

Accidents Happen: François Ewald, the “Antirevolutionary” Foucault, and the Intellectual Politics of the French Welfare State*

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In January 2006, Jérôme Monod, a close advisor to then President Jacques Chirac, bestowed France's highest award, the Légion d'Honneur, on François Ewald, a prominent French intellectual. Monod's praise only barely concealed how unlikely it was, given their respective careers, that such an occasion would bring them together. A successful businessman, Monod had established himself as a counselor to France's political elite. Ewald's career had followed, to put it mildly, a somewhat different trajectory. After studying philosophy, he threw himself into the revolutionary politics that crystallized around the student and worker strikes of May 1968. Through his activism, he met the philosopher Michel Foucault, whose studies of madness and deviance appealed to the contrarian sensibilities of the sixties generation. By the seventies, Foucault, teaching at the Collège de France, the summit of French academic life, had appointed Ewald as his assistant and was supervising his doctoral dissertation. Following the philosopher's death, Ewald became the de facto executor of his intellectual estate, coediting a major Foucault anthology, overseeing the publication of his lectures, and founding a center dedicated to his memory.

Needless to say, it was not these accomplishments but later and less revolutionary endeavors that earned Ewald his medal. By the early 1990s, Foucault's student had become the house intellectual of the French insurance industry and an ideological standard-bearer of the Medef, France's primary employers' organization. Those attending Ewald's award ceremony were thus treated to a singular piece of oratory, in which a captain of industry, praising a former Marxist, wondered aloud: "What happened inside of you

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in 1968? Why this close proximity, back then, to Maoism . . . ? What transformation [occurred] in your mind during your close collaboration with Michel Foucault?"¹

These are not the kind of questions, one suspects, over which Monod typically frets. Yet they are intriguing ones, for they bring into focus Ewald's peculiar status in French intellectual life: that of a Foucauldian who has joined the ranks of the political and economic establishment. His unconventional itinerary first attracted public attention around 2000, when he became a public advocate of the *refondation sociale*, a Medef initiative to reinvigorate French capitalism by renegotiating the provisions of the country's cradle-to-grave welfare system. Intellectuals who knew Ewald from earlier days were bewildered. "The personal trajectory of François Ewald has something stunning about it," mused the sociologist Robert Castel, a onetime colleague of Foucault's.² Calling Ewald a "right Foucauldian," Antonio Negri, the Italian philosopher, chided Ewald for believing that "the law of the market could function without the guarantee of the state," predicting the ultimate vindication of the "true Foucault," who followed Marx in his analysis of power.³

Negri's characterization of the "true Foucault" rests on a plausible and pervasive view of Foucault's significance. Perhaps Foucault's most enduring achievement was his single-minded insistence on the centrality of power to any serious analysis of history and society. He challenged traditional conceptions of power through a number of bracing displacements. Rather than asserting the primacy of economic structures (as did his Marxist contemporaries), he argued for the irreducibility of power relations; instead of identifying power with the state, he probed power's "microphysics"—that is, the ways it is transmitted through such apparently apolitical institutions as schools, prisons, and asylums; and rather than opposing knowledge to power, he revealed their hidden complicities. Despite his originality, however, Foucault is usually deemed to have followed one beaten path: that of a long line of intellectuals who, from Voltaire to Chomsky, have denounced power, particularly its most troubling manifestations. That Foucault put himself on the line—fighting for prisoners' rights, resisting dictatorship in Spain, report-

¹ "Allocution de Monsieur Jérôme Monod à l'occasion de la remise des insignes de Chevalier de la Légion d'honneur à Monsieur François Ewald, le jeudi 19 janvier 2006," 1 (accessed from the Web site of the Fondation pour l'Innovation Politique, <http://www.fondapol.org>).

² Robert Castel, "La cité de Castel," interview with Jean-Baptiste Marongiu, *Libération*, October 2, 2003.

³ Antonio Negri, "C'est la lutte des talibans du dollar contre les talibans du pétrole," interview with Caroline Monnot and Nicolas Weill, *Le monde*, October 4, 2001.

ing on the Iranian revolution—adds existential weight to his exploration of what he once called the “art of not being . . . governed.”⁴

But an examination of Ewald’s career suggests that Foucault’s philosophy of power might have other implications than denunciation and resistance. Along with a small group of contemporaries, Ewald worked closely with Foucault at the Collège de France in the late seventies. Disoriented by the implosion of the radical movements in which he had previously participated, Ewald turned to Foucault for assistance in completing a task that he had already haltingly begun: that of formulating a theoretical explanation and refutation of revolutionary politics. Though Ewald was well versed in the totality of Foucault’s oeuvre, the decisive influence on his new direction was Foucault’s then mostly unpublished studies of “governmentality.” Though this concept built on Foucault’s theory of power, it marked—for Foucault, but particularly for his students—a subtle change in political sensibility. The study of the various techniques by which modern society is governed suggested that a strictly denunciatory attitude toward power was simplistic and wrongheaded. Moreover, “governmentality” helped Ewald and Foucault’s other collaborators grasp the centrality of the welfare state to modern power arrangements—a discovery demanding, Ewald asserted, nothing short of a “spiritual conversion.”⁵ A newfound appreciation of the complexity of modern governmental techniques led Ewald to see them not merely as repressive and disciplinary but also as “open and playable.”⁶ Thus, in addition to defining a fresh research agenda, Foucault and his circle in the late seventies nurtured a political outlook that, without succumbing to complacency, renounced the temptation of revolutionary politics once and for all. Foucault’s closest collaborators from this period often insist on this point. Blandine Kriegel, a political philosopher who studied under Foucault, praised him for “trac[ing], in his work, a path for leaving the adolescent revolt of the seventies.”⁷ Similarly, Ewald has remarked: “Foucault, as early as the late seventies, posited that our present condition is very fundamentally postrevolutionary; if there was one [major] event in the seventies, that event was the disappearance of the revolution.”⁸

A consideration of the specific ways in which Ewald drew upon Foucault’s insights from this period to conceive his own magnum opus—the dissertation written largely under Foucault’s supervision that was published as *L’état*

⁴ Michel Foucault, “Qu’est-ce que la critique? (Critique et *Aufklärung*),” *Bulletin de la société française de philosophie* 84, no. 2 (1990): 35–63, 38.

⁵ François Ewald, *L’état providence* (Paris, 1986), 11.

⁶ Ibid.

⁷ Blandine Kriegel, *Michel Foucault aujourd’hui* (Paris, 2004), 64.

⁸ François Ewald, “Foucault et l’actualité,” in *Au risque de Foucault*, ed. Dominique Franche et al. (Paris, 1997), 207.

providence (The welfare state)—suggests an interpretation of Foucault that differs considerably from Negri's but that merits no less attention. I propose to address the emergence of this "post-" or "antirevolutionary" interpretation of Foucault by focusing on Ewald's career, particularly between 1976 and 1986, when he was actively engaged in appraising the political implications of Foucault's thought. Beginning with a consideration of his pre-Foucauldian involvement in the Maoist organization La Gauche Prolétarienne in the early seventies, I will demonstrate that this group's Marxism was underpinned by a deeply moral concern with responsibility that harmonized with the existentialism of Jean-Paul Sartre. Next, I will examine Ewald's participation, beginning in the mid-seventies, in Foucault's circle at the Collège de France: during this period, as I will show, Ewald and his colleagues came to see what they called Foucault's "new political philosophy" as offering not only a road map for leaving Marxism but also, more generally, an alternative to the radical left's politics of moral denunciation. On this basis, Ewald was able to reinterpret his youthful radicalism: specifically, he came to see industrial society not as a system bent on exploiting the working class but as one in which "risk"—a category that Foucault had identified as an essential tool of modern power systems—emerged as a political technology. These concepts enabled him to formulate a critique of the Sartrean conception of moral responsibility, which he now saw as regressive rather than emancipatory. Moreover, Ewald also held that what he called "insurance society" exemplified Foucault's claim that modern power forms are characterized by "juridical regression"—that is, the declining importance of law and, with it, of the state conceived as a juridical phenomenon. In closing I will discuss Ewald's more recent dalliance with the Medef. Though Foucault's influence did not predetermine Ewald's later advocacy on behalf of the corporate world, I will argue that Ewald did employ the Foucauldian tools that he had used to conceptualize the welfare state—risk and juridical regression—in his campaign for the *refondation sociale*. Ewald's significance thus lies in his assessment of the implications of Foucault's theory of power, which diverges quite startlingly from those offered by Foucault's more radical proponents. Foucault, Ewald contends, did not recalibrate the revolutionary tradition. Rather, he dispatched it—making an engagement with modern regimes of power at once possible and necessary.

THE POLITICS OF TOTAL RESPONSIBILITY: EWALD AND THE GAUCHE PROLÉTARIENNE

To understand François Ewald's itinerary, he must be situated within the nexus of experiences that define the "'68 generation." Born to a bourgeois family in 1946, Ewald arrived at the Sorbonne to study philosophy in the mid-sixties. Parisian academic circles were then under the sway of structur-

alism, the intellectual movement positing that impersonal structures strictly delimit what human beings can do and think. Yet this potentially debilitating attitude was brushed aside, Ewald recalls, by the student and worker riots of May 1968.⁹ The spirit of radical experimentation that characterized those heady weeks struck many as a refutation of structuralism's static outlook. When the "May movement" petered out, Ewald upped the revolutionary ante by joining the Gauche Prolétarienne (the "Proletarian Left," or GP), a Maoist organization formed in the uprising's aftermath. Looking back on this episode, Ewald reflected: "We used a Marxist language for the simple reason that it was the only one available. . . . Ideology was of little importance. . . . In all this business, the subjective dimension of revolt counted more than that of revolution."¹⁰

A random bureaucratic decision set the stage for Ewald's most intense period of political activism—and, arguably, determined the course of his career. In the early seventies, he was appointed to teach philosophy at a *lycée* in Bruay-en-Artois, a small mining town in northern France.¹¹ Since the GP was committed to taking its political cues from the working masses, Ewald saw this provincial assignment as a unique opportunity to encounter the proletariat "in its most celebrated form, that of the miner."¹² By pure chance, Ewald was soon catapulted to a front line of the class struggle. On the afternoon of April 6, 1972, a group of children playing soccer in a vacant lot in Bruay discovered the lifeless body of Brigitte Dewèvre, the sixteen-year-old daughter of a local miner. A week later, Pierre Leroy, a lawyer connected to the region's major mining concern, was arrested as a suspect. Several clues appeared to implicate him, including the fact that Dewèvre's body had been found only a few meters from the home of his girlfriend, a local business owner, with whom Leroy had spent the previous evening. The tabloid press fell upon Bruay like vultures; Maoist militants followed close behind. Together, they briefly pushed the town into the national spotlight. The arrest of a prominent bourgeois for the murder of a miner's daughter laid bare, many believed, French society's latent class antagonisms. As the author of an exhaustive account of the affair for Jean-Paul Sartre's journal, *Les temps modernes*, observed, "in 1972, a simple news item is necessarily political."¹³

Ewald quickly became the GP's point man in Bruay. The Maoists sought to highlight the class character of the crime by publicizing the judicial system's

⁹ François Ewald, "Société assurantielle et solidarité," interview with Olivier Mongin and Joël Roman, *Esprit* 288 (October 2002): 117–35, 117.

¹⁰ *Ibid.*, 118.

¹¹ Ewald, *L'état providence*, 9.

¹² Ewald, "Société assurantielle," 118.

¹³ Philippe Gavi, "Bruay-en-Artois: Seul un bourgeois aurait pu faire ça?" *Les temps modernes* 312–13 (1972): 155–260, 155.

bias toward the local bourgeoisie, which had closed ranks behind Leroy. Ewald arranged regular meetings at the lot where Dewèvre's body was found, encouraging the miners to appeal for justice.¹⁴ He also helped create a Truth and Justice Committee to organize popular support for the magistrate who was investigating Leroy.¹⁵ Through his activism, Ewald thoroughly subscribed to the Maoist conviction that judicial systems invariably defend the dominant class's interests. In an interview with a national magazine, he explained how one of his students, a merchant's son, had told his classmates that Dewèvre's murderer must have been deranged. In protest, half the class stood up, insisting "that the crime of a bourgeois must not be assimilated to that of a madman."¹⁶ *La cause du peuple*, the GP's newspaper, ran a photograph of a demonstration in nearby Béthune, which shows Ewald marching arm in arm with Bruay's citizens as they hold an imposing likeness of the miner's daughter above their heads.¹⁷

The GP's politicization of the Bruay affair is typically characterized as a case of post-'68 radicalism run amok. Among the Maoists' offenses, a special place is usually reserved for the notorious May 1, 1972, edition of *La cause du peuple*. Committed to letting workers speak in their own voices, the paper ran an article entitled "And Now They Massacre Our Children," which purported to reproduce verbatim the Bruay miners' cries for justice: "Give [Leroy] to us, we'll cut him up piece by piece with a razor blade!" "I'll tie him to the back of my car and drive a hundred kilometers an hour through Bruay!" "Cut off his balls!"¹⁸ In retrospect, the grisly *La cause du peuple* article was a high-water mark of Maoist extremism—one that, as one scholar observes, led many sympathizers to tire of its activism, which was "without nuance [and] without bounds" and did not hesitate "to take the most violent of paths."¹⁹

Yet in deriding this episode, historians have overlooked what might be called the philosophical experience of Bruay and, perhaps, of GP activism more generally. The claim that Leroy was guilty not only for murdering Dewèvre (a charge of which he was eventually cleared) but also, qua bour-

¹⁴ Liliane Sichler and Jacques Derogy, "Bruay: Le forum de la haine," *L'express*, May 15–21, 1972, 82–83. The article misspells Ewald's name as "Eval."

¹⁵ Raymond Lasierra and Jean-Claude Lauret, *Le juge et le notaire* (Paris, 1972), 121–24. Like the *Express* article, these authors also misspell "Ewald" as "Eval." See, too, Nicholas Weill, "François Ewald, la philosophie du risque," *Le monde*, September 11, 2003, 34.

¹⁶ Sichler and Derogy, "Le forum de la haine," 82.

¹⁷ *La cause du peuple*, September 14, 1972, 12.

¹⁸ "Bruay-en-Artois: Et maintenant ils massacrent nos enfants," *La cause du peuple*, May 1, 1972, 14–15.

¹⁹ Christophe Bourseiller, *Les maoïstes: La folle histoire des gardes rouges français* (Paris, 1996), 218.

geois, for oppressing the working class, was obviously steeped in Marxism. But it also drew deeply from a different intellectual source: the existentialism of Jean-Paul Sartre. Like many of his generation, Ewald's first brush with philosophy was Sartre's 1943 masterpiece *Being and Nothingness*.²⁰ Thirty years later, Sartre, ever the radical, used his fame to support the GP, whether by selling *La cause du peuple* at factory gates or by letting himself be smuggled into locked-in shop floors to harangue striking workers. Even as they chanted Marxist slogans, Sartrean notions functioned as the youthful radicals' moral lingua franca, a philosophical idiom through which social injustice could be both articulated and denounced.

The category that linked existentialism to Maoist militancy was that of responsibility. An incident occurring several years before the Bruay affair provides a particularly vivid example of this convergence. In February 1970, sixteen miners died in a firedamp explosion at a mine in Fouquières-les-Lens. A few days later, several Maoists who had attacked the company offices with Molotov cocktails were arrested. To protest this instance of "class justice," Secours Rouge, a sort of Maoist legal aid society, summoned a "democratic tribunal to judge the crimes of the coal-pits,"²¹ inviting Sartre himself to serve as the people's prosecutor. When the tribunal convened in December, the aging philosopher boiled the entire case down to a single question: was the catastrophe an accident? According to Sartre, management had tried to claim, quite simply, that accidents happen. Tragically, he argued, the average worker internalizes this analysis: he comes to see his work as fraught with "risks," so that "if he loses a finger or a hand, he will be easily persuaded that he was the victim of fate."²² Yet this logic, Sartre insisted, is specious. Managers know that miners will die: each year, they anticipate a regular number of deaths, even factoring them into production costs. Without knowing their precise identity, company executives essentially plot the annual murder of a specific number of their employees. Consequently, "mining accidents" are really no such thing.

Though couched in Marxism, Sartre's indictment was underpinned by arguments formulated thirty years earlier in *Being and Nothingness*, particularly its strident affirmation of human responsibility. Because man is "condemned to be free," Sartre contended, "he is responsible for the world and for

²⁰ "Allocution de Monsieur Jérôme Monod," 2.

²¹ Quoted in Jean-Paul Etienne, "La Gauche Prolétarienne (1968–1973): Illégalisme révolutionnaire et justice populaire" (PhD diss., Université de Paris 8—Vincennes-Saint-Denis, 2003), 165. On the Lens trial, see also Julian Bourg, *From Revolution to Ethics: May 1968 and Contemporary French Thought* (Montreal and Kingston, 2007), 72–75.

²² Jean-Paul Sartre, "Premier procès populaire à Lens: Réquisitoire," in *Situations VIII* (Paris, 1972), 319.

himself as a way of being.”²³ To attribute one’s actions to external forces is to deny this responsibility—and to engage in what Sartre calls “bad faith.” From an existentialist standpoint, Sartre asserts, “there are no *accidents* in life.”²⁴ At the Lens trial, Sartre rehearsed this argument almost word for word: to term the miners’ deaths an “accident” was a paradigmatic act of bad faith, one whereby the managers sloughed off their existential responsibility onto the reified category of chance.

Sartre’s speech at Lens became something of a template for the Maoists’ politics of denunciation. In its theoretical journal, for instance, the GP made the demystification of work accidents one of its stated goals: “The campaign relating to workers’ murders during the winter of ’69–’70 aimed to implant the idea: ‘capitalists are murderers; if one does not strike murderers, nothing changes.’ To implant the idea work accidents = murders requires necessarily and indivisibly that there be someone in flesh and blood who is responsible, and that this someone who is responsible must pay: one does not kill with impunity.”²⁵ Surveying the evidence of a work-related death on a construction site in Fos-sur-Mer, *La cause du peuple* concluded: “Here is why we believe that this is not an accident, but a murder.”²⁶ During the Bruay affair itself, one tract explicitly compared Dewèvre’s murder to the Lens catastrophe, declaring that both incidents testified to the bourgeoisie’s refusal to admit its crimes: “In February ’70, Meyer, the director of the headquarters of Fouquières-les-Lens, was responsible for the death of 16 miners: the case was dismissed. Now that they are murdering our children, they still keep us from judging who is guilty and what should be done with him.”²⁷ The bourgeoisie’s responsibility for the workers’ plight was also the implicit argument of the incendiary May 1 article, which asserted not merely that Leroy might be the murderer, but that because he worked for the mining company, he already was one. “Is Leroy the murderer?” it asked. “For [the workers], there is no doubt. The lawyer is the one who manages all the wealth of Les Houillères, 80% of Bruay.”²⁸ Underpinning the Maoists’ Marxism was thus a moral philosophy with distinctly Sartrean overtones. The bourgeoisie relentlessly oppresses the workers, yet it disavows responsibility for their condition. Revolutionaries must confront the guilty with their total responsibility for these crimes.

While Ewald appears to have endorsed these assumptions, an encounter

²³ Jean-Paul Sartre, *Being and Nothingness: An Essay on Phenomenological Ontology*, trans. Hazel E. Barnes (New York, 1956), 553.

²⁴ *Ibid.*, 554.

²⁵ “Le Secours Rouge, instrument de l’unité populaire,” *Cahiers prolétariens* 1 (1971): 60–76, 63.

²⁶ “Au travail: 1 mort à l’heure. La mort de Laïd Mahfoud,” *La cause du peuple*, October 30, 1972, 10.

²⁷ Quoted in Lasier and Lauret, *Le juge et le notaire*, 137.

²⁸ “Bruay-en-Artois: Et maintenant ils massacrent nos enfants,” 14.

occurring in the midst of the affair cleared the way for his subsequent disavowal of them. In June 1972, Michel Foucault drove from Paris to Bruay to inspect the scene in person. These years were, according to one biographer, "the most intensely political in Foucault's life,"²⁹ as he lent his name to a host of leftist causes. Upon his arrival, Foucault was introduced to Ewald, who showed him the empty lot where Dewèvre's body had been discovered. According to one witness, Foucault approved of the Maoist tactic of mobilizing popular anger against the judicial system, explaining: "Without these interventions, Leroy would have been freed."³⁰

Yet while he, too, sympathized with Maoism, Foucault's analysis of the Bruay affair bore little resemblance to Sartre's. For Foucault, Bruay was not further proof of the bourgeoisie's bad faith; rather, it was an instructive lesson in power. Indeed, Foucault's interest in the Bruay murder coincided with his contemporary efforts to rethink the nature of power—a fact that has been largely overlooked. In a never-before-published interview available in Foucault's archives, which appears to have been recorded in mid-1972, Foucault explicitly drew on the arguments that would later appear in his seminal text, *Discipline and Punish* (1975), to discuss the affair's significance. Power, he explained, is exercised not only through juridical and political institutions but also through the "punitive apparatus" that exists "in a capillary state in our society." However, Foucault noted, there were signs of increasing exasperation with a punitive regime that "always goes in one direction." Hence the novelty of Bruay: for once, the accused were not the powerless but those who usually "benefit from the punitive system, or who escape from it." Bruay reveals, in short, the essential reversibility of power relations:

People have seized this occasion to try to reverse, at least symbolically and on this issue, the punitive system. They are trying to bring the magistrate over to their side. The magistrate will for once punish the bourgeois to defend a daughter of the people who has been raped and murdered. And so it is this reversal of the punitive apparatus of which we see at present the example. . . . It is in this sense that the affair of Bruay-en-Artois appears interesting. It politicizes for the first time in a long while a pure and simple affair of common law.³¹

Foucault thus proposed an assessment of the Bruay affair that differed considerably from the one endorsed by Sartre and the Maoists. For the latter, the affair was an occasion to denounce the bourgeoisie for washing its hands of working-class misery. For Foucault, it offered an opportunity to unmask the

²⁹ David Macey, *The Lives of Michel Foucault* (New York, 1993), 323.

³⁰ Claude Mauriac, *Et comme l'espérance est violente* (Paris, 1976), 374.

³¹ Michel Foucault, "Les vols dans les grandes surfaces (Bruay-en-Artois)," undated audio interview with Sylvie Marion, Fonds Michel Foucault, CD40, Institut mémoires de l'édition contemporaine (IMEC), Saint-Germain-la-Blanche-Herbe, France.

judicial system for what it was: a power relationship—yet one in which the dominated, if they played their cards right, might gain the upper hand.

Though still embryonic, Foucault's emerging political thought would provide Ewald with a philosophical road map for leaving Maoism and the Sartrean assumptions upon which it rested. It came not a moment too soon. The Bruay incident precipitated a crisis within the GP: some members denounced its activism as reckless, while others abandoned the organization entirely.³² Though he participated in its final, most embarrassing stages, Ewald dates his own rupture with Maoism to the Bruay affair.³³ The case itself remains unsolved. The trauma of abandoning a cause in which he had invested his entire being—an experience shared by many of his generation—left Ewald disoriented and eager to establish new philosophical moorings. The year 1976 found him attending a country retreat consisting—as one historian puts it—of “former Maoists dressed in pilgrim's clothing who were embarking down a long road to Damascus.”³⁴ Attending were several erstwhile Maoists who, drawing on Alexander Solzhenitsyn's recently published work, would soon denounce Marxism's inherent totalitarianism, earning them the moniker of “new philosophers.” Ewald, however, did not succumb to this moral indictment of revolutionary politics. To leave Marxism, he turned to Foucault.

MILITANTS IN THE LIBRARY: THE COLLÈGE DE FRANCE SEMINAR AND FOUCAULT'S “NEW POLITICAL PHILOSOPHY”

Ewald's changing outlook, and specifically his break with revolutionary politics, must be situated within a distinct intellectual and institutional context: the circle of young intellectuals who congregated in Michel Foucault's seminars at the Collège de France from roughly 1976 to 1980. Under Foucault's guidance, the seminars helped define, for those who participated, an alternative political framework to the Marxist discourse that had long been the intellectual community's dominant idiom. Foucault's teaching represented one of the many post-'68 reorientations then under way. The anti-Marxist “new philosophy” of André Glucksmann and Bernard-Henri Lévy had seized the media's attention, but it faced stiff competition from the antitotalitarianism of Claude Lefort and Cornelius Castoriadis and the revisionist historiography of François Furet.³⁵ Yet while it is well known that Foucault approved of the broad realignment of intellectual politics

³² Bourseiller, *Les maoïstes*, 217–18.

³³ Weill, “François Ewald,” 34.

³⁴ Rémy Rieffel, *La tribu des clercs: Les intellectuels sous la Ve République* (Paris, 1993), 55. See, also, Bourg, *From Revolution to Ethics*, 273–75.

³⁵ See Michael Scott Christofferson, *French Intellectuals against the Left: The Anti-totalitarian Moment of the 1970s* (New York, 2004); Bourg, *From Revolution to Ethics*; and Andrew Jainchill and Samuel Moyn, “French Democracy between Total-

under way in the seventies, the significance of his own contribution to this reorientation has been insufficiently appreciated.

If Foucault played a role in steering French intellectual life on a post-Marxist course, it is because, by the mid-seventies, he felt that his own philosophical project needed new direction. "I'm a little fed up," he admitted in a 1976 lecture. In previous years, he had explored the histories of penal procedure, psychiatry, and abnormality. But he now found this research "very repetitive," always falling into "the same ruts, the same themes, the same concepts."³⁶ With these studies, Foucault had turned his back on the conventional themes of political analysis to explore subtler forms of coercion—the kinds practiced by institutions and scientific disciplines that presented themselves as apolitical. The culmination of these efforts was Foucault's analysis of the prison in *Discipline and Punish*, conceived as the intellectual counterpart to his activism on behalf of prisoners. Central to this project was a novel conception of power, inspired by Friedrich Nietzsche. Power, Foucault contended, is not only repressive but also productive; it shows its effects not only when thought and action are impeded but also when they are incited, propagated, and shaped. Moreover, power is never simply a right or a possession but is always action informed by knowledge—as Foucault liked to put it, a "technology." This work had its place, Foucault recognized, in the many-fronted struggles of the sixties and early seventies. But by 1976, he felt, a new perspective was needed—though one that would build on his previous insights. Colin Gordon notes that one of the main objections (particularly among Marxists) to Foucault's "attentiveness to the specifics of power relations" was its failure "to address or shed light on the global issues of politics, namely the relations between society and the state."³⁷ In the late seventies, Foucault sought to demonstrate that his theory of power, designed to analyze "micro-physical" mechanisms, could also illuminate the "macrophysical" plane—that of the state and other comprehensive power strategies.³⁸ After considering several alternatives, Foucault settled on the term "governmentality" to describe this new problematic.

itarianism and Solidarity: Pierre Rosanvallon and Revisionist Historiography," *Journal of Modern History* 76 (2004): 107–54.

³⁶ Foucault, "Il faut défendre la société": *Cours au Collège de France, 1975–1976* (Paris, 1997), 5.

³⁷ Colin Gordon, "Governmental Rationality: An Introduction," in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago, 1991), 4.

³⁸ Colin Gordon, "The Soul of the Citizen: Max Weber and Michel Foucault on Rationality and Government," in *Max Weber, Rationality, and Modernity*, ed. Scott Lash and Sam Whimster (London, 1987), 293–316, 297.

Foucault's turn to governmentality proved particularly influential on the young scholars who attended his "private" research seminar at the Collège de France. Unlike the public course, delivered in increasingly overflowing amphitheatres, the private seminar allowed Foucault and a select group of researchers to explore topics of mutual interest. From 1976 to 1980, participants included Eliane Allo, François Delaporte, Alessandro Fontana, Catherine Mevel, Anne Marie Moulin, Pasquale Pasquino, Giovanna Procacci, and Pierre Rosanvallon—in addition to François Ewald, whom Foucault appointed as his assistant in the mid-seventies. Didier Deleule, a philosopher who attended the 1979–80 seminar, evokes the setting: "The atmosphere was relaxed, full of good cheer; the debates were frank and direct: he who did not agree with the preceding remarks said so bluntly, without any consequences."³⁹

In addition to a genial atmosphere, the private seminar provided a forum in which the participants, many of whom had belonged to the '68 generation, could reconstruct a coherent intellectual and political outlook at a moment when the left's long-standing certainties were dissipating. Working closely with Foucault provided a unique opportunity to take stock of their recent activism. Using the acronym for the Bibliothèque Nationale, France's principal research library, one journalist dubbed them the "militants of the B.N."⁴⁰ For the sociologist Jacques Donzelot, who had worked closely with the philosopher, Foucault shepherded his collaborators to "the gates of the Bibliothèque Nationale at the very moment when those of Billancourt"—the Renault factory that had been a frequent target of leftist activism—"were closing in the face of their excessively naïve schemes."⁴¹ Ewald recalls that "a certain number of former activists [threw] themselves into the work of analyzing their engagement, not through psychoanalysis but through history, with, instead of the couch, the Bibliothèque Nationale. Foucauldian genealogy [provided] the tools. It permitted us to emancipate ourselves from Marxism before the appearance, several years later, with Solzhenitsyn's help, of the 'new philosophers.'"⁴² For the members of the '68 generation, Foucault's seminar was about more than research: it amounted to a form of political therapy.

Second, and precisely because of this context, the seminar members keenly felt that Foucault was formulating a theoretical alternative to Marxism. In 1979, Ewald described the circumstances in which he had discovered Foucault: "Living in the tradition that began with May '68, we were in a sense

³⁹ Didier Deleule, "L'héritage intellectuel de Foucault," interview with Francesco Paolo Adorno, *Cités* 2 (2000): 99–108, 99.

⁴⁰ Gilles Anquetil, quoted in Jacques Donzelot, "Les mésaventures de la théorie: A propos de *Surveiller et punir* de Michel Foucault," *Le débat* 41 (1986): 52–62, 53.

⁴¹ Ibid.

⁴² Ewald, "Société assurentielle," 119.

revolutionaries on principle, when the very movement that followed May '68 and the revelation of the 'Gulag' led us to lose, in Marxism, the theory that had served as our reference point." He concluded: "If the work undertaken by Foucault is important to us, it is because it launches and develops the imperative to which we and our future are tied, that of a *new political philosophy*."⁴³ While interviewing Foucault, Alessandro Fontana told him that in 1979 the seminar participants expected that the philosopher would soon "give [them] a book on politics."⁴⁴ Though this desire was not, strictly speaking, realized, its existence illustrates that those who collaborated closely with Foucault believed that his work in the late seventies opened new perspectives not merely on power but also specifically on politics.

Finally, Foucault's new political thought had a lasting impact on the seminar participants' research. Pasquale Pasquino, who had defended a dissertation on Parmenides in Naples, came to Paris to study Greek stoicism, but "during this time, and thanks to Foucault," he recalls, he decided "to concentrate on modern political thought."⁴⁵ Giovanna Procacci's history of pauperism grew out of ideas presented to the seminar.⁴⁶ Ewald's thesis on the welfare state became in many respects the seminar's most significant intellectual legacy. Thus, with Foucault's help, the seminar members not only cultivated new interests but also increasingly found radical contestation to be an untenable framework for understanding them. To grasp how this occurred, we must briefly consider the emergence of "governmentality," the key concept of Foucault's new political thought.

In 1978, Foucault declared that he now considered the "problem of government" and what he proposed to call "governmentality" indispensable to understanding power.⁴⁷ In many respects, governmentality was merely the latest in a series of concepts that Foucault had put forward to resolve the foremost theoretical challenge that he encountered in studying power: that of proposing an alternative to construing it in juridical terms. As Foucault

⁴³ François Ewald, "Pouvoir-savoir," unpublished and undated typescript, Fonds Foucault, FCL 5.9, IMEC, 1. This manuscript is the original French draft of the introduction that Ewald wrote for an Italian translation of his essays, which appeared as *Anatomia e corpi politici: Su Foucault*, trans. Giampiero Comolli (Milan, 1979).

⁴⁴ Alessandro Fontana, interviewing Foucault, in "Une esthétique de l'existence," in *Dits et écrits*, 4 vols., ed. Daniel Defert, François Ewald, and Jacques Lagrange (Paris, 1994), 4:730–35, 732.

⁴⁵ Pasquale Pasquino, "Political Theory of War and Peace: Foucault and the History of Modern Political Theory," trans. Paula Wissing, *Economy and Society* 22, no. 1 (1993): 77–88, 77.

⁴⁶ Giovanna Procacci, *Gouverner la misère: La question sociale en France (1789–1848)* (Paris, 1993).

⁴⁷ Michel Foucault, *Sécurité, territoire, population: Cours au Collège de France, 1977–1978* (Paris, 2004), 91, 111.

explained on frequent occasions, models of power rooted in law are severely wanting: they present power as a property, not a practice; as top down, rather than bottom up; as repressive, instead of productive. Foucault floated several terms that he hoped would transcend this restrictive focus. In 1975's *Discipline and Punish*, he examined mechanisms of control that penetrate social relations so profoundly that they no longer merely reproduced "the general form of the law" but operated according to a "microphysics of power," of which "discipline"—a power technology that targets the individual human body to render it docile, pliable, and useful—is the most insidious modern instance.⁴⁸ In 1976, Foucault approached the problem from a different angle. The juridical model's enduring legitimacy in Western thought, he argued, lies in the theory of sovereignty first promulgated by early modern European monarchs. Though the Enlightenment has accustomed us to thinking of royal power as arbitrary, monarchy's historical achievement was to equate power with law. Resistance to absolute monarchy, however, generated a counterdiscourse (represented by the Levelers, Boulainvilliers, and Sieyès) that retorted that power is founded not on law, but on war and conquest. Moreover, it disparaged the boast of monarchs to have ended civil strife by demonstrating, through historical arguments, that the king's law is born of war and continually perpetuates it. Consequently, this counterdiscourse "cuts off the king's head," "dispens[ing] . . . with the sovereign" and "denounc[ing] him."⁴⁹ Though this research went no further, Foucault pursued his efforts to decapitate the king—that is, to grasp power without reference to law or sovereignty. Of these, governmentality would prove the most productive.

But while the notion of governmentality was a fruit of Foucault's quest for a nonjuridical understanding of power, it required him to marginalize one of his essential concepts: discipline. Part of discipline's theoretical import was precisely that it exemplified the "microphysics of power" to which juridical models are blind. But shortly after *Discipline and Punish* appeared, Foucault's students came to see discipline as perpetuating one of the fallacies it was intended to overcome: the view of power as essentially repressive. Pasquino remembers discussing this point with Foucault:

It became clear during our discussions of the second half of the 1970s that the discourse on disciplines had reached an impasse and could go no further. That it threatened above all to lead to an extremist denunciation of power—envisioned according to a *repressive* model—that left both of us dissatisfied from a theoretical point of view. If a close analysis of disciplines opposed the Marxist thesis of economic exploitation as a principle for understanding the mechanisms of power, this analysis by

⁴⁸ Michel Foucault, *Surveiller et punir* (Paris, 1975), 32, 31.

⁴⁹ Foucault, "Il faut défendre la société," 51. Foucault used the same metaphor in *The Will to Know*, which appeared later that year. *La volonté de savoir* (Paris, 1976), 117.

itself was not enough and required the investigation of global problems of the regulation and ordering of society as well as the modalities of conceptualizing this problem. Hence the question of *government*—a term that Foucault gradually substituted for what he began to see as the more ambiguous word, “power.”⁵⁰

Ewald agreed. At a time when Marxism stood accused of totalitarianism, former radicals struggled for a way to “be revolutionaries and not be Marxists.” Consequently: “We read *Discipline and Punish* in the urgency of our lost identity, and we found in ‘power’ and its analyses a way to continue to be ourselves. [It was a] period that one could describe as one of Marxist or revolutionary reformism. This lesson must be drawn from it: to focus one’s reading of Foucault solely on the question of power entails the risk of reproducing, in a slightly renovated form, precisely what one wanted to escape.”⁵¹ Foucault never disowned the idea of discipline. Yet he too began to wonder if he had not overstated its significance. In his 1978 course, Foucault recalled that he had once maintained that “one could not understand the establishment of liberal ideologies and politics in the eighteenth century” without realizing that they were “weighted . . . down with disciplinary technique.” Now, however, he concluded: “I believe that I was wrong.”⁵² Moreover, he described the Panopticon, the model prison that he had once presented as the epitome of disciplinary power, as “the oldest dream of the oldest sovereign.”⁵³ A different conceptualization of power was needed.

Between 1976 and 1980, Foucault sketched out an alternative by experimenting with a succession of interrelated concepts: biopower, security society, and, finally, governmentality. Foucault coined the term “biopower” (and the related term of “biopolitics”) in 1976 to explain the emergence in the eighteenth century of a power technique that, in addition to dispensing with the juridical framework of sovereignty, was explicitly “nondisciplinary.”⁵⁴ Whereas discipline governs society through a piecemeal regulation of individual bodies, biopolitical administration directs itself only at populations, whose reservoirs of fertility, health, and productivity it seeks to harness and develop. Moreover, because biopower must contend with “the uncertainty that is inherent in a population of living beings,” it must establish a number of security mechanisms, including health insurance, old-age insurance, and public hygiene.⁵⁵ It was to these means—and the broader problem of a “security society”—that Foucault turned in his 1978 course. But after turning from “biopower” to “security society,” Foucault soon abandoned the latter for a

⁵⁰ Pasquino, “Political Theory of War and Peace,” 79.

⁵¹ Ewald, “Pouvoir-savoir,” 2.

⁵² Foucault, *Sécurité, territoire, population*, 50.

⁵³ *Ibid.*, 68.

⁵⁴ Foucault, “Il faut défendre la société,” 215.

⁵⁵ *Ibid.*, 219.

new concept. By his fourth lecture, he confessed: “if I had wanted to give the course that I undertook this year a more exact name, it is certainly not ‘Security, Territory, Population’”—the pre-announced title—“that I would have chosen.” Rather, it would be the “history of ‘governmentality.’”⁵⁶

What was meant by this new concept? At one level, governmentality was an “analytical grid for . . . power relations”—a general framework under which all conceptualizations of power could be subsumed.⁵⁷ It was also a way of linking the “microphysics” to the “macrophysics” of power through a study of the “governmentalization” of power techniques in the West—an approach that made it possible to address the question of the state, which the problematic of discipline had sidelined. But perhaps the most important consequence of this fascination with “arts of government” was that it sparked both Foucault’s and his students’ interest in economic management and social welfare. For instance, in his 1978 course, Foucault examined the way in which the eighteenth-century Physiocrats proposed to administer food supplies through a combination of regulation and laissez-faire incentives.⁵⁸ He frequently considered the role of statistics, probabilistic thinking, and risk calculation in the modern “security society.”⁵⁹ He devoted his 1979 course entirely to studying liberalism as a modern form of governmentality, offering detailed analyses of West Germany’s Ordoliberals (the founders of the “social market economy”), the Chicago school, and the economic policies of Valéry Giscard d’Estaing and Raymond Barre—the incumbent French president and prime minister.⁶⁰

Thus, despite its potentially vast domain, the notion of governmentality was in practice used to conceptualize problems relating to modern social and economic policy. To sum up these concerns, some seminar participants spoke of “the government of the social.”⁶¹ In this context, the “social” refers, in the rarefied language of political theory, to what the nineteenth century called “the social question”—that is, the various tensions arising from the industrial revolution. Thus Giovanna Procacci, an Italian member of the seminar, researched the problem of pauperism in nineteenth-century France to illuminate “the lines of transformation and constitution of the social, this special object

⁵⁶ Foucault, *Sécurité, territoire, population*, 111.

⁵⁷ Michel Foucault, *Naissance de la biopolitique: Cours au Collège de France, 1978–1979* (Paris, 2004), 192.

⁵⁸ Foucault, *Sécurité, territoire, population*, 31–56.

⁵⁹ *Ibid.*, 59–68.

⁶⁰ Foucault, *Naissance de la biopolitique*, 77–190, 221–70, 191–220. See also Michael C. Behrent, “Liberalism without Humanism: Michel Foucault and the Free-Market Creed, 1976–1979,” *Modern Intellectual History* 6 (2009): 539–68.

⁶¹ See Gordon, “Governmental Rationality,” 27–36; and Giovanna Procacci, “Notes on the Government of the Social,” *History of the Present* 3 (1987): 5, 12–15.

of *savoir* [knowledge] and government.”⁶² Her thesis, defended in 1983, was later published as *Governing Misery: The Social Question in France, 1789–1848*.⁶³ Around the same time, Jacques Donzelot began studying the origins of the “social” itself. In 1978, evoking Foucault’s insights about the relationship between probabilistic thinking and “security society,” he argued that modern politics rested on a principle that was “irreducible to a simple logic of confrontation, of victory or defeat”: that of “insurance technology,” a practice originating in the business world that had been transposed onto the “security problems of an entire society.”⁶⁴ This innovation gave birth, Donzelot maintained, to what contemporary French discourse calls the “social”—an assortment of issues including social security, social work, and the socialization of once marginalized classes. Thus, thanks to Foucault’s political thinking of the late seventies, the study of modern welfare provisions, under the rubric of “the government of the social,” was placed at the top of his circle’s intellectual agenda.

But the notion of governmentality did more than offer Foucault’s students a new methodological framework. It also altered their assessment of the welfare state and of modern politics in general. Foucault’s conception of power was instrumental to this evolution. The juridical idea of power made it easy to think of politics in categorical terms: power was legitimate or illegitimate, right or wrong. But if one accepted Foucault’s claims that power is the very texture of social relations and that it should be seen above all as a technology, a more nuanced outlook might—circumstances permitting—result. Rather than as a strategy for co-opting revolutionary classes, modern political arrangements such as the welfare state had to be taken for what they were—political technologies whose effectiveness had to be evaluated on their own terms, or at least on “technological” criteria. The problem of the “government of the social” transformed, moreover, their historical consciousness: without abandoning their critical instincts, they nonetheless felt that serious attention to the nineteenth-century discourse of “social economy” and the French philosophy of solidarism unsettled simplistic accounts of unrelenting bourgeois exploitation. If modern political technologies could not simply be rejected out of hand, there were good reasons to engage with them. A remarkable consequence of this subtle change in attitude was that a number of the seminar members became involved in writing government reports. Foucault’s partner, the sociologist Daniel Defert, invited Ewald, Donzelot, and Catherine Mevel to help him prepare a study that the Labor Ministry had

⁶² Giovanna Procacci, “Social Economy and the Government of Poverty,” *Ideology and Consciousness* 4 (1978): 55–72, 70.

⁶³ Procacci, *Gouverner la misère*.

⁶⁴ Jacques Donzelot, “Misère de la culture politique,” *Critique* 373–74 (1978): 572–86, 580.

commissioned him to write on workplace accidents.⁶⁵ It was submitted in 1977 under the title *The Socialization of Risk and Power in Companies: History of the Political and Juridical Transformations Permitting the Legalization of Professional Risks*.⁶⁶ At least two other Labor Ministry reports followed in 1979: one in which Defert and Ewald again participated, entitled *Insurance, Foresight, Security: The Historical Formation of Techniques of Social Management in Industrial Societies*, and another, authored (in part) by Donzelot and Mevel, named *Introduction to the Transformation of Power Relations in Companies*.⁶⁷

While paving the way for new research, Foucault's turn to governmentality thus simultaneously fostered a new political sensibility. It had, to begin with, successfully overcome its Marxist superego. In a 1978 interview, Foucault asserted that "Marxism has contributed and still contributes to the impoverishment of our political imagination."⁶⁸ Moreover, the concept of governmentality provided a vantage point from which to critique the political reflexes of the French left. In 1979, Foucault contended that socialism's intellectual weakness stems from the fact that "there is no autonomous socialist governmentality." Because of the exaggerated importance they attribute to theoretical discourse, Foucault maintained, socialists find themselves, once in power, grafting their economic policies on governmental techniques pioneered by other traditions (notably the police state and liberalism).⁶⁹ This insight—that the centrality of governmentality to modern politics had rendered ideological posturing rather futile—was picked up by his students. Donzelot claimed that social insurance's rise as a political technology had taken the edge off of class conflicts, making revolutionary posturing increasingly problematic: "There remains the messianism which clothes in a decreasingly emotional rhetoric the increasingly technocratic formulae of social management. A messianism which has become nothing more than demagoguery, a demagoguery which unsettles the rationality of administration at the same time as it discredits those who

⁶⁵ François Ewald, "Risk, Insurance, Society," interview with Paul Rabinow and Keith Gandal, *History of the Present* 3 (1987): 1–2, 6–12, 2, "Société assurentielle," 119, and *L'état providence*, 9.

⁶⁶ Daniel Defert, Jacques Donzelot, François Ewald, Gerard Maillet, and Catherine Mevel, *Socialisation du risque et pouvoir dans l'entreprise: Histoire des transformations politiques et juridiques qui ont permis la légalisation du risque professionnel* (Paris, 1977).

⁶⁷ Arpad Ajtony, Stéphane Callens, Daniel Defert, François Ewald, and Gerard Maillet, *Assurance—prévoyance—sécurité: Formation historique des techniques de gestion sociale dans les sociétés industrielles* (Paris, 1979); and Catherine Mevel, Jacques Donzelot, and Jean-Daniel Grousson, *Introduction aux transformations des rapports de pouvoir dans l'entreprise* (Paris, 1979).

⁶⁸ Michel Foucault, "Méthodologie pour la connaissance du monde: Comment se débarrasser du marxisme," in *Dits et écrits*, 3:595–618, 599.

⁶⁹ Foucault, *Naissance de la biopolitique*, 93.

utilize it in relation to new realities of governmental practices."⁷⁰ Pasquino reached similar conclusions, on the grounds that governmentality's project of a "science of happiness" had permeated and become coextensive with society as such: "If the theatre of our political reason is empty, I believe this is not just because the piece which has been and is still being played in it is laughable; I think it is much more because a ground has been eroded, the ground upon which there emerged and developed the discourse and practice of what for a century at least has been in Europe, and for us, known as the 'Left'—and the extreme Left. On what ground do we stand now? I do not know."⁷¹ Despite their differences in emphasis, the seminar participants generally agreed that Foucault had successfully demonstrated that Marxism had overlooked a primary vector of modern politics: the forms of population management they referred to as the "government of the social." This critique occurred on distinctly Foucauldian terms and had no need to hitch onto other contemporary attacks on Marxism (like the one being led by antitotalitarian liberals). As a result of this sensibility, a remarkably new reading of Foucault became possible. More than any other of his students, Ewald argued that Foucault had rendered revolutionary politics obsolete.

Ewald maintained that Foucault's conception of power made it possible, and even necessary, to abandon any political perspective that makes revolution its ultimate goal. In 1977, he claimed that Foucault had liberated power from the "negative form in which, traditionally, political discourse has grasped it: power as that which must always be denounced, a multiform character, a new Reason in History with infinite ruses." Against the Marxist "tradition," which understands conflict as a "logic of opposites," Foucault shows that power is always relational: power is never possessed by some to the exclusion of others but is, rather, constitutive of relationships. Consequently, as Foucault argues, power ipso facto implies resistance, while acts of resistance always draw upon the power relations in which they are embedded. This, Ewald maintained, was the lesson of *The Will to Know*: just as the struggle to liberate sexuality can be seen as participating in the very power dynamic that insists that sex be discussed and confessed, so acts of resistance were invariably "dependent on the power relations . . . that they fight." Hence the shortcomings of revolutionary thought: it presupposes a society split into "radically opposed and incommensurable classes" without recognizing that

⁷⁰ Donzelot, "Misère de la culture politique," 584. I have taken this quotation from an English translation of Donzelot's text: "The Poverty of Political Culture," trans. Couze Venn, *Ideology and Consciousness* 5 (1979): 73–86, 84. Donzelot developed these ideas further in *L'invention du social: Essai sur le déclin des passions politiques* (Paris, 1984).

⁷¹ Pasquale Pasquino, "Theatrum Politicum," *Ideology and Consciousness* 4 (1978): 41–54, 53.

"this way of thinking about Revolution has its causes and its conditions in the very relations of power that it contests." Through such insights, Foucault opened the door to a conceptualization of political struggles dispensing with the obligatory "reference to the Revolution."⁷² Ewald's contention drew on arguments that Foucault himself was making. In 1978, for instance, Foucault speculated that Western societies might be witnessing the "end of a historical period . . . dominated by the monopoly of revolution, with all the related despotic effects that it could imply." He made this point not as a reformist, but to argue that contemporary struggles were shaped more by the dynamics of governmentality than by class struggle.⁷³ In short, Foucault's expansive conception of power broadened the scope of political struggles while simultaneously downplaying revolutionary politics. While acknowledging both implications, Ewald clearly emphasized the latter.

By declaring revolutionary discourse obsolete, Foucault had, Ewald concluded, illuminated a path leading beyond Marxism, and perhaps even beyond leftist politics in general. Foucault's originality lay in endorsing the antitotalitarian turn of the seventies while resisting post-Marxist celebrations of universalism and humanism. In 1980, Ewald declared that the time had come "to marry the points of view of Nietzsche and Solzhenitsyn."⁷⁴ Identifying with the left, which he had previously taken for granted, was becoming increasingly difficult. "How to be on the left even when we already no longer can be?"—this, Ewald mused, was the dilemma faced by those who had followed his path.⁷⁵

In Ewald's case, the solution to this quandary was found in the research that he pursued under Foucault's supervision into the history of the modern welfare state and, specifically, into the origins of what Ewald would call "insurance society." He was thus following the same trajectory, that, drawing on Foucault's new political thought and the concept of governmentality, led Donzelot, Procacci, and others to become fascinated with the welfare state and the problem of the "social." But more than any of his acquaintances at the Collège de France, Ewald mobilized the research that he conducted under Foucault to break with his own leftist past. Seen as an effort to define a Foucauldian alternative to the revolutionary tradition, Ewald's work emerges as an unheralded masterpiece of post-'68 "new philosophy."

⁷² François Ewald, "Foucault, une pensée sans aveu," *Magazine littéraire* 127–28 (1977): 23–26, 25.

⁷³ Michel Foucault, "La philosophie analytique de la politique," in *Dits et écrits*, 3:534–51, 547. In this lecture, Foucault noted that modern struggles are often directed against "pastoral power," a term he coined to discuss governmentality's Hebraic and Christian origins.

⁷⁴ François Ewald, "Il y a tant d'aurores qui n'ont pas encore lui . . ." *Le débat* 4 (1980): 31–33, 33.

⁷⁵ *Ibid.*, 32.

FROM RESPONSIBILITY TO RISK: EWALD AND THE "REVOLUTION" OF 1898

That Ewald's emerging outlook bears the mark of Foucault's "new political philosophy" becomes evident when one considers the shift in his intellectual interests that occurred around 1977 and 1978. Prior to this turning point, Ewald was still immersed in his activist concerns. In Bruay, he had begun research on the history of miners in northern France.⁷⁶ Even as he distanced himself from Maoism, he continued work on this project, seeking a methodology in *Discipline and Punish* rather than Marx. Foucault's analysis of power relations, Ewald believed, could be grafted onto Marxism's moral root. In an enthusiastic essay written in 1975—his first major publication—Ewald praised Foucault for inverting Marxism's understanding of the relationship between power and production, demonstrating that "our society is not disciplinary because [it is] capitalist, but from the fact that it is disciplinary, capital knows how to profit."⁷⁷ Around the same time, Ewald helped a miner whom he had befriended in Bruay to publish a novel.⁷⁸ Ewald recalled: "I was impressed by it because in a certain way it was very Foucaultian—that is, it showed that for his revolt the dimension of power was essential, and not at all the economic dimension."⁷⁹ Steeped in his activist experience, Ewald's first intellectual efforts betray an attempt to use Foucault's theories of power and discipline to pursue Marxist concerns by different theoretical means.

By the late seventies, however, Ewald's energies were being consumed not by mining companies and their disciplinary practices, but by insurance, work accidents, and the welfare state. These evolving interests are reflected in his adoption of Foucault's new lexicon: whereas in 1977 he referred to insurance as a form of "power-knowledge" and as a "political technology"⁸⁰—terms found in *Discipline and Punish*—by 1979 he was situating his research within the framework of the "governmentality of democracy."⁸¹ In 1986, he claimed that his work "willingly adheres to the program of a description of biopoli-

⁷⁶ Ewald, *L'état providence*, 9.

⁷⁷ François Ewald, "Anatomie et corps politique," *Critique* 343 (1975): 1228–65, 1246–47. It was this article that led Foucault to invite Ewald to be his assistant at the Collège de France. See James Miller, *The Passion of Michel Foucault* (New York, 1993), 435 n. 95; and Macey, *Lives*, 335.

⁷⁸ André Théret, *Parole d'ouvrier* (Paris, 1978).

⁷⁹ Ewald, "Risk, Insurance, Society," 1.

⁸⁰ [François Ewald], "Généalogie du risque professionnel," in Defert et al., *Socialisation*, 1–363, 33, 224. Although the chapter's author is not given, Ewald acknowledged it as his own in his doctoral thesis. François Ewald, "Risque, assurance, sécurité," 4 vols. (PhD diss., Institut d'études politiques de Paris, 1986), 1:80 n. 25.

⁸¹ [François Ewald], "La généralisation de l'assurance à la fin du XIXe: Le passage aux assurances sociales," in Ajtony et al., *Assurance—prévoyance—sécurité*, 1–74, 3.

tics," while asserting that the "welfare state realizes the dream of biopower."⁸² Though Ewald continued to cite most of Foucault's major works, it was the teaching of the late seventies that nonetheless proved decisive for launching his own thought.

If Foucault and his milieu at the Collège de France in the late seventies were the necessary cause of Ewald's mature work, its sufficient cause can be traced to an invitation. In the mid-seventies, Daniel Defert (as we saw earlier) invited Ewald to contribute to a Labor Ministry report on workplace accidents.⁸³ In the course of his research, Ewald encountered a somewhat obscure piece of Third Republic social legislation: the 1898 law insuring workers against on-site accidents. Ewald soon realized that this law was of more than antiquarian interest. He had stumbled, he concluded, on nothing less than the foundation of political modernity.

Though it was Defert who brought Ewald on board the Labor Ministry project, only Foucault could have allowed him to see the 1898 law as a "philosophical event," as Ewald called it, far surpassing the French Revolution in importance.⁸⁴ For insurance was at the heart of Foucault's conception of modern governance: once the disciplinary training of individuals gives way to the biopolitical management of populations, those techniques aimed at what Ian Hacking has called "the taming of chance"⁸⁵—keeping statistics, determining probabilities, drawing up actuarial tables—joined the repertory of modern political practices. In 1976, Foucault explicitly contrasted "disciplinary technology" with "insurance or regularizing technology."⁸⁶ Two years later, he contended that the notion of population was founded on the epistemological insight that a group of humans possesses "its own regularities"—"its number of dead, its number of sick, its regularity of accidents."⁸⁷ Modern governmentality thus depends on "the absolutely capital concept . . . of risk"⁸⁸—the idea on which Ewald would stake his career. So crucial was the idea of risk to governmentality in its liberal form that Foucault observed: "One can say after all that the motto of liberalism is: 'live dangerously.'"⁸⁹ Once he had convinced his students that the recondite world of actuarial sciences was central to modern governmentality, they took the bait. Defert wrote, for the Labor Ministry report, a genealogy of life insurance. Jacques Donzelot coau-

⁸² Ewald, *L'état providence*, 27, 374.

⁸³ See above, n. 65.

⁸⁴ Ewald, *L'état providence*, 9.

⁸⁵ Ian Hacking, *The Taming of Chance* (Cambridge, 1990).

⁸⁶ Foucault, "*Il faut défendre la société*," 222. On this and related questions, see, too, 217–18, 219, and 224.

⁸⁷ Foucault, *Sécurité, territoire, population*, 107. See, too, 22, 76, and 100.

⁸⁸ *Ibid.*, 63.

⁸⁹ Foucault, *Naissance de la biopolitique*, 68.

thored a different Labor Ministry report on unemployment insurance.⁹⁰ Eliane Allo, a seminar participant, published several articles on Leibniz's insights about insurance.⁹¹ In the halls of the Collège de France, insurance became something of a hot topic.

Yet no one explored it as assiduously as Ewald. He concluded that only a rigorous examination of the 1898 law, seen as an instance of governmentality, could yield a theory of modernity freed from the assumptions of revolutionary politics. The 1898 law teaches us, Ewald asserted, that political modernity begins with a radical break in the history of responsibility. Until this moment, he argued, responsibility had been the dominant paradigm for conceptualizing the relationship between the individual and society and, specifically, the place of the individual within an industrial economy. Enshrined in the 1804 Civil Code, the notions of "responsibility" and "fault" defined a legal framework for managing industrial relations. According to this framework, every time an accident occurs on the shop floor, someone must be "responsible" for it, and thus (in most instances) at "fault." If the question of who was responsible—the worker or the industrialist—in any particular circumstance was frequently contentious, the framework itself was not. Yet by the late nineteenth century, the increasingly complex nature of industrial organization had rendered the Civil Code's categories unequal to the task of adjudicating responsibility for workplace accidents. After debating the question for eighteen years, the French National Assembly passed the 1898 law. It created a system of automatic indemnities for workers injured in industrial accidents, justified on the basis of the newly minted category of "professional risk"—a notion that completely upended traditional conceptions of responsibility. The new law effectively absolved employers of legal responsibility for workplace accidents on the grounds that industrial labor was inherently risky. Legally speaking, *no one* was to blame for work accidents. Accidents, the legislators determined, are the consequence not of an individual's "fault," but of the assumption of a social risk. With the 1898 law, in short, the actuarial paradigm of risk brushed aside the juridical framework of responsibility.

If the origins of the modern welfare state—and political modernity—could be traced to this shift, then Maoism's philosophical shortcomings soon became obvious. For in undermining a legal order anchored by individual

⁹⁰ Mevel et al., *Introduction aux transformations des rapports de pouvoir dans l'entreprise*.

⁹¹ Eliane Allo, "Leibniz précurseur de la sécurité sociale: Quelques problèmes d'optimalité sociale à travers les notions opératoires de Wohlfahrt, d'harmonie et de calcul," *Leibniz Werk und Wirkung* 4 (1983): 9–16, "L'émergence des probabilités," *Actes de la recherche en sciences sociales* 54 (1984): 77–81, and "Un nouvel art de gouverner: Leibniz et la gestion savante de la société par les assurances," *Actes de la recherche en sciences sociales* 55 (1984): 33–40.

responsibility, the work accidents law preemptively discounted the political relevance of any philosophical doctrine, like Sartrean existentialism, predicated on individual responsibility. Ewald concluded that the politics of total responsibility had failed because the Maoists were unable to grasp that modernity's unsurpassable horizon was not Marxism, but the actuarial principle of risk. Ewald's discovery of the 1898 law thus marks the critical turning point in his political evolution. To comprehend this transformation, we must closely follow his changing appreciation of the 1898 law from the mid-seventies to the mid-eighties.

Old habits die hard. Ewald's first written remarks on the 1898 law, appearing in 1976, remained immersed within the politics of total responsibility. In his introduction to an issue of *Les temps modernes* devoted to the problem of work accidents, Ewald praised several recent judicial decisions that had challenged the 1898 law by holding industrialists to higher standards of responsibility than had been hitherto deemed legally necessary. For at this point, Ewald saw the 1898 law as little more than a dirty bourgeois trick. To those who denounced them for maiming their workers, the bourgeois replied: "To accuse the boss is to refuse progress." This, Ewald argued, is a "wonderful displacement. If there are deaths at work, they are normal and legal; it is the ransom of progress, which is as of yet insufficient, [and] of human weakness, which has, as of yet, not known how to develop sciences and technology sufficiently. And fatality, as it is henceforth codified by this 1898 law, is not the expression of a hostile reality, but the name given to a lack, to an impotency, the lack of science, the shortcomings of technology."⁹² The argument to which Ewald alludes is, of course, precisely the one vilified by Sartre at Lens. Indeed, Sartre's speech was, in Ewald's words, an "indictment of the 1898 law."⁹³ Ewald's initial appraisal of the law thus remained firmly within the grip of Sartrean conceptions of responsibility.

Yet by the time he wrote his contribution to the Labor Ministry report, Ewald's assessment of the 1898 law had undergone a dramatic shift. His study, a hefty 363-page typescript entitled "A Genealogy of Professional Risk," dwarfed the volume's other chapters. The origins of the work accidents law, he maintained, lay not in class conflict but in a legal impasse. By the late nineteenth century, the problem of work accidents underscored an emerging tension between the juridical regime of the Civil Code and the realities of industrial labor. To conceptualize the problem of work accidents, the only legal construct to which the Civil Code had recourse was that of fault. In other words, when a worker was injured at a factory, the only relevant question was: whose fault was it? But because different conceptions of responsibility could

⁹² François Ewald, "Présentation," *Les temps modernes* 354 (1976): 970–87, 977.

⁹³ *Ibid.*, 980.

be found within the Civil Code, this question raised as many problems as it solved. For instance, the provisions defining the labor relationship as a "contract for the renting of services" appeared to place responsibility entirely on workers, since a promise to provide labor made them fully responsible for almost every action committed in fulfilling this obligation. Yet other provisions of the Code, notably the articles making individuals responsible for damages caused by their dependents, cut the opposite way, suggesting that employers could be held responsible for any accident befalling their employees. One solution to this impasse was "employer institutions" (*les institutions patronales*) of the kind that existed in the great northern mining concerns. By effectively opting out of the national legal system, these paternalistic arrangements offered workers considerable benefits—but at the cost of effectively making them their employers' property. Moreover, even this approach ultimately remained within what Ewald called "the universe of fault": that is, the form of governmentality that presumes that where there is damage, there must be a responsible party.⁹⁴

A solution to this legal aporia was found when legislators looked beyond law and borrowed a critical concept from the world of insurance: risk. Once work accidents were approached from the perspective of risk rather than responsibility, an entirely new set of questions came into play. Instead of asking "who is responsible for the damage?" one now asked: "how much must victims be compensated, given the degree of risk they took on?" With the 1898 law, Ewald contended, a new political technology had been launched: "the philosophy of risk."

Reinterpreting the 1898 law as the birth of a "philosophy of risk" was critical to Ewald's break with revolutionary politics and his activist past. In the first place, this interpretation challenged the theory of law that the Maoists and, until recently, Ewald himself had endorsed. The debate leading up to the 1898 law could not, Ewald insisted, be explained solely in terms of class interests, for neither fault nor risk self-evidently represented the needs of a particular class.⁹⁵ But above all, the introduction of the actuarial concept of risk into the legal realm represented a shift in political rationality so radical that the "universe of fault" soon became dated and quaint. For the invention of risk explodes responsibility as a moral and legal category. Previously, accidents were explained in terms of bad luck or a moment's negligence. But when considered from the standpoint of an entire population, they were seen to obey stable and predictable laws. The 1898 law thus entailed a shift in the subject on which the law intervenes: fault can only be predicated of individuals, whereas risk's frame of reference is society as such. This shift corre-

⁹⁴ [Ewald], "Généalogie du risque professionnel," 37.

⁹⁵ *Ibid.*, 34.

sponds to the moment when nineteenth-century liberalism gave way to fin de siècle solidarism—the Third Republican political ideology that linked individual autonomy to a robust conception of social obligation. As a governmental practice directed at society rather than isolated individuals, solidarism, Ewald argued, is a form of what Foucault had called biopolitics. The 1898 law and the invention of professional risk thus represented a dramatic shift in political rationality, in which the moral economy of fault and responsibility were replaced by amoral strategies of population management. With the 1898 law, Ewald held, “we enter our modernity.”⁹⁶

These insights led Ewald to a remarkable conclusion: the arguments of Maoist radicals in the 1970s were precisely those of nineteenth-century bourgeois liberals. When the GP invoked the politics of total responsibility to denounce capitalists, it was unconsciously endorsing a legal paradigm that the 1898 law had rendered obsolete. Worse still, the Maoist claim that “professional risk” exculpates employers was essentially a repackaged version of the argument that insurance makes workers irresponsible. In both instances, risk management strategies were condemned on moral grounds. Ewald wrote that professional risk entails the “dissolution of fault, as a result of which the defenders of the principle of criminal responsibility will with good reason be able to speak of the ‘deresponsibilization of the worker,’ and which can be seen to serve as the principle of the discourses of today’s left on work accidents, when they accuse industry itself of being their cause, with its imperatives of profit and returns.”⁹⁷ No longer did industrialists stand accused of sloughing off their responsibility for work accidents onto the ideological fiction of risk; henceforth, Ewald implied, it was leftists who must be denounced for refusing to remove the nineteenth-century blinders that prevent them from seeing the risk-filled character of modern society.

In addition to a critical reassessment of the leftist politics of the sixties, Ewald’s analysis was a concerted attack on Sartre and existentialist politics. This is particularly apparent in Ewald’s most accomplished scholarly work: the doctoral thesis that he defended in 1986 under the title “Risk, Insurance, Security,” which was published almost immediately as *L’état providence* (The welfare state).⁹⁸ To make risk the hallmark of political modernity, he had to present Sartre as the epitome of the old regime—specifically, of nineteenth-century liberalism. In his opening chapter, Ewald explained that liberalism was a juridical and political system entirely organized around the principle of responsibility. The objections leveled by nineteenth-century industrialists and political economists against social insurance were not simply brazen expres-

⁹⁶ Ibid., 36.

⁹⁷ Ibid., [229]. The manuscript page is mistyped as “29” but is paginated properly.

⁹⁸ Ewald, *Risque, assurance, sécurité*. The differences between Ewald’s thesis and *L’état providence* are minor and insignificant.

sions of self-interest. Rather, their opposition was a logical consequence of their investment in a political system founded on individual responsibility. The "liberal diagram," as Ewald termed this paradigm, rejected insurance on the grounds that "*each is, must be, and is presumed to be responsible for his fate, for his life, for his destiny.*" In short, "the less that individuals can shift the blame of their fate onto others, the better."⁹⁹ In holding individuals to be fully responsible for their fate, liberalism is thus rooted in a philosophy of the will, whereby the only heuristic for explaining action is to attribute it to the more or less voluntary decision of a subject. "To be always a subject, never an object": this is liberalism's maxim.¹⁰⁰

Described this way, however, a funny thing happens to bourgeois liberalism: it begins to bear an uncanny resemblance to Sartre's existentialism. Ewald leaves little doubt that this is precisely his intention when he writes, quoting Sartre's *Existentialism Is a Humanism*: "Even more than the Kantian philosophy of the will, it is perhaps in the existentialism of the early Sartre, the one who affirmed that 'man has been abandoned,' that he is 'condemned to be free,' that 'any man who seeks refuge in the excuse of his passions, any man who invents a determinism is a man of bad faith,' that one finds the best expression of the extraordinary exigencies of liberal self-consciousness."¹⁰¹ Having drawn this surprising parallel, it was no longer possible to see Sartre, as Ewald had in 1976, as offering a stinging "indictment of the 1898 law." Instead, Ewald maintained that it was the 1898 law, as well as the new political order that it inaugurated, that exposed the hopelessly archaic character of Sartre's politics. Ewald wrote in 1984: "Though this manner of denying the designation of accident [as Sartre had done at Lens] can of course claim to be radical, it nonetheless returns to the most traditional, even the most conservative, way of thinking: for some, accident and risk are synonymous with loss of responsibility and condemnable as such; others want someone to be responsible."¹⁰² By constructing a historical narrative in which the political outlook founded on individual responsibility is replaced, at the dawn of the twentieth century, by a philosophy of risk, Ewald equated Sartre, as well as Maoists who had implicitly invoked his ideas, with the prior standpoint, implying that they were neither as radical as they claimed nor particularly lucid concerning the character of modern society. Bidding existentialism fare-

⁹⁹ Ewald, *L'état providence*, 64, 65.

¹⁰⁰ *Ibid.*, 64.

¹⁰¹ *Ibid.*, 85.

¹⁰² François Ewald, "Le mal du siècle," *Histoire des accidents du travail* 17 (1984): 1-57, 36.

well, Ewald gave historical ballast to Foucault's charge that Sartre was "a man of the nineteenth century [trying] to think the twentieth century."¹⁰³

Ewald's evolving understanding of the 1898 law thus tracks his progressive abandonment of revolutionary politics. Rejecting the politics of total responsibility, in its 1970s incarnation as much as in its nineteenth-century one, Ewald announced his "spiritual conversion" to the philosophy of risk.¹⁰⁴ In doing so, Ewald demonstrated the complicity between Sartre and post-'68 radicals, on the one hand, and nineteenth-century liberals, on the other: both made responsibility an essential category of political analysis and, consequently, either denounced or disregarded the fact that with the advent of the welfare state, founded on the objectification of risk and the abandonment of responsibility (at least as a tool of industrial governmentality), "another world" had begun.¹⁰⁵ In this new world, Ewald believed, the discourse of the radical left had grown out of touch with reality. Professional risk creates "solidarity . . . between the employer and the worker in the framework of the company," putting "an end to the antagonism between capital and labor, which had been fed by the law of responsibility."¹⁰⁶ If the welfare state was the present epoch's "political rationality"¹⁰⁷ (a term Foucault had used in association with "governmentality"),¹⁰⁸ then the dispute between the left and the right "over the crisis of the welfare state [has] lost many of its stakes: it can only consist of agreeing on the best modalities for managing it."¹⁰⁹ By trading in the Sartrean notion of responsibility for the Foucauldian conception of governmentality as the framework for understanding work accidents, Ewald arrived at an appreciation of the possibilities of modern politics that stood in sharp contrast to Maoism's denunciatory attitude, reflecting the new political sensibility shared, to differing degrees, by the members of Foucault's seminar. The welfare state, Ewald argued, is a "space that is doubtless not lacking in danger, but [which is] open and playable"—and which, moreover, "we do not have the choice not to play."¹¹⁰

¹⁰³ Michel Foucault, "L'homme est-il mort?" interview with C. Bonnefoy, in *Dits et écrits*, 1:540–44, 542.

¹⁰⁴ Ewald, *L'état providence*, 11.

¹⁰⁵ *Ibid.*, 227.

¹⁰⁶ *Ibid.*, 285–86.

¹⁰⁷ *Ibid.*, 28.

¹⁰⁸ Michel Foucault, "'Omnes et singulatim': Vers une critique de la raison politique," in *Dits et écrits*, 4:134–61, 161.

¹⁰⁹ Ewald, *L'état providence*, 11.

¹¹⁰ *Ibid.*

THE WELFARE STATE AS "JURIDICAL REGRESSION": A FOUCAULTIAN INTERPRETATION OF LAW AND NORMS

Risk was not, however, the welfare state's only outstanding trait. The advent of this novel form of governmentality, Ewald contended, was also accompanied by an important transformation in the political function of law. The "institution of the welfare state," he asserted, "sounds the death knell of natural law doctrines."¹¹¹ This argument was essentially a gloss on a few critical pages of Foucault's *The Will to Know* (1976). One of the consequences of the development of biopower, Foucault maintained, "is the increasing importance assumed by the effects of norms at the expense of the juridical system of the law."¹¹² Consequently, "we have entered a phase of juridical regression" in which law proliferates, but only to make biopower acceptable.¹¹³ In *L'état providence*, Ewald argued that the modern welfare state, as the realization of biopower, exemplifies this process of "juridical regression." It takes, according to Ewald, two forms: first, the decline of natural law, anchored to the idea of the sovereign state, in favor of social law, the outcome of contractual negotiations within civil society; and second, the growing importance of norms at the expense of law as such.

Ewald's interest in law was first aroused by his Maoist activism. After receiving an informal legal education in Bruay, he briefly contemplated pursuing a law degree.¹¹⁴ Though ultimately deciding against it, he elected, while working with Foucault, to take "the path of the Panthéon"—the site of Paris's main law faculty—where he attended lectures for several years.¹¹⁵ His prior assumptions about "class justice," he recalls, were soon challenged: "I discovered that what people said about nineteenth-century justice was completely false, since all the jurisprudence gathered was systematically a jurisprudence of employer condemnation, and everyone said that justice could always be bought by the bosses."¹¹⁶ As he became aware of the extraordinary complexity of juridical discourse, the Marxist conception of law as an expression of the interests of the dominant class struck him as severely impoverished. He was not, however, tempted by liberal understandings of law, rooted in constitutionalism, human rights, and universalism. Following Foucault, he believed that law must be understood as a "political technology." With the welfare state, Ewald maintained, law becomes an "instrument of

¹¹¹ Ibid., 375.

¹¹² Foucault, *La volonté de savoir*, 189.

¹¹³ Ibid., 190.

¹¹⁴ Ewald, "Risk, Insurance, Society," 2.

¹¹⁵ Ewald, *L'état providence*, 10.

¹¹⁶ Ewald, "Risk, Insurance, Society," 2.

government" or a "governmental *technique*."¹¹⁷ While recognizing that law had its importance in modern political systems, Ewald's claim remained consistent with Foucault's idea of "juridical regression" in that it conceived of law as a tool of power, rather than its foundation. Law, Ewald maintained, has ceased to be "that which limits the activity of government," in order to become "a means of government."¹¹⁸

The historical justification that Ewald provided for this claim was the new legal paradigm born in 1898: that of "social law." In France, this term refers to the mixed bag of statutes and collective bargaining agreements through which labor is regulated and social welfare is administered.¹¹⁹ Ewald described social law as "a legality without right."¹²⁰ During the nineteenth century, when the natural law tradition still reigned, "right" (i.e., universal, inalienable principles) had taken precedence over "law" (i.e., legislation that is historically contingent). But as industrialization exposed various social groups to widely diverging degrees of risk, the inadequacies of natural law as a framework for ensuring social order became apparent. Hence the importance of the work accidents law: its authors jettisoned "right" in favor of frankly political imperatives—placating workers in a bid to take the edge off class conflict. But by implicitly admitting that law is a "political instrument"—even "a weapon, a force, an advantage"¹²¹—the legal founders of the welfare state implicitly renounced the claim that the rule of law requires that all members of society must surrender to the state their right to wage war. By breaking with this tradition, social law indirectly rehabilitates the antimonarchical discourses that Foucault examined in 1976, which assert that law is born of war. While natural law contends that the "social state ends the state of war," social law holds, Ewald argued, that "war, struggle, and confrontation are constitutive, no doubt forever, of social life."¹²² Marxism's most glaring error is thus not its basic insight—namely, that law serves class interests—but its failure to see that this insight has been consciously integrated into the modern legal system's *modus operandi*. Ewald writes: "That legislation is class legislation is no longer a characteristic that condemns it; instead, it defines the new legislative arrangement. There is no longer anything but group interests jockeying to assert themselves as being the general interest."¹²³ In these ways, Ewald

¹¹⁷ Ewald, *L'état providence*, 485.

¹¹⁸ *Ibid.*, 365.

¹¹⁹ See Lucien François, *Introduction au droit social* (Liège, 1974); and Georges Gurvitch, *L'idée du droit social* (Paris, 1932).

¹²⁰ See Ewald, *L'état providence*, 499. See, too, François Ewald, "Le droit du travail: Une légalité sans droit?" *Droit social* 11 (1985): 723–28.

¹²¹ Ewald, *L'état providence*, 461.

¹²² *Ibid.*, 460–61.

¹²³ François Ewald, "A Concept of Social Law," trans. Iain Fraser, in *Dilemmas of Law in the Welfare State*, ed. Gunther Teubner (Berlin, 1986), 40–75, 58–59.

elaborated on Foucault's claim that "juridical regression" is one of modern governmentality's outstanding features. The imperative of managing the social conflicts produced by industrialization, Ewald maintained, brought into the open law's political and agonistic character, long obscured by the modern state's efforts to quash it.

Once one grasps that the welfare state entails the obsolescence of natural law, one of Ewald's more paradoxical insights becomes understandable: that the welfare state—at least in France—represents the apotheosis not of the state, but of society. Once again, this is because the welfare state exemplifies Foucault's notion of "juridical regression." In natural law theory, the state is founded on the fiction of a primitive pact among society's members. The effect of this fiction is to place the state "above" society, if only because its legitimacy is derived from the collectivity as a whole. In an industrial society, however, negotiations between social groups proliferate in ways that tread upon and even supplant the primitive pact and institutions acting on its authority (such as parliaments). Consequently, while the state's juridical status as society's primary institution declines, the political significance of the ongoing contractual negotiations between social and economic groups increases. Specifically, Ewald had in mind one of the most distinctive features of contemporary France's socioeconomic system: the collective bargaining agreements, or *conventions collectives*, negotiated between labor and management that regulate industrial relations in the vast majority of French companies. They constitute, Ewald argued, "the major politico-legal innovation of the century."¹²⁴ Moreover, because such collective bargaining agreements lie beyond the legislature's purview, they contribute to the withering away of the state. The contract, Ewald writes, becomes "the instrument which allows one to contemplate the disappearance of the State and its constitutional oppressiveness."¹²⁵ Along similar lines, he contended that Léon Bourgeois, solidarism's chief theorist, dreamed of an "insurrection of society against the state."¹²⁶ By devolving legislative authority to collective bargaining units, the welfare state thus erodes the juridical notion of state sovereignty. The welfare state, in short, achieves Foucault's goal of "cutting off the king's head"—not merely in theory, but in practice as well.

If the rise of social law was one feature of the "juridical regression" inaugurated by the welfare state, the gradual substitution of law *tout court* for norms was another. To make this case, however, Ewald needed to use the term "norms" somewhat differently than Foucault had in his best-known statements on the problem. "Norms" and "normalization" are, after all, among the concepts

¹²⁴ Ibid., 55 n. 43.

¹²⁵ Ibid., 49.

¹²⁶ Ewald, *L'état providence*, 363. Ewald is alluding to Pierre Clastres's influential essay, *La société contre l'état* (Paris, 1974).

with which Foucault is most profoundly associated. In 1975, he devoted an entire course to the study of "the Abnormal."¹²⁷ In *Discipline and Punish*, Foucault presented "normalization" as a power form that simultaneously "imposes homogeneity" and "individualizes," while introducing, "as a useful imperative and as a result of measurement, all the shading of individual differences."¹²⁸ Like Foucault's related category of "discipline," "normativity" refers to an insidious form of control exercised by modern institutions, one that must be approached through a hermeneutics of suspicion.

But as Foucault's emphasis turned to biopower, security society, and governmentality, his account of normativity changed in tandem. In the 1976 lecture in which he introduced the notion of biopower, Foucault distinguished between "disciplinary norms," which control individual bodies, and "regulatory norms," which manage the "aleatory events of a biological multiplicity."¹²⁹ In 1978, he differentiated these two kinds of norms even further. Discipline posits a norm, to which it forces individual bodies to adapt. Security society, however, uses statistics to determine normality (for instance, by examining the incidence of smallpox within a population), using them as a basis on which to bring "unfavorable" demographic distributions in line with "favorable" ones. Disciplinary norms are imposed on individuals; regulatory or security norms are elicited from the population through statistical means. The norms found in "security society" are thus, Foucault claims, "exactly the opposite" of those used by disciplinary systems.¹³⁰ The notion that security society's norms are culled from a population rather than grafted upon it illustrate, moreover, Foucault's contention that the modern governmentality is no longer based on state rationality, but on what he called "the rationality of the governed."¹³¹

Invoking this nondisciplinary conception of normativity, Ewald argued that norms, rather than being treated with suspicion, must be seen as an indispensable and even salutary dimension of modern society. Following Foucault, Ewald distinguished disciplinary norms from the actuarial norms associated with statistics and probabilistic thinking. With the latter, "one no longer starts with individuals, measured one by one" according to a scale that is "external" to them. Rather, "one starts with the mass, the collectivity itself, and it is in function of its own normality that the classification is carried out." Because it is immanent to the population to which it applies, this kind of normality does

¹²⁷ Michel Foucault, *Les anormaux: Cours au Collège de France (1974–1975)* (Paris, 1999).

¹²⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (1977; repr., New York, 1995), 184.

¹²⁹ Foucault, "Il faut défendre la société," 225.

¹³⁰ Foucault, *Sécurité, territoire, population*, 65.

¹³¹ Foucault, *Naissance de la biopolitique*, 316.

not resemble "disciplinary exigencies."¹³² Moreover, as social insurance programs expand, increasing the protection they offer against life's uncertainties, norms gradually replace law as the dominant framework for ordering social relations. This narrative—the transition from law to norms—is a fairly straightforward appropriation of Foucault's remarks about "the increasing importance assumed by the effects of norms at the expense of the juridical system of the law."¹³³ But while Foucault limited himself to noting that not all norms are disciplinary, Ewald pushed this point much further—arguing, in effect, that to welcome the benefits of the welfare state while denouncing norms is politically incoherent. For norms, in the first place, breed solidarity: through normalization, the members of a given community become commensurable with one another (through, for instance, their proneness to work accidents) in a manner that registers individual distinctiveness while simultaneously identifying broader social regularities. Consequently, "the norm is . . . the modern form of the *social bond*."¹³⁴ Second, normativity in contemporary society participates in a democratizing process. Where the social contract and universal rights place certain rules outside the realm of democratic debate, precisely because they are considered to be democratic debate's condition of possibility, the rules of normative democracy are fluid, evolving with the ebb and flow of the regularities that constitute them: "Regulation of a normative kind implies a multiplication of procedures of collective negotiation in which the advantages and disadvantages of any given technique are weighed against one another, as are the economic and social consequences of its adoption. Normalization is a type of power-knowledge that incites the invention of democratic procedures such that all interests, all components of society may negotiate with one another."¹³⁵

From normativity as a disciplinary mechanism to normative society as incessant democratic negotiation: the intellectual journey taken by the concept of norms is a remarkable one. Like his views on risk and law, Ewald's position on norms testifies to the extent to which the political and philosophical reorientation that occurred under Foucault's aegis in the late seventies, as well as the new concepts that it launched—"governmentality," "biopower," "juridical regression," and others—played an instrumental role in reconciling at least some members of the '68 generation with contemporary society.

¹³² Ewald, *L'état providence*, 159, 160.

¹³³ Foucault, *La volonté de savoir*, 189.

¹³⁴ Ewald, *L'état providence*, 584.

¹³⁵ *Ibid.*, 593.

"RIGHT FOUCAULDIANISM?": EWALD, THE MEDEF, AND THE
REFONDATION SOCIALE

Through the categories of risk, social law, and normativity, Ewald fashioned an intellectual framework deeply colored by Foucault's new political thought, which both explained and refuted the radical politics he once endorsed. Yet though his new outlook was decidedly anti-Marxist, Ewald remained, through the eighties, essentially a social democrat, not least because of his enthusiasm for the welfare state. By the late nineties, however, this was no longer the case: Ewald had placed himself, if only through his political and professional affiliations, on the right of the political spectrum. What had happened? The reasons are, in part, biographical. By the mid-eighties, the intellectual climate had turned not only against Marx but also against Foucault and his philosophical generation. Ewald's professional prospects suffered accordingly. After Foucault's death, he drifted, working successively for a center dedicated to social law, the ministry of health, and a research institute in Berlin. He was, he recalled, "an orphan and a marginal."¹³⁶ These wanderings came to an end, however, when around 1990 he was invited to launch a journal for the French insurance industry, aptly entitled *Risques* (Risks). For a specialist in the genealogy of modern insurance, this offer was too good to refuse. Three years later, when the economist Denis Kessler became president of the professional organization of the French insurance industry—the Fédération Française des Sociétés d'Assurance (FFSA)—he called upon Ewald to assist him.¹³⁷

Ewald's induction into the business world coincided with the emergence in French public discourse of a pointed critique of government economic policy, specifically as it related to the mass unemployment that had afflicted the country since the mid-seventies. In 1994, for instance, the economist Denis Olivennes contended in an influential article that successive French governments had demonstrated a "preference for unemployment" by responding to the crisis with "social transfers" (granting part of the population generous salaries and benefits, which in turn subsidized handouts for the jobless, yet without finding them work) rather than pursuing labor market reforms that would generate more jobs.¹³⁸ These arguments appealed to many in the business community. The Socialist Party had also been mulling over the problem of mass unemployment, but its remedy differed radically from Olivennes's. During the 1997 parliamentary election campaign, the socialist leader Lionel Jospin promised to reduce the work week to thirty-five hours (from thirty-nine), reasoning that fewer hours would incite employers to hire

¹³⁶ Ewald, "Société assurentielle," 120.

¹³⁷ Ibid.

¹³⁸ Denis Olivennes, "La préférence française pour le chômage," *Le débat* 82 (1994): 138–53.

more workers. After the socialists won, Jospin, as prime minister, hosted a summit on employment that honored the tradition of *paritarisme*, France's semicorporatist system of labor relations whereby unions designated as "representative" of the workforce negotiate, under government tutelage, with employer's organizations, of which the most important was the Conseil National du Patronat Français (National Council of French Employers, or CNPF).

At the summit's conclusion, Jospin unexpectedly declared that the major provisions of the "thirty-five hours" legislation would go into effect in 2000. Feeling blindsided, the CNPF denounced Jospin's decision as authoritarian and unilateral.¹³⁹ Business opinion was radicalized. Seeking to regroup, the CNPF rebaptized itself the Movement of French Companies (Mouvement des Entreprises Français), or Medef. Ewald's mentor at the FFSA, Denis Kessler, became the new organization's vice president. Having reinvented themselves, French employers plotted a strike against Jospin. In January 2000, the Medef unilaterally withdrew from the boards through which labor and employers coadminister social welfare funds, announcing their intention to renegotiate systematically, with other unions and employers' organizations, the terms of France's social contract. The Medef dubbed this calculated move "*la refondation sociale*," or "social restructuring." A coup of civil society against the state, the Medef's gambit was aimed at reforming the welfare state while bypassing the state, which, from the employers' standpoint, had revealed itself an unreliable partner.

Representing an industry that, through Kessler's ministrations, had played a critical role in the Medef's scheme, Ewald emerged as the *refondation sociale*'s most prominent intellectual advocate. By establishing the Medef, Ewald explained in 2002, the business community aspired to "weigh in on intellectual debates."¹⁴⁰ Ewald and Kessler proceeded to make overtures to France's intellectual community. In May 2000, for instance, a number of prominent intellectuals, including Alain Finkielkraut, Blandine Kriegel (another Foucault student), Pierre Rosanvallon, and André Glucksmann, participated in a seminar at the Medef's headquarters. This newfound zeal to dominate the realm of ideas led *Le monde* to wonder if the Medef had become "Gramscian."¹⁴¹

In Ewald's work for the Medef, what remained of his previous intellectual

¹³⁹ See Jean-Jacques Becker and Pascal Ory, *Crises et alternances (1974–2000)* (Paris, 2002), 784–86.

¹⁴⁰ Quoted in C. M. [Caroline Monnot], "Vice-président du Medef, Denis Kessler s'inspire d'économistes libéraux et de penseurs libertariens," *Le monde*, January 16, 2002, 7.

¹⁴¹ Isabelle Mandraud and Caroline Monnot, "A la table du Medef, des intellectuels goûtent à la refondation sociale," *Le monde*, June 14, 2000, 1.

undertakings? Neither Foucault's new political thought nor the work that culminated in *L'état providence* set Ewald on a path leading straight to the Medef's doorstep. Yet the outlook he fashioned in those contexts had unquestionably closed off certain options: his critique of Sartre and Maoism made him allergic to leftist rhetoric, even of the kind in which mainstream socialists were apt to couch their program. Furthermore, well into his Medef period, Ewald continued to assert that one of Foucault's most enduring achievements was to have demonstrated the obsolescence of revolutionary politics. But Ewald's earlier period did more than color his political sensibility. Foucault once said that he viewed his books as "tool-boxes" provided to his readers.¹⁴² This remark captures rather well the relationship between the arguments that Ewald forged under Foucault's watch and those he made on the Medef's behalf. How a tool is used depends on the choices and abilities of the person who wields it. But the possible uses to which the tool can be put depend on how it was crafted—and thus, however indirectly, on its maker. At least two of the "tools" Ewald used while campaigning for the *refondation* appeared in *L'état providence* and bear Foucault's imprint: specifically, the argument that "juridical regression" is a dominant trait of modern political arrangements (and that this is expressed, in France at least, in social law) and the proposition that risk is one of contemporary governmentality's central "political technologies." Arguments such as these are too general to have only one set of political implications; they admit, rather, a spectrum of possibilities. Ewald's use of them does, however, belong to this spectrum.

It might seem peculiar that someone whose work presented the welfare state as the ultimate horizon of modern politics should enlist himself in a cause that could plausibly be suspected of plotting its dismantling. Ewald's position, however, had always been that the welfare state marks the rise of society, not the state. The welfare state, he maintained, is a form of governmentality in which the state delegates to social groups the right to negotiate contractual agreements regulating work and all that is tied to it. These agreements form an important part of "social law." This devolution of state power thus instantiated the phenomenon that Foucault called "juridical regression." In this spirit, Ewald had described the welfare state's proponents as launching an "insurrection of society against the state."¹⁴³ The claim that the properly social dimension of the French welfare state—which, as Ewald argued, had prevailed at its foundation—needed to be revived was central to the *refondation sociale*'s rhetoric. The problem with the thirty-five hours legislation, Ewald explained in 2000, was that "politics had believed that it could legislate for the social." Through the *refondation*, it would be possible to "depoliticize the

¹⁴² Foucault, "Prisons et asiles dans le mécanisme du pouvoir," in *Dits et écrits*, 2:521–25, 523.

¹⁴³ Ewald, *L'état providence*, 363.

economy”—that is, to take the state out—in order to “resocialize” it—that is, to strengthen the tradition of contractual negotiation between employers and employees.¹⁴⁴ Moreover, evoking his argument concerning the importance of social law to the welfare state, Ewald claimed that the *refondation* embraced an “ethos of the contract.” While its aim was to prepare France to face the challenges of globalization, the *refondation* would do so through the French tradition of agreements between “social partners.” By defying the current system’s entrenched interests, the *refondation* represented a “last chance for the organizations of employers and employees to be the organizers of civil society.”¹⁴⁵

In addition to “juridical regression,” the other tool that Ewald dusted off to assist the Medef was that of risk—a concept that Foucault had called “absolutely capital” to understanding modern governmentality.¹⁴⁶ In a theoretical manifesto for the *refondation* coauthored with Denis Kessler in 2000, Ewald emphasized this point, asserting that risk is “an all-encompassing political philosophy, . . . a means for rethinking politics, governmental competency, and government’s purpose and program in our late modern or postmodern age.”¹⁴⁷ Foucault’s merit, they explained, was to have recognized that at the very moment when social contract theory was gaining ground, an alternative “doctrine of government” had emerged in early modern times that made the “management of risks the very goal of political action.” Liberalism, Foucault had further shown, brought this doctrine into the contemporary period.¹⁴⁸

Despite these assertions, however, Ewald’s understanding of risk underwent a noticeable, if partial, change of emphasis. In the first place, he argued that workplace-related risks had ceased to be society’s most pressing concern: “social risks” (i.e., threats to one’s income-earning capacity) have given way to “existential risks” (i.e., environmental, health, and genetic dangers). Such circumstances demanded not increased socialization, but greater individual responsibility—the very political principle that Ewald once argued had been jettisoned by the 1898 law. Given the close associations he had drawn between them in his earlier work, it is revealing that in rehabilitating responsibility, he simultaneously rediscovered Sartre. “If existentialism is a humanism,” Ewald observes, “it is precisely because it makes risk the very principle of the human condition.”¹⁴⁹ In Ewald’s lexicon, endorsing Sartre and respon-

¹⁴⁴ François Ewald, “Un New Deal à la française,” *Le monde*, November 25, 2000, 18. Ewald places “resocialize” in quotation marks in the text.

¹⁴⁵ Ibid.

¹⁴⁶ Foucault, *Sécurité, territoire, population*, 63.

¹⁴⁷ François Ewald and Denis Kessler, “Les noces du risque et de la politique,” *Le débat* 109 (2000): 55–72, 56.

¹⁴⁸ Ibid., 59.

¹⁴⁹ Ibid., 63.

sibility meant that the welfare state's model of solidarity was exhausted, and a more individualistic conception of risk, and hence of social and economic relations, was henceforth required. Needless to say, this use of existentialism had nothing in common with Sartre's own politics: in Ewald's hands, it becomes a philosophical rationale for replacing social programs, particularly retirement pensions founded on the pay-as-you-go system (known in France as *le régime de répartition*), with privately invested pension funds.¹⁵⁰ At the same time, Ewald increasingly spoke of risk as a fundamental human attribute. "Risk," he wrote, "describes man's ontological condition, that of an animal disposed to take risks."¹⁵¹ Clearly, arguments such as these have no Foucauldian lineage. In 1983, Foucault declared: "I do not advocate—this goes without saying—some kind of wild [economic] liberalism leading to individual coverage for those with means, and no coverage for the rest."¹⁵² And Foucault always rejected ontologies of any kind. If, however, these claims show that Ewald had partially emancipated himself from his mentor's influence, his debt to Foucault is nonetheless discernible, however faintly, in his insistence that risk, even in its "individualistic" form, is primarily a governmental technique. We must, Ewald maintained, come to terms with "the requirement that modern politics conceive of itself as an optimal allocation of risks. Party platforms thus matter less than modes of government. Today, there is no politics that is not a politics of risk."¹⁵³

In light of these arguments, is it useful to consider Ewald, as some have called him, a "right Foucauldian"? One should not exaggerate. His induction into the corporate world owes much, as we have seen, to biographical contingencies. Moreover, even if one places him on the right, his politics are by no means extreme, even by the standards of free-market liberalism. He has stressed that the risk ethic is not "absolute" and that it must be limited by the desire "to serve life."¹⁵⁴ He has devoted considerable effort to thinking about health care,¹⁵⁵ and he has recently explored the intersection of ecological and health concerns through the notion of the "precautionary principle."¹⁵⁶ At times, he has suggested that if he

¹⁵⁰ See Denis Kessler, "Fonds de pension et régimes de retraite par répartition," in *Encyclopédie de l'assurance*, ed. François Ewald and Jean-Hervé Lorenzi (Paris, 1998), 701–29.

¹⁵¹ Ewald and Kessler, "Les noces du risque et de la politique," 62.

¹⁵² Foucault, "Un système fini face à une demande infinie," in *Dits et écrits*, 4:367–83, 381.

¹⁵³ Ewald and Kessler, "Les noces du risque et de la politique," 72.

¹⁵⁴ *Ibid.*, 63.

¹⁵⁵ See François Ewald, *Le problème français des accidents thérapeutiques: Enjeux et solutions* (Paris, 1992).

¹⁵⁶ See François Ewald, "Philosophie politique du principe de précaution," in *Le principe de précaution*, by François Ewald, Christian Gollier, and Nicolas de Sadeleer (Paris, 2001), 6–74.

finds himself on the right, it is because the French left obstinately refused to reinvent itself along the lines of Britain's New Labor.

But the problem of Ewald's "right Foucauldianism" is primarily a question of his debt to Foucault. Foucault's influence by no means overdetermined Ewald's advocacy for the Medef, nor were Foucault's ideas the sufficient cause of Ewald's philosophy of risk. Yet Ewald's sponsorship of the *refondation sociale* rested on a conceptual stratum that was formed under Foucault's tutelage. Its components were not the concepts for which Foucault is best known (at least in the United States)—"discipline," "panopticism," "the incitement to discourse," and so on—but a handful of "tools" that remained enormously important for those who discovered them in the late seventies: juridical regression, biopower, and governmentality. They were, moreover, tied to a political sensibility, cultivated in Foucault's seminars, that rejected revolutionary politics and made an engagement—however critical—with modern power forms imperative. As we have seen, Ewald wrote in 1986 that the welfare state occupies a space that is "open and playable"—and one that "we do not have the choice not to play." Even in his association with the Medef, this is a choice that Ewald has continued to make.¹⁵⁷

CONCLUSION

In his memoirs, Raymond Aron recalls that he once asked the great Hegelian thinker Alexandre Kojève why he abandoned philosophy for a career in the French Ministry of Finance. His answer: "I wanted to find out how it"—history—"happens."¹⁵⁸ François Ewald, one imagines, might reply to comparable queries in similar terms—though the "it" in question would be not history, but power. For as Ewald's career suggests, the intellectual fate of Foucault's thought is strikingly similar to Hegel's. Hegel identified reason with reality, leaving his followers to debate the question (as one authority elegantly summarizes it): "Was this identification completed, an ongoing process, or a future goal?"¹⁵⁹ Based on their answers, his disciples split into a radical left, a reformist center, and an accommodationist right.¹⁶⁰ Foucault bequeathed to his readers a somewhat different puzzle. "Power," he wrote, "is omnipresent: not because it has the privilege of encompassing everything in its invincible unity, but because it produces itself in each instant, at each point, or rather within each relationship, from one point to the other."¹⁶¹ But what are

¹⁵⁷ Ewald, *L'état providence*, 11.

¹⁵⁸ Raymond Aron, *Mémoires* (1983; repr., Paris, 1990), 132.

¹⁵⁹ John Edward Toews, *Hegelianism: The Path toward Dialectical Humanism, 1805–1841* (Cambridge, 1980), 205.

¹⁶⁰ *Ibid.*, 205–6.

¹⁶¹ Foucault, *La volonté de savoir*, 122.

this claim's implications? Does power's omnipresence require that one challenge all its manifestations, through a practice of generalized resistance? Or must one rather undertake a kind of triage, distinguishing between power's tolerable and intolerable forms? Foucault's followers divide along lines not unlike those that split Hegel's progeny. One camp, comprising thinkers like Giorgio Agamben and Antonio Negri, defends a politically radical Foucault. Another, including Ewald and other scholars close to Foucault in the late seventies, drew from his thought what can only be called reformist implications. Ewald once asked: "Since nothing can be true, since everything is marked by an irreducible arbitrariness, what then makes power acceptable?"¹⁶² This question may well be reformist Foucauldianism's foundational question.

Pasquale Pasquino observes: "This, perhaps, is the paradox of Foucault's teaching: while he affected each one of us very deeply, he kept those closest to him from remaining faithful."¹⁶³ Ewald's itinerary offers a striking instance of how Foucault's influence could lead in directions quite different from those taken by Foucault himself. It sheds a unique light on the role played by Foucault and his "new political philosophy" in helping members of the '68 generation to formulate a theoretical critique of political radicalism without leading them to a straightforward endorsement of liberalism or human rights. Moreover, Ewald's career suggests that the political implications of Foucault's thought are far more expansive and varied than is commonly recognized. In the United States, Foucault's thought has clearly been a radicalizing force, challenging canons, hierarchies of race and gender, and norms of all kind. But never, it would seem, has it embarked on the long march through the institutions that it undertook with Ewald. His intellectual project indicates how Foucault's thought, far from advocating a philosophical relativism in which all political bets are off, promoted a singular engagement with the real, an almost ascetic determination to grasp the functioning of modern governmentality in its most technical and recondite manifestations—insurance, jurisprudence, and the architecture of the modern welfare state. Vincent Descombes once argued that there are two Foucaults: a French one, steeped in transgressive surrealism, who probed the outer regions of meaning through a relentless exploration of limit-experiences; and an American one, bent on laying bare the capillary forms of power that traverse our lives and constitute us as subjects.¹⁶⁴ A consideration of Ewald points us to a third Foucault—one might call him the European Foucault—concerned with neither aesthetic nor political radicalism, but with that unavoidable reality of Europe's modern political experience: the welfare state, in all its unglittering significance.

¹⁶² Ewald, *L'état providence*, 596.

¹⁶³ Pasquino, "Political Theory of War and Peace," 84.

¹⁶⁴ Vincent Descombes, "Je m'en Foucault," *London Review of Books*, March 5, 1987, 20–21.