FREEDOM, POWER AND CAPITALISM: FROM DISCIPLINES TO BIOPOWER*

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Abstract:

In this paper I propose a framework to understand the transition in Foucault's work from the disciplinary model to the governmentality model. Foucault's work on power emerges within the general context of an expression of capitalist rationality and the nature of freedom and power within it. I argue that, thus understood, Foucault's transition to the governmentality model can be seen simultaneously as a deepening recognition of what capitalism is and how it works, but also as a recognition of the changing historical nature of the actually existing capitalisms and their specifically situated historical needs. I then argue that the disciplinary model should be understood as a contingent response to the demands of early capitalism, and argue that with the maturation of the capitalist enterprise many of those responses are no longer necessary. New realities require new responses; although this does not necessarily result in the abandonment of the earlier disciplinary model, it does require their reconfiguration according to the changed situation and the new imperatives following from it.

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1. Introduction

There is a theme running throughout Foucault's analyses of governmentality, biopower, the changing nature of state and its relation to society, and neo-liberalism. The theme is particularly clear in the contrasts he makes between governmentality and the arts of government in previous centuries (the reason of state and the theory of police, etc.), biopower versus disciplinary power, and the modern state versus the early modern state (and medieval state). The theme is that of freedom: the nature of freedom, and its relation to other notions such as power, rationality, etc. Foucault wants to reject a certain notion of freedom. Let us call it a negative notion of freedom, expressed in terms of the absence of something else, something it is not: A way out.[1] Specifically, negative freedom is seen as absence of repression and domination, notions that are in turn associated with power. Hence, negative freedom becomes absence of power, and the way to freedom is a way out of power relations. In this view, power is domination. The assumption is that where there is power there is no freedom, and where there is freedom there is no power. Let's call this the 'exclusory' hypothesis;[2] power and freedom, according to this hypothesis, are mutually exclusive. But this, Foucault argues, is to misunderstand the nature of modern freedom and power, and the way they operate in modern societies. Such notions of freedom and power might have some relevance to early modern and medieval societies, but they are quite inadequate in understanding our contemporary societies.[3]

One of the insights of the analysis is that freedom is a great managing power (and not just a liberating force), and power is not necessarily something bad (it can lead to either domination or freedom). Freedom, and a particular positive notion of freedom, is the paradigm of the new techniques of government, the new art of government. Freedom is meant here not as an ideology (although that is important as well, even though much less important than is normally thought), but simultaneously as the principle (mechanism) through which the system works. Freedom in this sense is not to be understood primarily as the property of will (in the tradition of human rights and legal discourses), but as the freedom of movement and freedom of circulation – freedom to

develop, grow, enhance – and is applied to both people and things (that is both to physical and human capital). The new art of government is not primarily based on prohibitions and exclusions, but is "carried out through and by reliance on freedom of each" (Foucault 2007, p. 49).

Now, Foucault's studies into the nature of biopower and governmental rationality, although evidently connected to the phenomenon of capitalism, were carried out in relative isolation and without explicit attention to the concept of capitalism. This was so for at least three reasons: First, Foucault, from a methodological viewpoint, wishes to avoid universals (Foucault 2008, pp. 2-3, Foucault 2007, p. 118, Foucault 1998a, p. 461). His method explicitly concentrates on understanding different practices and rationalities involved in them. Second, he wants to eschew concentration on the concept of capitalism for strategic reasons: Foucault once said that "experience has taught me that the history of various forms of rationality is sometimes more effective in unsettling our certitudes and dogmatism than is abstract criticism. For centuries, religion couldn't bear having its history told. Today, our schools of rationality balk at having their history written, which is no doubt significant" (Foucault, 2002, p. 323). Similarly, it seems to me that Foucault prefers to disrupt certain assumptions about capitalism through historical investigation into different forms of powers and their genealogy in the West, rather than through direct conceptual analysis of it. Third, Foucault stresses the need to understand the phenomenon one is studying in its specificity; it involves, among other things, understanding things/objects/concepts in their own terms (paying utmost attention to differences), which in turn requires paying close attention to the particularity of the phenomenon under consideration.[4] Referring to universal terms like 'capitalism' blurs the crucial particularity of a specific form of economy. There is no 'Capitalism' with a capital 'C' for Foucault (Foucault 2008, pp. 164, 174).[5] But it would be wrong to infer from this that one cannot talk about capitalism in general. Generality should not be confused with universality; generality can respect specificity in a way that universality cannot. Therefore, it would be wrong to infer from Foucault's insistence on studying specific 'capitalisms' in their own right that we cannot learn some general 'truths'

about capitalism. In this paper I will step aside from issues of interpretation and try to investigate the conceptual advances made by Foucault's analyses, how some of his conceptual tools can be used in understanding capitalist rationality, and how this rationality can help deconstruct certain traditional myths about capitalism.[6]

2. Freedom, Power, and Capitalism

Freedom and power are two important elements around which Foucault's analysis revolves; however, power is the explicit object, while freedom (at least until his later writings) remains a background condition of power. Freedom is not only presupposed by the sort of power Foucault is interested in analysing, it is also its *positive mechanism*: "[P]ower is exercised over free subjects, and *only insofar as they are free*" (Foucault 1983, p. 221, emphasis added). Foucault is not after a theory of power. Nor is he interested in discovering the essence of power. His investigations are aimed at discovering the defining features of specific forms of power he has studied in his different projects. But: a) The fact that Foucault studies specific forms of power does not mean that he is not interested in general features of power; b) in general, denying that one is interested in a theory of power does not mean one is not interested in general features of power. Power is a relational concept. It is something that arises out of human relations. Power presupposes materiality (force for example), but is not reducible to it. Power is not force. Force is something physical; power is a social (or, to be more precise societal) notion. Physical force might play a role in a particular power relation; it does not define power, or even forms, generally speaking, its essential feature. Power is an aspect of any relation between two, or more than two, human beings (in fact even a relation of self to itself involves power, and a crucial topic of investigation in Foucault's later writings). The particular form power takes depends on a type of relation, the purpose of a relation, and other related factors. For example, friendships, love, and family are all relations, but they presuppose different types of power and different strategies and techniques of power. Power involved in love relations, for example, cannot be understood using the model of power involved in economic relations. Power and

domination are obviously related concepts. Domination is related to the ends (*telos*) of power, but domination cannot be regarded as essential to all forms of power without compromising the specificity of different forms of power.[7] It would be odd, for example, to say that the purpose of love relation is domination (even though such a relation may give one person potential dominance over the other, which may or may not be exploited by the possessor of such a power).[8]

There are various instruments and preconditions of power relations, viz. freedom, knowledge, charisma, and charm,[9] to mention a few. Let us suppose I want to control your life; the question can arise only if you are free and only to the extent that you are free; if you are not free (e.g. if you are chained, or are enslaved),[10] I do not need to control your activities. In this specific sense, freedom is the general condition of any power relation, and it is also a general condition of governance. Similarly, knowledge of the object/person one wants to govern also seems to be a general condition of power relations as well as governance. However, the active, positive role of freedom, as well as knowledge, beyond this minimal sense changes depending on the nature of power involved, the specific object of governance, etc. Now, if you are free, and if I need to control your activities (and control may or may not involve repression), I need to have some sort of power over you. I need to have a certain strategy in place to govern, restrict, and streamline (depending on the context) your (possible) actions. Various factors can influence such strategies. If, for example, my purpose is just that you do not become too powerful relative to me, then my purpose is entirely negative. I have no positive interest in managing your life (or at least, only to the point that it is necessary for the negative purpose of stopping you from usurping my privileges). My interest in positively governing you (restricting, managing your actions or conduct) exists only to the extent that it is related to the negative task of limiting your power over me. On the other hand, if my interest in governing you is positive, it will require much more elaborate techniques, and the nature of governance will vary according to the purpose, objectives, and level of techniques available.

All things being equal, negative governance involves much less work than positive governance.[11] If you are more knowledgeable, physically robust, and resourceful, it is more difficult to govern you. Generally speaking, the freer she is, the harder it is to govern her, which paradoxically may mean that freedom potentially requires much more intervention on the part of the governor, and not less. Finally, if I want you to live in certain ways (that is, govern you positively), it is much more convenient (if possible) to persuade you of the worth of living in that way, rather than threaten you, bribe you, and then constantly monitor you to see if you comply or not. Self-discipline, self-subjection, and self-governance are thus more efficient ways of governing people. Generally speaking, the strategy of governance, especially when it involves freedom as a technique of governance, is much more efficient when it relies on strategies of self-governance.

Foucault defines 'government' as "the structure (ing) of the possible field of action of others" (Foucault 1988, p. 221). For the art of government that aims to govern *positively*, the end is not primarily to make rebellion impossible, but it has other positive aims – for example, the welfare of the population. Specific purposes can change, but there must be some positive purpose. The goal of positive governance is to manage things (including people) for specific ends. It requires a detailed knowledge of the governed (the people, things, and territory, etc.). The level of knowledge (its type and complexity) required for a particular regime of governance will vary according to its positive *telos*. Generally speaking, capitalism can be differentiated from negative modes of governance, whose purpose is simply to ward off the possibility of rebellion (for example), irrespective of whether such a regime is a historical reality or simply a useful abstraction. Capitalism requires positive governance; even though the particular *telos* – how it defines itself (or understands and justifies itself) – may change, generally speaking a capitalist state cannot be understood as a minimal state that is simply interested in maintaining order and warding off any possible rebellion. A capitalist state is by definition not such a state, and cannot be such a state.[12] Every capitalist regime of governance has a positive *telos*, and in this it is like any other regime of governance with a

positive *telos*. However, capitalism is a specific regime of governance (differentiated from other possible and actual positive regimes) due to the specificity of its *telos*. Furthermore, since a specific understanding of the positive *telos* of capitalism (within overall generality) has been changing throughout history, so its specific mode and strategies of governance have also been changing throughout history.

The positive *telos* of capitalism in general is freedom. The freedom here is to be differentiated from freedom in the minimal sense, in which it is the condition of the possibility of *all* power relations; freedom is also the precondition of the modern capitalist form of economy (and lifestyle in general), but what differentiates capitalism in general from other positive regimes of governance is that freedom is its positive *telos* as well (Foucault 2001, pp. 48-49). But that is not what is essential in Foucault's analysis of capitalist modes of governance. For Foucault, the greatest insight is the discovery of what may be termed the *double character* of freedom – the discovery that freedom can simultaneously be the principle of maximisation as well as the principle of minimisation. In other words, freedom is not only the *telos* of the system as a whole, it is also the principle through which each element in the system is governed (managed) – the principle which, while achieving the positive *telos*, also makes sure that the system is governable in a way that does not reduce the positivity of the system as a whole. Freedom, within the capitalist mode of governance, is not the anti-thesis of government (and management); it is in fact the technology of government, in the sense of not only providing the condition of governance but also the way, the tool through which people (and things) are actually (positively) managed. The way to govern (manage) things is not to put limits on their circulation but to increase that circulation as much as possible; and the way to govern (manage) people is not to put limits on their desires (ibid., pp. 72-73) their freedom, but let them do whatever they want as much as possible.[13] The very act of maximising freedom of circulation and fulfilment will in the end provide the best way of managing things and people (as well). Hence freedom is central for the functioning of a capitalist system not only as the precondition for enhancing utility and diversity, but also for

imposing singularity on multiplicity (Foucault 1983, p. 221). Foucault's claim is that in capitalism the governance of diversity is maintained through freedom itself, and not (primarily) through repression. Capitalism's interests are not fulfilled by curbing and limiting per se. Capitalism has evolved as a system of government whose condition of operationalisation is freedom and immanence. Thus, from the fact that freedom is the *telos* of capitalism in general, it should not be construed that non-interference as such is also an essential characteristic of the capitalist modes of governance. Quite the contrary: In fact, as mentioned above, the more the people are free, the more the need for interference (in order to manage them). What differentiates capitalism from other regimes of governance is not non-interference, but the type of interference, the techniques of interference, and how interference is justified. Again, speaking generally and schematically, capitalism justifies interference itself in the name of freedom, uses freedom as technique of interference, and makes sure that interference is efficient and minimally costly, and applied only as much as is absolutely necessary. In fact, one of the points Foucault makes in this regard is that capitalism has beguiled its critics (especially Marxist critics)[14] precisely because they erroneously thought that interference per se was essential to capitalism (Foucault 1981, pp. 120-122).

3. From Disciplines to Biopower

This understanding of capitalism is at the heart of Foucault's analysis from the start. The mutation that we see in the actual development of historical capitalism, as well as in Foucault own analysis, is internal to this understanding (and not the discovery of some new principle or some additional insight, as has been suggested sometimes). Thus, in *Discipline and Punish* he describes the purpose of disciplines in the following terms:

> **D**iscipline produces subjected and practiced bodies, 'docile' bodies. Discipline increases the force of the body (in economic terms of utility) and diminishes these same

> forces (in political terms of obedience). In short, it dissociates power from body; on the one hand, it turns it onto an 'aptitude', a 'capacity', which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and turn it into a relation of strict subject.
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> (Foucault 1978, p. 138)

Disciplines, as "the 'techniques for assuring the ordering of multiplicities'" and enhancing governance, have the purpose of increasing "both the 'docility' and the 'utility' of all the elements of the system" (ibid., p. 218). But even at this stage Foucault is well aware that reduction of the body as "a 'political' force" is to be carried out "at the least cost" (ibid; p. 221).[15] It is understood that Foucault studies the strategies of the accumulation of men (the political problem of subjection referred to in the quote above) as the function of the problem of governance, but what is seldom understood is that Foucault treats the problem of governance not in isolation but in relationship to the problem of the accumulation of capital. The problem is not just governance but the type of governance that provides the space in which hindrances to capital accumulation[16] are the least, while its possibilities are being utilised to the maximum. Hence the problem is not just one of producing docile bodies, but one of producing docile bodies which are also useful. The purpose of producing docility is to maximise utility; docility that hampers utility is unacceptable.

It is true that Foucault partially retracts his earlier statement in *Discipline and Punish*[17] that the eighteenth century had "made such a strong demand for freedoms, had all the same ballasted these freedoms with a disciplinary technique that . . . provided, as it were, guarantees for the exercise of this freedom" (Foucault 2007, p. 48). Why did he retract the statement? At least for the following reasons: First, he now thought that he had to a certain extent wrongly opposed freedom and discipline. Freedom involves self-discipline, and the notion of freedom without conditions presupposes the negative conception of freedom Foucault was now trying to overcome. In his critique of the repressive hypothesis he was also engaged in a self-criticism.

Disciplines are the necessary condition of freedom. Second, he now realised that the conception of freedom employed within disciplinary techniques was restrictive, as it revolves around the figures of 'prohibition' and 'norm' – even if negatively. Foucault's mistake at this point was that he did not sufficiently realise the contingency of certain restrictive techniques employed within the overall political economy of capitalism at a particular time and space.

Generally speaking what changed along the line were three interrelated things: a) The realisation that the former principles and ideals were either too restrictive (given the positive commitment to freedom) and/or are no longer necessary (and even might be detrimental in the long run) to the freedom of circulation. Some principles or restrictions were important at one stage (for example, for the creation of the subject of capital in the first place), but were no longer necessary once that object had been achieved to a certain minimal level. The latter is particularly true for restrictive disciplines Foucault studied in his various works, but particularly in *Discipline and Punish*; b) changes in the epistemological stances about what can be known about people, their desires, and reality at large (especially the economic reality). The discovery of the epistemological impossibility of knowing the object of governance completely lays bare the necessity of constant dealing with uncertainties and working with probabilities (though it is interpreted as positivity in the Kantian way, where the finitude is in fact the necessary condition of freedom); c) consequently, the model is now not the artificially constructed transparent reality but the messy reality, which we cannot ever know completely and hence are obliged to interact with on a continuous and precarious basis.

The emergence of the new art of government in Europe from the seventeenth century onwards represented an advance in terms of the development of capitalism precisely because it was a mode of governance which went beyond the limiting principle of governing negatively:[18] That is, governing basically to limit rebellion and transgression – essentially on the model of letting live or taking life (Foucault 1981, pp. 136ff.). The newly emergent modes of governance were all aimed at positive

governance; they had positive ends. But positivity is only part of the story, as positivity in itself does not make any regime a regime of capitalist governance. The Catholic Church ruled populations (and individuals) positively as well, but its positive end or principle of governance was guidance, not freedom (Foucault 2002, pp. 309-311). The new arts of government, however, were further related to capitalism in that their positive principle of governance called for a substantial commitment to freedom. Mercantilism, cameralism, reasons of state, theory of police, and disciplinary techniques developed by great administrative states (and governmental regimes) of the eighteenth century all involved not only freedom as the justificatory principle of governance but also as a technique of power and governance. However, all these models have limits from the perspective of capitalism, as they limit freedom not only externally but also internally.

The limiting principles are varied, and we cannot go into the details here, but an example is in order. With mercantilism, for example, the concern of governance is positive, and the aim of governance is productive (for example, accumulation of wealth, etc.). Thus, for example, mercantilism saw population as a source of wealth, as a productive force, etc. (Foucault 2007 p. 69). But the mercantilist objective of accumulating wealth in order to build a strong state or make the country strong, puts limits on the accumulation of wealth (and the accumulation of men related to it), which is not an internal limit on capital but an external limit (the wealth is not accumulated for its own sake but in order to make a country strong; thus the primary purpose is not accumulation in itself, but to support the country or the king). Therefore, mercantilism as a system poses problems, in the long run, which for capitalism must be overcome, even though mercantilism provides an important phase (perhaps even necessary phase) in the development of capitalism in Europe. For Foucault, "mercantilism was blocked and halted precisely because it took the sovereign's might as its essential objective". Within the overall paradigm of sovereignty, "the art of government could not develop in a specific autonomous way" (ibid., p. 102). Similarly, we can argue that although mercantilism provides a necessary[19] step in the emergence of capitalist modes

of governance, it ultimately proves an obstacle to be overcome so that capitalist modes of governance can evolve in "a specific autonomous way". According to Foucault's genealogy this is precisely what happened at different levels, and progressively through the emergence of biopower and arts of government related to it.

To recapitulate, the analysis of power in Foucault corresponds to the period in which capitalism emerged in Europe and underwent different phases in its development. The transition from different forms of power – from juridico-legal, to disciplinary, to biopower – and the arts of governance related to them can be roughly matched with different phases in the development of capitalism: Nascent capitalism, imperialism, and late capitalism, etc. As we go from one phase to another, one constant theme that emerges is the lessening of repressive measures in the crude forms of prohibition and exclusion, and the corresponding expansion of freedom not only as a space of possibility for individuals and groups, but also as the main technique of power. Society moves from being that of repression to that of control.

Several provisos are in order here: The account does not imply that in societies of 'repression' and 'order' freedom is not important. Not at all! But the overall emphasis changes. Exclusion and prohibition do not go away, but they do not remain the model or the primary technique of governance. Conceptually speaking, the primary shift occurs in transition from negative, minimal regime to a positive regime of governance. Not every positive mode of governance is necessarily capitalist, but many techniques developed in an historically positive mode of governance will be found congenial to capitalist modes. Once the mode of governance shifts from governing negatively to positively, the conditions are minimally (but not deterministically) set for the emergence of capitalist modes of governance, in order to maximise utility and diversity in such a way that the system remains manageable as a whole. However, at the start, as is to be expected, such a task is beset with anxiety and set in an alien world; capitalism has to create a world in which it will be at home (and destroy those elements of the previous world in which it was not at home). Such a process requires oppression and

exclusion; the process required to create a capitalist subjectivity from scratch, for example, cannot be understood via a model that presupposes the idea that capitalist subjectivity is already a norm. The former surely would require more elaborate methods of observation, surveillance, and normative training than the latter. The general lesson which emerges from the genealogy is that capitalism is not essentially repressive; its positive principle is freedom not repression, inclusion not exclusion, maximisation not minimisation, diversity not singularity, etc., and the latter concepts are to be achieved through the former as much as possible. The proof for this, according to Foucault, is that capitalism was able to gradually lift restrictions that were no longer indispensible.

Historically speaking, the shift from negative to positive modes of governance was at least partially due to changes in the logic and mechanisms of the new emerging economy itself. The freedom of movement and circulation inherent in the logic of capitalist economy soon created a scenario which outstripped the old mechanisms of power that presupposed closed walls and exclusion and simplistic repression. As Foucault writes:

> …. an important problem for towns in the eighteenth century was allowing for surveillance, since the suppression of city walls made necessary by economic development meant that one could no longer close towns in the evening or closely supervise daily comings and goings, so that the insecurity of the towns was increased by the influx of the floating population of beggars, vagrants, delinquents, criminals, thieves, murderers, and so on, who might come, as everyone knows, from the country… In other words, it was a matter of organizing circulation, eliminating its dangerous elements, making a division between good and bad circulation, and maximizing the good circulation by diminishing the bad.
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> (Foucault 2007, p. 18)

In a sense, this encapsulates the whole problem of governance in the age of capitalism, which in a way is still with

us. The example of a town here is important for several reasons. Capitalism as a movement emerges in free towns, away from the shackles of early modern (feudal) sovereign territorial states. Foucault at one point says that "the town was par excellence the free town" (ibid., p. 64), and that "the town was always an expansion within an essentially territorial system of power founded and developed on the basis of a territorial domination defined by feudalism" (ibid.). For a feudal, territorial state the problem is entirely negative, that is, of "fixing and demarcating the territory"; the problem of the newly emerging, positive art of government on the other hand is: "(A)llowing circulations to take place, of controlling them, sifting the good and the bad, ensuring that things are always in movement, constantly moving around, continuously going from one point to another, but in such a way that the inherent dangers of this circulation are cancelled out" (ibid., p. 65). In governing open, fluid multiplicities without hindering the fluidity – in other words, managing the space of governance in such a way as to maximise opportunity and minimise dangers (possible disruptions to the positive task) – fluidity, openness, and inherent ungovernability are seen not just as dangers (conceptually speaking), but as opportunities. The task of the newly evolving arts of government (which of course would draw upon all the present and past available resources) is to evolve techniques, strategies, policies in order to do just that: "It is simply a matter of maximising the positive elements, for which one provides the best possible circulation, and of minimising what is risky and inconvenient, like theft and disease, while knowing that they will never be completely suppressed" (ibid., p. 19). This last point is very important. Whence comes this realisation that 'risk' can only be 'managed' but never 'completely suppressed'? I submit that this is (at least in part) due to the realisation of the role of freedom in the whole game. If the purpose is to maximise 'opportunity', 'utility', or 'positivity' (whatever you want to call it) then freedom is essential to the system as a whole; and, if freedom is essential, risk and uncertainty are also essential, as they are part and parcel of freedom. Risk cannot be abolished without abolishing freedom, and hence the system itself. It also follows from this that such a strategy of governance is

primarily positive (as it is based on positivity par excellence – freedom[20]) and only secondarily negative (aimed at reducing risk).

It is clear that for the fluidity and openness described above in their nascent form, with reference to the eighteenth-century town, the disciplinary model is unsuitable in the long run. The disciplinary model has two aspects to it: a) On the one hand it is the model for the creation and sustenance of the capitalist subjectivity; b) on the other hand it is also a model for managing capitalist spaces. The model has problems at both levels. The first problem is to do with the domain with which it deals. Generally speaking, the disciplinary model is the model of individuation.[21] With the emergence of new objects of concern for capitalist governance – for example, the phenomenon of population – the model of individuation is naturally inadequate because population is conceived not as the sum total of individuals,[22] but as a quasi-natural phenomenon with its own norms and laws, which are to be studied in their own right and cannot be arrived at through knowing the multiplicity of individuals comprising the population. Hence, a separate set of techniques, knowledge, and methods is needed to govern population. So, at this stage, we have modes of governing individuals (modes of individuation) and discourses related to them on the one hand, for which the disciplinary model still remains a model, while on the other hand, there is a new domain of objects and discourses emerging relating to this new domain of objects (population and related phenomena).[23] This will slowly lead to the development of a new set of knowledges, and new modes of governance (Foucault tentatively calls the regime that of security, but the name here is not important). The phenomenon of sex, at least at the initial stages, will provide the link (Foucault 1981, pp. 25-26 & 145, Foucault 2003, p. 252) between the modes of individuation and the modes of massification (or socialisation).[24]

On the second level, even on the plane of individuation it is realised that the disciplinary model, if not entirely obsolete, is inadequate in various ways, even in its own domain. To start with, once capitalist society has matured and capitalist subjectivity has become a norm, the techniques related to the

early stages of capitalism for the creation and sustenance of capitalist individuality are no longer necessary. The limitations – training regimes associated with the early disciplinary model – are now seen as excessive given the guiding principle that repression, exclusion, etc. are permissible only as long as they are absolutely necessary. Hence, many of those harsh and imposing procedures can just fade away. It is also necessary to get rid of those procedures that have become a hindrance to the development of a fully-fledged, creative, and innovative capitalist individuality by enforcing unnecessary limits, or even by not providing maximal opportunities without any unnecessary limits. Moreover, the newly emerging discourses related to population governance techniques would also lay bare the inherent incompatibility of the internal logic of the disciplinary regime with the freedom of development and circulation ideally needed for a regime committed to the maximisation of freedom. Foucault in this context talks at length about disciplinary techniques and their inherent limitations, and contrasts them with the mode of governance related to population discourses and the security regime evolving in the wake of it (Foucault 2007, pp. 18-49). From an epistemological perspective, the disciplinary model, to start with, is built on the idea of static, artificially constructed space(s),[25] which can be *completely* circumvented, and hence *completely* regulated.[26] The completeness principle is quite contrary to the very nature of freedom (not essence – i.e. the minimal materiality inherent in the concept); it is not only impossible in the long run, it is also undesirable. It is deemed impossible once it is realised that the early modern dreams of conquering nature completely, and hence abolishing its arbitrariness entirely, are chimerical. Nature remains, and even though we can tame it, we can never overcome it entirely. Human society cannot be built on and cannot be understood using the model of artificiality, completeness, and absence of arbitrariness. One has to work with the amalgam of artificiality and naturalness (and hence the inevitability of arbitrariness and risk).

But it is also undesirable given that the fulfilment of the dream of completeness will rob the system of its very core, i.e., freedom. Disciplines aim to annul reality, while the new art of

government deals with the historical reality and works within (and with) it. The aim is not to control everything, know everything, and guide everything, but to work with an impartial, incomplete, probable understanding of things, let things be, and guide them, regulate them, and manage them only to the extent that it is absolutely necessary. Again, the argument is that it is not possible to know everything, but also in the wake of new discourses related to population studies (probability, statistics, etc.), it is discovered that things can be managed without having exact and complete knowledge of them (only if one abandons the completeness myth of complete knowledge, and complete control). It is discovered that one can work with probabilities and manage things, and that one can reduce risks (and live happily with them) without eradicating them. Beyond the epistemological point, it is also realised that it is undesirable to know everything, to manage things completely, to eradicate risks completely, to guide things in complete and full detail (even if for the maximisation of utility) because it is against the principle of freedom, the core principle of the system.

Finally, although the disciplinary paradigm is not essentially negative in the sense that the legal paradigm is, like the legal paradigm it is 'codificatory', as it tells us what must be done at each and every moment. This is limiting and negative: It is limiting in the sense that everything is laid down in advance – it leaves no room for creativity and imagination. It limits essential freedom. It is also negative in the more mundane sense that, since it guides everything in minute detail, what it does not give direct guidance about is prohibited.[27] New arts of government, on the other hand, are more open-ended, and provide room for freedom: Unlike the legal code or the disciplinary model they do not provide detailed guidance for action. Within the general legal framework and the rules of the game, things are left to their own devices as much as possible. The technique of governance 'stands back sufficiently' and lets reality unfold as much as possible without harming or risking the system as a whole (ibid., pp.46-47). In the new regime of government through freedom, the idea of the government of man does not primarily revolve around what one should do and what one should not do, or what are the correct ways of actions one should choose, but primarily on "before all else the man's

freedom" of "what they do, of what they have an interest in doing…" (ibid., p. 49). The government of man requires freedom:

> … not only as the right of individuals legitimately opposed to the power, usurpations, and abuses of the sovereign or the government, but as an element that has become indispensable to governmentality itself. Henceforth, a condition of governing well is that freedom, or certain forms of freedom, are really respected. Failing to respect freedom is not only an abuse of rights with regard to the law, it is above all ignorance of how to govern properly. The integration of freedom, and the specific limits to this freedom within the field of governmental practice has now become an imperative.
>
> (Ibid., p. 353)

The positive character of new modes of governance can be explored with reference to the concept of 'desire'. The sovereign (for example) "is the person who can say no to any individual's desire" (ibid., p. 73). The starting point of the new arts of governance is not saying 'no', but saying 'yes'. And the problematic is 'how', and not whether 'yes' or 'no' (which is of course 'yes') – how to promote the desires of each and every individual in such a way as to maximise desire-satisfaction of the population as a whole in a way that is compatible with the reduction of pain (including any disruption to the system). The way is to make desire maximisation itself the principle of governance. Desire is the source of action. One can do nothing against desire. It is futile to suppress desire. This is still negative. What makes it positive is the assertion that it is a good thing to fulfil desires (ibid., p. 72). Hence the importance of utilitarianism, not just as the principle that legitimises the pursuit of desires, but also as a technique of government. Here we can clearly see the distinction between disciplinary governance and biopolitics even at the level of individuals. Disciplinary techniques, unlike sovereignty or the legal model, of course, do not say 'no' to desires, but, being techniques of detail (Foucault 2003, p. 249), they ideally rely on (and aspire to) knowing the reality of each and every desire and decoding them to make sure – not suppressing, but discriminating between good and bad desires,

and providing ultimate guidance as to which desires should be pursued (as congenial to utility maximisation), and which desires should not be followed (as detrimental to utility maximisation). Such a model would require detailed, constant surveillance, which was the hallmark of the panopticonic utopias, early psychiatric models, and policies regarding schools, factories, and family life during the eighteenth century. This is both undesirable (being too costly, and ultimately detrimental to the very freedom one is yearning for), and impossible. It is undesirable, and, in the end, futile to micro-manage desires.

The model of security, on the other hand, manages desires on the macro level, providing space for desires to flourish and bloom (even spurring them on). People will be incited to discourse about their desires (sexual discourses for example) (Foucault 1981, pp. 44-49); on the other hand, those desires are managed from a distance of anonymity – it is not this or that desire which is important, not your or my desire, but the general mechanism and the logic of desire. Knowledge of individual desire allows management of desire from a distance, culminating in the interests of the population. It is realised that "this desire is such that if one give it 'free play', it will lead to the general interest of the population" (Foucault 2007, p. 73). The technique of government no longer concerns itself with the desire of each and every individual, but with what is desirable for the population as a whole. Policy initiatives concentrate on making sure that these interests are served and maximised, and if they have to intervene in the individual life (which will be not infrequently of course), that it will be in the name of safeguarding the interests of the population based on discourses and expertise developed in the area, and not in the name of guiding the individual in her private life. Managing desires from the distance of interest provides a better model of desirability, efficiency, and feasibility. This should all ideally lead to a reformulation of disciplinary techniques according to the new model of population and security discourses.

It is worth repeating that legal and disciplinary paradigms do not totally go away. First, legal and disciplinary paradigms are historically the conditions of the possibility of new arts of

government. Second, they are part of the new system, even though no more as paradigms of the way the system is governed. Third, they can still be applied to the fringes of a capitalist society where capitalist values have not yet penetrated or become norms.

4. Conclusion

In this paper I have developed a framework for understanding the transition from disciplines to biopower within capitalist forms of governance using Foucault's discourses. I have arrived at the following tentative conclusions:

- Disciplinary techniques have been historically (and perhaps also conceptually) indispensible for the creation of capitalist subjectivity. They have been also important for organising capitalist space, especially in early capitalism.

- While the principle underlying disciplinary techniques (the principle of simultaneous maximisation and minimisation) remains operative in more mature capitalism, the different forms it takes undergo various transformations either due to the fact that the techniques needed specifically for earlier phases are no longer necessary, or certain techniques which were deemed optimal at one point might not be deemed solater on.

- With the maturation of capitalism, biopower supplements the disciplinary model and also leads to the transfiguration of and transformation of the model.

- Biopower supplements the disciplinary model in that population (not as the sum of individuals) but as an entity in its own right is recognised as capital and thus requires disciplines of its own. The discoursesoriginating with this new form of power in turn pose problems for the disciplinary model and discourses associated with it in the light of the principle of capital accumulation.

- Epistemologically it is realised that the disciplinary ideal of complete knowledge of the object and complete transparency is a chimera. One needs to learn to live with incomplete

knowledge, and only partially circumventable reality. But this also leads to the positive insight that completeness is not only impossible but also undesirable, given that the fulfilment of the dream of completeness will rob the system of its core value, i.e., freedom.

- With all the above, the contingent and counterproductive aspects of the disciplinary model need to allow for more lax techniques. For example, although the general education system for creating the maximal subject of capital remains, much of the regimentation associated with its early expression is discarded.

- Abandoning the myth of complete knowledge and complete transparency in turn requires a detailed reconfiguration of the disciplinary techniques and the disciplinary model as a whole.

This is of course a theoretical model, and no claim is made about the reality of existing capitalism and their historical development. The efficacy of the model however is to be tested by undertaking various studies applying it to understanding the reality of present-day capitalism and the development of different capitalisms in the last three hundred years.

Notes

1- Foucault's most sustained critique of the notion of freedom as a 'way out ' is developed in terms of his critique of the so called repressive hypothesis, which also implies that the notion of freedom as a way out is intimately related to a negative notion of power in which power is regarded as domination and as absence of freedom (Foucault 1981, pp. 17-49); also see Rose 1993).

2 - As noted above, the acceptance of the 'exclusory ' hypothesis is part and parcel of the acceptance of the repressive hypothesis.

3- For Foucault 's critique of the negative conception of power, and its inadequacy for understanding modern capitalism and his critique of legalistic models in general, see Foucault 1981, pp. 85-91 and 136-139.

4- For some very suggestive comments on this, see Foucault 2008, pp.187-188. Foucault here takes to task different critiques of the state that do not respect the "specificity of analysis" (188).

5- Foucault rejects the Marxist notion of a single (economic) logic of capital primarily because for him capitalism is not merely or even primarily an economic phenomenon but a political one, which, although it has its own singularity, does not have any deterministic logic; as a political phenomenon it opens up a field of possibility which takes many different forms, for example, according to the specific historical situation and the political will of the actors involved.

6- Although the latter is not the explicit aim of my paper, it will rather only be implied by my analysis; the explicit articulation will have to wait for another occasion.

7- What Foucault rejects is the simplistic notion of domination according to which domination is almost epiphenomenal to,

if not the necessary effect of, all forms of power, and absence of domination is equivalent to freedom and liberation. Foucault also wants to differentiate between different forms of domination and understand them in their specificity. A typical form of capitalistic domination (at least in mature capitalism), for Foucault, is subjection (Foucault 1983, p. 212), which is quite different from domination understood as "appropriation of bodies" (Michel Foucault 1978, p. 137).

8- For a detailed discussion of Foucault's notion of domination and its relation to other forms of repression, see Rizvi 2007, pp. 56-64.

9- A recent book on Stalin describes his influence within the communist party as follows: "The foundation of Stalin's power in the Party was not fear: it was charm" (Montefiore 2004, p. 49).

10- Servitude is a "constant, total, massive, non analytical, unlimited relationship of domination established in the form of the individual will of the master, his 'caprice '" (Foucault 1978, p. 137). Slavery on the other hand involves (requires) "appropriation of bodies" (ibid.).

11- Thus, for example, if Americans make war against Afghans or Iraqis (or any number of people they are at war with) just to make sure that there are no possible dangers to American hegemony (or internal security), then what it needs to do is to simply bomb its enemies and install regimes which are not hostile to it (irrespective of what those regimes positively believe in and how they will govern). On the other hand, if the purpose is not just negative but positive, that those regimes are democratic, capitalist, etc., it will require much more than just bombing; it will involve things like national econstruction, educational plans, etc. Obviously the latter necessitates much more work than the former.

12- What Patrick Carroll-Burke calls "premodern minimalist regime states" (Carroll-Bruke 2002, pp. 75-114; here pp. 105 and 114 n. 139).

13- Of course, within the general framework of the law and the rules of the game.

14- Although, as I say below, Foucault was at the same time criticising some of his own earlier claims.

15- In addition, cost is to be primarily understood in terms of cost *to* 'utility', 'diversity', and freedom, and not as cost *of* freedom (the latter is also a concern, but only secondarily).

16- In the broad sense of *both* human and ordinary 'economic ' accumulation. The primordial relation between capital accumulation in the economic sense and capital accumulation in the political sense is not entirely clear at this stage in Foucault's work. For a detailed analysis of this, see Rizvi 2006, pp. 23-33.

17- Foucault's original statement occurs in Foucault 1978, pp. 221-224.

18- Or governing properly at all, given the maxim that "the king reigns, but he does not govern" (Thiers's famous phrase, quoted by Foucault 2007, p. 76).

19- 'Necessary' in the historical sense understood by Foucault.

20- This does not contradict the claim that freedom is also emptiness par excellence.

21- That is, individuation of multiplicities (ibid., p. 12). The locus of disciplines is the body (Foucault 1981, p. 139). The disciplinary model should be understood as techniques of power developed during the eighteenth century around the practices related to prisons, army, schools, and factories, as well as discourses about

them and the disciplines they gave rise to. These disciplines and discourses drew on confessional techniques developed in Christian monasteries (but separated them from their ascetic background or ends), and they were very important in creating the modern subject (the subject of capital) (ibid., pp. 58-60).

22- "… the population as a collection of subjects is replaced by the population as a set of phenomenon" (Foucault 2007, p. 52). Individuals are no longer the object, but only "instrument, relay, or condition for obtaining something at the level of population" (ibid., p. 42).

23- At the earlier stages of the development of his insights about the emergence of biopower, Foucault saw the techniques of power related to governing populations and techniques of power related to governing human bodies as entirely complementary (see for example, Foucault 1981, p. 139 and Foucault 2003, pp. 250-25), but in his later discussion he seems, at least at times, to think that techniques of governance related to population have, at least as a model, entirely overcome or replaced the whole regime of governance related to disciplinary power (Foucault 2007, pp. 55-67) . In my interpretation I have tried to combine these two by basically hypothesising that the two regimes of governance are indeed complementary, but also that the techniques developed related to biopolitics and insights resulting from them are in turn used to'reform' the disciplinary model (which as a consequence does not remain 'disciplinary' in the strictrestrictive sense of its 'original' meaning). I also emphasise that lessening of disciplines is the result of the maturity of capitalism itself. Space constraints mean I have to leave the elaboration of this interesting discussion for another occasion.

24- Disciplines deal with "man-as-body" while biopower deals with "man -as-species" (Foucault 2007 p. 243). It should be noted, however, that biopower, by analysing population, provides the space for intervention which ultimately also individualises, but

in a way different from disciplinary models (ibid., 245); however, biopower does this through focusing on population as the object of study and intervention, thus individuation is indirect in this case (ibid., 246, 248; also see Foucault 1981, p. 26).

25- "Discipline works in an empty, artificial space that is to be completely constructed" (Foucault, 2007, p.19).

26- "… discipline regulates everything. Discipline allows nothing to escape. Not only does it not allow things to run their course, its principle is that things, the smallest things must not be abandoned to themselves" (ibid., 45).

27- In this it is the exact opposite of the legal paradigm, in which whatever is not prohibited is essentially permitted. In this sense, the legal paradigm is non-interfering in a way that the disciplinary model or any other capitalist modes of governance can neverbe.

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