CHAPTER ONE


3. Ibid., p. 120.

4. Ibid., p. 121.

5. The emphasis on how governing practices construct the very subject that is supposed to exist prior to being governed is a debt Foucault owes to Nietzsche; on Nietzsche and legal subjectivity, see Nietzsche and Legal Theory: Half-written Law, Peter Goodrich & Mariana Valverde, eds. (New York: Routledge, 2005).


7. Foucault, supra note 2, p. 124.


14. For an extended commentary on this set of lectures, see Mariana Valverde, “Review Essay: Michel Foucault’s Society Must Be Defended,” Law, Culture and Humanities, 1 (2005): 113–33.

15. These have been reprinted in a number of volumes; see, for example, Michel Foucault: Politics, Philosophy, Culture: Interviews and Other Writings, 1977–1984, Lawrence Kritzmann, ed. (New York: Routledge, 1988).


19. Foucault, supra note 2, pp. 157–58, 177.

20. Ibid., p. 187.

21. Ibid.


23. Foucault, supra note 2, pp. 46–47.
24. Ibid., p. 19.
25. Ibid., p. 251.
27. Isolated comments about Stalinist practices in Foucault’s published work mainly highlight biopolitical campaigns, such as psychiatrizing dissidents in the name of the health of socialism. How communist sovereignty differs from or is similar to liberal sovereignty is not a question addressed by Foucault.
29. Foucault, supra note 2, p. 344.
32. Foucault, supra note 2, p. 334.
34. Foucault, supra note 2, p. 347. For Foucault, coup d’etat is not the overthrow of government but rather the government’s own suspension of law, what Schmitt and other theorists would call “the state of exception.” See ibid., p. 267.
35. Dubber, supra note 30.
36. Jacques Donzelot’s groundbreaking work *The Policing of Families* (Baltimore, Md.: Johns Hopkins Univ. Press, 1979) mapped this terrain to some extent (and it is worth noting in the present context that its original title was *La Police des Familles*, in a direct reference to the police tradition researched by Foucault when Donzelot was working with him). But this work tends to treat families as conduits for sovereign and police rationalities, without much attention to intrafamily dynamics, either patriarchal or pastoral.
37. Foucault, supra note 2, p. 355.
38. Valverde, supra note 30.
39. Foucault, supra note 2, pp. 294–300.
40. Ibid., p. 322.
41. Ibid.
43. Foucault, supra note 2, p. 67.
44. Ibid., p. 113.
45. Ibid., pp. 7, 9, 21.
48. Foucault, supra note 2, pp. 8, 31–49.
49. Ibid., p. 19.
50. Ibid., p. 46.

Chapter Two

2. Peter B. Evans, Dietrich Rueschemeyer, & Theda Skocpol, eds., Bringing the State Back In (Cambridge and New York: Cambridge Univ. Press, 1985).
9. Tomlins, supra note 8, pp. 55–59; Dubber, supra note 8, p. xi.