political philosophers, “In political thought and analysis, we still have not cut off the head of the king” (HS I pp. 88-89). His point, which is perhaps no less provocative today than it was when he first made it, was to suggest that even if monarchy as an institution has been abolished or rendered redundant in many parts of the world, nevertheless contemporary ways of conceiving political order are still indebted to conceptions of the polity that are intimately connected with monarchy.

There is no clearer evidence for this than the continuing importance of the concept of sovereignty in political theory. According to the traditional meaning of this term, a power is only sovereign if it is the highest or *supreme* power within a bounded territory, if it is *indivisible* rather than made up of a collection of dispersed powers that can be separated, and if it is *absolute* in its power rather than limited or checked by another power. The concept has roots in theology, since the defining traits of sovereignty (its supreme, indivisible, absolute character) are also traditional attributes of God. While it is not difficult to see why a conception of political power that rests on an analogy between the rule of God and rule over a polity might be attractive to those who advocate monarchy (a term that derives from the Greek for ‘rule by one’), it is much more difficult to understand why this conception would hold any appeal for those whose political orientations were formed long after monarchy had come to seem a far-off curiosity of history.

My goal in this part of the dissertation will be to articulate a critique that can account for both the enduring appeal and also the disastrous implications of a commitment to sovereign power in political thought and practice. This critique focuses on internal sovereignty—that is, on supreme power from the point of view of its relationship to the polity over which it reigns—

rather than on external sovereignty—which refers to the relationship that exists between two or more powers when each has supreme rule over its own affairs and so neither is ruled by, nor exercises rule over, any other.⁴³ What is objectionable about sovereign power, according to this critique, is that, far from providing the foundation for political order (as its advocates going back to the classical accounts of Jean Bodin and Thomas Hobbes have argued), it in fact represents an effort to foreclose the very possibility for political engagement and action. Sovereign power seeks the foreclosure of politics in the sense that the aim of instituting a power of this kind, according to both classical and contemporary defenses of sovereignty, is to establish a regime with the capacity (that is, with the *power*) to unite every actor within a polity under the rule of a common order. If, following Hannah Arendt, and in the tradition of Aristotle, we conceive politics in terms of the kind of relationship that exists among people when no one is in a position to rule over anyone else—when people, not subject to but in community with one another, stand in relations of equality and freedom—then the profoundly hierarchical and centralized vision of rule that is at the core of the concept of sovereignty cannot represent anything other than the negation of politics itself.

This part of the dissertation will have three chapters. In the first chapter, through engagement with the political theories of Thomas Hobbes and John Locke, I will identify a commitment that I argue plays a central role in justifying sovereign power, a commitment I call ‘the politics of the guarantee.’ I choose Hobbes and Locke for this purpose not only because of their importance to the tradition of political philosophy but also because they each serve as a useful representative case of one of two opposite extremes in the range of possible approaches to conceiving sovereignty. If Hobbes’s conception of sovereign power is almost a perfect

⁴³ For an analysis of the relationship between internal and external sovereignty, see Eckes (2015).

encapsulation of the traditional use of the concept—for Hobbes, the sovereign must be supreme, indivisible, and absolute, a god among human beings, a Leviathan—Locke’s theory of political power calls for this power to be subordinate to the power of the people, divided up among different organs or branches, and limited by the rights of the individual. Some scholars have for this reason even denied that Locke subscribes to a theory of sovereign power at all.⁴⁴ Meanwhile, others consider Locke to be one of the principal historical sources for a liberal or popular theory of sovereignty, in contrast with the absolutist theories of Hobbes, Bodin, and others.

For my purposes, it is unnecessary to settle the question of whether or not Locke commits himself to a form of sovereign power—in fact, it is the very undecidability of this question that makes his work of interest. Why is it the case that, even though there is no dispute that Locke sets himself in opposition to any form of political rule that is supreme, indivisible, and absolute, nevertheless scholars hesitate to say that he abandons sovereign power? The answer, I want to suggest, is that even if Locke rejects many of the traditional attributes of sovereign power, at the same time his theory of state power holds that it should be defined in terms of the very capacities and organized to perform the very functions typically ascribed to sovereignty. These capacities center around the enactment and enforcement of law, and these functions center around the establishment of a polity unified under a common regime. In this sense, Locke’s views might be considered a prime example of how, as Foucault suggests, monarchical thinking has been able to orient the thought of even its apparent adversaries: it is as if Locke’s aim is to preserve all of the features of sovereign power in his conception of political power except for sovereignty itself.

By considering Hobbes and Locke together, my goal in this chapter will be to argue that a characteristic commitment of political thinking preoccupied with sovereignty is the commitment

⁴⁴ See, e.g., Scott (2000).

to seeking out the conditions under which a regime can be founded that is able to unify everyone within it in subjection to a common rule. I will suggest that this commitment is motivated by a political vision that seeks from political power a *guarantee* of order and security that can be set against and used to overcome the risks of violence, struggle, and subjugation that are pervasive in human life. This politics of the guarantee, as I will call it, in its aspiration to order cannot but imply the necessity of a power that is in a position to bring this order into being, and while Hobbes orients his thought around the recognition of this necessity through his theory of sovereignty, Locke's thought is haunted by the absence of the very power that might make the order he imagines possible.

In the second chapter, I will develop a critique of this conception of order and power that draws on the work of Foucault. In the previous chapters of this dissertation, I have argued for a *strategic* conception of apparatuses or '*dispositifs*.' The term 'apparatus' refers to any system that undertakes a strategy for exercising mastery and control over the activities of those subject to it. This means that a political regime, such as the state apparatuses conceived by Hobbes and by Locke, is no less an apparatus in the relevant sense of the term than is an administrative agency tasked with monitoring and regulating public health, criminal activity, or national security. This is because, like any other apparatus, a political regime undertakes a strategy for administering and managing the behaviors of those subject to it—for instance, through the arrangement of mechanisms coordinating the enactment, interpretation, and enforcement of the law.

I will argue, however, that the kind of apparatus that Hobbes and Locke envision in their accounts of the state—the kind of apparatus, indeed, that it is still standard to conceive the state to be—is in an important sense *mythical*. For ease of expression, I will refer to this apparatus as

the juridical state. To say that the juridical state is mythical is to claim that it is impossible for such an apparatus to exist not only as a matter of contingent fact, due to various practical considerations and constraints, but because of the contradictory nature of the aspiration orienting the way it is conceived. This is the aspiration for a mode of power that transcends the very conditions for the exercise of power, a mode of power that stands above and apart from *struggle*. In using the term ‘struggle,’ I mean to capture two fundamental features of relations of power: that they are *strategic*, and that they in principle can always become *oppositional*. For someone to be subject to an apparatus is not for her behaviors to be totally determined in a mechanistic way by it, as if she were devoid of spontaneity and agency, but for the apparatus to mobilize a *strategy* for guiding and directing her behaviors, a strategy which she could frustrate not only by acting in unexpected or recalcitrant ways that are contrary to its designs, but also by making a concerted effort to *oppose* it.

However, the juridical state is imagined to be an apparatus with the ability to institute an ultimate boundary or limit on struggle. The state is ‘juridical’ according to this conception in the sense that the means by which it is supposed to accomplish this feat, and to distinguish itself from other apparatuses, is by ruling only in and through the law. ‘The rule of law’ is for this reason not merely a normative ideal or a hackneyed slogan, but a model of power that is held to set the rule of the state apart from all other kinds of rule. The law, in contrast with other forms of power and rule, is believed to be capable of putting a limit on struggle because of its *general* character: in principle, the power of the law can be mobilized not merely in accordance with the individual *decisions* or *strategies* of those who are in a position to impose their will, but instead in service of a systematic order (*nomos*) that is neutral with respect to all disputes and conflicts,

since it is grounded in generic principles for articulating the boundary between the lawful and the unlawful.

But this raises a question that represents the ultimate impasse or aporia of the politics of the guarantee: how can this power of the law (which is constituted and wielded through the state apparatus) be made to serve the ideal of the *nomos* alone rather than devolving into yet another disguise for the decisionistic assertion of will? The only possible answer to this question is sovereignty. Only if the power of the law is supremely indifferent to struggle, only if it is not possible to divide against itself, only if it cannot be checked or appropriated by another will can it reign over every dispute and struggle in total immunity to their influence, faithful to a higher calling and a higher order, god-like in both its purity and its power. Through Foucault's critique of the so-called 'neutrality' of juridical power, I will argue that commitment to sovereignty is grounded in the aspiration to effect a separation between power and struggle that is impossible to achieve. This proves impossible because struggle is essentially *pervasive* in the sense that it resists every attempt to confine and contain it.

In the concluding chapter, I will argue for a *strategic* conception of politics that stands in stark contrast with the institutionalist and proceduralist vision of political action and engagement that is implied by the politics of the guarantee. Once we have abandoned the myth of the juridical state—which is held to put a limit on struggle, in part, by mediating conflict through institutional and procedural channels (such as elections and political parties) that are sanctioned by and subordinated to it—there is no longer any justification for limiting political action to the spheres of interaction (so-called 'civil society')⁴⁵ in which it can both reinforce and defer to the supremacy or sovereignty of the juridical state. Instead, I propose, following Arendt, that politics

⁴⁵ See, e.g., Arato and Cohen (1992).

ought to be understood in terms of the enactment of a relation of equality and freedom—a relation in which people are equal and free not because they are *guaranteed* equal standing in subjection to a common supreme rule (call this ‘equality-in-subjection’), but because no one is subject to the control or rule of anyone else (call this ‘equality-in-freedom’). Since this equality-in-freedom represents a radical horizontalism, in which no one stands above anyone else, it is not possible for it to be institutionalized, only *enacted*, in ways that are necessarily fleeting and impermanent. In other words, this kind of equality can never be *guaranteed*, which means that it stands in need of constant renewal.

Such an enactment of equality occurs when someone who is subject to the regulation and influence of an apparatus (who, in other words, is in a condition of subjection) takes up a recalcitrant and oppositional orientation toward the strategy that is mobilized to control her. In this sense, political action consists in the momentary overthrow of inequality and subjection through the enactment of struggle. It follows from this that, in the terms of Jacques Rancière, there can be no politics without police—i.e., that subjection to the policing of an apparatus is what gives occasion for political action. It follows, as well, that political action by its very nature cannot be channeled or institutionalized, that it cannot be restricted to certain spheres such as civil society in contrast with other spheres like the workplace or the household, since the enactment of equality-in-freedom is precisely the refusal of such limits and boundaries. It follows, finally, that it would only be to repeat the mistake of the politics of the guarantee, except in reverse, to oppose the aspiration for the guarantee of total order in the name of an aspiration for the freedom of total disorder. (A Hegelian might accuse someone who made this mistake of a merely ‘abstract negation.’) If the purpose of struggle is not just to oppose power but to take and to use it—if struggle is not done for its own sake, as if it were an end in itself, but for the sake of

other ends that it makes possible—then political action and engagement only reaches its fulfillment once it becomes its opposite: once the radical possibility of opposition gives way to the dreadful responsibility of policing.

Chapter 5: The Politics of the Guarantee

5.1 Introduction

In this chapter, my aim will be to uncover a commitment that I argue plays a central role in motivating the attachment to sovereign power in both political thought and practice. This is the commitment to a vision of politics in which there is a power (the juridical state) that can *guarantee* security and protection from the precarity caused by a condition of struggle, a power that can put a final limit or boundary on struggle itself. I will seek to explore what concerns motivate this commitment as well as how this commitment, in turn, comes to serve as the basis for an attachment to sovereign power through engagement with the conceptions of the state defended by Hobbes and by Locke.

For Hobbes and for Locke, as for political and legal theorists today who are inheritors of the intellectual tradition they helped inaugurate, the state is essential to the possibility of sovereign power, since the state is conceived as a regime or apparatus that is of special importance for political theory precisely because it is fit to serve as the bearer of sovereignty. To avoid confusion, it is important to say at the outset that I will be using the term ‘state’ to refer to the regime or apparatus that is conceived as the locus of certain characteristic juridical functions, such as the functions that were taxonomized by Montesquieu under the headings of the executive, the legislative, and the judicial. Meanwhile, I will use the term ‘polity’ to refer to the kind of community that exists among those who relate to one another in a ‘political’ way, as opposed to, e.g., an economic, familial, or bureaucratic way (though, of course, this definition is only an empty placeholder until the meaning of ‘political relations’ has been made determinate). In my usage, then, the term ‘polity’ captures what Hobbes and Locke mean to reference with such terms as ‘commonwealth,’ ‘political society,’ ‘civil society,’ and ‘the body politic.’ One of

the claims that stands at the heart of the political theories of Hobbes and Locke—that, indeed, is a defining claim of the politics of the guarantee more generally—is that *there cannot be a polity without a state*. In this sense, the establishment of a state apparatus is a transformative moment, since it represents the founding of a political community where before there was none.

This point is important because it suggests an interpretative approach for uncovering the motivations for the commitment to sovereignty. If we look in the thought of Hobbes and Locke toward the motivations they present for giving up the state of nature in order to take up membership in a polity, we can discover the very motivations that drive them toward a state apparatus that can exist only as and through the mythical power of sovereignty, since it is precisely in order to imagine a means for founding the polity that they construct their visions of the sovereign juridical state. Put differently, I would suggest that through their quasi-mythical accounts of the transition from the state of nature to the state of the polity, from ‘merely natural’ life to civil or political life, Hobbes and Locke both dramatize the aspirations that can find their fulfillment only in sovereign power, and it is this ‘dramatic’ aspect of their writings that makes them especially useful for bringing these aspirations to light.⁴⁶

5.2 Hobbes on the State of War

I will begin my analysis, then, by considering what Hobbes argues are the motivations that drive people to enter into political community with one another. His answer to this question depends on his famous argument that whenever people are not in political community they are

⁴⁶ For a reading of Locke that unpacks the role that the narrative of dramatic transition from state of nature to social contract plays in his thought, see Waldron (1989).

necessarily *at war* with one another. The motivation for founding a polity, then, is to bring an end to the state of war that is otherwise inescapable.

But what does Hobbes mean in describing the relations between people outside of a polity as a ‘war,’ and what is it about the polity that makes it the only possible means of putting a stop to this state of war? In order to answer these questions, it is important to keep in mind that Hobbes does not use the term ‘war’ in a loose or suggestive sense, merely to conjure up images of violence and brutality, but instead provides a technical definition for it. According to Hobbes:

WAR consists not in battle only, or the act of fighting; but in a tract of time wherein the will to contend by battle is sufficiently known: and therefore the notion of *time* is to be considered in the nature of war; as it is in the nature of weather. For as the nature of foul weather lies not in a shower or two of rain; but in an inclination thereto of many days together: So the nature of war consists not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE. (pp. 101-102)

Hobbes is explicit, then, that war must not be confused with violent clashes such as military battles. Just as two nations can continue to be at war with one another even if there is a pause in their fighting because they have agreed to a ceasefire, or because both sides have decided to disengage in order to rest and resupply, war is more generally conceived by Hobbes as a relationship between actors that is not reducible to the violent clashes that are caused by it.

Unlike outbreaks of violence, a relationship of war can persist even when there are no outward manifestations of it, since it consists in a *disposition* for actors to behave in a certain way toward one another, not just in the fleeting moments when this disposition happens to give rise to such behaviors. In this sense it is possible to speak of a ‘time of war’ in the same way that you might speak of a time of crisis or a period of convalescence—that is, as a way of capturing the tendency underlying and orienting a state of affairs during a moment in time.

In arguing that those outside of political community are in an ongoing state of war with one another, then, Hobbes does not mean to suggest that actors in this position will be enacting violence on one another in a more or less constant way, with little interruption or reprieve. In fact, it is consistent with what he says to imagine a war that rarely if ever erupts into violence (indeed, this is a common enough occurrence according to Hobbes's view of international relations, since such relations are under all circumstances by their very nature relations of war, even when completely nonviolent (see, e.g., p. 103)). To be at war is instead to be *disposed* toward conflict and struggle, to have a "will to contend by battle"—regardless of whether and in what ways this will comes to be expressed. This point is important because it means that the state of war cannot be brought to an end unless the conditions that dispose actors to behave in this way, the conditions that give rise to the tendency toward conflict and struggle, have themselves been eliminated. The end of war requires the absence not just of struggle but *of the very disposition to struggle*.

But how could this ever be accomplished? While it is perhaps possible for actors to bring their overt fighting and clashing to a halt, it is not in their power to undo the conditions that dispose them to conflict and struggle. This is because this disposition has its source not in the individual choices of the actors but in what might be described as the *strategic* character of the relationship between them. People are disposed toward struggle, according to Hobbes, not only because they have interests and 'passions' that have a tendency to drive them into conflict with one another (such as the need for scarce resources, or the desire for 'glory'), but also because in their relationships to one another *there is no alternative to struggle except for subjection*. At the same time, even subjection fails to bring about a resolution to struggle *to the extent that it is not total*.

But why should this be the case? By ‘subjection,’ I mean a condition in which an actor is at the disposal of (i.e. is ‘subject to’) a will that is not its own. It is obvious, then, that one possible outcome of any conflict is subjection in this sense of the term, since this kind of relationship arises by definition whenever a contest between opposite wills is brought to a close because one side has been made to submit to the other. But the question remains: why, according to Hobbes, is this not merely *one* possible outcome of a struggle but the *only* possible outcome, if the struggle is to come to an end at all? Hobbes argues that if there were another possible outcome, it would have to consist in one or both sides renouncing its claim, its ‘right,’ to whatever is the cause of the dispute. One or both sides, in other words, would have to cease to will whatever it is that is driving them into conflict with one another. However, if one side were to renounce its claim and not receive anything in return, then this could only be understood as yet another resolution by means of subjection, since in such a circumstance the one side is quite literally forgoing its own will in order to give reign to the will of the other side. Or, to put this point in the language of Hobbes, it is not possible to ‘renounce’ a claim if nothing is gotten in return, as opposed to having the claim denied or violated by someone else, since otherwise there is no way to conceive this as a voluntary act:

Whensoever a man transfers his right or renounces it; it is either in consideration of some right reciprocally transferred to himself; or for some other good he hopes for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some *good to himself*. And therefore there be some rights which no man can be understood by any words or other signs to have abandoned or transferred. (p. 107)

5.3 Good Faith

From these considerations it follows that if there were to be a way of bringing a struggle to a conclusion other than subjection, then this conclusion would have to take the form of what Hobbes calls a ‘covenant.’ A covenant is like any other contract in the sense that it involves two

or more parties agreeing to give up a claim to something in return for a claim to something else. However, a covenant is unique from other contracts because it is an agreement that cannot be fulfilled immediately but only through cooperation over a period of time, which means its fulfillment depends on the ‘good faith’ of those who enter into the agreement. In Hobbes’s words:

There is a difference between transferring of right to the thing; and transferring, or tradition, that is, delivery of the thing itself. For the thing may be delivered together with the translation of the right; as in buying and selling with ready money; or exchange of goods, or lands; and it may be delivered some time after.

Again, one of the contractors may deliver the thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the meantime be trusted; and then the contract on his part is called PACT or COVENANT: Or both parts may contract now, to perform hereafter: in which cases he that is to perform in time to come being trusted, his performance is called *keeping of promise*, or faith; and the failing of performance (if it be voluntary) *violation of faith*. (pp. 107-108)

But Hobbes argues that it is not possible for those in conflict with one another to enter into a covenant in good faith in the state of nature—which means it is not possible to form a covenant *at all*, since a covenant that is not in good faith is “but words” (that is, empty and without effect) in the sense that by definition it in no way transforms the wills of those who make it (p. 133). In other words, it is not the mere semblance of an agreement in words or in writing, but *the will to keep it to its terms*, that accounts for why a covenant is in principle able to bring an end to the disposition to conflict and struggle. Such a will is what is meant by the term ‘good faith.’

But here is the crucial point: in the absence of a *guarantee* that the other side is in good faith as well, acting in good faith can only represent still yet another form of subjection, since for one side to uphold its end of an agreement without any assurance that the other will uphold its end is for the former to be quite literally *at the mercy* of the latter. The side that acts in good faith without any way of assuring the good faith of its adversary, perhaps in a spirit of trust and optimism, nevertheless puts itself at the disposal of the will of the other, or, in Hobbes’s words,

“he which performs first does but betray himself to his enemy” (p. 111). In this sense, the precarity and vulnerability that is implied by relations grounded in trust alone—relations that are not rooted in a guarantee—represents a kind of subjection, in the same way that rule by a despot is a kind of subjection no matter how benevolent, how magnanimous, how ‘trustworthy’ the despot may be.

It is in this sense that the strategic character of the relationship between actors in the state of nature makes the resolution of struggle by any other means than subjection impossible, since a genuine covenant—in which there is good faith that is truly mutual rather than one side, in a spirit of trust, having to put itself at the mercy and render itself subject to the discretion of the other side—is possible only if there is an independent way of *guaranteeing* that each side will abide by the terms of the arrangement.

Moreover, as I suggested before, even subjection to the extent that it is not total and absolute fails to bring an end to the disposition to conflict and struggle, to the state of ‘war.’ For subjection to be ‘total’ would mean for an actor to have no ability to act in a way contrary to a will that is not its own, for it to cease even to be an ‘actor’ in any meaningful sense. If the subjection that supposedly resolves a conflict is only partial, by contrast, then this subjection may draw to a close a discrete dispute (such as over a certain tract of land) but there is no reason to think that it brings to an end the disposition to struggle and conflict itself—the *war*, as opposed to the *battle*.

5.4 Equality-in-Freedom

From these considerations, it follows that if it is in fact the case that struggle, that war, cannot be eliminated in the state of nature, this must mean that every kind of subjection

achievable outside of political community is only ever partial, and thus never up to the task of overcoming struggle altogether. This is in part the significance of Hobbes's claim that human beings are naturally equal. While in more recent political discourse, equality only tends to be asserted in a normative or moral sense—that is, in order to propose that people *ought to be* regarded as of equal worth and accorded equal standing with one another—Hobbes argues that the equal *abilities* and *capacities* of people *as a matter of fact* holds political significance as well (indeed, to the extent that he commits himself to equality of standing, he derives this from the assumption that people are equal in ability (see, e.g., p. 123)). That people are in an important sense equal in ability is significant precisely because it implies that no person will ever be in a position—will ever have the ability, the *power*—to foreclose the possibility of struggle by holding those who might otherwise become her adversaries and enemies in total subjection to her wishes:

Nature has made men so equal in the faculties of body and mind: as that though there be found one man sometimes manifestly stronger in body and quicker in mind than another; yet when all is reckoned together, the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For as to strength of body, the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself. (p. 99)

In other words, according to Hobbes, no one is in a position to lay claim to something while excluding the claims of others to it—*not* in the sense that this would be unfair or unjust given a normative commitment to the equal standing of all human beings (Hobbes is very clear that “nothing can be unjust” in the state of nature, since “[t]he notions of right and wrong, just and unjust have there no place” (p. 103))—but rather in the sense that everyone is too equal in ability and power to everyone else to secure such a claim against the possibility of challenges. Equality for Hobbes is not a moral ideal but a relationship of power in which no one is in a

position to impose his will on anyone else in such a total way that he can overcome the possibility, that he can nullify the *freedom*, of others to oppose him. Such equality-in-freedom (as I propose to call it) therefore implies an ineliminable precarity and vulnerability in one's relations to others:

From this equality of ability arises equality of hope in the attaining of our ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end...endeavor to destroy and subdue one another. (p. 100)

If by contrast there were no such 'equality of hope' among potential adversaries, if people knew in advance of a struggle that they could have no hope or chance at all of victory—if, in short, people understood themselves to stand in a radically *unequal* relation to some power—then they could be brought under a subjection total enough to take away the very disposition to struggle. The only solution, then, to the vulnerability to struggle that is implied by relative equality is the guarantee against struggle that is made possible by total inequality, i.e. by a power that is supreme, indivisible, absolute: a power that is *sovereign*. Such inequality, therefore, is what the polity must offer if it is to provide refuge against the state of war.

5.5 Transition to Locke

I have shown, then, that the commitment motivating the foundation of the polity, according to Hobbes, is the aspiration to escape the potential for struggle and conflict that is inevitable in a condition of equality. This *potential* for struggle, rather than the overt acts of violence and brutality that are possible manifestations of it, is what Hobbes means to capture when referring to a 'state of war.' Two conditions must be met in order for the potential for struggle to be overcome (and, therefore, these conditions are what a polity must provide if it is to meet its fundamental aspiration): First, there must exist a power that is *independent* from every

possible conflict and that, therefore, can provide a basis for the resolution of opposing claims through agreements and covenants rather than through struggle. Second, there must exist a power that is *absolute* or *total* in its rule over every other power and that, therefore, is not vulnerable to challenge or question. The kind of power meeting these two conditions is what is meant by the term ‘sovereignty’: a power that reigns apart from and above every other, supreme. The institution of the state, then, represents the founding of the polity in the sense that the state, as the bearer of sovereign power within a bounded territory, is the only means of providing a *guarantee* against the otherwise inescapable potential for conflict and struggle. The state, by uniting everyone within a polity in subjection to its rule, i.e, by rendering everyone equal-in-subjection, forecloses the potential for struggle that is a fundamental aspect of the strategic relationship of everyone who is instead equal-in-freedom.

This analysis of Hobbes raises two questions that are of fundamental importance for my investigation into the motivations that animate the attachment to sovereignty: First, does the mobilization of sovereign power as a way of eradicating the very potential for struggle represent a tactic (both at the level of practice and at the level of thought) that is in an important sense unique to Hobbes, or is this tactic characteristic of the attachment to sovereign power in general? Second, is the institution of sovereign power, even by the lights of its advocates, really capable of bringing an end to the potential for struggle, or is there an important sense in which the position that the bearer of sovereign power is meant to occupy is by its nature impossible, indeed altogether mythical? I have already suggested what my answers to these two questions are: that this tactic *is* more general, and that the position it ascribes to the sovereign *is* mythical. More generally, I mean to argue that the use of sovereign power as a solution to struggle is central to a more general political vision that I call ‘the politics of the guarantee’ which is oriented by an

aspiration that could be satisfied only through a form of power that is mythical. I will make the case for this claim in this section by turning to the writings of Locke.

It might seem at first glance surprising to attribute to Locke the politics of the guarantee as I have defined it by engaging with Hobbes. Locke, for example, explicitly argues that war and struggle are by no means inevitable among those who are not in political community with one another (p. 270). He also opposes any form of “absolute power” such as the form of sovereign power that Hobbes argues is the only kind capable of providing a guarantee against the possibility of war and struggle (p. 272). Why, then, should we think that the aspiration for a guarantee against struggle in an important sense orients Locke’s political thought, and why should we think that this aspiration drives him toward an attachment to sovereign power even in the face of his thoroughgoing opposition to absolutism? In what sense, more generally, do juridical conceptions of the state take orientation from the problem of struggle?

5.6 The Founding of the Polity

It is possible to begin to answer these questions by considering what motivations Locke provides for the founding of the polity, as well as why Locke holds that a polity is possible only in and through a state apparatus. If, according to Locke, the state of nature is not characterized by a pervasive tendency toward conflict and struggle, then why leave it behind for life in the polity at all? Locke’s answer, like Hobbes’s, rests on an aspiration to overcome the vulnerability and precarity implied by the risk of struggle.

In Locke’s telling, people outside of political community are capable of avoiding war and enmity with one another to the extent that they apprehend and follow the natural law. Because the dictates of the natural law (such as that no one has a right to harm anyone else unless her own

self-preservation is at stake) are accessible through the use of reason, and because every person is endowed with the capacity to use reason, the ability to avoid the temptation to conflict and struggle in deference to the natural law is universal to all people:

The state of nature has a law of nature to govern it, which obliges everyone. And reason, which is that law, teaches all mankind who will but consult it that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions. (p. 264)

However, even if “[m]en living together according to reason” is a *possibility* outside of political community, this is by no means to suggest that there will never be incidents in which people go against reason by acting in ways contrary to the natural law (p. 270). For people to have the *ability* to obey the natural law, in other words, is not the same as for them to be *perfect* in their obedience to it. And it is the danger of such violations—the risk, arising from human imperfection, that the rights conferred by the natural law will be infringed—that motivates the foundation of the polity, according to Locke.

In order to provide security and protection against such violations, Locke argues that there must exist a means of putting *force* behind the law. In his words, “[T]he law of nature would, as all other laws that concern men in this world, be in vain, if there were nobody that in the state of nature had a power to execute that law” (p. 264). However, in the state of nature, by definition there exists no organized or centralized means of putting the law into force, which means that to the extent that the law has any force behind it at all, this force derives from the *vigilante justice* of those who appoint themselves as its executors: “the execution of the law of nature is in that state put into every man’s hands” (p. 264). It is, then, the limitations of vigilante justice as a means of guaranteeing security and protection of rights in the face of the risk of their violation that provides the ultimate justification for the institution of the polity under the rule of the state.

5.7 Vigilante Justice

Perhaps the most important reason why vigilante justice is inadequate for providing a guarantee against the violation of rights, according to Locke, is that this means for putting the law into force is unable to set itself apart from, and so to serve as a limit to, conflict and struggle. Locke considers, for instance, what would happen if a conflict were to arise in the state of nature because someone's rights had been violated. In principle, it would be possible for this conflict, like any other conflict in which a principle of right is at stake, to be resolved in accordance with reason through a rectification of the injustice. However, there is a risk that in practice this will be unlikely if not altogether impossible, since there will be no one outside of or unrelated to the conflict who is in a position to bring about this kind of resolution, and those who are involved in the conflict will be *disposed* to seek their own advantage rather than what is fair and just.

Locke, anticipating that this concern will be presented as an objection to the very idea of vigilante justice, writes:

To this strange doctrine, viz. that in the state of nature everyone has the executive power of the law of nature, I doubt not but it will be objected that it is unreasonable for men to be judges in their own cases, that self-love will make men partial to themselves and their friends. And, on the other side, that ill-nature, passion, and revenge will carry them too far in punishing others. And hence nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men. I easily grant that civil government is the proper remedy for the inconveniences of the state of nature, which must certainly be great where men may be judges in their own case, since 'tis easily to be imagined that he who was so unjust as to do his brother an injury will scarce be so just as to condemn himself for it. (p. 267)

Because, in other words, vigilante justice by its very nature makes everyone the arbiter of justice, it provides no means for arbitrating a dispute about what would and what would not constitute a just resolution to a conflict other than the judgments of those involved in it. But to be involved in a conflict is to be at risk of seeking not what is fair and what is just but what serves one side of

the conflict at the expense of the other. In a word, it is to be *partial*. The inevitable “partiality” of those seeking justice in the state of nature, then, in part accounts for why there can be no way of providing a guarantee against injustice in this state: whoever might seek justice when a conflict arises is always at risk of—is always disposed to—seeking her own advantage in the conflict instead.

Vigilante justice is also incapable of brokering terms of peace between actors that are at war, each seeking the destruction of the other, since the vigilante has no power to bring about a just outcome in such a situation other than through “an appeal to heaven,” that is, by waging war itself with the hope that the justice of its cause will make it favored by God (p. 271). Vigilantism is incapable of guaranteeing the protection of rights, in other words, because of the *radical horizontalism* of its vision of the means of achieving justice. Since in the state of nature there exists no power, outside of and above every conflict, that can resolve each dispute in accordance with the demands of justice—since, in other words, everyone is in a “state of perfect equality” or equality-in-freedom (p. 264)—there is no way of bringing justice into being other than for those who take up the cause of justice to struggle against and overcome the resistance of those who oppose it. But this means of achieving justice can never be certain or secure, since it always depends on whether enough people, with enough power, happen to come together to struggle on its behalf.

5.8 The Myth of the Sovereign

I have shown that, in spite of their many disagreements, the political theories of Hobbes and Locke converge on a crucial point: that the *raison d’etre* for political community is to

provide security against the precarity and vulnerability that exists when there is no means for setting a limit to conflict and struggle. In Hobbes's formulation,

The final cause, end, or design of men...in the introduction of that restraint upon themselves (in which we see them live in commonwealths) is the foresight of their preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent...to the natural passions of men, when there is no visible power to keep them in awe. (p. 133)

Because Locke conceives this precarity not in terms of the inevitability of war, but instead in terms of the vulnerability to the violation of rights, he formulates this same commitment in this way:

If man in the state of nature be so free as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to nobody, why will he part with his freedom? Why will he give up this empire, and subject himself to the dominion and control of any other power? To which 'tis obvious to answer that, though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, and constantly exposed to the invasion of others. For all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers. (pp. 324-325)

Terms such as *security*, *safety*, *certainty*, and *protection* are the watchwords of what I am calling the politics of the guarantee. This politics seeks a remedy to the risks and dangers, the vulnerability and precarity that are ineliminable and inescapable, that indeed are constitutive of a condition of equality-in-freedom. This precarity has its roots in the boundless and limitless potential for struggle among those who are equal-in-freedom. A condition in which everyone is equal with everyone else—not in 'status' or 'worth' but in *power*—is by definition a condition in which each person is free from control by and subjection to another. In this sense of the term—and in contrast with the influential arguments of Isaiah Berlin and others—equality not only fails to be in contradiction with freedom but, in fact, equality *can only exist in and through freedom*, and vice versa. Arendt captures this concept of equality succinctly in her analysis of the ancient

Greek conception of this notion: “Equality...was the very essence of freedom: to be free meant to be free from the inequality present in rulership and to move in a sphere where neither rule nor being ruled existed” (HC pp. 32-33). But for there to be equality-in-freedom in this sense is for everyone to be in a position to (for everyone to be *free* to) contend with and oppose everyone else. It is for there to be no power, above every other, that is removed from every conflict and from every challenge (that, in Hobbes’s apt phrase, holds others ‘in awe’), and that might therefore serve as an ultimate limit or boundary to the potential for struggle through its own imperviousness to opposition, through its own perfect inequality in relation to and total subjection of all others. It is the aspiration for a power of this kind, which might bring an end to the precarity and risk of equality-in-freedom through the institution of a condition of equality-in-subjection, that goes by the name ‘sovereignty.’

These, then, represent the broad commitments which define the politics of the guarantee, which stand at the core of the political visions of Hobbes and Locke, and which, I argue, drive attachment to sovereign power more generally. But even if this account of the *raison d’etre* for sovereign power is compelling, questions still remain about the role of sovereign power in the politics of the guarantee. Perhaps the most important of these questions, which it will be the task of this section to address, concerns what form power would have to take in order to be in a position to provide such a guarantee, and, indeed, whether a form of power capable of making such a guarantee is even possible. This question asks about the conditions under which a power can be insulated from, and therefore in a position to serve as a limit to, all struggle and conflict, and it draws our attention toward theories of the juridical state which conceive the state as an apparatus that is distinguished precisely by its ability to wield sovereign power in this sense.

My strategy for pursuing this question will be to reveal the impasses that arise when attempting to conceive of such an apparatus by exploring the contradictory approaches taken by Hobbes and Locke. While Locke exposes why an absolutist state of the kind Hobbes endorses is not able to provide a guarantee against struggle and conflict, Hobbes exposes why a state based on the principle of the separation of powers of the kind Locke endorses is not able to provide such a guarantee either. The failure of every theory of the juridical state to imagine how an apparatus can exercise rule while remaining impervious to conflict and struggle itself suggests that, in search of a guarantee in a realm defined by risk and uncertainty, these theories seek to envision an apparatus that, in the last analysis, can only be mythical. And ‘sovereignty’ is the concept, the specter, that stands at the center of this myth.

Hobbes’s approach to conceiving a power of this kind is encapsulated by his notion of the Leviathan. The Leviathan is quite literally godly—even though it is only a “mortal” (p. 137) and “artificial” (p. 9) god—in the sense that it maintains all others in a condition of total subjection in much the manner that all of God’s creation is subject to his rule. Hobbes’s approach to imagining a power capable of providing a guarantee against struggle, in other words, is *absolutism*. For a power to be absolute is for it to be checked or limited by no other power—it is for its will to be obeyed, under all conditions, without opposition or resistance. Hobbes argues that such a power is necessary to provide a guarantee against struggle because absolute and total subjection to the same power is the only way to *unify* those who might otherwise struggle against one another. Hobbes points out that even if a “multitude” that was in principle large and powerful enough to resist any potential adversary were to band together to provide for each member’s protection and security, if that multitude were not unified in subjection to a single will then it would always be at risk of succumbing to the disputes and conflicts that arise from the various divergent wills of

those who make it up—disputes and conflicts that would in turn undermine its ability to guarantee protection from those outside of and even from those among the multitude (p. 134). He writes of such a multitude:

[Y]et if their actions be directed according to their particular judgments and particular appetites, they can expect thereby no defense, no protection, neither against a common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help, but hinder one another; and reduce their strength by mutual opposition to nothing: whereby they are easily, not only subdued by a very few that agree together; but also when there is no common enemy, they make war upon each other for their particular interests. (p. 134)

It is, in other words, the radically *vertical* relationship that absolutism makes possible, a relationship in which the power that is on top commands perfect obedience from everyone beneath it, that accounts for its ability to provide a guarantee against struggle. Only this kind of verticality—in which no one can exercise a will that is contrary to the will, that goes against the command, of the power on top—can ensure that a divergence in wills will not emerge and escalate into struggle. For this reason, Hobbes conceives of the institution of sovereign power not only in terms of, e.g., the empowerment of a certain body to carry out the classical functions of the juridical state (such as making laws, negotiating treaties, and adjudicating controversies), but also in terms of the total identification of the wills of those within the polity with the will of the sovereign. Only this act of authorization, which authorizes the sovereign to act on behalf of everyone within the polity *as if its will were their own*, can assure the total unity of will that is the only defense against the risk of struggle implied by any multiplicity or plurality of wills:

The only way to erect such a common power as may be able to defend them from the invasion of foreigners and the injuries of one another...is to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and everyone to own and acknowledge himself to be the author of whatsoever he that so bears their person shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their

wills, every one to his will, and their judgements to his judgement. This is more than consent or concord; it is a real unity of them all in one and the same person. (p. 136)

Hobbes's approach to conceiving a power capable of providing a guarantee against struggle, then, rests on the argument that the potential for struggle can be overcome *only through the total unity that is possible through total subjection*. An important point that follows from this approach is that the capacities which make such absolutist sovereign rule possible, whatever they might be (e.g. the capacities to make and interpret laws, to command the military, etc.), cannot be divided among multiple entities or bodies, since these entities would themselves have distinct, and therefore potentially opposing, wills. Hobbes suggests for this reason that "the rights which make the essence of sovereignty" are "incommunicable and inseparable" (p. 144). He writes:

[I]f we consider any one of said rights, we shall presently see that the holding of all the rest will produce no effect in the conservation of peace and justice, the end for which all commonwealths are instituted. And this division is it whereof it is said, *a kingdom divided in itself cannot stand*: for unless division precede, division into opposite armies can never happen. (p. 144)

Even if these powers were not divided but merely 'communicated'—that is, even if a power such as the power to command the military were put at the discretion of a body other than the sovereign at the behest of the sovereign itself—this would still compromise the ability of the supposedly sovereign power to guarantee unity since it would empower a will distinct from its own in the performance of a function of fundamental importance to security and safety, a will which therefore has the potential to be in conflict with its. Only in a circumstance in which, by contrast, not only in fact but even *in potentia* there is no will in opposition to the sovereign's is there no risk of struggle.

This point about why Hobbes considers the powers that are constitutive of sovereignty to be incommunicable helps to explain why *the law* occupies such a central role in theories of sovereignty more generally. If the sovereign, by communicating its powers or delegating its

responsibilities to others, can only compromise its sovereignty, then by contrast it can only preserve its sovereignty by devising a way of exercising rule over an entire polity other than to task others with rule over various spheres or domains. If the sovereign were to aim to exercise such rule by means only of *individual decisions* issued in response to each issue of concern, it would have no hope of encompassing the infinite aspects and dimensions of the polity within its rule. But if, by contrast, the sovereign issues not only decisions but *laws*, which provide not just a directive for an individual case but a rule that is general in scope, then the sovereign has a means for organizing not just individual matters that come to its attention but the political order in general in accordance with its will. The state, then, is ‘juridical’ according to conceptions of it that understand it as the bearer of sovereign power because only by exercising its rule in and through the law is it able to achieve a form of rule that encompasses an entire polity within a unified order, in subjection to a unified will.

But, of course, there is an obvious problem with the idea that absolute rule represents the end of struggle, which was perhaps most famously voiced by Locke. Locke asks why those who are subject to absolute rule would not themselves struggle against it—why, indeed, since total subjection to the will of another represents the worst possible outcome of a struggle, the equivalent of total and perfect defeat, would they not consider such subjection in itself an incitement to struggle? Locke’s way of making this point is to argue that laying claim to absolute rule, in and of itself, constitutes an act of war, since such a claim by its very nature represents a threat that the power making it will acknowledge no boundaries in the exercise of its rule, that it will dispose of those subject to its rule however it wills, even when its will is to put at risk and in jeopardy fundamental rights such as the right to life itself. As Locke writes:

[H]e who attempts to get another man into his absolute power does thereby put himself into a state of war with him, it being to be understood as a declaration of a design upon

his life. For I have reason to conclude that he who would get me into his power without my consent would use me as he pleased when he got me there, and destroy me too when he had a fancy to it; for nobody can desire to have me in his absolute power, unless it be to compel me by force to that which is against the right of my freedom, i.e. make me a slave. (p. 269)

It seems that Hobbes has no way to respond to this concern except to argue that a struggle against the absolute sovereign is an impossibility—not as a matter of fact but by definition. This is true because such an uprising can mean only that the entity claiming sovereign power was not actually in a position of absolute rule at all—that the polity had not, totally and utterly, put their wills in subjection to its will, authorizing it to act on their behalf—if anyone should have the potential to emerge in opposition to it. But this response appears to resolve the problem only by ruling it out through definitional fiat. If we define absolute rule as a form of rule in which no opposition is possible, then of course whenever opposition rises up against some regime this can never show that absolute rule is incapable of altogether eliminating the potential for struggle and opposition, but only that the rule of the regime in question was not absolute in the first place. The notion of ‘absolute rule,’ then, comes to seem less like a political proposal for resolving the problem of struggle and more like a mythical ideal that imagines struggle out of existence: if only unity in subjection to one will were so total and perfect that *there were no more differences* in will anymore, then conflict could no longer arise, not even potentially.

This kind of empty, mythical thinking is arguably in evidence in a passing comment that Hobbes makes about the English Civil War. He suggests that if it were not for the doctrine of the division of powers, the war could not have happened: “If there had not first been an opinion received of the greatest part of *England* that these powers were divided between the King, and the Lords, and the House of Commons, the people had never been divided and fallen into this civil war” (p. 144). Perhaps a somewhat uncharitable interpretation of this claim, but one that I

think is nevertheless apt and revealing, is that the reasoning behind it reduces to a kind of circularity: if division into factions were not possible, then division into factions could not occur. If there were such total unity of will that no one's will could be in opposition to anyone else's, then no one's will could be in opposition to anyone else's. A guarantee against struggle is discovered not through a practical political proposal but only by positing the possibility for struggle out of existence, through the invocation of the mythical power to achieve total and perfect unification represented by sovereignty.

By contrast Locke, in rejecting absolutism for the reasons already mentioned, instead proposes a conception of sovereign power in which its rule is limited in various ways. These limitations include the separation of the powers of sovereignty among distinct branches, which are therefore in a position to check one another, and the requirement that sovereign power never be used to infringe the rights that it was instituted to protect. But Locke has no answer to the question that preoccupies Hobbes and that drives him to an absolutist conception of sovereignty, which is why we should not expect this so-called 'sovereign' apparatus, dispersed among distinct bodies and limited in its reach, to ever become a site of struggle itself. Why, for example, is it not possible for the executive and the judiciary, since they are by design distinct entities with the potential to come under the direction of opposing wills, to be brought into a struggle with one another that compromises their position as the neutral mediators and arbiters over all struggles within the polity? The term 'constitutional crisis' is typically used to capture such a turn of events, and so this broadly Hobbesian objection could be rephrased in the following way: a divided and limited sovereignty, precisely because it is divided and limited, can never rule out the potential for a constitutional crisis, which means that it can never rule out the possibility that the conflict and struggle the state was instituted to limit and check should merely emerge,

unchecked and unlimited, within the state itself. This is, of course, only an objection to such a conception of sovereignty if the purpose of sovereign power is to provide a *guarantee* that struggle and conflict will be contained within certain limits. But if it is the politics of the guarantee that animates the attachment to sovereign power, then a divided sovereign power seems completely inadequate to its founding task, which is not to make itself a central reference point for struggle but to provide an ultimate limit to it.

There is a sense in which Locke himself acknowledges this weakness to his conception of sovereignty, through his contradictory argument that the legislative power is at once the sovereign or “supreme power” and that it is not, since it is merely a “fiduciary power” (p. 337).

Locke writes:

Though in a constituted commonwealth, standing upon its own basis, and acting according to its own nature, that is, acting for the preservation of the community, there can be but one supreme power, which is the legislative, to which all the rest are and must be subordinate, yet the legislative being only a fiduciary power to act for certain ends, there remains still in the people a supreme power to remove or alter the legislative when they find the legislative act contrary to the trust reposed in him. For all power given with trust for the attaining an end being limited by that end, whenever that end is manifestly neglected or opposed the trust must necessarily be forfeited, and the power devolve into the hands of those that gave it. (p. 337)

Locke’s argument in this passage is notable not only because he claims at the same time that the power of the law-maker and that the power of the people is supreme, throwing the very significance of the concept of sovereignty or supremacy into question, but also because he reveals here that the rule of the juridical state, which was supposed to offer a *guarantee* to replace the risk and uncertainty of relations that can provide no assurance other than good faith and mutual trust, is itself conditioned on the trust of those subject to it. But if the only thing to prevent the people from rising up against the state is their trust in it, what grounds do we have for understanding the relationship between the state and those subject to it as a relationship in which

the risk of conflict and struggle, of partiality and war, has been nullified? Locke's hesitation to identify a truly sovereign power, in this way, reveals why the polity according to his conception of it can never provide the guarantee which is its very reason for being: to the extent that power is divided and dispersed, instead of concentrated at a single *sovereign* point, there can be no way of *guaranteeing* that a struggle will not emerge among those in a position to mobilize power against one another. There can be only trust—and, with it, uncertainty.

Chapter 6: Foucault on the Juridical State

6.1 Introduction

I have up to now attempted to deconstruct the commitments that animate the attachment to sovereignty in political thought and practice. These commitments center around the attempt to conceive a form of power that is able to provide a guarantee against the vulnerability and precarity implied by the risk of struggle and conflict. I have suggested, too, that the attempt to conceive such a form of power leads to various aporias and impasses, which, therefore, are aporias and impasses that stand in the way of conceiving the possibility of a certain kind of *apparatus*.

I devoted the previous chapters of this dissertation to exploring what an apparatus is. I argued that an apparatus is a system that undertakes a strategy for exercising mastery and control over the behaviors of those subject to it. I propose to call the apparatus which the politics of the guarantee conceives as capable of serving as the bearer of sovereign power ‘the juridical state.’ My goal in this chapter, then, will be to articulate a critique of the juridical state that draws on the conception of systemic power that it has been the task of this dissertation to develop and defend. I will argue, in particular, that the juridical state can exist only in myth because, unlike the state apparatuses that exist in fact, it is imagined as an apparatus capable of holding those under its influence subject to its rule *without undertaking a strategy in relation to them*. Instead of pursuing a strategy—which is oriented toward bringing about certain “positive effects” (D&P p. 23) and which represents the expression of certain kind of will—the juridical state is meant only to bring the polity over which it rules into accord with a certain kind of ideal order (*nomos*) by articulating the limit separating the lawful from the unlawful. Because in the case of a true juridical state it is the law itself that rules (i.e. there must be ‘the rule of law’), even law

enforcement is strategic only in an essentially circumscribed sense: it must have no other aims than to preserve the juridical order from whatever violates or threatens it (i.e. from crime), and it must make use of no other methods than those accorded to it by the juridical order (than, e.g., those consistent with the constitutional rights of citizens). The fundamental principle organizing the enforcement of law under the juridical state, in other words, is not a *strategy* seeking to elicit certain positive effects that are useful, e.g., from an economic or national-security perspective, but instead is the legal order or *nomos* itself, since the *nomos* constitutes both the means and the end of law enforcement.

The rule of the juridical state, more generally, is supposed to be distinguished from other forms of rule precisely by the fact that it is merely ‘negative’ in just this sense: its rule serves no positive agenda or strategy but merely articulates the limit point between what is inside and what is outside of the legal order. To enforce a limit, unlike to carry out a strategy, is a merely negative exercise of power in the sense that it acts on what is subject to it only through the restriction, the closing off, of a certain possibility. But such a form of rule, which is impervious to mobilization in service of any strategy, which is invulnerable to appropriation by any will, can unite an entire polity in subjection to it only if it is truly sovereign, if it is truly above and apart from every strategy of power. If, by contrast, the myth of sovereignty is abandoned, then the conception of the juridical state as an apparatus that brings the polity into being by articulating the limit point of the *nomos* must be abandoned with it.

6.2 The Law and the Juridical

I turn now to considering why Foucault’s conception of systemic power implies that it is not possible for there to be such an apparatus as the juridical state. My approach will be to

consider the argument that motivates Foucault's rejection of juridical understandings of power more generally. It is important to keep in mind that by rejecting the so-called "juridical notion of power," Foucault is by no means denying the importance of the law to the exercise of power by the complex of apparatuses that make up the modern state (HS I p. 86). He is instead attacking a much more abstract and general proposition about the way in which power—whether it is wielded by the state or by any other entity, such as an institution or an individual—is able to exercise influence over those who are subject to it, which is the proposition that power functions through prohibition and interdiction.

This proposition is so abstract and general that ironically it might appear at first glance as if Foucault's critique of the juridical conception of power is only indirectly and tangentially related to the question of the role of the law in the exercise of power. However, as I will show, this appearance is misleading. Foucault's critique suggests why even the use of the law itself in the exercise of power, not to mention other techniques and methods for exercising rule, must not be understood on the model of the juridical, i.e., as if it exercised such power only through the articulation and enforcement of a limit. It is not paradoxical, then, to argue against conceiving the law in juridical terms—once it is stipulated, of course, that the terms 'juridical' and 'law' cannot be used interchangeably, since 'the juridical' refers to a certain ideal form of power traditionally attributed to the law, and 'the law' refers nominalistically, i.e. to the positive systems of institutions and codes that are called 'law.' In place of a juridical conception of law, as well as of power more generally, must be adopted a *strategic* conception.

But what, then, is meant by a juridical conception of power, and why does Foucault choose the term 'juridical' if it is not meant to be synonymous with 'law'? Such a conception understands the way in which power exercises influence over those subject to it in merely

“negative” terms, as if, rather than eliciting and inducing positive effects through its rule, it exercises control only through “rejection, exclusion, refusal, blockage, concealment, or mask” (HS I p. 83). Foucault describes such an understanding of power as ‘juridical’ because it implies that *interdiction*, the establishment of a boundary separating what is forbidden from what is permitted (literally, ‘the saying of what is the limit’), is the only way to exercise power. While there is no need for interdiction to take the form of law, in the politico-theoretic sense of this term—it is common in psychoanalysis, for example, to refer to the interdictions made by parental authorities in the family—the legal process nevertheless might be considered the most formal, and in this sense ideal-typical, possible version of interdiction. For this reason, Foucault’s choice to use the term “juridical” as well as “juridico-discursive” to refer to a view of power that understands power only in terms of interdictions is not surprising (HS I p. 82). In fact, this choice is consistent with ordinary usage of the term ‘law’ itself, which is frequently invoked not only to reference formal-legal processes but also when describing any declaration of a prohibition or a limit (for example, in the colloquial expression ‘what I say is law’ or in the treatment of the ten commandments as the laws of God).

A juridical conception of the law, then, is a conception of the law that understands the way power is exercised in and through the law only in terms of the articulation and enforcement of a limit. This limit would be the boundary separating what is permitted and what is forbidden by the law. Such a conception of law is opposed to a strategic conception in the sense that an apparatus which had no function, no principle organizing and orienting its operations, other than to articulate and enforce the limit set by the law would be an apparatus that could exercise its rule *without any positive strategy or agenda*, with only the negative function of preventing and excluding what is outside the limit of the law as its orienting principle. This, then, is why I have

chosen to call this apparatus ‘the juridical state,’ since it is meant to make its rule autonomous from strategy and struggle through its adherence to the juridical ideal of a form of power that only sets a limit. (And, of course, it is in virtue of this defining feature of the juridical state that it is able to be represented as the fulfillment of the aspirations of the politics of the guarantee, which seeks a guarantee in the form of a limit to the potential for strategy and struggle.)

6.3 The Strategic Conception of Law

But it might not be immediately obvious why what I am calling the juridical and the strategic conceptions of the law are incompatible with one another. In his critique of the conceptions of power that understand it only in terms of interdiction and prohibition, Foucault is careful never to deny that interdiction is in fact a form that the exercise of power can and does take. He means only to reject the view that this is the *only* form that the exercise of power takes—the view in the case of the various apparatuses that address themselves to the regulation of sexuality, for example, that there is total “uniformity” to the methods they use to exercise this control (HS I p. 84). He describe this view in the following way:

Power over sex is exercised in the same way at all levels. From top to bottom, in its overall decisions and its capillary interventions alike, whatever the devices and institutions on which it relies, it acts in a uniform and comprehensive manner; it operates according to the simple and endlessly reproduced mechanisms of law, taboo, and censorship... This form is the law of transgression and punishment, with its interplay of licit and illicit. Whether one attributes to it the form of the prince who formulates rights, of the father who forbids, of the censor who enforces silence, or of the master who states the law, in any case one schematizes power in a juridical form. (HS I pp. 84-85)

If this view is Foucault’s target, then it is not clear why his criticisms give us grounds for understanding the juridical and the strategic in opposition to one another in the case of the law. Why should we not think, for example, that the law is truly a mechanism that exercises power through interdiction, but that at the same time it is a mechanism which can be put into operation

in service of a strategy (such as when a new law is enacted in service of a strategy for reducing rates of crime) and which can be put to use in conjunction with other techniques for exercising power (such as surveillance tactics that assist in policing activities that have been made illegal by the law)? Why, if this is right, would it not be correct to say that the law is both juridical *and* strategic, that its way of exercising power can be integrated into strategies *and* that the way in which it exercises such power is interdiction? It would then be a false dilemma to propose that a decision must be made between the juridical and the strategic conceptions of law.

But these considerations obscure the fundamental difference that still remains between the juridical and strategic conceptions of the law. This is that the juridical conception holds not merely that the law is a mechanism for exercising rule that (like, e.g., the commands of a parent) happens to function through interdiction, but that—to the extent that it is *valid* and *legitimate* law (i.e. the kind of law that *must* organize the operations of the juridical state if its rule is to be distinguished from that of other apparatuses) rather than merely a corrupt and sham pretense of law—it *cannot be subordinated* to any purpose or end other than the enforcement of the limit that it itself articulates. In other words, for the law to be juridical *means for it to be sovereign*, in the sense of subordinated to no power outside of itself. This is because only if the law is sovereign in this way can the exercise of power through the law not merely make use of interdiction to exercise control (as if it were one method among many possible alternatives) but exercise control *only* and *solely* in order to enforce the limit set by its acts of interdiction. The law, if it is truly juridical, must have no *telos* outside of or apart from itself, from the order (the *nomos*) that it defines through its articulation of the limit between the lawful and the unlawful.

To make what is at stake in this claim about the juridical clearer, it is perhaps worthwhile to ward off one possible misunderstanding. It might seem as if I am suggesting that for the law to

be juridical in the relevant sense, this must mean that the apparatuses and edifices of law must be *impossible* to abuse or corrupt, since any such abuse, any corruption, would be an instance in which the mechanisms of the law were not used for upholding the law but instead came under the direction, say, of the material interests of a corrupt politician or of the violent impulses of a wayward police officer. It would, of course, be absurd to suggest that anyone would hold such a view, not only since it is manifestly true that abuses of the law can occur even within the most well-founded legal order, but also because the possibility of such abuses *is acknowledged by the law itself* to the extent that it articulates procedures for identifying, prosecuting, and punishing such offenses. In this sense, every juridical understanding of the polity assumes that it is possible for the mechanisms of the juridical order (i.e. the mechanisms which make up the juridical state) to be compromised or corrupted, and this assumption finds expression in the provisions it makes for identifying and addressing such a possibility (for example, through a doctrine specifying under what conditions it is possible to declare a ‘state of emergency’ or ‘state of exception’ which suspends the juridical order in response to a threat that puts its survival in jeopardy).⁴⁷

The juridical conception of the law holds, then, not that the mechanisms of law are by their very nature incorruptible (which would be an absurdity), but that, within a well-founded juridical order, for the mechanisms of the law to be appropriated for any purpose other than to uphold the law represents *a deviation from the norm*. Indeed, to use the terminology of ‘corruption’ and ‘abuse’ in order to describe what it means for the mechanisms of the law to be used not merely for upholding the law is already implicitly to define such a condition through its opposition to a normal condition in which the mechanisms of the law are *not* corrupted and *not* abused—in which these mechanisms, in other words, do ‘*merely*’ uphold the law. Moreover,

⁴⁷ See Agamben (2005).

what it even means for a juridical order to be ‘well-founded’ is that the use of the mechanisms of law for any purpose other than to uphold the law is the exception to the norm and not ‘normal’ itself, since if this were not the exception to the norm then there would be no way to distinguish uses of such mechanisms that uphold the law from those that abuse it, uses that adhere to the norm from those that deviate from it.

It is only in light of these considerations that it is finally possible to understand the radical implications of the strategic conception of law: the strategic conception denies the very basis for the distinction between norm and exception, and so the basis of juridical order itself, because it denies the possibility for the mechanisms of law ever to function ‘merely’ to uphold the law, in a merely ‘normal’ way. The distinction between corrupt and pure, between use and misuse, between norm and exception is obliterated in acknowledgement of the pervasiveness of struggle. Of course, this in no way implies that there is nothing objectionable about the acts that in juridical language are called ‘abuse’ and ‘corruption,’ but it does mean that there are no grounds for holding that there exist ‘normal’ or ‘pure’ operations of the law which, therefore, cannot be objectionable in the exact same ways and for the exact same reasons as so-called ‘abuse’ and ‘corruption.’ In much the same spirit as Proudhon’s famous paradoxical slogan, ‘All property is theft!’ it might be said, ‘All law is corrupt!’

6.4 Criminal Law and Criminal Normalization

It would perhaps be useful to make these abstract points more concrete through an example. Consider Foucault’s criticisms of a juridical approach to understanding the modern criminal justice system in the opening chapter of *Discipline and Punish*. This topic is particularly relevant since there can be no doubt that, whatever else the modern criminal justice system might

be, it is an apparatus that is fundamentally organized through reference to institutions and procedures of law, such as the legal codes that define what is and what is not a crime, the legal procedures for trying a criminal case in a court of law, and the legal institutions, like correctional facilities and parole boards, tasked with a role in the administration of punishments for a crime. To propose, then, that the criminal justice system should not be understood as ‘juridical’ cannot be taken to mean that legal institutions and procedures should be considered somehow irrelevant or unimportant to the way in which this system is organized and exercises power—at least, if this proposal is not to be so ludicrous and implausible as to be beneath consideration.

Foucault argues that the modern criminal justice system is not juridical in the sense that its operations cannot be understood to be organized in accordance with the aim of upholding the law, even if only under ‘normal’ or typical conditions. He illustrates this point by demonstrating that even the operations of the criminal justice system that are most legalistic in character, such as the procedures for determining a sentence in a criminal trial, can be made intelligible only if it is acknowledged that they have an aim other than applying the law, which is the “normalization” of the criminal (D&P p. 21). To seek to normalize a criminal is not merely to apply a penalty to her for a specific criminal act in accordance with the dictates of the law but to undertake a strategy for transforming the aspects of her psychology and her circumstances that make her susceptible to engaging in criminal activities more generally. It is *to seek her rehabilitation*. For the punishment of a crime to be rehabilitative or normalizing means for it to take the form not of a penalty incurred for an offense but of what Foucault describes as a “medico-judicial treatment” (D&P p. 22), which, even though it is mediated by the form of the law, is also structured as a medical treatment in the sense that it is organized in accordance with “[a] whole set of assessing, diagnostic, prognostic, normative judgements concerning the criminal” that are used to prescribe

a means of managing and curbing the person's criminal-pathological tendencies (D&P p. 19).

This is shown, for instance, by the use that is made of psychiatric expertise in the formation of criminal sentences:

Let us examine the three questions to which...[psychiatric experts] have to address themselves: Does the convicted person represent a danger to society? Is he susceptible to penal punishment? Is he curable or readjustable? These questions have nothing to do with...the possible insanity of the convicted person at the moment of the act. They have nothing to do with [legal] 'responsibility'. They concern nothing but the administration of the penalty, its necessity, its usefulness, its possible effectiveness; they make it possible to show, in an almost transparent vocabulary, whether the mental hospital would be a more suitable place of confinement than the prison, whether this confinement should be short or long, whether medical treatment or security measures are called for. What, then, is the role of the psychiatrist in penal matters? He is not an expert in responsibility, but an adviser on punishment. (D&P pp. 21-22)

If the modern criminal justice system is an apparatus that, among other things, undertakes a strategy of normalization in relation to those subject to its influence—and, in particular, if its operations, even at their most legalistic (such as in the issuing of criminal sentences), only take on a determinate orientation and character in light of this strategy—then the way it exercises power cannot be understood juridically. The law, under a penal regime of normalization, cannot be the limit that stands above these operations and holds them in check, but only one technical instrument among many (including instruments for inspection, for classification, and for treatment) that are put into operation in conjunction with one another in service of the project of normalization. The role of the law in such an apparatus, in other words, will never be comprehensible in juridical terms alone, since these terms preclude the possibility that it be the case, for example, that criminal sentences can be made determinate only through appeal to bodies of knowledge that have a medico-criminological and not a legal character. This is because in such a case it is not as if technical knowledge and expertise is taken up only in order to assist in upholding the law (as might seem to be true, for instance, when forensic evidence collected

through state-of-the-art technologies is brought to bear in a trial) but instead the law and the knowledge make up a complex such that neither could put into operation the same regime of influence and control (i.e. the regime of normalization) without the other.

For this reason, any investigation into this regime that seeks to uncover the mechanisms it uses to exercise control over those subject to it, or the historical conditions that gave rise to the formulation and operationalization of these mechanisms in conjunction with one another, is doomed to failure if it begins with the assumption that the law is juridical. Indeed, if the law is juridical then there is an important sense in which it can have no history, since, once a well-founded juridical order comes into being through the establishment of a juridical state, the operations of the law can only be normal, abused (in which case they are not properly exercises of legal power at all), or in crisis (in which case the existence of the juridical order itself is in jeopardy and thus, once again, there can be no exercise of power that is properly legal). These possibilities represent historical variations not in the way rule is maintained through the law but only in the extent to which any particular regime has a rule of this kind, i.e. instantiates the platonic ideal of the law. But the law itself—which is to say law in its proper sense and not lawlessness masquerading as law—is without history since the mechanisms, techniques, and strategies it uses to exercise rule reduce in the last analysis only to a uniform process of articulating and enforcing a limit. An investigation into the criminal justice system, then, that conceives it as merely one component of the juridical state could only ever uncover variations in the means it uses to uphold the law and not fundamental transformations in the strategies it uses for exercising influence, like the transformation represented by the emergence of the project of criminal normalization.

6.5 Cynicism and Suspicion

It might be useful at this stage to clear up another possible misunderstanding of the critique of the notion of the juridical and, by extension, of the possibility for there to be an apparatus of the kind that the juridical state is imagined to be. It might seem as if this critique reduces to little more than a kind of declaration of cynicism, which holds that any effort merely to abide by a principle (for example, merely to uphold the law) can only be a pretense and a disguise for a will to power. If this were correct, then the critique of the juridical conception of power would seem to be grounded in a commitment to what has come to be called, following Paul Ricœur, *the hermeneutics of suspicion*, which is an approach to interpretation that seeks to put into question and to cast into doubt whatever ideal is presented as the rationale for some act or some undertaking.⁴⁸ In other words, the deficiencies of the juridical would only be a special case of the deficiencies of idealism in general, and so what issues are at stake in the debate between the juridical and the strategic conceptions of law would be issues that are not particular to the law itself but that instead belong to the long-standing and wide-ranging dispute in political philosophy between idealism and realism.

While there can be no doubt that the critique of the juridical represents an intervention on behalf of realism and at the expense of idealism, it is nevertheless misguided to understand this critique merely as a gesture of cynicism and suspicion. And this is true in part because the critique *is* in fact specific to the law rather than only an application of generalized suspicion to the particular case of the law. Foucault's critique does *not* address the question of whether it is possible for a will, whether individual or collective, to be organized in accordance with a principle, such as some of the very principles that are invoked in the construction and

⁴⁸ See Ricœur (1970).

interpretation of law. This might be called ‘the question of cynicism,’ and it is the question that Kant raises in the *Groundwork* when he writes:

From love of humanity I am willing to concede that the majority of our actions conforms with duty [i.e. moral principle]; but if we look more closely at the imaginations and intentions of their thoughts we everywhere come up against the dear self, which is always flashing forth, and it is on this—and not on the strict command of duty, which in many cases would require self-denial—that their purpose relies. One need not even be an enemy of virtue, but only a cold-blooded observer who does not at once take the liveliest wish for the good as its actuality, to become doubtful at certain moments (principally with advancing years and a power of judgment that experience has partly made wiser and partly more acute in observation) whether any true virtue is actually to be found in the world at all. (p. 22)

If Foucault were to hold that action grounded in principle is not possible, then this would constitute an unwarranted and even childish denial of the very possibility of ethics—which, to say the least, would be incongruous with the ethical preoccupations of his later work.

The question Foucault’s critique addresses, rather, is whether there can exist an apparatus such that its operations are organized not by a strategy—i.e. not by a will, whether one acting in service of a higher ideal or on a baser motive—but only by a principle that sets a limit: whether, that is to say, an apparatus can exist that rules only to set a limit to every strategy and to every will and that therefore is not under the direction of any will itself. In this sense, far from denying the very possibility of ethics, Foucault’s critique is better understood as calling for the recognition of the ineliminable role of the ethical in the realm of the political, against the attempt to partition the ethical and the political into distinct spheres. If we hope for our political engagements with one another to be organized in accordance with principle, and not to degenerate into merely cynical deployments of power, then it is up to us to bring to these engagements an ethical commitment to orienting our own strategies, our own wills, in accordance with principle, since there can be no political arrangement or apparatus that, holding itself apart from the uncertainty and unreliability of our commitment to willing what is ethical,

provides a guarantee that principle, that *nomos*, constitutes the basis of our political engagements instead. Foucault's critique of the juridical, then, takes a stance not on the question of cynicism but on the question of whether there can be a guarantee of principle in the realm of the political. Such a guarantee, which is what is meant by 'the rule of law' and what is imagined as a possibility through the theory of 'sovereignty,' is what this critique exposes as a fantasy.

Chapter 7: Conclusion: Politics without Guarantees

7.1 Introduction

I have attempted to accomplish three key tasks in the second part of this dissertation up to this point. First, I have tried to reconstruct the underlying commitments that define the political vision which I have proposed to call ‘the politics of the guarantee.’ Second, I have made an argument for why the guarantee that is sought by such a politics can find fulfillment only in a form of rule that is sovereign. Third, I have made an argument for why the only kind of apparatus capable of maintaining this form of sovereign rule, the juridical state, is not possible. In what will be the concluding chapter of this dissertation, I will consider what vision of politics comes into focus once the politics of the guarantee has been abandoned. This will be a vision that, rather than searching for a guarantee in the realm of politics, instead understands this to be a realm that is, as Arendt says, defined by “frailty” (HC p. 191). Such frailty becomes a fundamental condition of political engagement once the archetype for this engagement is no longer the obedient behaviors of those who are equal-in-subjection to the sovereign but instead the spontaneous actions of those who are equal-in-freedom with one another. The enactment of such a condition of equality-in-freedom, which requires rising up in defiance of a form of rule that holds you in subjection to it, is what I call ‘politics.’ Politics, then, is not a distinct sphere of activities that it is possible to institutionalize and localize but a form of relation that it is possible to enact at any time and place—that, indeed, is characterized by its defiance of any attempt to hold it in subjection to a boundary or limit that might mediate or contain it. In this sense, as Rancière says, “politics comes about solely through interruption” (p. 13). The principle of all political action, which is only ever realized in very fleeting and very partial ways, is the radical horizontalism of a condition in which there exists no subjection whatsoever, only equality and

freedom. And this principle, which by its nature is impossible to guarantee and brings with it great risk and uncertainty, stands in need of constant renewal if it is to have a place in human affairs.

However, the vision of politics which understands it in terms of the enactment of equality-in-freedom still raises a number of questions. I will organize my concluding remarks around answering three of them. The first and most immediately obvious question is: What is at stake in calling this kind of engagement ‘political,’ especially since it is opposed in so many ways to traditional understandings of what politics is, such as the conceptions of Hobbes and Locke? Secondly, once the aspiration to a form of rule that can provide a guarantee against vulnerability and precarity has been abandoned, what is there to prevent people’s lives from coming to be treated as “disposable” (to borrow a term from Saidiya Hartman), as they are under the most extreme conditions of domination and subjugation (p. 11)? Third and lastly, if subjection to the strategies of mastery and control undertaken by various apparatuses is a condition that is pervasive and inescapable—if, indeed, it is not possible or even desirable for there to be a pure political condition in which there is no ‘policing’ whatsoever, in the sense that all engagement with others is totally equal and free, i.e. radically horizontal—then how is the enactment of equality-in-freedom (i.e. political engagement) even so much as possible? My answer to all of these questions centers on the concept of *strategy*, which in many ways has served as the master concept of this dissertation more generally. The questions of what politics is, what protections can and cannot be found in the realm of politics, and under what conditions politics can be enacted, must be considered questions about what is and is not possible from the standpoint of strategy.

7.2 Why Call This ‘Politics’?

This definition of politics derives, first and foremost, from the thought of Arendt. Unlike Foucault, who only manages to make provocative but inconclusive gestures to what his understanding of politics is, Arendt makes this question a central preoccupation of her corpus. It is perhaps likely to seem surprising to consider the condition of equality-in-freedom to be somehow characteristic of politics, since, in the thought of Hobbes and Locke at least, this is precisely the condition that defines people’s relations to one another outside of and before they come together to form a polity. In opposition to the civilized condition, which is inaugurated through the establishment of the rule of law under the state, Locke and Hobbes view the condition of equality-in-freedom to be primitive and uncivilized, vulnerable to dangers and struggles, pre-political or even anti-political in the sense that the politic and the civil methods for bringing order to communal affairs are not so much as even available. For Locke and Hobbes, then, equality-in-freedom is the very antithesis of politics. What grounds could Arendt have, instead, for considering it the very essence of politics?

Arendt makes this argument, in part, by drawing out what she suggests sets the relations of those in the polity (*polis*) apart from the relations of those in the household (*oikia*) according to ancient Greek thought. She argues that while the household was arranged despotically—with everyone in the household, including not only women and children but servants and slaves as well, subordinated to the rule of the patriarchal figure who was its head—by contrast to be in the polity “meant neither to rule nor to be ruled” (HC p. 32). Political relations were distinguished, in other words, by the *freedom* that characterized them, where ‘freedom’ in this context means to be free *from rule*, from the unfreedom and inequality that exists when one person is subject to the rule of another. Unlike the communal organization of a clan or a tribe, which reproduced the

structure of the household to the extent that it was made up of a network of kin united under the rule of a patriarchal figure, the polity was a communal organization of those who associated with one another as members at once of distinct households but of the same community.

This form of association, which is unappealing from a modern point of view in a number of ways (including, most significantly, its fundamental dependence on the domination of labor in the household for the provision of material needs), nevertheless in an important sense still captures what we mean by the term ‘politics’ today. Consider, for example, what it would mean to say that an appeal I make to you in the hope of getting you to act in a certain way is *political* in character—as opposed to, say, coercive, or personal, or economic. I would suggest that what makes my appeal political is that I assume you are free to make up your mind on the issue as you choose, that I am not in a position to make the choice for you. (An appeal from a parent to a small child can never be a political appeal.) It is also that I assume that the issues at stake in my appeal transcend the scope of our relationship to one another, that they cannot be reduced to the terms of the interpersonal obligations and attachments that bind us each to one another. (An appeal merely from personal affection or from personal history can never be a political appeal.) It is also that I assume that your choice in response to my appeal will express not just your needs or your interests but who you are as an individual, what stand you are or are not willing to take on the issues at stake in the appeal. (An appeal that is merely transactional can never be a political appeal.) What makes my appeal political, in short, is the freedom and equality that I take for granted on your part in making the appeal—it is that I enact a horizontal relationship to you in the sense that I assume whatever answer you give to the appeal must be given freely.

But for a political appeal to be free and equal in this way means that the outcome that will arise from it must be uncertain. In fact, it is this very uncertainty, which shows that your

response is not subject to a strategy of mine that renders it predictable and controllable, which proves that it is spontaneous in the way that it must be for it to be truly free. Arendt uses the term ‘natality’ to capture this feature of free political action, since for such action to be uncertain and unexpected in this sense means for it to represent something *new*, a departure from the patterns and the trends that make human behavior possible to anticipate and so possible to direct. But at the same time that the uncertainty that follows from the spontaneity and natality of political action proves it to be free, it also shows that there can be no reliability or dependability in the realm of the political, since there can be no assurance for any attempt at engagement, for any gesture of appeal, that it will be taken up by its audience, whose freedom means they are as free to ignore or defy it as they are to answer or embrace it. This is what Arendt means when she writes, “The frailty of human institutions and laws and, generally, of all matters pertaining to men’s living together, arises from the human condition of natality” (HC p. 191). Institutions and laws are not able to provide a guarantee of order and stability because their foundations are political, which means that the basis of their power is, in the last analysis, the essentially uncertain and unreliable support of those who live with them. Their power is, as Locke concedes, only ‘fiduciary.’

7.3 Disposable Lives

But if the political is defined precisely by its inability to provide a guarantee of security and protection, then what is there to prevent anyone’s life from coming to be treated as disposable and expendable, in much the way that everyone’s life in the state of nature is treated according to Hobbes’s bleak vision of what the world is like in this condition? It would require a book to even begin to do justice to this extraordinarily vast question. But it seems important

nevertheless to take it up, if only in the most tentative and promissory way, if we are to give any indication of what political vision remains in the wake of the abandonment of guarantees. If I were to provide the answer to this question in only a single sentence, then I think that no sentence could do better than this one from the historian Barbara Fields: “Ultimately, the only check upon oppression is the strength and effectiveness of resistance to it” (p. 103). I would argue that what it means for lives to be made disposable is for those in this position to be in a condition of such total and perfect subjection that their lives can be wasted or expended, as if they were a kind of nonhuman resource or material, without any resistance standing in the way or rising up in response.

For this reason, for a person’s life to be disposable is possible only under the most hideous conditions of domination—under systems of enslavement, under apartheid regimes, under settler-colonial states—or else under the most extreme conditions of defenselessness—as a stateless refugee, as an orphaned child, as a prisoner of war. The organized resistance against the treatment of human lives as disposable goes by the name of ‘human rights.’ It would be a mistake to think because this resistance uses the language of ‘rights,’ and because legal arrangements and procedures are of fundamental importance to the way that it is coordinated and mobilized, that therefore human rights represent a juridical form of protection. The mechanisms of international law themselves have no ability to safeguard human rights unless an organized strategy of resistance rises up that appropriates them for this end. In other words, if there is no collective *will to resist* the abuse of human rights, only a law that mandates their protection, then human rights serve as no defense at all. This is, in part, what Foucault has in mind when he says in an interview that “a system of law, of positive laws in a society, and human rights are heterogeneous to one another” (SWU p. 339). He describes human rights in this same interview

as “the guarantee of a non-excess [in the exercise of power], in any case the always provisory and always fragile guarantee that must be defended: a threatened frontier” (SWU p. 338). To say that human rights are a guarantee that is “always provisory and always fragile”—as provisory and as fragile as our ability to rise up in resistance to those who would violate them—is to say that they are no guarantee at all in the juridical sense of this term. It is only in light of this non-juridical understanding of human rights that it becomes possible to understand in what sense, as Arendt argues, human rights represent an effort to organize a defense of those whose extreme vulnerability and precarity, whose “calamity,” consists precisely in the fact that they have been deprived of “the right to have rights” (OT pp. 295-296).

7.4 Resistance and Politics

This brings me to the final question that I proposed above: what accounts for the possibility of resistance in this sense if it is the case, as Foucault suggests, that subjection to the countless apparatuses that exercise control over us is pervasive and inescapable? Foucault famously makes the claim, “Where there is power, there is resistance,” but his critics have often maintained that he provides no satisfying account of why this should be the case (HS I p. 95).⁴⁹ I would suggest that the conception of politics as the enactment of equality-in-freedom offers the beginnings of an answer.

Foucault himself justifies this claim by arguing that if the exercise of power is strategic—rather than, say, mechanistic—then this implies that whoever is subject to power is at the same time free in a certain sense. As I argued above, a strategy, far from bringing an end to all spontaneity and all agency on the part of whoever is the target of it, takes for granted this

⁴⁹ See, e.g., Brenner (1994) and Resch (1989).

freedom in order to elaborate a means for anticipating, manipulating, and managing it in a certain direction. In Foucault's words,

When one defines the exercise of power as a mode of action upon the actions of others [i.e. as strategic]...one includes an important element: freedom. Power is exercised only over free subjects, and only insofar as they are free. By this we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments, may be realized. Where the determining factors saturate the whole, there is no relationship of power; slavery is not a power relationship when man is in chains. (In this case it is a question of a physical relationship of constraint.) (S&P p. 790)

Foucault is not appealing here to the hollow romantic notion that there just happens to be something indomitable about human beings, something mysterious that cannot but escape power and be a cause for optimism in the face of the innumerable mechanisms of power that his own work brings to light. His point is rather that, to the extent that power is strategic, one of the conditions for its exercise is that whoever is subject to it is free, that is, capable of acting and conducting herself in a variety of ways, not physically constrained to behave in only one way.

Whoever is subject to the rule of an apparatus, then, is also able to act contrary to its suggestions, to disrupt and defy it. If they lacked this capacity, this would mean they were subject not to administration and management but to complete and total determination, and the exercise of power would then be not strategic and administrative but mechanistic and deterministic, like pressing a button that brings about a result with total regularity and certainty. This means that implicit in every strategy is the possibility that it might face defiance and resistance, that those subject to it may not be ordered and organized as the strategy intends, that they might elude its control and its grasp. In Foucault's words:

[I]f it is true that at the heart of power relations and as a permanent condition of their existence there is an insubordination and a certain essential obstinacy on the part of the principles of freedom, then there is no relationship of power without the means of escape or possible flight. (S&P p. 794)

When this insubordination arises not out of obstinacy alone, when it is not an accidental consequence of human intractability and spontaneity but instead comes to be enacted as a strategy and as a principle, this is what it means for an action to be *political*. Politics, then, is the always partial and always fleeting enactment of a condition of equality-in-freedom through the will to defy a strategy of subjection. It is not the will to power but its opposite: the will to rise up.

Bibliography

- Agamben, Giorgio. *The State of Exception*. Translated by Kevin Attell. Chicago: The University of Chicago Press, 2005.
- Agamben, Giorgio. *“What Is an Apparatus?” and Other Essays*. Translated by David Kishik and Stefan Pedatella. Stanford: Stanford University Press, 2009.
- Allen, Amy. “Power, Subjectivity, and Agency: Between Arendt and Foucault.” *International Journal of Philosophical Studies* 10.2 (2002): 131-149.
- Althusser, Louis. *For Marx*. Translated by Ben Brewster. New York: Verso, 2005.
- Arato, Andrew and Jean Cohen. *Civil Society and Political Theory*. Cambridge: The MIT Press, 1992.
- Arendt, Hannah. *Crises of the Republic*. San Diego: Harcourt Brace & Company, 1969. [CR]
- Arendt, Hannah. *The Human Condition*. Chicago: The University of Chicago Press, 1958. [HC]
- Arendt, Hannah. *The Origins of Totalitarianism*. Orlando: Harcourt, Inc., 1948. [OT]
- Brenner, Neil. “Foucault’s New Functionalism.” *Theory and Society* 23.5 (1994): 679-709.
- Brown, Wendy. “Neoliberalism and the End of Liberal Democracy.” *Edgework: Critical Essays on Knowledge and Politics*. Princeton: Princeton University Press, 2005. 37-59.
- Bussolini, Jeffrey. “What Is a Dispositive?” *Foucault Studies* 10 (2010): 85-107.
- Canguilhem, Georges. “Machine and Organism.” *The Ethics of Biotechnology*. Edited by Gaymon Bennett. London: Routledge, 2017. 31-75.
- Deleuze, Gilles. *Difference and Repetition*. Translated by Paul Patton. New York: Columbia University Press, 1994. [D&R]
- Deleuze, Gilles. *Foucault*. Translated by Seán Hand. Minneapolis: University of Minnesota Press, 1988. [F]
- Deleuze, Gilles. *Nietzsche and Philosophy*. Translated by Hugh Tomlinson. New York: Columbia University Press, 1983. [N&P]
- Deleuze, Gilles. “What Is a Dispositif?” *Michel Foucault, Philosopher*. Translated by Timothy J. Armstrong. Edited by François Ewald. New York: Routledge, 1992. [WID]
- Deleuze, Gilles and Félix Guattari. *Anti-Oedipus: Capitalism and Schizophrenia*. Translated by Robert Hurley, Mark Seem, and Helen R. Lane. London: Penguin Books, 1977. [AO]

- Deleuze, Gilles and Félix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Translated by Brian Massumi. Minneapolis: University of Minnesota Press, 1987. [TP]
- Eckes, Christina. "The Reflexive Relationship between Internal and External Sovereignty." *Irish Journal of European Law* 18.1 (2015): 33-47.
- Elster, Jon. "The Case for Methodological Individualism." *Theory and Society* 11.4 (1982): 453-482.
- Fanon, Frantz. *The Wretched of the Earth*. Translated by Richard Philcox. New York: Grove Press, 1963.
- Feyerabend, Paul. *Against Method: Outline of an Anarchistic Theory of Knowledge*. London: Verso, 1975.
- Fields, Barbara J. "Slavery, Race and Ideology in the United States of America." *New Left Review* 181.1 (1990): 95-118.
- Foucault, Michel. *The Archaeology of Knowledge and the Discourse on Language*. Translated by Alan Sheridan. New York: Vintage Books, 1972. [AK]
- Foucault, Michel. *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979*. Edited by Michel Senellart. Translated by Graham Burchell. Palgrave Macmillan, 2008. [BB]
- Foucault, Michel. *Death and the Labyrinth: The World of Raymond Roussel*. Translated by Charles Ruas. London: Continuum, 1963. [RR]
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage Books, 1995. [D&P]
- Foucault, Michel. *The Foucault Reader*. Edited by Paul Rabinow. New York: Vintage Books, 1984. [FR]
- Foucault, Michel. *The History of Sexuality: An Introduction*. [La Volonté de Savoir] Vol. 1. Translated by Robert Hurley. New York: Vintage Books, 1978. [HS I]
- Foucault, Michel. *The History of Sexuality: The Use of Pleasure*. Vol. 2. Translated by Robert Hurley. New York: Vintage Books, 1985. [HS II]
- Foucault, Michel. *The History of Sexuality: The Care of the Self*. Vol. 3. Translated by Robert Hurley. New York: Vintage Books, 1986. [HS III]
- Foucault, Michel. *The History of Sexuality: Confessions of the Flesh*. Vol. 4. Translated by Robert Hurley. New York: Pantheon Books, 2021. [HS IV]
- Foucault, Michel. "Introduction." *The Normal and the Pathological*. Translated by Carolyn R. Fawcett and Robert S. Cohen. New York: Zone Books, 1989. 7-24. [NP]

- Foucault, Michel. *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. Edited by Colin Gordon. Translated by Colin Gordon, Leo Marshall, John Mepham, Kate Soper. New York: Pantheon Books, 1980. [P/K]
- Foucault, Michel. *Society Must Be Defended: Lectures at the Collège de France, 1975-1976*. Edited by Mauro Bertani and Alessandro Fontana. Translated by David Macey. New York: Picador, 2003. [SMD]
- Foucault, Michel. "The Subject and Power." *Critical Inquiry* 8 (Summer 1982): 777-795. [S&P]
- Foucault, Michel and Farès Sassine. "There Can't Be Societies without Uprisings." Translated by Alex J. Feldman. *Foucault Studies* 25 (2018): 324-350. [SWU]
- Foucault, Michel. "What is Critique?" Translated by Kevin Paul Geiman. *What Is Enlightenment?: Eighteenth-Century Answers and Twentieth-Century Questions*. Edited by James Schmidt. Berkeley: University of California Press, 1996. 382-398. [WC]
- Freud, Sigmund. *On Dreams*. Translated by James Strachey. New York: W. W. Norton & Company, 1980.
- Habermas, Jürgen. *Communication and the Evolution of Society*. Translated by Thomas McCarthy. Boston: Beacon Press, 1979.
- Hartman, Saidiya. "Venus in Two Acts." *Small Axe: A Caribbean Journal of Criticism* 12.2 (2008): 1-14.
- Hayek, Friedrich A. *The Fatal Conceit: The Errors of Socialism*. Chicago: University of Chicago Press, 1988.
- Hegel, G. W. F. *Elements of the Philosophy of Right*. Translated by H. B. Nisbet. Cambridge: Cambridge University Press, 1991.
- Heidegger, Martin. *The Question Concerning Technology and Other Essays*. Translated by William Lovitt. New York: Harper Perennial, 1977.
- Hobbes, Thomas. *Leviathan*. Edited by David Johnston. New York: W. W. Norton & Company, 2021.
- Honig, Bonnie. *Political Theory and the Displacement of Politics*. Ithaca: Cornell University Press, 1993.
- Honneth, Axel. "The Diseases of Society: Approaching a Nearly Impossible Concept." Translated by Arvi Särkelä. *Social Research: An International Quarterly* 81.3 (2014a): 683-703.

- Honneth, Axel. *Freedom's Right: The Social Foundations of Democratic Life*. Translated by Joseph Ganahl. Cambridge: Polity, 2014b.
- Jaeggi, Rahel. *Critique of Forms of Life*. Translated by Ciaran Cronin. Cambridge: Belknap Press, 2018.
- Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Translated by Mary Gregor and Jens Timmermann. Cambridge: Cambridge University Press, 2012.
- Kant, Immanuel. "What Is Enlightenment?" *Kant's Political Writings*. Translated by H.B. Nisbet. Edited by Hans Reiss. Cambridge: Cambridge University Press, 1971. 85-92.
- Keynes, John M. *The General Theory of Employment, Interest, and Money*. San Diego: First Harvest, 1964.
- King, Martin Luther, Jr. "The Other America." *The Radical King*. Edited by Cornel West. Beacon Press, 2015. 211-219.
- Kuhn, Thomas S. *The Structure of Scientific Revolutions*. Chicago: University of Chicago Press, 1962.
- Laclau, Ernesto and Chantal Mouffe. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso, 1985.
- Latour, Bruno. *We Have Never Been Modern*. Translated by Catherine Porter. Cambridge, Harvard University Press, 1993.
- Laplanche, Jean and Jean-Bertrand Pontalis. *The Language of Psychoanalysis*. Translated by Donald Nicholson-Smith. London: Karnac Books, 1988.
- Lewis, David. "Causation as Influence." *The Journal of Philosophy* 97.4 (2000): 182-197.
- Locke, John. *Political Writings*. Edited by David Wootton. Indianapolis: Hackett Publishing Company, 1993.
- Machiavelli, Niccolò. *The Prince*. Translated by Peter Bondanella. Oxford: Oxford University Press, 2005.
- McCarthy, Thomas. "Translator's Introduction." *Communication and the Evolution of Society*. Boston: Beacon Press, 1979.
- Mouffe, Chantal. *On the Political*. London: Routledge, 2005.
- Neuhouser, Frederick. *Diagnosing Social Pathology: Rousseau, Hegel, Marx, and Durkheim*. Cambridge: Cambridge University Press, 2023.

- Nietzsche, Friedrich. *On the Genealogy of Morals / Ecce Homo*. Translated by Walter Kaufmann. New York: Vintage Books, 1989.
- Pasquinelli, Matteo. "What an Apparatus is Not: On the Archeology of the Norm in Foucault, Canguilhem, and Goldstein." *Parrhesia* 22 (2015): 79-89.
- Polt, Richard. *The Emergency of Being: On Heidegger's Contributions to Philosophy*. Ithaca: Cornell University Press, 2006.
- Rancière, Jacques. *Disagreement: Politics and Philosophy*. Translated by Julie Rose. Minneapolis: University of Minnesota Press, 1999.
- Rayner, Timothy. "Biopower and Technology: Foucault and Heidegger's Way of Thinking." *Contretemps* 2 (2001): 142-156.
- Resch, Robert P. "Modernism, Postmodernism, and Social Theory: A Comparison of Althusser and Foucault." *Poetics Today* 10.3 (Autumn 1989): 511-549.
- Revel, Judith. "Identity, Nature, Life: Three Biopolitical Deconstructions." *Theory, Culture & Society* 26.6 (2009): 45-54.
- Revel, Judith. *Le Vocabulaire de Foucault*. Paris: Ellipses, 2002.
- Ricœur, Paul. *Freud and Philosophy: An Essay on Interpretation*. Translated by Denis Savage. New Haven: Yale University Press, 1970.
- Rosen, Michael. *On Voluntary Servitude: False Consciousness and the Theory of Ideology*. Cambridge: Polity Press, 1996.
- Schmitt, Carl. *The Concept of the Political*. Translated by George Schwab. Chicago: University of Chicago Press, 1996.
- Scott, John T. "The Sovereignless State and Locke's Language of Obligation." *The American Political Science Review* 94.3 (2000): 547-561.
- Senellart, Michel. "Machiavelli Facing the Challenge of Gouvernamentalité." Translated by Seán Erwin. *Foucault Studies* 16 (2013): 104-115.
- Sider, Theodore. "What's so Bad about Overdetermination?" *Philosophy and Phenomenological Research* 67.3 (2003): 719-726.
- Smith, Daniel. "What Is the Body without Organs? Machine and Organism in Deleuze and Guattari." *Continental Philosophy Review* 51 (2018): 95-110.
- Spengler, Oswald. *The Decline of the West: Form and Actuality*. Vol. 1. Translated by Charles Francis Atkinson. New York: Alfred A. Knopf, 1926.

Waldron, Jeremy. "John Locke: Social Contract versus Political Anthropology." *The Review of Politics* 51.1 (1989): 3-28.