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BOOK REVIEW

REVISITING *SOCIETY MUST BE DEFENDED* BY MICHEL FOUCAULT

SAM HOLDER*

It seems to me that the real political task in a society such as ours is to criticize the workings of institutions, which appear to be both neutral and independent; to criticize and attack them in such a manner that the political violence which has always exercised itself obscurely through them will be unmasked, so that one can fight against them.

- Michel Foucault, 1971

One could argue that society is in greater need of defense in 2018 than in 1976, when Michel Foucault first delivered his seminal lectures, which would later become known as *Society Must Be Defended*. What, then, is the value of formally revisiting this work? I argue that returning to this particular series of lectures and engaging with it directly¹ helps us to properly understand, interpret, and respond to current global political phenomena, particularly when it comes to race relations. In the course summary, during which Foucault urges us to abandon the juridical model of sovereignty to analyze power and its relationships properly,² he asks several crucial

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1. See generally, LADELLE MCWHORTER, *RACISM AND SEXUAL OPPRESSION IN ANGLO-AMERICA: A GENALOGY* (2009). (Developing several lines of analysis the reveal the emergence of contemporary forms of racism and sexual discrimination, particularly in the United States); Andrew W. Neal, *Cutting Off The King's Head: Foucault's SOCIETY MUST BE DEFENDED and the Problem of Sovereignty*, 29 *ALTERNATIVES*, 373 (2004). (Discussing how sovereignty is far more than a legal notion, and the role of Foucauldian genealogy in sorting through the discursive histories that explain the current nation-state system); Mark Kelly, *Racism, Nationalism, and Biopolitics: Foucault's SOCIETY MUST BE DEFENDED* 4 *CONTRETEMPS* 58 (2003); JACQUES RANCIERE, *DISSENSUS: ON POLITICS AND AESTHETICS* 65 (2010). (Cobbling together a picture of the role of power in the formation of consensus or the deconstruction in dissensus: "Foucault argues that the desire for sexual liberation False [is] in fact effects of a power machine that actually urges people to speak about sex. [It is] a new form of power, no longer the old form of sovereignty that holds a power of Life and Death over its subjects, but a positive power of control . . .").

2. MICHEL FOUCAULT, *SOCIETY MUST BE DEFENDED*, 269 (1997). (Reminding his

questions. One of these questions is: “How, when, and in what way did people begin to imagine that it is war that functions in power relations, that an uninterrupted conflict undermines peace, and that the civil order is basically an order of battle?”³ This is arguably a more relevant question now than when originally posed.⁴

The matrix in which political contests are fought today increasingly emerges as a battleground, rather than a space for discursive reckoning. The weakening of the normative strength of the European Union in the wake of Brexit⁵ and the election of Donald Trump in the United States demonstrate the extent to which power relations are reformulating themselves in the Global North.⁶ At times, this manifests as an historical struggle, fought anew (e.g., genial Trump and calculating Putin hovering over a new Cold War being fought amongst the intelligence agencies). Other times, it bleeds out in far-right encroachments in the heart of Europe (i.e., the resurgence of right wing nationalist parties in Italy and Sweden and the near-election of Marine Le Pen in France). Such shifting power relations could signal moving away from or toward progressive democratic reform (e.g., the return of profound authoritarianism under Erdogan in Turkey, and the election of democratic socialists Andres Manuel Lopez Obrador as president of Mexico and Alexandria Ocasio-Cortez as the youngest female ever the the US House of Representatives).

The Cold Peace of the neoliberal order, on which Foucault focused much of his scrutiny,⁷ has never felt colder. And as waves of rightist movements continue to gain

students that the purpose of the year’s lectures was to investigate history more critically than the history’s most famous articulators, namely Hobbes. Instead of constructing an historical analysis undergirded by violence of the state, and sovereignty of the monarch, he urges to engage with what is “most confused, most obscure, most disorganized, and most haphazard . . .” rather than what is “simplest, most elementary, and clearest.”

3. *Id.* at 266.

4. Sara Kendall and Stuart J. Murray, *Trump’s Law: Toward a Necropolitical Humanitarianism*, CRIT. LEG. THINKING (2017) available at <http://criticallegalthinking.com/2017/04/10/trumps-law-toward-necropolitical-humanitarianism/>. (“Trump’s law reduces ethics to affect and forecloses the possibility of those humanitarian norms that urge hospitality, and the welcoming of the stranger, offering material and proximate assistance. Humanitarian hospitality does not adopt the retributive postures of moral superiority. Hospitality of this kind would not only attend to the lives of the living; it is, perhaps, the only way that we might honor the dead”) available at <http://criticallegalthinking.com/2017/04/10/trumps-law-toward-necropolitical-humanitarianism/>.

5. *The Real Danger of Brexit*, THE ECONOMIST, Feb. 27 2016 available at <https://www.economist.com/leaders/2016/02/27/the-real-danger-of-brexite>.

6. Daniela Schwarzer, *Europe, The End of the West and Global Power Shifts*, 8 GLOBAL POLICY 18, 26 (2017) (arguing that the global authority the West enjoyed in the post-war period is gradually shifting east to Asia. She writes that “. . . as global power shifts from West to East and the US questions its roles as a defender of Western liberal order and close partner in transatlantic relationship, the EU must take on a stronger global role.”).

7. MICHEL FOUCAULT, THE BIRTH OF BIOPOLITICS 131 (2008) (“The problem of neo-liberalism is rather how the overall exercise of political power can be modeled on the principles of a market economy. So it is not a question of freeing an empty space, but of taking the formal principles of a market economy and referring and relating them to, of projecting

traction around the globe, the march of neoliberalism seems nowhere near slowing, leaving one to question which constituents of the social order are left to fend for themselves.

Toward the end of *Society Must Be Defended*, Foucault writes how he has

been trying to raise the problem of war, seen as a grid for understanding historical processes. It seemed to me that war was regarded, initially and throughout practically the whole of the eighteenth century, as a war between races.⁸

Writing directly on the heels of the Vietnam War, after classical decolonization and during the rise of economic colonization, *Society Must Be Defended* articulates a body of work between two of his most influential publications: *The History of Sexuality, Volume One* and *Discipline and Punish*. These lectures, like much of his work, struggle with the domination of people, people's capacity to navigate power relations when confronting other groups, communities and, most importantly, the State. Relationships of power, for Foucault, represent the most ubiquitous and relentless form of struggle in societal organization. His bold attempt to trace the operation and analysis of power, sovereign right, and social control is analogous to the power relations at the College de France, a fact which is not lost on him. During one of his early lectures, Foucault remarks on his academic celebrity—a phenomenon he finds uncomfortable and potentially counterproductive.

I've been finding myself with an audience made up of people with whom I had strictly no contact because part of the audience, if not half of it, had to go into another room and listen to what I was saying over a mike. It was turning into something that wasn't even a spectacle, because we couldn't see each other.⁹

Foucault's distinct awareness of the circulation of power at his university, his attempts to grapple with the student-professor binary created therein, and his desire to clearly put a voice to his research is apt for this series of lectures. It is a text dealing with the formation of subject, a subject who speaks of and in history, and the investigation of both the creation and emergence of domination.

Power, truth, and history serve as the analytical triad that frames the direction

them on to a general art of government.") See also David Harvey, *Neoliberalism as Creative Destruction*, 610 *AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE* 29 (2007) ("The process of neoliberalization has been halting, geographically uneven, and heavily influenced by class structures and other social forces moving for or against its central propositions within particular state formations and even within particular sectors, for example, health or education.").

8. Foucault, *supra* note 2, at 239.

9. *Id.* at 2.

of this work. With the loss of sovereignty¹⁰ and the rise of a disciplined society, historically binary categories for social and political control (like enemy and compatriot) lost their normative weight. The regularization of society shifted the metric of achievement from success over the vanquished (military victory) to purification of the society (contemporary racism). Instead of a “military or warlike” orientation to life and death, there is now a biological direction. Instead of asserting power over the “enemy combatants,” biopower instead encourages internal violence on categories of “abnormal,” deemed as such through myriad campaigns of regularization.¹¹ Rather than sovereign domination emanating from the King (via his generals), disciplined mechanisms fenced out behaviors and practices deemed amenable to the species, and turned the population on those “beyond the line.”¹² Biopower, and the form it takes (surveillance and societal disciplining), brings us to his discussion of the Race Wars and ultimately to contemporary Racism. However, this review seeks to understand the way a Foucauldian analysis can be deployed to articulate the creeping politics of race-exclusion and marginalization as well as the discourses that encourage them.¹³ Specifically, this essay seeks to 1) identify three critical phases of these lectures: the history of race wars, the development of Foucault’s central historical analytic (biopolitics,) and the tracing of contemporary state racism, and 2) flesh out two central critiques of his work: the operation of power in colonization and the functional relevance of indirect murder.

Foucauldian Method and Terminology

Discursive Shift

The core project in *Society Must Be Defended* is an elaboration of a new kind of history. Foucault calls this a discursive shift. The original pursuit of history can be found in what he terms the “philosophico-juridical” discourse. Birthed in antiquity, and supported intellectually by philosopher’s transcendental projects,¹⁴

10. The diminishing influence of sovereignty also undercut the role of *justa causa* and commenced the decline of the role of a statist-religious monolith which made war with the wrath and justice of God anchoring its legitimacy.

11. Foucault, *supra* note 2, at 255.

12. See generally CARL SCHMITT, *THE NOMOS OF THE EARTH IN THE INTERNATIONAL LAW OF THE JUS PUBLICUM EUROPAEUM* (2006). (Articulating the nascent development of international law and colonialism, wherein European norms conducting behavior ceased to hold legitimacy past a certain oceanic line, and instead primal conquest took supremacy in the colonial lands.)

13. This review is also influenced significantly by the contributors (former and current) to the Critical Race Theory movement. See generally CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (1995).

14. See generally Jason Beckett, *Faith and Resignation: A Journey through Public International Law*, in NEW CRITICAL THINKING: LAW AND THE POLITICAL 145, 160 (2012) (arguing that “[a]lthough the Universal position dreamed of from Solon to Kant to Habermas

this is a history celebrating the eternal right and power of the sovereign, generally the monarch. Two components are of particular importance to this discourse: 1) the stories of violent contests resulting in the organization of society and 2) the natural, eternal, and unbroken lineage of sovereignty, dating back to antiquity. The philosophico-juridical discourse is supported by grand narratives – often celebratory in nature – that speak to the omnipotence of the monarch, reminding his subjects of their hierarchical position. In making the shift to what he terms the “historico-politico” discourse, stories of sovereign prerogative are abandoned. Instead, an investigation into present conditions in all their complexity is needed. This involves, especially, uncovering that which sovereign prerogative¹⁵ sought desperately to conceal and suppress. To uncover these concealments, Foucault employs a unique methodology: genealogy.

Genealogy

Genealogy is a type of analysis developed from an earlier method he termed “archeology,” wherein he sought to identify certain socio-political practices and techniques long obscured and resisted. With such practices and techniques identified, Foucault could then begin to connect them together, and develop a picture of social and political control that helps explain present conditions. The method developed by Foucault for his inquiries into political, social, economic, and cultural phenomena constitute a type of historical genealogy—a descent *into* history, rather than an explanation of *what history was*. This type of methodology evolved from a variety of scholars, particularly Friedrich Nietzsche, and seeks to articulate how certain forms of social, political, economic, cultural, and legal practices *emerged* into their current form. Rather than a metaphysical quest to identify and delimit boundaries of universal, eternal, and transcendent truths determining the modern world (the Kantian goal),¹⁶ this is an approach into the dark corners of history that—coupled with dominant forms of organization, control, and power—helped to form our contingent present. This type of inquiry can be read as an evolution of the

is unattainable, the structure of universality retains its hegemony over modern (rational) thought. The structure cannot be realised, but only in its name is critique possible. Consequently, we must join (Camus’) Sisyphus in a never ending struggle toward an impossible goal. However, the movement of resignation is not paralysed, nor despondent; just realistic about the boundaries within which ‘progress’ or ‘emancipation’ can be attained.”

15. This “sovereign prerogative” relates to both the specific manner in which monarchs, princes, heads of state, and so on made calculated decisions to repress activities and policies contrary to their rule, as well as the discourses—emanating and emerging out of the history of sovereign rule—which shaped the orientations to truth, history, and the notion of right.

16. “Where Kant had found the conditions of possible experience in the structure of the human mind, Foucault does it with historical, and hence transient, conditions for possible discourse.” Ian Hacking, *The Archaeology of Michel Foucault*, in IAN HACKING, *HISTORICAL ONTOLOGY* 79 (2002); COLIN KOOPMAN, *GENEALOGY AS CRITIQUE* 85 (2013) (“Like Kant, we want to inquire into conditions of possibility, but unlike Kant, we want our critiques to be sufficiently historical in their orientation.”).

Kantian critique, in an attempt to transform his project from transcendence to contingency.¹⁷

Foucault's method departs from a traditional investigation of history that places enormous weight on the value of the sovereign and the sovereign's fluctuating capacity to exert power and influence. Foucault argues that "as the demagogue is obliged to invoke truth, laws of essences, and eternal necessity, the historian must invoke objectivity, the accuracy of facts, and the permanence of the past."¹⁸ The kind of historical inquiry that relies on a philosophico-juridical orientation ignores the fact that construction of historical facts and knowledge is always colored by humans at work, with deep levels of resentment, competition, and differing degrees of power. These types of historical analyses, which make up the bulk of traditional inquiry, are perceived as rational and imbued with reason, but instead are shot through with all previous violence(s) leading up to and while such histories were being written.¹⁹ However, the presentation of these histories conceals these violence(s). Foucault, unlike philosophers and historians oriented toward the philosophico-juridical discourse, saw traditional historical inquiry not as an empirical investigation into the data, records, and moments of the past. Rather, he argues that we need "effective" historians. In what Foucault dubs *effective history*, an abandonment of analyses grounded in sovereignty is explicitly required. Historical investigations must not reveal the unitary, eternal necessities promised by the philosophers of the past, but instead reveal the lost events, the traumatic, disjointed discontinuities connecting historical epochs, and the narratives of struggle outshined by discourses of the sovereign. The most compelling insight gained through his genealogical investigation is the shift from sovereign control to what he terms "biopower" and "biopolitics."

Biopower and Biopolitics

Biopower is, quite simply, a complex web of systems targeting populations and the overall administration of life as its subject.²⁰ Biopolitics, thus, is the political rationale that supports, encourages, and justifies the perpetuation of biopower and its

17. *Id.* at 109.

18. Michel Foucault, *Nietzsche, Genealogy, History* in LANGUAGE, MEMORY, COUNTERPRACTICE (ed. D.F. Bouchard, 1977).

19. *Id.* at 85.

20. ADAM SITZE AND TIMOTHY CAMPBELL, BIOPOLITICS: A READER 10 (2013) ("With the advent of biohistory, sovereignty wanes and with it the law as the primary means by which sovereign power is exercised . . . [and] populations are less subjected to sovereign power than they are governed through norms. The result is that living as part of a species for Foucault entails learning to live with norms. Whereas before the advent of biohistory, Western man did not know how alive he was . . . once the self-evidence of death withdraws, we witness the emergence of contingent standards for what qualifies as living. No timeless, transcendent life and death laws determine the destiny of this species, only changing, immanent measures that allow for the evaluation of varying degrees and kinds of living.").

attendant functionality.²¹ It is important to remember that biopower and Biopolitics did not replace certain systems of control and repression; rather it complemented established modes of population and hygiene control, systematizing them, centralizing them, and prioritizing them.²² Foucault problematizes biopower. It is perpetually both a population and a biological problem. However, he also frames it as a political problem and a function of power, or, as he terms it “a biologicopolitico” power.²³ In other words, biopower has a tripartite structure. First, it is an object of analysis, a phenomenon that describes a society as a species and not just a social, political, or economic clustering of individuals. Second, it is a methodological tool used in the analysis of *itself*. While this may seem circular, Foucault’s intention here was to de-universalize his approach. Thus, he forces it to be self-reflective, perpetually working both as a method to describe and comprehend complex bio-social systems, and a target of such inquiries. Finally, it is a potential political weapon that can be harnessed and arranged on the disciplining structures by which it is constituted.²⁴ He is also painfully aware that—like other social theories

21. MICHEL FOUCAULT, 1 HISTORY OF SEXUALITY: THE WILL TO KNOWLEDGE 139 (1984). (Elaborating the general schematic for the biopolitical, governing mechanisms around biopower in writing that biopower, which encompasses the various levers of biologically derived forms of power, relentlessly exerting and submitting to one another in a population, are harnessed by a system of regulation . . . “formed somewhat later, focused on the species body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births and mortality, the level of health, life expectancy and longevity, with all the conditions that can cause these to vary. Their supervision was effected through an entire series of interventions and regulatory controls: a Biopolitics of the population. The disciplines of the body and the regulations of the population constituted the two poles around which the organization of power over life was deployed. The setting up, in the course of the classical age, of this great bipolar technology-anatomic and biological, individualizing and specifying, directed toward the performances of the body, with attention to the processes of life—characterized a power whose highest function was perhaps no longer to kill, but to invest life through and through.”).

22. *Id* at 144 (“The law always refers to the sword. But a power whose task is to take charge of life needs continuous regulatory and corrective mechanisms. It is no longer a matter of bringing death into play in the field of sovereignty, but of distributing the living in the domain of value and utility. Such a power has to qualify, measure, appraise, and hierarchize, rather than display itself in its murderous splendor; it does not have to draw the line that separates the enemies of the sovereign from his obedient subjects; it effects distributions around the norm. I do not mean to say that the law fades into the background or that the institutions of justice tend to disappear, but rather that the law operates more and more as a norm, and that the judicial institution is increasingly incorporated into a continuum of apparatuses whose functions are for the most part regulatory.”).

23. *Supra* note 2 at 245, in which Foucault suggests that the result of the acknowledgement of biopower is not merely mechanisms of control supervising the health of the population, but also: “. . . Biopolitics deals with the population, with the population as political problem, as a problem that is at once scientific and political, as a biological problem and as power’s problem. And I think that biopolitics emerges at this time.”

24. Sitze and Campbell, *supra* note 20 at 11-12, argue that biopolitics is, at its root, a kind of game being played by the population wherein the species is both the central player in

in the past—his genealogical investigation of biopower is vulnerable to undermining itself and compromising its own effectiveness. His urgent political work outside of his academics is one way he hopes the analytic of biopower does not collapse under its own weight, and is instead challenged politically and intellectually in the real world. Similar to his intellectual insistence on biopower being both a method of inquiry as well as an object of inquiry, Foucault's activist work with prisoners, the gay rights movement, and Tunisian students illustrates his devotion to the practice of power politics. In such a way his political work informed his intellectual progress, and vice versa.²⁵

With the move to biodiscipline,²⁶ centralized power suddenly became more diffuse throughout societies. Bio-disciplining, Foucault explains, is the systematic control over population, hygiene, health, and medical maintenance through a varied and robust system of disciplinary institutions and practices. This is a more cohesive approach, he continues, than the original systems of discipline he identifies as commencing in the 18th century. Bio-disciplining, rather, is the linking together of disparate disciplinary mechanisms and apparatuses. In this linking, bureaucratic, administrative regimes of control emerge to govern and implement policies of normalization. Regularization, as Foucault articulates it, was achieved with widespread campaigns to intervene in the military, the trades, medicine, and education, all with the goal of population management. Foucault argues that this regime of control ultimately led to the normalization of society, where the individual and population intersect, and catalyzing categories of norm/abnorm—particularly in

and the stakes of the game. Additionally, they write, in the service of biopower, when life and politics meet, what emerges is “a deadly serious game of chance in which the population is at once the central player and the main prize, at once the subject of politics and the objective of politics itself.”

25. See generally, Pal Ahluwalia, *Post-Structuralism's Colonial Roots: Michel Foucault*, 16 SOCIAL IDENTITIES 597 (2010) (“However, in Foucault's case it was the student revolts of Tunisia that had the effect of politicising his work. The fragments of Foucault's life, his self-imposed exile, his sexuality and his politics all made their way into his theoretical work. The distinction between the political and the personal was far more blurred than has been previously thought. Each of his works needs to be seen as ‘a kind of fragment of an autobiography.’ In an interview in 1983, he made this clear arguing that, ‘the private life of an individual, his sexual preference, and his work are interrelated, not because his work translates his sexual life, but because the work includes the whole life as well as the text.’”).

26. The concept of biodiscipline was developed in depth by Foucault in his most famous book, *Surveiller et Punir*. MICHEL FOUCAULT, DISCIPLINE AND PUNISH 167 (1976) (“To sum it up, it might be said that discipline creates out of the bodies it controls four types of individuality, or rather an individuality that is endowed with four characteristics: it is cellular (by the play of spatial distribution), it is organic (by the coding of activities), it is genetic (by the accumulation of time), it is combinatorial (by the composition of forces).”). It was in *Surveiller et Punir* that his genealogical method was first introduced as well. *Id.* at 23 (“This book is intended as a correlative history of the modern soul and of a new power to judge; a genealogy of the present scientifico-legal complex from which the power to punish derives its bases, justifications and rules, from which it extends its effects and by which it masks its exorbitant singularity.”).

the sexual and health realms. This will be interrogated more thoroughly below during the discussion on race wars and contemporary racism, but the emergence of these categories deserves a brief discussion.

This elaboration of biopower also further distances itself from traditional theories of hegemony, particularly classical Marxism. Marxist theory categorizes the social body into two perpetually warring classes, and argues for the dominating class (bourgeois) to be usurped and controlled via total industry takeover. Foucault claims that biopower is not interested in “. . . a massive and primal condition of domination, a binary structure with ‘dominators’ on one side and ‘dominated’ on the other, but rather a multiform production of relations of domination.”²⁷ Further, Marx asserted that the only meaningful constituent characteristic of the social body was its economic structural positioning. All political, cultural, social, and ethnic inflections of subjectivity were rendered secondary to one’s economic status, and thus did not (and should not) play a significant role in a social or political strategy of the proletariat. Several post-Marxists scholars take issue with this characterization of political subjectivity, and claim that subject positioning and structural positioning are always overdetermined, and influenced radically by *not* just one’s current economic class. The operation of biopower highlights the *degree to which* not just one’s economic status influences his or her confrontation(s) with power. From medical regimes to educational bureaucracies to securitization policies, the Foucauldian subject’s body is, in various circumstances, perpetually pulled, prodded, disciplined, supported, maintained, and left to rot. It is not merely dominated economically; it is simultaneously pushed and pulled in multiple directions, from multiple forces.

The Race Wars

By inverting Clausewitz’s famous aphorism, “politics is the continuation of war by other means,” Foucault’s early chapters attempt to track the shift in knowledge formation and historical analysis that began in the 16th and 17th centuries. This shift, he claims, is a movement away from the theory of sovereignty (or the philosophico-juridical discourse)²⁸—which had its roots in Roman history, and in the grand, ritualized, and celebratory glorification of the sovereign, the king—to the historico-

27. MICHEL FOUCAULT, *POWER/KNOWLEDGE: SELECTED WRITINGS AND OTHER WRITINGS 1972-1977* 142 (ed. Colin Gordon, trans. Colin Gordon, et al. 1980).

28. Foucault, *supra* note 2, at 50. (Describing what political power is *saying*: “No matter what philosophico-juridical theory may say, political power does not begin when the war ends. The organization and juridical structure of power, of States, monarchies, and societies, does not emerge when the clash of arms ceases.” In other words, this previous navigation of history (which he terms the philosophico-juridical discourse) is oversimplified and intentionally exclusive to the power of sovereign right. The historico-politico discourse, on the other hand, he argues, is not merely concerned with state contestation, war, and monarchic right; it is rather concerned with the messy, overlapping, and counter-State histories that articulate the voices of the vanquished and the stories of the voiceless.)

political discourse. In the latter

the person who is speaking, telling the truth, recounting the story, rediscovering memories, and trying not to forget anything. . . is inevitably on one side or the other: he is involved in the battle, has adversaries, and is working toward a particular victory.²⁹

Using the Frankish invasion of the Gauls and the Norman conquest over the Saxons to illustrate, Foucault identifies a philosophical transition in the investigation of history. Rather than a chain of conquest and war, emanating from a central, universalist truth of the right of the sovereign—birthed, conceptually, in the ancestral lineage of Rome³⁰—history begins to become understood as a clash of “races.” Unlike the contemporary understanding of race, in the biological sense, this new history identified differences in language, region, and background as key distinguishers in the conflicts of the Middle Ages. It is imperative, Foucault argues, to abandon as an analytical model the juridical model of sovereignty, and move instead to a de-centered operation of truth(s). This truth is no longer produced by the monarchic, royal, and authoritative sovereign—reinforced, reproduced and justified by archaic and bombastic Roman lineage; these truths are the multiple and partisan histories of the vanquished, the conquered, and the masked.

This new historico-political discourse functions not just as an excavation of hidden or disqualified knowledges. Further, it “is a discourse in which truth functions exclusively as a weapon that is used to win an exclusively partisan victory. It is a somber, critical discourse, but it is also an intensely mythical discourse; it is a discourse of bitterness . . . but also of the most insane hopes.”³¹ The weaponization of historico-political discourse into “truth-effects” is perhaps the most significant component of Foucault’s investigation of the discursive shift here, as it demonstrates that, rather than the binary of the sovereign—endowed with the right of conquest and perpetual rule—and the conquered, this new, web-like function of history illustrates “the splitting of a single race into a super-race and a sub-race.”³² Foucault would, in later work, argue that such truth-effects are not merely products of the discursive combat that contributed to the evolution from the philosophico-juridico schematic to the historico-politico one. Indeed, such truth-effects can be used to exercise a kind of ethics to claim rights.³³

29. *Id.* at 52.

30. *Id.* at 71. (“To that extent, it is not surprising that we see, at the end of the Middle Ages, in the sixteenth century, in the period of the Reformation, and at the time of the English Revolution, the appearance of a form of history that is a direct challenge to the history of sovereignty and kings—to Roman history—and that we see a new history that is articulated around the great biblical form of prophecy and promise.”).

31. *Id.* at 57.

32. *Id.* at 61.

33. See generally BEN GOLDBER, *FOUCAULT AND THE POLITICS OF RIGHTS* (2015).

The Birth of Discipline and Biopolitics

Foucault problematizes the narrative of the Enlightenment to enter his discussion on disciplined knowledges.

What has been called the development of technological knowledge in the eighteenth century has to be thought of in terms of a form of multiplicity, and not in terms of the triumph of light over darkness or of knowledge over ignorance.³⁴

He argues that the newly embedded construction of the State—with its military and administrative apparatuses—attempts to intervene in the production of knowledge, not to glorify its diverse reach, but rather to homogenize historical knowledges. The university, here, Foucault writes, is a central disciplinarian in this process, particularly in the *disqualification* of certain knowledges.³⁵ Its role as the selector, the deciding authority on relevant knowledges, is critical in creating the hierarchy of knowledge, which ultimately is the central form of control over the new regime of historical knowledges and whose goal is to establish a State knowledge. This disciplining of knowledges translated to most institutions as well, particularly in medical, technological, and labor sectors.³⁶ Campaigns of hygiene maintenance, qualified knowledges in the hospitals and the codification of the medical profession

(Arguing that Foucault's late work with neoliberalism, ethics, and human rights demonstrate not a retreat toward Hobbesian or Lockean liberalism; rather, his work is an attempt to operationalize rights as 'counter-conducts,' in an attempt to open up emancipatory spaces and politics); KAREN ZIVI, MAKING RIGHTS CLAIMS: A PRACTICE OF DEMOCRATIC CITIZENSHIP 50 CHOICE: CURRENT REVIEWS FOR ACADEMIC LIBRARIES 968 (2013). (Making the often overlooked argument that Foucault's identification of rights is potentially transformative.).

34. Foucault *supra* note 2, at 180. Michel

35. *Id.* at 182-183, ("I think, however, that if we can grasp what was going on beneath what is called the progress of reason—namely the disciplinarization of polymorphous and heterogeneous knowledges—we will be able to understand a certain number of things. First, the appearance of the university." The appearance of the Modern university, Foucault claims, was not to be expansively open to the development and identification of subjugated knowledges; rather, "[t]he university's primary function is one of selection, not so much of people . . . as of knowledges. It can play this selective role because it has a sort of de facto—and de jure—monopoly, which means that any knowledge that is not born or shaped within this sort of institutional field . . . that anything that exists outside it, any knowledge that exists in the wild, any knowledge that is born elsewhere, is automatically, and from the outset, if not actually excluded, disqualified a priori.").

36. CAROL SMART, FEMINISM AND THE POWER OF LAW 98 (1989) (" . . . the state desires its citizens to be healthy for a range of reasons, for example, to fight wars or to save government expenditure on public health schemes and services."; and who offers a feminist perspective on this, claiming that some women have been prevented from working "with, or near, chemicals in case their reproductive functions are damaged or in case unborn foetuses are affected").

itself, sought to order the bodies of laborers and control; in other words, this disciplining sought to answer these questions: “who is speaking, are they qualified to speak, at what level is the statement situated, what set can it be fitted into, and how and to what extent does it conform to other forms and other typologies of knowledge?”³⁷ This disciplining, while effective, sapped the sovereign of its previous strength. The movement from sovereign right to discipline (and ultimately to biopower), dispersed the power arrangements and deprived the Prince of his erstwhile prerogative to exercise total authority—most especially the right to kill.

The historical right of the sovereign is to end life. “[T]he very essence of the right of life and death is actually the right to kill: it is at the moment when the sovereign can kill that he exercises his right over life.”³⁸ However, in the 19th century, Foucault argues, a shift takes place in this exclusive right. Rather than “the right to take life or let live,” the new operation of power over bodies by the sovereign is “the power to ‘make live’ and ‘let die.’” Foucault makes sure to articulate that this new type of right is not a departure from the disciplinary power over knowledges—it is complementary to it—but that there is a bright line distinction between the two types of control here. Disciplined knowledges maintain control over the man, the individual, the laborer, the patient. They control and surveil his day-to-day health and work. However, biopower “is applied not to man-as-body, but to the living man, to man-as-living-being; ultimately, if you like, to man-as-species.”³⁹ This new type of control no longer functions as an individual discipliner—rather it operates in a regulatory fashion. Rather than controlling the health and well-being of individual members of groups and industries, this biopower seeks to regulate populations,⁴⁰ via control over “the birth rate, the mortality rate, [and] longevity.” Most important here, however, is how Foucault frames the operation of biopower: It is at once, and perpetually, both a population and biological problem, but one that is also *political*, a biogico-political function of power.

To reclaim some sovereign authority, Foucault argues, the monarchy, and the elites who occupied its vacuum, began to institutionalize a method of knowledge gathering and dissemination. Citing the historian Boulainvilliers, Foucault tracks the resurgence of the sovereign and an attempt to recapture a lost history of the nobility in the lead-up to the French Revolution. He writes, “the strategic position that the nobility overlooked had been physically occupied by the Church, by clerks, and

37. Foucault *supra* note 2, at 184.

38. *Id.* at 240.

39. *Id.* at 242.

40. See generally Achille Mbembe, *Necropolitics*, 15 PUBLIC CULTURE 11 (2003) (Taking Foucault’s biopolitics argument to a dark conclusion, arguing that population control is not in the service of life-maintenance, but rather for the creation of spaces in which percentages of a population are grouped together with an unique social existence. This existence, he claims, is characterized of not being components of a disciplined system, but rather as “. . . within the order of the maximal economy now represented by ‘the massacre.’” In other words, he argues that in “. . . our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of *death worlds*.”).

magistrates, and then by the bourgeoisie, the administrators, and even the financiers who collected indirect taxes.” Attempting to reoccupy these spaces and regain the authoritativeness of the noble class, “the position that had to be reoccupied as a priority. . . and the precondition for any possible revenge, was not what was, in the vocabulary of the court, termed ‘the favor of the king.’ What had to be regained and occupied was now the King’s knowledge.”⁴¹ The weapon of *history* was now instrumentalized by the sovereign, too, to contest for its own legitimacy. Instead of unearthing the hidden histories of the vanquished – the bloodied and conquered – the creation of the Ministry of History was a way to *enter* the discursive fray, to contest within the new operation of historical knowledges, but, in this case, “in order to establish, between the king and his administration, in a controlled way, the uninterrupted tradition of the monarchy.”⁴²

Contemporary Racism

The race wars did not set the stage for contemporary racism. If anything, they merely drew the boundaries around the modern nation-state system. Instead, racism emerged out of the shifting in power arrangements between a collective of administrative and institutional bodies and the sovereign. Foucault argues that the disciplining of technology in the eighteenth century was quite effective. However, while the disciplining of historical knowledges also occurred, “it not only failed to block the non-Statist history, the decentered history of subjects in struggle, but actually made it stronger thanks to a whole set of struggles, confiscations, and mutual challenges.” The statist efforts—amongst many apparatuses, though primarily via the ministry of history—to challenge the chaotic and multi-tiered historical knowledges did not succeed in the spectacular fashion as in the realm of technology, but instead created “a historical consciousness that is polymorphous, divided, and combative. It is simply the other side, the other face of a political consciousness.”⁴³ This ‘political consciousness’ paves the way forward in Foucault’s analysis of actual State racism from the late eighteenth century. The linear movement from disciplined knowledges to regulatory biopower control emphasized the need to both understand and manipulate the critical components of population. This meant interventions, particularly in medicine and public health, in both disciplined knowledge and biopower, or, respectively, in other words, “the body-organism-discipline-institution series and the population-biological processes-regulatory mechanisms-State.”⁴⁴ Foucault argues that this regime of control ultimately led to the normalization of society, where the individual and population intersect, and catalyzing categories of normal/abnormal—particularly in the sexual and health realms. In both North America and Europe, in the 19th century, psychiatry was adapting to this new

41. Foucault *supra* note 2, at 129-30.

42. *Id.* at 138.

43. *Id.* at 186.

44. *Id.* at 250.

categorization. Ladelle McWhorter argues that at this point, criminals and the mentally ill were not merely “bad apples” in a well-functioning society. Rather, they were “degenerates.” She claims that “[t]heir condition was both mental and moral *and* physiological and heritable, and it was progressive in that it would likely worsen through the course of their lives and would likely be inherited in a more virulent form in their offspring.”⁴⁵

Psychiatry is but one institution functioning and wielding influence inside the new biopolitical system. Widely dispersed and fractured into multiple streams of authority, power suddenly no longer rested in the grip of the sovereign. But this kind of sovereign power evolution sacrifices its original and most potent right: the authority to kill. Since the state’s primary operation is now, according to Foucault, “to improve life, to prolong its duration, to improve its chances, to avoid accidents, and to compensate for failings.”⁴⁶ How is it possible to kill or lethally sanction when—as all sovereign authorities have—the State seeks to claim this prerogative? Here, Foucault argues, is the entrance of State racism. Drawing on the theory of degeneracy—in which generations of individuals are doomed to behave in a “sexually undisciplined” fashion, merely as a result of an original sexual deviant—Foucault claims that racism is “a way of establishing a biological-type caesura within a population that appears to be a biological domain.”⁴⁷ This new biologically oriented authority to kill, or “make live and let die,” departs from the traditional sovereign right to kill, which almost exclusively came in a military or security confrontation. Rather, this right is justified biologically, in the preservation of purity, the maintenance of health (aligning with the disciplined and regulated knowledges, tightly surveilled in the medical, sexual and health fields), and the protection of the species itself. Racism helped the State unearth its lost right to kill by categorizing the “subrace(s)” from the rest—but not merely by denouncing the other, but also by playing to the health concerns already firmly embedded in the political consciousness through the help of discipline and regulation. The “subrace(s)” were not merely to be protected from; they were to be eliminated, to “make life in general ... healthier and purer.”^{48, 49}

The Nazi regime was the most ruthless and complete form of Foucauldian State racism. In addition, a new wrinkle develops here in Foucault’s analysis. While the racist state is most concerned about eliminating the “subrace(s)” for the preservation

45. McWhorter, *supra* note 1, 35 (arguing that while the fundamental issue is not necessarily “religion or skin color per se . . . [e]xclusion, oppression, hatred, and fear of abnormality as practiced and perpetuated in our society have everything to do with race, no matter which group of ‘abnormals’ are the targets.”).

46. Foucault, *supra* note 2, at 254.

47. *Id.* at 255.

48. *Id.*

49. Though I plan to develop this in my future work, I am leaving out here the discussion of how racism develops before and during colonization. See, e.g., Randolph M. McLaughlin, *The Birth of a Nation: A Study of Slavery in Seventeenth-Century Virginia*, 16 HRPLJ 1 (2019).

of the superior, purer race; its lethal authority—when taken to its natural extreme, as in the case of the Third Reich—is replicated not just in State organs and security/surveillance apparatuses, it is also reproduced within the body politic. Thus, “everyone in the Nazi State had the power of life and death over his or her neighbors, if only because the practice of informing, which effectively meant doing away with the people next door, or having them done away with.”⁵⁰ In other words, the purest form of State racism is not just one with consuming homicidal motives, but it is also one that is sacrificial and suicidal in the service of its mission. Foucault references Telegram 71 “in which, in April 1945, Hitler gave the order to destroy the German people’s own living conditions” as evidence. Confronted with both a homicidally- and suicidally-operating state, Foucault concludes his discussion—and his lecture series—by asking a question meant to problematize this dark logic: “how can one both make a biopower function and exercise the rights of war, the rights of murder and the function of death, without becoming racist?” This, indeed, colors and influences his uneasy and shifting relationship with socialism, and articulates a new path for the investigation of power relationships.

The “Double Boomerang” of Colonization

Society Must Be Defended is a staggering work of analysis and historical excavation. There are, however, two points of critique that I believe are significant to its function as an authoritative analysis of historical power relationships. The series of lectures begins with a comprehensive deconstruction of the philosophico-juridical model of sovereignty as a method of historical analysis. His central concern here is to get to the excavated knowledges, and more important, to the method—the so-called historico-politico—that can be instrumentalized as a more vibrant form of analysis. There is, however, given Foucault’s exhaustive study, a distinct lack of comprehensive analyses of colonization and, indeed, decolonization, using this historico-political framework. Many scholars have noted his marked Eurocentrism in analysis, with varying degrees of condemnation and acceptance.⁵¹ In Chapter Five, during which Foucault critiques the Hobbesian theory of sovereignty (in which “non-war” constitutes the State) he also briefly references the “boomerang effect” of colonial practice, beginning in the late sixteenth century. “A whole series of colonial models was brought back to the West . . . and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself.”⁵²

50. Foucault, *supra* note 2, at 259.

51. However, some postcolonial scholars still use Foucauldian concepts. See, e.g., ADAM BRANCH, *DISPLACING HUMAN RIGHTS: WAR AND INTERVENTION IN NORTHERN UGANDA* 100 (2011) (Deploying governmentality as a mode of analysis to intervene into the disciplining of humanitarian intervention and administration in Uganda); Dianne Otto, *Subalternity and International Law: the Problems of Global Community and the Incommensurability of Difference* 5 *SOCIAL & LEG. STUDIES* 3, 350 (1996).

52. Foucault, *supra* note 2, at 103.

The early constitutions of conquest, he continues, were early forms of colonialism, such as when the Gauls found it necessary to liquidate parts of the population, expand and grow: “the French nation became the womb for all other peoples of Europe.”⁵³ However, this is left here, not to be picked up again, in earnest, until the final chapter in which he arrives at his final points on State racism and the function of biopower.

Here, it seems, is a rich area for the investigation on the relationship between sovereign authorities in the so-called *terra nullius* during colonization and the resulting policies brought home to the Western spaces. Going further, I think Foucault missed an opportunity to investigate and analyze what could be termed the “double boomerang” effect of colonization. This is well-illustrated in Frantz Fanon’s text *Black Skin, White Masks*. Fanon writes, “The black man who has lived in France for a length of time returns [to Martinique] radically changed. To express it in genetic terms, his phenotype undergoes a definitive, an absolute mutation.”^{54, 55} Here, as Fanon illustrates, there is a psychological shift underway with the colonial subject. The subjugated Martinique, in this case, is colonized and dehumanized, forced to *both* adopt French behaviors, juridical mechanisms, and language in his own country, while he is also kept at arm’s length from truly entering French social order. However, the Martinique who travels to Paris—imbued in the colonizer’s space and social framework—returns home a “filled” man: filled with language and dialect and inflection, topped up with what was so convincingly sold as missing in his previous consciousness. “In any group of young men in the Antilles,” Fanon continues, “the one who expresses himself well, who has mastered the language, is inordinately feared; keep an eye on that one, he is almost white. In France, one says ‘he talks like a book.’ In Martinique, ‘he talks like a white man.’”⁵⁶

Similarly, in the book, *The Souls of Black Folks*, W.E.B DuBois’ articulation of the American Negro’s “double consciousness” could be a revealing component in the function of the double boomerang. “From the double life every American Negro must live,” DuBois writes, “as a Negro and as an American, as swept on by the current of the nineteenth while yet struggling in the eddies of the 15th century—from this must arise a painful self-consciousness, an almost morbid sense of personality and a moral hesitancy which is fatal to self-confidence.”⁵⁷ This “double consciousness,” similar to the experience of the Martinique several decades later, grips black people in America with an impossible navigation between two types of presentation: as a Black man and as an American. This becomes more critically highlighted, in the case of DuBois and some of his contemporaries, like Booker T.

53. *Id.* at 122.

54. FRANTZ FANON, *BLACK SKIN, WHITE MASKS* 10 (1986).

55. Fanon follows up by explaining that Martiniques arriving back from Paris often appear literally “full of themselves,” having completed some cycle, having filled some emptiness that was originally the gaping cavern of culture. It is the presentation of this completion, he insists, that confirms this radical shift. *Id.*

56. Fanon, *supra* note 54, at 20-21.

57. W.E.B DUBOIS, *THE SOULS OF BLACK FOLKS* 203 (1903).

Washington,⁵⁸ who gained access to corridors of power and influence in the American intelligentsia and government. Stuck between a need to bring voice to an underserved, historically dominated class of people, and the urgent necessity of assimilating for safety, comfort and acceptance, DuBois' illustration of the double consciousness reveals how this double boomerang effect manifests: "Such a double life, with double thoughts, double duties, and double social classes, must give rise to double words and double ideals, and tempt the mind to pretence or revolt, to hypocrisy or radicalism."⁵⁹ Thus, while Foucault's analysis of the function of State racism in social organization is detailed and precise, there is room to pursue this analysis more thoroughly *in the context* of colonization.

Indirect Lethality, Hidden Violences

Foucault's reasoned discussion of State racism and its constitution is compelling. In particular, the tracing of the shift from the sovereign *right to kill* to the sovereign's right to *make live* and *let die* helps to lay the foundation for the operation of State violence from the 19th century onward. However, the discussion of "indirect murder," I think, deserves more attention. Foucault argues "when I say 'killing,' I obviously do not mean simply murder as such, but also every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on."⁶⁰ It is, in particular, the "exposure to death" that seems to operate inside and throughout Foucault's analysis of the post-Revolution historical discourse. I think by picking up his final question in the lectures "how can one both make a biopower function and exercise the rights of war, the rights of murder and the function of death, without becoming racist?" we can begin to get closer to the true nature of biopower—and the function of "exposure to death"—by investigating the role of globalizing marginalization. The condition of "new poverty," as discussed by Keith Aoki, Michael Harrington, and John Calmore, amongst others, is a potential entrance to this analysis. "In the past," Aoki writes, "the poor suffered exploitation and deprivation as part of a dual labor system that used them as a buffer: employers hired them in boom times and laid them off in bust times."⁶¹ However, now, he continues, these "new poor" are almost entirely superfluous to not only the labor force, but also,

58. There is a well-documented history of the conflict between these two men. However, while DuBois often chose to highlight the Black American experience as that of strife, and in need of intervention, particularly coupled with a dramatic shift in race-power relationships, Washington was criticized for his often incrementalist, integrationist approach to assimilation. "Booker T. & W.E.B.," *Frontline*, PUBLIC BROADCAST CORPORATION, (2014) available at <https://www.pbs.org/wgbh/pages/frontline/shows/race/etc/road.html>.

59. DuBois, *supra* note 57.

60. Foucault, *supra* note 2, at 256.

61. Keith Aoki, *Space Invaders: Critical Geography, The Third World in International Law and Critical Race Theory*, 45 VIL. L. REV. 913, 942 (2000).

therefore, to social organization in general. Confined to the margins, permanently, this class serves no function to the new neo-liberal order, doomed to suffer the ravages of inflation, cost of healthcare, declining morale, and dissolving hope; or, in other words, destined to death by exposure.

Chantal Thomas also analyzes the structural conditions that left already vulnerable communities in the United States in the post-war years exposed to even greater marginalization, particularly through *legal* methods. She argues that neoliberalism was not merely a global process, which bent and moved according to the flow of capital and markets.⁶² She claims that lawmakers are also deeply implicated in the structural reorganization of suburban and urban spaces in the United States. Policies favored homeownership (mortgage tax deductions and federal home loans, for preferred borrowers) for upwardly mobile, generally white citizens. State highway construction efforts, too, which connected affluent neighborhoods at the expense of inner-city spaces, led to dynamic upward trajectories in the emerging, wealthy suburbs, and rapid deterioration of the urban spaces.⁶³ Furthering this urban decay was the fact that largely white communities had fled. She also details the extent to which passive support in government—in addition to proactive policies for suburban communities—for local decision-making around zoning and housing in urban spaces further implicates legal policymakers in the globalizing tumult following World War II. Thomas also identifies the role of local, municipal policymakers in proactive efforts to concretize new power structures in spatial structure. She asserts that local municipalities, often sovereign in their decision-making capacity and driven by federal laws undergirding spending inequalities, helped to devalue property and education in urban environments. This further exacerbated infrastructure decline and rollbacks in the capacities of communities to resist. The flight of affluent, white communities, too, seeped the funds necessary to recommit to education, infrastructure, and public services, as the tax base—as well as the people—moved in the direction of the suburbs. This led to prolonged, unequal, and, perhaps, perpetual structural shifts as deindustrialization truly took hold of city spaces where steel, coal, and manufacturing once supported the economies and social standing of urban communities.

These local policies are tied up in transnational policies as well, in which the United States is profoundly involved. This began, Thomas claims, in 1948 with the promotion of the General Agreement on Tariffs and Trade, which contributed in the reduction of tariffs (of up to 50 percent) for member states. The United States entered the NAFTA agreement, which radically altered the social structure in all three member states (the United States, Canada, and Mexico), and reduced the capacity of workers to organize and resist against the free trade paradigm. For Thomas, the United States played two distinct roles in the deindustrialization movement: first, it

62. Chantal Thomas, *Causes of Inequality in the International Economic Order: Critical Race Theory and Postcolonial Development*, 9 *TRANSNAT'L L. & CONTEMP. PROBS.* 1 (1999).

63. Chantal Thomas, *Globalization and the Reproduction of Hierarchy*, 33 *U.C. DAVIS L. REV.* 1451, 1461 (2000).

promoted and participated in the acceleration of the dispersed manufacturing around the globe; and second, the shift in the economic model from an exporting to an importing state profoundly changed the American labor force. This encouraged the US to turn to technology and communication as its central strengths—while marginalizing the former manufacturing and industrial laborers to service positions, often in the very technology and communication firms—to govern and engage with the now-dispersed global manufacturing community.

This new manufacturing community, too, employed very low wage workers in developing nations where labor laws were less restrictive and more exploitative. These two factors in U.S. policy, Thomas argues, contribute to the already advancing urban deterioration and racial concentration in U.S. cities during the ramp-up of neo-liberalization after World War II. This is complicated by the inverse reaction to suburban sprawl. As the children of baby boomers began to join the workforce, there were renewed efforts to capture urban spaces left behind by their parents' generation. This led to rapid gentrification, during which wealthy (often white) investors moved into neighborhoods adjacent to areas of urban decay. This returning community established commercial spaces, renovated dilapidated buildings, and converted them to high-end condos. These injections of capital and commerce attracted other affluent members of the upper middle-class, and effectively pushed former residents—income service workers, primarily Black and Latino—further to the margins. And with the shadow of Reaganomics still lingering in the policies (and politics) of both Democrats and Republicans, the dramatically unequal fashion in which globalization distributed resources and wealth was largely ignored. Thus, the racial and financial hierarchies that emerged out of the Jim Crow era solidified in the post-War moment, often under the banner of social and economic growth for all.⁶⁴ While deindustrialization and globalization did not ramp up in earnest until shortly after Foucault's lectures were published, these scholars demonstrate the extent to which the structures of labor, housing, healthcare, and industry were being set up precisely for this kind of marginalization decades earlier. Exposure to death is bound up in the biopolitical system of neo-liberalism and needs to be more carefully interrogated.

Conclusion

In *Society Must Be Defended*, Foucault provides a road map for further historical analysis. His urgent questions in the Course Summary provide insight into the early thought and intellectualism that would ultimately arrive in future publications, namely *The History of Sexuality*. In particular, his question: “Do processes of antagonism, confrontations, and struggles among individuals, groups, or classes derive in the last instance from general processes of war?”⁶⁵ re-problematizes the initial inquiry that drove the motivation of lectures. Who *was* the

64. Thomas, *supra* note 62.

65. Foucault, *supra* note 2, at 266.

first to think or articulate that war is the continuation of politics by other means? I think Foucault comes back to this initial inquiry because he realizes that his excavation, his genealogical investigation, and his architecture of analysis is still incomplete. This review suggests that race theory, postcolonial investigation, and other critical interventions (and interventionists) are well-suited to heed Foucault's encouragement and deploy analyses and engage in praxis to confront contemporary political challenges.