

The Problems with an Emancipatory Theory Based on an Aesthetics of Existence

LINDA SCHAUMANN

ABSTRACT: With the antique practice of “aesthetics of existence” Foucault analyzed in the 1980s an approach to the subject which was one of self-formation rather than one based on the idea of a human nature. That this seemed to leave the choice of the form of conduct and life to the subject himself, corresponded to the late Foucault’s emancipatory theory, which concentrates the notion that autonomy demands a critical ontology of ourselves. This ethos implies a persistent critique of what we are in order to overcome limits historically imposed on us by transforming ourselves. As neoliberal analysis explicitly encourages the transformation of the subject, Foucault appreciates it as an emancipatory theory of its own right. However, like Foucault’s emancipatory theory accepts an anthropological constant, so does neoliberalism: the human being is a rational decision maker who applies strategies in order to maximize his profit. This concept of the subject also seems to be at the bottom of Foucault’s own claim that power informs all relationships and has a penchant for domination. In this article I will show that in strategic games, especially such informed by asymmetry, decisions tend to be overwritten by the governing influences of others.

KEYWORDS: Foucault, Aesthetics of Existence, Neoliberalism, Self-formation, Power.

Introduction

Foucault’s idea of emancipation largely concentrates possible and actual transformation of rules for action. It is therefore central to Foucault’s emancipatory theory, that we overcome the idea of a human substance or an anthropological constant, for, if rules for actions are linked to our nature, transformation will not be possible or only to an extent permitted by our nature.

As the Antique practice of an aesthetic of existence is a practice of self-formation, it is an approach to the human being, which does not furnish it with a substance. Therefore it seems to offer the subject the possibility to choose what and who it becomes by way of conducting itself in accord with its own decisions. However, the aesthetics of existence is

directed towards the production of a form of conduct which meets the requirements of a social role.

Neoliberalist theory shares the aesthetics of existence's approach to the subject: it is not regarded with respect to a nature but only with respect to its actions. The subject is that which chooses an action based on rational deliberation in relation to a context. This context may be strategically influenced by another subject, a group or the state, and the subject's actions may thereby be governed, but the subject as decision maker will be left intact.

As it seems obvious, that Foucault appreciates this trait of neoliberal analysis, the possibility that the Foucault of the 1970s and 80s had become a neoliberal, has long been rumored about. In the recent years, several monographs, such as "Critiquer Foucault" (ZAMORA 2014), the issue of "Raisons politique" on "Le néolibéralismes de Michel Foucault" (2013) and the book by de Lagasnerie "La dernière leçon de Michel Foucault" (LAGASNERIE 2012) have been dedicated to further investigate this question. The authors, who believe that Foucault regarded neoliberalism as an emancipatory theory, usually criticize this fact¹, and my article will also be a critical approach to this matter.

However, my study will not focus, like Zamora's, on the problems implied in the destruction of social security systems, nor will I, like Rehmann (REHMANN 2014), focus on the loss of critical power because of the lack of a critique of ideology.

Rehmann criticizes Foucault for having missed the relation between domination and *assujétissement*, understood in the sense of conducting oneself, which informs neoliberalism, (REHMANN 2014: 134) and points out, that the reality of neoliberalism differs greatly from its ideology as asymmetries in society and exclusion increase. I will however hold, that it is also neoliberal ideology itself, which must be regarded as problematic. Therefore it is not only the lack of possibilities, neoliberal reality means for some groups, but also the narrowing down of possibilities inherent in neoliberal ideology. In this context however, the problem is not one of domination, but one of strategies of conducting another agent secretly informing the choices of that agent. Furthermore, I wish to show that this problematic is also inherent in Foucault's emancipatory theory, as it is inscribed in a setting of strategic relationships.

1. This is different in the case of de Lagasnerie. In his abovementioned book and in his article "Néolibéralisme, théorie politique et pensée critique" (LAGASNERIE 2014) he studies the liberating effects of Neoliberalism with regard to its criticism of the "raison d'État" and the state's accumulation of power, and shows, that Foucault's analysis of Neoliberalism accordingly presents it as part of the critical traditions. The author's at least partly positive reaction to Foucault's approach to neoliberalism is supported by the fact that he finds most forms of criticism of neoliberalism identified with right-wing conservatism.

1. Aesthetics of Existence

According to Foucault, the aesthetics of existence is centered on the problem of “which tekhnē do I have to use in order to live as well as I ought to live?” (FOUCAULT 1984: 348). Therefore it demands the application of a particular practice to my own life in order to lend it an aesthetic form, which implies that my life is to become and even I, myself, am to become an object of style, being elaborated and transformed in a certain way, according to an ideal of beauty.

The aesthetics of the self often goes with the application of a strict regime, as Foucault e.g. illustrates on the Baudelairian dandy’s aesthetics of existence. The dandy’s attitude of creating himself in relation to modernity, despite his choice to do so, involves a most ascetic practice: “To be modern is not to accept oneself as one is in the flux of the passing moments; it is to make oneself an object of a complex and difficult elaboration”, it means to fight and gain control over the “vulgar, earthy, vile nature” of man. And the practice of self-formation therefore becomes “man’s indispensable revolt against himself” necessary for achieving the aim of living up to “the ‘doctrine of elegance’ which imposes ‘upon its ambitious and humble disciples’ a discipline more despotic than the most terrible religions” (Foucault 1997: 311f).

Ascetic practices are also a central part of the care of the self practiced by the Stoics or the Cynics. The Roman Stoics followed a certain regimen of abstinence, which focused on refraining from indulgence, e.g. in eating and drinking, and impose austerity and endurance in the bearing of hunger, cold, or lack of sleep (FOUCAULT 2001: 426ff).

The Cynics, for their part, targeted the reduction of their needs to what was obligatory in order to live and therefore refrained from superfluous food, clothes and all other kinds of conveniences as well as all riches and most possessions².

According to Foucault, most forms of the practice of aesthetics of existence have in common that the form the life is given is intended by the subject to be recognized and admired by his contemporaries and/or by future generations, therefore it must be regarded as the object of social evaluation. Foucault points out that in antique ethics the person practicing aesthetics of existence focused on the “the aspect his existence reveals to others [...]”, and on “the trace [...] that this existence may leave and will leave in the memories of others after his death” (FOUCAULT 2009: 161f).

In the interview “The Ethics of Existence as Concern for Self as a Prac-

2. For more details on Cynicism see: FOUCAULT, M., 2011, *The Courage of the Truth*, London, chapters 14 and 15.

tice of Freedom” Foucault points out, how greatly the Ancient Greeks and Romans valued individual freedom or not being a slave, but that the value of freedom went with the question of right conduct and the proper practice of freedom. This namely implied the striving “to surpass oneself, to master the appetites that threaten to overwhelm one” (FOUCAULT 1997: 285f). Correspondingly, the *tekhne tou biou* often focuses explicitly on gaining control over one’s own emotions and on thereby becoming their master.

To gain the ability of mastering one’s emotions, was particularly important for the form which the care of the self took in the lives of the Stoics. Foucault describes, in this context, e.g. the *premeditatio malorum*, by which one mentally put oneself in the position of facing a great misfortune, a danger or even one’s own death (FOUCAULT 2001: 463ff). The idea was, to anticipate and live through these anxiety-provoking events before they could occur in reality, so that, when the hour of death came or when one was befallen by a great misfortune, one was able to master the thereby resultant emotions, like fear or sadness, and stay capable of acting in the right way.

However, the mastery of one’s own passions was also important in power-relationships between subjects. A subject, who exercised power, had to control his passions in order to not abuse his power and dominate the other. This idea was especially important for subjects who possessed a greater deal of power, like kings or masters of the household. In these contexts, passions were to be controlled because they were considered to cause a penchant for the abuse of power.

Foucault often stresses, how thoroughly antique ethics is tied up with social conventions. “[T]hese practices are [. . .] not something invented by the individual himself. They are models that he finds in his culture and are proposed, suggested, imposed upon him by his culture, his society, and his social group” (FOUCAULT 1997: 291). Other influences on the practice of the aesthetics of existence are e.g. instructions from other people like the guidance of the soul or the training in a practice by a teacher or master. The acquisition of not only the right conduct but also — in many cases — the right ideas, was always guided by the instructions of a master.

Often, it was not just the way the subject conducted itself in order to meet the requirement of a role, after it had chosen that role, which was socially or societally pre-formatted, but also the fact that the subject chose the role, as such, i.e. the subject was expected and urged to choose a role. In some cases, like that of Socrates, this choice was even required by the gods.

Hence we may conclude that the beauty of the form, which one gives one’s conduct and life, is determined by what is considered the right way of conducting oneself in relation to a social role defined by a specific historical context, and corresponds to a social or societal requirement. When I adopt

a beautiful form I fulfill such a requirement. For the leader of the household taking care of himself means to know exactly what duties he has “as master of a household and as a husband and father” and if he follows those rules he will be able to give his life a beautiful form in the sense that he will enjoy “a proper relationship with his wife and children” (FOUCAULT 1997: 289).

But despite the strict regimes the subject had to apply to itself in antique ethics, regimes, also informed by the wish to make the form of one’s life the object of recognition and admiration by others, and despite the importance herein attributed to the mastering of one’s emotions, Foucault describes antique ethics as an ethics based on the freedom of the subject. In this regard, he differentiates the care of the self as the form of antique Pagan ethics from Christian ethics (FOUCAULT 1990: 49). Whereas Christian ethics center the *regula*, the rule which one has to obey, antique Pagan ethics center the *forma*, the form which one gives to one’s own life according to the way one wishes to form it (FOUCAULT 2001, 423ff).

The very difference between the Christian *regula* and the pagan antique *forma* is, that the *forma* is a *telos*, in the sense that it has to be produced by a certain technique and can therefore be chosen. The *regula* however is grounded in a being, a substance, which already exists. It is therefore the cause (or *causa materialis*) of the fact that I have to obey the rules. Foucault describes these two different forms of work on oneself in relation to *forma* and *regula* as two modes of *assujettissement*. In the case of the aesthetics of existence subjects will have to fulfill the social demands, such as “to be truthful to their wives, to not touch boys, and so on” if — and only if “they want to have a beautiful existence, if they want to have a good reputation, if they want to be able to rule others”. It is therefore they themselves who “decide to accept this kind of existence” and the mode *d’assujettissement* hence is “a choice, it’s a personal choice”. If the mode *d’assujettissement* is however linked to our substance as human beings, e.g. to our rational nature, we will be obliged to do, what our substance demands of us — as the demand is not contingent and, furthermore, leaves no space for decisions (Foucault 1997: 266). Therefore, the *tekhne* of “making one’s life [...] beautiful and good work (as everything produced by a good and reasonable *tekhne* should be) — necessarily entails the freedom and choice of the person employing this *tekhne*” (FOUCAULT 2001: 424).

That I choose the form of my life, does not imply, at least not for certain kinds of antique ethics like Stoicism and Cynicism, that the choice of a form constantly has to be renewed. In Stoicism there are specific trainings by which the subject turns certain judgments and ways of conduct into automatic reactions, which occur without thinking as soon as the situation they were intended for occurs. These practices were often meant to constitute a relation to certain principles, which were to take the place of emotions

such as fears or desires. With the help of those techniques the subject used in order to implement these automatic reactions in its being, its behavior would no longer differ from the truth according to which the subject had formed itself.

These techniques can be called assimilations of *logoi* and are best illustrated by a metaphor from Plutarch, who prescribes to “learn the principles in such a constant way that whenever your desires, appetites, and fears awake like barking dogs, the logos will speak like the voice of the master who silences his dogs with a single cry”. Foucault with regard to this metaphor points out: “Here we have the idea of a logos functioning, as it were, without any intervention on your part; you have become the logos, or the logos has become you” (FOUCAULT 1997: 285f).

The assimilation of the subject to the truth by the application of the *tekhne tou biou* to its own life is particularly precise in Cynicism: “[Cynicism] makes the form of existence a way of making truth itself visible in one’s acts, one’s body, the way one dresses, and in the way one conducts oneself and lives. In short, Cynicism makes life, existence, bios, what could be called an alethurgy, a manifestation of truth” (Foucault 2009: 170)³. Therefore, the aesthetics of existence is a way of establishing a relation between one’s life and a logos, which, at least in some cases, implies that the logos decides for the subject and that the subject becomes identical to the logos.

As the logos is informed by societal requirements, it is however, really these requirements, which will act in place of the subject.

2. The late Foucault’s emancipatory theory

What can be called the late Foucault’s emancipatory theory, i.e. the form Foucault’s emancipatory theory took in the 1980s, is based on three main ideas: The work of emancipation has to be restricted to a work at the frontiers of our reality, is a work on ourselves and is a continued work.

Emancipation as a work on reality has to be guided by a criticism of this reality, which is the task Foucault attributes to the intellectual or the philosopher. The question, which is to define his or her criticism is: “In what is given to us as universal, necessary, obligatory, what place is occupied by whatever is singular, contingent, and the product of arbitrary constraints?” (FOUCAULT 1997: 315f). This critique is not intended to over-

3. In her study “The Embodiment of Truth and the Politics of Community” (LEMM 2014), V. Lemm investigates the possibility of the embodiment of truth as an approach to truth different from that of philosophical discourse. Taking Foucault’s analysis of the Cynics as the basis of her study, she parallels the herein uncovered relation of the bios to truth to the Nietzschean criticism of an ideal truth.

come our alienation from ourselves imposed on us by societal requirements or other contingencies.

Criticism, in Foucault's view, must manage "to grasp why and how that which is might no longer be that which is. In this sense, any description must always be made in accordance with these kinds of virtual fracture which open up the space of freedom understood as a space of concrete freedom, i.e., of possible transformation" (FOUCAULT 1990: 36). Correspondingly, the aim of criticism, according to Foucault, has to be first and foremost to overcome the idea, that there are universals and necessities which cannot be transformed and therefore have to be accepted. Such ideas have to be replaced by the believe in the possibility of transformation, and this believe is to be fueled by the historical work of the intellectual, who is to apply an archeological methodology in order to show, that there have been all kinds of ways of thinking about things like the subject, or power, or insanity and of shaping one's actions in order to deal with sexual desires or in order to have a good life. Thereby, the historical analysis will make clear that the way we are, our behavior, and what we think is due to a specific historical discourse and is the product of a contingency. Furthermore, the historical analysis will have to be of a genealogical design in order to make evident the development of those historical forms and how today's forms have been brought about.

This description will not be a theoretical contemplation but is indeed intended to provide practical knowledge, i.e. it is to be a direct preparation for action and to be directly translatable into action. Therefore the description of what we are today is to provide us not just with the idea *that* change is possible, but also with the knowledge *where* and in *what form* change is possible, and, moreover, desirable. In accord with the ideal of the creation of practical knowledge which can directly be translated into action, criticism is not to be the drafting of a new start or the creation of new ideals. According to Foucault, neither our time nor any time can rightfully be regarded as an "irruptive point in history where everything is completed and begun again" (FOUCAULT 1990: 35f). Therefore, we must "turn away from all projects that claim to be global or radical" (FOUCAULT 1997: 316). The kind of transformation the late Foucault was looking for, correspondingly, was not to be brought about by a revolution. Instead, Foucault was opting for a reform, which was to be "profoundly rooted in reality" (FOUCAULT 1990: 155f.) and which was to be "put to the test of reality" (FOUCAULT 1997: 316).

Furthermore, Foucault believed that the project of emancipation has to be rooted in the self-transformation of the subject or "the work done at the limits of ourselves" (FOUCAULT 1997: 316). Therefore, part of the work of criticism has to consist in abolishing the idea of "inevitable anthropological constants" (FOUCAULT 1990: 156) so that our way of being and thinking is

placed at our disposal. And that it is placed at our disposal is, in Foucault's concept of emancipation, the very key to transformation and the bringing about of freedom.

For Foucault, therefore, the main obstacle for our autonomy is, that we are tied to the idea of a substance or an anthropological constant to which is linked what we can and cannot do and what we must do. Therefore, such ideas of a subject's nature or of human nature as such are committing us to a certain way of acting and being, which on the one hand makes us governable and on the other hand defines a realm which is not left to our choice. Each kind of government by the use of the idea of a nature immediately acts on our way of being. As our way of being, according to Foucault, however, is, just like anything else which is said to be due to a substance, only due to a historical contingency, it can be transformed if we believe it can be transformed and begin to work on ways of transforming it. To help this transformation come about, we are to adopt an ethos which Foucault calls "critical ontology of ourselves", which is "a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits imposed on us and an experiment with the possibility of going beyond them" (FOUCAULT 1997: 319).

The "creation of ourselves in our autonomy" (FOUCAULT 1997: 314), furthermore, is to be a permanent work. This permanence may first of all be attributed to Foucault's conviction, that a revolution is not the source of autonomy, but that only a patient work on the limits of the order we are presently living in can bring about effective change. But at the bottom of this seems to be another assumption, which has to do with Foucault's concept of power: the assumption that freedom is to be archived and secured in strategy games which always and ineluctably define our context.

Foucault's emancipatory theory of the 1980s in comparison to his earlier ideas on emancipation is marked out by a distinctly different approach to power. Power is no longer per se criticized but appreciated as a productive function. In 1976 Foucault already states, that in short circuiting power with repression one failed to see the real functioning of power: Power is not only a force that negates our actions but it "also traverses and produces things, it induces pleasure, forms knowledge, produces discourse". Therefore, "[i]t needs to be considered as a productive network" which furthermore "runs through the whole social body" (FOUCAULT 2002: 120).

In 1976, however, Foucault continues to consider power as that which is to be fought and therefore the idea of its productivity is still part of a critical approach. This changes in the 1980s. In 1984 Foucault insists: "Power is not evil. Power is games of strategy. We all know that power is not evil." (Foucault 1997: 298); and it is precisely not evil because it is in itself productive and leaves room for productivity. In order to illustrate his (new)

way of looking at power Foucault mentions sexual or amorous relationships which were informed by an “open-ended strategic game” as a natural part of love and a way of producing “passion and sexual pleasure” (FOUCAULT 1997: 298). Another example of the need for power in relations and its positively connoted productive function is that of pedagogic institutions. Foucault states with regard to power relationships: “I see nothing wrong in the practice of a person who, knowing more than others in a specific game of truth, tells those others what to do, teaches them, and transmits knowledge” (FOUCAULT 1997: 298).

According to the late Foucault, human relationships are always to some extent informed by power, which thereby becomes an ineluctable feature of society (FOUCAULT 1997: 291f.), which Foucault makes very clear when stating: “I do not think that a society can exist without power relations, if by that one means the strategies by which individuals try to direct and control the conduct of others” and calls “[t]he idea that there could exist a state of communication that would allow games of truth to circulate freely, without any constraints or coercive effects” utopian (FOUCAULT 1997: 298).

In the 1980s Power effects or games by Foucault, are no longer regarded as presenting an immediate danger to autonomy, on the contrary: power seems to presuppose freedom (FOUCAULT 2002: 342), as it is the application of a strategy to the actions of a person in order to influence these actions or in order to conduct a person’s behavior. In power relations, therefore, both subjects involved are left intact as decision makers and agents. What is influenced however is what can be called the “environment” in relation to which they make their decisions and form their actions, as power “operates on the field of possibilities in which the behavior of active subjects is able to inscribe itself. It is a set of actions on possible actions; it incites, it induces, it seduces, it makes easier or more difficult; it releases or contrives, makes more probable or less; in the extreme, it constrains or forbids absolutely, but it is always a way of acting upon one or more acting subjects by virtue of their acting or being capable of action”. Therefore Foucault suggests to regard power as a “management of possibilities” or “a question of ‘government’ ” (FOUCAULT 2002: 542). As a management of possibilities still leaves the decision of which possibility to choose or which action to carry out to the subject, Foucault regards the subject as left free in its choice and as an autonomous agent. Foucault does not just see no problem in the narrowing down or “management” of possibilities but even, and again with regard to the idea of the productive function of power, seems to think power-effects the key to the opening up of new possibilities: “faced with a relationship of power, a whole field of responses, reactions, results, and possible inventions may open up” (FOUCAULT 2002: 340).

The late Foucault’s positive approach to power is made possible by the fact that Foucault began to differentiate power-relationships from relation-

ships of violence or domination. A relationship of violence contrarily to one of power is defined by the characteristics that it “acts upon a body or upon things; it forces, it bends, it breaks, it destroys, or it closes off all possibilities. Its opposite pole can only be passivity, and if it comes up against any resistance it has no other option but to try to break it down” (FOUCAULT 2002: 340). In relationships of violence it is therefore the case that the freedom of one of the involved parties is impeded.

However, Foucault makes it evident, that he believes, that a tendency towards domination, violence or the abuse of power is inherent in all power relationships. Furthermore Foucault regards freedom as a catalyst for an increase in the use of power, for: “the freer people are with respect to each other, the more they want to control each other’s conduct. The more open the game, the more appealing and fascinating it becomes” (FOUCAULT 1997: 300).

This penchant for the abuse of or the increase in the use of power is linked to emotions and more precisely to passions. Accordingly, Foucault defines the abuse of power as the transgression of “the legitimate exercise of one’s power” by which one “imposes one’s fantasies, appetites, and desires on others”. With regard to Greek philosophy Foucault points out that a person who abuses his power was considered a “slave of his appetites”, whereas a person who makes adequate use of his power is one who is “simultaneously exercising his power over himself”. As “it is the power over oneself that thus regulates one’s power over others” (FOUCAULT 1997: 228).

Thus, what is responsible for the abuse of power is the fact that a person, who is exercising power, does not control his or her emotions in the proper way. Emotions are consequently short-circuited with the source of the penchant for violence and domination and therefore have to be controlled. Correspondingly, Foucault integrates the aesthetics of existence in his emancipatory theory in so far, as he, too, believes that autonomy is to be secured by the control subjects gain of their emotions. Apart from this form of self-management, Foucault relies on “rules of law, rational techniques of government” (FOUCAULT 1997: 299) in order to secure freedom against the constant threat the human penchant for domination poses.

In this way power relations can stay a strategic game in which each one involved tries to influence the actions of the other, either conducting them in a certain way or provoking them, to which the other can respond with his own strategy. However, it seems that this strategy cannot be separated from the conducting influence of the other and it is insofar difficult to decide if a person choosing a strategy on these terms can really be regarded as autonomous.

To answer this question, we should have a closer look at Foucault’s emancipatory theory. Herein Foucault mentions two indicators of freedom: 1. the subject is able of reacting to what others do and 2. the subject can

modify “the rules of the [power] game, up to a certain point”, which Foucault attributes to the use of a strategy (FOUCAULT 1997: 317).

Rules, with Foucault, can be understood that which can serve as a basis for giving a behavior or action a certain form (FOUCAULT 1997: 231). This makes it seem as if the rule itself were the ultimate point of reference for the formation and evaluation of actions. However, often rules are only that which enforces a principle which then becomes the ultimate point of reference, whereas the rule is reduced to a certain form an action or behavior can have so that it can meet the requirements of the principle. This implies that the rule, furthermore, only describes a certain form of action but not every form of action that will meet the requirements of a principle, e.g. as a rule cannot take into consideration the specific requirements of situations or those caused by historical changes. A rule does not even have to be the best way to translate the requirements of the principle into actions, but only the way that was thought best by a certain group at a certain time and in relation to a certain amount of capabilities and knowledge.

Rules therefore can be considered as that which gives actions a proper or right form in relation to a principle which is accepted as the truth in a historical period. Rationality, now, implies the transformation of a true principle into actions in specific moments, so that each action can be considered a right and proper action. Rationality can therefore create a certain pattern of action. A rational choice then is a choice, which is informed by the principle and serves it. The question is: can the rules of a game be changed so that the action, which is in accord with the new rules but not with the old ones still is informed by and serves the same principle? This is of course the case. An indistinct number of actions can be informed by and serve the same principle as there is more than just one way of translating the demands of a principle into a momentary action. Therefore, rationality does not have to lead to a pattern of action, on the contrary: in different contexts and different situations it can even be required to change the form of action in order to fulfill the requirements of the principle. In this case it will become necessary to change the rules to a certain extent, as a new form for action would be needed.

Therefore, freedom as defined by Foucault, can imply actions, which reproduce an existent and possibly alien principle, as the changing of rules can be a mere variation of ways to meet the requirement of the same benchmark. The same problem is applicable to Foucault’s draft of the way, emancipation is to be achieved, i.e. a work at the limits of an existent order, which knows and acknowledges reality, and which only strives after transformation, if and where it is possible without suggesting principle changes or “new worlds”. This presents the problem that, what Foucault regards as emancipation, supports any kind of order resulting from a principle, which allows for freedom

and transformation, and will, no matter what else the principle implies, allow that order to continue to be informed by the same rationality.

Let us assume a situation in which one agent has better or more means to back up his strategy in a power relationship, than the other agent involved. Let us assume further, the strategy of this privileged agent is informed by the principle to make the greatest profit at the lowest costs. He could now target at domination and thereby gain full control of what the other does or he could continue to act on the other's actions and influence his decisions. In the latter case, however, the privileged agent could even arrange it so that the other would autonomously apply the strategy to his own action, with which the privileged agent had acted on his actions. To choose the latter outcome of the strategic relationship may prove more reasonable for the privileged agent, as he would not have to control every move of the other person and could profit from the productivity inherent to power-relationships. It is also well possible that the less privileged agent will be brought to make the guiding principle of the other agent the principle of his own actions, if the privileged agent managed to make the choice implied in his strategy seem the rational choice for the other. This may well be the case, if the less privileged person e.g. also follows the principle to gain the greatest profit at the lowest price, as he, should he back up the principle the other person is suggesting to him by his actions, could simply follow the way already paved by the other and would not risk to be dominated by him. Now, as the privileged party is really only interested in the outcome of the action of the other person, i.e. the increase in profit, and not in the action as such, i.e. the specific form of the action, the less privileged party is even free to change the rules as much as he likes, as long as his actions stay committed to meeting the requirements of the principle, which should allow, as shown, for a certain extent of transformation.

And the less privileged agent may well be convinced that to go along with the strategy of the other is a rational choice, what he does can be considered a re-action to the other person's strategy in the most demanding sense: as the re-action is due to his own prior decision. This conviction need not even be informed by the same principle which informed the privileged agent's strategy without causing a conflict with its demands. It is sufficient that the less privileged agent is concerned for his autonomy (as Foucault assumes he is) and wants to avoid being dominated, i.e. that he wishes to stay capable of action.

As the power game continues, the more privileged agent will, in accord with his principle of the maximization of profit, continuously ask for more which the less privileged agent will have to provide if he wants to avoid being dominated. Therefore the less privileged agent will feel the need to increase his capabilities in order to provide for the maximization, and will

continue to have to do so. If the means of both parties involved in the power game are not great in difference, the privileged actor may also be forced to increase these means, in order to secure his advantage over the other and to keep up his strategy.

If his advantage in power is not based on personal capacities but on other means like money or structural advantages, we can say, that the privileged agent is in a sense less involved, whereas a less advantaged agent whose only means to preserve his freedom in the strategic game are his own capacities, has to put his life at stake. He is involved in his strategy to the extent that he himself becomes his strategy and thereby produces the truth which guides his decisions. As these decisions are the reaction to the other person's strategy it is not wrong to point out that they are informed by the principle of the other.

3. Foucault's analysis of neoliberalism as an emancipatory theory

Foucault's deliberations on neoliberal analysis center the concept of the homo oeconomicus as it is conceived by this specific economic analysis, and which shows more than just certain similarities to the concept of aesthetics of existence.

Foucault's study of the concept of homo oeconomicus as it is interpreted in neoliberal analysis starts by addressing L. Robbins's doctrine, that the object of economics is "human behavior as a relationship between ends and scarce means which have mutually exclusive uses". This implies, economics have to "try to bring to light the calculation [...] through which one or more individuals decided to allot given scarce resources to this end rather than another". Neoliberal analysis will therefore focus on human behavior as a rational behavior informed by ends, which is predictable in relation to a context of scarce means and will therefore regard human actions as informed by strategies (FOUCAULT, 2004: 222f). Contrarily to classical economic analysis, therefore, neoliberal analysis will not study market mechanism, but the choices and actions of subjects which are rational and free decision makers and agents. Foucault shows, that with this focus on the subject as agent, labor comes to the forefront of neoliberal analysis. Whereas classical economic analysis reduced labor to an amount of time invested in a production in relation to a cost (the wage), neoliberalism regarded work as "economic conduct practiced, implemented, rationalized, and calculated by the person who works" and consequently focused on analyzing "how the person who works uses the means available to him" (FOUCAULT 2004: 223).

Therefore Foucault points out that for neoliberal in comparison to classical economic analysis the worker has become "an active economic subject"

instead of just “the object of supply and demand in the form of labor power” (FOUCAULT 2004: 223).

This means, as Foucault stresses, that the worker is now analyzed as an entrepreneur and is no longer someone who simply sells his working power on the market, but somebody who also continuously increases and adapts his working power in order to increase his income and living conditions. As a result, the subject’s income and living conditions become the responsibility of the subject himself, as the subject’s abilities are regarded as the stake of its strategy and that which is to be increased or transformed or otherwise made to meet a demand and therefore a good price. As the worker can himself influence the price his work fetches at the market by investing in his labor power or moving where there is demand for his skills, it can be wise to invest the wage he receives for his work in obtaining new and better skills, in maintaining his skills or in moving. At the same time, the worker whose living situation is left to his own strategy as an entrepreneur, will have to shoulder all costs which come with the production or the maintenance of abilities or the search for a (greater) demand for abilities already produced. Above material costs, the worker may also be confronted with psychological costs as part of the generation of what Foucault, hereby using a term of neoliberal analysis, calls an income–flow, e.g. when a move to a market of greater demand separates him from his family and friends and the surroundings he was used to.

However, as such behavior as migration is analyzed by neoliberalism in terms of the subject being an individual enterprise, which makes investments in order to gain a higher revenue, mobility is seen as a personal choice and not as a “pure and simple effect[. . .] of economic mechanisms which extend beyond individuals and which, as it were, bind them to an immense machine which they do not control [. . .]” (FOUCAULT 2004: 230). For neoliberal analysis, the subject stands in the context of “supply and demand and of investment–costs–profit” (FOUCAULT 2004: 242) and it is the subject’s own choice which strategy it will apply to itself in this context.

Neoliberal analysis regards the whole life of the worker and his very being as subject to his strategy of generating profit, as the “ability to work, skill, the ability to do something cannot be separated from the person who is skilled and who can do this particular thing” (FOUCAULT 2004: 224) the work invested in obtaining and maintaining skills is a work on the worker by the worker. From this, Foucault infers, that in neoliberal analysis the subject is not only “an entrepreneur of himself” but also “for himself his own producer” (FOUCAULT 2004: 226).

This implies that what the subject is defined by itself in relation to the market and not in relation to a substance, therefore Foucault can point out,

that for neoliberalism there can be no alienation of the worker as he is defined by his practice.

If he becomes a good homo oeconomicus, that is to say, if he applies to his own abilities a useful formation strategy with regard to revenue, he will have done so out of free choice. Nonetheless, in the form he has given his life and skills, he will have reproduced the truth of neoliberal analysis. If the worker does not become a good homo oeconomicus his poor living conditions will be his own responsibility and according to the rationality of neoliberalism, the cost to pay.

In the neoliberal notion of the homo oeconomicus is inherent an extension of economic principles beyond the realm of what is commonly considered its responsibility to realms such as the personal and social realm or the penal system, which are believed to differ greatly from the economic realm in what, with Foucault, can be called their rationality. Foucault recognizes the problems herein implicated, but takes a positive approach to neoliberalism, insofar as he finds many of his own emancipatory ideas inherent in it. In this respect, Foucault appreciates neoliberal analysis as an emancipatory theory in its own right.

An appreciative approach becomes most evident when Foucault turns to the neoliberal concept of the penal system. According to Foucault, this penal system applies its laws not to the subject, but to its actions only. And a crime is not defined substantially, but quite simply as an act which might cause a person to be punished. Correspondingly, the subject who has committed such an act is not judged normatively or morally but purely operatively: It is not the person, who is punished, but the specific action which was against the law according to its wording.

For neoliberal law, the subject of a delinquent action then simply is who, like any other person, makes rational decisions before he acts, i.e. who decides for what he does. Furthermore, the subject's decision is not explained as due to a certain inner configuration of the subject but due to the common pattern of maximizing profit and minimizing costs. Consequently, the subject as it is considered by neoliberal law is a person who acts and acts in accord with prior decisions which follow the pattern of maximizing profit. In so far the subject is only taken into consideration as a homo oeconomicus and analyzed economically, just like any other human being is. This economic analysis then results in the idea, that it is not the human being as such, who will have to be subject to an effective strategy of the reductions of crime, but that its decisions are the place to be tackled. This means that the amount of certain actions will have to be reduced and that this can be done by increasing the costs for unwished-for actions so that they will become less profitable or unprofitable. Their amount should then reduce as each individual makes a rational decision before acting and will

judge the unwished-for action as unprofitable and therefore as an irrational choice.

In his lesson of 21 March Foucault points out, that the neoliberal penal system applies an economic analysis to the behavior of individuals in order to make it intelligible and governable, but stresses that this would not imply the “anthropological identification of any behavior whatsoever with economic behavior” (FOUCAULT 2004: 252). Instead it would explicitly leave the subject free in all other respects in which it does not act as a maximizer of profit. And it would also mean, that only the subject’s actions and not he as a person is governed.

It is namely this assumed restriction of government which intrigues Foucault and leads him to appreciate neoliberal analysis as a form of emancipatory theory. Foucault points out, that the neoliberal approach to law and penalty is not at all informed by “the ideal or project of an exhaustively disciplinary society [...] in which a mechanism of general normalization and the exclusion of those who cannot be normalized is needed”. Instead, neoliberal society would be informed by “an optimization of systems of difference, in which the field is left open to fluctuating processes, in which minority individuals and practices are tolerated [...]” (FOUCAULT: 259f).

Furthermore, a government, which is in accord with neoliberal ideals would not, as Foucault stresses, influence the “inner” being of the subject, but restrain itself to influence the subject’s action. Therefore governmental interventions will concentrate on the environment or the “market milieu” of the subject’s actions, i.e. that in relation to which the subject defines, what is a rational action and what is not, when measured on the principle of the maximization of profit. The subject is left intact as an acting subject in the full sense of orientating his action on his own prior decision, it is not subjugated.

According to Foucault, the consequences of the application of neoliberal analysis to the subject who is part of the penalty system and the subject who is a worker are the same: both are neither considered as the victims of economic mechanisms nor as a universal or even individual pattern of anthropological or psychological properties which can be known and taken into consideration in governmental practices. Instead both subjects, that whose action is the object of law and that who is a worker are considered as rational decision makers who are granted their full autonomy of decision making, whereas the grounds on which their decisions are made are influenced or set by the government or penal system (FOUCAULT 2004: 252).

If this, however, can rightfully be regarded as a restriction of power and a way to promote autonomy, as Foucault seems to judge, seems questionable when we have a closer look on how restricted a government which focuses on the homo oeconomicus really is.

First of all, and contrarily to what Foucault points out in his lecture of 21 March, namely that the concept of the *homo oeconomicus* i.e. the concept of the rational decision maker is not extended to the human being as such or to all human beings but is only a conceptual interface for governmental influence, Foucault shows in his lecture of 28 March that neoliberal analysis did indeed extend this concept so that it became congruent with the concept of the subject as such. In this lecture Foucault considers the question of “to what extent is it legitimate, and to what extent is it fruitful, to apply the grid, the schema, and the model of *homo oeconomicus* to not only every economic actor, but to every social actor in general inasmuch as he or she gets married, for example, or commits a crime, or raises children, gives affection and spends time with the kids?” (FOUCAULT 2004: 268). Foucault calls this question a question of validity and goes on to point out that this problem can be solved by defining the object of economic analysis more precisely. He then defines the object of economic analysis based on a definition of the neo-classical school, as “conducts involving an optimal allocation of scarce resources to alternative ends”. Foucault takes this as a starting point, which allows him to further extend the realm of economic analysis to “any purposeful conduct which involves, broadly speaking, a strategic choice of means, ways, and instruments: in short, the identification of the object of economic analysis with any rational conduct” (FOUCAULT 2004: 268f.), until he finally holds with Becker⁴ that the domain of economic analysis should be “any conduct which responds systematically to modifications in the variables of the environment, in other words, any conduct, [. . .], which «accepts reality»”. This, means that the “[h]omo oeconomicus is someone who accepts reality”. This, means that the “[h]omo oeconomicus is someone who accepts reality” (FOUCAULT 2004: 269), but according to Foucault it obviously also implies that everyone who accepts reality is a *homo oeconomicus*, as otherwise it would not be possible to make any conduct which accepts reality the object of economic analysis.

This firstly implies, that under neoliberal analysis the subject can be governed in any respect of his life, as long as this respect is part of reality. But secondly it implies that, according to neoliberal analysis each action which does not deny reality, is actually a strategic action and an action motivated by the wish to maximize one’s own profit.

Now, the question remains, how free a *homo oeconomicus* is really left by a governmentality which is obviously present in all respects of his life and possibly concerned with each of his actions. Can we follow Foucault and say, that an action upon an action in a closed strategic system

4. See G. BECKER, *Irrational action and economic theory*, in «Journal of Political Economy», vol. 70 (1), August 1962, pp. 153–168.

of the described kind must still not be considered as really being an action upon an agent? And would it not be even more correct to say that the action does not stop at the subject as agent but takes possession of the whole subject?

Conclusion

If we reconsider the neoliberal analysis of the worker who is a decision making subject in a context of strategy, and remember that the subject himself becomes an enterprise, as he himself is responsible for producing his own revenue or living conditions, we must state, that not just is the influence of other strategies (or governmentalities) on the subject thorough but also is the subject itself the destiny of the strategy. It may well be that the governmental actions focus on the actions of the subject, but as he is himself the producer of his actions, in the sense that he has to form himself in order to respond to reality, the subject is formed by his actions. Furthermore, the subject whose living conditions are informed by the actions he chooses in a strategic context, is forced to become, at least to a certain extent, a maximizer of profit and a strategist himself, as it is his life and in some cases even his sheer life that is put at stake and, at the same time is the stake.

That Foucault obviously was blind to the threat to autonomy which the dynamic inherent in neoliberal analysis unfolds, may be attributed to what Foucault seems to have considered the two conditions of emancipation: 1. That all relations are informed by power games which tend toward violence and domination and 2. That freedom is secured as long as the subject can still make decisions and therefore can attribute the consequences of his actions to himself.

The first assumption, which, historically indicated or not, is the idea of an anthropological constant, makes the quest for freedom a consistent task and the task of a strategy. Furthermore, it seems obvious that it is the — also — anthropological idea of the maximizer of profit — which is behind the idea of the constant playing of power games. However, that this need not be an appropriate idea of the human being as such, but is instead an idea due to the historical order in which human beings are involved, and which might be created by just some of them or even by circumstances, does not occur to Foucault. Instead, what freedom is and how it is achieved is so closely attached to strategic games that freedom is identified with a power strategy. As it is inherent in power games that they either continue or end in violence and domination, freedom is a continued power strategy.

The second assumption leads to the now contradictory seeming fact, that Foucault regards the idea of a substance or an anthropological constant of the subject as a historical idea which has strategically been imposed on us by others, as a way of controlling us. Therefore we will not be free, if we stay who we are or believe that we have to be ourselves more. It is only by transformation that we can escape this imposed concept and in coming to understand ourselves as our own changing practice.

This idea however can insofar be reconciled with Foucault's notion that all relations are informed by power and tend towards violence, as firstly, power relations not only allow but encourage transformation (they are productive) and secondly, that Foucault regards the gaining of control over the penchant for domination as one of our central tasks, if we are to achieve emancipation.

Still the problem of asymmetrical power–relationships remains. The thought–experiment I suggested showed, that understanding ourselves according to our transformable actions is no way to escape understanding ourselves in accord with what is imposed on us by somebody else's power–strategy or of escaping an alien principle of action. I would even suggest that the idea that our autonomy is archived and secured by our transformability weakens us towards the strategies of more powerful agents. In asymmetrical power relations a less privileged agent can consider himself autonomous if he fulfills exactly what another subject wishes him to fulfill, because: 1. his reaction or his variation of rules of action need not conflict with the strategy of the other (as the strategy is never aiming at an action but solely at the requirements of a principle) and 2. the reproduction of the alien principle might be a side effect of what seems the reasonable choice. Therefore, in an asymmetrical power relationship the transformation of the actions and person of the less privileged agent is very likely to be enforced by the privileged one, especially if the other subject is targeting at the principle of highest profit at lowest cost. Consequently we must state, that Foucault's emancipatory theory not only gets tangled up in the same problems as neoliberal analysis, regarding the preservation of freedom, but does so because it is largely informed by the same ideas. The problem that there is no transformation beyond an order informed by the principle of power and of the principle of the maximization of profit as well as that of the fact that a less privileged subject tends to reproduce the truth of a more privileged subject is severed by the renunciation of the drafting of “new worlds” as part of emancipatory critique and the restriction of emancipatory work to the immediate possibilities the existent reality presents. This becomes even more problematic, as the reproductive activity is less evident in neoliberalism than it was in the antique practice of the aesthetics of existence, in which a clearly

defined logos was reproduced and was explicitly chosen as the goal of self-formation by the subject, whereas in neoliberalism the reproduction of an alien principle is a side effect of a strategy of maintaining one's freedom or even the possibility to fill one's stomach⁵.

As it is identified with a rational choice, the problem of the reproduction of an alien principle is largely disguised for the less privileged agent. This blindness to the fact of being governed right down to his very being is reinforced by the tendency to short circuit emotions and the penchant for domination, which implies the control of emotions as such. This short circuit however, does not seem correct, as emotions, such as compassion, love or an aversion to dominance might even prevent actions of power-abuse. Furthermore, emotions can signal us, what is good and what is not and what we can and cannot do without going against what is important to us or within our possibilities. This signaling function, however, is covered by an undifferentiated management of emotions.

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5. As José Luis Moreno Pestaña (PESTAÑA 2011) points out, Foucault was interested in the idea of a negative tax with would provide people with an income too small to pay for their welfare with additional money while people with great incomes would have to pay for their welfare themselves. Foucault dedicated a longer passage in his seminar on “The birth of bio politics” of 7 March to this idea and herein judges it rather positively. However, such a supplementary income was not intended as an unconditional basis income but linked to work. To some extent, such a supplementary income might strengthen the position of the less privileged agent in an asymmetrical power relation but would leave untouched the strategic context as such, as well as its general asymmetry.

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