

Pastoral Power

Beyond Public and Private

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The Italian-French sociologist Maurizio Lazzarato uses Foucault's concept of 'pastoral power' to analyse the demise of the separation between public and private space. Furthermore, his study of the social policies concerning unemployment shows how 'the production of guilt' is more and more often being used as a strategy; a process already described by Franz Kafka in his literature.

There are different ways to approach the issue of the public and the private. I would like to do so on the basis of research that I am conducting into precariousness. The state, in its government of the poor, the unemployed and the clients of social services, is demolishing the separation between public space and private space and between public life and private life as its interventions in the life of individuals, in what is their most 'intimate', most subjective, most singular sphere, have become more and more systematic.

In the first part I will analyse Michel Foucault's concept of pastoral power, as it can help us understand how techniques of power are used to guide the conduct of the governed and how they affect the lives of individuals beyond the separation of the public and the private. In the second part I will use a playful 'scherzo' to consider the work of Kafka, which demonstrates how the administration crosses the line between public and private through its actions and how this affects the individual and invades his life. Both parts are informed by the experiences of my research into precariousness.

The labour market is a place where different facilities operate and heterogeneous power relations exist. Besides the general and universal laws enacted by parliament that, for example, define legal working hours, besides the regulations and norms negotiated by social partners – employer's organizations and trade unions – that concern collective labour agreements as well as the modalities for unemployment funding and benefits of the French centre for work and income (Association pour l'emploi dans le commerce et l'industrie or Assedic) there is an 'archipelago' of actual power relations that is neither global nor general, but local, molecular and singular.

The individual monitoring of the unemployed, the techniques for reinsertion of the RMI *stes*,¹ enterprise management, the coaching of both workers and unemployed, the generalized continuous training, the facilities for access to credit and debt settlement, and so forth, introduce processes of subjection that are different from the submission to a law, a contract or a democratic institution.

These techniques of molecular differentiation, individualization and submission, outlined or prefigured by what Michel Foucault calls 'pastoral power', have been adjusted, modified, improved and upgraded, first in the seventeenth and eighteenth centuries by the 'police' of the *raison d'état*, and then at the end of the nineteenth and the beginning of the twentieth centuries by the welfare state (whose French name, *état providence*, is reminiscent of its religious origins), thus transforming techniques for the 'government of souls' into

techniques for the 'political government of men'. This genealogy allows us to specify the molecular nature of the power effects of liberal governmentality. It also allows us to understand how the government of life beyond the divide between public and private functions. For 'pastoral power' or 'biopolitics', 'privacy' or 'private life' never existed, except for the rich. The only actual private thing in modernity is private property.

Christianity, the only religion that organized itself as a church, 'has given rise to an art of conducting, directing, leading, guiding, taking in hand, and manipulating men, an art of monitoring them and urging them on step by step, an art with the function of taking charge of men collectively and individually throughout their life and at every moment of their existence.' ²

This art of government is completely unknown in political philosophy and in the theories of law. This form of power, the 'strangest form of power, the form of power that is most typical of the West, and that will also have the greatest and most durable fortune', which is 'unique... in the entire history of civilizations', ³ has no relationship with the Greek and Roman political tradition, unlike the majority of modern and contemporary political models. ⁴

Pastoral power and its modern avatars must not be confused with the procedures used to submit men to a law, a sovereign or to democratic institutions. Governing, says Foucault, is not the same as 'reigning or ruling', it is not the same thing as 'commanding' or even 'laying down the law'. It encompasses all the theories and practices of sovereignty (of the king, the prince, the people), the theories and practices of the *arkhè*, in other words, it is a political organization that is based on the question of knowing who is entitled to command and who is entitled to obey (the basis of the analysis of the political by Hannah Arendt and Jacques Rancière), all those juridico-democratic theories and practices, including most of the currents in Marxism that neglect governmental procedures of conduct although they constitute the essence of power relations in capitalism, especially in contemporary capitalism.

Michel Foucault sums up the characteristics of this 'micropower' by stressing what distinguishes each of them from the modern and antique practices and theories of 'macropower'. Pastoral power establishes a series of complex, continual and paradoxical relationships between men. These relationships are not political in the way that democratic institutions, political philosophy and almost all revolutionary and critical theories understand it. Pastoral power is 'a strange technology of power treating the vast majority of men as a flock with a few as shepherds'. ⁵

Contrary to sovereignty, it is not exercised over a territory (city, kingdom, principality or republic), but over a 'multiplicity in movement' (a flock for the practices of the church and a 'population' for the governmentality). ⁶ Instead of touching individuals as legal subjects 'capable of voluntary actions', capable of transferring right and delegating their power to representatives, capable of assuming the magistracies of the *polis*, pastoral power is aimed at 'living subjects', their daily behaviour, their subjectivity and their conscience.

The shepherd, Foucault points out, is essentially not a judge or a man of the law or a citizen, but a doctor. Pastoral power is a 'wholesome' power, it takes care of both the flock and each member of the flock. Contrary to sovereignty (or the law) which is exercised collectively, pastoral power is exercised in a 'distributive' manner (its action is deployed 'from individual to individual', step by step, and it is communicated by singularities). It deals with each soul, each situation and its particulars, rather than with the unity that is formed by the whole.

Its action is local and infinitesimal rather than global and general. ⁷ Pastoral power, like its successor, the 'police' ⁸ of the *raison d'état* and the welfare state, deals with details, intervenes in the infinitesimal, in the molecular of a situation and a subjectivity. It is a

continuous, permanent power. It is not exercised intermittently, like the power that is grounded in law, sovereignty or citizenship (transfer of rights by contract, delegation of power by vote, exercise of magisterial power, and so forth), but all day long during one's entire life.

Pastoral power is individualizing. The techniques of pastoral individualization are not based on status of birth or wealth, but on a 'subtle economy' that combines merits and faults, their trajectory and their circuits.⁹ This economy of souls establishes an overall dependency, a relationship of absolute and unconditional submission and obedience, not to laws or 'reasoned' principles, but to the will of another individual. 'Obey because it is absurd' is the motto of Christian submission, whose rules of monastic life constitute the end, while the Greek citizen only allowed himself to be led by law en by the rhetoric of man, so that, according to Foucault, 'the general category of obedience' was unknown to the Greeks.

The shepherd is also a doctor of the soul, who teaches modes of existence. The shepherd must not confine himself to teaching the truth, he must also first and foremost guide consciences by taking 'non-global and non-general', specific and singular action. Thus Saint Gregory names up to 36 different ways of teaching, according to the individuals one addresses (rich, poor, married, sick, merry or sad, and so forth). Teaching does not pass through the enunciation of general principles, but through 'an observation, a supervision, a direction exercised at every moment and with the least discontinuity possible over the sheep's whole, total conduct'. Pastoral knowledge thus produces a 'never-ending knowledge of the behaviour and conduct of the members of the flock he supervises'.¹⁰

The techniques of admission, examination of conscience, confession, and so forth, are all instruments with which to examine and investigate the relationship to the self and the relationship with others, instruments that influence the affects and sensibility of each subjectivity. The shepherd 'will have to account for every act of each of his sheep, for everything that may have happened between them, and everything good and evil they may have done at any time'.¹¹

The final aim of spiritual direction by pastoral power is not self-mastery, autonomy and liberty, as in ancient society, but on the contrary, the renouncement of the will, humility, and the neutralization of all individual, personal and egoistic activities. Pastoral power is also not a power that establishes and constitutes a community of equals and peers that is guided by the principles of equality and liberty. It neither favours nor promotes citizens acting according to the modalities of the republican and democratic tradition, but rather is a system of generalized mutual dependencies. The techniques of pastoral power aim at the fabrication of a subject who is 'subjected' to networks that imply the general servitude of one to all.

The assimilation and transformation of these techniques of individualization by the police of the *raison d'état* in the sixteenth and seventeenth centuries did not fundamentally change its nature. The police assures a 'a set of controls, decisions, and constraints brought to bear on men themselves, not insofar as they have a status or are something in the order, hierarchy, and social structure, but insofar as they do something, are able to do it, and undertake to do it throughout their life'.¹²

Today the economy of merits and faults, the direction of everyday conduct and subjection are still the motor of practices and discourses that are deemed to individualize, control, regulate and order the behaviour of those that are governed in work, schooling, health, consumption and communication, and so forth.

The management techniques that extend from the enterprise to 'social security' (the individualizing regulation of 'the unemployed, the RMIstes, the poor') and to society in general (school, hospital, communication, consumption) are always inspired by those

molecular practices of distribution of merits and faults, the production of dependency and subjection, even when dependency and subjection are achieved, as in the case of the employer, by activating and mobilizing the individual's initiative and liberty or power to act.

Pastoral power is not exercised in the light, transparency and visibility of public space, but in the opacity of the 'private' relationship (between individuals, between institution and individual), in the dark everyday life of factories, schools, hospitals and social services. This molecular model of power relations, which produces multiple fractal divisions and hierarchies that are more subtle and more mobile than those of traditional oligarchies of wealth and birth, will continue to expand and grow exponentially under capitalism.

Individual Monitoring of the Unemployed and the RMIstes as a Technique for Pastoral Control will now quote a few short extracts from interviews that we are conducting with RMIstes and that touch on the 'individual monitoring' (a monthly interview) to which they are subjected by the institutions for the control of the poor.

The relationships that are established within the framework of individual monitoring between officials and clients consist of the action (of the agent) on the activity (of the client), with which the former is trying to bring structure to the possibilities for action of the latter. So it constitutes a 'strategic' relationship between two subjects in the sense that, although it remains asymmetrical, both official and client are 'free'. As Foucault would say, in other words, they can act differently. This is expressed in techniques that are aimed at guiding the conduct of the clients, controlling their behaviour and making them enter a pre-established trajectory (project is the word that is most often used) and identity. The techniques that are used in individual monitoring touch on life, intimacy and the most subjective aspects of the clients of the RMI. They induce the 'poor' to question themselves, their 'lifestyle' and their projects. They force them to work on themselves. In applying these techniques, the state and its institutions cross the boundaries between public space and private space, between public life and private life on a daily basis. The state and its institutions invade the private life of individuals, act on subjectivity, mobilize the most 'intimate' forces, direct behaviour and use interventions (controls) that overstep the limits of the home to enter into private space and initiate 'trials'.

D.: Skill assessments, for example, they're offering them to you all the time and even if you know what they are, there's always some aspect that touches on the intimate. I know people who have undergone in-depth skill assessments and in spite of the fact that they are aimed at finding a job, they are also an exercise that not everybody can cope with, that you aren't necessarily used to, a kind of assessment of your life in which you ask yourself questions, you think about yourself, it's a kind of intrusion using some horrible vocabulary that still forces you to look at yourself.

F.: Because I look a little young, and I was young, actually, the relationship that you get often takes on the shape of a relationship between adult and adolescent – and in my case it was a woman as well – I will eventually find my way, she's just there to give me advice, at the moment it isn't really worrying that I don't have a steady job... Sometimes it's just easier to play along, to tell them what they want to hear instead of being 'really sincere'.

In 'individual monitoring' you are held to account. Once every month the clients have to talk about themselves (or play-act), they have to tell what they are doing with their life and their time.

T.: I for one was always in a panic at the end of the month: are they going to strike me from the RMI, how I am going to pay my rent this month... Often I would say to myself: Is it really worth the bother? Why don't I find a part-time job that will pay just as much but where there won't be a million people coming to hassle me about accounting for myself?... You don't know what they're like, those people from the CAF... Every time you go, you feel like you're back at school, you're a little kid and they ask 'Have you been behaving?' and 'Are you doing the right things?' And you sit there and you say: 'Jesus, all this just so they will give me those measly 300 euros.'

But individual monitoring also brings out techniques and strategies of resistance against the institutional invasion of 'privacy'. Techniques for resisting government, techniques for governing the self and regaining mastery over one's life.

The production of what economists call 'human capital' or, in other words, an 'autonomous' individual who is 'responsible' for his employability, who makes an effort and sets out projects in order to find a job, passes through interventions in the life, desires, passions, opinions and choices of the individual. Liberal rhetoric would have us believe that desires, opinions and choices constitute the private domain where the sovereign individual can act freely. In reality, however, they are the object of increasingly violent public action as unemployment rises and incrusts itself in society as a structural reality.

D.: Once she asked me questions about what I was interested in and what I wanted to do with my life and why I had chosen to do what I had done and I returned the question: 'And why are you working with the social services?' Because I thought, this is overstepping the line and I didn't have to tell her everything about my life... I think that she insisted because it had to do with the idea she had of me, with her interpretation of the situation; that I was someone who hadn't yet found his calling or his way and that he has to be helped to understand what is happening to him because I have skills but I just have to get on the right track.

U.: I couldn't bear this type of relationship where I had to justify myself and tell my life story, so I told her absolutely nothing – she must have thought I was some kind of nut job.

L.: The counsellor asked me to talk about what I did all day, well, I told her: I ask myself questions about fidelity, it is part of my work. She says to me: I don't see the connection. But, in my view, you just can't answer that question, what do you do all day? Because when you start answering that question, you are justifying yourself, you're accounting for yourself. You shouldn't have to do that for 400 euros.

But even if they want to resist such an intrusion into their private lives, such violence perpetrated against the person and his subjectivity, the clients are still perturbed by the 'work on the self' to which they are compelled by the institutions. They start asking themselves questions because the 'interview' and the questions of the counsellor work on and find their way into the client's subjectivity, in spite of themselves and in spite of their will to resist invasion by governmental action.

E.: I play along even when sometimes it touches on things that upset me, like for example being confronted with starting projects that are conceivable for me and realistic in this context. Sometimes it brings me to the question: What is it that makes you get up in the morning and do things? This type of monitoring also forces you to think about 'projects' that you would like to work on but haven't started yet – or will never start – because you don't know, because it's hard and it makes you ask yourself questions about what you're up to, about what your life is and 'which projects' – because this word keeps popping up – you are working on. But they don't get it, in the sense that it could affect me when they use those words. It's as if we were not talking about the same thing, but with the same words.

Institutions are not satisfied with entering into the intimate sphere of a person, they don't limit themselves to conducting the client's conduct through 'individual monitoring',

mapping out his life, forcing him to work on his self and accessing his innermost subjectivity. They physically enter the 'private lives' of individuals, or in other words, the incitements and prescriptions of monitoring can take place in that most private of spaces, the home. Through their counsellors, state institutions invite themselves into the home to make inquiries and question the 'private lives' of clients, applying two types of control: home visits and neighbourhood inquiries. In the first case, an agent focuses on the client, enters into the apartment or the house, inspects the rooms, the bathroom, asks to see electricity, telephone and rent bills, asks questions about living arrangements and specifically verifies if the client is living alone. Because if he is living with someone, this person could be supporting him and his benefits could be cut.

I once was present at such a visit, because one of the techniques you can use to defend yourself against this unbearable invasion of private life is to receive the controller with a group of people. The presence of someone in your apartment or home who is keeping tabs on your 'life' and checks with whom and how you live is an exceptionally violent form of intrusion.

The state, through its officials, invites itself into the private lives of individuals and even inquires about their love life. The following exchange with RMIste artists (visual artists, composers, filmmakers), recorded in one of our research localities, clearly demonstrates how the state shamelessly intervenes in what liberal and even state ideologies consider to be the most private aspect of the life of individuals: in their love relationships.

About the rent... something you might call 'the RMI and love' [laughter]. At a certain moment we, my ex-girlfriend and I, decided to rent an apartment. I knew I was entitled to benefits from the RMI. And I filled in a simulation form on the site of the CAF (the institution that decides on the allocation of the RMI) by checking the RMI. And the simulation form answered: Yes, you are entitled to benefits from 300 to 400 euros a month. Knowing that my girlfriend was making a good living and that I was earning whatever I was earning. But she didn't support me, I paid for my own food, we agreed that I would pay a small part of the rent, according to what I earned. We lived as a couple, but for the rest... In short, we finally were able to sign the lease because she could put down a great deposit. But in the end, the CAF would not grant me the benefits, because they considered us to be a single household and they look at the incomes of both partners. In fact, from the moment we registered at the same address, they said 'you're a couple, so we look at the couple's income'.

M.: You didn't get it for how long?

To.: During the two years we lived together, and immediately after we separated, I got it back.

S.: It's like a premium on divorce.

To.: In the letter I wrote to the CAF, I said: I know that the CAF isn't there to play Cupid, but still... [laughter]

P.: So the RMIs should only associate with RMIs if they want to get support. It's the Indian system, the caste system: the rich with the rich, the poor with the poor [laughter].

What interests me most in the following excerpt from an article on home visits¹³ in which 'the RMI and love' still plays a role is a remark that was made almost in passing. The consultation between controller¹⁴ and controlled is 'like a trial' (anticipating the final part on Kafka), but a very strange trial, because it takes place within the walls of the home of the accused, the suspect, who is 'guilty' of cohabitation (he failed to report that he is living with someone who might be able to support him).

There are only two chairs. So he remains standing in front of us on the other side of the table, so that the whole scene takes on the aspect of a trial, especially because he talks a lot to explain and clarify his situation. He is visibly tense, his voice is rather shaky. The

controller asks for a number of documents and identity papers. Somewhat abruptly and with a natural air he asks about the nature of the housing situation. The client immediately answers: 'Yeah, we're living together.' The rest of the meeting regards the qualification of that situation.

The man: Cohabitation, I have no idea... We have separate accounts, we pay for things separately. I came to live here because I didn't have a place to stay, but I didn't see myself as... In the beginning, for me, it was temporary. You mustn't get the idea that we were trying to cheat.

The controller: No, if they send a controller, it's to look at the situation, not because we think you've been cheating. We look at the facts. So here, in the beginning this was temporary, and now it's a temporary arrangement that is lasting... [The controller asks for the date that they started living together].

The man, after a few moments of silence: And do you take this into account in your calculation of the benefits?

The controller: Yes.

The second type of state control consists of talking to the neighbours and asking them if the client really lives alone and what his lifestyle is. If he turns out to be a single parent, the neighbours are asked if he is really single, and so forth... The institutions for the control of the poor train the controllers to answer criticisms and eventual complaints by clients. Here we have a 'list of arguments' intended for the senior staff that trains the controllers. It attempts to prepare for any objections, refusals and criticisms that the clients might express during visits. A few words of advice to the controllers:

When 'methods of control on location are put into question'

Answer: The control that you mention, which we call 'on location', is only one control method among many that we use in certain cases. Among the 6 million clients whom we control each year, we only use it in 10 per cent of all cases.

In the case of a critical remark like 'incursion into the private home, neighbourhood inquiry = grassing' you must answer: if the controllers have reason to visit the home of the client or to conduct a neighbourhood inquiry, it is in fact because they cannot base the conclusion of their inquiry on a single element (the opinion of a neighbour or the 'word' of a client).

Every day television and radio enter your home, blurring the boundaries between private and public and redefining the limits of both public and private space. But these are still external devices that you can 'easily avoid'. Physical intrusion into private space deeply destabilizes individuals by humiliating them.

The new French legislation (2009) that has replaced the RMI is even more invasive. Not only do you have to disclose your actual resources (if you have had a job or if you have an income), but also your bank balance, whether you have life insurance, whether you bought shares when you had a job, whether you are a house owner, whether your parents or friends can help you, and so forth. The state conducts an actual inquiry into your 'lifestyle'. The client must be completely transparent¹⁵ to the logic of the institution.

Now I would like to quote a few short extracts from a round table discussion that we have held with agents of the unemployment insurance programme and of the management of the RMI who intervene in the monitoring and control of the unemployed and the poor. These extracts will serve as an introduction to the last part which bears on the production of responsibility and guilt with the recipients of unemployment insurance and of the RMI.

M.: In my work, what the logic of reinsertion teaches me, contrary to the logic of integration, is to act on the person. In other words, it's the person who must qualify himself and enter into a process in order to raise his level. And that's the real problem with structural unemployment, because you have to put the responsibility with the individuals:

they are the ones who aren't capable of finding a job and in that case social work consists of acting directly on the person. And when the work of the ANPE connects with the work of the external educator, it is within this logic. It defines our practices: we already think in advance that the persons themselves have to increase their skills.

A.: At Pôle emploi, the employment and benefits agency, that is what we propagate, we make the 'client' responsible for his situation. That is it, really. And in the face of what happens, it's the generalization of a badly assumed or completely assumed feeling of complicity and the managing of a form of everyday powerlessness that breeds resistances, but managed on an individual level. Because the counsellor at the other side of the table is also held responsible for his capacity or incapacity in making the 'client' employable.

Kafka, the Production of Guilt and the Blurring of the Division between Public and Private

"The Workmen's Accident Insurance Institution... is a creation of the labour movement. It should therefore be filled with the radiant spirit of progress. But what happens? The institution is a dark nest of bureaucrats, in which I function as the solitary display-Jew."

The production of guilt is a strategic action of neoliberalism that can also be analysed through Kafka's work. Kafka was very much ahead of his time, for his characters speak about a reality, a form of labour organization and public administration (the welfare state) and a life that seems closer to our times than that of the interbellum.

Bürgel, the 'connecting' secretary in *The Castle*, says something that sounds familiar to us: 'In that respect we don't acknowledge any distinction between ordinary time and work time. Such distinctions are alien to us.' And K., the land surveyor in *The Castle*, experiences a power relation that could be qualified, on the basis of Foucault's terms, as biopolitical, in the sense that it implicates life as a whole, beyond the separation of 'public life' and 'private life': 'Nowhere else had K. ever seen one's official position and one's life so intertwined as they were here, so intertwined that it sometimes seemed as though office and life had switched places.'

Official administration institutions like the RMI, unemployment insurance, and so forth, already announce something before they articulate a discourse, whatever it may be. They announce that there is a social problem (unemployment, employability, and so forth) but it is not society that the institution calls on to insure the individual follow-up, it is you, 'Joseph K.!' There is a shift from 'there is a social problem' to 'you are the problem!' This shift is enclosed in the institution itself, in its practices and its procedures, before it enters the minds of social workers and clients.

Like in *The Trial*, the accusation is never clearly formulated: it is never clearly stated that 'being unemployed is your own fault', for that would lead to resistance on the part of the client. As for the fault of unemployment, it has unclear, undefined and imprecise boundaries. But very soon you forget that the accusation is more than vague. Slowly it installs doubt into the mind of the client, there is a growing feeling that we are guilty of something, that we are at fault, because we have received a document, we have been summoned and must present ourselves at that address on that day at that time in that office. Joseph K.'s arrest does not really change his life, he continues to go to work and to live as before. He is thus both under arrest and free. Whether you're guilty or innocent, 'We're opening a file on you, Joseph K.!'

Somewhere there is a file with officials who are working on it, but all you will ever see are the flunkies, never the main procurators. On the other hand, is there really a vertical organization of offices, with chiefs and subordinates, or does everything happen in a horizontal manner, between subalterns? Rather both at the same time, but anyway, the

right information is always to be found in the next office, you always have to knock on the next door, and so on. Are the offices of the administration still part of 'public' space or have they been installed in our 'private' space?

The number 3949 is a telephone platform for the unemployed and the poor that replaces face-to-face meetings with institution agents. It is the contemporary version of the office that is no longer situated in either private or public space. The number 3949 must be dialled repeatedly before you fall on different officials and verify if the same law is being applied because everyone has his own interpretation of it. Often the officials don't even know about it, and anyway, they hang up after six minutes. You then have to knock on the next door, and so on. The number 3949 is the deterritorialization of the office and the official.

Like the accusation, the 'tribunals' in *The Trial* have no clearly defined limits ('You shouldn't imagine these barriers as a fixed boundary,' says Barnabas in *The Castle*). They are spread out over the city and no-one really knows what they are made up of. There is no clearly established distinction between public space and private space, the two continually overlap and form a continuity that leaves no room for 'private life'.

I find that Kafka's law is more in keeping with social law and social security regulations, and so forth, than with penal law: social security laws are relatively malleable, continually proliferating and permanently expanding.

Of the three types of acquittal, actual acquittal (no-one can influence it), apparent acquittal (demands a concentrated effort over a limited period) and protraction of the proceedings (demands a more modest but interminable effort), it is the latter that concerns us most. Actual acquittal exists only theoretically. Apparent acquittal is derived from disciplinary societies in which you go from one internment to the next and from one guilt to the other: from the family to school, from school to the army, from the army to the factory, and so forth. And each passage is marked by a judgement or an evaluation. You go from one acquittal: you are no longer a child, you are no longer a pupil, and so forth, to the next trial and another file: you are a soldier, you are a worker, you are a pensioner, and so forth.

Unlimited protraction, however, maintains the trial in its first phase for an indeterminable period, in other words, in a situation where you are dependent on the presumption of innocence and guilt (you are on trial: you have been summoned and you have a file). In unlimited protraction, the sentence of guilty or innocent never comes. The state of suspension between innocence and guilt forces you to be mobilized, disposable and on your toes at all times.

Unlimited protraction demands even greater attention, 'a more modest but interminable effort,' says the painter Titorelli or, in other words, a greater subjective involvement. The law has no interiority, the law is empty (the law is pure form), for it is you, 'Joseph K.', who, if all goes well, must contribute to its construction and to the construction of your sentence by working on your file and your summons.

The monitoring relationship that is woven on a framework of guilt is a trial in which you have to play along while withdrawing at the same time. You have to anticipate developments, twists and turns and bumps in the road, even if you do not really believe in them (cynicism of both officials and clients). Anyway, your subjectivity is summoned and becomes implicated. It works, thinks, hesitates and questions itself, even against your better judgement. The indefinite prolongation of the first phase in the trial also requires endless monitoring that goes beyond the boundaries of public and private. The timetable of the accused and that of the monitoring are adjusted to one another.

'The interrogations, for instance, they're only very short, if you ever don't have the time or

don't feel like going to them you can offer an excuse, with some judges you can even arrange the injunctions together a long time in advance, in essence all it means is that, as the accused, you have to report to the judge from time to time.'

Like in *The Trial*, being accused is no walk in the park. It is work, you have to keep an eye on your file, spend a lot of time on it (the industrial spends all his time and money on his defence).

You have to stay abreast of the development of the law and its changes and be aware of its subtleties. You have to hoist yourself to the same level of knowledge as the officials and even surpass them. The RMIstes prepare their meetings, their confrontations with the institution by elaborating certain tactics. They refine 'projects' that are more or less fictional. They all operate by directly or indirectly supplying clues and information, they all function on the feedback from the institution.

In disciplinary societies, penal law was legitimized by the battle against illegalisms (transgressions of the law) and by social peace, but in reality, instead of eliminating these illegalisms, it has in turn produced and differentiated crimes and criminals. Similarly, social law in societies of control has been legitimized by the struggle against unemployment and for full employment, but all it has done is invent, multiply and differentiate countless ways of not working full-time. Social law, like penal law, has not failed, but fully succeeded. It has constructed a new dimension in which the distinction between private and public no longer exists.

Maurizio Lazzarato is a sociologist and member of the editorial staff of the magazine *Multitudes*. He lives and works in Paris. 1996 saw the publication of his famous essay 'Immaterial Labour', whose theme he further developed in *Lavoro Immateriale. Forme di vita e produzione di soggettività* (Verona), which appeared a year later.

Footnotes

1. A person who has no job or unemployment benefits and who receives a monthly revenue of approximately 400 euros from the state.
2. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, translated by G. Burchell (Basingstoke and New York: Palgrave Macmillan, 2007), 165.
3. Ibid., 173.
4. Foucault would have been doubly astonished by Giorgio Agamben's interpretation of biopolitics. First because his theory of power is presented as a metaphysics and second because he situates his genealogy within the Roman political tradition. This is categorically rejected by Foucault.
5. Michel Foucault, 'Omnes et singulatim', in: *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*, edited by Lawrence D. Kritzman (New York: Routledge, 1988), 63.
6. The space in which pastoral power is exercised is not of the same nature as that of sovereignty and of discipline. Whereas sovereignty 'capitalizes a territory' and discipline is exerted in a closed space through a hierarchic and functional distribution of elements, pastoral power, like the police at first and the welfare state later, is exercised over a multiplicity in motion and on its 'environment'. Pastoral power, transformed from a government of souls into political government of men, will 'try to plan a milieu in terms of events or series of events or possible elements, of series that will have to be regulated within a multivalent and transformable framework'. Foucault, *Security, Territory, Population*, op. cit. (note 2), 34.
7. The political government of men is not primarily aimed at 'the common good'. In the eighteenth century, government was already defined as a way of arranging and conducting men and things, not as a collective whole, for the 'common good' (kingdom, city, republic, democracy) but for 'convenient ends'. This implies a plurality of particular ends (producing the greatest amount of riches, population growth, and so forth); their convergence, coordination and synthesis, however, are problematic.
8. Policing consists of furthering both the life of the citizens and the strength of the state. 'In seeing to health and supplies, it deals with the preservation of life; concerning trade, factories, workers, the poor and public order, it deals with the conveniences of life. In seeing to the theatre, literature, entertainment, its object is life's pleasures.' Foucault, *Politics, Philosophy, Culture*, op. cit. (note 5), 81.
9. The shepherd continually manages this economy of merits 'that presupposes an analysis into precise elements, mechanisms of transfer, procedures of reversal, and of the interplay of support between conflicting elements between the shepherd and the believer'. Foucault, *Security, Territory, Population*, op. cit. (note 2), 228.
10. Ibid., 235.
11. Ibid., 226.
12. Ibid., 419.
13. Vincent Dubois, 'Le paradoxe du contrôleur. Incertitude et contrainte institutionnelle dans le contrôle des assistés sociaux', *Actes de la recherche en sciences sociales*, vol. 3 (2009) no. 178.
14. There are different control techniques: 'Me, I have my own personal working method. For example, I give the client the impression that I am going nowhere. But actually my interview is pre-established. So I talk about his situation and his work and then I say "sorry, I forgot something". But in fact, I'm trying to rattle him or her. Or I close my briefcase and pretend to leave and then come back to ask the question that I'd supposedly forgotten, but that I had in the back of my mind from the start. Well, then I try to rattle him a bit because some of them are prepared. There are already three controls in the file, so they know the drill. I try to... throw them off a bit, because some of them even prepare what they're going to say, they've been briefed by a social worker.' Ibid.
15. 'Transparent', but not in the figurative sense. Undressing is not a metaphor. A controller: 'Some of them will say to me: [with a whining voice] "Oh, I'm sick..." Then they start undressing, they show me their scars. Then I say with a friendly voice: "No, no, you can put your

clothes back on, I'm not a doctor." Some say they're sick, they hope that I will not ask too many questions or ask them for their papers. Some say: "Oh dear I don't know where my head is, you see, you mustn't ask me too many questions, I've been ill," or "I've got cancer." That's the thing I fear the most. Each time I tell them: "Listen, I'm very sorry, but..." Ibid.

Tags

Biopolitics, Labour, Privacy

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