

# REVIEW SYMPOSIUM

## introduction: undoing the demos

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### Book reviewed:

#### **Undoing the Demos: Neoliberalism's Stealth Revolution,**

Wendy Brown (Cambridge, MA: Zone Books, 2015), 296 pp., ISBN: 978-1935408536

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### Abstract

In *Undoing the Demos: Neoliberalism's Stealth Revolution*, Wendy Brown argues that neo-liberalism has undermined democracy in a hitherto unprecedented form. To be specific, neo-liberalism has undermined what is at the heart of democracy: popular sovereignty, the demos – it has, in a word, undone the demos and, hence, democracy. Analysing neo-liberalism and its relationship to democracy, Brown draws on the works of Michel Foucault and Karl Marx. The exchange here between the three reviewers – Mitchell Dean, Alen Toplišek and Anne Barron – and Wendy Brown focuses on a number of issues: the use and usefulness of Michel Foucault's notion of governmentality and Karl Marx's analysis of capitalism for analysing neo-liberalism; the way that neoliberalism 'economises' everything including politics and democracy; the nature of the state and of sovereignty, and how the left should relate to these; and the nature of critique in its different forms (Kantian, Foucauldian, Marxist and others). These are issues that are important not only for the specific argument of *Undoing the Demos*, but more generally for social and political theory today.

**Keywords** democracy; Foucault; governmentality; Marx; neo-liberalism

Over the past decades, Wendy Brown has written extensively on, among many things, liberalism, the state, rights and the nature of critique. In *Undoing the Demos: Neoliberalism's Stealth Revolution*, she continues to engage with these topics, bringing her focus to the relationship between

neo-liberalism and democracy. Her central argument is that neo-liberalism has undermined democracy in a hitherto unprecedented form. To be specific, neo-liberalism has undermined what is at the heart of democracy: popular sovereignty, the demos – it has, in a word, undone the demos and, hence,

democracy. Analysing neo-liberalism and its relationship to democracy, Brown draws on the works of Michel Foucault and Karl Marx.

The exchange here between the three reviewers – Mitchell Dean, Alen Toplišek and Anne Barron – and Wendy Brown focuses on a number of points. These are issues that are important not only for the specific argument of *Undoing the Demos*, but more generally for social and

political theory today. Among them are: the use and usefulness of Michel Foucault's notion of governmentality and Karl Marx's analysis of capitalism for analysing neo-liberalism; the way that neoliberalism 'economises' everything including politics and democracy; the nature of the state and of sovereignty, and how the left should relate to these; and the nature of critique in its different forms (Kantian, Foucauldian, Marxist and others).

## neo-liberalism and our demons

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Some years ago, I was inspired by Foucault's (1981) extraordinary statement at Stanford University that 'Our societies have proved to be really demonic since they happened to combine those two games – the city-citizen game and the shepherd-flock game – within what we call modern states' (239). So much was this the case that I cited the term 'demonic societies' in the title of a modest essay (Dean, 2001). One of the stranger effects of higher education's neo-liberalization – to which a chapter is devoted in Wendy Brown's important book – was that all research 'outputs' would be put in an online repository by the library. Libraries, which had hitherto been charged with the collection and organization of knowledge, would now be instruments in the management of the performance of academics. This cannot

be a very satisfying job, which I imagine falls to those whose positions are among the most precarious of library staff. In any case, my essay was placed there not as 'Demonic societies': liberalism, biopolitics and sovereignty' but as 'Democratic societies...'; and without the inverted commas of the original.

As a 'young Foucauldian' at the time, such a rendering perhaps gave me a moment of pause, since Foucault himself had never seemed particularly interested in democracy in itself, or as a normative ideal. He was much more interested in the critique of liberal-democratic societies, pointing to the development of technologies of power that underpinned what he called (Foucault, 2003: 37) the 'democratization of sovereignty' and belied its overt commitments to law, justice and rights. And this relative neglect of

democracy was a recurrent theme of the critique of Foucault from all kinds of critical and political theorists.

Looking at the cover of Brown's book, I am led to wonder whether a member of what is today called 'the precariat' with the duty to register this book as a 'research output' could add an errant 'n' to the title and force us to think again about the relation of the demos to demons. For it is a book about the demonic force of neo-liberalism (its 'stealth revolution', no less) and its effects not simply on really existing democracies, but on the idea of democracy itself. It seeks an exorcism, a casting out of demons.

There are today many very good books on neo-liberalism. Like Brown's, quite a few of them engage with and critically build upon Foucault's (2008) now available lectures on the topic. Several of them provide more detailed accounts than hers of neo-liberalism as a political and intellectual movement and its key schools and figures, and the contingent implementation of neo-liberal policies in local contexts, not only in the North Atlantic but also in the global South, from Chile to post-Soviet Russia, and in international organizations. They show, more than she, the fractures and fissures within it, between its different schools, between its different phases and between its different sets of pronouncements. But I cannot think of another that poses as its central concern the corrosive consequences that neo-liberalism as 'governing rationality' would have on the 'principles, practices, cultures, subjects and institutions of democracy understood as rule of the people' (9). The vehicle of this 'conceptual unmooring and substantive disemboweling' is 'neoliberalism's "economization" of political life and of other heretofore non-economic spheres and activities' (9, 17).

Brown does not seek to defend any substantive instance of democracy, 'social, liberal, radical, republican, representative, authoritarian, direct, participatory,

deliberative, plebiscite', but rather its core value as the 'political self-rule by the people' (19, 20). So we have an understanding of democracy on one side and the effects of an 'economization' on the other. Rather than a review of Brown's book, my response is to start to conduct something like an archaeological dig at both these sites in dialogue with it.

## DEMOCRACY

Brown invites us onto the perilous territory of etymology and its implications for our present when she defines democracy, or *demos/kratia*, as 'rule by the people' (9). In a 1957 essay, 'Nomos – Nahme – Name', Schmitt (2003) – who regarded himself as a friend of democracy, even if that is not the view of posterity – would address the notion of *nomos*, as in economy or *oikonomia*, formed through *oikos* and *nomos*. But preliminary to this, he discusses the several classical forms of political power, distinguishing between those forms of power with the suffix '-archy' and those with the suffix '-cracy'. 'Archy' means the source, while *cracy* means power through superior force and occupation', he states (Schmitt, 2003: 337). The *cracy* words, such as democracy and aristocracy, indicate an anthropological power rooted in its appropriation, while the *archy* words, such as monarchy or oligarchy, have a theological foundation in a monotheistic or polytheistic god.

No doubt Schmitt's understanding of *cracy* words evinces a certain realism, if not cynicism. For him, they denote not simply rule, but also strength, force, appropriation and occupation. However, as the name of the Occupy movement suggests (which Brown invokes several times), a robust understanding of the need to claim power can serve counter-movements and forces of resistance from all quarters. An etymological dictionary

tells us that *cracy* comes from *kratia* (power, might; rule, sway; power over; a power, authority), itself derived from *kratas* meaning strength.<sup>1</sup>

Schmitt does not investigate the term 'demos' in this essay, but we know that both the Greek, and more particularly, its English rendering as 'people', are highly ambivalent ones. 'Demos' comes from 'common people' and originally from 'district' or one of the municipalities of ancient Attica. As Brown points out (19) the ambiguities and subtleties of the demos are expounded in Continental political theory, for which it contains from time to time and at different stages 'the whole political body' and 'the poor' (Agamben), the 'excluded' and 'citizens' (Balibar), and those unqualified to rule, the 'uncounted' (Rancière). While 'democracy' might be one compound term from demos with a largely positive value, other compounds can be neutral, as in the case of 'demography' or 'demotic', and still others quite negative as in the case of 'demagogue', which could be defined as leading the mob. 'Demotic', on the other hand, rescues the idea of the 'common people', as in demotic or colloquial speech.

The 'people' in English would merit another, much fuller discussion. But just consider how much effort has been put into distinguishing the term, in both common usage and political theory, from mob, crowd, mass, multitude, public and so on. Hardt and Negri (2004: 99–100) seek, for instance, to distinguish the multitude in terms of its ability to maintain difference rather than dissolving it into the mindless indifference of the mass or the fabricated unity of the people. In so doing, they repeat the opposition between 'people' and 'multitude' found in Hobbes, but with a reversal of value. For in *De Cive*, Hobbes (1998, VII.8, see Agamben, 2015: 33–34) suggests that the people reigns in all cities, and the multitude is but the citizens and subjects who are ruled. This results in the paradox that in

monarchy, the king is the people, just as in democracy and aristocracy, the council is the people. As the frontispiece of his *Leviathan* shows, the sovereign consists in the individuals who join together to form the people.

The problem with 'the people' is not only that it tends to be exclusive on all kinds of grounds (as Brown clearly recognizes), but that it must be single, as Hobbes, Schmitt, Hardt and Negri would all agree, an entity, however arrived at or fabricated, which can act in a unified manner with a single will. If Hobbes's *rex est populus* seems to betray his absolutism, it could also be read as a kind of juridical fiction (as did Samuel Pufendorf). Indeed the 'people' and the 'crown' name the state itself in certain court proceedings in different legal jurisdictions, with the latter acting in 'constitutional monarchies', including the United Kingdom and its former dominions, which claim to be international bulwarks and models of democracy and use military force accordingly. Democracy and its people thus come in many different forms. We know Schmitt's observation in 1926 that Bolshevism and Fascism were 'certainly antiliberal but not necessarily antidemocratic' (Schmitt, 1985: 16). Consider also Weber's (1978) discussion of plebiscitary democracy as a type of *Führerdemokratie*, that while 'formally derived by the will of the governed', is one in which 'leader (demagogue) rules by virtue of the devotion and trust which his political followers have in him personally' (268). The democratic imaginary that allows us to conceive of equitable and sustainable planetary orders (Brown, 220) also gave birth to the *Volksgemeinschaft*, the people's community, (and its avatars in today's Europe, e.g., the Front National in France and Dansk Folkeparti in Denmark).

In the light of the treatment of refugees and discussions of immigration in Europe and the United States today, it is hard to deny Schmitt's (1985) dark insight that 'every actual democracy rests on the

principle that not only are equals equal but unequals will not be treated equally', and that democracy requires both homogeneity and the 'elimination or eradication of heterogeneity' (9). It is not a defence of neo-liberal political rationality to say that some of our most terrible political policies and actions today may be neither economically liberal nor market based, but found in the *demos* itself and related ideologies of ultra-conservatism, nationalism and populism, or simply the general sentiment of cultural and confessional superiority of the majority peoples of the North Atlantic.

In the epilogue of Brown's book, I had a sense that it was not simply the imaginary of 'bare democracy' itself that contains the 'promise of the fuller realization of democratic principles' (207), but the values associated with post-Enlightenment liberal democracy, which 'signify both desire and promise of popular sovereignty, freedom and equality' in excess of bourgeois capitalism, as Brown suggests citing the young Marx (206). But should we not expand our vision from the values associated with liberal democracy, to some of the characteristic institutions of the liberal, constitutional, territorial state, including not only its representative parliamentary system, but also its law-governed and organized form, its permanent state bureaux and its independent judiciary? Are there not lines of defence against economization in the positive achievements of the institutions of public service and public office, and indeed the domain of the 'public' itself?

## ECONOMY

Turning to the other side of the equation, Brown argues that neo-liberalism enforces, or at least attempts to implement, the 'economization' of all spheres of life. It is now familiar to note that 'economy' has its

roots in the Greek word for the household, *oikos*. It is less familiar to reflect on its compound form, *oikos-nomos* or *oikonomia*, as did Schmitt. He argues that while *archy* and *cracy* words are preceded by a subject – or its absence in anarchy – *nomos* subjects that which is before it. Thus while the *demos* is the subject of rule in democracy, a 'word bound by *nomos* is measured by *nomos* and subject to it' (Schmitt, 2003: 338).

It is indeed strange that early modern Europe retained this household reference as the new science of the management of the state emerged. There was no national-onomy or politic-onomy, as Schmitt (2003) notes (239), and nor has there been an econ-archy or econ-ocracy, but a public or a political economy. Rousseau (2011), in his *Encyclopédie* article of 1755 (125), insisted on the distinction between '*public economy*, about which I will be speaking and that I call *government*, and the supreme authority I call *sovereignty*', a distinction both Foucault and Agamben would take up in respect to Rousseau and more generally. And thinkers like Sir James Steuart, and even Adam Smith, would continue to work within a political economy conceived as the management or administration of the state as a household in the second half of the eighteenth century (Tribe, 1978: 83–84). Given neo-liberals, such as Hayek (1949: 4, 7), claimed inheritance from the Scottish Enlightenment of Smith and especially Adam Ferguson, it is perhaps not surprising that there is an oscillation between *homo oeconomicus* and the household, the individual and the family, as the naturalized operative unit. Brown shows that the economization of social life would lead to both the intensification and transformation of gender subordination, in which the ethos of care and domestic labour, associated with the family, are both denied and presupposed as 'the unavowed glue for a world whose governing principle cannot hold together'

(104–5). In the same piece I have been citing, Schmitt (2003) characterized the welfare state as ‘a paternal totality without a house-father when it fails to find an *archy* or *cracy* that is more than mere *nomos* of distribution and production’ (340), thus anticipating feminist characterizations of the ‘patriarchal welfare state’ from the 1970s. Brown might reply that the neo-liberal critique of the welfare state exercises an intensified paternalism towards many groups, particularly poor women, as it appropriates their labour and care to provide the unacknowledged support for a *nomos* in which each individual, in Gary Becker’s terms, has become a form of human capital and thus a part of capital itself.

If behind the individual unit of human capital, the entrepreneur of itself, is the unacknowledged yet presumed love, labour and care of families, it is because the economy subsumes and covers over the *oikos*, the household. Moreover, the existence of settled households, for Schmitt (2003), presupposes a primary land-appropriation, a *divisio primaeva* as he puts it (341), which is the constitutive power of a community and a social order, and the basis of all other subsequent appropriations: of labour and care, of sea and air, and of technology and space. Economization, then, refers us to new appropriations: of our bodies and our selves, of finance and debt (as Lazzarato (2015) eloquently reminds us), and our individual lives and our futures, and certainly of the state and the entire sphere of the political. Both ‘soul and city’ (22), as Brown suggests, become available to capital as, for instance, universities turn from citizen-formation and *Bildung* to the production of human capital, and even liberal statesmen, like President Obama, justify progressive policies in terms of the contribution to economy and competitiveness. But is this economization of everything so fateful? Is there nothing other than our mere desire for resistance or

the idea of democracy itself that presents limits to it?

## DEMONIC

The danger of etymology is that we give too much weight to words, imagine a purity in their origins, and fail to grasp the complex genealogies of language. But we can still use it to give our argument a figure. Linguistics and philologists have presupposed a language before languages known to exist, at the ‘fringe of ultra-history’ as George Dumézil would put it (Agamben, 2009: 92). Thus ‘Proto-Indo-European’ can only be known of the basis of the comparative grammar of Indo-European languages, and terms are preceded by an asterisk to denote their distinction from actual historical languages. Here, *demos* is presumed to derive from *\*da-mo*, meaning ‘division’, and from the root *\*da-* ‘to divide’ as, too, does the root of *nomos*, *\*nem* (Schmitt, 2003: 343–345). This reminds us that a ‘people’ always presumes a division among humans (and between humans and non-humans) and an appropriation and division (or distribution) of worldly goods. Surprisingly, ‘demon’ shares the same *\*da-* root, and comes from *\*daimon*, divider, or provider (of fates). If we regard this fictive language not as the chronologically oldest but, following Agamben’s (2009: 92) archaeology, as ‘a present and operative tendency within historical languages, which conditions and makes intelligible their development in time’, then the library worker’s slip on my old title might reveal something. Foucault’s ‘demonic’ *signature* of political power might lie not simply in the governing rationality of neo-liberalism, but also in its relation to the *demos* itself. Perhaps the desire for ‘democratization’ of all spheres contains as many demons as the ‘economization’ of them. Or perhaps they both enter a space of indeterminacy.

Foucault did not really resolve the relationship between the two games in the statement quoted, but the structure of the relationship is somewhat similar to what Brown is suggesting here. The 'city-citizen' game is the political game that has its democratic referent in Athens. The 'shepherd-flock' game has roots in Judaism and its development in the Christian pastorate. It is concerned with the governmental management of life, which Foucault would call biopolitics, and which Brown shows today has been subject to neo-liberal economization under the aegis of the procedures of 'governance' (122f). So what both Foucault and Brown are wrestling with are two inheritances, genealogies and trajectories. The first is the *juridical-political order* founded on the idea of humans as self-governing beings bound in a self-governing community, that is, the citizens and the city. The second is an *economic-managerial* one in which living beings are members of a population with needs that must be provided for if they are to survive or even do better than survive. Brown shows that neo-liberalism strips away the 'welfarist' character of the latter, which it mobilizes to hollow out the virtues, ethics, vision and collective purpose of the former.

Foucault (2003: 260) at one time argued that the combination of these two games, of sovereignty and biopolitics in the modern state always held the potential of the paroxysms and delirium manifest most monstrously in Nazism. After her exploration of sacrifice in neo-liberalism, Brown comes to see some mirroring between neo-liberalism and fascism 'in the valorization of a national economic project and sacrifice for a greater good in which all are integrated, but from which most must not expect personal benefit' (219). Foucault's moment was 'over-determined', one might say, by an excessive critique of the state, often from the Left; and ours, by the success of an overtly

anti-statist rationality, neo-liberalism (whatever its actual effects). This is indicated by the different ways they invoke this most satanic of signs, but in one sense Brown's diagnosis is superior.

Towards the end of the book, Brown starts to pose questions of a profound kind that would, in Schmitt's terms, be ones of the new '*nomos* of the earth'. That does seem to amount to the ultimate stakes here. What is the 'planetary order', as she calls the *nomos* of the earth, that neo-liberalism is implementing? 'What alternative planetary economic and political order(s) could foster freedom, equality, community, and earthly sustainability and also avoid domination by massive administrative apparatuses, complex markets, and the historically powerful peoples and parts of the globe?' she asks (220). This is part of her call for the Left to counter the 'civilizational despair', which neo-liberalism 'consecrates, deepens, and naturalizes without acknowledging' (221). But she is reluctant to start specifying what this alternative might be.

For my own part, I think that this alternative might already lie under our noses, so to speak. That rather than recovering a kind of emancipatory potential, if can put it in those naïve terms, from 'bare democracy', with the aporias that it entails, we might examine the historical and contemporary achievements of the institutions we associate with liberal democracies, particularly of the territorial and welfare states that made possible the relatively pacific social spaces in which humans could be nurtured and citizens formed and collectivities shaped. What is demonic about neo-liberalism – and I suspect Brown might agree with me – is that it is a more or less conscious attempt to appropriate the powers and institutions of the state not only to promote a form of life and subjectivities based on an image of the market (human capital, the entrepreneurial self, etc.)

but also to turn those institutions into profit-making concerns and erase the specificity of the public altogether. It thus 'crowds out' public virtue, public space, and the dignity of public office and service. To put it in Foucauldian terms, we need to recover the state or the public as a site of 'veridiction' to counter the economists, truth-telling derived from the market.

For the Left, it is correct to criticize the state in so far as it is not simply an instrument of capitalism but also has been decentred by the procedures of governance and recomposed as a form of capital. However, excepting its security arm, the contracted-out, privatized, decentred, networked, state is hardly a 'mortal god' or marvellously well-functioning machine. It is more a patchwork of decaying and dangerous infrastructure, and shabby, open-plan offices in at best functionally designed buildings, occupied by underpaid, precarious staff, who are alternately cynical or idealist and subject to intensive and time-consuming performance management and accountability mechanisms. In his very lectures on neo-liberalism, Foucault (2008) would come to inspect and renounce his own earlier 'state phobia' (187–188), without perhaps fully exorcizing it, and that could be also as good a place as any for the Left to start. We must mistrust how we have come to learn to mistrust the state and its forms of organization. The convergences Brown detects between fascism (I would add, especially the German kind) and neo-liberalism have their roots, *contra* the Ordoliberal, in the different kinds and cultures of a common anti-statism, a thesis Foucault (2008) entertained in these neo-liberalism lectures (111–112).

The dream of neo-liberalism to abolish the political order and replace it with an economic one is, we know, just a dream, even a nightmare, and one which may

have been hypocritically and cynically served up for public consumption to conceal an arcane agenda of the appropriation of the government of states, institutions, universities and international bodies. If politically oriented action is directed towards the appropriations, expropriations, redistributions and allocations of the powers of government of these organizations, as Weber (1978) claimed (54), then neo-liberalism strikes me as among the most militant and successful form of such action in the past 50 years. Responding to Walter Rathenau's phrase that 'the destiny today is not politics but economics', Schmitt (1996) affirmed (78): 'It would be more exact today to say that politics continues to remain the destiny, but what has occurred is that economics has become political and thereby the destiny'. While Brown, Weber and Schmitt would perhaps disagree over the meaning of the political, her book reminds us that political struggles, especially democratic struggles, still exist and that neo-liberalism, far from abolishing the political, has simply displaced its sites, terms and resources. But to engage in such struggles, we must be sure that we have not already accepted the enemy's terms of engagement. For that we need to recover a much more positive appreciation of the achievements and potentialities contained in such lowly terms as welfare, bureaucracy, public office, public service and, yes, even the state. For that, we need to exorcize our own demon of state-phobia. To put this in another way, neo-liberalism can be viewed as threatening not only democracy as an embracing but bare figure of *sovereignty*, but also as a 'really existing' form of *government*, in the sense of the set of ways by which we those societies that claim to be more or less democratic have sought to manage their fundamental problems.

## Note

1 For etymology throughout, I have used the Online Etymological Dictionary, [www.etymonline.com](http://www.etymonline.com), and cross-referenced the *Oxford English Dictionary*, [www.oed.com](http://www.oed.com).

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## About the Author

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# bringing liberalism to account, or how resistance to neo-liberalism is not dead yet

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In her latest book, Wendy Brown presents a compelling analysis of neo-liberalism in which she demonstrates how the transformation of classical liberal values in neo-liberal governmentality has impacted liberal democracy both in our understanding of it and its functioning. Brown's main argument is that neo-liberalism prompted an economization of politics, of everything public and in common ownership. By implication, what was once understood as pertaining to the sphere of the political and separate from the world of economics has now been usurped by economic values and rationality. She ingeniously turns to Michel Foucault's *The Birth of Biopolitics* (translated into English only in 2008), where Foucault observed the early stages of this significant reversal in modern governing rationality already a few years before Margaret Thatcher and Ronald Reagan started making the headlines. It is precisely in these posthumously published lectures at the Collège de France between 1978 and 1979 that Foucault analyses the emergence of a new governmental rationality, liberalism and its development into what has become known as neo-liberalism. As Brown argues, Foucault attempts to mark neo-liberalism's singularity and distinctiveness as much as to establish its continuity with liberalism (54). This ambiguity seems to

confound Brown, leaving the reader wondering which position she will take in her book: is neo-liberalism just the next logical stage in the contemporary development of liberalism, or are the two political rationalities distinguishable to the extent that we can defend the classical tradition of liberalism while rejecting neo-liberalism? Brown clearly takes the latter position, and it is at this point that I believe important problems arise in her defence of liberal democracy.

Brown's intellectual stance in the book is interesting as it draws upon two different, some would say contradictory, traditions of political thought. One is her commitment to defending classical political liberalism, and by implication liberal democracy – 'ideals of both freedom and equality universally shared and of political rule by and for the people' (18) – and the other being the classical Marxist position with its economic determinism where the logic of capital is understood as 'a historical and social force' that 'dominates the human beings and human worlds it organizes' (75). The problem is not in the minuteness of the intellectual contradictions between the two different analytical traditions (I like to work with contradictory theoretical traditions myself), but in the gaps between them that remain unexplored. When Brown passionately argues

for a defence of liberal democracy (41–45), she concentrates mostly on the political tradition of liberalism (e.g., liberty and equality, human rights, the rule of law), while failing to engage adequately with its economic dimension, primarily concerned with free market economy and the self-limiting state. It is exactly at this juncture that she disagrees with Foucault for seeing 'no significant divergence between economic and political liberalism' (59). She believes that such a distinction needs to be observed and nurtured in order to account for 'liberalism's more political aspects and drives, ramifications pertaining especially to liberalism's imbrication with and inflection of a democratic imaginary' (59). Brown's decision to disregard the co-constitutive genesis and continuity between the economic and political principles of liberalism, as established in Foucault's genealogical analysis of liberalism, I think, is a critical omission in her analysis of neo-liberalism.

The reasoning behind this move can be explored in Brown's objection to what she alleges to be Foucault's anti-Marxism (55, 74–75). In *The Birth of Biopolitics*, Foucault (2008) states that there is no such thing as a single necessary and trans-historical logic of capital(ism); instead he maintains that 'the historical figure of capitalism' can only be taken as an 'economic-institutional history' (164). In other words, we cannot understand and think about capitalism without addressing the accompanying institutional framework, which is in place at that particular point in time and place: 'We should keep in mind that historically we are dealing with a singular figure in which economic processes and institutional framework call on each other, support each other, modify and shape each other in ceaseless reciprocity.' (ibid.) Rather than it being an economic question or a question of capitalist imperatives, for Foucault the stakes are inherently political. Economic or capitalist activity is not 'a mechanical or

natural process that one can separate out, except by abstraction a posteriori' (e.g., in economic theory), but a regulated activity with rules in place at different levels of governance, of different forms and origins, whether they be religious, ethical, comprising 'a social habitus' or a law (ibid.: 163). For this reason, Foucault constantly underlines the role of the juridical and political as 'these economic processes only really exist, in history, insofar as an institutional framework and positive rules have provided them with their conditions of possibility' (ibid.). Furthermore, the concept of the rule of law, which, according to Foucault, emerged in opposition to despotism and the police state (ibid.: 167–168), is an indispensable element for understanding the development of (neo)liberal governmentality.

My point here is not to correct Brown's reading of Foucault. She is very clear that she is seeking 'to think with, against, and apart from Foucault', and that she is using the observations from Foucault's analysis, which she sees pertinent for her own project (78). However, with regard to her rejection of Foucault's 'anti-Marxist' tendencies, I think we need to think twice before we draw the line. Rather than preoccupying ourselves whether Foucault was Marxist enough or not, I think we should seriously engage with his revisions of Marxist formulations as that is when Foucault's observations are most productive and illuminating. While Brown recognizes that the 'wholesale refusal of Marxist categories, logics, and historiography' allowed Foucault to bring forth undertheorized aspects of (neo)liberal governmentality in novel ways, she remains unwavering in her critique of Foucault for not grasping 'the imperatives that issue from the systemic drives of capitalism' (75), such as cheapening labour, inexorable expansion of markets, profit-maximization and constant innovations.

Nonetheless, I find such an objection to be unfounded. In *The Birth of Biopolitics*,

Foucault meticulously analyses the emergence of political economy in liberalism through the works of Jeremy Bentham and Adam Smith (see Foucault, 2008: 51–74). Moreover, he turns to Max Weber, Joseph Schumpeter and Walter Eucken, among other thinkers (see *ibid.*, 215–38), to examine liberalism’s transformation into neo-liberalism by tracing the gradual revision of classical economics (Marxist and liberal). Just because Foucault does not take Marx as his starting point of economic analysis does not mean he is unable to grasp the contradictory tendencies of capitalism. Foucault’s analytical point of departure was an observation that what were considered natural processes and mechanisms of the market in classical economic theory (or liberal thought) were just theoretical abstractions which in practice, however, necessitated a specific economic-institutional arrangement in place to become possible/realizable (*ibid.*, 163–65). Whether it is the invisible hand of Smith or Marx’s drives of capital, Foucault deconstructs the ‘naturalness’ or the internal logic of these self-sufficient processes and attempts to establish the conditions that need to be in place for the effects of these economic logics, drives and imperatives to appear and be produced (*ibid.*, 120). And, as I have already pointed out above, without proper political and juridical institutional frameworks in place, these would be but just fictitious abstractions waiting to be formalized (see *ibid.*: 219–22).

Thus, we cannot defend liberal democracy against neo-liberalism without taking account of the co-constitutive relation between the political tradition of liberalism and its economic variant. Hence, when assessing the impact of neo-liberal governmentality on democratic politics, we should not turn a blind eye on the role of liberal democratic values and practices in accommodating capitalist expansion and economization of social life. Liberal democracy and the rule of law, as the

political and juridical institutional framework of capitalism, which draws upon the political liberal tradition, cannot be synthetically delinked from its capitalist underside (economic liberalism) in (neo) liberal governmentality. Moreover, when Brown criticizes ‘the disavowal of stratification and power differentials’ by neo-liberal rationality (161), she forgets to add that the same critique could also be applied to liberalism, both its political and economic variants. Is it not one of the key postulates of classical liberalism to defend the individual from state interference, while disregarding the distribution of power in civil society? Do power imbalances between capital and labour, owners and producers, rich and poor matter anymore to the neutral and impartial rule of law under a liberal democratic system? When critiquing neo-liberalism for its blindness to the structures of power in society, Brown fails to recognize that neo-liberal rationality is merely a logical extension of classical liberalism.

We should not view liberal democratic institutions as neutral vehicles for expression of popular demands. Rather than depicting the liberal democratic state as a neutral ground, which can be filled by any hegemonic articulation successful enough, or turning to the other extreme, viewing the state as a capitalist machine of repression that needs to be abolished, I believe Foucault’s genealogy of governmentality points us in a rather different direction. If we situate the crisis of liberal democracy within wider liberal governmentality, we avoid abstracting the liberal democratic state from its historical-ideological context. By acknowledging that liberal democracy did not go unscathed in liberalism’s extension into neo-liberalism in the last decades, I am not saying that the Left should avoid engaging with established structures of power. What Foucault’s genealogy of governmentality offers us is an understanding of the transformative process of political and

economic institutions, practices, discourses and principles, which are set in a specific temporal-spatial setting. Following from such a position, the liberal democratic institutions are no longer seen in abstract terms as neutral instruments to be used in a (counter-)hegemonic struggle, but as a product of ideologically conditioned practices and discourses. Only an informed view of the current state of liberal democratic institutions can provide us with a better assessment of the hurdles that lie in the way of counter-hegemonic struggles inside and outside parliamentary contours against neo-liberal re-ordering of society.

This leads me to the second problematique: Brown's formulation of the *homo politicus* and the possibility of resistance under the total economization of social life under neo-liberal governmentality. Brown argues that the rise to dominance of neo-liberalism signified an eventual triumph of the *homo oeconomicus*, the self-governing neo-liberal subject, over *homo politicus*. Although such a formulation may be merely schematic in its purpose, the view that there once used to be a uniform *homo politicus* is misleading. Brown describes *homo politicus* as:

*the creature animated by and for the realization of popular sovereignty as well as its own individual sovereignty, the creature who made the French and American Revolutions and whom the American Constitution bears forth, but also the creature we know as the sovereign individual who governs himself. (86)*

She contends that this political creature appears at the time of Aristotle's polis, persists until the eighteenth century when it starts to wither away in the face of the calculating and self-interested *homo oeconomicus* of John Locke and Smith, and then finally almost but disappears at the turn of the twentieth century with neo-liberal economization 'usurping its

territory, terms, and objects both in the figure of the human and the polity' (87). This narrative trajectory, even if only illustrative, is problematic for at least two reasons. First, it presupposes that there once existed a body politic, which exercised direct sovereignty over its social, political and legal destiny. Was not that just a pretension sold to the disgruntled masses by the ruling class? And now, in neo-liberal governmentality, there is no more need for such false appearance.

The second reason lies in Brown's modelling of political agency within a confining liberal form of a citizen-subject, which ineluctably determines how the subject is supposed to emerge and resist. If resistance does not fall within this prescribed form of subjectivity, it is not recognised as political. Moreover, if neo-liberal governmentality really usurps everything human in us, our desires and imagination, how can we then dare to think resistance to its oppressiveness? Is neo-liberalism really so totalising that it threatens to completely extinguish all the critical capacities in us, the capacity to resist and to be human, to dare and to desire to be governed differently, as Foucault mused in his theorization of counter-conducts to the domination of the Catholic pastorate in the Middle Ages? Is extinguishing of the capacity to resist, what in essence makes us political beings, even possible? And can the demos really be 'undone' as the title of the book suggests?

If the political subject is modelled according to a closed nostalgia of a lost classical liberal subject, and if this subject cannot (be expected to) be brought back to life, then the future cannot but appear bleak and forfeited. However, if we take into account the last few years of resistances springing up and people organizing into movements and political parties in countries of the EU periphery, such as Spain, Greece, Slovenia, Ireland and Italy, as well as in places like Turkey, Brazil, Hong Kong and North Africa, where

neo-liberal structural reforms and austerity measures have cut deeply into the fabric of social safety nets and relations, then we can rest assured that resistance is far from being extinguished despite the dominance of neo-liberal governmentality. Even in the neo-liberal bastions of the West, the United Kingdom and the United States, there are signs of growing resistance within the establishment of political party structures themselves (e.g., Jeremy Corbyn in the UK and Bernie Sanders in the US).

The main problem with Brown's interpretation of Foucault's analysis of neo-liberal governmentality boils down to her insistence on separating the economic from the political. It is an age-old ontological separation that stretches from Aristotle's *Politics* to the Marxist distinction between the base and the superstructure, and Hannah Arendt's prioritizing of the public sphere over the private. In Brown's analysis, neo-liberal economization is thus understood as the next stage of capitalism, which draws its intellectual force solely from economic liberalism (but not its political variant). In order to mount a credible defence for liberal democratic values, Brown sees no other way but to reify the distinction between the economic tradition of liberalism, normally associated with free market values and ideas, and its political variant. Yet the whole point of Foucault's genealogical analysis of liberalism and neo-liberalism was to demonstrate how fruitless such a distinction was in understanding the transformation that modern society was undergoing. Governmentality in Foucault's vocabulary is not only concerned with governing, which 'emanates from the state and always works on the population', as Brown suggests (73), but rather with how one governs herself in a particular order of social and power relations. This represents a shift away from viewing governing as state-centric (negative sovereignty) or as an exercise of the powerful over a weaker object of power, as Brown

understands Foucault's governmentality – rather, as Foucault explains himself:

*The analysis of governmentality... implies that 'everything is political.' ... Politics is nothing more and nothing less than that which is born with resistance to governmentality, the first revolt, the first confrontation. (Foucault, 2009: 217)*

*The term itself, power, does no more than designate a [domain] of relations which are entirely still to be analyzed, and what I have proposed to call governmentality, that is to say, the way in which one conducts the conduct of men, is no more than a proposed analytical grid for these relations of power. (Foucault, 2008: 186)*

For this reason, I cannot agree with Brown's assertion that Foucault's approach presents a limitation for thinking resistance to neo-liberalism. What we can take away from Foucault's analysis of neo-liberal governmentality is the way this inherently political rationality uses different discursive, affective, symbolic and psychological mechanisms to restructure a social order according to a revised set of principles and logic. Instead of seeing the neo-liberalisation of society as a result of inexorable capitalist drives, we should really be seeing it as an intelligible political process, a process of calculated re-regulation of different social spheres. This is what I believe was the purpose behind Foucault's choice of words in governmentality – that we are dealing with a political phenomenon, meaning it can be tackled, resisted and reversed through political means. The political and the economic are not two forces exterior to each other where one is overpowering the other. This narrative falls too easily within the confines of the binary between good and evil. The two work together, or to be even clearer, the two are different modes/structures of the same ontology which is power. And where there is power, there is resistance. There is still hope.

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## About the Author

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# accentuating the negative: wendy brown's undoing the demos

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**W**endy Brown is a cultural/political theorist of exceptional intelligence and acuity. Her insights have resonated with many (including this avid reader of her work) who share her sense that what gets anointed as 'legal and political thought' routinely bypasses the big questions around which the theory and practice of politics *should* be organised, or does not address them coherently. She has won wide acclaim for the uncompromising astuteness with which she has articulated that sense, excavating and exposing in one book after another the ambivalences, contradictions and hidden assumptions on which political orthodoxies of left, right and centre invariably rest. Her targets have always been the

discursive formations that dominate ways of thinking about politics; her project always to interrogate the cultural hierarchies that sustain these.

While her first book (Brown, 1988) set its sights on figures as diversely iconic for 'Western' political theory as Aristotle, Machiavelli and Weber, Brown's second (Brown, 1995) enunciated what would remain the organising themes of her work until recently: the poverty of liberal democracy's conception of the political, and the congenital failure of its procedures and institutions to deliver true political freedom. That, she argued in *States of Injury*, would involve effectively sharing in the exercise of political power to shape the conditions that govern

economic, social and cultural life, and produce the sovereign individuals that liberalism posits as innocently unconditioned. Although insisting that freedom in this complex sense can only ever be struggled for, 'never achieved' (ibid.: 25), Brown here castigated self-styled 'progressives' and 'radicals' for giving up the struggle by reacting to the disorientation attendant on 'postmodernity' with strategies of buttressing the 'protections' guaranteed by the liberal democratic and social state. She argued that legal protections for personal liberty and economic security, and against 'injuries' to vulnerable (racial, gender and sexual) identities, position their beneficiaries as passive and dependent rather than active and free; while protectionism marries an 'uncritical statism' (ibid.: 26) that Marx would have abhorred as ideological to a 'politics of reproach, rancour, moralism and guilt' (ibid.) that Nietzsche would have disdained as fuelled by *ressentiment*. Brown's general message here was that 'freedom institutionalised [by/in law and the state] transmogrifies into its opposite' (ibid.: 8).

Until *Undoing the Demos*, Brown was consistent in her interrogation of liberal democracy's constitutive ideas and relentless in diagnosing its predicaments. A great deal of earth – perhaps too much – was scorched in the process. *Politics Out of History* targeted liberalism's 'tattered narrative' (Brown, 2001: 3) of progress towards rights-based justice by challenging the idea of progress itself, but it thereby also impugned as uncritical Marx's conception of historical change as a process of dialectical transformation, and challenged related characterisations of social relations in terms of 'systems' (ibid.: 11) and power in terms of 'logics' (ibid.: 63ff). Though it called for 'a political consciousness that would mobilize and activate history rather than submitting to, fulfilling, taming or jettisoning it' (ibid.: 173), how political actors were to achieve

this was not spelled out, and Brown seemed sympathetic *both* to the 'anti-politics' that she saw as entailed by Nietzschean genealogy – a perpetual struggle, in the name of 'life', against all attempts to institutionalise political freedom (ibid.: 134–135) – *and* to the stance (attributed to Walter Benjamin) of 'seizing and developing the prospects of political transformation in the present' (170). *Left Legalism/Left Critique* (Brown and Halley, 2002) took aim at justiciable rights, a key liberal mechanism for institutionalising freedom: the premise of this collection (co-edited with Janet Halley) was that 'the Left's' turn towards translating political demands (to redress processes of social subordination) into legal claims (against blameworthy persons) was stymieing 'prospects of political transformation in the present' rather than 'seizing and developing' them. *Regulating Aversion* (Brown, 2008) explored the dark side of a core liberal value – tolerance – thereby exposing the limits of liberal institutions (e.g., constitutional protections for freedom of expression) that are animated by and seek to preserve this value; while *Walled States, Waning Sovereignty* (Brown, 2010) proclaimed the impotence of the hero of political liberalism's progress narrative: the sovereign nation state. Overall (though she has produced many more writings than can be mentioned here), the premise underlying Brown's work from *States of Injury* until *Undoing the Demos* was that the categories of liberalism 'progress, right, sovereignty, free will, moral truth, reason' (Brown, 2001: 4) were un-dead – devoid of vitality but still abroad in the world – and that the task facing critical thought and practice was to supersede them. Against this backdrop, it is puzzling to see Professor Brown defending these very categories in her most recent book.

That said, Brown's defence of liberal democracy in *Undoing the Demos* (Brown, 2015) is not straightforward and

unequivocal, because the project here is to target something else: *neo-liberalism*. The central argument is that neo-liberalism is in the process of draining liberal democratic ideals (justice, legality, rights, constitutionalism, individual and popular sovereignty) of their distinctively political meanings. Worse, it is filling these with new meanings that represent the political as subsumable, like everything else, within a totally 'economised' world, a world ordered entirely by the imperative to maximise capital in all its forms – including that which is supposedly embedded in human capacities and potentials. This, Brown now argues, eviscerates liberal democratic principles as bases from which to limit and criticise capitalism and its consequences, and so threatens to extinguish a crucial source of radical democratic inspiration. The book focuses particularly on three manifestations of what its author calls 'neo-liberalism's stealth revolution': the continued rise of governance as a modality of rule; an ongoing judicial trend towards extending 'human' rights to corporate persons; and tendencies in the organisation and culture of universities that are reducing higher education to little more than a site of human capital formation, justifiable only insofar as it delivers a competitive rate of return on students' investments in themselves.

In many ways, Professor Brown's account of these processes is resonant and compelling; what I query here are its methods and emphases. In what follows, I first consider how Brown reads Michel Foucault's reflections on neo-liberalism before examining her characterisation of *Undoing the Demos* as 'in the classic sense of the word, a critique' (28) of our neo-liberal present. I argue that this book is better characterised as a condemnation of our neo-liberal present that presents the revival of un-dead liberal democracy as today's urgent political priority. This in turn exposes it to the very questions that Professor Brown (1995) herself addressed

20 years ago to those who could think of nothing more imaginative to do, as 'the Right' was beginning to consolidate its grip on political life, than rally around liberal democracy. And because Professor Brown herself has devoted the last 20 years to a succession of piercing problematisations of liberal democracy, it is difficult now not to be ambivalent about it.

## TECHNOLOGIES AND POLITIES

Although *Undoing the Demos* engages extensively with Foucault's late Collège de France lectures on neo-liberalism (especially those delivered between 1977 and 1979: Foucault, 2007, 2008), it does not itself *do* a genealogy of neo-liberal governmentality. (Nor did the lectures, admittedly, but since these were never intended for publication they cannot be taken as Foucault's final words on the subject, and are best read as charting his preliminary explorations of how neo-liberal governmentality was then in the process of being constituted.) One sign of this eschewal of the genealogical method is Professor Brown's preoccupation throughout this book with neo-liberal *ideas*, as distinct from the *regimes of practices* that Foucault's own analyses of power and government so vividly brought to light. (On regimes of practices, see Foucault, 1991.) For Brown, neo-liberal ideas – notably the ideas that fully competitive markets are both possible and desirable, and that human nature can be understood in terms of the figure of *homo economicus* – form the 'governing [political] rationality' of our time (115). She renders neo-liberal political rationality as '[the term] Foucault used for apprehending ... the way neoliberalism comes to govern as a normative form of reason' (ibid.); as 'the *becoming actual* of a specific normative form of reason' (118), namely '[that]

generated by Ordoliberalism and the Chicago School' (ibid.). Yet, since she also characterises neo-liberal political rationality as 'not itself an instrument of governing' (121), but rather 'the field of normative reason from which instruments and techniques [of governing] are forged' (ibid.), Brown's formulations raise questions – not fully addressed in the book<sup>1</sup> – about *how* exactly neo-liberalism has become 'actual'. Overall, the message conveyed is that instruments and techniques of neo-liberal governing have somehow been derived from neo-liberal ideas.

This privileging of ideas is problematic, not least because Foucault's own writings represent power and government as having a 'technological' character that simply cannot be grasped if the focus is wholly or even primarily on theories, concepts and arguments. A technology is the appliance of science: a practical application of scientific knowledge, usually in the form of mechanisms that intervene in some object or process to produce some end. Foucault's genealogical investigations (e.g., of discipline) are oriented towards showing how modern human and social 'sciences' are put to work within mechanisms for 'conducting' human conduct (Foucault, 1983). The elements of which these mechanisms are formed are in principle limitless – they include behavioural routines, organisational procedures, architectural arrangements, institutionalized modes of calculation, inscription and recording – but from a Foucauldian perspective, what is significant is the entwinement within them of power and knowledge: how they mobilise mutually enabling processes of *intervening* in particular domains of human life and *investigating* those domains. Regimes of practices in Foucault's sense are the ensembles that technologies form both with each other, and with other elements, which are less directly oriented towards intervention in conduct, but nonetheless help to organise domains for intervention

and render certain ways of acting upon those domains thinkable (Miller and Rose, 2008). These other elements include prescriptions oriented towards directing action, together with rationalisations supporting these prescriptions: it is because prescriptions must be seen to be founded in theoretical or practical reason if they are to be effective in directing action in modernity that Foucault saw government as a 'rationalised' practice (Foucault, 2008: 2). Neo-liberal ideas are sources of rationalised prescriptions, which is why Foucault characterised neo-liberalism as a political rationality. From a Foucauldian perspective, however, what is interesting about such ideas is how they become operationalised, because ideas can never operationalise themselves. They may map out the ethical territory within which certain ways of conducting human conduct can come to seem desirable, but they offer no determinate prescriptions for reinventing states and societies, nor has neo-liberalism spontaneously yielded practical techniques for intervening in societies in order actually to reconfigure them as 'enterprise societies' (Foucault, 2008: 147, 241). As a whole generation of governmentality scholars has shown, in a rich and important body of work to which Brown unfortunately pays no attention (see e.g., Burchell *et al*, 1991; Barry *et al*, 1996); Rose, 1999, Barry, 2001; Barry and Slater, 2004; Miller and Rose, 2008), it is only insofar as neo-liberalism has become technological in Foucault's sense that the economisation effects noted in *Undoing the Demos* have been produced.

Against this backdrop, it is impossible for this reader to accept Brown's contention that Foucault characterised neo-liberalism as a 'political rationality' with a view to steering a path between Weber's account of societal rationalisation as a self-standing process and the early Frankfurt School's attribution of this process to the dynamics of capitalism (118–121).

Neither arguments nor evidence are produced to support this assertion, which is difficult to reconcile with Foucault's own words on the matter (e.g. Foucault, 1983: 210). As Barry *et al* have explained, Foucault's understanding of the connection between rationalisation and politics is very different from that of either Weber or the Frankfurt School:

*To speak of the conduct of conduct as being made thinkable under certain rationalizations and practicable through the assembling of technologies is not, thereby, to subject these endeavours to a critique .... [or] to dream of an alternative – an anti-technological future of the full realization of humanity .... Human capacities are, from the perspective of [Foucault's] investigations, inevitably and inescapably technologized. An analytics of technology has, therefore, to devote itself to the sober and painstaking task of describing the consequences, the possibilities invented as much as the limits imposed, of particular ways of subjectifying humans. (Barry et al, 1996: 12–13)*

## CRITICISM AND CRITIQUE

Such painstaking genealogies – for that is what they are – can also be exercises in criticism (if not 'critique'): they can be 'instruments for those who fight, those who resist and refuse what is' (Foucault, 1991: 84). Insofar as 'what is' serves political priorities (e.g., to generate enterprise or mobilise competition), exploring the possibilities and limits of the present is also a political act: indeed Foucault insists in the fourth lecture of the 1977–78 series that 'the techniques of government have really become the only political stake and the only real space of political struggle and contestation' (Foucault, 2007: 109). Yet for Brown, his unorthodox conception of

politics is the key to the *weakness* of Foucault's interrogations of neo-liberalism:

*Foucault's coordinates of analysis do not permit him to ask: What effects does neoliberal rationality have on democracy, including on democratic principles, institutions, values ...? Above all, what is the effect of this rationality on a democratic imaginary? What does it do to the very idea of the demos in popular sovereignty? To the values of political autonomy, political freedom, citizen voice, justice and equality? (74)*

I explain below why I think this is a misdiagnosis: Foucault's work on governmentality is highly relevant to this cluster of questions because it shows why fixating on such questions is already to be in (liberal, if not neo-liberal) governmentality's grip. For now I want to explore what is entailed by Brown's avoidance of genealogy as the framework for her own interrogations of neo-liberalism in *Undoing the Demos*, in favour of what she calls 'critique in the classic sense of the word' (28).

It is difficult to be certain what conception of 'critique' Brown regards as 'classic' – she defines this only as 'an effort to comprehend the constitutive elements and dynamics of our condition' (28) – but her minimalist characterisation, together with the book's central preoccupation (popular sovereignty), seem calculated to affiliate its project with Kant's conception of critique on the one hand and the second- and fourth-generation Frankfurt School (critical) political theorising of Jürgen Habermas and Rainer Forst on the other. What these endeavours share is an orientation towards showing how human freedom (viewed 'dynamically', emancipation) is possible, and how sovereign states and justiciable rights are equally central to achieving *political* freedom.

Kant inaugurated the critical method, and his political philosophy applies that method in elaborating the 'constitutive elements' of a rational polity in which equal 'external' freedom is secured. Essentially, these elements are state sovereignty and individual sovereignty, the former being the condition of possibility for the latter: there is no external freedom except under positive law. Popular sovereignty makes only a spectral appearance in Kant's political philosophy, but it is there nonetheless: the political sovereign's legitimacy resides in its acting *as if* giving effect to the united will of all of its (adult, male, property-owning) subjects considered as citizens (Kant, 1998a). And it was Habermas who first read out of Kant's lesser-known political writings an account of the mechanism – 'publicity' (*Öffentlichkeit*) – by which polities could advance towards a form of democratised political sovereignty that accommodated the co-original political status of individual sovereignty (Habermas, 1989: 102–117). There is an undeniable similarity between how Kant, Habermas and now Forst have theorised the 'dynamic' significance for politics of ideals of rational-critical debate (Kant, 1998b), rational communication (Habermas, 1996) and reasoned justification (Forst, 2013) respectively. All proceed on the basis that a normative potential lies embedded in communicative practices ('discourse' in the Habermasian sense), that communicative practices drive a political sphere populated by sovereign states and sovereign individuals, and that actually existing communicative practices can be criticised by reference to normative standards that are presupposed by them. Yet this is a way of doing criticism that, precisely because it owes so much to Kant, de-emphasises the legacy of the other acknowledged anchors of Frankfurt School critical theorising: Hegel and Marx. It is therefore surprising that Brown, who in previous work has deconstructed individual and

state sovereignty so thoroughly, sometimes in the name of a version of Hegelian-Marxism (e.g., Brown, 1995: 4), should now appear to ally her own defence of individual and popular sovereignty with critique in this 'classic' Kantian sense (e.g., 79).

While the project of *Undoing the Demos* – to appropriate a corrected and 'updated' (73) version of Foucault's lectures on neo-liberalism *for* (Kantian-critical) political theory – seems inconsistent with Brown's own previous work, it is entirely at odds with Foucault's, because Foucault's project in everything he wrote about power and governmentality was not to *do* this kind of political theory but rather to *problematise* it. For Foucault, it is precisely *through* the story political theory tells about what power is and what makes it legitimate that political theory tightens power's grip by obscuring its actual operations. When he famously wrote that 'in political thought and analysis, we still have not cut off the head of the king' (Foucault, 1978: 88–89) what Foucault meant was that political theory cannot get over its obsession with the idea, rights and institutions of sovereignty. On the evidence of *Undoing the Demos*, Professor Brown shares this obsession – not, of course, with kings but with the fully democratised sovereign that has as its correlate (in Kantian, Habermasian and 'Forstian' political theory) the sovereign individual. The message of her latest book is that neo-liberal ideas can only be countered by retrieving the idea and advancing the actuality of a sovereign *demos* constituted of sovereign individuals. Foucault, by contrast, would have us engage in a form of political struggle that involves turning the techniques of neo-liberal government to surprising ends – or sabotaging them completely.

This is not to say that Foucault was indifferent to questions of sovereignty, or indeed to questions of democracy such as those recited by Professor Brown in

the passage quoted above. In my view it is simply mistaken to assert, as Brown repeatedly does, that Foucault regarded government as having *replaced* sovereignty, as if sovereignty was no longer relevant to the exercise of political power in modern societies. Although his remarks on this theme are relatively sparse, sovereignty is a constant presence between the lines of Foucault's writings on power and government, and for him it was all of the following: the rules of public law that define the sovereign power in a given territory, the power that they define – which he repeatedly calls 'juridical power' – and the political and legal theories that seek to explain why this power is legitimate. Although every element of that apparatus has changed considerably over several centuries, Foucault insists that underlying it at all times in the modern West has been a shared set of assumptions about the essential nature of political power: that it is centralised authority over a territory, characterised by the fact that it makes, applies and enforces law in that territory, and in so doing necessarily constructs its subjects as rights-bearers; and that it is legitimated by reference to a universal/transcendental idea of justice.

If Foucault can be accused of essentialising sovereignty, then, he cannot be charged with ignoring it: what he showed was that modern sovereignty (in his very broad sense of that word) has been 'fundamentally determined by and grounded in' (Foucault, 1980: 105) modern regimes of government (in his very broad sense of that word), while remaining a distinct but integral part of the whole structure of power in every modern society. In particular, he clearly and consistently maintained that far from being *eliminated* by the 'governmentalisation' of the state, juridical power has been and continues to be *reconfigured* in relation to these processes of governmentalisation (Foucault, 2007: 87–114; Foucault, 2008: 159–184). Since, from a Foucauldian

perspective, democracy is nothing other than juridical power democratised, it cannot be seen as outside of, or essentially antagonistic to, any of this. Notwithstanding Hardt/Negri's re-workings of his thought, Foucault himself never invoked notions of the 'multitude' or the 'constituent power', doubtless because the *demos* in that sense is precisely a notion – it has no positivity – and Foucault was interested above all else in positivities. Moreover, insofar as political theory has actually functioned to legitimate extant apparatuses of juridical power, constituent power has been theorised as an *effect* of juridical power. So against a picture of political agency in which there is first a disorganised multitude, then (through an act of spontaneous self-organisation) a people or state, and finally (through the people's authorisation) a political sovereign, political theorists from Hobbes onwards have simply posited, as the basis of political sovereignty, an act of securing common submission within a territory to some entity, which act produces both the sovereignty of that entity and – as a kind of retroactive effect – a people. It would not be surprising, therefore, if Foucault saw the entire problematic of democracy as wholly enclosed *within* the framework of 'sovereignty' (in his sense of the word), and 'the people' – the citizenry – as a mere artefact of public law. Re-purposing Foucault's own remarks on sovereignty, it can be said that, for him, 'the powers of modern society are exercised through, on the basis of, and by virtue of [the] very heterogeneity between' (Foucault, 1980: 106) an abstract 'people', theorised and legally instituted as if ontologically prior to and in control of political power, and the embodied human populations which are the artefacts of governmentality.

Brown reproaches Foucault for having no conception of *homo politicus* and writing as if *homo juridicus* was the only subject position that could counter neo-liberalism's *homo economicus*. But from

the perspective just outlined, no participant in the *demos* could be other than *homo juridicus*. Brown herself has conceded (in *Walled States, Waning Sovereignty* (Brown, 2010)) that to conceive of a *demos* as subsisting 'beyond the Pale' (45–46) – that is, outside of the apparatus of sovereignty – is to contradict the very idea of the *demos* as a political agent (ibid.: 51–52, 54). Of course, conceiving of 'the people' as an agent of political transformation *within* the apparatus of sovereignty is a familiar move within political theory: Kant invoked the 'as if' of popular endorsement as a standard against which acts of empirical sovereigns can be judged and found wanting; and Brown appears now to want to head in the same general direction. But to enrol Foucault in this project is beyond the pale in a more colloquial sense because, to reiterate, Foucault was not doing political theory; he was analysing and diagnosing how modern political power works and the functions served by political theory in its operations. It follows from his analytics of political power that the notion of 'rule by the people' cannot be invoked to give expression to radical aspirations without kettling those aspirations. This is why, although Foucault's writings are peppered with references to political struggle, he refused the language of democracy or rights as apt to comprehend it (Foucault's, 1980: 108). For Foucault, political struggle is much more modest and prosaic than that. It starts with small acts of inventive subversion, of which hacking is perhaps exemplary today (and on the vicissitudes of hacking today, see Söderberg and Delfanti, 2015).

Perhaps all this is *too* modest and prosaic. Perhaps it needs values to inspire

and guide it, and maybe it cannot do without some kind of 'democratic imaginary'. Doubtless, too, struggle needs institutions (including 'new form[s] of right' [Foucault, 1980: 108]) to stabilise its achievements, and all talk of 'struggle' begs the question of how this relates to 'emancipation'. To that extent genealogy must connect up somehow with critique. But this cuts both ways. Critique must engage seriously with (and in) genealogy. More generally, critical-political theory must develop (or rediscover) a sociological sensibility, attend to the myriad contestations that punctuate life under neo-liberalism today – while repudiating the 'blackmail' (Foucault, 1984: 42) that would subject these to Kantian rationalism's sovereignty on pain of dispatch beyond the latter's own 'Pale' – and grapple with the challenge of thinking dispersed struggles together in ways that could make it possible to conceive of collective action against underlying drivers of oppression and exploitation. Unfortunately, notwithstanding its merits as a document of what neo-liberalism is destroying, *Undoing the Demos* offers no help to those who would build on the ruins. In an uncharacteristically stark fashion – and with a 'righteous' tone that she has previously, with good reason, eschewed (Brown, 2001: chapter 2) – Brown here negates the neo-liberal present rather than engaging with potentials embedded in emergent practices and positivities. A consideration of 'what political and intellectual possibilities might be generated from our current predicament' (ibid.: 4) would surely have been a more progressive and hopeful development of her earlier work.

## Note

1 Contemporary tendencies in the transformation of political rule are discussed under headings such as 'governance' and 'benchmarking', but in ways that do not engage with other contrasting discussions that cite Foucault as an influence. See for instance on 'governance', Rose, 1999: Chapter 1.

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# response

*wendy brown*

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In a forum of this kind, rewarding virtue calls for engaging those who grasped the book's argument with precision, rendered it subtlety, and used the occasion to think with, against and beyond it. This call would centre my remarks on Mitchell Dean's learned and provocative contribution. Evidently reading Carl Schmitt these days, Dean draws on Schmitt's philologically based speculations to further open democracy's semiotic potentials and forms, its ambiguities and also its darker sides. I might have a minor quarrel with Dean's suggestion that some of the most reactionary political policies and formations today spring from ideologies independent of neo-liberalisms; neo-liberal deracinations and deprivations are surely fuelling the racist and xenophobic nationalisms that Mitchell implies are external to neo-liberalism because they are expressed in non-market terms. I might also amplify his concluding suggestion that parts of the Left are accepting, even mirroring, 'the enemy's terms of engagement'; he focuses on anti-statism but I would argue that 'anti-politics' and anarchism, perhaps even 'the commons' participate in this

mirroring. That such forms of resistance are immanent to neo-liberal powers does not make them de facto wrong, but it does invite close critical reflection on them, especially since each shares neoliberalism's antagonism to a democracy.

I would like to think further with Dean about this and some of his other provocations: the relationship of households and markets in contemporary neo-liberal rationality, neo-liberalism's complex relationship to sovereignty, whether democracy remains an internal limit or is now a radical other to neo-liberal rationality, democracy's inevitable exclusions and more. This wish must give way, however, to turning back the misrepresentations, and the criticisms based on them, in this forum's other two responses to *Undoing the Demos: Neoliberalism's Stealth Revolution*. So, while Dean's reflections deserve greater attention, he will not be mentioned again.

The main political misunderstandings of my argument forwarded by Alen Toplišek and Anne Barron are that it is a defence of liberal democracy and a neo-Kantian condemnation of its corruption by neo-liberalism. The primary methodological

objections each raises pertain to what they take to be my failure to accurately read or faithfully follow Michel Foucault. Together these charges suggest the value of rearticulating the theoretical frame and political project of the book.

*Undoing the Demos* is addressed to two different audiences. On the one hand, it seeks to persuade liberal democrats that neo-liberalism is more than inegalitarian economic policy or free market ideology but is, rather a far-reaching political rationality that, among other things, assaults the legitimacy of popular sovereignty. On the other hand, it seeks to persuade leftists that this assault is consequential for left projects and aspirations, both because this decimation secures neo-liberalism's sturdiness in the face of free market principles increasingly exposed as false and faulty and because it generates undemocratic expectations in populations governed by neo-liberal rationality. What neo-liberal rationality dismantles is not only liberal democratic institutions and principles but the ground of a radical democratic imaginary that exceeds those – an imaginary of substantive equality, freedom and collective self-determination.

For this work, both Marx and Foucault were invaluable; neither was sufficient.

Marxists and Foucauldians have very different accounts of neo-liberalism. The former emphasizes the agency and imperatives of capital, while the latter emphasizes power in other forms – in reason and governmentality – and at other sites – irrigating society, producing truth and regulatory norms, generating and conducting subjects. Marx gives us a materialist and progressive historiography, while Foucault upends this with genealogy and an emphasis on powers circulating through normative orders of reason – whether in epistemes, discourses, governmentality or political rationality. Above all, Marxists understand neo-liberalism as a modality of capitalism,

while Foucault formulates it as a 'reprogramming of liberalism', one that placed market veridiction at liberalism's heart, transposed the basic principles of markets (substituting competition for exchange) and reformatted relations of state, economy and subject in liberal orders. Neo-liberalism understood thus takes shape as a novel governmentality, one promoting the norm and producing the practice of competition among capitals everywhere.

In Foucault's understanding, this is the governmentality that would economize every sphere, activity and form of conduct including that of the state itself. By contrast with the Marxist figuration of a world submitted to ubiquitous commodification, neo-liberal economization (especially in its financialized mode) governs more extensively and deeply as it transforms conduct in the social, the affective, the cultural, the sexual, the political and the intellectual. Similarly, neo-liberalized states and post-national institutions, more than simply securing or enabling the market, are themselves refashioned by market principles and metrics. As students of the Eurozone know well, neo-liberalization means governing for markets, propping and bailing markets, being organized and measured by market rationality.

Foucault was a seer here, discerning as no else did in his time neo-liberal reason's potential world-making powers in excess of its dismantling of the welfare state, progressive taxation, public goods and industries, and extensive regulation of capital in the name of the public interest. While 'actually existing neoliberalism' unfolded differently than Foucault (or the founding neoliberal intellectuals) imagined – it would transform law, rights, governance and capital itself in ways undreamed of by Foucault – he remains unrivalled in theorizing this power of neo-liberal rationality to remake states, societies, economies, subjects and their relations. However, beyond anachronism,

Foucault's analysis is neither complete nor serves all critical purposes. It is one-sided in its emphasis on liberalism and neglect of capitalism; in fact, it tends to regard the economy *from* the perspective of liberalism, that is, as a market of interested subjects, not as class-stratified social relations organized by capital. Put differently, while Foucault's perspective reveals vital features of neoliberal governmentality, it does not illuminate the novel powers of capital taking shape through neo-liberalization and its bastard child, financialization. Hence, to grasp what kind of regime neo-liberalism unfolds and what it does to the ideals, principles and practices of liberal democracy, both (neo)Marx(ism) and (neo)Foucault(ianism), both a theory of capital and a theory of governmentality, are required. *Undoing the Demos* draws on both traditions and intentionally does not suture or reconcile them.

The argument of the book also needed more than both Marx and Foucault because of its object of critical analysis, democracy. Democratic principles, practices, cultures, institutions and imaginaries are not much on the radar of either Marxists or Foucauldians. 'As it should be!' leftists might proclaim who regard democracy as always already colonized by liberalism and capitalism, and 'that's why we don't read them!' liberal democrats might declare. Yet these responses ignore what is at stake in an unprecedented historical conjuncture in which what is vanishing is the very value and legitimacy of shared political freedom, political equality and powers accountable to if not directly governed by the people. *Undoing the Demos* does not probe liberal democracy's different iterations or self-representations, its hypocrisies or false promises, or its imbrication with injustices generated by capitalism, colonialism, racism, misogyny, heteronormativity, gendered divisions of labour and much more. Rather, its sole focus is the unprecedented replacement by neoliberal

reason of popular sovereignty with the sovereignty of markets, of political justice with unhindered market distributions, of the figure of democratic citizenship with the figure of human capital, of political freedom with capital value and of political equality with economic interest. The book examines the detailed ways that these replacements have unfolded in law, governance, education and elsewhere in recent decades, at the same time that ubiquitous neo-liberal marketization and financialization have exacerbated inequalities and wealth's access to political power. In short, *Undoing the Demos* is neither a defence nor a criticism of liberal democracy but is, rather, a theory of democracy's institutional dismantling and semiotic undoing. Put differently, it is a critical theoretical examination of the neoliberal assault on European modernity's signature promise – always unrealized – that the people shall rule itself.

Which brings us, finally, to the question of critique. This is not the place to array critique's many meanings, ancient through contemporary. We can, however, scratch our heads over Anne Barron's odd reduction of critique to Kantian moral judgment, along with her representation of Foucauldian genealogy as the only antidote to Kant. Where, in this binary, are the rich iterations of theoretical critique by Hegel, Marx, the early Frankfurt School, Gramsci, post-structuralists, feminists, or postcolonial, queer and critical race theorists? What of the Hegelian formulation of critique as surfacing buried metaphysical concepts and historical predicates in any formulation or formation? What of Marx's appreciation of critique as grasping a conflict, problem or historical formation by its root (*radix*), and his lifelong practice of critique as revealing conditions, powers and processes masked by quotidian self-representation? Could one really read Marx's three volume 'critique of political economy' as moral condemnation, rather than a systematic *exposé* of

the fundamental elements and dynamics of capital? What of feminist critiques of the public–private distinction, queer critiques of gender binarisms, critiques of conventions of secularism or humanism? Indeed, what of Foucault’s critiques of conventional theories of power, sovereignty, truth and the subject? What has any of this to do with neo-Kantian normativity?

*Undoing the Demos* is neither a nostalgic recuperation of a mythicized liberal democratic golden age nor a moral condemnation of neo-liberalism. Rather, it is a theoretical accounting of forces transmuting liberal democratic states, law, governance, subjects, citizens and

principles on the one hand, and generating what Foucault terms new principles of ‘veridiction’ legitimating anti-democratic regimes and expectations on the other. It also queries briefly, too briefly no doubt, where and how compelling alternative arrangements (not mere ‘resistance’, which is easy) might be rooted and mobilized in the twenty-first century. That such an endeavour could be misread as moral reproach or as inadequately Foucauldian may be a symptom of certain stale academic debates that limit rather than animate the theoretical crossings, disloyalties and imagination required to apprehend our contemporary predicaments and possibilities.

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