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Title: Liberalism, Governmentality and Counter-Conduct; An Introduction to Foucauldian Analytics of Liberal Civil Society Notions

Year: 2015

Version:

Please cite the original version:

Pyykkönen, M. (2015). Liberalism, Governmentality and Counter-Conduct; An Introduction to Foucauldian Analytics of Liberal Civil Society Notions. *Foucault Studies*, 20, 8-35. <https://doi.org/10.22439/fs.v0i0.4925>

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ARTICLE

Liberalism, Governmentality and Counter-Conduct; An Introduction to Foucauldian Analytics of Liberal Civil Society Notions.

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ABSTRACT: This article gives an analysis of Foucault's studies of civil society and the various liberalist critiques of government. It follows from Foucault's genealogical approach that "civil society" does not in itself possess any form of transcendental existence; its historical reality must be seen as the result of the productive nature of the power-knowledge-matrices. Foucault emphasizes that modern governmentality – and more specifically the procedures he names "the conduct of conduct" – is not exercised through coercive power and domination, but is dependent on the freedom and activeness of individuals and groups of society. Civil society is thus analyzed as fundamentally ambivalent: on the one hand civil society is a field where different kinds of technologies of governance meet the lives and wills of groups and individuals, but on the other hand it is a potential field of what Foucault called 'counter-conduct' – for both collective action and individual political action.

Keywords: civil society; counter-conduct; government(ality); liberalism; neoliberalism; subject

Introduction

If one observes the ideas and practices concerning civil society¹ within the last three centuries, one might well argue that globally it is the political-philosophic ideas of liberalism that have defined

¹ I recognize the fundamental fact that there is no such thing as a singular civil society, neither in socio-historical reality nor in the "conceptual world", but it has many practical, conceptual, and ideational forms, and the variation of civil society organizations (CSOs) is huge. I herein deal only with a certain notion of civil society, one constructed in classical liberal and neoliberal discourses on the ideals of the organization of society. When linking CSOs to the matrix of government and thinking of the possibilities of civic resistance, I play on this axis. Civic action is neither conforming nor resistant, but everything in between, too. See for instance: Helmut Anheier and Lester Salamon, *The emerging Nonprofit Sector: An Overview* (Manchester: Manchester University Press, 1996). Adam Seligman, "Civil Society as Idea and Ideal," in Simone Chambers and Will Kymlicka (eds.), *Alternative Conceptions of Civil Society* (Princeton: Princeton University Press, 2002), 13–33.

its meaning the most. In liberal discourses, civil society is represented firstly as the more or less natural form of engagement between individuals. Civil society is an expression of their collective freedom. Secondly, it has gained remarkable significance as a counterbalance to the state; a strong civil society has been seen as a mechanism to prevent the unnecessary or excessive strengthening of state power. I herein approach something that can be called 'liberal thinking' following Michel Foucault's analysis of the descent of the liberal system(s) of thought in his 1978–79 Collège de France lectures, titled *The Birth of Biopolitics*.² This article shows that Foucault's analysis of civil society is not an analysis of civil society as such, but an analysis of liberal discourses of rule and government. He approaches the phenomenon by studying mainly how it has been defined by classical liberals but also by neoliberals, and how these definitions intertwine with the rationalities and technologies of a particular type of government.³

Regardless of whether liberal thinkers have understood civil society—or at least some of its forms and phases—either as a relatively independent “system of natural liberty,”⁴ as something that has developed parallel to state administration and as an inseparable part of it,⁵ or as the mediating sphere between state and economy,⁶ there has constantly been a strong need to define what civil society is and where it belongs. This mirrors the need to seize civil society in the context of knowledge production and, hence, its governance and linkage to the system of liberal government: this multitude of ideas, practices, and subjectivities has to be defined somewhat plausibly and this definition institutionalized as truth-knowledge, so that this sphere, called civil society, can be connected to state governance according to liberal political rationalities.⁷ The ways of being

² Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978 1979*, edited by Arnold I. Davidson, translated by Graham Burchell (Hampshire: Palgrave Macmillan, 2008).

³ *Ibid.*, 291–315.

⁴ John Locke, *Two Treatises On Government* (London: Amen Corner, 1690; reprint, ISR/Google Books, 2009).

⁵ Adam Ferguson, *An Essay on the History of Civil Society* (London, 1767) Available online at: www.constitution.org/af/civil.htm (accessed September 14, 2008).

⁶ Alexis de Tocqueville, *Democracy in America* (New York: George Dearborn & Co., 1838) Available online at: <http://xroads.virginia.edu/~HYPER/DETOC/home.html> (accessed September 21, 2008).

⁷ Political rationality means a “tapestry” of historically constructed ideas and statements, which have a discursive form and which conduct the actions of people, institutions, and assemblages on the level of reasoning and morals. Rationality is a specific form of reasoning, which defines the telos of action and the adequate means to achieve it. Although many rationalities are general—guiding and framing the practices, technologies, discourses, and subjects in society at large—the Foucauldian analysis pays special attention to the existence and impacts of particular rationalities in particular contexts of government or “system of rule.” Foucault himself claimed that he tried to find out which kind of rationality particular practices, technologies, and apparatuses of government were using. In liberal governmentality the general rationalities include, for instance, freedom and economic wealth. In the context of civil society and citizenship usual rationalities are, among others, citizens' self-driven political action and limitation of authoritarian state power. Andrew Barry, Thomas Osborne and Nikolas Rose, “Introduction,” in Andrew Barry *et al.* (eds.) *Foucault and Political Reason* (London: Routledge), 7–12; Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London, Thousand Oaks, New Delhi: Sage, 1999), 11, 18, 31. Michel Foucault, *Power: Essential Works of Foucault 1954–1984, Volume 3*, edited by James D. Faubion, translated by Robert Hurley *et al.* (London: Penguin, 2002), 298–325.

rationality civil and the acceptable modes of action and innovations produced by civil society actors are always—and have always been—somehow regulated. Yet, according to liberals, civil society should not be governed only externally; rather, it should be deployed in the governing of the social, mostly with its own resources, and keeping state governance to a minimum.

As theorists of liberalism have tried to produce perspectives and knowledge on the state, economy, civil society, and citizens, they have contributed to theories of government; i.e. theories of how to govern citizens in democratic regimes, which political rationalities to pursue, and which kinds of subjectivities are required from citizens to make these ideals work in practice. In emphasizing the regulated freedom of individuals and markets, liberal theories in fact formulate regularities for the practices of civil society and charge them with particular governmental expectations, a particular ethos of “governing through civil society.”

By approaching these theories and the related practices of government from Foucauldian perspectives it is possible to acknowledge that despite, or perhaps precisely because of, liberal thinkers’ search for guaranteeing freedom, their ideas have evoked different kinds of practices to regulate and control the freedoms of civic action. And although classical liberals have made great efforts in showing how natural the basis of civil society is, and how it and the formation of the state have developed under particular evolutionary rules, civil society and the state are in fact effects of particular social and historical power/knowledge practices, in which the liberal truth-discourses themselves have played a crucial role.

What is at issue in Foucault-inspired civil society studies is how civil society has been rendered a possible solution for societal problems and a key to solve challenges of government. This article offers a theoretical observation of this phenomenon, i.e. the “governmentalization of civil society.”⁸ However, it refuses to see civil society only as a field of omnipotent governance, but rather views it as a field of conflicting processes, where there also exists a great potential for resistance. The core argument is that the ambiguity of civil society lies at the heart of liberal governmentality, because it is signified as the context of practicing republican civic virtues and (economic) liberties, limiting state power, as well as creating spontaneous forms of social action in the texts of liberal thinkers of different times. As this article serves as a kind of introduction to the special issue at hand, it aims at being a summative text, which gives the reader tools to understand the approaches taken in the other articles in this issue. I also try to propose perspectives for further research focusing on the dualisms and resonances between freedom and government in liberal governmentality, the role of civil society and individual “(auto-)aesthetic” practices.

In the first sub-chapters of the text I introduce liberal and neoliberal ideas on civil society, after which I discuss in detail the Foucauldian notions of power, government, and civil society,

⁸ Miikka Pyykkönen, “Integrating Governmentality: Administrative Expectations for Immigrant Associations in Finland,” *Alternatives: Global, Local, Political*, vol. 32, no. 2 (2007), 197–224; Miikka Pyykkönen, “Governmentalisation of the Civil Society? Power, Governance and Civil Society in Gramsci’s and Foucault’s Analytics of Power,” in Matthias Freise *et al.* (eds.), *A Panacea for All Seasons? Civil Society and Governance in Europe* (Baden-Baden: Nomos, 2010), 25–42.

and how these perspectives challenge those liberal notions of civil society. In the latter part of this article I focus on Foucault's and some of his interlocutors' thoughts on the possibilities of resistance—or 'counter-conduct' as he named it—by looking at some examples of civic and individual (aesthetic) resistance that can be found in his studies, interviews, and discussions with other scholars. The implicit purpose of this part is indeed to propose focus areas for further theoretical and empirical research on and using Foucauldian civil society notions, and also to open up some of the perspectives of the articles in this special issue.

Foucault and classical liberal ideas of civil society and government

Adam Ferguson defined civil society in his influential work *An Essay on the History of Civil Society* as an arena for relatively free-form consortia of citizens, but also as an arena for the emergence of market economy and multiplication of trade.⁹ Foucault summarizes Ferguson's understanding of civil society as follows: civil society is "an historical-natural constant; [...] principle of spontaneous synthesis [*of individuals*]; [...] permanent matrix of political power; and [...] the motor element of history."¹⁰ The different and even somewhat ambivalent roles given to civil society in Ferguson's liberal thinking are indeed the points that Foucault seizes.¹¹ When analyzing Ferguson's notions, Foucault sees that civil society is a novel way of thinking about the "citizen" as simultaneously a subject of right and a subject of interests. According to Foucault, this is a crucial intersection point in trying to understand the ambiguity of liberal governmentality. It is constituted on the fundamental and immanent requirement for (A) freedom and resistance to authority/state power and (B) the need of state rule against the potential "anarchy" of citizens.

All liberal practices of government more or less bear both these elements in them. This, as for instance Riikka Perälä shows in her article in this special issue and Michelle Brady in her recent call for Foucauldian ethnographies of neoliberalism,¹² entails a need for careful empirical analysis of (neo)liberal acts and practices of government. In her article in this issue Samantha Ashenden, for her part, shows that Foucault's reading of Ferguson's and other early liberals' thoughts, and their impacts on the liberal rationality of government, is inadequate in this respect, because Foucault does not pay enough attention to the theme of 'republican civic virtue.' This is indeed an important remark with regard to my purpose of trying to understand the relation between government (conduct/regulation) and counter-conduct (somewhat unpredicted acts of freedom) in Foucault's reading of civil society and liberal governmentality. Viewing civil society as the context of performing the civic virtue of political participation and activeness helps us not

⁹ Ferguson, *An Essay on the History of Civil Society*.

¹⁰ Foucault, *The Birth of Biopolitics*, 298.

¹¹ *Ibid.*, 298–306

¹² Michelle Brady, "Ethnographies of Neoliberal Governmentalities: from the neoliberal apparatus to neoliberalism and governmental assemblages," *Foucault Studies*, no. 18 (2015), 11–33.

only to understand the profoundness of the above-mentioned ambiguity in liberal governmentality, but also helps to highlight the significance of resistance within and against government.

For Ferguson, the need for organized civil society arises when production, distribution, and consumption move out of households to the public sphere and strangers become dependent on each other. Like Adam Smith¹³ Ferguson thought that, in their practical collective action for interests, people have to learn that organized interaction between citizens is beneficial to themselves as individuals in the end. The everyday collective practices educate people to act in ‘civilized social symbiosis.’

Ferguson argues that the development of civil society is part of the evolution of the state. They have evolved side by side and fed each other in historical processes. He gives numerous examples of how organized forms of civil society have proved elementary for the historical development of the state and its practices (such as the arts of war and administration) as “it [state/political society] is in conducting the affairs of civil society, that mankind find the exercise of their best talents, as well as the object of their best affections.”¹⁴ As a matter of fact, in Ferguson’s thinking the success of free civil society—including the market—requires the presence and administrative position of the state. This is because unregulated, self-seeking activities of civil society lead to the rise of social inequalities and problems. There must be public defense for the freedom of organized civility—and according to Ferguson this is exactly from where many of the roles and bodies of the state have arisen. The state is a continuation of civil engagements.

However, despite the somewhat overlapping development of the spheres of civil society and the state, the early liberals separated them from each other in terms of the spirit and practice of freedom and governance:

If forms of proceeding, written statutes, or other constituents of law, cease to be enforced by the very spirit from which they arose; they serve only to cover, not to restrain, the iniquities of power: they are possibly respected even by the corrupt magistrate, when they favor his purpose; but they are contemned or evaded, when they stand in his way: And the influence of laws, where they have any real effect in the preservation of liberty, is not any magic power descending from shelves that are loaded with books, but is, in reality, the influence of men resolved to be free; of men, who, having adjusted in writing the terms on which they are to live with the state, and with their fellow-subjects, are determined, by their vigilance and spirit, to make these terms be observed.¹⁵

When depicting the possible future paths of democratic states, Ferguson and his companions in fact wanted to see civil society more and more independent from the actual administration of the state, and as something that primarily serves anti-authoritarian societal development. The fundamental dualism of this notion is basically that the state was needed to protect society from the

¹³ Adam Smith, *The Wealth of Nations* (New York: Oxford University Press, 1976 [1776]).

¹⁴ Ferguson, *An Essay on the History of Civil Society*, part 3, section 6, 232.

¹⁵ *Ibid.*, part 6, section 1, 440.

arbitrariness of the “market behavior of individuals,” and civil society engagements were needed to control the statesmen from sliding into despotism and tyranny. When analyzing Ferguson’s ideas concerning civil society in a liberal state, Foucault connects the central role of civil society to the “reason of least state,” a new kind of internal limitation of state power besides the market.¹⁶ This intersection of practicing state authoritative power and limiting it at the same time was also at the heart of the formation of the new subject of government, the citizen. Foucault claims that Smith, but also Ferguson to some extent—and later neoliberals—discussed the qualities of *homo oeconomicus*, who pursues her/his own interests, but whose interests also converge with the interest of others and society. This subject must be “left alone” as far as possible (the “*laissez-faire* principle”), but at the same time she/he has to respond systematically to the modifications of government.¹⁷ This connects to the constitutive relation between freedom and government, as Foucault shows:

Liberalism as I understand it, the liberalism we can describe as the art of government formed in the eighteenth century, entails at its heart a productive / destructive relationship [with] freedom. Liberalism must produce freedom, but this very act entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats, etcetera.¹⁸

At their simplest, ideal liberal formulations of the relations between the state and civil society were constructed on statements and discourses balancing in the middle of an axis where anarchy and a totalitarian state were the ends. Of course, in practice, this setting was or is never black and white, as Foucault deliberately shows in *The Birth of Biopolitics*, but it emerges differently in different contexts and socio-historical situations. What also dissembled this binarism was that the citizen-subject of liberal governmentality was dispersed into two—a subject of rights and a subject of interests—in the thinking of early liberals and these drew it into different directions.¹⁹ The third discourse dispersing the subject was the one of civility or civic virtue, as Ashenden points out in her article in this special issue.

Ferguson’s approach is relatively similar to those found in the writings of other “early liberals,”²⁰ such as Adam Smith²¹ and John Locke.²² Smith’s *Wealth of the Nations* draws an implicit

¹⁶ Foucault, *The Birth of Biopolitics*, 37, 319–322, 327.

¹⁷ *Ibid.*, 62–70, 270.

¹⁸ *Ibid.*, 64.

¹⁹ *Ibid.*, 27–50.

²⁰ I am aware that “early liberal” is a highly questionable name, as the term “liberal” was used to describe instances, people, and forms of actions claiming “freedom to” do something and “freedom from” the powers and forces restricting that “freedom to” already in 14th-century arts and in medieval university education. Secondly, one has to acknowledge that the thinkers of the Scottish Enlightenment and their fellow “liberals” did not identify themselves explicitly as liberals or liberalists. The use of the term to identify thinkers and theorists of political economy did not generalize until the mid-1800s in England. The first time the term was used to identify a certain movement was in Spain in the 1820s, when a group called *Liberales* fought for the abolition of monarchy and against its conservative supporters, *Carlists*. The term “liberalism” in the sense of signifying groups of ideas on

parallel between the nation and civil society, arguing that the relatively free organization of civil society is the basis of every civilized nation and that the structures of division of labor, power, and production are outcomes of the organization of people as societies. However unanimous on some basic fundamentals of civil society and the state, Smith, Ferguson, and Locke are not completely uniform in their ideas on civil society. For instance, according to Foucault, Smith studies civil society mostly in economic terms, whereas Ferguson examines it in political and “statist” terms. Locke, for his part, pays additional attention to its juridically binding nature.

Foucault argues that the point of departure for Ferguson’s civil society theory is natural sociability, as the primary social relations among people develop more or less spontaneously, and without external conduct. Moreover, this is not something that belongs to history, the time before modern states and their apparatuses of government; rather, this naturalness is present in all societies. For Ferguson the need for state government comes from the need to regulate this “natural spontaneity.” As Foucault shows in *The Birth of Biopolitics*, Smith brought the question of individual (market) and communal/state (republican) interest into this discussion. According to Foucault, Smith’s approach to liberal governmentality concerns economic and other interests, and not so much the problems of “natural order” or the rights stemming from the “natural subjectivity” of the citizen.²³ Following Smith the liberal understanding of civil society seems to be constituted on the combination of these interests:

Civil society can be both the support of the economic process and economic bonds, while overflowing them and being irreducible to them. For in civil society, that which joins men together is indeed a mechanism analogous to that of interests, but they are not interests in the strict sense, they are not economic interests. Civil society is much more than the association of different economic subjects, although the form in which this bond is established is such that economic subjects will be able to find a place and economic egoism will be able to play its role within it. In fact, what links individual in civil society is not maximum profit from exchange, it is a series of what could be called ‘disinterested interests’.²⁴

individual freedoms and rights was used for the first time in England in 1815. I am also aware of the variation of liberal thoughts and practices depending on the socio-historical context, as well as of the intentional political uses of these ideas – the meaning of liberalism in 19th-century England differed from that of 19th-century France, Spain, or the US, for instance, and the ideas of liberalism have been applied differently by conservative parties, and center or left parties. Further, I by no means claim that my interpretations of liberal discourses on civil society and government are applicable to all forms of liberalism, but only to those ideas that I explicitly deal with here, summarized in the beginning of the Introduction. See e.g. Foucault, *The Birth of Biopolitics*; Paul Johnson, *The Birth of the Modern: World Society 1815-1830* (London: Phoenix, 1991).

²¹ Smith, *The Wealth of Nations*.

²² Locke, *Two Treatises On Government*.

²³ Foucault, *The Birth of Biopolitics*, 44–46, 273–282, 299–302; Samantha Ashenden, “Foucault, Ferguson and civil society,” *Foucault Studies*, no. 20 (2015).

²⁴ Foucault, *The Birth of Biopolitics*, 301.

There exist tensions between the spontaneous sentiments of belonging and the interests connected to economic actions in liberal thoughts. As might be derived from Locke, and paying attention to Ashenden's analysis on Ferguson in this special issue, the republican idea of civic and political participation as virtue adds its own spice to this "soup." From all these three rationalities emerges the overall "liberal notion of civil society" and the spheres in which it should operate. Bearing in mind the aforementioned 'naturalness,' this leads to the conclusion that one must not think about it in too simple a manner, but rather that "natural" and the "social" are completely intertwined and interdependent in liberal thinking.

Locke emphasized—echoing Thomas Hobbes—that the natural liberties and rights of an individual formulating in a civil society can, by state-mediated contracts, lead to "natural law," and Smith talked about "natural liberty" when meaning free markets and limited state governance. Whereas for Ferguson all social bonds were "proofs of human inventions."²⁵ However vague this multifaceted speech on naturalness might feel at first, when speaking of the "natural development" of civil society—and this is what Foucault tries to indicate in *The Birth of Biopolitics*—Locke, Smith, and Ferguson, in fact, meant its development in and through history. Naturalness is not external to socio-historical events and practices of government, but their necessary "*discursive precondition.*"

When constructing this precondition, the early liberal discourses and practices, in fact, constructed the naturalness that they—or at least some of them—seemed to presume: the purpose of appropriate liberal government is to respect and ensure the naturalness of particular social engagements and intertwined practices and their subjects and objects, because they are all seen as natural in the first place. If government does not ensure the naturalness of particular things, phenomena, and relations, nature and natural order will be disrupted and liberty will suffer from negative consequences. For the analysis of liberal thinking, this turns into a question of how the liberal governmentality discourse produces and uses this naturalness. For classical liberals, the naturalness of social order signifies limited state government and a strong position of civil society (including the market) in the dispositive of government. Approached from this perspective, civil society is not simply and straightforwardly a *laissez-faire* state of natural liberty, but a *regulated state of natural liberty.*²⁶

Although Locke's starting point was rather libertarian when he claimed that the state of 'natural liberty' exists *de facto* in the occasion where there is no legitimate government, he saw it as a potentially and even most probably dangerous and unjust state of affairs²⁷—positive freedom eventually turns into negative freedom. Locke's fear is based on his characterization of human self-subjectivity, which is indelibly determined by self-interest, egoism, and greed. Because of these characteristics of human nature, freedom will eventually lead to war between individuals and groups, and to avoid this, people form permanent organized forms of collective existence.

²⁵ Ibid., 300.

²⁶ Ibid., 14–16, 22fn, 31–32.

²⁷ Locke, *Two Treatises On Government*.

Thus, there has to be an organized civil and political society, which regulates the spontaneous and “natural” bonding between people, the practice of republican civic virtue, expressions of the egoistic freedom of individuals, and prevents the outburst of conflicts, but which at the same time gives as much space as possible for freedom in terms of economic actions, such as rights to private property and ownership, and also social networking, and political participation. What follows is the still valid and central tension between freedom/resistance and government, which is immanent to all liberal governmentalities.

Neoliberalism and civil society’s new order

These echoes of the early liberal thinking of the 18th and 19th centuries have influenced and been present in the different dimensions of liberal thinking and practices ever since, perhaps most famously in the theoretical developments of the so-called neoliberals. Friedrich von Hayek, a famous character of the American and Austrian economic schools, redeveloped and updated the classical liberal ideas concerning free markets and citizens for the use of modern governance after the Second World War. Von Hayek’s basic idea—similar to that of the German Ordoliberals of the 1930s and 1940s and their “mentor,” the economist Walter Eucken²⁸—concerning civil society was that it is highly problematic and dangerous for the freedom of citizens if the state expands to other spheres of society in unregulated manners.²⁹ This was something that both Nazi Germany and the Soviet Union had recently shown. According to this point of view, state authorities’ interventions disturb and can even destroy the spontaneous processes of interaction and moral actions

²⁸ In *The Birth of Biopolitics* Foucault describes the networks and connections between the transatlantic neoliberal “movements.” Besides showing that they all were strongly inspired by economic and citizen-affiliated principles of liberalism and a phenomenological approach to human action, he demonstrates that there were direct exchanges of ideas between the Ordoliberals and Hayek through journals, seminars, conferences, and scientific associations, such as the Mont Pelerin Society, convened by Hayek in 1947. There was also a direct institutional connection between the thinkers through the school of economic thought at the Freiburg University (the so-called Freiburg School), where many key figures of the Ordoliberals worked (e.g. Eucken, Franz Böhm, Ludwig Erhard) and also Hayek was appointed before his retirement. According to Foucault, and from the core perspective of this article, what unites Hayek and the Ordoliberals is their “phobia of the state.” However, for both, this phobia is not absolute, but leaves out a state that is fundamentally constituted for guaranteeing the existence and practice of the economic freedoms and liberties of citizens. A (neo)liberal state is, above all, justified by economic rationality: the state is there for guaranteeing economic actions justified by market competition rules. And for both the Ordoliberals and Hayek, civil society is indeed a space for free and spontaneous convergence of citizens in all its liberal meanings: formulation of individual and collective (economic) interests, practice of civic participation and social bonding, and, of course, acting as a necessary counterbalance and guard against state power (*The Birth of Biopolitics*, 91–92, 102–104, 187); see also, John R. Ehrenberg, *Civil Society: The Critical History of an Idea* (New York: NYU Press, 1999), 178; Victor J. Vanberg, *The Freiburg School: Walter Eucken and Ordoliberalism. Freiburg Discussion Papers on Constitutional Economics*, Available online at: http://www.eucken.de/fileadmin/bilder/Dokumente/Diskussionspapiere/04_11bw.pdf

²⁹ Friedrich von Hayek, *The Road to Serfdom* (Chicago: Chicago University Press, 1944); Friedrich von Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960); Friedrich von Hayek, *Law, Legislation and Liberty, Volume III: The Political Order of a Free People* (Chicago: University of Chicago Press, 1979).

existing in civil society, meaning both social engagements and organizations, and free-market exchange and market-related innovations. The request to oppose this culminated in the thoughts of the “libertarian followers of Friedrich von Hayek, [for whom] the quest for civil society is taken to mean a mandate to deconstruct many of the powers of the state and replace them with intermediary institutions based on social voluntarism.”³⁰

Von Hayek did not only want to create an updated political rationality out of liberalism, but also a living and inspiring political utopia as a counterpower against state-centered leftist ideologies, which appealed to intellectuals of his time and favored practices that restrained economic freedom.³¹ Although Hayek clearly separated himself from European and American conservatives, the first policy implementations of his ideas took place during the administrations of President Reagan in the United States and Prime Minister Margaret Thatcher in the UK, both well-known and dedicated conservatives. During their administrations, the state’s dominance and regulation of public services were decreased significantly and given to the hands of private initiatives and CSOs of many parts through different kinds of tax-reduction and outsourcing arrangements. The ultimate aim was—at least in the words of many advisors to these conservative leaders (e.g. Milton Friedman)—to reduce the role of the state as the safeguard for the functionality of the market and to disseminate the market logic in all spheres of society, from the management of finances of public and civic organizations to the career thoughts of individuals.³²

Classical liberalism(s) and neoliberalism(s) differ from each other. The differences occur, to some extent, in the dimension of political rationalities—in how different rationalities are emphasized and how statements concerning them are formulated. Greater differences exist, however, in the utterances concerning technologies, which both systems of thoughts suggest for applying the key rationalities. My interpretation of *The Birth of Biopolitics* is that Foucault sees that the technologies of classical liberalism take place, to a great extent, in the sphere of external conduct of individuals, following and intersecting with modes of disciplinary power and *polizei wissenschaft*. This can be perceived, for example, in campaigns for saving economic institutions from recession and securing populations against diseases; institutions (e.g. schools) for supervising the self-conduct of individuals as comprehensively as possible; programs and policies for making room for civil liberties in times of social or personal crisis (e.g. accepting unemployed persons as citizens with full rights). From this, one can conclude that early liberalism(s) were still widely attached to morals and norms. However, the potential technological consequences are not simply as “disciplinarily gloomy” as the above might indicate, but individual self-conduct, liberty, and autonomy were strongly present in the discourses and utterances concerning markets and civil society. As I have indicated above, civil society is indeed the environment where these virtues of freedom against

³⁰ Adam B. Seligman, *The Idea of Civil Society* (Princeton, NJ: Princeton University Press, 1992), 13.

³¹ Von Hayek, *Law, Legislation and Liberty*, 398–399.

³² David Harvey, *A Brief History of Neoliberalism* (Chicago: University of Chicago, 2005); Maurizio Lazzarato, “Neoliberalism in Action: Inequality, Insecurity and the Reconstitution of the Social,” *Theory, Culture & Society*, vol. 26, no. 6 (2009), 110–134.

the potentially oppressive state were seen to take place, but it is also the context of soft conduct of individuals through the right kind of political and social participation. And thus Foucault claims that since the breakthrough of liberal ideas, freedom and control have no longer been counterweights, but control is now the mainspring of freedom.³³

As for neoliberalism, morals and norms are *explicitly* less significant themes, and the external conduct of individuals or communities is devalued less than in classical liberalism. According to Foucault, the guiding principles in neoliberalism are the marketization and limitation of state rule. Networking subjects accordingly, competition is its core principle in terms of organization of social relations. The technologies of neoliberalism focus on individuals, and are technologies of the self to a greater extent than the technologies of older versions of liberalism. Following Hayek's and the Ordoliberalists' thoughts, among others, Foucault shows how the free, entrepreneur-like *homo oeconomicus* is a central figure in neoliberal technologies, where its conduct pretends to be amoral and anormative and acquires its form and content from the "naturally" competitive individual itself.

The technologies of neoliberal governmentality touch mainly upon subjects practicing their economic and civic freedoms. Basically the question is about making citizen-subjects adapt to the rules of market economy and act accordingly, similarly to entrepreneurs and enterprises, even in the case of unemployment. However, neoliberalism, too—for instance in Hayek's thinking—leans partially on the rule of law and "juridical society."³⁴ "The Rule of law and *l'État de droit* formalize the action of government as a provider of rules for an economic game in which the only players, the only real agents, must be individuals, or let's say, if you like, enterprises."³⁵ So neoliberalism shares the division between law/state and economy with classical liberalism (subjects of rights/juridical society and subjects of interests/economy/enterprise society), but in classical liberalism the "rights side" was more about the organization of political society as well as direct interventions in economic practices, whereas in neoliberalism, according to Foucault, market freedom is a far more significant and determining principle.

By supporting and steering the activeness, hopes, desires, creativity, autonomy, and milieu of individuals, neoliberal government enhances such processes as the vitality of civil society and economic productivity, for example.³⁶ A particular kind and degree of individual freedom are a precondition for functional government(ality) when the liberty and autonomy of individuals are the basic rationalities of government. The majority of appointed policies aim at, or at least are justified with, the objective of strengthening the liberty of people in their social, cultural, and economic activities.³⁷ Both classical liberals and neoliberals favor markets and civil society—and

³³ Foucault, *The Birth of Biopolitics*, 66–67; see also Gilles Deleuze, "Post-Script on the Societies of Control," *October*, Vol. 59 (Winter, 1992).

³⁴ *The Birth of Biopolitics*, 82–93, 116–121, 129–184, 244–245.

³⁵ *Ibid.*, 173

³⁶ Mitchell Dean, *Governing Societies: Political Perspectives on Domestic and International Rule* (Berkshire: Open University Press, 2007), 60–78; Foucault, *The Birth of Biopolitics*; Rose, *Powers of Freedom*, 156–166.

³⁷ *Ibid.*, 65.

many neoliberals market-oriented civil society—in conducting liberties in relation to those activities. Here it is also important to remember that the self-reflexive control over public governance is inscribed in the codes of liberal rule. What it requires are organized actors other than the state: the market forces, which control financial administration, and civil society, which not only produces and reproduces social relations, norms, and solidarity, but also controls how the state organizes them.

What is also worth remarking here is that the idea and practices of neoliberalism lean partially on dangers and risks, similarly to the practices in classical liberal thought. They relate to the maximization of the economic freedom of actors either directly or indirectly. One set of dangers and risks relates to competition, and there must be rules and regulations for keeping competition as equally open to all as possible. Another set connects to the consequences of competition in society: how to deal with the problems of and caused by those who do not succeed in the competition or cannot otherwise practice their freedom correctly. As Foucault, but also David Harvey and Loïc Wacquant, for instance, have shown, the technologies in dealing with them can be very authoritative, disciplinary, and against civil liberties.³⁸ Sometimes (neo)liberal theorists have even cooperated with very illiberal powers, as was the case when Hayek visited Augusto Pinochet's dictatorial government in Chile, was nominated Honorary Chairman of the think tank that was creating ideas for turning Chile into a free market economy, and gave comments favoring it instead of the social democrat/liberal project of Salvador Allende's government.³⁹

What then are the key similarities and differences between liberalism and neoliberalism with respect to civil society and its positioning in the framework of freedom and power? Foucault himself does not explicate this and does not even offer a specific analysis of neoliberal thinkers' ideas on civil society in *The Birth of Biopolitics* or elsewhere, and thus one has to interpret him and use other sources. Both systems of thought see civil society as a necessary political counterweight to state power. For classical liberals, an organized and by-law-regulated civil society provides a systematic way of limiting state power and guarding civic liberties against it. But civil society is also the starting point, model, and continuation of governmental policies when it comes to political participation and social bonding between citizens. For neoliberals, the central function of civil society is to guarantee and manifest individual freedom—the feeling of belonging, participation, and action without the state—but it is also necessary for guaranteeing the operation of the markets and competition among citizens. This is performed through measures, which fix the unpleasant impacts and flaws of the system, such as charity, community work, and service provision for special groups. Many neoliberals also favor public services provided by CSOs instead of public

³⁸ *Ibid.*, 255–263; see also Mitchell Dean, *Governing Societies*, 108–130, 176–194; David Harvey, *A Brief History of Neoliberalism*, 152–205; Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham: Duke University Press).

³⁹ Greg Grandin, *Empire's Workshop: Latin America, the United States, and the Rise of the New Imperialism* (New York: Metropolitan / Owl Book, 2006), 172–173; Mario Sznajder, "Hayek in Chile," in Dan Avnon and Avner de-Shalit (eds.), *Liberalism and its Practice* (London: Routledge, 1999), 40–50.

sector organizations. For all liberals—particularly for anarcho-libertarians—civil society is also the context of resistance to state power.⁴⁰

Regardless of whether one thinks about the civil society ideas of early liberal thinkers, Von Hayek, or the Ordoliberalists, or the practical administrative implementations of these ideas by Reagan's and Thatcher's governments, one key aspect concerning civil society and its relation to the state has remained the same: how should and could the state govern enough, but not too much? The central idea in both classical liberalism and neoliberalism seems to be that if and when different functions of society cannot be organized in accordance with market principles, and "socio-moral" motives and engagements are needed, then a strong civil society with its reflexive control mechanisms on (state) governance is clearly a better alternative than a strong and interventionist state. The worst-case scenario for liberal governmentality—especially its neoliberal forms—is that public administration and state power become an indelible part of the interest repertoire of citizens through some mediating actions, such as trade unions; i.e. when people working in the public sector start to defend strong public apparatuses of governance and service production, because they see them as serving their own personal labor-related interests, as happened in the Greek crisis in the spring of 2012.

Governmentalization of civil society?

As we have seen above, according to the diverse liberal ideas, civil society develops parallel to the state, but is separated from the "institutional sovereign administration" of the social by the state and its apparatuses in most significations. Liberal discourses mostly regard the state and its public apparatuses as official means of governing and conducting. Civil society actors and initiatives are seen as a more self-regulatory way of maintaining the 'natural social order'—as Ferguson would have put it—and more autonomous and even emancipatory if compared to governance through state apparatuses. Approaching the issue in the spirit of Foucault and his interlocutors, the natural order and role of civil society in the overall matrix of relations between different societal spheres, in these terms, are rather different: the formation and reformation of civil society are indelibly connected to power matrix, the power relations of a particular society, and the particular kind of government.

Foucault takes the liberal notions of civil society and its meanings in liberal governmentality to be closely connected to the practical questions of "how to govern," "how to govern right" and "how not to govern too much."⁴¹ As said, similarly to freedom, civil society is inseparable from government. According to Foucault, civil society is "a concept of governmental technology, or rather, it is the correlate of a technology of government the rational measure of which must be

⁴⁰ Pyykkönen, *Governmentalisation of Civil Society?*; Nikolas Rose, *Powers of Freedom: Reframing Political Thought*, (Cambridge: Cambridge University Press, 1999), 137–195.

⁴¹ *The Birth of Biopolitics*, 12–13, 295–296.

juridically pegged to an economy understood as process of production and exchange.”⁴² In other words, civil society is a more or less acknowledged part of the liberal art of governing, where market values tend to become hegemonic social norms, and the liberties of the individual are above all tied to them. Although the source of this thesis is in the analysis of liberal notions, Foucault does not approach civil society in the way liberal thinkers do, who see it as a sphere of reality existing in a particular society in a particular way, and to which governance has to form a particular kind of relationship. He sees that civil society is constructed in the dispositives of power—in the practical relations of power, knowledge, and subjectivities—specific to a particular governmentality, in his analysis, namely, the liberal one. However, it is important to keep in mind that the relation between civil society and power dispositives is reciprocal: actions by CSOs and those taking place in the sphere of civil society also (re/de)construct the dispositives.

Civil society is like madness and sexuality, what I call transactional realities [...], which, although they have not always existed are nonetheless real, are born precisely from the interrelations of power and everything which constantly eludes them, at the interface, of governors and governed. Civil society, therefore, is an element of transactional reality in the history of governmental technologies, a transactional reality which seems to me to be absolutely correlative to the form of governmental technology we call liberalism, that is to say, a technology of government whose objective is its own self-limitation insofar as it is pegged to the specificity of economic processes.⁴³

‘Transactional reality’ means above all that Foucault denies the meaning of civil society as a ‘primary reality’⁴⁴; rather, he approaches it through discourses that try to frame it in this way and mirrors them against historical power practices in order to show their more or less acknowledged relation to the ‘will to power.’ Hence, defining civil society in this way means that he connects the position of civil society in modern governmentality inseparably to the binary role of the state in liberal thinking: Locke, Smith, Ferguson, and, to some extent, Hayek and Friedman, and their interlocutors consider that on the one hand, state government is needed to control the security of the population and to guarantee the order of the interplay of interests, but, on the other hand, government must include mechanisms for the reflexive monitoring of the practices of the state in the name of guaranteeing the autonomy and liberty of individuals and the space of their exchange—the market. Organized civil society is an ideal apparatus to fulfill the needs rising from this dualism, but it is also an ideal field for developing innovations of liberal, civil-oriented government:

Its contours are thus inherently variable and open to constant modification, as is, correspondingly, the diagram of power relations which describes the form of its government. [...] This ‘transactional’ domain at the frontier of political power and what ‘naturally’ eludes its grasp consti-

⁴² *Ibid.*, 296.

⁴³ *Ibid.*, 297.

⁴⁴ *Ibid.*

tutes a space of problematization, a fertile ground for experimental innovation in the development of political technologies of government.⁴⁵

While in classical liberalism, according to Foucault, there was a rather clear separation between the state and civil society, even though they were interrelated, in neoliberalism this border withers, and the “interests” and objectives of all three spheres (the state, markets, and civil society) are mixed in the name of the economization or marketization of the society on the whole.⁴⁶ In a way, in neoliberal governmentalities civil society comes in practice often close to Hegelian ideas.⁴⁷ Here, too, civil society seems to acquire roles and purposes external to the identifications and interest framings stemming from the actors themselves. Instead, the voices and interests of the market and the neoliberalizing state appear to dictate its identity more than it itself does through different kinds of technologies and mechanisms, such as funding streams and legislation. This external intervention against the “independence” of civil society is of course contradictory with the basic liberties of citizens emphasized by famous US neoliberals, such as von Hayek and Friedman,⁴⁸ but it is required because of another basic rationality—market competition. Like in the Hegelian approach, where civil society acquires its fundamental reason for existence and terms of actions from its relation to the nation-state, here too, it is justified morally, at least in neoliberal policy practice: employing civil society in the neoliberal “competitive state” project is necessary for social cohesion and for supporting those who are not capable of coping with the circumstances of tough competition and limited direct help from the state. At the same time, neoliberal discourses emphasize the freedom and capability of the individual on all occasions, from labor markets and customerships to welfare services and disciplinary institutions, which today also emphasize user-friendly and user-inspired practices. In the practices of “neoliberal societies,” this has manifested as an alliance between neoliberalism and neoconservatism. This ambiguity has taken several forms in these societies, which have implemented neoliberal practices more or less programmatically, but common to them all, is a kind of communitarian spirit of care and control, which coexists with the principality and immunity of market rules.⁴⁹

Thus, by defining civil society and investing in its manifold practices, administrative apparatuses can search for expedient technologies of government to realize the central political ration-

⁴⁵ Graham Burchell, “‘Peculiar Interests’: Civil Society and Governing ‘The System of Natural Liberty,’” in Graham Burchell *et al.* (eds.), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf, 1991), 141.

⁴⁶ *The Birth of Biopolitics*, 75–100, 215–238; See also Michael Hardt, “The Withering of Civil Society,” *Social Text*, no. 45 (1995), 27–44.

⁴⁷ Georg Wilhelm Friedrich Hegel, *Elements of the Philosophy of Right (Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse, 1821)*, edited by Allen W. Wood, translated by H.B. Nisbet (Cambridge: Cambridge University Press, 1991), § 256.

⁴⁸ Victoria Lynn Mayer, *Contracting citizenship: Shifting Public/Private Boundaries in the Context of Welfare Reform* (Madison: University of Wisconsin, 2007), 31–33.

⁴⁹ Cf. Rose, *Powers of Freedom*, 167–196.

alities of liberalism, such as the liberty of the market and individuals or security of the population. Earlier liberal and neoliberal governmentalities are based, above all, on the presumption that the majority of the population can be dealt with as active and spontaneous subjects, who engage and maintain their own productivity and vitality and participate in their own government through their ethical choices.⁵⁰ This correlates strongly with what Foucault argues to be characteristic of the classical liberal art of governing: it was and is a new ensemble, which envelopes individuals as subjects of both political and social rights and economy in a way never seen before.⁵¹ This relation, according to him, has gained greater emphasis and has also become more “economized” in neoliberal thought.

What then is the field of reference where this ensemble can bloom and government operate on personal liberties and desires without being too dominative? According to Foucault’s reading of Ferguson and several other classics, civil society is indeed the field for exercising this kind of subject-inspired government. For him, “*homo oeconomicus* and civil society are two inseparable elements” because “civil society is the concrete ensemble within which [...] economic men must be placed so that they can be appropriately managed.”⁵² The market is for practicing economic actorship and civil society for social, political, and cultural rights. Whereas in both German and US forms of neoliberalism *homo oeconomicus* becomes an “extended subjectivity” in processes where both the state and civil society are required to adopt market competition and economic freedom as their key principles. Cultural, social, and political rights and freedoms, hence, become ever more subordinated to economic rationalities and practices.⁵³

To be effective, life-concerned state government must be practiced and rationalized for governing the whole population collectively, but at the same time each and every subject individually—*omnes et singulatim*.⁵⁴ This requires a complex set of assemblages, dispositives, practices, and technologies, especially in the time of neoliberal governmentality, which stems from the liberty, autonomy, and capability of individuals. In this matrix, civil society plays a crucial role, because it conducts people morally (“do good for yourself and others”) and politically (“be effectively and conventionally organized when working for moral choices”), but also because its actions and practices stem from the autonomy and activism of individuals themselves. Because of this, actions in civil society always also entail a chance for change, for doing or thinking about things differently.

By the term ‘governmentalization,’ I refer to the process in which subjects, knowledges, practices, organizations, and societal spheres become part of a particular governmental matrix. The governmentalization of the state is Foucault’s term by which he describes the processes

⁵⁰ Dean, *Governmentality*, 155–156; Michel Foucault, *Power: essential works of Foucault 1954–1984*, edited by J.D. Faubion (London: Penguin Books, 2002, 3rd ed.), 291–292; Rose, *Powers of Freedom*, 137–166.

⁵¹ Foucault, *The Birth of Biopolitics*, 295.

⁵² *Ibid.*, 296.

⁵³ *Ibid.*, 120–121, 267–269.

⁵⁴ Michel Foucault, *Ethics, Subjectivity and Truth: Essential Works of Foucault 1954 – 1984*, edited by Paul Rabinow, translated by Robert Hurley (New York; The New Press, 2000), 298–325.

through which the state expanded its operational sphere by taking over functions from philanthropic and cultural associations, as well as the church, and through which it also systematically governs the economic processes of society through, for instance, company ownership, trade regulations, and taxation. Hence, this means that formerly “non-governmental” spheres are filled with governmental objectives.⁵⁵ An important part of the recent development of the governmentalization of the state is the global trend where CSOs and private actors become partners of administration and service production, and partially submit their actions to the control of public administration, market rules, and legislations. I have called this process *the governmentalization of civil society*.⁵⁶

This approach of governmentalization of civil society is also inspired by what Mitchell Dean describes as the “governmentalization of the government” to update the Foucauldian understanding of government. With this term Dean refers to a process where the “governmentalization of the state is today meeting, being partially displaced by, reinscribed and recoded within another trajectory whereby the mechanisms of government themselves are subject to problematization, scrutiny and reformation.”⁵⁷ The result of this is an internal aspiration to reflexivity. CSOs are of particular importance in this reflexivity, because as ambiguous partners of public administration and holders of civic-inspired expertise, they are the “moral mirror” of public administration. The mechanisms of moral control of administration include different kinds of partner audits, follow-ups, steering group discussions, and many other more informal patterns of evaluation existing in public-CSO partnership networks. Reflexive government indeed lies at the heart of the liberal dream of “governing well, but not too much.” However, instead of replacing the position of public administration and the state, this new network of governance and service provision seems to suggest a new relationship between civil society and public administration, and allows the state to interfere in associational life more deeply, and at the same time more softly, than before. Through this new paradigm of governmentalization of civil society, the state’s visible and straightforward governance moves further away from the actual social practices and becomes a kind of automatic continuity of the ‘natural power relations’ and practices emerging from civil society itself.⁵⁸ One might say that this is the latest phase in the long-lasting reciprocal development of modern governmentality, where, on the one hand, the political order, objectives, and administrative will of the state are being extended to be part of civil society practices and activities, and, on the other hand, the ‘best’ and ‘ideal’ practices of civil society are being enfolded as part of the actions and practices of the state.⁵⁹

⁵⁵ Foucault, “Governmentality” Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-78*, edited by Arnold I. Davidson, translated by Graham Burchell (New York: Palgrave MacMillan, 2007), 109.

⁵⁶ Pyykkönen, “Integrating Governmentality,” 201.

⁵⁷ Dean, *Governmentality*, 193.

⁵⁸ Burchell, “Peculiar Interests,” 138–140.

⁵⁹ Dean, *Governing Societies*, 116–117.

Classical liberals viewed civil society as a platform not only for individual interests to “come together,” but also for actors to play with them: CSOs are mechanisms through which societal groups participate in the interplay of interests, i.e. “interest politics.” CSOs give collective force and frame for individual interests and enable people to try to make them part of the general interest repertoire of society. A complex dispositive of government works best when different individual interests are translated into “compromised societal interests,” the reproduction of which is more or less conducted by appropriate governing apparatuses.⁶⁰ Organized civil society is compulsory for the success of this process and the parallel realization of political, social, and cultural rights.

According to Foucault, this liberal perspective on interests presupposes the existence of authentic, non-social, and non-regulated egoistic interests as well as universal societal interests, which both come from the “natural” processes of human interaction.⁶¹ The Foucauldian approach, instead, departs from the hypothesis that there are no authentic interests existing by themselves; rather, interests—even the most individual ones—are produced in societal relationships and interaction, and their government. This point of departure leads Foucauldian analysts of civil society to criticize the aforementioned liberal presumption. According to Foucault, it is indeed the empiricist thinkers of the Scottish Enlightenment who invented the (economic) man as a subject of interest—a subject who is the source of societal interests and their key mechanism.⁶² However, their thinking, and often that of later liberals as well, did not pay enough attention to the fact that each person is also subject to interests, the interests of power deriving from governing mechanisms and apparatuses, which again are the corollaries of the engagement of subjects of interests.

Liberal government is, par excellence, a form of government that aims at working through and with the subjective interests of the ‘economic man.’ It does not only take individual interests and their social engagement in collective interests to be the primus motor of organized civil society and the state, but it also conducts personal interests from the very beginning of individuals’ life spans through techniques of education, for instance. The conduct of personal interests is in many cases executed through civil society organizations, which convey civic skills and behavior to individuals and communities. CSOs are part of a form of government in which the lives and interests of people are governed through manifold ensembles of expertise.

As Riikka Perälä claims in her article in this special issue, and as for instance Amy Allen, Kevin Thompson, and Louisa Cadman have argued elsewhere, the aforementioned approach forms too narrow a window to the possibilities of Foucauldian analytics of power when trying to understand the role of civil society in (neo)liberal governmentality.⁶³ One relatively novel way of

⁶⁰ Burchell, “Peculiar Interests,” 127. Foucault, *The Birth of Biopolitics*, 44.

⁶¹ Ibid., 273–282; Michel Foucault, *Language, Counter-Memory, Practice: Selected Essays and Interviews by Michel Foucault*, edited by Donald F. Bouchard, translated by Donald F. Bouchard and Sherry Simon (Ithaca, NY: Cornell University Press, 1977), 205–217.

⁶² Foucault, *The Birth of Biopolitics*, 273.

⁶³ Amy Allen, “Rethinking Resistance: Feminism and the Politics of Ourselves,” *Eurozine* Vol. 5, no. 5 (2010); Kevin Thompson, “Forms of resistance: Foucault on tactical reversal and self-formation,” *Continental Philosophy*

approaching this can be found through analyzing forms of resistance and what Foucault calls “counter-conduct.”⁶⁴ Foucault states that power and resistance are indelibly tied together: resistance is immanent to power and power is immanent to resistance.⁶⁵ Liberal governmentality places government and resistance in a very paradoxical relation to one another: they produce and require each other but they also have to control each other. This contradictory nature of liberal openness to civic resistance has to be kept in mind when observing Foucault’s and Foucauldians’ notions of civil society related to counter-conduct and its possible regulation. It is especially important to bear it in mind when thinking about the (neo)liberal ideas on the relations between government and civil society, because in them civil society is seen simultaneously as a counterforce to state power and a possible context of practicing citizen-inspired governance.

Deconstructing the relation of civil society and government

Based on the above, one could easily draw the conclusion that Foucault and Foucauldians approach civil society only as a means of governance. However, many researchers have indicated that this interpretation does not do justice to Foucault’s ideas.⁶⁶ On the contrary, already Foucault himself talks about the liberal ideas of civil society as a counterforce to *the state governing too much*.⁶⁷

As I have tried to show in some of my earlier works, and as Louisa Cadman⁶⁸ and Amy Allen⁶⁹ demonstrate in some of their publications and Riikka Perälä in her article in this special issue, the relation between government and civil society is far more than straightforward: (A) indeed “government works abundantly through complex networks of civil society,”⁷⁰ and (B) civil society organizations form a kind of necessary and safe counterbalance, addition, and reflexive politico-moral mirror to the state’s institutions, like many classical and neoliberal thinkers have described, but civil society is also a site where different power relations and subjectivities are challenged and new forms of the self, autonomy, identities, social bondings, and doing politics

Review, vol. 36, no. 1 (2003); Louisa Cadman, “How (not) to be governed: Foucault, critique, and the political,” *Environment and Planning D: Society and Space*, vol. 28, no. 3 (2010).

⁶⁴ Foucault, *Security, Territory, Population*, 390.

⁶⁵ Michel Foucault, *The History of Sexuality: An Introduction*, translated by Robert Hurley (New York, Vintage Books, 1990), 95; Foucault, “Subject and Power.”

⁶⁶ *Ibid.*; Amy Allen, *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory* (New York: Columbia University Press, 2013), 61–71; Judith Butler, “What is Critique? An Essay on Foucault’s Virtue,” (2001), Available online: <http://transform.eicpc.net/transversal/0806/butler/en/print> (accessed June 25, 2008); Cadman, “How (not) to be governed,” 539–556; Riikka Perälä, “Civil Society Organizations and Care of the Self: An Ethnographic Case Study on Emancipation and Participation in Drug Treatment,” *Foucault Studies*, no. 20 (2015); Thompson, “Forms of resistance,” 113–138.

⁶⁷ *The Birth of Biopolitics*, 187, 296.

⁶⁸ Cadman, “How (not) to be governed.”

⁶⁹ Allen, “Rethinking Resistance.”

⁷⁰ Pyykkönen, “Integrating Governmentality,” 200.

invented. This may enable the creation of new and alternative ways of being and living as well as the contestation of prevailing norms and forms of expertise. This means that in civil society individual and collective subjectivation is not only “Janus-faced,” as could be concluded following Allen,⁷¹ but rather “multi-faced.” The crucial question is how to analyze the work of power in and through civil society in its complexity and, at the same time, acknowledge the possibilities for individual and collective autonomy and for individual-inspired transformations.

Foucault considers the possibilities of resistance, or ‘counter-conduct’ as he often phrases it, to a quite remarkable extent in his writings or statements.⁷² In addition, for instance Judith Butler proves how Foucault thinks of critical attitude and counter-conduct to power as ‘virtues,’ as something basically good and right, and as something indelibly related to the frameworks of power and government.⁷³ Although Foucault does not deal with the tactics of resistance or other such emancipatory patterns explicitly in the context of organized civil society or collective action, but rather in that of individual possibilities of and for an ‘aesthetics of existence,’ his ideas and observations certainly reflect on collective-level actions as well. This is because such innovative practices of the self touch upon questions of how to be civil, a citizen, and a good actor in a given societal context, and civil society plays an important role with respect to these questions.

Foucault’s mission in his genealogical “criticism” was indeed to reveal the historical discourses and practices that frame and limit our possibilities to become ‘actors of ourselves’ or ‘practice our freedom’ or ‘practice freedom as self-transformations’ in the frame of *non-predetermined* political action. According to Samantha Ashenden and David Owen, civil society in the Foucauldian approach is par excellence “a term to be interrogated for the ways in which it structures and delimits our political imagination.”⁷⁴ This is also underlined by Riikka Perälä in her article in this special issue: CSOs can be sites for innovative and radical political and social actions at the same time that they are sites for conduct, because in and through them new and different interests and subjectivities of citizen emerge and become articulated, and marginalized individuals can get their voices heard. “Different practices put forward by societies’ institutions, such as civil society organization, can also genuinely back-up and help people and offer them tools for rethinking and seeing their lives in new ways: a dimension that has often been bypassed in Foucauldian investigations.”⁷⁵

⁷¹ Allen, “Rethinking resistance,” 4.

⁷² Foucault, *Ethics*, 28, 253–320; Foucault, “The Subject and Power”; Foucault, *Security, Territory, Population*, 390.

⁷³ Butler, “What is Critique?”

⁷⁴ Samantha Ashenden and David Owen, “Questions of Criticism: Habermas and Foucault on Civil Society and Resistance,” in Samantha Ashenden and David Owen (eds.), *Foucault Contra Habermas: Recasting the Dialogue between Genealogy and Critical Theory* (London: Sage, 1999), 158.

⁷⁵ Perälä, “Civil Society Organizations and Care of the Self,” 114.

The point of departure in thinking governmentality and counter-conduct is that for Foucault and some of his interlocutors⁷⁶ the possibility of current counter-conduct and its complex nature lie at the heart of liberal governmentality and the embedded dualisms of autonomy, freedom, and subjectification: to be free and able to practice reflexive critique of (state) governance, persons constituting the ‘watchman civil society’ have to be able to take care of themselves in a rational and responsible manner. Hence, in liberal governmentality freedom is not just any kind of *laissez-faire* liberty, but ‘responsible liberty’ in which a person has to be in a self-reflexive relation to her/his own being and actions, and her/his ability is recognized by experts and authorities guarding the borders of citizenship on account of this self-responsibility.⁷⁷

The nature of liberal ‘anti-authoritarian government’ and the related notion of freedom create conditions for counter-conduct within and against governance, but also beyond it: as liberal governmentality leans greatly on the self-criticism of the system, it leaves a door open for thoughts, subjective becomings, and actions that might go beyond or against its principles and subjections.⁷⁸ In these terms we might say that in principle—and sometimes in practice as well—liberalism includes an acknowledged risk concerning its own governing practices and rationalities, as it relies so much on the liberty of citizens and civil society, and even on the necessity of resistance to state dominance.

The byproduct of liberal governmentality is that resistance divides into legitimate and illegitimate forms. Permission for recognized resistance against state coercion is reserved for certain subject(ivity)s and their actions. The big question then is: how does this kind of system, which includes resistance to authority as an inherent characteristic, react to resistance that is not targeted at state coercion, but, for instance, at the market and its mechanisms? Do some forms of resistance reveal the limits of liberal government? Mitchell Dean gives numerous examples of how liberal regimes react on these occasions.⁷⁹ They invoke ‘liberal authoritarianism,’ in other words, use of disciplinary and authoritarian methods typical for sovereign governance and its ‘states of exceptions’⁸⁰ to put resisting actors or those who cannot fulfill the requirements of freedom back in their place.⁸¹

⁷⁶ See for instance: Allen, “Rethinking Resistance; Feminism and the Politics of Ourselves”; Sam Binkley, “The Work of Neoliberal Governmentality: Temporality and Ethical Substance in the Tale of Two Dads,” *Foucault Studies*, no. 6 (2009), 60–78; Cadman, “How (not) to be governed.”

⁷⁷ Barbara Cruikshank, *The Will to Empower: Democratic Citizens and Other Subjects* (London and Ithaca: Cornell University Press, 1999); Engin F. Isin, “The Neurotic Citizen,” *Citizenship Studies*, vol. 8, no. 3 (2004); Rose, *Powers of Freedom*, 61–97.

⁷⁸ Binkley, “The Work of Neoliberal Governmentality.”; Cadman, “How (not) to be governed.”

⁷⁹ Dean, “Liberal government and authoritarianism,” 37–61. Dean, *Governing Societies*, 108–130, 158–195.

⁸⁰ Giorgio Agamben, *State of Exception*, translated by Kevin Attell (Chicago: The University of Chicago Press, 2005).

⁸¹ Loïc Wacquant, “The Punitive Regulation of Poverty in the Neoliberal Age,” *Open Democracy*. Available online at: <http://www.opendemocracy.net/5050/loic-wacquant/punitive-regulation-of-poverty-in-neoliberal-age> (accessed April 14, 2013).

Bringing Foucauldian analysis of resistance into the context of civil society

How, then, does Foucault himself deal with these topics and themes, which could be described as individual or collective counter-conduct taking place—or at least possibly taking place—in civil society? Foucault does not explicitly tackle the role of civil society in current or recent governmentalities in his studies; rather, to draw on his work to approach civil society, one has to interpret his other analyses, for instance those concerning a subject's possibilities to challenge the forms of subjection and subjective emancipation. Here I content myself with opening up ways through which, following Foucault's thought, one can practice counter-conducts or find means for it, and sketching out how civil society could be understood as 'heterotopia,' so that it would serve the emergence of these kinds of new subjectivations.

As previously depicted, the possibilities of resistance are inscribed in liberal rule and its objective of preventing external (state) domination of individuals and economy. For Foucault, the question in resistance is not about throwing away all liberal thoughts and practices of the free subject, but about how the present constellation of liberal governing practices and counter-conducts can be employed in enabling new kinds of subjectivities, modes of existence, and non-repressive forms of life.⁸²

For Foucault⁸³ and some Foucauldian analyses,⁸⁴ practicing counter-conducts and an 'aesthetics of existence' connects to the temporal dimension of the government of social and individual subjectivation. This is most typical for neoliberal governmentality, which in particular understands subjectivation, required 'arts of living,' and societal government in general as processes without a definitive end.⁸⁵ It does not expect governance or its apparatuses, nor individual subjectivation to be fixed for good at any certain point. This offers various possibilities for counter-conduct. Following Foucault's work, this can, first of all, be seen as possible for an intellectual to search for counter-memory through genealogical criticism and hence reveal forgotten or muzzled forms of being and acting. It can reveal and thus strengthen those temporal moments in more or less liberal practices and dispositifs where the subject has had the possibility to emerge unpredictably and 'otherwise.'⁸⁶ The individual can then find moments in her/his subjectivation where new forms of subjectivity are possible; Foucault's genealogy of ethics tries to maximize these

⁸² Foucault, *Ethics*, 281–328; Foucault, *Power*, 455–458; See also Binkley, "The Work of Neoliberal Governmentality"; Cadman, "How (not) to be governed."

⁸³ Foucault, *The History of Sexuality*, 117. Foucault, *Ethics*, 281–302.

⁸⁴ Binkley, "The Work of Neoliberal Governmentality," 75–78; Sam Binkley, "Governmentality, Temporality and Practice: From the Individualization of Risk to the 'Contradictory Movements of the Soul,'" *Time & Society*, vol. 18, no. 1 (2009), 86–105; Alan Milchman and Alan Rosenberg, "The Aesthetic and Ascetic Dimensions of an Ethics of Self-Fashioning: Nietzsche and Foucault," *Parrhesia*, no. 2 (2007); Gavin Kendall and Mike Michael, "Order and Disorder: Time, Technology and the Self," *Culture Machine*. Available online at: <http://www.culturemachine.net/index.php/cm/article/view/242/223> (accessed June 3, 2014).

⁸⁵ Foucault, *The Birth of Biopolitics*.

⁸⁶ Foucault, *Language, Counter-Memory, Practice*, 139–164.

kinds of horizons where the individual can practice her/his self-inspired aesthetics of existence.

Foucault sees that intellectuals have a great role in challenging prevailing governmentalities:

the intellectual's [...] role, since he works precisely in the sphere of thought, is to see how far the liberation of thought can go toward making these transformations urgent enough for people to want to carry them out, and sufficiently difficult to carry out for them to be deeply inscribed reality.⁸⁷

Criticism—as Foucault calls the strategy of revealing rationalities that inhabit our everyday behavior and of making way for counter-memory, counter-knowledge, and alternative ways of existence⁸⁸—aims at showing how the matters of course of our lives are constructed as such through different kinds of discursive and other techniques. The expected outcome of criticism is that they would no longer be taken for granted.⁸⁹

One influential way in which the intellectual can practice criticism is to make resistance against different forms of power the starting point of her/his analysis, because resistance brings to light the power relations and more or less teleological thoughts of conduct, domination and control hidden in societal practices.⁹⁰ As Foucault is interested in the 'aesthetics of existence'—in particular in his later works—he mainly pays attention to forms of resistance that touch upon the subjectivation of an individual.⁹¹ He finds many examples of 'immediate resistance' against the effects of power in modern societies: opposition to gender domination, domination of psy-experts, and administrative subjections of citizens into different categories and classes. According to Foucault, struggles against subjection and related domination increased significantly in the latter part of the 20th century.⁹² These struggles and forms of collective organization seem to be the ones that Foucault appreciates the most in our current world. He claims that people resist—and they have to do that—especially those forms of power, and ways of using it, that take away their control and power over themselves and violate the principles of this self-governance, even when the use of power ostensibly strives for strengthening individual liberties, capacities, or security, like in the case of surveillance, for instance.

Liberal governmentality leans greatly on the voluntariness and consent of people (citizens) to obey particular modes of governance, and their freedom and activeness to engage and innovate in society. The capability of governance to reach its goals in such conduct of human subjects is a

⁸⁷ Foucault, *Power*, 457.

⁸⁸ Michel Foucault, "Question of Method," in Graham Burchell *et al.* (eds.), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf, 1991), 89.

⁸⁹ One of the core ideas of the criticism is that it or its author does not define how resistance or change has to take place after revealing some governmental or political form of injustice, oppression, or coercion (*ibid.*, 86).

⁹⁰ Foucault, *The History of Sexuality: An Introduction*, 95; Foucault, "The Subject and Power."

⁹¹ *ibid.*; Foucault, *Power*, 455–458.

⁹² Foucault, "The Subject and Power," 213.

question of the 'art of government.'⁹³ The capability of human subjects to submit to those external subjections Foucault calls the 'art of living.'⁹⁴ Because subjectivity is formed and transformed in the interplay of subjection and subjectivation, the art of living also includes another side. That is to say, people constantly swerve the subjections—the manuscripts of subjectivation—assigned to them, whether by acknowledging it or not. This is named the "art of not being governed too much" or the "art of being governed only to a certain extent" in Foucauldian studies.⁹⁵

It is possible to find three more or less explicit examples of the above-mentioned counter-conduct of the modern self, searching for as an autonomous aesthetics of existence as possible in Foucault's works. First of all, when speaking about modern forms of aesthetics of life, Foucault refers to the Baudelairean and Flaubertian understanding of the individual. Through criticism, Foucault wants to make way for Dandyism; a *flâneur*-like subject, who makes her/himself the target of search and transformation without committing to fixed forms of subjectivity. Instead, subjectivity has to emerge again and again and differently on different occasions.⁹⁶

Baudelaire's modernity does not liberate man in his own being, but rather compels him to face the task of producing himself. In other words, modern man is not going off to discover himself, his truth, and his hidden inner secrets, but he rather tries to invent himself through creating his personal aesthetics of the self.⁹⁷

This requires the social condition of creative action (i.e. civil society), which makes room for such an understanding of the self and which, at least in principle, is most possible in the context of liberal practices of government and their temporal infinity.

In the preface to the French edition of *Madness and Civilization*, Foucault quotes surrealist René Char as saying "cultivate your strangeness."⁹⁸ By this he refers to those elements of subjectivity which have been limited outside the sphere of normality but which people would like to practice. Hence the second example of counter-conduct and "aesthetization" of life: transgression. Transgression is compulsory for revealing the invisible boundaries of normality and deviance. It can show the matters of course that regulate our existence and actions in particular contexts and moments.⁹⁹

Foucault's third example of counter-conduct can be called invisibility or withdrawal. It is a conscious or subconscious escape from identifications in situations where governance expects

⁹³ Foucault, *Security, Territory, Population*, 100–105.

⁹⁴ Michel Foucault, *The Hermeneutics of the Subject: Lectures at the Collège de France 1981–1982*, edited by Frédéric Gros, translated by Graham Burchell (London: Palgrave Macmillan, 2005), 177–178.

⁹⁵ Butler, "What is Critique?"; Cadman, "How (not) to be governed."

⁹⁶ Foucault, *Ethics*, 135–140, 261–262, 303–319.

⁹⁷ Anita Seppä, "Foucault, Enlightenment and the Aesthetics of the Self," *Contemporary Aesthetics*, no. 2 (2004), Available online: <http://hdl.handle.net/2027/spo.7523862.0002.004> (accessed June 29, 2014).

⁹⁸ James Miller, *The Passion of Michel Foucault* (Cambridge, MA: Harvard University Press, 1993), 107–110.

⁹⁹ Foucault, *Language, Counter-Memory, Practice*, 29–52, 33–34; Foucault, *Ethics*, 308–310.

certain kind of self-identification from a person. Its target is the governmental expectation that the person has to make her/himself visible—and hence knowable—so that she/he can become the subject-object of particular technologies of governance. If a technological practice cannot identify a subject in accordance with its own codes, the process cannot function systematically and predeterminedly, and the subject becomes ‘dangerous’ to its functionality.¹⁰⁰

In addition to the different possibilities of aesthetics of existence, Foucault also observes a form of resistance called ‘tactical reversal’ in the first volume of *The History of Sexuality*.¹⁰¹ The concept and embedded idea is close to Marxist approaches on the antagonistic and conflicted power relations of society: societal change, hence, requires that “a specific configuration of power and knowledge can be thwarted by reversing the mechanisms whereby this relation is sustained.”¹⁰² Tactical reversal means resistance “in which it is the possibility of reversal within specific force relations, the contestation of specific objects and impositions of power on subjects.”¹⁰³ Hartmann and Thompson both take a critical stance towards this model of resistance, because resistance is approached as reactive action taking place within the boundaries of a certain dispositive, and not as a positive, productive force on its own terms. According to Foucault’s concentration on the aesthetics of existence in his late studies, essays, and interviews,¹⁰⁴ and his ideas on criticism as intellectual action that opens possibilities and means for resistance without definite ends, one can assume that he also endorses this critique, at least partially. However, if we look at the empirical or contemporary analytical examples in Foucault’s works that I described above, we can see that they often involve a mixture of tactical reversal and perhaps more proactive actions of an ‘aesthetics of existence’—or the art of not being governed too much.

What gives the above-mentioned techniques of more or less individual counter-conduct a collective nature and, hence, the force of societal change is indeed civil society as it is the “reality” where people come together and reveal and oppose techniques of governance that shape their subjectivities.¹⁰⁵ ‘Liberal civil society’ is a space of possibilities for collective action and organized association; it enables—at least in principle—a repertoire of citizens’ resistance never seen before in the history of humankind. In these terms, civil society can be understood as something that Foucault tries to capture by the concept of ‘heterotopia’¹⁰⁶: it is a context with more layers of meanings that would appear to exist at a first glance. It contains ideal kinds of elements, relations, and actors to create new kinds of practices of freedom and new forms of power relations possible.

¹⁰⁰ Foucault, *Politics, Philosophy, Culture*, 125–151.

¹⁰¹ Foucault, *The History of Sexuality*, 95.

¹⁰² Thompson, “Forms of Resistance,” 113.

¹⁰³ John Hartmann, “Power and Resistance in the Later Foucault” (paper presented at the 3rd Annual Meeting of the Foucault Circle, John Carroll University, Cleveland, OH February 28 – March 2, 2003), 3. Available online at: <http://philpapers.org/rec/HARPAR> (accessed May 14, 2015).

¹⁰⁴ Michel Foucault, *History of Sexuality: The Care of the Self. Vol. III*, translated by Robert Hurley (New York: Vintage Books, 1988); Foucault, *Ethics*, 253–320.

¹⁰⁵ Foucault, “Subject and Power,” 212.

¹⁰⁶ Michel Foucault, “Of Other Spaces, Heterotopias,” *Architecture, Mouvement, Continuité*, no. 5 (1984), 46–49.

And, yet again, in its ideal form liberal civil society is a space of illusion and realism at the same time, just as if Foucault described the fundamentals of heterotopia. Understood like this, civil society enables and frames the emergence of collective mobilizations of hidden, small-scale, and marginal grass-root agencies, as has happened throughout the history of the “Western world.”

Heterotopia does not take place in just any kind of civil society conditions, but mostly in its liberal applications, whose purpose/meaning is to guard state governance, produce and cherish people’s freedom, and fight for the rights of individuals; and whose basic character is “a loosening of the connection between subjectification [*or subjectivation*] and subjection.”¹⁰⁷ And although Foucault criticizes liberal notions of civil society for “artificially” separating it from the use of state power, and does not share their celebration of civil society as a context of free markets, from the Foucauldian perspective it also seems convenient to agree with liberals on the necessity of civil society in enabling people to oppose dominance and sovereign and disciplinary forms of governance. Many modern forms of individual aesthetic practices and collective resistance and other practices of freedom rise from within civil society and “play” with the freedom it allows, but at the same time they point out its limits and especially the limits of the intertwined government(ality). As is typical of heterotopian contexts, these indications also include possibilities and attempts to rise above the existing civil society with its actorships and modes of action, and hence, above the dualistic formula of the liberal notion of government and resistance within. Which “side” of civil society—resistance/counter-conduct or governance—is dominating, and what the relation between governance and resistance is in a particular historical moment and context is always an empirical question.

Conclusions

In this article, I have, first of all, tried to present the Foucauldian approach as a tool for studying civil society and civil society-state relations when one is interested in how civil society is made knowable in a particular way, and operationalized for governing citizens and populations. In other words, when one wants to investigate how power and knowledge intertwine in civil society practices, and especially in ones that take place within liberal regimes and related discourses of governance.

The central critique that Foucault poses toward classical liberal and neoliberal understandings of civil society is that they do not recognize it sufficiently as a space or dimension of government; rather, they want to propose it as a kind of counterbalance to the state, which is seen as the sphere of political power and government. Foucault shows in an illuminative way how power, politics, state, and civil society are inseparable from each other, and also connected to the government of the economy and its subject, *homo oeconomicus*. The Foucauldian approach introduces

¹⁰⁷ Graham Burchell, “Liberal Government and Techniques of the Self,” in Andrew Barry *et al.* (eds.), *Foucault and Political Reason* (London: UCL Press, 1996), 19–36.

an aspect of power and politics into this societal realm, which is often in liberal thinking characterized as apolitical or even somewhat free from governance.

However, according to Foucault, liberal discourses on civil society do not only signify it as part of the governance of society, but also as a sort of safeguard for people against state power, especially in cases where the governing practices and technologies of the state threaten to dominate citizens and the economy too strongly.¹⁰⁸ Hence civil society always entails a requirement or presumption of counter-conduct as well. Whereas liberals see ‘resistance’ necessary mainly to limit state power, the Foucauldian approach extends the observation to other forms of resistance too. Following Foucault himself, these forms touch upon both tactical reversals of existing power relations and, perhaps more importantly, individual practices of freedom in search for possibilities for an aesthetics of existence as autonomous as possible. In this frame, civil society works as a potential heterotopia, which provides a collective ground for the becomings of new subjectivities and power relations and practices.

To sum up the core message of the article, the following points may be highlighted:

- Neither state nor civil society exists as such or is a universal, natural, or automatic phenomenon in modern societies; rather, they are something that manifests differently and involves different kinds of relations in different situations and moments because of the work of power and knowledge.
- Civil society is not a natural sphere of autonomy and liberty—this is more of a wet dream of some modes of liberal thinking—but a correlation of particular technologies of governance, which itself is a part of that framework of governance and has descended from particular power practices. Civil society is a conceptualized sphere of action through which, and in which, people’s consent for government is constructed and individual and collective actors placed in particular subject positions, with a certain degree of contingency, of course.
- However intensively civil society is linked to the governance of people in political philosophies, professional truth-discourses, and actions, there remains uncontrollable and unidentifiable elements in it in the end, and this makes processes of counter-conduct, new and emancipatory subjectivities, and innovative ways of being and behaving possible. These may also take place within neoliberal practices of care and engagement, as Riikka Perälä and Pelle Åberg show in their articles in this issue.

By investigating the presumptions and conceptual tools of the Foucauldian approach to liberal thoughts, I hope to put flesh on our understanding of the present situation of civil society in Western societies, where the bond between public administration and civil society—at least certain parts of it, such as service-providing associations—is more and more explicit, and market mechanisms are included in the organizational practices of civil society through public management and managerialism.

¹⁰⁸ Foucault, *The Birth of Biopolitics*.

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