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## 13 Bioethics as Biopolitics: A Foucauldian Perspective

### 13.1 Introduction

Talk of bioethics as biopolitics usually relates to the common idea that debates about the quality of life, medical ethics, or the advances in biology and neuroscience are influenced by a variety of preexisting political positions (Reiner 2013). Political views about how society should be organized have significant implications for practical issues related to reproductive freedom or public health. For instance, liberal positions tend to favor the moral permissibility of human enhancement as long as it does not violate individual freedoms (Agar 2004), whereas bioconservatives are more skeptical (Sandel 2007).

In this article, I draw attention to a different interpretation of bioethics as biopolitics, which does not appeal to the standard application of political theories to controversial practical issues. My objective is to make several suggestions for approaching bioethics from a Foucauldian perspective. I follow the three stages in Foucault's intellectual trajectory (with a focus on the genealogy of power) and also analyze the way he reflected upon themes that are part of bioethical issues. The French philosopher is famous for his relentless investigations to uncover insidious forms of power and how scientific discourses can be used to reinforce or restructure social orders<sup>1</sup>, highlighting the dangers of scientism while claiming to overcome the "critique of ideology" approach. Such an analysis is especially needed, as Foucault's ideas are often linked to the field of bioethics in a rather distorted, incomplete, or fragmentary way<sup>2</sup>, often as secondhand quotations, lacking a thorough and careful

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<sup>1</sup> What brings a particular scientific discourse "in addition to the real", instead of merely "representing" reality? (Foucault 2017, 235–9) Focusing on "practices constitutive of domains of objects and concepts" (Foucault 2014, 12), his approach of the human sciences was, broadly speaking, a pragmatist one.

<sup>2</sup> See, for instance, Bishop and Jotterand (2006), who, mistakenly, argue that Foucault would have maintained a somehow positive – or at least "ambiguous" – view of "the enabling capacity of biopolitics", without acknowledging the common dark core of modern democratic societies and totalitarisms revealed by Agamben (1995). In fact, a text such as "The Subject and Power" (Foucault 1983) clearly highlights "the strange, perverse, insidious alliance between the effect of *totalization* and the effect of *individualization* that lies at the very heart of Western democratic societies" (Iftode 2012, 96–7). Fascism and Stalinism, the two great "diseases of power" of the 20th century, would have actually "used and extended mechanisms already present in most other societies. More than that: in spite of their own internal madness, they used to a large extent the ideas and the devices of our political rationality" (Foucault 1983, 209).

study of his understanding of power techniques, the human subject, personal freedom and society, medicine, and sciences of life.

### 13.2 Madness, the asylum institution, and the psychiatric power

Foucault's first major work, *Histoire de la folie à l'âge classique* (1961), provided a negative answer to a question that became central to the antipsychiatry movement developed in the 1960s: is madness (*folie*) really reducible to mental illness?

The French thinker argued that, in early modern times, we witnessed the suppression of the ancient and medieval complementarity between reason and madness (invoking Apostle Paul's warning, any reason holds its degree of madness and any madness holds its reason – 1 Cor 1:18-25). He also claimed that this suppression parallels, on the level of ideas, the exclusion of mad people from the social sphere, starting with the Great Confinement of 1656 (Paris, L'Hôpital Général). The social exclusion would have gone hand in hand with the "Cartesian" decision of denying the mad person any kind of moral or intellectual status. Based on "methodic doubt", someone can suppose that s/he is now dreaming, or that the world is an illusion, but s/he cannot doubt the fact that s/he is not mad, because "madness is precisely a condition of impossibility for thought" (Foucault 2006a, 45). This assumption involves *silencing* the mad, breaking any possible connection between sane reason and unreason, the latter being understood simply as "madness".

But what is more important to us, on a social and moral scale, is the creation of hospital institutions as "a sort of semijudicial structure", "an instance of order", organized on the basis of "former lazar houses" in major cities in France, during the 17th and 18th centuries. What becomes essential in Western societies (either Catholic or Protestant) is this obligation to work: "Once, he was welcomed because he came from without; now he was excluded because he came from within, and the mad were forced to take their place alongside paupers, beggars and vagabonds" (Foucault 2006a, 62). What is now important is eliminating any factor that threatens social order: "Confinement (...) was a 'police' matter (...) quite independent of any desire to cure. What really made it necessary was a work imperative" (Foucault 2006a, 62). And this is how the idea of *discipline* as the right way of "reclaiming irregular men" (Foucault 2006a, 76) comes into play.

Taking into consideration the next stage of this "history of madness" (the end of the 18th and the 19th centuries), what is there to say about the "liberation of the mad" in chains, accomplished by "philanthropists" such as Tuke in England or Pinel in France? Foucault understood this historical episode as the symbolic expression of the modern, scientific way of reestablishing the bridge between reason and madness, but only by assuming reason as the "truth" of madness and conceiving the psychiatric treatment as negating ("sublating") the (mental) alienation. This means that the

whole purpose of the psychiatric treatment consists in getting the mad person to speak and behave again in a civilized, “normal”, and socially acceptable manner.

But while trying to “tame” the madness, to make it listen to the voice of reason, the Enlightenment would actually prove its dark side: the other side of madness is the madness of *discipline*, the madness of the guardians, of the keepers, relishing the “beast” in the very name of order and discipline: “animality was not to be found in the animal, but in its taming” (Foucault 2006a, 477).

Still, the reasons for doing that were of the noblest kind. It is clear, at this stage, that the psychiatric cure was in fact a *moral* treatment, working on the madman’s guilt and carefully organizing it, aiming at “ethical uniformity” through “this conversion of medicine into justice, and therapeutics into repression” (Foucault 2006a, 493, 501). Consequently, Foucault emphasized a number of *disciplinary techniques* and *strategies of normalization*<sup>3</sup>, which were specific to lunatic asylums: silence, recognition as mirror, perpetual judgment, and most importantly for the future of psychotherapy, the apotheosis of the medical character (*personage médical*). He noted, “The doctor could only exert his absolute authority over the world of the asylum in so far as he was, from the beginning, Father and Judge, Family and Law” (Foucault 2006a, 506).

The shape of psychiatric practice pertaining to social morality and the positivist foundation of modern psychiatry, strangely combined with a mythical aura of the psychiatric physician, make psychiatry unable “to hear the voices of unreason”<sup>4</sup>, concluded Foucault.

Intended as a laboratory for a second volume of *History of Madness* that was never to be accomplished<sup>5</sup>, *Psychiatric Power: Lectures at the Collège de France 1973–1974* reflects Foucault’s changed focus on the genealogy of power relations. Instead of starting from an analysis of cultural representations about madness or the “perception of madness”, Foucault was concerned right from the start with “the apparatus (*dispositif*) of power as a productive instance of discursive practice” (Foucault 2006b, 12–3). Regarding the psychiatric hospital from a Nietzschean perspective, a conceptual reshuffling is now required: rather than speaking of “violence”, he speaks of “a microphysics of power”; instead of “institutions”, he tackles the “tactics” of the psychiatric power; and instead of comments on the “family model” or the “State

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<sup>3</sup> I am using two expressions that do not actually appear in this book but will be made popular by Foucault later in the 1970s.

<sup>4</sup> “Madness need not be all breakdown. It may also be breakthrough (...) The person going through ego-loss or transcendental experiences may or may not become in different ways confused. Then he might legitimately be regarded as mad. But to be mad is not necessarily to be ill, notwithstanding that in our culture the two categories have become confused” (Laing 1971, 133, 138).

<sup>5</sup> The final part of the lectures somehow merged into the elaboration of the first volume of *History of Sexuality* (1976/1978), while the analysis of power *dispositifs* was undertaken in *Discipline and Punish* (1975/1995).

apparatus”, he is now discussing “the strategy of these relations of power and confrontation which unfold within psychiatric practice” (Foucault 2006b, 16).

Foucault’s investigation amounted to a most disturbing paradox regarding the functioning of a modern psychiatric hospital: unlike any hospital of general medicine, “the psychiatric hospital exists so that madness becomes real” (Foucault 2006b, 252). But his analysis goes one step further than the institutional type of criticism of the psychiatric hospital, revealing a peculiar *double bind*: the purpose of the asylum institution remains a suppression of “the symptoms of madness”, but, at the same time, the psychiatric power regards the asylum as the “space of realization” for the mental illness, in order to justify the restraint of the patients (Foucault 2006b, 252–3).

In Foucault’s view, the psychiatric power was not essentially repressive: it was a way of *producing* a particular kind of knowledge, the scientific classifications and discourses about mental disorders justifying the fundamental *division* of speeches and conducts into “normal” and “abnormal” ones. Thus, we should be aware of the potential of psychiatric knowledge to shape social institutions, which in turn “normalize” collective behavior.

### 13.3 Biopolitics as “power’s hold over life”: the three levels of an analysis of “normalization”

In June 2016, the UN World Health Organization (WHO) issued a public warning to Syrian officials, demanding their collaboration in order “to control the use of tobacco and water pipes” among Syrian people. Although according to Dr. Elizabeth Hoff, WHO’s Syria representative, the use of water pipes to smoke shisha “is 20 times more dangerous than cigarette smoking”, controlling the use of cigarettes remains WHO’s main target, “presumably because they can’t apply their risible plain packaging policy to water pipes” (Snowdon 2016). According to an Associated Press report, “Syria’s war is estimated to have killed several hundred thousand people amid the rise of the Islamic State group. But Dr. Ahmad Khlefawy, Syria’s Deputy Minister of Health, said the war cannot be an excuse for Syrians to endanger their lives by consuming tobacco.” (Associated Press 2016)

To complete the dark irony of the situation, it has to be said that the most effective tobacco control strategy is already in place in the territories controlled by the Islamic State, where smoking is banned, with punishments ranging from whipping to execution. This being the case, the act of smoking, however bad it is for health, comes to be seen by Syrian people as a kind of symbol for personal freedom and rejection of Islamic fundamentalism.

This could be a perfect example of what Foucault envisaged when using the term “biopolitics”. But what does *biopolitics* actually mean? The term was probably coined in the 1920s by the Swedish political theorist Rudolph Kjellén and initially used by authors who were hostile to the liberal contractualist theory to designate a conception

of the State as a supraindividual “form of life” (Lemke 2011; Esposito 2008). Later used by Nazi ideologues (such as Hans Reiter) with explicit racist connotations (Liesen and Walsh 2011), the term “biopolitics” was reintroduced in social sciences at the beginning of the 1960s, in the context of discussions of the various aspects of political behavior in relation to psychobiological and neurophysiological research. Therefore, it has to be said that by the time Foucault made it notorious, the word “biopolitics” had already been used in many contexts.

Thus, it is important to understand how exactly Foucault *reshaped* the meaning of “biopolitics”. His famous definition appears in the last chapter of *The History of Sexuality I*, which was initially published in 1976:

[We] speak of *bio-politics* to designate what brought life and its mechanisms into the realm of explicit calculations and made knowledge-power an agent of transformation of human life (...) For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question. (Foucault 1978, 143)

Already at use in a series of conferences conducted in Rio de Janeiro, in 1974, about the origins of “social medicine” (Foucault 2001a, 210), “biopolitics” would become a key notion in the lectures delivered at the *Collège de France* between 1976 and 1979 (Foucault 2003b, 2008, 2009). Instead of analyzing to what extent political institutions are effects of our biological condition, the French thinker questioned whether modern times are not synonymous with an era when the bare *life* of human beings becomes the primary target of *politics*, thus enabling a whole range of strategies, techniques, and mechanisms for the “management” of life and the enhancement of our natural traits.

These *control* strategies can operate directly and openly as it happened in the case of 20th-century catastrophic totalitarianisms. But they can also function in a subtler and implicit manner, in the context of Western liberal democracies, as indirect ways to generate various regulations, fiscal policies, funding policies for research deemed to be useful in terms of general social objectives, and strategies for initiating public debates on legislative changes, or more generally, for inscribing particular topics on the public agenda. To put it briefly, let us suppose that the “neutrality” assumed by the state power will allow only the smallest possible number of direct prohibitions and consider violent restraint merely as an extreme solution. This fortunate situation would still imply that state power does exercise itself through tactics aimed at continuously creating a particular kind of “demand”, a public anxiety and expectation. This would equally imply that “politics” is actually guiding the individual pursuit for happiness by emphasizing and valuing a specific type of success, of achievement, of conduct to be followed.

During the 1970s, pursuing a Nietzschean thread, Foucault focused on a genealogy of the modern subject understood not as the grounding principle of all human knowledge and action, but as *sujet de pouvoir*: an *effect* of power relations that

fold the self, force “the individual back on himself and ties him to his own identity in a constraining way” (Foucault 1983, 212). The general strategy was to show how both “the subject of law and legal theories and the *normal* man of human sciences” are being produced through subjection (*assujettissement*) by a “disciplinary power that informs our practices, induces docility and regularity, normalizes conducts” (Gros 2004, 19). So, in the first stage, “normalization techniques are understood only in the manner of disciplines” (Le Blanc 2006, 155). Foucault talks about a “microphysics of power” that functions in various institutional frameworks: the asylum (as we have already seen) or the prison, but also factories, military barracks, school classrooms, or public administration – each of these cases involving precise disciplinary techniques (Foucault 1995). But starting from 1976, he focused on the question of “bio-power” or “biopolitics” conceived as “power’s hold over life”, “the acquisition of power over man insofar as man is a living being”, or even “State control of the biological” (Foucault 2003b, 239–40). This was Foucault’s way of addressing what many Leftist intellectuals of that time considered was previously missing from his approach: a genealogy of modern state power and state apparatus, both different from traditional sovereign power<sup>6</sup> and irreducible to a disciplinary power operating on the microlevel of particular institutions such as the ones mentioned earlier.

Even if his reflections lack articulation of an actual “theory” of political power, they gradually merged into a vision of modern power relationships forming a complex mechanism that would have developed in the Western world during the 17th and 18th centuries, which involved two dimensions. First, this “multiple, automatic and anonymous power” (Foucault 1995, 176) over life focused on the *disciplines* of the body: a whole range of techniques designed to train (in fact, “tame”) working individuals who are useful and docile. Then, toward the end of the 18th century, we witness “a second seizure of power that is not individualizing but (...) massifying, that is directed not at man-as-body but at man-as-species” (Foucault 2003b, 243). In the latter case, the technology of power does not involve direct threats or physical corrections but resorts to *regulations* of the population – a population that is conceived, at the same time, as a social body and “species body (...) imbued with the mechanics of life and serving as the basis of the biological processes” (Foucault 1978, 139). *Biopolitics* establishes itself through specific devices of power/knowledge, such as the newly emerged *statistics*, the “science of the State”, and it involves new practices in “health management, hygiene, nutrition, sexuality, birth rate, up to the point where these have become political stakes” (Revel 2002, 13). This correlation of disciplines and regulations (as two mutually implying technologies of power) gives us the key to grasping the troubling thesis formulated by Foucault later in the 1980s:

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<sup>6</sup> “One might say that the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death” (Foucault 1978, 138).

[T]he state’s power (...) is both an individualizing and a totalizing form of power. Never, I think, in the history of human societies – even in the old Chinese society – has there been such a tricky combination in the same political structures of individualization techniques, and of totalization procedures. (Foucault 1983, 213)

In this context, the key concept and also the most disquieting one seems to be the idea of “biopolitical normalization”. What is the meaning of “norms” and “normalization” according to Foucault? How are we to understand his proffered “antinormativism”? The issue is of the highest complexity, but I would say that the most important thing, at least from a methodological point of view, is Foucault’s dismissal of the *ideality* of norms (Legrand 2007, 153–5). Once this position is assumed, his strong rejection of a disciplinary society, as well as his criticisms of the gradual “juridification” or “very strong ‘codification’ of the moral experience” (Foucault 1990, 30) in the Western world, follows as a matter of consequence. Norms are never to be conceived as expressions of “Divine Will” or “Pure Reason”, “but rather as material statements (*énoncés*) acquiring a normative significance within precise frameworks of action and through distinct social practices” (Iftode 2015, 146).

The *biopolitical* age is synonymous with this historical overlapping of the *juridical*, coercive meaning of the norm, the *biological* meaning (the “normal” functioning of an organism), and the *statistical* meaning (“normality” as an average). This is already quite obvious in the lectures about the *Abnormal*: “the norms function is not to exclude and reject. Rather, it is always linked to a positive technique of intervention and transformation, to a sort of normative project” (Foucault 2003a, 50). So, in a genealogy of abnormality, we shall have, on the one hand, the “individual to be corrected” and, on the other hand, the “monster” seen as an anomaly, the “natural form of the unnatural”. In this context, “the recurring problem of the nineteenth century is that of discovering the core of monstrosity hidden behind little abnormalities, deviances, and irregularities” (Foucault 2003a, 56).<sup>7</sup>

However, the approach later undertaken in the lectures on *Security, Territory, Population* (Foucault 2009) allows us to distinguish *three* levels of “biopolitical normalization”: *law*, *discipline*, and *security*. To be more precise, we have to distinguish *the legal system* (involving “a binary division between the permitted and the prohibited”, and also a link between prohibition and punishment), *the disciplinary mechanism* (involving techniques of surveillance, correction, and so on), and *the apparatus (dispositif) of security*. As to the functions of an apparatus of security, we might again distinguish three of those: (a) to insert a phenomenon “within a series of probable events”; (b) to insert “the reactions of power to this phenomenon” in “a calculation of cost”; (c) to establish, “instead of a binary division between the permitted and the prohibited”, something like “an average considered as

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<sup>7</sup> See Lombroso (2006), the classical study of the “born” criminal, originally published in 1876.

optimal on the one hand, and, on the other, a bandwidth of the acceptable that must not be exceeded” (Foucault 2009, 20–1).

Foucault explains these three different levels of normalization by giving two kinds of historical examples. One is the punishment for theft, while the other directly targets the field of bioethics: the treatment of leprosy, plague, and smallpox. For leprosy, we encounter a *legal* dividing practice aimed at the exclusion of lepers, while in the case of plague, there existed *disciplinary* regulations indicating where and when you can go out, and also prescribing a particular conduct at home, a food diet, the avoidance of some types of personal contact, and the obligation to allow regular inspections in your house. But in the case of smallpox, we may witness, in the 18th century, the emergence of *security* procedures directly linked to “knowing how many people are infected with smallpox, at what age, with what mortality rate, lesions or aftereffects, the risks of inoculation, the probability, and the statistical effects on the population in general” (Foucault 2009, 24).

Foucault does not hold that the mechanisms of security are something new; neither did he claim that they would involve a “cancellation of juridico-legal structures or disciplinary mechanisms”. What he actually achieved was asking whether we have begun living in a “society of security” (Foucault 2009, 25), one in which “basically, the fundamental question is economics and the economic relation between the cost of repression and the cost of delinquency” (Foucault 2009, 23). In the lectures dating from the following year (Foucault 2008), he openly addressed questions regarding American and German neoliberalism, where what is at stake is not only a kind of *laissez-faire*, a certain “freedom of movement (*laisser-passer*)” and a sort of “letting things take their course” on the market (Foucault 2009, 64), but also an attempt to understand all our private and public relationships (and first of all the relationship to the self) on the ground of a particular economic model. The full replacement of “*homo oeconomicus* as partner of exchange with a *homo oeconomicus* as entrepreneur of himself” or as “enterprise-unit” (Foucault 2008, 225–6) leads to the general view toward oneself as holder of a “human capital” (both innate and acquired). Then, the purpose of existence becomes the attempt to fully benefit from this capital.

We are witnessing today extensive debates on how adopting this “neoliberal” pattern of thinking alters all aspects of personal and public life (such as education or love relationships) (Dardot and Laval 2009). But what is even more interesting in this context is Foucault’s foresight of what would become a key issue in the present debates around *transhumanism* and human enhancement: addressing the question

of the morality and the availability of possible interventions aimed to improve the genetic makeup of individuals basically in terms of the *costs* of these procedures.<sup>8</sup>

A possible reply to Foucault’s critical analysis of American neoliberalism could be the following: what Chicago School members are actually doing is making use of economic theory in order to provide a fundamental model for *describing* social behavior, without formulating *normative* claims. However, the key point is understanding that Foucault’s idea of biopolitical normalization – conceived as the historical consequence of blending the juridical, the biological, and the statistical meaning of norms – makes highly problematic *the distinction itself between descriptive and normative*. There is no such thing as a *neutral* description of social phenomena. A clear-cut separation between descriptive and normative may exist only if we are holding on to that *ideal* nature of norms that Foucault clearly rejects. For this very reason, once we acknowledge that the description of all social realities through concepts borrowed from economic liberal theory is becoming more and more “natural” in our times, it is quite naïve or politically questionable not to realize that these descriptions will affect the whole range of social relationships, as well as the relationship to the self. We often hear that it is “normal” to behave like this, calculating the costs of any endeavor or interaction and trying to maximize personal gain. We are being told that this is the way a *rational* agent would behave in any particular situation. So it becomes almost impossible not to “bend” to this generic description of a human *individual*. In an age when the *telos* of the existence comes to be seen solely in terms of what is measurable, quantifiable, and reducible to the “horizontal” of physical *health*, economic *welfare*, and social *security*, the *human enhancement*, conceived as a way of increasing the “human capital”, becomes nothing else than what increases an individual’s chances of social success, thus contributing to the general welfare. We strive to be more attractive, healthier and more resistant, better informed and up to date, easily adaptable, and more cooperative.

Further clarifications may be required, but I shall only mention one more practical distinction on the question of normativity, advanced by Foucault in his 1978 lectures:

Due to the primacy of the norm in relation to the normal, to the fact that disciplinary normalization goes from the norm to the final division between the normal and the abnormal, I would

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<sup>8</sup> “The traditional terms of racism” are not suitable anymore “at the level of actuality”, where biopolitics has become inextricably linked to capitalist economy. The use of genetics has become a problem of “the formation, growth, accumulation, and improvement of human capital” (Foucault 2008, 228). It is important to notice that a key sentence from Foucault’s 1979 course is actually missing from the English translation: “*Et vous voyez très bien comment le mécanisme de la production des individus, la production des enfants, peut retrouver toute une problématique économique et sociale à partir de ce problème de la rareté des bons équipements génétiques*” (Foucault 2004, 234). So, it may come to this: if you want your offspring to have a good start in life, you must have the means to *invest* in their superior genetic makeups.

rather say that what is involved in disciplinary techniques is a normation (*normation*) rather than normalization. (Foucault 2009, 85)

As to the apparatuses of security, a norm is not something primarily given, but something that is reached through “statistical instruments” and “the calculus of probabilities”<sup>9</sup>: “Thus we get the idea of a ‘normal’ morbidity or mortality” (Foucault 2009, 90) from, let us say, smallpox. It is about establishing “acceptable limits”, rather than “the imposition of a law that says no to them” (Foucault 2009, 93). And it is here we can properly speak about “biopolitical normalization” and, in close connection to this, about “utilitarian philosophy” as “the theoretical instrument” for this new *management* or “government of populations” (Foucault 2009, 102).

From a genealogical perspective, “biopower takes over the activity of care of the self” (McGushin 2007, 238). Conceived as the practical goal of ancient virtue ethics, “self-care” first found itself taken over by the pastoral power during the Middle Ages, in the shape of the “government of souls” and then was later transferred to the new political structure of the modern State, starting with 17th-century Western Europe. Drawing on Foucault’s four-fold conception of ethics (I shall come back to this right away), McGushin (2007, 238–9) suggested that we may grasp the structure of biopower or biopolitics using the same framework: (a) the focus is on “the productive biological substance of life”, (b) the relationship to the rules is established through what might be called “rational choice” (you follow the rules because you are told this maximizes your individual prospects of survival and wealth), (c) your identity is shaped through disciplines and regulatory controls, and (d) the social goal (*telos*) is normalization.

### 13.4 In search of a new “ethics of life”: ethical subjectivation vs. political subjection

Considering the contents of the previous section, I hope that it was clear that Foucault’s so-called “ethical turn” from his final years must be placed in the context of the idea of resistance to “biopolitical normalization”:

[I]t is perhaps an urgent, fundamental, and politically indispensable task, that of constituting an ethic of the self, if it is true that after all there is no other point (...) of resistance to political power than in the relation of the self to itself. (Foucault 2005, 251–2)<sup>10</sup>

<sup>9</sup> See Foucault’s (2009, 90) discussion of the innovative medical practices of variolization and vaccination.

<sup>10</sup> The passage is actually quoted from McGushin (2007, XV); Foucault (2005) offers a slightly different translation of it.

We have to be aware of a number of things when reading this declaration. First of all, we have to be aware of the fact that Foucault (1990) actually reshapes the meaning of “ethics” as the practical way of self-formation, i.e., of establishing and maintaining a particular relationship to the self (*rapport à soi*). This is to be contrasted with the already-mentioned strong “juridification” or “codification” of the Western moral experience and of the modern moral philosophy (Foucault 1990, 30), focused on our relations with others. In this context, he distinguishes those four elements of moral self-constitution that McGushin was considering: the ethical substance that has to be shaped; the mode of subjection (*assujettissement*), depending on a particular understanding of the nature of moral rules; the *ethical work* that one performs on oneself; and the *telos* of the ethical subject. Foucault is advancing a compelling version of ethical *pluralism*, where the variety of “arts of living” is ultimately explained by the existence of multiple and divergent understandings of what a moral rule is. His controversial conception of ethics as “an aesthetics of existence” becomes in this way more intelligible: far from being a plea for irresponsible dandyism, it is about “the conscious (*réfléchie*) practice of freedom” (Foucault 1997, 287), but of a freedom that remains, in its primary meaning, something of a prereflexive “instinct” to resist external constraints.

I judge Foucault to have been a strong supporter of “negative” freedom, but one who did not distinguish between “two concepts of liberty” (Berlin 1969), implying instead the existence of two sides or two moments of the same movement that leads from the rejection of discipline to *self-discipline*. It remains true that the primary expression of freedom is an expression of independence, involving the rejection of discipline and even the attempt “to get free of oneself” (Foucault 1990, 8) and reject any sense of identity settled once and for all. However, from an ethical perspective, we witness how this “No” is then forced to convert itself into a personal choice and self-regulation of a particular life discipline, this being the only way of not letting yourself be driven by chaotic and self-contradictory momentary impulses.

The key to this challenging view is provided by Foucault’s extremely subtle understanding of the complicated interplay between power and freedom, *subjection* and *subjectivation* in our lives. The unsettled and undecided nature of our identities makes possible, at any time, the resistance to normalization and social conformism, while making uncertain, if not utterly impossible, that *definitive* “printing” of traits required by traditional virtue ethics<sup>11</sup>. Still, what seems important, from an ethical point of view, is to convert the “instinct” of freedom into the *freedom to give yourself rules of conduct*, as in the case of the aesthetic choice through which a work of art

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<sup>11</sup> For a relatively similar interpretation of ethico-aesthetic subjectivation as “an ephemeral, never to be completed work-in-progress”, refer O’Leary (2002, 133).

gets done<sup>12</sup>. When you go through Foucault’s interpretation of ancient philosophical “instruction” (*paraskeuê*) and *askêsis*, you may have the impression that his final lesson is that the moment of choice is nothing more and nothing less than a choice between different forms of discipline or different types of conditioning: on the one hand, there is social conditioning, and on the other hand, mental and self-imposed ethical training that transforms a particular “discourse of truth” or “veridiction” (*dire-vrai*) into the very “mode of being of the subject” (Foucault 2005, 327).

There is yet another important alternative that Foucault highlights in relation to ancient ethics: “soul” vs. “life” or, to be more precise, *purification* of the soul vs. *stylistics* of existence. Placing the entire ancient philosophy as well as Christian asceticism under the sign of this fundamental commitment called “care of the self”, Foucault, in his final course from 1984, stresses the opposition between the Platonic and Christian understandings of self-care and the (pre-)Socratic and Cynic one. While it remains true that both Platonism and Christianity understand self-care on the grounds of soul–body metaphysical dualism, in the second case, we may observe “this establishment of oneself, no longer as *psukhê* – but as *bios*, no longer as soul but as life and mode of life” (Foucault 2011, 160). You no longer strive for “pure” contemplation; instead, you try to give a permanent “account” of yourself in the light of a fundamental choice for a “mode of existence which is to be examined and tested” throughout your entire life (Foucault 2011, 161). The Cynic alternative does not involve purification of the soul with the prospect of an eternal life; instead, it focuses on the most “natural” style of living accessible to a human being, rejecting the artificiality of social conventions that came to define “normality”. And this is how, drawing on the “final” Foucault, we may envisage a possible reshuffling of the meaning of “bioethics” as an *ethics of “life”* (*bios*) conceived as resistance to a *politics* of life or a political seizure of power over one’s very existence.

But how are we to make a choice between different ethics or “arts of living”? I state that Foucault’s aesthetics of existence seems to imply something different from the priority of decision over norms (as in the embrace of the irrational character of “original choice” in Existentialism), as well as from the idea of steadying definitive traits of character (the goal of traditional virtue ethics). Rejecting the arbitrariness of decisionism brings into play the vital need for small communities of “critical friends” who validate your choices and core commitments (somehow similar to the recognition that an artist gains for his work through the creation of an “audience” for

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12 In his famous 1945 lecture *L’Existentialisme est un Humanisme*, Sartre had already advanced the claim that we live in an age where “the moral choice is comparable to the construction of a work of art” (Sartre 2001, 35): we cannot rely anymore on rules established once and for all, but our own choices and actions, provided they are coherent, hold an exemplary value that requires the validation of others.

it)<sup>13</sup>. As to the dismissal of everything that ties an individual “to his own identity in a constraining way” (Foucault 1983, 212), I think this might bring forth Nietzsche’s idea of “brief habits”<sup>14</sup> as a possible key for reaching some kind of balance between “the demand for stylistic unity of one’s existence and the need for self-distancing” (Iftode 2015, 150).

### 13.5 Final remarks

It is not advisable, on the basis of Foucault’s published work and public interventions, to place him in a well-defined position with regard to a field of bioethics that has grown in scope and importance over the past decades. However, it is interesting to know that being a strong advocate of individual freedom, he was very much in favor of personal choice in matters such as assisted suicide (Foucault 2001b, 1075–6), abortion, sexual conduct, and even the use of drugs (Foucault 2015, 112). Judging the “stylization of existence” and the attempt of “self-creation” as the only viable answers to the strategies of biopolitical normalization displayed in our modern societies, Foucault might have very well pleaded for a vegetarianism inspired by ascetical “self-care”, as suggested by Tran (2011), and held a general positive view toward the idea of human enhancement. Nothing forbids us to believe that he would have regarded even genetic enhancement as a “technology of the self” fitted for the future. Nevertheless, from a Foucauldian perspective, we have to be aware of this complicate interplay between techniques of domination and techniques of the self: in fact, the origin of the disciplinary technology developed in Western civilization is to be found in the Christian techniques of the self that emerged as monastic practices (Foucault 2014). So we may assume that Foucault would have relentlessly warned us about how easy it is for an autonomous technique of the self to be seized by some institution or converted into a power technique by a State apparatus. The “transhumanist” plea for biomedical *moral* enhancement would have been treated with the utmost suspicion by the French thinker, and his lifelong commitment to social justice would have

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**13** Unlike the case of interactions with hostile strangers or unconditional admirers, mutual affection and respect between friends may open up a space where you feel safe to give and receive benevolent criticisms and permanently put to test those ideas and attitudes that matter the most in the world for you at a particular time and thus are defining of your identity.

**14** “I love brief habits and consider them an inestimable means for getting to know *many* things and states, down to the bottom of their sweetness and bitterness... brief habits, too, have this faith of passion, this faith in eternity... But one day its time is up” (Nietzsche 1974, 236–7).

made him extremely sensitive to the issue of costs and the extensive availability of enhancement technologies.<sup>15</sup>

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