

Foucault Studies

© Michel Senellart 2013

© English translation Seán Erwin 2013

ISSN: 1832-5203

Foucault Studies, No. 16, pp. x-x, September 2013

TRANSLATION

Machiavelli Facing the Challenge of *Gouvernementalité*¹

Michel Senellart

For Michel Foucault, Machiavelli cannot be taken for the father of historico-political discourse, deciphering the signs of a permanent civil war in the political order and analyzing the relations of power as the relations of war, because he considers only the relation of force from the viewpoint of the strategy of the prince and not as a field, immanent to society and within which the relation of power takes place.² Further, he does not analyze it in the element of history, this being for him only, “a collection of jurisprudence or of tactical models.”³ But, according to a more frequent representation, he also could not be any more considered the premier modern theorist of the art of governing established in the 16th century under the name of *raison d'état*, not because the first theorists of *raison d'état* for the most part criticize him severely, but because their problem would be entirely other than the one pursued by Machiavelli: the conservation of the state itself and not the reinforcement of “the relation of the prince to that over which he exercises his domination,” that is to say, the territory and its population.⁴ In fact, the problem of Machiavelli, would be the resumption of a “juridical principle by which one defined sovereignty in public law, from the Middle Ages to the 16th century,” sovereignty being understood here as a power exercised essentially over a territory.⁵

In this manner, and despite the change of problematic which emerges in the passage of the course from 1976 to that of 1978 – the replacement of the model of war (or of the ‘perpetual battle’) as a paradigm for analyzing power relations by that of government as an art of “conducting conduct”⁶—Machiavelli is in each case dislodged from the founding position, placed in rupture with the entire juridical-political tradition commonly attributed to him. The common point for these two rejections (both from the point of view of *war* as well as that of *government*) resides in the fact that Machiavelli remains trapped in the, “circle of sovereignty in relationship to itself”:

(...) the end of sovereignty is circular: it returns to the very exercise of sovereignty; the good is defined as obedience to the law; therefore the good that sovereignty proposes is that the people obey it. It is an essential circularity which, whatever the theoretical structure may evidently be, the moral justification or the practical effects, is not so far from that which

¹ This article was first published as “Machiavel à l'épreuve de la gouvernementalité” in *L'Enjeu Machiavel*, edited by Gérald Sfez and Michel Senellart (Paris: Presses Universitaires de France, 2001), 211-227. The article is translated for *Foucault Studies* by Seán Erwin, Barry University (Miami Shores).

² Cf. Foucault, *Il faut défendre la société* (course at the Collège de France, 1976, henceforth cited *IDS*) (Paris, Gallimard – Le Seuil, *Hautes Études*, 1997), 145.

³ *Ibid.*, 150-151.

⁴ Foucault, *Sécurité, territoire, population* (course at the Collège de France, 1978, henceforth cited *STP*) (Paris, Gallimard, Le Seuil, *Hautes Études*, 2004), 248.

⁵ *Ibid.*, published in, Foucault, *Dits et écrits* (Paris: Gallimard, *Bibliothèque des sciences humaines*, 1994) (henceforth, *DE*), t. III, 643.

⁶ Cf. M. Senellart, “Michel Foucault: gouvernementalité et raison d'État,” *La pensée politique*, 1 (1993), (Paris: Gallimard – Le Seuil, *Hautes Études*, 276-303) (see especially pages 283-290 on the turning point discussed here.)

Machiavelli stated when he declared that the principal objective of the Prince must be to maintain his principality.⁷

In other terms, Machiavelli would not be the one who overturned the former juridical conception of monarchy substituting for it techniques of power written in the immanence of relations of force. Even if he affirms that the law cannot be sufficient to itself and that it often requires assistance from violence and deception in order to attain its objectives—these manners of combat “proper to beasts”⁸—thereby shifting the center of gravity from the legality to the competence of the prince, it is for Foucault within the juridical model defined by the sovereign-territory relation that Machiavelli would abolish the normative division between the legal and the non-legal.

(...) far from thinking that Machiavelli paves the way to modern political thought, I would say, on the contrary, that he marks the end of an age, or in any case that he (...) marks the culmination of a moment in which the problem was really the one of the safety of the prince and of his territory.⁹

This paradoxical interpretation appears to me both very deceiving and stimulating. It is deceiving, first, by the narrowness of its perspective, the schematism of its arguments, the flatness that it imposes on the Machiavellian text which conceals all of its complexity—which is, precisely, that it does not lead back to a unique principle but functions as an open structure, fluid and de-centered. In effect, it would be easy to oppose to it a number of major objections. How does one reduce the thought of Machiavelli to the sole problematic of the *Prince* without even posing the question of the unity of the work, of the relations between the *Prince* and the *Discourses* (not to mention other texts), and of the coherence that emerges beyond their apparent contradiction? How do we sustain the premise that the relation of force is essentially described by Machiavelli as a “political technique in the hands of the sovereign”¹⁰ while passing over silently the thesis of the division of the humors described in the *Prince* (chapter 9) as in the *Discourses* (I, 3-8), a division that one knows traverses the social body itself independently of regime and determines the form of government (“Of these two appetites born in the cities follows one of these three effects: monarchy, liberty or license”)?¹¹ Is there not to be discovered in that the idea of a battle or of a permanent struggle—“confusion,” “disorder,” “tumult,” “dangers,” “disunion”—set in the thick of social relations? Considering for a moment only this point of view, does not the competence of the prince consist in managing this social conflict, playing the people off against the great, rather than imposing his law on a uniform mass of subjects defined by their belonging to a “territory”?¹² Is not such a conception of the social division and of its socio-political dynamic, generator of both power and stability, radically antithetical to the juridical paradigm of sovereignty? Does it not induce a relation of power to society quite foreign to the pure transcendence of the law? And if the contrary of this juridical model resides in the idea (attributed by Foucault to Boulainvilliers) that power is not a property but a relation,¹³ the mixed constitution, transversal to the social division, and praised as it is by Machiavelli—does this not offer the best illustration of this idea precisely insofar as it prohibits all appropriation of power by an individual or a group? Whether the law is the product of crime (including the Romuleen murder which Thomas Bern reminded us carried all

⁷ Foucault, *STP*, 4th lecture, *DE III*, 645-646.

⁸ Machiavelli, *Le Prince*, chapter 18, translated by Ch. Bec., in *Machiavel, Œuvres complètes*, t. 1 (Paris: Garnier, 1987), 377.

⁹ Foucault, *STP*, 3rd lecture.

¹⁰ Foucault, *IDS*, 7th lecture, 145.

¹¹ Machiavelli, *Le Prince*, chap. 9, 321.

¹² Foucault briefly makes an allusion to this idea in *STP*, 10th lecture, concerning the comparison of Bacon and Machiavelli.

¹³ Foucault, *IDS*, 8th Lecture, 150.

the force of “originary”¹⁴) or of the conflict of the social humors and of the action of necessity (crisis, peril, state of emergency), here to me it seems that Machiavelli is situated antithetically to the juridical model for which the law always originates in reason (custom, natural or divine reason).

To these objections Foucault would have without doubt responded that he was not proposing a comprehensive explanation of Machiavelli’s thought nor seeking to uncover the “truth” of the work as it unfolds, more or less erratically, under multiple figures and through its various strata. Nor again did he want to offer a commentary—one among many—of Machiavelli, grasping the diverse moments of the work in the gesture of a unifying synthesis. To this idea of a totalizing, summarizing truth in texts freed from their noisy context and delivered up for quiet and silent reading, Foucault opposes, if one can say it, the principle of the reduction event: the truth is not that which is retrospectively unveiled, when the battles have become silent to those who believe they can now take in with one look an entire scene. Rather, it is what is evident and functions as such at a given moment in the confrontation with or in the concerted articulation of the discourses. There is then a “truth” of Machiavelli, distinct from the significations of the work that can tie together the commentary and which consists in the *historic function* of Machiavelli.

However, this historic function should not be confused with the polemic or apologetic Machiavellianism of the 16th and 17th centuries, that is to say, with the critical use made in the name of Machiavelli and of certain of his theses. If Machiavelli, for Foucault, remains foreign to the new governmental rationality put in place at that time this does not prevent Foucault from also recognizing that “he is at the center of the debate”:

He is at the center of a debate during this period between 1580 and 1650-1660 (...), not at all because of what he said but where the debate is conducted through him. This debate does not take place because of what he said, and it is not through or in him that an art of government will be located. He did not define an art of government, but an art of government will be looked for in what he said.¹⁵

Foucault then shows, based on the book of E. Thuau, *Raison d’État et pensée politique à l’époque de Richelieu*,¹⁶ how the opponents of *raison d’état*—the “pro-Spanish, anti-Richelieu Catholics”—reduce the art of governing to Machiavellianism to oppose it, while certain among the supporters of *raison d’état* take the defense of Machiavelli (Naudé, Machon) because they see him to have been the first to have tried “to identify without any natural model or theological foundation, the necessary relationships between those who govern and those who are governed.”¹⁷

The historical function of Machiavelli which, according to Foucault, demonstrates his belonging to the juridical discourse of sovereignty, is not then identical to how the opponents and partisans of *raison d’état* utilized his work in hostile, wary or complicit ways. Nor does it refer to the commentary of the (quasi)-contemporaries who, nearer to the initial context of the publication of the texts of Machiavelli, would be more inclined to understand its true spirit. There is not more “truth” in the manner which these authors, who followed Machiavelli some decades later, appropriated his name and his maxims, whether to demonize or seek inspiration in them, than in the modern readings of the work. To say this in other terms, Machiavellianism does not possess a privileged access to the truth in relation to those readings that claim to rediscover the true Machiavelli beyond the distortions that have been imposed on him for centuries. In both cases, one always has to deal with a commentary—whether more or less

¹⁴ Cf. T. Berns, “L’originaire de la loi chez Machiavel,” in *L’enjeu Machiavel* (Paris, PUF, Librairie du Collège International de Philosophie, 2001), 123-140.

¹⁵ Foucault, *STP*, 9th Lecture.

¹⁶ Paris, A. Colin, *Raison d’État et pensée politique à l’époque de Richelieu* [1966]; re-edited [new edition] (Paris: Albin Michel, *Bibliothèque de L’Évolution de l’Humanité*, 2000).

¹⁷ Foucault, *STP*, 9th Lecture.

conscientious is not the question—which substitutes its own logic to the event-function of the work.

Therefore, how does one analyze this event-function? Not by emphasizing the truth lodged or hidden in the significations of the text but by attending to that which emerges from the relations it maintains with the structural elements of the context in which it is written. These elements do not explain it (nor does it explain them itself) but they do define the field of intelligibility from which it takes its sense.

In a very vague and general manner, this context can be characterized by the passage from a theological-juridical conception of power centered on the law to a historical-political conception centered on the government of things. Still, this hardly permits us to understand why Machiavelli would represent “the end of an age” rather than the beginning of modern political thought. It seems to me that this otherwise very classic schema is superimposed in Foucault on another, less linear schema, more profound and without doubt more essential in his analysis. This schema does not obey the model of a continuous evolution but rather the movement of plate tectonics: a progressive collapsing of the model of the Roman state, surging and sliding on the surface of the Christian discourse on government. Rome, in other words, is effaced to the profit of Jerusalem. But, in its turn, this formula is reductive and misleading, since it is not a question here of a Jerusalem in expectation of the end of time, extending toward the supreme and glorious Second Coming—a Jerusalem which is in a certain way nothing other than the Christianized figure of eternal Rome. Rather, it is a question of a type of specific power, born in the Eastern Mediterranean, developed by the Hebrews and experienced within the first Christian communities, this ensemble of techniques and of procedures of the government of souls that Foucault terms the *pastorate* and, according to him, is foreign to the Jewish or Greco-Roman principle of the law.¹⁸ It is at the level of the game between the *pastorate* and government, and not at the level of a political theology defining the relations of the terrestrial city and the celestial city, that the process of Christianization took place, i.e., the fact of *pastoralization*. This affected Western societies in a way both experimental and local at the very beginning of the Middle Ages and then afterwards, starting from the 16th century, in a way that was general and systematic. My proposition here is not to analyze the steps and the forms of this process but to simply indicate the reason for which the phenomenon of Christianization/*pastoralization* does not at all exclude the acknowledgment of a progressive ‘*de-theologization*’ without being simply sacrificed to the ideological scheme of ‘*secularization*.’

Let us return for a moment to Rome. The identification of the Middle Ages – this age that ignored that it was the Middle Ages, but which also ignored that it was no longer antiquity¹⁹ – is a theme already strongly underlined by Foucault in the 1976 course: *Society Must Be Defended*. Citing the phrase of Petrarch, “Is there nothing more in history than the praise of Rome?” he writes that:

Rome was still present, functioning as a sort of permanent and current historical presence in the Middle Ages. Rome was perceived as divided into 1000 canals that traversed Europe but all these canals were supposed to be traced back to Rome.²⁰

But this discourse in praise of Rome was none other than the “internal discourse of the state on itself” which had the function of exhibiting the right of the state, founding its sovereignty, relating its uninterrupted genealogy, and illustrating the correctness of public right by its heroes, exploits, dynasties.”²¹ Beyond the historical analogies and cultural reminiscences, Rome therefore represents in the analysis of Foucault the very concept of the juridical model of the state, defining power in terms of the sovereign exercise of law over a territory. The

¹⁸ Ibid., 8th Lecture.

¹⁹ Foucault, *IDS*, 4th Lecture, 65.

²⁰ Ibid.

²¹ Ibid., 7th lecture, 125.

praise of Rome from the 16th to the 18th centuries functions as a defense and glorification of public right. It is to this discourse that Foucault in 1976 opposes the radically historicist counter-discourse of the war of the races articulated at the time of the Reformation and the English Revolution, “on the great biblical form of prophecy and the promise.”²² Jerusalem understood here as the figure of opposition and of resistance to royal sovereignty “objected against eternal Rome.”²³ On another level, it is to it that he opposes in 1978 the new governmental reason of the 16th to 17th centuries that made the techniques inherited from pastoral Christianity function in the service of the power of the state. Whether we are situated within the perspective of the counter-discourse of the war of the races or of the emergence of modern *gouvernementalité*, this is an entirely new problematic of power that organizes itself through their relationship with one another. The same fact imposes itself forcefully at the turn of the 17th century—the retreat of the Roman, juridical-political model.

In his course of 1978—*Security, Territory, Population*—Foucault returns repeatedly to this effacement of Rome, which manifests under a triple form:

1. The transition from the ancient imperial universalism to the principle of competition between and balance among states.
2. The substitution of a historical-prudential conception of government for that of the legal-absolutist conception of the *Imperium*.
3. The replacement of the model of conquest that made territory the raw material of sovereign power by that of conservation which shifted the center of gravity of governmental action to the management of men and of things (raw materials, town and country, riches in general, etc.)

If Machiavelli (as someone hardly suspected of attachment to the Empire) acknowledges the crisis of political and religious universalism before many others, it is still the case that according to the second and third points Foucault would have him belong to the ancient-medieval tradition—i.e., the Roman. Without doubt such an assignment is extremely questionable. Does not Foucault in a certain way take literally the principle of the ceaseless imitation of Rome invoked by Machiavelli without perceiving that, first, it functions as an instrument of critique of the classical and Christian conception of the political before then being turned back against a certain humanistic idealization of the Roman model?²⁴ But it doesn't matter here. The fact is that, for Machiavelli, it is Rome rather than Athens, Sparta or Venice, which constitutes the example to follow in the present and justifies a politics of territorial expansion and domination.²⁵ Machiavelli marks the “end of an age” which is not, of course, that of medieval political theology nor of Italian civic humanism (which Foucault does not address and which is external to his problematic). Rather, it is that of “the praise of Rome” which transverses in a certain way these two discourses. Thus to the phrase of Petrarch this warning from Guicciardini could be an echo, written obviously for Machiavelli: “How mistaken are those who at every word cite the Romans!”²⁶

As deceiving as it is biased by its simplifying and one-sided schematic, the interpretation that Foucault proposes of Machiavelli does not end in illuminating a truth of the Machiavellian text that could rightfully be challenged on the basis of relevance. Rather, it refers to a deeper and, to his eyes, more essential discursive stratum in order to understand the formation of modern political rationality, which itself plays on the conflict between Rome and “Jerusalem.” The event of the Machiavellian text praised in, *The History of Sexuality* (“Machiavelli

²² Ibid., 4th Lecture, 63.

²³ Ibid., 62.

²⁴ Cf. Lefort, *Le travail de l'œuvre Machiavel*, new edition, “Tel,” (Paris: Gallimard, 1972), 506.

²⁵ Cf. notably his, *Discours sur la première décade de Tite-Live*, I, 6.

²⁶ Ricordi, CX; French translation by J.-L. Fournel and J.-Cl. Zancarini, *Avvertissements politiques* (Paris: Le Cerf, “La nuit surveillée,” 1988), 89.

was one of the rare—and there it was without doubt the scandal of his ‘cynicism’—to think the power of the Prince in terms of the relations of force”),²⁷ dissolves or loses in any case all foundational or paradigmatic value at this level of analysis. My proposition in this paper is not to examine the usage that Foucault makes of these great historical-typological categories. But it is clear that it is at this level, and not solely on the basis of his reading of Machiavelli (obviously very incomplete in Foucault), that one has to position oneself in order to evaluate, test and discuss his affirmations. I will soon furnish an example of this by means of the problem of the censure of mores.

But it seems to me that one can still take a further step, and it is there that the Foucauldian interpretation of the problematic of the *Prince*, as summary and partial as it is, appears to me equally very stimulating. To narrow the work of Machiavelli to the *Prince*, and this text to the sole question—central, certainly, but linked to an entire network of other themes—of the domination by the prince of his acquired or conquered territory, does it not reduce this work nearly to the point of pure and simple nonexistence? Does not Foucault outrageously simplify Machiavelli in order to suggest that we almost could well completely do without him? Is his reading not involved in a strategy aiming to make it *as if*, basically, Machiavelli had not existed? It would seem that such a gesture, far from explaining in a certain way the judgment passed on Machiavelli, as the critique of the Roman model could do, on the contrary discredits it completely. It is no longer a question here of disputing the originality of Machiavelli—a point of view one could argue in different ways—but of reconstituting without him the genesis of modern political thought—a position which is for its part completely unsustainable. But this is what Foucault attempts to do while he provocatively affirms that, “there is not an art of government in Machiavelli,”²⁸ which is to say that Machiavelli is entirely foreign to the history of the art of governing.

One can of course understand this formula very simply from the distinction between the prince and the state. According to Foucault, Machiavellian techniques pertain to the dominance of the prince, while the art of governance relates to the state as a collective reality. But this opposition is hardly satisfying. If it is indeed true that the Machiavellian prince did not deal with the state in the sense understood by the theoreticians of sovereignty after Bodin, this prince is concerned with the *stato*—his power, his position, the domain over which he exercises his domination.²⁹ However, things are much less clear on the side of the theorists of *raison d'état*, i.e., the art of governing the state according to its own ‘reason.’ In effect, these theorists do not oppose the government of the prince and the government of the state, but they affirm that the reason of the state is inseparably the reason of the prince *and* of the state: “good reason of state,” wrote, for example, Zuccolo in 1621, “aims at the good both of who commands and who obeys.”³⁰ On the other hand, the practitioners of *raison d'état* oppose the prince’s pursuit of his own interest at the cost of the public interest. Only an entirely uncritical reading that, without recoiling, conforms to the clichés of anti-Machiavellianism can nonetheless conclude that the Machiavellian prince works only in his own interest, outside of all consideration of common utility. The formula of Foucault, “There is not an art of government in Machiavelli,” cannot therefore be explained by the distinction prince/State, except by being subject to an immediate challenge. It seems to me that it proceeds not by an assertoric judgment, forthwith contradicted by the factual evidence, but by a hypothetical decision: ‘Assuming that Machiavelli has nothing to do with the formation of the modern art of government, what genealogy can one make of it?’ It is an act of force that aims to open up a new field of

²⁷ Foucault, *La volonté de savoir* (Paris: Gallimard, “Bibliothèque des histoires,” 1976), 128.

²⁸ Foucault, *STP*, 9th Lecture.

²⁹ On this important question, cf. in particular F. Chabod, “*Alcune questioni di terminologia: Stato, nazione, patria nel linguaggio del Cinquecento*,” [1957] in *Scritti sul Rinascimento* (Turin: Einaudi, 1967); J. H. Hexter, “*Il principe and lo stato*,” *Studies in the Renaissance*, IV (1957), 113-138.

³⁰ Zuccolo, *Della ragione di stato*, in B. Croce and S. Caramella, *Politici e moralisti del seicento* (Bari: G. Laterza & figli, 1930), 36.

intelligibility, previously masked or hidden by the immense figure of Machiavelli: the field of events and of concrete practices resulting in the emergence in the 16th and 17th centuries of a new governmental reason. This difference between Machiavelli and the art of government is what permits the deployment of governmentality.

I believe this leads us to a fundamental problem. The apparently off-hand, but strategically calculated, gesture by Foucault towards Machiavelli is, as a matter of fact, the treatment that he applies to universals. Wishing to show how his approach is far removed from any historicist reduction, he explains in the first lesson of the 1979 course, *The Birth of Biopolitics*, that “historicism starts from the universal and in a certain way passes it through the grinder of history,” while its problem is entirely the inverse:

I start from the decision at the same time theoretical and methodological which consists in saying: ‘Let us suppose that the universal does not exist’, and at that moment I ask the question to history and to the historians: How are you able to write history if you do not admit *a priori* that something like the state, society, the sovereign and subjects exist? (...) Therefore it is exactly the inverse of historicism that I would like to put in place. Not, therefore, questioning the universals while utilizing history as a critical method, but starting from the decision that universals do not exist in order to ask what kind of history we can do.³¹

Applied to Machiavelli, this method can be translated thus: let us suppose that Machiavelli is not so important, so central, so new as we commonly say, how do we account for the appearance, at the turn of the classical age, of a new art of governance? It allows Foucault to differentiate himself on two fronts: on the one side, that of the idealist historicism of Meinecke who authored the great book, *L'idée de la raison d'État dans l'histoire des Temps modernes* (1924),³² which remained until recent decades the reference work on the subject.³³ And, on the other side, that of political philosophy. Despite all that separates them, both have in common the substantializing of Machiavelli into a figure of a beginning without antecedent. Machiavelli in that way functions like a quasi-universal in that he incarnates, according to Meinecke, the idea of *raison d'état* as a living force of the singular against the syntheses of abstract universalism or, found in a number of other interpreters, as the sudden radical and irreversible rupture with classical political thought by which at a blow reveals the effective truth of the state. Placing this quasi-universal between parentheses is thus, for Foucault, the means of opening up for analysis the space of governmental practices, establishing new continuities, marking new thresholds of rupture between Antiquity, the Middle Ages and modern times, making appear new articulations between the religious and the political along with new genealogical axes and new configurations of power (the solidarity of *raison d'état* and the police state on the horizon of modern bio-power), etc. One can hesitate in entirely following Foucault on this terrain and challenge his hypotheses or his conclusions, but perhaps such an approach is the occasion for questioning from the outside the problematic, if not paradoxical, link which unites Machiavelli to philosophy, of reinserting him in the long, little known, history of governmental practices, and of re-evaluating his contribution without denying the driving and provocative force of his genius in the light of this discursive field.

³¹ Foucault, *NBP*, 1st lecture. On this nominalist bias, cf. Foucault, *La volonté du savoir*, 123; the summary of the 1979 course (*NBP*), *DE* III, 819 (on “the need to test a nominalist method in history” Foucault makes reference to P. Veyne: cf. regarding this last, P. Veyne, *Comment on écrit l'histoire*, new edition, P. Veyne, “Points Histoire” (Paris: Le Seuil, 1971), 89-93, and P. Veyne, “Foucault révolutionne l'histoire” [1978], *ibid.*, 207-211); P. Veyne, “Foucault” in D. Huisman (ed.), *Dictionnaire des philosophes* (Paris: PUF, 1984), 943 (included in *DE*, IV, 634: “Un scepticisme systématique à l'égard de tous les universaux anthropologiques.”)

³² French translation of M. Chevalier (Genève, Droz, 1973).

³³ For a critical re-evaluation of this work, cf. M. Stolleis, “L'idée de la raison d'État de F. Meinecke et la recherche actuelle” [1981], French translation by M. Senellart in Y. Zarka (eds.), *Raison et déraison d'État* (Paris: PUF, “Philosophies,” 1989), 6-10, and M. Senellart, “La raison d'État antimachiavélique” in Ch. Lazzeri and D. Reynié (eds.), *La raison d'État: politique et rationalité* (Paris: PUF, “Recherches politiques,” 1992), 18-20.

Besides, as I stated earlier, the Foucauldian genealogy of *gouvernamentalité* should itself be put to the test of historical analysis. I would like simply to give an example of it, regarding the conflict between Rome and Jerusalem, by drawing on the question of “censure” as developed by one of the first German theorists of the *Policey*, George Obrecht, at the beginning of the 17th century. This will lead me, in conclusion, to emphasize another limit to the model proposed by Foucault and to highlight, by without doubt an unusual detour, the timeliness of Machiavellian *virtù*.

Obrecht³⁴ is considered one of the principal 17th century theorists of the *Policey*, the ensemble of regulatory mechanisms that aimed at reinforcing the power of the state through the growth of the common welfare (*Wohlfarth*) and which constituted, until the century of the *Enlightenment* (and no doubt beyond), one of the major axes of modern political rationality. More precisely, while a function of the *Policey* until the end of the 16th century involves assuring the good order of the community in accordance with the principles of divine and human justice, it is Obrecht who, in his *Secreta politica* (1617),³⁵ for the first time defines it in terms of state intervention, rational calculation, and permanent discipline in the public interest. Thus, Obrecht broke with the ethical-religious conception of the good police force in order to substitute the program of an administrative technique of social control having as its goal maximizing the financial resources of the state. He would be, in effect, the Machiavelli of the *Policey*.

The work aims at a two-fold objective. The first is to ensure, “the establishment, the conservation and the growth” of a good *Policey* where this designates both the body politic in its organic structure and the collection of laws and regulations that assure its cohesion. The second is to increase the annual revenues of the prince by just and legal means. Police and taxation are thus in a condition of solidarity with one another, good order creating the conditions of a maximum levy, one that is fair and without violence, while it also makes possible the strengthening of collective security. The police have a fiscal end while taxation has the aim of strengthening the police: the common good thus coincides with the good state of public finances.

Obrecht understood that the best fiscal technique could not succeed if it did not rest on the activity and savings of the prince’s subjects. But the subjects, in the absence of adequate regulation, would be far from dedicated to earn the most possible to give the prince what was needed, whether for his ordinary or for his extraordinary revenues, and would waste their forces and their resources indulging in revelry, drunkenness, laziness, ostentation, gambling, idleness. This is why he conceived a regulation of the police (*Policey Ordnung*) that allowed for the set up in the principalities, counties, and seigneuries the same perfect police (*vollkommen unnd perfecte Policey*) as that which reigned once in the republic of the Romans. This police was based on the *census* and the *censura*. The institution of the *census*, subsumed in the *censura*, was at the heart of the republican system, as much by its procedure (solemn convocation of the citizens every five years, obligatory presence of each citizen, declaration by each one of his name and his property, inscription in the registers submitted to the censors for assessment) as by its ends: not only the simple counting of men nor just the valuation of assets but also the “classification of citizens into a certain number of categories (...) in order to determine their different degrees of participation in the collective life” by the definition of their military and

³⁴ Born in Stasbourg in 1547, George Obrecht studied law at Tübingen, then at Besançon, Dôle, Bourges, and Orléans. Formed in the school of French humanistic jurisprudence, St Barthélemy forced him to return to Strasbourg where he taught law from 1575 until his death in 1612. Made rector of the academy in 1595, he was knighted in 1604, receiving the title of Count Palatine in 1609. About this author, cf. the fundamental/seminal work of H. Maier, *Die ältere deutsche Staats- und Verwaltungslehre* [1966], 2nd edition, revised and expanded (Munich: C.H. Beck, 1980, new edition, DTV, 1986), 122-131.

³⁵ *Fünff Unterschiedliche Secreta Politica von Anstellung, Erhaltung und Vermehrung guter Policey und von billicher, rechtmäßiger und nothwendiger Erhöhung eines jeden Regenten jährlichen Gefällen und Einkommen*. The first posthumous edition of 1617 was completed in secret by Obrecht’s son at his own expense. The second edition (Strasbourg, 1644, by the presses of Lazare Zetzner) when published (“nunmehr zu männigliches nutzen publicirt”) realized a great distribution.

fiscal obligations together with their political privileges. The *census* was, therefore, the mechanism by which the republic regulated civic life according to a principle of proportional equality, founded on the dual criterion of goods and of mores. All historians confirm it: the Romans, as long as they applied them, knew happiness and prosperity, and they fell into decadence as soon as they began to neglect them. The *census* and the *censura* are therefore the form that the police should take in imitation of the ancients in order to establish good mores for the public, the discipline of the mores being the condition of an efficient tax system.

Without doubt, writes Obrecht, such an arrangement functions already in the majority of states but not in the right way. If it is preferable not to modify the *census*, which assesses the contributions due from subjects, it is important, on the other hand, to reform profoundly the *censura*. This is carried out in two ways: either by the institution of special functionaries (*Deputaten*), responsible for overseeing the conduct of subjects, monitoring it, investigating and correcting it in case of need by warning and reprimand, or by the application of penal sanctions. The first—the *generalis cura et inspectio*—plays an essentially preventative role, while the second, the responsibility of the courts, a repressive role. But the first, says Obrecht, is entirely unknown today. No one thinks to implement a preventative police, so that the subjects, punished for their misconduct, do not become better. This should be, however, the objective of a true *Policey*: to form virtuous subjects so that they behave in an honorable and Christian manner. In other words, for Obrecht, to form them in accordance with the discipline that God demands of all men as this is conceived by the prince. And he advocates the regular holding of registrations, assigned to the *Desputaten*, that individualizes the different categories of subjects and provides precise statistical data to the authority that needs it.

Therefore it is here, with this power-knowledge apparatus, in the heart of the pastoral model described by Foucault. Each individual is followed at the different steps of his life by the procedure of registration which permits at the same time to know who he is, what is becoming of him, how he behaves and what he owes to the state: continuous monitoring (from birth to death), generalized (all subjects are submitted to it) and exhaustive (it covers all aspects of existence, social and private).

The reference of Obrecht to the Roman model, though, requires that we revise the schema of interpretation proposed by Foucault. The hypothesis of “*gouvernementalité*” in effect supposes: 1) that the Christian pastorate marks a rupture with the ancient conception of government and invents a new technology of individualizing government, non violent but firmly directive; 2) that this pastoral technique, limited in the Middle Ages to very restricted spaces, was heavily reinvested starting from the sixteenth century in a governmental practice aimed at strengthening obedience and therefore to increasing the power of the state. The “*gouvernementalité*” of the classical age would thereby be the heir of the Christian pastoral and not the politics of the ancients. In other word, the ‘police’ would not be based on the imitation of the *polis* but on the resumption of the pastoral for secular ends. But what do we see there? It is in the aftermath of the Peasant’s War (1525) in Germany where the need is expressed for disciplining in an authoritarian way. Maybe this is the moment where one sees, in the clearest and sharpest way, pastoral care being transferred from the religious to the political sphere. What model is then being invoked?³⁶ The one of “censure,” which was at the very heart of the socio-institutional functioning of the Roman republic. It does not seem that the hypothesis at work in the problematic of *gouvernementalité* can account for this “return to the Romans.”

Machiavelli himself affirms it in his *Discourses*: “[The creation of the censors] was one of the measures which aided Rome to maintain its freedom in the time that it lived in liberty. Having become the arbiters of Roman mores, they were a powerful cause that slowed down Roman corruption.”³⁷ Censure is not the power of the force that constrains nor of the will

³⁶ Cf. H. Maier, 107, concerning Oldenburg’s book, *Van radtslagende* (1530), one of the earliest treatises devoted to the *gute Polizei*.

³⁷ Machiavelli, *Discours sur la première decade de Tite-Live*, I (Paris: Laffont, 1996), 49, translated by Ch. Bec, 271. Cf. also, but in a quite different spirit, J.-J. Rousseau, *Du contrat social*, IV, 7: “De la censure” in (Paris:

which obliges, but that of the gaze which registers, distinguishes, classes, monitors, reprimands and judges. It is a power separate from that of violence and the law and which consists in the discipline of the mores. From Machiavelli to Rousseau, this discipline maintains a close relationship with civic virtue, liberty, obedience and happiness. Its analysis is also an essential element of the debate which opposes, in our culture, the liberty of the ancients and the liberty of the moderns, or that which the Anglo-Saxons since Isaiah Berlin prefer to call positive liberty and negative liberty. The question of censure thus returns to the problem of the formation of a civic *ethos*, i.e., of an *ethos* of liberty. Such an ethic remains unthinkable in the problematic of *gouvernamentalité*, which only conceives liberty under the form of counter conducts (collective insurrection or individual resistance). Regardless of how Machiavelli—beyond the institution of the censure—analyzes the formation of this *ethos*, while articulating positive and negative liberty starting from the division of the humors, he remains, for having put it at the center of his political thought, irreducible to the schema of *gouvernamentalité*.

Seán Erwin
Assist. Professor of Philosophy
Barry University
11300 NE 2nd Avenue
Miami Shores, FL 33161

Serwin@barry.edu

Vrin, 2012). The forgetting of the problem of censure constitutes the blind point of contemporary anglo-saxon *republicanism*. To take a good example here, the term does not appear anywhere in M. Viroli's book, *From Politics to Reason of State* (Cambridge: Cambridge University Press, *Ideas in Context*, 1992), which seems to believe that the law only produces virtue, just laws making good citizens. In the school of the Romans, Machiavelli knows that to *leggi* must be added *ordini*. Censure forms part of these *ordini*.