Foucault Studies

ARTICLE

On the Ways of Writing the History of the State

ELI B. LICHTENSTEIN

Northwestern University, USA

ABSTRACT. Foucault's governmentality lectures at the Collège de France analyze the history of the state through the lens of governmental reason. However, these lectures largely omit consideration of the relationship between discipline and the state, prioritizing instead *raison d'État* and liberalism as dominant state technologies. To remedy this omission, I turn to Foucault's early studies of discipline and argue that they provide materials for the reconstruction of a genealogy of the "disciplinary state." In reconstructing this genealogy, I demonstrate that the disciplinary state marks the "dark side" of the liberal state, a dark side which is, moreover, largely obscured in the governmentality lectures. I further construe the difference between this early genealogy of the state and the later governmental studies in methodological terms. At stake in this difference is the historiographic status of capitalism and social conflict. Foucault's governmentality lectures employ what I term an "idealist disavowal," thereby treating capitalism and social conflict as irrelevant to the history of the state. The early disciplinary studies, on the other hand, enact a "materialist avowal," by which these objects are avowed as central to the explanation of how and why the state develops. Finally, I argue that Foucault's governmental genealogy of the liberal state is explanatorily and analytically incomplete, while the genealogy of the disciplinary state contributes to its completion on both fronts.

Keywords: state; discipline; liberalism; governmentality; genealogy; capitalism.

INTRODUCTION

"The calm force of the State, we know, envelopes its violence; its laws, illegalism; its rules, the arbitrary. A complete swarm of abuses, of excesses, of irregularities forms not the inevitable deviation, but the essential and permanent life of the 'rule of law' (*État de droit*)."[1] These remarks are found in a preface Foucault penned in 1977 and are not wholly surprising. Two years earlier, in *Discipline and Punish*, Foucault had already construed disciplinary power as the material guarantee of formal rights and liberties; he

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[1] Michel Foucault, "Préface" [1977], in *Dits et écrits: 1954-1988, vol. III: 1976-1979*, ed. Daniel Defert and François Ewald (1994), 139. All translations from texts written in French are my own. This preface first appeared in: Mireille Debard and Jean-Luc Hennig, *Les Juges kaki* (1977).

had already interpreted the "gentle way in punishment" as the "dark side" of the establishment of the modern rule of law. Beneath the apparent symmetries of juridical norms were accordingly found hierarchies and radical asymmetries. With the spread of law came the cultivation of new forms of illegalism, and the restraint of the judicial was matched by the excess and violence of the carceral. Below the "universal juridicism of modern society" was a particularism of domination that belied its juridical fictions but on which it depended, its essential and permanent life.[2] Hence this preface poses a set of oppositions that evoke and overlap with those found in the earlier text: calm force and violence; laws and illegalism; rules and the arbitrary.

What is nonetheless surprising is the invocation of a liberal *state* in connection to the themes of violence and illegalism. Surprising because, in *Discipline and Punish*, the state is largely absent. There, a decentering of power shifts analytical focus from macro-political institutions to micro- and capillary powers, a decentering which led critics to worry that the problem of the state had been "elided".[3] Surprising, too, because in Foucault's most sustained treatment of liberalism and the state, the latter is seen foremost through the lens of a governmental reason that is neither excessive nor arbitrary but rather self-limiting; a safeguard for the freedoms of individual and market. In his *Birth of Biopolitics* lectures, given in 1979, liberal governmentality is thus seen to function through a rationalized conduct of conduct that targets not the bodies of individuals but their *interests*, and does not generate unfreedom but rather regulates freedom.[4] These lectures do not disavow the role of discipline or "security" in the achievement of liberal government; they do not disavow coercion, or material constraint. But the emphasis throughout remains on discourses of liberalism. The apparent upshot is a state whose dominant logic falls much closer to calm force than to violence, to law than to illegalism, to rules than to the arbitrary.

Hence what is surprising about the passage is that it seems to bring together two distinct fields of research undertaken by Foucault in the 1970s: that of a decentered (non-statist) disciplinary power and that of a liberal (non-disciplinary) governmentalized state. It is as though the preface conceptually splits a difference which is mirrored in chronological terms, as it is written, in 1977, halfway between the publication of *Discipline and Punish* and the lectures of *The Birth of Biopolitics*. It is as though, two years out from the earlier text and two years prior to the later lectures, Foucault can be seen in a moment of transition in which the themes of each momentarily join. Discipline *and* the state. Liberalism *and* illegalism.

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[2] Michel Foucault, *Discipline and Punish: The Birth of the Prison* [1975] (1995), 222-223.

[3] Colin Gordon, "Governmental Rationality: An Introduction," in *The Foucault Effect: Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault*, ed. Graham Burchell, Colin Gordon, and Peter Miller (1991), 27.

[4] Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979* [2004], ed. Michel Senellart et al. (2008).

Commentators agree that Foucault's turn to governmentality followed from his recognition that the analytics of discipline was inadequate to an analysis of state power. [5] The latter thus required a methodological scaling up from micro-powers to the history of governmental reason as such. In the *Birth of Biopolitics*, this history provides the basis for a genealogy of the liberal state. Less often considered, however, is whether such a history of governmental reason constitutes Foucault's only way of writing the history of the state. Commentators thus seem to assume that Foucault's history of the state is limited to the governmentality lectures, while the earlier work on discipline has nothing to add.

A central aim of this paper is to contest this assumption. I claim that Foucault in fact provides a distinct genealogy of the state in a series of lectures from the early 1970s, some of which until recently remained unpublished and untranslated.[6] These lectures provide a rich set of reflections on the complex relationship between discipline and the state, their historical imbrication and co-constitution. While their apparent aim is to offer only a genealogy of discipline, I contend that they simultaneously sketch a genealogy of the "disciplinary state." It is this genealogy that provides a view on the "dark side" of the liberal state that is otherwise missing from the governmentality lectures. I reconstruct this genealogy below.

Another aim of this paper is to characterize the divergence between the later and earlier genealogies in methodological terms. At stake in this divergence is the historiographic status of capitalism and social conflict. I argue that the later genealogy "idealistically disavows" the relevance of these two objects, while the earlier genealogy "materialistically avows" it. The later genealogy thus treats a consideration of capitalism and social conflict as irrelevant to the history of the state; the earlier genealogy, however, foregrounds their historiographic relevance by construing the development of the state as in large part a response to them. Hence between the early and late 1970s, Foucault not only offers two genealogies of the state. He also practices two distinct ways of writing the history of the state. I suggest that the governmental way runs into explanatory and analytical difficulties, and that the earlier goes some way in resolving them.

I begin with Foucault's idealist disavowal and genealogy of the liberal state, before turning to his materialist avowal and genealogy of the disciplinary state.

I. IDEALIST DISAVOWAL

In *Security, Territory, Population*, Foucault proposes to construct the genealogy of the state "on the basis of a history of governmental reason."[7] This proposal is intended to avoid certain problems typically involved with analyses of the state. Through the seventies, in interviews, lectures, and written texts, Foucault had accordingly polemicized against the privilege often afforded to the state within theories of power. For Foucault, power was not located primarily in the state, conceived as a sovereign pinnacle of command, but was instead dispersed through all of society in a capillary form that exceeded clear institutional boundaries. In his *Birth of Biopolitics* lectures, he would comment dryly, "I do, I want to, I must do without a theory of the state, as one can and must forgo an indigestible meal." Theories of the state were often "deductive" and involved deducing particular practices from the state, conceived as a universal category.[8] In opposition to such an approach, Foucault proposed to instead *begin* with such practices and only subsequently pass the state "through the grid of these practices."[9] The state as such was not to be fully jettisoned. Yet its analytical purchase was to be indexed to the practices or power relations, the governmentalities, considered primary to it. The state was thus to be considered foremost "an episode in governmentality."[10]

Foucault suggests that his governmental analysis of the state is a simple extension of the analysis of micro-powers put to use in *Discipline and Punish* and *The History of Sexuality: Volume 1*.[11] What changes are the scale and the objects of the analysis, but the latter involves no major methodological departure from the earlier work.[12] In *Discipline and Punish*, for example, power had been analyzed in its "materiality": it was viewed as "comprising a whole set of instruments, techniques, procedures, levels of application, targets."[13] It was also viewed as essentially linked to general historical processes, which occurred at multiple levels of society.[14] Yet later comments made by Foucault, along with a careful reading of his governmentality lectures, in fact indicate a methodological departure from this approach. I shall call Foucault's departure from his earlier analytics of power his "idealist disavowal."

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[7] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-1978* [2004], ed. Michel Senellart, François Ewald, and Alessandro Fontana (2007), 354.

[8] Foucault, *Birth of Biopolitics*, 76-77.

[9] Ibid., 3.

[10] Foucault, *Security, Territory, Population*, 248.

[11] Michel Foucault, *The History of Sexuality: Volume 1: An Introduction* [1976] (1978). Foucault makes this suggestion in the *Birth of Biopolitics,* stating: "What I wanted to do—and this was what was at stake in the analysis—was to see the extent to which we could accept that the analysis of micro-powers, or of procedures of governmentality, is not confined by definition to a precise domain determined by a sector of the scale, but should be considered simply as a point of view, a method of decipherment which may be valid for the whole scale, whatever its size." *Birth of Biopolitics,* 186.

[12] On the nature of the change in objects, see Martin Saar, "Relocating the Modern State: Governmentality and the History of Political Ideas," in *Governmentality: Current Issues and Future Challenges*, ed. Ulrich Bröckling, Susanne Krasmann, and Thomas Lemke (2011), 36-7.

[13] Foucault, *Discipline and Punish*, 116, 215.

[14] Ibid., 218.

Foucault articulates this disavowal in the following passage from the first of his *Birth of Biopolitics* lectures:

> [B]y the "art of government" I did not mean the way in which governors really governed. I have not studied and do not want to study the development of real governmental practice by determining the particular situations it deals with, the problems raised, the tactics chosen, the instruments employed, forged, or remodeled, and so forth.[15]

The nature of the disavowal can be seen in the retreat from a consideration of the particular situations, problems, tactics, and instruments through which "real governmental practice" had been analyzed in the earlier genealogies. Yet if Foucault here retreats from the immediate material context of real governmental practice, so he abstracts from broader social contexts and historical processes. Negatively framing his study of the state in another lecture from 1979, he thus warns that he does not "intend to go into the different economic, social, and political processes from which" states historically emerge.[16] And he explicitly disavows the establishment of *any* explanatory connection between such processes and the genealogy of a historical object.[17]

If the study of governmentality thus disavows real governmental practice and the broader social and historical conditions in which it is situated, how are we to construe the "governmental reason" on which it is based? Foucault offers the following elaboration:

> I wanted to study the art of governing, that is to say, the reasoned way of governing best and, at the same time, reflection on the best possible way of governing. That is to say, I have tried to grasp the level of reflection in the practice of government and on the practice of government. In a sense, I wanted to study government's consciousness of itself…[18]

Here Foucault proposes to study governmentality as it is expressed in *reflection* on government, in the self-conscious reflection of government on itself. While he also claims to "start from governmental practice," the priority, given in this passage but also through the text, is reflection on and rationalization of this practice. This is not to say that governmental reason itself is reducible to mere reflection; or else to say that governmental reason is disembodied, immaterial. Instead, it is a technology of power and thus, as Thomas Lemke summarizes, "always already represents an intellectual transformation of reality, which political technologies take up in turn."[19] However, the perspective on this intellectual transformation is always given in the reflexive

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[15] *Birth of Biopolitics*, 2.

[16] Michel Foucault, "'Omnes et Singulatim': Toward a Critique of Political Reason" [1980], in *Power*, ed. James D. Faubion (2000), 313.

[17] See *Birth of Biopolitics*, 33.

[18] Ibid., 2.

[19] Thomas Lemke, *Foucault's Analysis of Modern Governmentality: A Critique of Political Reason* [1997] (2019), 149.

consciousness of government itself. Rather than real governmental practice, Foucault thus offers an analysis of *reflection on* real governmental practice.

My interpretation differs here from that of other commentators. For example, Martin Saar has recently contrasted Foucault's history of governmentality to the history of political ideas, and found the distinctiveness of the former to rest in its articulation of "the practical side, the material element of the state or government." For Saar, the history of political ideas tends to view government through a history of, indeed, *ideas*—most significantly, that of the state. In contrast, Foucault studies government as theory *and* practice, as discourses imbricated with structures and political programs, with actual relations of power.[20] However, I think this characterization betrays a confusion. That Foucault understands governmentality as a material technology of power is clear. But this understanding does not entail that the material effects, instruments or tactics of government—or the processes, problems, and conflicts to which government responds—are *themselves* analyzed in turn as distinctive historiographic objects in their own right. In fact, in the governmentality lectures—with perhaps very occasional exceptions, which do not alter the lectures' broader methodological drift[21]—these objects are almost wholly neglected. Or else, they are idealistically disavowed, while all that remains *post* disavowal is the immanent discourse of governmental reason. The distance between the history of governmentality and that of political ideas is not thereby entirely collapsed. But it is, perhaps, somewhat diminished.[22]

II. GENEALOGY OF THE LIBERAL STATE

Of concern here is less the analytics of government than its implications for Foucault's genealogy of the state. This genealogy, reconstructed from the governmentality lectures, traces the development of governmentality through successive absolutist, liberal, and neoliberal states. These successive forms of state organization are accordingly conceived in terms of a historical succession of discrete governmentalities. Foucault does not reduce the state to a single governmentality. Instead, he conceives the state as the

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[20] Saar, "Relocating the Modern State," 42.

[21] One of these exceptions is Foucault's analysis of the interaction between French postwar economic trends and policies in *Birth of Biopolitics*. See *Birth of Biopolitics*, 193-200.

[22] Deborah Cook makes an analogous point in relation to Foucault's discussion of neoliberalism: "Interested almost exclusively in the economic programmes that helped to shape the 'government's consciousness of itself' (BB 2), Foucault never evaluates their impact on the actual functioning of Western economies (with the exception, perhaps, of France's economy under Valéry Giscard d'Estaing)." Deborah Cook, *Adorno, Foucault and the Critique of the West* (2018), 54. An example of work inspired by and, I think, largely faithful to this method is found in Nikolas Rose and Peter Miller. They elaborate their approach as follows: "Our studies of government eschew sociological realism and its burdens of explanation and causation. We do not try to characterise how social life *really* was and why…. Rather, we attend to the ways in which authorities in the past have posed themselves these questions: what is our power; to what ends should it be exercised; what effects has it produced; how can we know what we need to know, and do what we need to do in order to govern?" Nikolas Rose and Peter Miller, "Political Power beyond the State: Problematics of Government," *The British Journal of Sociology* 43:2 (June 1992), 177.

outcome or "effect" of numerous governmentalities.[23] Such a "constructivist" account thus entails "[t]he decentering or decomposition of the state into the processes that constitute and stabilize it."[24] Yet, notwithstanding this constructivism, Foucault remains committed to tracing the development of *dominant* strains of governmental practice, which are major logics that provide the primary lens through which he views the history of the state.

On this model, the emergence of the liberal state is not, for example, located in the development of a distinctive institutional form which we now designate as "the liberal state." Nor is it located in a confluence of social processes or political pressures. Instead, it is linked foremost to a novel set of discourses or a "reflexive prism"[25] in which liberalism emerges and problematizes state power. Foucault admittedly characterizes at length the nature of the *conceptual shift* between absolutist state reason and liberalism. Whereas the former maximizes the forces of the state by employing a science of police, the latter seeks a "self-limitation" of the state on the basis of political economy. Under liberalism, the state now yields to the market as the criterion of governmental action, or as its "site of verification-falsification." Liberalism, maximizing utility, thus entails a "reason of the least state."[26] However, because Foucault eschews causal explanations that would connect liberalism to a broader social context, he represents it as foremost a theoretical event. He is thus unable to explain why this major mutation in government occurs.[27] As a result, the emergence of the liberal state appears merely as an immanent, and mysterious, transformation of governmental reason.

It is not just explanatory inadequacy that proves problematic here. There also remain clear analytical ambiguities. The first of these ambiguities involves the relationship between the liberal state and capitalism. According to Charles Tilly, there were "two interdependent master processes of the [modern] era: the creation of a system of national states and the formation of a worldwide capitalist system."[28] While Foucault's genealogy of the state problematizes the first of these master processes, his idealist disavowal excludes consideration of the second. The result is ironic: in the study of liberalism, which François Ewald characterizes as "the functioning principle of power in capitalist societies", capitalism itself, as a discrete object, is largely absent.[29] Accordingly, the impact of capitalism on liberalism is indeterminate. The effect of the latter on the former, however, is studied in some detail. Liberalism is accordingly seen to constitute civil society, the market, and the economy as "transactional realities," which are central

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[23] *Birth of Biopolitics*, 77.

[24] "Relocating the Modern State," 39.

[25] *Security, Territory, Population*, 276.

[26] *Birth of Biopolitics*, 37.

[27] In his discussion of liberalism, Foucault cites a few broader historical processes that would be relevant to an explanation of its emergence—*if* one were to pursue an explanatory account. Eschewing such an account, however, Foucault provides no description of the structural relation between these processes and the liberal state. See Ibid., 33.

[28] Charles Tilly, *Big Structures, Large Processes, Huge Comparisons* (1984), 147.

[29] François Ewald, "Presentation," *Les Temps Modernes* 354 (January 1979), 27.

dimensions of, if not wholly reducible to, its immanent rationality.[30] This characterization—of the governmental constitution of the economic—is not itself at issue. Instead, what is at issue is the unidirectional construal of the relationship between the two.

The other ambiguity parallels the first and involves the relationship between the liberal state and social conflict. By abstracting from the social struggles which pervaded the 18th and 19th centuries, the genealogy of liberalism precludes an appreciation of their effect on the development of the state. That liberalism entails strategies of security and discipline which seek to eliminate "dangers" to the "collective interest" is made clear.[31] What is not made clear is the specific nature of these dangers, the specific social struggles with which they articulate, and the specific governmental techniques which develop to contain them. The form of the state is instead read as deriving wholly from governmental reason without any essential responsiveness to social forces. The apparent self-sufficiency or "immanence" of the political logic of the liberal state robs it of any social content.[32]

By disavowing the historiographic relevance of capitalism and social conflict, the governmental way of writing the history of the state thus leads to unfortunate ambiguities. It is in the avowal of these two objects that Foucault's genealogy of the disciplinary state begins to resolve them.

III. MATERIALIST AVOWAL

If the analysis of liberalism is premised on an idealist disavowal, the genealogy of the disciplinary state thus follows from a materialist avowal. I shall begin by motivating Foucault's avowal of the historiographic importance of social conflict before turning to that of capitalism.

In an interview given in 1977, and thus before his governmental turn, Foucault remarks:

> History has no 'meaning', though this is not to say that it is absurd or incoherent. On the contrary, it is intelligible and should be susceptible of analysis down to the

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[30] *Birth of Biopolitics*, 297.

[31] Ibid., 65-66.

[32] While approaching this problem of the state's immanence from a different perspective—foregrounding instead Foucault's "dispositif analysis"—Mitchell Dean and Kaspar Villadsen nonetheless reach a similar critical conclusion: "[I]n the first three lectures in 1978 Foucault would elaborate what is today regarded as his dispositif analysis. Here the various dispositifs appear as kinds of technical assemblages, albeit in relation to a domain of virtuality … But these dispositifs of law, security, and discipline simply float along in a Heraclitean river of immanence without explanation or exploration of their sources in social and political relations and conflicts. If the governmentality narrative stressed the becoming immanent of a formerly spectacular, transcendent sovereignty, the dispositifs exist in an eternal flow and fluid of practices of administrative and technological immanence." Mitchell Dean and Kaspar Villadsen, *State Phobia and Civil Society: The Political Legacy of Michel Foucault* (2016), 172.

> smallest detail—but this in accordance with the intelligibility of struggles, of strategies and tactics.[33]

Here Foucault claims that the intelligibility of history is established in accordance with that of "struggles, of strategies and tactics." Such a claim is clearly consonant with what he elsewhere calls "Nietzsche's hypothesis" and what has, in the literature, often been termed the "war model": namely, the employment of a model of war as "a principle for the analysis of power relations."[34] Some version of this model is employed in *Discipline and Punish*, yet it is also already at work in the earlier lectures. Thus, in *The Punitive Society*, Foucault understands civil war as "the matrix of all struggles of power" and proposes to foreground it in his studies of penality.[35]

What is of particular significance here is not the relevance of war to an analysis of society *per se* but rather its relevance to an analysis of history. That is, the war model is a grid of intelligibility not only for power relations but, further, for historical change and for the articulation of power relations *in* processes of historical changes. Hence, in "Nietzsche, Genealogy, History," Foucault proposes to understand historical events as always outcomes of struggles and war-like conflicts: "An event … [is] the reversal of a relationship of forces, the usurpation of power, the appropriation of a vocabulary turned against those who had once used it, a domination that grows feeble, poisons itself, grows slack, the entry of a masked 'other'."[36] This rather categorical characterization of historical events thus postulates in the principle of conflict an essential condition of their intelligibility. The presence of war-like relations will always remain minimally relevant to the explanation of processes of change. Such processes will not be reducible to war-like relations. Yet to ignore the latter would be to risk the intelligibility of history.

Commentators have emphasized that Foucault's governmental turn marks an abandonment of the war model. This abandonment is often viewed sympathetically as the outcome of Foucault's acknowledgement of real problems with Nietzsche's hypothesis. One such problem is its apparent exclusion of logics of power besides that of war. Thus Thomas Lemke argues that "Foucault's 'discourse of struggle' has the tendency to … dissolve power into war."[37] Without doubt, passages in *Society Must Be Defended* and *The Punitive Society* lend legitimacy to such interpretations. However, they are challenged—or at least nuanced—by many of Foucault's writings not on social analysis *per se* but rather on *historiography*. For in his discussions of historical method, Foucault calls attention not only to the conflictual shape of historical events but, further, to their conditioning by broader economic and social processes. Conflict, accordingly, is

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[33] Michel Foucault, "Truth and Power" [1977], in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon (1980), 113-114.

[34] Michel Foucault, *"Society Must Be Defended": Lectures at the Collège de France, 1975-1976* [1997], ed. Mauro Bertani and Alessandro Fontana (2003), 16, 23.

[35] Foucault, *Punitive Society*, 13.

[36] Michel Foucault, "Nietzsche, Genealogy, History" [1971], in *Aesthetics, Method, and Epistemology (Essential Works of Foucault 1954-1984, Volume Two)*, ed. James D. Faubion (1998), 380-381.

[37] Lemke, *Foucault's Analysis of Modern Governmentality*, 105.

not a sufficient analytic of historical change. The intelligibility of events is not established on its basis alone. Power is not (entirely) dissolved into war.[38]

Foucault in fact warns against such a dissolution in his following construal of historical events:

> It's not a matter of locating everything on one level, that of the event, but of realising that there is actually a whole order of levels of different types of events differing in amplitude, chronological breadth, and capacity to produce effects … The problem is at once to distinguish among events, to differentiate the networks and levels to which they belong, and to reconstitute the lines along which they are connected and engender one another.[39]

If a conflict can be seen to occupy a given level, then Foucault's point here is that the determination of the shape and outcome of a conflict will not be given by the relation of forces alone; it will also be given through the "effects" emanating from other networks and levels. This is to say that dimensions of historical complexity exceed the matrix of war; processes of change remain irreducible to the free play of antagonistic forces. Instead, they are further provoked or constrained from multiple other directions. While as a general analytic of power relations the war model may be apt, it cannot be applied to history without this significant qualification.

It was from the Annales school that Foucault inherited the idea that historical events are composed of multiple, causally connected levels.[40] Perhaps most famously, Fernand Braudel had divided historical time into geographical, social and individual times, and sought to explain change on the basis of the interaction of these three levels.[41] This division of history ultimately served explanatory ends by freeing historical explanation from remaining on a single level. Accordingly, explanation could now traverse multiple levels; it could now establish connections, correlations, or effects that existed between different layers of historical time. In this way, explanation took on a vertical form.[42] Surface events were seen in connection to the events of "deeper levels," which were established as having greater global consequences, or a greater "effectivity," in relation

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[38] An implicit contention of this article is that Foucault's war model, if seen in relation to his broader historiographic framework, is highly fruitful for genealogy in general and the genealogy of the state in particular. For accounts that are more attuned to the apparent shortcomings of this model and the analytical gains that follow from its abandonment, see Lemke, *Foucault's Analysis of Modern Governmentality*; Johanna Oksala, *Foucault, Politics, and Violence* (2012).

[39] Michel Foucault, "Truth and Power," 113-114 (translation modified).

[40] Foucault puts the idea to work in his archaeological works, with a particularly lucid reconstruction of it appearing in the preface to *The Archaeology of Knowledge*. But it is also taken up again explicitly in the transcript of a 1970 lecture titled "Return to History" before being articulated, if implicitly, in the interview from 1977 quoted here. See Michel Foucault, *The Archaeology of Knowledge and The Discourse on Language* [1969] (2010), 10; Michel Foucault, "Return to History" [1972], in *Aesthetics, Method, and Epistemology*.

[41] Fernand Braudel, *The Mediterranean and the Mediterranean World in the Age of Philip II*, vol. I [1966] (1976).

[42] Braudel accordingly summarizes: "History accepts and discovers multidimensional explanations, reaching, as it were, vertically from one temporal plan to another." Braudel, *Mediterranean*, 21.

to other levels.[43] In borrowing this basic framework, Foucault thus nuances Nietzsche's hypothesis. Now, the nature and outcome of struggles is determined not just by tactics, cunning, and the luck of the battle but also by subterranean events not immediately in view of the protagonists.

Recall Foucault's disavowal, in his governmentality lectures, of "the different economic, social, and political processes from which" states emerge. This multidimensional framework for historical events demonstrates how such processes may instead be avowed. Accordingly, in the analysis of a given event, the various historical levels will appear as its determinative conditions. Such conditions will thus be taken as essential to its explanation. More than this, the framework also allows for the differential contribution of the levels; certain economic or social events may be more significant than others. Of particular importance in my reconstruction is Foucault's delimitation of a level that pertains to the capitalist economy. Whereas the governmentality genealogy abstracts from the effect of this level on the development of the state, the earlier genealogy avows it.

Taken together, the avowals of social conflict and capitalism contribute to the intelligibility of historical change in general, and of the emergence of the state in particular. However, that change *is* intelligible, or that it has a kind of logic, is a point that has largely been neglected in the literature.[44] When this logic is indeed glossed, it is often done so on a register of "aleatoriness" or of "pure chance".[45] The sheer complexity of processes of historical change is often seen to preclude any explanatory purchase on them. If such processes have a logic, it is simply that of an intersection of innumerable practices, discourses, and apparatuses, of "vectors" and "elements," to which no

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[43] For Althusser's concept of "effectivity," see Louis Althusser, "The Object of *Capital*" [1965], in *Reading Capital* (2009), 110. Althusser's influence on Foucault's historical thought will not be examined here. However, two points should at least be noted. Firstly, that there is a certain proximity between the two thinkers' analyses of history. Secondly, that between Althusser and Braudel there is also a certain proximity. Thus the Althusserian analysis of a multi-layered social whole—of a "hierarchy of effectivity that exists between the different 'levels' or instances of the social whole"—remarkably approaches that of Braudel. Ibid., 110. Both of these points are perhaps signaled in a 1967 interview in which Foucault cites the importance of Braudel *and* Althusser to recent developments in historical scholarship: Michel Foucault, "On the Ways of Writing History" [1967], in *Aesthetics, Method, and Epistemology*. The significant overlap between Braudel and Althusser has been explored in Perry Anderson, *Arguments within English Marxism* (1980), 73-76.

[44] One exception is found in Thomas R. Flynn, *Sartre, Foucault, and Historical Reason: A Poststructuralist Mapping of History*, vol. 2 (2005).

[45] Kevin Thompson, "From the historical a priori to the dispositif: Foucault, the phenomenological legacy, and the problem of transcendental genesis," *Continental Philosophy Review* 49:1 (March 2016), 48, 53. See also Judith Revel, *La pensée du discontinu: Introduction à la lecture de Foucault* (2010), 96: "[T]he event is the product of multiple and complex causalities that intertwine (and sometimes contradict each other, or stand against each other), but it entails just as much the aleatory (the share of the imponderable (*la part d'impondérable*)) as the action of men (as element of inauguration, as causal agent more than as causal effect)."

assignation of relative significance or causal weight can be given.[46] Take, for example, the following passage from Colin Koopman:

> Change emerges … precisely insofar as two vectors [of knowledge and power] in interaction make possible the formation of tensions between the various elements that travel along each vector. These tensions provide impetus for change as each vector is resolved in order to accommodate the requirements imposed by the other vectors it intersects.[47]

What is missing from Koopman's gloss is the differential assignation of significance to these knowledge and power vectors. One may consistently hold onto the view that historical development cannot be reduced to linear, mono-causal development—as Foucault does—while also seeking an account of the dominant factors and causes of this development—as Foucault also does. Absent this account, the historical change which Koopman claims is elucidated ultimately remains as opaque as at the starting point—an endless list of contributing factors does not add up to an explanation of that change. Koopman's reconstruction might accurately represent the approach to genealogy which Foucault developed in the late 1970s, canvassed above.[48] Yet it does not accurately represent the operative understanding of change found in the genealogy of discipline. For there, processes of emergence do not remain wholly opaque, domains of pure chance or utter irrationality. The discontinuous does not remain "the unthinkable," as it was for classical history.[49] The emergence of discipline (and the state) is not reducible to the purely aleatory.

Instead, its emergence is located in the material and multidimensional intersection of social conflict and capitalist development. Foucault thereby provides tools with which to bring the opacity of change into the light of historical intelligibility. And it is in this light that the dark side of liberalism—the disciplinary state—comes into view.

IV. GENEALOGY OF THE DISCIPLINARY STATE

In the introduction I claimed that the genealogy of discipline is a genealogy of the state. I shall now begin to develop this claim with the historiographic tools discussed above. However, this claim immediately strains against two considerations. The first is the relative absence of the state in *Discipline and Punish*, Foucault's major statement on disciplinary power. The second is Foucault's repeated polemics, delivered throughout

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[46] I borrow the suggestive language of "vectors" and "elements" from Colin Koopman, *Genealogy as Critique: Foucault and the Problems of Modernity* (2013).

[47] Ibid., 42.

[48] For one articulation of this approach, see *Security, Territory, Population*, 239, where, in place of a causal analysis, Foucault proposes to study the constitution of the state "on the basis of a thousand diverse processes." While he doesn't admit as much, the patent impossibility of accounting for a thousand diverse processes would seem to free Foucault to focus exclusively on the immanent development of governmental reason without any description of the interaction between this development and its thousand constitutive processes.

[49] Foucault, *The Archaeology of Knowledge*, 9.

the 1970s, against theories of power that analytically privileged the state. As noted above, power was instead taken to subtend and exceed the institutional limits of the state, and to suffuse the entire social fabric, without any apparent center.

The first consideration may be met with the observation—to be illustrated below—that Foucault's 1973 lectures on discipline engage more directly with the state, and so provide material for a linking of the latter to the genealogy of discipline. Yet even if this is granted, the second consideration would cast doubt on the significance of such a genealogy. For what is the point of a genealogy of the state when the state itself is considered a marginal entity in the study of power?

To defuse this objection, it would be necessary to demonstrate that the state is not marginal but rather has some essential role to play in the operation of power. It would be necessary to demonstrate that discipline *requires* the state in some way or other; that, absent the state, disciplinary power cannot function. It is precisely this demonstration that is made in the genealogy below. I shall not, therein, analyze the state as a sovereign locus of power but rather as an *essential tactic of disciplinary power*. And it will be shown that this tactical employment of the state is not without consequence for the state itself. In bringing the state to bear on the dissemination of discipline, the state takes on its modern, disciplinary form. The emergence of discipline is the emergence of the disciplinary state.

Capitalism and conflict

Two questions shall guide my reconstruction of this genealogy. I begin with the first, which asks: why did discipline emerge at the end of the 18th century? Why not earlier, or later? The answer involves the specific temporality of the emergence of capitalism, along with the redistribution of illegalisms that it provokes. It involves, in other words, capitalism and conflict, the two dominant elements of Foucault's materialist avowal.

"At the point of departure, then, one may place the political project of rooting out illegalisms…"[50] This summary statement, found in *Discipline and Punish*, articulates Foucault's central contention that discipline is, at least minimally, a strategic response to popular illegalism, a tactic or instrument of struggle that seeks to "root out" the various illegal practices of the popular classes. What first requires explanation, however, is why this tactic forms when it does. For Foucault notes that the lower classes had long practiced forms of illegalism which were not just tolerated by the ruling classes but sometimes even encouraged. Why, then, the sudden, disciplinary persecution of popular illegalisms?

If this economy of illegalisms can be seen as one level of Foucault's history, as a sphere of social reality characterized by a set of practices and struggles circulating around the law—around what counts as legal or illegal, as what is detected, permitted, or enforced, and according to the standards of the court versus those of custom—then so

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[50] *Discipline and Punish*, 101. In the English translation of *Discipline and Punish*, "illégalisme" is translated as "illegality." To remain faithful to the nuance of the original French, I have accordingly changed "illegality" to "illegalism" in the relevant passages quoted.

should the capitalist economy be seen as another level, one that is deeply interconnected but analytically distinct. For the catalyst of discipline—or of the disciplinization of popular illegalisms—comes not immediately from the level of the long-tolerated illegalisms. In fact, by itself, or absent the effects of other levels, the economy of illegalism might not require alteration. It had sustained itself for centuries, and it could perhaps sustain itself for centuries to come. Instead, it is the exogenous shock, or event, of a nascent industrial capitalism that necessitates this alteration; that brings about the sudden penalization of the system of complicities and tolerances that had long characterized social practices involving the law.

Foucault inscribes this event in the "new spatial and social distribution of industrial and agricultural wealth" that appeared near the end of the 18th century. In earlier periods, wealth had been largely immune from the threat of the lower classes, consisting of cash money and bills of exchange, or else contained in the unassailable form of land estates. During the 18th century, however, wealth increasingly takes the material form of commercial goods, machines, factory stocks, and raw materials. In the countryside, accelerating enclosures and the spread of capitalist agriculture narrow the space in which peasants had earlier, whether by common rights or the negligence of the gentry, profited from the land and its creatures.[51] The result is that wealth, previously beyond reach, becomes vulnerable to theft: workers and peasants are now in daily contact with bourgeois property.[52] Accordingly, they develop a novel form of illegalism: no longer involving the evasion of law, and thus no longer an "illegalism of rights," the dominant form of popular illegalism becomes an "illegalism of property."

The social implications of the emergence of capitalism do not end, however, at the development of an illegalism of property. The intolerability of the latter to the bourgeoisie leads instead to a strategic "redistribution of illegalisms" such that the popular illegalism of property is distinguished from the bourgeois illegalism of rights. The result of this "class opposition" is that the illegalism of rights—now practiced solely by the bourgeoisie—remains safeguarded while the illegalism of property becomes the legitimate object of a harsh, comprehensive, and ultimately disciplinary penal intervention. According to Foucault, it was thus the threat to property—and not the campaigns of penal reformers—that provoked the redistribution of illegalisms and the ensuing diffusion of disciplinary power through society.[53]

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[51] Foucault thus provides his own gloss on the history of enclosures, viewing the latter in relation to the history of discipline. In fact, in one of his *Punitive Society* lectures, Foucault even cites, if in passing, Marx's early discussions of wood theft, which appeared in 1842 in the *Rheinische Zeitung*. *Punitive Society*, 62; Karl Marx, "Proceedings of the Sixth Rhine Province Assembly. Third Article. Debates on the Law on Thefts of Wood"[1842], in Karl Marx, *Karl Marx: Collected Works*, vol. 1 (1975). That Foucault had read these discussions—along with the work of E. P. Thompson, as Bernard E. Harcourt notes—indicates his familiarity with some Marxist analyses of early capitalism and their dominant themes of enclosures, primitive accumulation and, in the case of Thompson, work-discipline. *Punitive Society*, 40n20.

[52] Foucault, "Truth and Juridical Forms," 68.

[53] See, for example, *Discipline and Punish*, 89: "It was because the pressure on popular illegalisms had become … an essential imperative, that reform was able to pass from the project stage to that of an institution and set of practices."

The question of why discipline emerged at the end of the 18ᵗʰ century now receives its answer. It emerged then because it was a response to the novel set of problems provoked by nascent industrial capitalism in the same period. In the course summary for *The Punitive Society*, this answer is stated in particularly unambiguous form: "What activated the great renewal of the epoch was a problem of bodies and materiality, it was a question of physics: a new form of materiality taken by the apparatus of production, a new type of contact between this apparatus and those who make it function; new requirements imposed on individuals as productive forces."[54] It is thus capitalism, as a configuration of material practices and imperatives, that appears as the primary catalyst for the development of discipline. This is not, however, to reduce disciplinary power to a mere reflection of—or superstructure built above—the mode of production. That capitalism disrupts the traditional economy of illegalisms does not determine in advance the final shape that this economy will take. Instead, Foucault's "history of capitalism" merely helps to "reconstitute the lines" between capitalism and discipline to explain how "they are connected and engender one another."[55] The effect of capitalism can thus be seen in a redrawing of the field of battle over legality and illegality; over property and rights and their political status. Yet while this effect constrains the terms of the battle, so it leaves the outcome undetermined, open to contingency and luck.

State and statification

The second question guiding my reconstruction of the genealogy asks: if the advent of modern capitalism provoked a new battle and a new balance of forces, how was discipline instrumentalized therein? By what means was discipline so successfully generalized through the social body? The answer to this question foremost involves the state and the statification of discipline.

Accordingly, a key concept in Foucault's genealogy is that of "statification," or, "the gradual, piecemeal, but continuous takeover by the state of a number of practices, ways of doing things, and, if you like, governmentalities."[56] Foucault sees statification as a general historical trend: through modernity, the state increasingly appropriates the practices, governmentalities, or techniques of power previously external to it; it is this process that helps to give it its "totalitarian" form.[57] We have already seen that, for Foucault, the state is a complex plurality of overlapping governmentalities. What the perspective of statification adds is the idea that these overlapping governmentalities often originate outside the state and only *historically* come to fall under nominal state control. However, given the priority of power to the state, statification will not be

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[54] *Punitive Society*, 261.

[55] Harcourt cites Foucault's "political economy" and "history of capitalism" in Bernard E. Harcourt, "Course Context," in *Punitive Society*, 278.

[56] *Birth of Biopolitics,* 77. After thusly defining statification, Foucault characterizes it as a central concern of his *oeuvre*: "The problem of bringing under state control, of 'statification' (*étatisation*) is at the heart of the questions I have tried to address." Ibid., 77.

[57] See Foucault, "Omnes et Singulatim," 319, 325.

understood as an imperative emanating downward from a sovereign state. Instead, it will be viewed as an imperative traveling upward from techniques of power strategically appropriating state mechanisms.[58]

I would like to characterize Foucault's genealogy of discipline as a story about statification. This characterization underlines its contribution to analyses of the state, notwithstanding the common view, expressed here by Johanna Oksala, that "[t]he analyses of disciplinary power were restricted to specialized institutional contexts, whereas the idea of power as government widened the scope of his rethinking of power to the domain of the state."[59] Without doubt, the governmental turn thusly widens Foucault's analytical scope. However, in stressing the statification of discipline, we see that the analysis of micro-powers is *already* an analysis of macro-powers; that it is already a kind of analysis of the state. In describing the progressive statification of discipline, Foucault thus theorizes certain positive mechanisms of the state, involving foremost the regulation and dissemination of micro-powers.

These mechanisms become visible in the genealogy of discipline, to which I now return. Accordingly, in his early lectures, Foucault stresses that discipline originates externally to the state, while early modern Quaker and Methodist reform societies constitute a privileged site of its origin.[60] With novel techniques of isolation, reflection, and penance, these societies sought to protect their dissident members from the penal reach of Anglican state power. Through the 18th century, however, their social composition begins to change. While their origins are petty bourgeois, the wealthy come increasingly to predominate within them. Moral control soon inflects a class project. Penitence becomes "an instrument of power for the wealthy over the poor, for the exploiting over the exploited…"[61]

Foucault thus traces the process by which early and scattered disciplinary technologies—of which reform societies are just one—come increasingly to be articulated in broader class struggles. Yet they are only *generalized* with the bourgeois ascendency to political power. It is here that the state is leveraged as a tactic of discipline. In order to successfully suppress popular illegalism, discipline must be generalized through all of society, while it is the state—in particular, its "judicial apparatus"—which serves as a tactic to this end. According to Foucault's early lectures on discipline, statification is thus a central mechanism in the construction of a "disciplinary society":

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[58] This thought helps to make sense of Foucault's suggestion, made in *Security, Territory, Population*, that such a "governmentalization of the state" is actually more important to modernity than processes of statification. *Security, Territory, Population,* 109. In fact, statification and the governmentalization of the state needn't be mutually exclusive. Taken together, they may instead imply a simultaneous decentralization and centralization of the state, a process in which micro-powers appropriate the state as a tactic but thereby fall under state control. This formulation—of a simultaneous decentralization and centralization of the state—was first suggested to me by Alexander Gorman.

[59] Oksala, "The Management of State Violence," 56.

[60] The place of these reform societies in the genealogy of discipline is elaborated much less extensively in *Discipline and Punish* than in the earlier lectures.

[61] "Truth and Juridical Forms," 63.

> These new systems of social control that were now established by power, by the industrial class, by the class of owners, were adapted from controls that had popular or semipopular origins and were then given authoritarian, state-manufactured versions.
>
> In my view, this story is at the origin of disciplinary society.[62]

In the struggle over the economy of illegalisms, the state becomes the "instruments and the weapons" used by one side.[63] Discipline does not spontaneously spread through society on its own. Nor does disciplinary power represent, as some critics have charged, a "metaphysics of Power," by which its expansion derives from itself, in isolation from exogenous processes or forces.[64] Instead power—at once disciplinary and capitalist—requires the use of various *political* mechanisms. It is thus through the strategic instrumentalization of the state, in an "absolutely programmed" political project, that moral reform societies become the means of mass subjection and class rule.[65]

Analyzing Foucault's approach to "capitalist power," Alberto Toscano makes a complementary point. Accordingly, the "binding of bodies to machines," itself characteristic of capitalist production, is ultimately a "political synthesis … without which the capital-labour relation is an empty schema." Toscano further notes the proximity of the early genealogy of discipline to studies of primitive accumulation; as in the latter, for Foucault "capital is not its own condition; it is not the subject of some kind of automatic autopoiesis."[66] Toscano stresses here Foucault's claim that power is not a secondary or mere superstructural effect of a mode of production but instead constitutive of it, or its very condition. My own reconstruction has confirmed this point. What it adds is the claim that just as capital is not its own condition, neither is discipline. Just as capital requires discipline, so discipline requires the state.

Hence, at its root, discipline may indeed be a modality of power defined just by a certain "political technology of the body."[67] By itself it need not have anything to do with the state, and in fact it originates outside the state. But to be maximally effective, and to suffuse society to a maximal extent, it must employ certain state technologies: police, judicial, legislative, or otherwise. Without the state there may be discipline, but certainly no disciplinary society. Accordingly, the state becomes a constitutive *tactic* of discipline.

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[62] Ibid., 69.

[63] See Michel Foucault, "Pouvoirs et émancipations. Entretien inédit entre Michel Foucault et quatre militants de la LCR, membres de la rubrique culturelle du journal quotidien Rouge (Juillet 1977)," *Revue Du MAUSS* 38, no. 2 (2011), 34. There, Foucault states that "the state apparatuses are … the instruments and the weapons that the bourgeoisie gives itself in a class struggle."

[64] For Foucault's summary of and response to this charge, see Michel Foucault, "Clarifications on the Question of Power" [1978], in *Foucault Live (Interviews, 1961-1984)*, ed. Sylvère Lotringer (1996), 258-259.

[65] *Punitive Society*, 162.

[66] Alberto Toscano, "What Is Capitalist Power? Reflections on 'Truth and Juridical Forms'," in *Foucault and the History of Our Present*, ed. Sophie Fuggle, Yari Lanci, and Martina Tazzioli (2015), 33.

[67] *Discipline and Punish*, 26.

To further illustrate this characterization of the state as disciplinary tactic, I shall briefly enumerate some of the specific micro- and macro-techniques by which discipline, given "authoritarian, state-manufactured versions," spreads through society. Perhaps most obvious is the widespread establishment of the quintessential institution of discipline and its Quaker lineage: the prison. Yet Foucault also refers more generally to the bourgeoisie's progressive control over the state's judicial apparatus.[68] The implications of this control involve, to begin with, the authorship of penal codes aimed primarily at targeting the poor and according to which the law exhibits a clear "class dissymmetry." They also involve the widespread deployment of the police and army to enforce discipline in enclosed institutions, such as the workshop and across the otherwise undisciplined spaces beyond.[69] Other techniques are: the collusion of police in the artificial production of delinquency, which generates antagonisms and hostilities amongst the otherwise solidaristic popular classes[70]; and also the deregulation of the labor market, which maintains workers at a bare subsistence level—"the point of destitution"—and thereby forestalls wage increases.[71] On a macro-level, the state can be seen to fulfill an essential coordinating role amongst the otherwise decentered governmentalities. As Bob Jessop thus argues, the state, for Foucault, is the "crucial site" for the "strategic codification and institutional integration of power relations."[72] Of course, such an enumeration of techniques is incomplete; Foucault canvasses many others. What is important to emphasize is just that each involves the state.

The question of how discipline was generalized through the social body now receives its answer. It was generalized, in large part, through the tactical deployment of the state in a field of power; the statification of disciplinary technologies, the political synthesis of dispersed disciplinary techniques.

But how is all this a genealogy of the state?

Genealogy of the state

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[68] *Punitive Society*, 145.

[69] *Discipline and Punish*, 276, 215. In his discussion of Foucault's belief that the disciplines require a "state structure" to function, Julien Pallotta notes resonances with Althusser's claim that "Ideological State Apparatuses" likewise require a "Repressive State Apparatus." See Julien Pallotta, "L'effet Althusser sur Foucault : de la société punitive à la théorie de la reproduction," in *Marx & Foucault: Lectures, Usages, Confrontations*, ed. Christian Laval, Luca Paltrinieri, and Ferhat Taylan (2015), 140; Louis Althusser, "Ideology and Ideological State Apparatuses (Notes towards an Investigation) (January-April 1969)," in *Lenin and Philosophy and Other Essays* (1971). Here, however, in the specific appeal to the army and police, we may note even stronger resonances with Althusser's more general claim that the reproduction of capitalist society requires an essentially repressive backstop.

[70] *Discipline and Punish*, 276-292; Michel Foucault, "On Popular Justice: A Discussion with Maoists" [1972], in *Power/Knowledge,* 14.

[71] *Punitive Society*, 175.

[72] Bob Jessop, "Constituting Another Foucault Effect: Foucault on States and Statecraft," in *Governmentality: Current Issues and Future Challenges*, 57.

Recall Foucault's basic approach to the state. For Foucault, the state is an essentially *plural* entity. Any unity attributable to it will be the unity of innumerable constitutive governmentalities that ultimately remain irreducible to one another. Such an approach has at least one immediate historiographic implication: because the state has no essence, no "heart,"[73] it therefore has no single historical origin. As instead the "emergent and complex resultant of conflicting and contradictory governmental practices,"[74] the state will have as many origins as it has contradictory governmental practices. Accordingly, the narration of the history of one of these would itself constitute a narration of the history of the state. It would be a *perspectival* narration, limited to the view on the state seen from just one of its governmental practices. But it would not be, for that, any less a history of the state.

Such a historical project would in fact seem consonant with what Foucault calls "the genealogy of the modern state and its different apparatuses on the basis of a history of governmental reason."[75] And we have seen above how, on the basis of a single, if predominant governmental reason—liberalism—Foucault narrates the history of the liberal state. Yet if we follow the analytics of the state to its historiographic consequences, then so the narration of the history of the state on the basis of *other* governmental practices would be equally legitimate. Accordingly, we might narrate this history on the basis of discipline. An analytics of discipline might then lead to a genealogy of the (disciplinary) state.

That the analytics of discipline *does* lead to a genealogy of the state becomes apparent upon considering that the former does not merely describe the instrumental employment of the state, as though the latter were an ahistorical, unchanging object. It also describes how the instrumentalization of the state simultaneously changes the form and function of the state itself. While states have arguably always maintained at least rudimentary penal systems, what Foucault's genealogy illuminates is the *specifically modern articulation* of state power through the disciplinization of society and the "penalization of existence."[76] The penal instruments of the state thus change with bourgeois political ascendency; the manner in which judicial apparatuses function is fundamentally reconfigured. Accordingly, in describing the emergence of discipline, and in simultaneously characterizing this emergence as the *statification* of discipline, Foucault describes the emergence of a totally new configuration of state power. He describes, in other words, the emergence of the disciplinary state.

Foucault also thereby describes the dark side of the liberal state. Contemporaneous with a liberalism which functions according to a "reason of the least state," Foucault finds numerous coercive technologies and interventionist strategies of control. The early genealogy of discipline is set on a field of battle containing scenes of destitution, the violent uprooting of traditional modes of life, and the asymmetrical punishment of the

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[73] *Birth of Biopolitics*, 77.

[74] Thomas Lemke, "An Indigestible Meal? Foucault, Governmentality and State Theory," *Distinktion: Journal of Social Theory* 8:2 (2007), 50.

[75] *Security, Territory, Population*, 354.

[76] *Punitive Society*, 193.

poor. It offers a clear contrast to Foucault's genealogy of liberalism and also to studies of governmentality which foremost conceive power in terms, not of violence, but of the regulation of freedom.[77] Hence, while the genealogy of liberalism illustrates how a technology of freedom comes to take hold of the state, that of discipline illustrates the political ascendance of "punitive reason."

In historicizing the punitive dimensions of the state, Foucault departed from some of his Marxist contemporaries who, while likewise stressing the class dimensions of state power, were not always inclined to study the historical variability in modes of state power. One such contemporary was Louis Althusser. As Étienne Balibar has written in a study of the "confrontation" between Foucault and Althusser, the latter's problematization of the state went only as far as its "Ideological State Apparatuses."[78] The workings of its "repressive apparatus," on the other hand, were considered transparent enough to not merit further study. Yet if the repressive apparatus refers to "the Army, the Police, the Courts, the Prisons,"[79] then further study is exactly what Foucault's genealogy of discipline delivers. Balibar finds here a central divergence between the two. Contra Althusser, Foucault sought to show that "the 'repressive' apparatus is something complex, that it has a differential structure, that it is the seat of internal and external struggles … and that one should undertake a precise historical genealogy of it…"[80] The study of the state should thus be conducted through the "precise" historicization of even its most obvious apparatuses and functions. For these, too, are historically given and historically transformed. (While Foucault later criticizes entirely repressive theories of power, he never denies that power has at least a repressive dimension, and so his early study of the "repressive apparatus" may contribute to an elucidation of the latter in its connection to the state.)

In reconstructing this account, and this way of writing the history of the state, I do not take myself to be at odds with a claim made by Nikolas Rose and Peter Miller, namely, that "one can be nominalistic about the state: it has no essential necessity or functionality."[81] Foucault certainly agrees with this claim. However, Foucault also believes—and shows—that over its history, the necessities and functionalities of the state are modified, undergo transformations, emerge and are replaced by new necessities and functionalities. In my reconstruction of the genealogy of the disciplinary state, I have attempted to chart the emergence of a distinctive, disciplinary aim of the

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[77] For one example of the latter, see Rose and Miller's construal of power as "not so much a matter of imposing constraints upon citizens as of 'making up' citizens capable of bearing a kind of regulated freedom." Rose and Miller, "Political Power," 174.

[78] Balibar's comments refer here to *Penal Theories and Institutions*, Foucault's Collège de France lectures immediately preceding *The Punitive Society*. However, Balibar's comments are strikingly relevant to the latter, and to some of the problems discussed in this article. Étienne Balibar, "Letter from Étienne Balibar to the Editor" [2019], in *Penal Theories and Institutions: Lectures at the Collège de France 1971-1972* [2019], ed. Bernard E. Harcourt, François Ewald, and Alessandro Fontana (2019).

[79] Althusser, "Ideology," 142-143.

[80] Balibar, "Letter," 281.

[81] Rose and Miller, "Political Power," 176.

state, along with the mechanisms by which this aim is pursued. Whether this aim may someday vanish from the state is another question.

V. WRITING THE HISTORY OF THE STATE

Two ways, then, of writing the history of the state. In the first, the immanent development of governmentality forms the basis on which successive state forms are analyzed. In the second, successive state forms are instead viewed in their relation to political conflict and deeper levels of historical temporality. In the first, the liberal state is analyzed as a discursive shift from the expansionism of *raison d'État* to the self-limitation, the "critique of state reason,"[82] characteristic of liberalism. In the second, the disciplinary state results from a social struggle conditioned by deep economic transformations and in which dispersed techniques of control are put to work.

Above I attributed explanatory and analytical inadequacies to the first. Unable to explain the emergence of discipline, it also failed to capture the relationship between the state and capitalism, and between social conflict and the state. The second way of writing the history of the state provides resources for addressing precisely these inadequacies. However, such resources will themselves be inadequate. This is because the genealogy of liberalism, conceived as a distinct political technology, remains irreducible to a genealogy of discipline, likewise distinct. Thus the questions left over from the first genealogy—about the articulation of capitalism, social conflict, and *liberalism*—may not be matched by the answers given in the second. Yet insofar as the state remains, amidst its complexity and plurality, a nominally singular entity and object of study, a political configuration under which liberalism and discipline are intimately and problematically tied, then the genealogy of the disciplinary state sheds light on a broader set of problems, conflicts, and processes which frame the simultaneous emergence of liberalism and discipline as distinct logics of the state. Foucault did not intend for his lectures on liberalism to be explanatorily or analytically complete. Yet there is no reason we cannot push them in that direction. By reading the two genealogies of the state against each another, we begin to do so.

In avowing the broader problems, processes, and conflicts that condition the emergence of the state, moreover, its dark side comes into view. Accordingly, the violence or excess of the state is seen in relation to broader conflictual circumstances, as constitutive tactics of a historical field of power in which it first takes root. The state comes to bear the shape of its history. It takes on a social content at once complex and antagonistic. As a "crystallization" of power relations, it overlays its rule of law with a massive and targeted illegalism, its calm with the excess of class rule.[83] The genealogy of

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[82] Gordon, "Governmental Rationality", 15.

[83] Foucault, *Pouvoirs et émancipations*," 41. Cf. Nikos Poulantzas' remarkably similar characterization of the state as the "condensation of a relationship of forces": Nicos Poulantzas, *State, Power, Socialism* [1978] (2014).

the disciplinary state thus renders intelligible the practices of subjection long accompanying the rule of liberalism, that philosophy of liberty.

By thus locating an account of the state in the early works on power, we may fill the analytical gap between state and discipline that has long bothered critics. We may also fill the gap between discipline and capitalism, which has likewise bothered some. Yet such defensive gestures are not outmatched in importance by the positive corrections they provide to even sympathetic interpretations of Foucault. Thus we may underline that the analysis of micro-powers entails a view on macro-powers; that discipline is not just a political project, but also a class project; finally, that the liberal state acts not only on the "phenomenal film of interest"[84] but also on bodies and, quite often, bodies in revolt. And we may observe that Foucault's work on the state is not limited to the governmentality lectures; that, instead, he wrestles with the state from his earliest studies of power, thus marking a thread of significant continuity across his 1970s *oeuvre*.

"Over several centuries, the state has been one of the most remarkable, one of the most redoubtable, forms of human government." Foucault makes this statement near the end of his second Tanner lecture, given in 1979, before concluding, "Liberation can only come from attacking … political rationality's very roots."[85] That liberation has long been considered a difficult concept in Foucault's thought is no doubt due to the challenge Foucault posed to more facile accounts which underestimated the full reach of power. Given this reach, it has been suggested that Foucault can only recommend individual acts of resistance or aestheticized practices of the self in lieu of liberation as such. By exploring the imbrication of discipline with the state, however, Foucault's early lectures establish the latter as a key institutional form of power and so reintroduce the state as a field of contestation for collective politics. While still not reducible to the state, liberatory projects must nonetheless engage it. But if Foucault's remarks above are correct, such projects must simultaneously engage—or attack—the very roots of the state. Thus to overcome state violence requires an understanding of where the state comes from, why and how it emerges, and when it takes on its specific technologies of control. It is this understanding that Foucault's genealogy of the disciplinary state provides. In thereby locating the roots of the state in discipline, capitalism, and a struggle over illegalisms, Foucault offers "an instrument for those who fight, those who resist and refuse what is."[86]

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[84] *Birth of Biopolitics*, 46.
[85] "Omnes et Singulatim," 325.
[86] Michel Foucault, "Questions of Method" [1980], in *Power*, 236.

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Author info

Eli B. Lichtenstein
eli.b.lichtenstein@u.northwestern.edu
PhD Candidate
Department of Philosophy
Northwestern University
USA

Eli B. Lichtenstein is a PhD Candidate in Philosophy at Northwestern University, where he is writing his dissertation on Foucault's theory of sovereignty and critique of state violence.