

AGAINST THE REPUBLICAN FOUCAULT

HOW TO ESTABLISH AN AFFIRMATIVE BIOPOLITICS OF CARE

door Tim CHRISTIAENS (Tilburg)

We live together because we have no choice, and though we sometimes rail against that unchosen condition, we remain obligated to struggle to affirm the ultimate value of that unchosen world, an affirmation that is not quite a choice, a struggle that makes itself known and felt precisely when we exercise freedom in a way that is necessarily committed to the equal value of lives.

Judith BUTLER¹

1. INTRODUCTION

Many political theorists have noted a critical deficit in Michel Foucault's governmentality lectures, leading some to even speculate about Foucault's possible conversion to neoliberalism.² Yet others have attempted to discover forms of affirmative biopolitics in Foucault's writings.³ One

Tim CHRISTIAENS (1992) is assistant professor at the Department of Philosophy at Tilburg University. Recent publications: "Agamben's Theories of the State of Exception: From Political to Economic Theology," *Cultural Critique* 110 (2021): 49-74; "Roberto Esposito's Critique of Personhood and the Neoliberalization of Potentiality," *Italian Studies* 76 (2021): 161-73.

¹ Judith Butler, *Notes Toward a Performative Theory of Assembly* (Cambridge, MA: Harvard Univ. Press, 2015), 122.

² See Daniel Zamora, *Critiquer Foucault* (Brussels: Editions Aden, 2014); Serge Audier, "Neoliberalism Through Foucault's Eyes," *History and Theory* 54 (2015): 404-18; Mitchell Dean and Kaspar Villadsen, *State Phobia and Civil Society* (Stanford: Stanford Univ. Press, 2016); Mitchell Dean and Daniel Zamora, *Le dernier homme et la fin de la révolution* (Montreal: Lux Editeur, 2019).

³ See, among others, Donna Haraway, "The Biopolitics of Postmodern Bodies: Constitutions of Self in Immune System Discourse," in *Simians, Cyborgs, and Women: The Reinvention of Nature*

influential solution is to import republican ideals into governmentality studies to fill the gap. Especially Wendy Brown's *Undoing the Demos* (2015) and Miguel Vatter's *The Republic of the Living* (2014) question the legitimacy of neoliberalism from the perspective of the right to democratic self-determination. Neoliberalism is purportedly a force of depoliticization that displaces political decision-making from democratic fora to opaque technocratic administrations. Neoliberal governments do not strive to enact 'the will of the people,' but to maximize economic growth at all cost — even against the explicit wishes of the people. Brown accuses Foucault of missing this opportunity for a republican critique of neoliberalism, but Vatter argues that a secret republicanism is hiding in Foucault's own texts.⁴ He uses Foucault's adoption of Georges Canguilhem's distinction between vital and social norms to argue that Foucault envisions governmentality as a form of social regulation servicing the maximization of vital normativity at the cost of social norms. Foucault himself purportedly pleads for a 'political power' (*pouvoir politique*) that prioritizes social norms. Vatter uses this interpretation as a starting point for a republican critique of Friedrich Hayek's governmental thought. According to Vatter's Foucault, Hayek neglects the freedom of individuals to collectively self-organize and guard themselves from the vicissitudes of life through free cooperation and self-determination.

After presenting Vatter's interpretative argument through a close reading of *The Republic of the Living*, I present three problems for this approach: (1) it misinterprets the notion of 'political power' from Foucault's lectures, (2) misrepresents the relation between vital and social norms in Canguilhem, and (3) fails to address Hayek's key arguments against popular democracy. Of course, this leaves the question of how to establish an affirmative biopolitics unanswered. Nonetheless,

(London: Free Association Books, 1991); Giorgio Agamben, "Absolute Immanence," in *Potentialities: Collected Essays in Philosophy* (Stanford: Stanford Univ. Press, 1999); Roberto Esposito, *Terms of the Political* (New York: Fordham Univ. Press, 2013).

⁴ Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015), 82; Miguel Vatter, *The Republic of the Living: Biopolitics and the Critique of Civil Society* (New York: Fordham Univ. Press, 2014), 195-220.

Vatter's emphasis on the Canguilhem/Foucault-connection opens up other political avenues. In the second, constructive half of this article, I elaborate upon Canguilhem's own characterization of social and vital norms to unearth a more promising project of affirmative biopolitics. Instead of emphasizing social over vital norms, Canguilhem underscores the necessity for norms to be implemented in the conduct of individual living beings. The latter thereby keep the potential to institute their own, anomalous norms that subvert governmental expectations. This insight provides a starting point for thinking about an affirmative biopolitics of care. Individual living beings can continuously create new vital norms and are subsequently continuously at risk of developing conducts incompatible with their milieu and governmental norms. This exposure to risk provides a basis for political projects aimed at protecting precarious living beings from suffering. Ideally, affirmative biopolitical institutions would foster environments in which multiple, continuously changing living beings can flourish.

2. VATTER'S REPUBLICAN READING OF FOUCAULT

In a pivotal chapter of *The Republic of the Living*, Vatter defends republicanism, the book's main subject, against contemporary neoliberal governmentality, exemplified by Hayek's political and economic thought. According to Vatter, Hayek argues that the ideal government is not teleocratic, but nomocratic, i.e., general and abstract laws rather than concrete policy-goals govern neoliberal society.⁵ A government that tries to impose a particular '*telos*' on the population not only robs citizens of their individual freedoms, but also disrupts the spontaneous coordination of the free market. It is allegedly impossible to gather all information about people's preferences and capabilities in one state apparatus, because knowledge is purportedly dispersed and context-specific.⁶ The free market is, according to Hayek, the most efficacious way to let

⁵ Vatter, *The Republic of the Living*, 213.

⁶ Friedrich Hayek, *Individualism and Economic Order* (Chicago: Univ. of Chicago Press, 1980), 80.

individuals spontaneously and cooperatively use this knowledge. In contrast to the state, the free market does not need to centralize information to coordinate human conduct. Information is disseminated through fluctuations in the price system. If, for example, there is a need for more bicycles, prices will rise alerting manufacturers of the increased demand. Any attempt to intervene in this price system — by, for instance, putting a price cap on bicycles — purportedly confuses market signals and subsequently hinders the formation of a market equilibrium. Hayek's nomocratic order, on the other hand, is a legal system primarily composed of abstract 'rules of just conduct.'⁷ Instead of commanding individuals to perform specific actions, abstract rules of conduct set up the general guidelines by which individuals determine their own conduct. Without imposing a concrete *telos* on the population, a nomocratic order provides clarity over the legal effects of any particular action. This leaves individuals free to make their own choices without government interference. Hayek believes a spontaneous order will eventually develop from human actions without the need for a state-imposed design. Thanks to free market pricing and strict yet general rules of conduct, individuals will purportedly freely coordinate their individual preferences in mutually beneficial ways.

Vatter notes that Hayek severs public law from its function of democratic collective self-organization.⁸ For Hayek, democracy is subordinate to the construction of competitive free markets:

However strong the general case for democracy, it is not an ultimate or absolute value and must be judged by what it will achieve. It is probably the best method of achieving certain ends, but not an end in itself.⁹

For Hayek, democratic self-government is only a tool for managing free market competition. It should not be allowed to transgress this purpose. The republican freedom of collective deliberation on the common good is hence side-lined in favor of the entrepreneurial freedom

⁷ Hayek, *Law, Legislation and Liberty* (London: Routledge, 2013), 197.

⁸ Vatter, *The Republic of the Living*, 218.

⁹ Friedrich Hayek, *The Constitution of Liberty* (Chicago: Univ. of Chicago Press, 2010), 170.

to individually pursue one's self-interest. According to Hayek, this is the most efficacious and just way to procure the public good.

Vatter highlights a remark about socialist economic planning in Georges Canguilhem's *Le normal et le pathologique* to formulate his critique of Hayek's free market ideology:¹⁰

Comme il est assez clair qu'une assemblée de commissaires et une réunion de machines ont quelque mal à se donner pour une unité de pensée, il faut bien admettre qu'on puisse hésiter à dire du Plan ce que La Fontaine disait de la Providence, qu'elle sait ce qu'il nous faut mieux que nous. Cependant — et sans ignorer qu'on a pu présenter normalisation et planification comme étroitement liées à l'économie de guerre ou à l'économie de régimes totalitaires — il faut voir avant tout dans les tentatives de planification des essais de constitution d'organes par lesquels une société pourrait présumer, prévoir et assumer ses besoins, au lieu d'en être réduite à les enregistrer et à les constater par des comptes et des bilans. En sorte que ce qui est dénoncé, sous le nom de rationalisation — épouvantail complaisamment agité par les tenants du libéralisme, variété économique du naturisme — comme une mécanisation de la vie sociale, exprime peut-être, au contraire, le besoin obscurément ressenti par la société de devenir le sujet organique de besoins reconnus comme tels.¹¹

Though Canguilhem does not explicitly name Hayek, the liberal position he outlines conforms considerably to Hayek's worldview. The latter indeed identifies socialist planning with a mechanization of social life that risks putting civilization on a road to serfdom. Against this backdrop of Hayekian 'liberal naturalism,' Canguilhem defends economic planning as the people's attempt to collectively master its own fate. Informing this remark, according to Vatter, is a distinction Canguilhem

¹⁰ Vatter, *The Republic of the Living*, 204.

¹¹ Georges Canguilhem, *Le normal et le pathologique* (Paris: Presses Universitaires de France, 2013), 236-37. Translation: "As it is very clear that a meeting of delegates and a gathering of machines are hard put to achieve a unity of thought, it must be admitted that we would hesitate to say of the Plan what La Fontaine said of Providence, that it knows what we need better than we do. Nevertheless — and without ignoring the fact that it has been possible to present normalization and planning as closely connected to a war economy or the economy of totalitarian regimes — we must see above all in planning endeavours the attempts to constitute organs through which a society could estimate, foresee and assume its needs instead of being reduced to recording and stating them in terms of accounts and balance sheets. So that what is denounced, under the name of rationalization — the bogey complacently waved by the champions of liberalism, the economic variety of the cult of nature — as a mechanization of social life, perhaps expresses, on the contrary, the need, obscurely felt by society, to become the organic subject of needs recognized as such." (Georges Canguilhem, *The Normal and the Pathological*, trans. Carolyn Fawcett (New York: Zone Books, 1991), 247-48.)

makes between vital and social norms.¹² Vital norms are the regular behavioral patterns individual living beings develop through repeated interactions with their milieu. In *Le normal et le pathologique*, the term predominantly refers to physiological regularities like heart rates, blood pressures, and breathing rhythms. These patterns vary according to environmental factors that can either hinder or help the individual organism's attempts to strengthen its chances of survival. These norms are immanent to the living beings that enact them — they are not externally imposed — and they emerge spontaneously — they are usually not the outcome of a deliberate choice. Once several living beings develop the same vital norms within a given milieu, Canguilhem believes a population emerges that displays statistical regularities. Moving from the individual to the collective level, vital norms are thusly 'translated' into statistical norms. Because people with, for instance, a specific heart rate tend to flourish in a particular milieu, this heart rate will spread to more individuals until it appears as the statistically 'normal' heart rate of that population. This regularity is 'normal' not because it expresses some hypothetical human nature, but because it has recurrently proven itself successful in the conducts of many living beings. Human beings are, however, not solely concerned with survival. They are also interested in cultivating the good life, for which they elaborate social norms. These norms do not emerge spontaneously or immanently; they are the outcome of conscious collective deliberations and have to be imposed from above by, for example, a state. Only in this way can forms of life develop that ensure more than mere survival.

In his remark on liberal and socialist economics, Canguilhem hints at two competing forms of social regulation: liberalism purportedly emphasizes the spontaneous self-coordination of populations composed of individuals each trying to pursue their own survival through vital normativity, while socialism discloses the possibility of a form of government through social norms that empowers individuals to collectively self-organize. What Canguilhem and the subsequent literature on biopolitics have observed is a progressive rise of government centered around vital

¹² Canguilhem, *Le normal et le pathologique*, 239.

rather than social normativity. The social norms governments select to impose are those that serve the productivity of vital normativity. In Vatter's terminology, biopolitics is the form of government that generates 'surplus life' from the population by promoting its vitality and economic productivity.¹³

With the emergence of the idea of civil society, political reason orients itself toward the government of biological life, taking upon itself the care of the well-being, the health, the vitality, and, in our days, even the happiness of a population. [...] From a Foucaultian perspective, one can say that biopolitics is what allows liberalism to replace politics by police government, rule of law by governance, action by normalized conduct. This is why the rise of liberal civil society and its 'self-steering' social subsystems places the republican understanding of politics in crisis.¹⁴

Instead of regarding politics as the realm where public virtues are cultivated over and beyond survival, modern biopolitics is the governmental order that promotes the human species' capacity for survival itself. It reinterprets the vitality of the population as an aim in itself, not as a precondition for the good life. From this perspective, modern humankind has become "un animal dans la politique duquel sa vie d'être vivant est en question," as Foucault eloquently wrote.¹⁵ For Vatter, this observation implies that biopolitical theory possesses an inherently critical angle insofar as it implies the government of populations comes at the cost of people's republican self-government.¹⁶ By cultivating their capacity for collective self-determination, people could discover another, more affirmative way of relating to the law. Instead of regarding 'teleocratic' laws as coercive obstacles to entrepreneurial freedom, like Hayek, Vatter's ideal republic sees legislation as the expression of a people's potential to consciously and deliberately self-organize.

¹³ Vatter, *The Republic of the Living*, 90.

¹⁴ Vatter, *The Republic of the Living*, 2.

¹⁵ Michel Foucault, *Histoire de la sexualité I: La volonté de savoir* (Paris: Gallimard, 1976), 188. Translation: "An animal whose politics places his existence as a living being in question." (Michel Foucault, *History of Sexuality I: The Will to Knowledge*, trans. Robert Hurley (London: Penguin Books, 2006), 143.)

¹⁶ Vatter, *The Republic of the Living*, 205.

According to Vatter, this concern for republican virtues is present in Foucault's lectures on the history of governmentality. When Foucault introduces the concept of governmentality through its precursor, pastoral power, he opposes the latter to 'political power' (*pouvoir politique*).¹⁷ According to Vatter, Foucault thereby foregrounds the Graeco-Roman republican tradition that got lost with the advent of Christianity.¹⁸ Vatter portrays political power as a form of government that emphasizes social over vital norms. It expresses the republican ideal of self-government through collective law-making. Pastoral power, on the other hand, heralds the modern biopolitical mode of social regulation through the manipulation of populations' vital norms. I will here not repeat Foucault's genealogy from the pastorate to modern governmentality, but, for Vatter, this history is built on an ethos of dependence: while the Christian pastorate prescribes obedience to God and his Church, neoliberals like Hayek prescribe obedience to the market and its price signals. According to Vatter, Foucault's references to 'political power' contain an antidote to this ethos of dependence. They articulate an opportunity for an affirmative republican biopolitics. Instead of following the historical trend toward biopoliticization exemplary of Hayek's thought, one could rekindle the spirit of collective self-government. By re-appropriating the right to democratic self-organization against the nomocratic order prescribed by Hayek, one can purportedly revert the undoing of the *demos* implemented in neoliberalism. Hayek's ideal society condemns atomized individuals to a life of constant adaptation to fluctuating market conditions. Vatter's alternative encourages these individuals to unite as a collective agent of its own fate and to reconquer the right to establish their own social norms.

3. PROBLEMS FOR VATTER'S REPUBLICAN BIOPOLITICS

I do not wish to contest Vatter's republican aspirations *per se*, but there are three issues with the particular inflexion of that ideal in *The Republic*

¹⁷ Michel Foucault, *Sécurité territoire population* (Paris: Gallimard, 2004), 133.

¹⁸ Vatter, *The Republic of the Living*, 207.

of *the Living's* critique of neoliberalism. (1) Vatter misinterprets the notion of 'political power' in Foucault's lectures; (2) he misrepresents the relation between vital and social norms, ignoring their inevitable intertwinement; (3) Vatter's project underachieves as a critique of Hayek by ignoring the latter's reasons for rejecting democratic republicanism.

(1) To defend his republican interpretation, Vatter reads implicit references to Cicero in Foucault's usage of 'political power' in his lectures.¹⁹ There are, however, reasons to doubt whether Foucault really gave that much thought to the concept. Throughout the governmentality lectures, it has multiple meanings and it mainly serves as a steppingstone to accentuate other terms. Though Foucault sometimes uses it synonymously with sovereign state power or even medieval non-ecclesiastic authorities,²⁰ Vatter only highlights the opposition between pastoral and political power from the lectures of 8 and 15 February 1978. In those sessions, Foucault frequently uses the term to distinguish a Greek notion of power from Judeo-Christian pastoral power, even if pastoral metaphors are often employed to describe both.²¹ The Greek notion of power Foucault refers to is, however, not that of Athenian democratic self-government — as Vatter suggests — but of the sovereign weaver from Plato's *Statesman*:

Quelle va être alors l'activité politique proprement dite, l'essence du politique, l'homme politique ou plutôt l'action de l'homme politique? Cela va être de lier, comme le tisserand lie la chaîne et la trame. L'homme politique lie entre eux les éléments, [...] et ceux-ci il va tisser grâce à la navette d'une opinion commune que les hommes partagent entre eux. L'art royal n'est donc pas du tout l'art du berger, c'est l'art du tisserand, c'est un art qui consiste à assembler les existences "en une communauté qui repose sur la concorde et l'amitié".²²

¹⁹ Vatter, *The Republic of the Living*, 208.

²⁰ Foucault, *Sécurité territoire population*, 66, 158.

²¹ Foucault, *Sécurité territoire population*, 167-68.

²² Foucault, *Sécurité territoire population*, 149-50. Translation: "What then is political action in the strict sense, the essence of the political, the politician, or rather the politician's action? It will be to join together, as the weaver joins the warp and the weft. The politician will bind the elements together [...] and he will weave them together thanks to the shuttle of a shared common opinion. So the royal art is not at all that of the shepherd, but the art of the weaver, which is the art of bringing together these lives in a community that rests on concord and friendship. (Michel Foucault, *Security Territory Population: Lectures at the Collège de France 1977-1978*, trans. Graham Burchell (Basingstoke: Palgrave MacMillan, 2009), 146.

Vatter is correct in asserting that Foucault reads in Plato the necessity of ‘weaving’ individuals together into a community with collective agency, but ‘political power’ pertains not to the resulting community, but to the king that establishes this concord. Political power as a ‘weaving art’ belongs to a single agent that rules *over* the collective. The latter’s sense of community thus depends on its subordination to a monarch responsible for keeping them together. Without delving deeply into the interpretation of Plato’s political philosophy, it is clear that this is not the republican utopia Vatter envisions. Foucault refers not to republican self-government in contradistinction to the total submission of the pastorate but compares two forms of popular submission: pastoral power demands complete obedience to God and Platonic political power weaves multiple discordant wills into a coherent network under kingly rule. Reading ‘political power’ as an implicit Ciceronian defense of republicanism is thus a dubious interpretative choice.

(2) There is also trouble with Vatter’s presentation of the distinction between vital and social norms.²³ By emphasizing their opposition, Vatter creates the appearance that Canguilhem and Foucault propose a choice between *either* biopolitical normalization of vital norms *or* republican social normativity, but this stark opposition is misleading for Canguilhem’s overall theory of normativity.²⁴ For human beings, vital and social norms are inextricably intertwined. According to Canguilhem, human society can be regarded simultaneously as a living thing and a machine.²⁵ It is composed of individuals using their vital normativity in ways that reflect statistical regularities amenable to biopolitical manipulations,

²³ Vatter is correct in reading some influence from Canguilhem on Foucault, even if the latter does not explicitly use the notions of vital or social normativity in his governmentality lectures. Foucault was writing an introduction to Canguilhem’s magnum opus *Le normal et le pathologique* almost simultaneously with his first lectures on governmentality (see Michel Foucault, “Introduction par Michel Foucault,” in *Dits et écrits*, Vol. II, 1976-1988 (Paris: Gallimard, 2001), 429-42). The first three lectures have consequently a significant terminological overlap with Canguilhem’s text (Foucault, *Sécurité Territoire Population*, 28-29n36-38). Foucault’s remarks on the notion of ‘milieu’ in those lectures are taken almost literally from Canguilhem’s essay “Le vivant et son milieu.”

²⁴ See Guillaume Le Blanc, *Canguilhem et la vie humaine* (Paris: Presses Universitaires de France, 2002), 15; Pierre Macherey, *De Canguilhem à Foucault: La force des normes* (Paris: La Fabrique Editions, 2009), 108.

²⁵ Canguilhem, *Le normal et le pathologique*, 241.

but it is also an artificially constructed collective regulating itself through explicit conceptions of the good life. Arguing that the former has overcome the latter since the advent of modern governmentality, does not reflect Canguilhem's philosophy. One can *theoretically* oppose both to discuss them separately, but any single human action is determined by both social and vital norms simultaneously. "Du point de vue humain, [...] les normes sociales viennent interférer avec les lois biologiques, en sorte que l'individu humain est le produit d'un accouplement."²⁶ For instance, to understand how and why human beings procreate, one has to refer simultaneously to vital impulses like the urge for sexual pleasure *and* to social norms like the common aim to build a future for one's society. Having children not only concerns survival, but also the good life. Human procreation is hence not just a biopolitical affair of managing birth rates in a population, but also a social affair of a people — quite literally — creating the society it desires. "La forme et les fonctions du corps humain ne sont pas seulement l'expression des conditions faites à la vie par le milieu, mais l'expression des modes de vivre dans le milieu socialement adoptés."²⁷

This entails, firstly, that vital norms emerge in a milieu always already structured by social norms. Governments influence human conduct by pre-structuring the milieu in which human beings develop their vital norms. The latter are thus always already the outcome of governmental incentives. The human vital propensity for procreation, for instance, can be pre-emptively affected by public policies like tax incentives or child-benefit systems. Canguilhem's observation secondly implies that the social norms collectively deliberate on express a vital normativity in itself.²⁸ Social norms like the nuclear family are socially mediated expressions of vital norms. A people constructs the social

²⁶ Canguilhem, *Le normal et le pathologique*, 134. Translation: "from the human point of view, where social norms interfere with biological laws so that the human individual is the product of a union." (Canguilhem, *The Normal and the Pathological*, 159).

²⁷ Canguilhem, *The Normal and the Pathological*, 261. Translation: "The form and functions of the human body are the expression not only of conditions imposed on life by the environment but also of socially adopted modes of living in the environment." (Canguilhem, *The Normal and the Pathological*, 269.)

²⁸ Le Blanc, *Canguilhem et la vie humaine*, 200.



norm of family life on the basis of vital urges for sexual pleasure and procreation. Canguilhem does not reduce social norms to vitalist impulses, but he maintains that vital norms mingle with collective conscious deliberation to form social norms.²⁹ The popular aspiration to build a future for our offspring is not merely a conscious translation of the vital impulses for sex and procreation, but the outcome of a confrontation of these drives with the conscious deliberative efforts of a people. The latter could just as well choose to inhibit these vital impulses if it were to regard them as impediments to the cultivation of the good life. That certain vital norms thrive within a population hence, at least partly, reflects a conscious choice on the part of that population as a singular people. By cultivating specifically those vital norms, the people affirms them as social norms as well. A population's birth rates not only reflect individual behavioral patterns, but also a collective choice for a particular form of life. Canguilhem's distinction between vital and social norms has, in other words, mainly a didactic purpose, not the political aim to distinguish good 'social norms'-based rule from bad 'vital norms'-based biopolitics. It is not *either* the population as a subject of vital norms *or* the people as a subject of social norms that determines the course of government, like Vatter suggests. Both are always already intertwined. The social norms a people can construct is partly determined by the vital norms it, as a population, has already developed, and the vital norms a population displays partly reveals the social norms to which that population as a people subscribes.

(3) Apart from misinterpreting Foucault and misrepresenting the relation between social and vital norms, one can also question Vatter's critique of Hayekian neoliberalism. He correctly points out Hayek's anti-democratic sentiments, but fails to mention what is wrong about depoliticizing public governance through a nomocratic order. *That* Hayek is suspicious of democratic self-government is not a philosophically significant revelation. Hayek explicitly calls for a 'dethronement of politics'³⁰ and describes democracy as an effective tool for good

²⁹ Canguilhem, *Le normal et le pathologique*, 245.

³⁰ Hayek, *Law, Legislation and Liberty*, 481.

policy-making, but not an end in itself.³¹ Vatter hence risks stating the obvious when he accuses Hayek of reducing politics to an administrative affair. Vatter neglects to address Hayek's specific arguments against republicanism — or, in his terminology, 'democratic dogmatism.'³²

According to Hayek, the democratization of public governance would not lead to a collective strengthening of the community, like Vatter predicts. He doubts that there could be any genuine collective self-determination because that would presuppose different individual agents to act as a single collective with a single will. Hayek deems it far more likely that political debate would regress into a bargaining procedure between special interest groups. A measure like social security provisions, for instance, does not express the collective will to provide every citizen with a dignified existence, but becomes a cluster of special benefits different social groups broker amongst each other.

Critics of present democracy like to speak of 'mass-democracy.' But if democratic government were really bound to what the masses agree upon there would be little to object to. The cause of complaints is not that the governments serve an agreed opinion of the majority, but that they are bound to serve the several interests of a conglomerate of numerous groups.³³

The collective formation of the general will is, according to Hayek, an illusion. It inevitably lapses into a competition between aggregated private interests trying to maximize their share of government funds. Not the people, but a para-government of trade associations, unions, and professional organizations would capture the state administration.³⁴ The republican resistance against the neoliberal undoing of the demos would purportedly not produce a people cultivating its potential to self-legislate, but endless bickering over who gets to extract how much from the state treasury. I will not here engage with Hayek's argument further, but it is clear that, as long as one does not address Hayek's pessimistic outlook on humankind's incapacity for self-government, republicanism remains suspicious. Instead of accusing Hayek of willful depoliticization

³¹ Hayek, *The Constitution of Liberty*, 170.

³² Hayek, *The Constitution of Liberty*, 166.

³³ Hayek, *Law, Legislation and Liberty*, 435.

³⁴ Hayek, *Law, Legislation and Liberty*, 356.

and of merely insisting on republican freedoms, Vatter should have argued why and how individuals can transcend their private interests and collectively pursue the common good. This is definitely possible, but, so far, Vatter's argument remains on the level of 'democratic dogmatism,' rephrasing the position Hayek already criticized.

4. AFFIRMATIVE BIOPOLITICS AND THE PRIORITY OF THE LIVING INDIVIDUAL

Given the problems with Vatter's approach, the question arises whether one can reinvigorate the project of affirmative biopolitics on the basis of these criticisms. Though Vatter's choice for republican biopolitics might be unwarranted, I believe his presentation of the Canguilhem/Foucault-connection leaves other promising political avenues underexplored. As already noted, Canguilhem's distinction does not oppose good 'social norms'-based rule to bad 'vital norms'-based biopolitics. A more adequate analysis places the subject of norms *in between* social and vital norms.³⁵ From that vantage point, Canguilhem's intuition leads toward another form of affirmative biopolitics, centered around shared precarity and care. In this section, I show how Canguilhem positions individual living beings vis-à-vis statistical and social norms as precarious beings. In the next section, I show how the priority Canguilhem grants to individuals' experiences leads to an affirmative biopolitics of care. Because individuals can continuously produce new vital norms, they are continuously at risk of upsetting the equilibrium between themselves and their milieu. This vulnerability, which manifests itself in the risk to clash with the milieu, provides the basis for a politics concerned with supporting institutions of care that protect individuals from harm.

To briefly return to Vatter's interpretation, Canguilhem indeed contests the biopolitical normalization of the population to statistical regularities, as Vatter suggests. The French thinker wishes to combat the prejudicial

³⁵ Guillaume Le Blanc, *Canguilhem et les normes* (Paris: Presses Universitaires de France, 1998), 78.

correlation between statistical norms and health, statistical abnormalities and disease.³⁶ His primary worry concerns totalitarian ideologies like Nazism that reduce society to an organism, as if all social norms ought to merely reflect the statistical characteristics of the population and repress statistical outliers, like ethnic minorities, the mentally challenged, or gays and lesbians. Once one makes the value of any single individual dependent on his biology and his conformity to statistical regularities, one risks establishing a 'gene police' whose only weapon against the abnormal is extermination.³⁷ One installs a 'thanatopolitical' regime that supposedly protects the population by exposing everyone to the sovereign decision over life and death.³⁸ If the success of a society is measured exclusively by the biological health of its individual members, that society can ultimately only thrive by immunizing itself against internal bio-threats.

One could extend this critique to neoliberalism, as Brown does, for instance.³⁹ Though the discourse of neoliberal governance is obviously not anchored in racial biology — at least, not always⁴⁰ — thinkers like Hayek prescribe a form of government that imposes free market competition and entrepreneurship on the population to optimize the latter's vitality. Individuals must conform to rules of competition and entrepreneurship to survive in a neoliberal market order. While these subjects are hence not dependent on statistical normality in a biological sense, they are expected to adapt to statistical regularities in the free market. If, for example, wages in the education sector go down, while wages in the nursing sector increase, neoliberal governments would wish teachers to re-educate themselves to become nurses. Hayek calls for abolishing all forms of social security down to a guaranteed minimum subsistence

³⁶ Canguilhem, *Le normal et le pathologique*, 120-21.

³⁷ Canguilhem, *Le normal et le pathologique*, 273.

³⁸ Roberto Esposito, *Bios: Biopolitics and Philosophy* (Minneapolis: Univ. of Minnesota Press, 2008), 116-17.

³⁹ See Brown, *Undoing the Demos*, 201-22.

⁴⁰ For the links between neoliberalism and racism, see, among others, Stuart Hall, *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* (London: Verso Books, 1988); Nancy MacLean, *Democracy in Chains* (London: Penguin Books, 2017); Quinn Slobodian, *Globalists: The End of Empire and the Birth of Neoliberalism* (Cambridge: Harvard Univ. Press, 2018); Jessica Whyte, *The Morals of the Market* (London: Verso Books, 2019).

wage in order to guarantee that individuals can survive, while still intimately experiencing the pressure to adapt to market demands.⁴¹ Those who disobey market signals are irrevocably condemned to lose out. Neoliberalism subsequently becomes a thanatopolitical regime that sacrifices some people in the name of future economic prosperity.⁴² As Hayek explicitly acknowledges

we must recognize that we may be free and yet miserable. Liberty does not mean all good things or the absence of all evils. It is true that to be free may mean the freedom to starve, to make costly mistakes, or to run mortal risks.⁴³

The ‘losers’ allegedly have to accept their fate as collateral damage, an unfortunate though necessary side-effect of competition.⁴⁴

Opposition to biopolitical normalization, however, does not push Canguilhem immediately to the side of republicanism. At the end of his essay “Le problème des régulations dans l’organisme et dans la société,” for instance, Canguilhem takes his project in a clearly non-democratic direction. He does not task ‘the people’ with configuring new social norms — as Vatter does — but subscribes to Bergson’s ‘call of the hero’ (*l’appel du héros*). He argues that, in times of crisis, societies need exceptional individuals to reimagine social justice and impose that aim on society through their personal charisma. Social norms thus do not necessarily correlate with a democratization of collective decision-making. The very opposite is, for Canguilhem, at least as acceptable, as long as society is not reduced to an organism.

This departure from Vatter’s republicanism becomes obvious in a remark a few pages after the quote Vatter highlighted in defence of socialist planning (see *supra*). This comment is more critical of planned economies than the one from earlier:

Une société est à la fois machine et organisme. Elle serait uniquement machine si les fins de la collectivité pouvaient non seulement être strictement planifiées mais aussi être exécutées conformément à un programme. [...]

⁴¹ Hayek, *The Constitution of Liberty*, 376-77.

⁴² Brown, *Undoing the Demos*, 211.

⁴³ Hayek, *The Constitution of Liberty*, 68-69.

⁴⁴ Tim Christiaens, “Hayek’s Vicarious Secularization of Providential Theology,” *Philosophy & Social Criticism* 45 (2019): 71-95 (pp. 81-82).

Mais il faut reconnaître que cette tendance rencontre encore dans les faits, et non seulement dans la mauvaise volonté des exécutants sceptiques, des obstacles qui obligent les organisateurs à faire appel aux ressources de l'improvisation.⁴⁵

Canguilhem's suspicion toward free market liberalism does not make him an unconditional supporter of socialist planning. He argues that planned economies can never operate smoothly because individual 'obstacles' in the system resist the norms imposed on them. Society is not entirely a machine one could format in whatever way 'the people' would like. There is something about the individual living being that resists its capture in pre-established forms of government. "Aucune normalité ne peut contenir par avance le devenir de la vie," concludes Canguilhem scholar Guillaume Le Blanc.⁴⁶ Life cannot be captured in any anterior model, independently of whether that model comes from a people's conscious public deliberation or a population's statistical data.⁴⁷

Canguilhem's philosophy of life thus stands firmly on the side of the individual against *any* top-down imposition of norms, republican or biopolitical. As Talcott writes, "for Canguilhem, human life is a struggle for individuality and [...] it is authentic when singular and unique, that is to say, when the individual chooses how to live".⁴⁸ Canguilhem objects to the reduction of normality to statistical regularities not only because that neglects social norms, but mainly because it equates all individual deviations from the statistical norm to pathologies. Republican social norms can be just as dangerous: they can be just as intolerant toward individual deviations as biopolitical norms. Canguilhem defends that, whether an individual's way of life is healthy or pathological,

⁴⁵ Canguilhem, *Le normal et la pathologique*, 241. Translation: "A society is both machine and organism. It would be only a machine if the collective's ends could not only be strictly planned but also executed in conformity with a program. [...] But it must be acknowledged that this tendency still encounters obstacles in facts, and not just in the ill will of skeptical performers, which oblige the organizers to summon up their resources for improvisation." (Canguilhem, *The Normal and the Pathological*, 252.)

⁴⁶ Le Blanc, *Canguilhem et la vie humaine*, 27.

⁴⁷ Canguilhem, *La connaissance de la vie* (Paris: Librairie Philosophique J. Vrin, 1967), 159.

⁴⁸ Samuel Talcott, "Errant Life, Molecular Biology and Biopower: Canguilhem, Jacob and Foucault," *History and Philosophy of the Life Sciences* 36 (2014): 254-79 (p. 262).

depends on that individual's own experience, not on its conformity to or deviance from the population's statistically majoritarian way of life or the will of the people. Individual living beings engage in a spontaneous effort of inventing new ways of relating to their milieu.⁴⁹ Life is a normative activity in the sense that every single organism continuously produces new norms. It is thanks to this vital normativity that specimens become individuated within their species as a population.⁵⁰ In the beginning, all members of a species might share rather similar genetic material, but through continuous engagement with the milieu every living being constructs its own unique form of life. The tendency to produce anomalies is hence an inherent part of life itself. It is the way individuals stand out from the rest of their species.

An anomaly only becomes pathological, according to Canguilhem, once it hinders a living being in surviving and flourishing within its milieu. This implies that the individual must first *feel* restricted in his dealings with the milieu before he can be considered ill. "Pathologique implique pathos, sentiment direct et concret de souffrance et d'impuissance, sentiment de vie contrariée."⁵¹ Pathology is hence not a statement of fact, but a subjective evaluation made by the pathological individual himself. There is no objective way for outside observers to determine which anomalies are pathological and which are just deviant from governmental norms. Governmental agencies might rely on statistics to discover the predominant norms within a population or on social norms to articulate the good life, but those data have no legitimacy as a yardstick for healthy behaviour. "C'est la vie elle-même et non le jugement médical qui fait du normal biologique un concept de valeur et non un concept de réalité statistique."⁵² Anomalous behavior in itself is neither healthy nor pathological for a living being. Everything depends on how

⁴⁹ Macherey, *De Canguilhem à Foucault*, 101.

⁵⁰ Canguilhem, *Le normal et le pathologique*, 113.

⁵¹ Canguilhem, *Le normal et le pathologique*, 113. Translation: "Pathological implies pathos, the direct and concrete feeling of suffering and impotence, the feeling of life gone wrong." (Canguilhem, *The Normal and the Pathological*, 137.)

⁵² Canguilhem, *Le normal et le pathologique*, 107. Translation: "It is life itself and not medical judgment which makes the biological normal a concept of value and not a concept of statistical reality." (Canguilhem, *The Normal and the Pathological*, 131.)

these norms allow the individual to interact with his or her milieu. If a new norm strengthens the individual's capacity to master the milieu, it is healthy, and if it restricts the individual's ability to deal with the surroundings, it is pathological. The individual is hence ill not compared to other members of its species, but compared to its own previous, more vivid state of being. Canguilhem accuses both biopolitics and socialist social normativity of privileging the perspective of either the population or the people over the individual's experience, effectively reducing terms like 'normality' and 'pathology' to empty abstractions.⁵³ They thereby disregard living beings' inherent potential for inventing new, anomalous norms. His critique of biopolitical government ultimately does not concern its repression of republican freedoms, but its dismissal of the anomalous individual.

5. ERRANCY AND THE AFFIRMATIVE BIOPOLITICS OF CARE

Canguilhem's insistence on the individuality of health and disease gives some clues for an alternative affirmative biopolitics. Canguilhem characterizes living beings as entities tending toward the production of anomalies. Life is, in other words, a movement of 'errors,' both in the sense of creating erroneous anomalies (*erreurs*) and of meandering without a clear pre-determined form (*errance*).⁵⁴ By continuously producing new vital norms, individuals incessantly create new forms of life, even if that also entails that they regularly develop pathological forms of life. "La vie sociale n'est pas définitivement close. Elle est sans cesse réouverte par des possibilités de vie inventées par les sujets qui la composent."⁵⁵ Living beings incessantly renegotiate their interaction with the milieu. These singular eruptions of novelty are, however, also

⁵³ Le Blanc, *Canguilhem et les normes*, 35.

⁵⁴ See also Foucault, *Introduction par Michel Foucault*, 441; William Stahl, "To Err is Human: Biography vs. Biopolitics in Michel Foucault," *Contemporary Political Theory* 17 (2017): 139-59.

⁵⁵ Le Blanc, *Canguilhem et la vie humaine*, 284. Translation: "Social life is not definitively closed. It is incessantly reopened by possibilities of lives invented by the subjects that constitute it" (my translation).

a point of vulnerability and non-conformity to governmentally imposed norms. Neoliberal governments, for example, curate an emphatically competitive milieu to encourage entrepreneurial forms of conduct. But this milieu might generate pathological deviations and micro-inventions. The individual has the capacity *not* to adapt to the norms he is expected to follow. These moments of refusal and errancy open up the possibility for the construction of new forms of life beyond the existing mode of governmentality, but they also render individuals vulnerable to pathologies.

Instead of criticizing Hayek for limiting the people's capacity to democratically influence policy-making, one could thus also point out that Hayek's governmentality renders individuals precariously dependent on the enactment of neoliberal norms of conduct. If people fail to act like a neoliberal entrepreneur, their vital norms clash with the expectations coming from their milieu. Free market competition is not a natural milieu, but has to be constructed by incentivizing individuals to see themselves as 'entrepreneurs of their own lives.'⁵⁶ This is an insurmountably fragile project. Living beings do more than only adapt to environmental incentives. If life is an incessant activity of singular errancy, individuals can, at any time, subvert these norms and construct their own new norms instead. Just like socialist planning will inevitably encounter "des obstacles qui obligent les organisateurs à faire appel aux ressources de l'improvisation," neoliberal 'planning for competition'⁵⁷ can never fully achieve its aim of the completely competitive free market society. Living beings reveal an excessive capacity for variation that cannot *ex ante* be put under regulatory control. In this sense, disobedience to governmental norms is a sign of individuals' vital normativity at play.⁵⁸

⁵⁶ Michel Foucault, *Naissance de la biopolitique* (Paris: Gallimard/Éditions du Seuil, 2004), 232.

⁵⁷ Hayek, *The Road to Serfdom* (London: Routledge, 2001), 43. Translation: "obstacles that force organizers to call on the resources of improvisation" (my translation).

⁵⁸ Le Blanc, *Canguilhem et la vie humaine*, 272. Foucault calls these alternative forms of life developed from within a particular governmental order 'counter-conducts' (see Foucault, *Sécurité territoire population*, 205). For Foucault, counter-conducts already constitute political resistance. It is, however, important to acknowledge that this is only a minimal form of resistance. Simply establishing vital norms alternative to governmental norms makes individuals stand out from the population,

When individuals' vital norms and governmental norms embedded in the incentives of the milieu conflict, living beings can allegedly react in two distinct ways, according to Canguilhem. They either fight back or give up:

A cette réaction d'alarme succède soit un état de résistance spécifique, comme si l'organisme ayant identifié la nature de l'agression adaptait sa riposte à l'attaque et atténuait sa susceptibilité à l'outrage, soit un état d'épuisement lorsque l'intensité et la continuité de l'agression excèdent la capacité de réaction.⁵⁹

When a particular form of governmentality imposes norms that conflict with individuals' multifarious conducts, the latter can adapt, resist, or succumb to the pressure. Canguilhem himself analyses this situation not for neoliberalism, but for the Taylorist labor process.⁶⁰ Industrial machinery, like the assembly-line, allegedly imposes its own rhythm on workers' conducts and disciplines human bodies to conform to factory standards. This antagonistic interaction between workers' bodies and their milieu fosters a disease-prone form of life in which workers often physically and mentally break down under work-related pressures, according to Canguilhem. As the 19th- and 20th-century labor movement demonstrated, the best way to avoid such breakdowns was to collectively resist industrial pressures by establishing political counter-structures like trade unions, political parties, and the welfare state.

Though large-scale Taylorist industry remains in the background of neoliberal governmentality, the theme of regulatory pressures conflicting

but does not yet significantly affect the governmental order itself. Subjects can simply flee from a form of government without reforming it. What people usually call 'resistance,' however, entails the project of reforming or overthrowing a governmental order in exchange for another. This requires building institutions to safeguard the counter-conducts as a sustainable form of life that could replace the dominant governmental order. For more on the limitations of Foucault's notion of counter-conducts, see Dean and Zamora, *Le dernier homme*, 143-70.

⁵⁹ Canguilhem, *Le normal et le pathologique*, 263. Translation: "This alarm reaction is followed by either a specific state of resistance, as if the organism had identified the nature of the aggression, was adapting its response to the attack and was reducing its initial susceptibility to the outrage; or, by a state of exhaustion when the intensity and ceaselessness of the aggression exceed reaction capacities." (Canguilhem, *The Normal and the Pathological*, 271.)

⁶⁰ Le Blanc, *Canguilhem et la vie humaine*, 248. See, among others, the last pages of Canguilhem's essay *Machine et organisme*.



with individuals' bodies and minds is still prevalent.⁶¹ Neoliberal free market competition demands individuals to continuously listen to price signals and adapt their conduct to market demands. To sustain economic growth, subjects have to be unremittingly exposed to the disciplining forces of the market. Individuals purportedly have to either adapt or admit defeat. As Hayek himself admits, "there is no denying that in this respect a free society puts most individuals under a pressure which is often resented."⁶² Those who refuse this precarious form of life Hayek accuses of a 'fear of freedom.'⁶³ So much weight on individual responsibility, however, impels subjects to internalize the will of the market as a kind of superego that holds them to unfeasible standards. In order to increase one's competitiveness in a neoliberal market, there is always one extra skill to learn, one extra contact for one's personal network, one extra project to take on. In the end, the rhythm of competition becomes unbearable, partly explaining the recent mental health crisis of burnouts and depressions. People first hold themselves to impossible standards and then feel inadequate when they fail to meet their targets.

Canguilhem thus has a point when he argues human beings are permanently haunted by 'infirmity,' the incapacity to sustain one's vital normativity under pressure.⁶⁴ Because potential friction between living beings' forms of life and governmental pressures from their milieu is ineradicable, life is a constitutively precarious affair. There is always the risk of a conflict leading to physical and mental breakdown, or what Canguilhem calls 'catastrophic reactions.'⁶⁵ Vulnerability is not merely

⁶¹ Key sources in this field are Alain Ehrenberg, *Le culte de la performance* (Paris: Calmann-Lévy, 1991); Ulrich Bröckling, *Das unternehmerische Selbst: Soziologie einer Subjektivierungsform* (Frankfurt am Main: Suhrkamp, 2007); Pierre Dardot and Christian Laval, *La nouvelle raison du monde: Essai sur la société néolibérale* (Paris: La Découverte, 2009); Franco 'Bifo' Berardi, *Heroes: Suicidio e omicidio di massa* (Milan: Baldini & Castoldi, 2015).

⁶² Hayek, *The Constitution of Liberty*, 145.

⁶³ Hayek, *The Constitution of Liberty*, 133.

⁶⁴ Canguilhem, *Le normal et le pathologique*, 115.

⁶⁵ Canguilhem, *Le normal et le pathologique*, 159. Confirming the constitutive vulnerability of life does not imply that all living beings are equally vulnerable. Precarity is rather differentially distributed within a population. Characteristics like class, race, and gender frequently intersect to designate specific individuals as more vulnerable than others. See Isabell Lorey, *Die Regierung der Prekären* (Vienna: Turia + Kant, 2012); Daniele Lorenzini, "Biopolitics in the Time of the Coronavirus," *Critical Inquiry* 47 (2021): 40-45.

an accidental condition to be overcome through due diligence, but a permanently present yet rarely noticed horizon of the human condition. To avoid this potential vulnerability from actualizing into catastrophe, Canguilhem mentions — yet does not elaborate on — the option of political resistance. Just like the labour movement established political institutions to defend workers' bodies and minds, subjects today can support institutions that protect individuals from neoliberal competitive pressures. This would be an affirmative biopolitics not based on the people's right to republican self-determination, but on care for human beings' fragile and vulnerable bodies. With Judith Butler, one could describe this affirmative biopolitics of care as a politics of 'cohabitation.'⁶⁶ The latter puts forward the double recognition that life is vulnerable and that diversity among forms of life is ineradicable, which Canguilhem would have explained as an outcome of vital errancy. To accommodate for life in all its fragile diversity, one must support a governmental order that allows living beings to peacefully co-inhabit the Earth. Rather than free market competition and a 'savage sorting of winners and losers,'⁶⁷ this requires institutions of care that protect individuals from governmental competitive pressures. This explains why, during the Coronavirus Pandemic, theorists of biopolitics like Judith Butler and Roberto Esposito have adamantly supported the expansion of public healthcare and social security services to protect individuals from the pressure to work under unsafe circumstances. According to Butler,

for those who are homeless or unemployed, the economic forecast could not look bleaker. Without a working and equitable health care system, the affirmation of health care as a public good and a mandate of government, the unemployed are left to scramble for alternatives to avoid falling ill and dying for lack of care.⁶⁸

⁶⁶ Judith Butler, "Precarious Life, Vulnerability, and the Ethics of Cohabitation," *Journal of Speculative Philosophy* 26 (2012): 134-51 (p. 144).

⁶⁷ Saskia Sassen, "A Savage Sorting of Winners and Losers: Contemporary Versions of Primitive Accumulation," *Globalizations* 7 (2010): 23-50.

⁶⁸ Judith Butler and George Yancy, "Interview: Mourning is a Political Act amid the Pandemic and its Disparities," *Bioethical Inquiry* 17 (2020): 483-87 (p. 484).

Esposito concurs that

an affirmative form of biopolitics would instead focus on heavy investments in public health facilities, building hospitals, making medicine affordable or giving medications free of charge, maintaining comfortable living conditions for the population, and protecting doctors and nurses who have died during the epidemic.⁶⁹

I do not argue that the welfare state is entirely innocent of the forms of biopolitical normalization that Canguilhem and Foucault have protested.⁷⁰ Social security apparatuses have often been major vehicles for enforcing governmental norms against individual subversive conducts.⁷¹ However, that observation does not exclude the fact that the welfare state has also been an important resource for the empowerment of people's lives. The sustenance of precarious life necessitates infrastructural conditions that allow this life to persist and flourish.⁷² A biopolitics that supports such conditions affirms the value of life not by forcing it into regimes of continuously growing economic productivity, but by minimizing the threat of catastrophic contradictions between living beings and environmental pressures. The safety net offered by institutions of care allows individuals to explore alternative vital norms without immediately running the risk of deprivation through free market pressures. Such protections are crucial to avoid the sacrifice of those deemed unfit for a neoliberal competitive order. As Butler writes, "only a supported life can persist *as a life*."⁷³

The aim of an affirmative biopolitics of care is to cultivate a milieu for human beings that allows for the peaceful cohabitation of variable forms of vital normativity. Since individuals' capacity to reinvent vital norms is ineradicable, governmental institutions should rather limit itself to protecting living beings from catastrophic breakdown and

⁶⁹ Roberto Esposito, Tim Christiaens, and Stijn De Cauwer, "The Biopolitics of Immunity in Times of COVID-19: An Interview with Roberto Esposito," *Antipode Online*, 16 June 2020, <https://antipodeonline.org/2020/06/16/interview-with-roberto-esposito/>.

⁷⁰ Michel Foucault, "Un système fini face à une demande infinie," in *Dits et écrits*, Vol. II, 1976-1988 (Paris: Gallimard, 2001), 1186-1202 (pp. 1190-1191).

⁷¹ For an overview, see Thomas Lemke, *Foucault's Analysis of Modern Governmentality* (London: Verso Books, 2019), 199-242.

⁷² Judith Butler, *The Force of Non-Violence* (London: Verso Books, 2020), 198.

⁷³ Butler, *The Force of Non-Violence*, 194.

encouraging their capacity to (re)construct their own habitats. As Esposito observes, “completely normal isn’t the person who corresponds to a prefixed prototype, but the individual who preserves intact his or her own normative power, which is to say the capacity to create continually new norms.”⁷⁴ Institutions of care are, in other words, less involved in forming life according to pre-established standards and more in cultivating a protective milieu in which life can flourish on its own terms. The search for an alternative, affirmative form of biopolitics in opposition to neoliberalism should hence further explore the establishment of institutions of care as a means to sustain and enhance individual vital normativity.

6. CONCLUSION

According to Vatter, neoliberalism is an undemocratic and depoliticizing form of governmentality because it renders people dependent as individuals on free market fluctuations without granting them the right to collectively determine the good life. He bemoans the decline of political legitimacy once economic technocrats purport to know what is best for society to the detriment of popular voices. However, Vatter reads in Foucault’s lectures on governmentality a Canguilhemian opposition between social and vital normativity that provides a leeway for an alternative, affirmative biopolitics. By emphasizing Canguilhem’s observation that societies can only construct the good life by relying on social norms, and reading this idea into Foucault’s usage of the term ‘political power,’ Vatter believes there is a potential for reaffirming republican self-government against neoliberal governmentality. Instead of reducing prosperity to the promotion of the population’s vitality, there is a wealth to be gained from boosting the people’s capacity to self-govern. This account firstly misrepresents Foucault’s statements about ‘political power,’ which are less coherent and republican than Vatter imagines them to be. Secondly, it excessively opposes vital and

⁷⁴ Esposito, *Bios*, 191.

social normativity as if any society could ever choose the one over the other. It thirdly fails as a critique of Hayek by neglecting his arguments against ‘democratic dogmatism’. According to Hayek, the republican project is doomed to fail because individuals can never transcend their private interests and will hence form special interest groups to capture state policies and redirect them to their own advantage.

I have argued that Canguilhem’s philosophy of norms also reveals another possibility for an affirmative biopolitics of care. Instead of focusing on the collective deliberation of social norms, one could highlight the precariousness of individual lives. Canguilhem portrays individual living beings as errant institutors of new norms, which implies that all pre-determined norms of conduct run the risk of being subverted once they enter the living activities of individual beings. If there is no anterior model for living conduct, the latter can always escape the norms societies prescribe. This creates potential tensions between living beings’ vital normativity and their government-curated milieu, which lead individuals to either mount political resistance against governmental norms or succumb to the pressure. Canguilhem contested this friction in the context of Taylorist industrialization, but the same argument can be made against neoliberal entrepreneurial pressures. Neoliberal governments incentivize individuals to continuously enter into competition with each other, leading to physical and mental stress that, in the long run, becomes unbearable. To avoid this slide into catastrophic breakdown and empower individual vital normativity, one needs an affirmative biopolitics centered around institutions of care. Establishments like the welfare state provide individuals with a safety net that protects them from breakdown and grants them the leeway to experiment with innovative forms of life. As Esposito concludes, this form of biopolitics “doesn’t subject life to the transcendence of a norm, but makes the norm the immanent impulse of life.”⁷⁵

⁷⁵ Esposito, *Bios*, 194.

KEYWORDS: affirmative biopolitics, neoliberalism, Michel Foucault, Georges Canguilhem, care.

SUMMARY

In *The Republic of the Living*, Miguel Vatter argues that, at the end of the 1970s, Michel Foucault did not convert to but criticized neoliberalism from a republican point of view. Neoliberal governmentality allegedly represses the capacity of human collectives to democratically govern themselves. The potential for republican self-government would then constitute the basis for an affirmative variant of biopolitics. I argue that this creative reformulation of Foucault's oeuvre does not work as an interpretation of Foucault nor as a valid critique of neoliberalism. Using the influence of Georges Canguilhem on Foucault, I propose to locate the potential for affirmative biopolitics not in the collective capacity for self-government, but in the fragility of living beings in their interaction with their milieu. Because life is constitutively dependent on infrastructural conditions to flourish, we need a biopolitics that establishes institutions which support the sustenance of life.

