

POWER AND RESISTANCE: FOUCAULT'S LABORATORY IN BRAZIL¹

On his various journeys to Brazil from 1965 to 1976, Michel Foucault engaged in a wide range of activities: interviews, lectures, courses, and the publication of journalistic and academic articles. The works produced at the time were first published in Portuguese and then in French in 1994 in volumes II, III, and IV of *Dits et écrits*.² We shall highlight two of these works, one from 1973 and the other from 1974. The first consists of a series of five lectures given at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio) under the title “La vérité et les formes juridiques.”³ The second is a series of lectures on social medicine that were delivered at the State University of Rio de Janeiro (UERJ). The subjects of these lectures were connected to Foucault’s Collège de France courses and resulted in research published in his books in France at the time. The preliminary or nearly simultaneous execution of these activities in Brazil allows us to advance some hypotheses: on the one hand, the articulation of the two lecture series with the courses and books makes up, in sum, a possible initial nucleus of Foucault’s investigations into matters of power and resistance; on the other hand, his activities in Brazil may be recognized as a kind of laboratory, succeeded or accompanied by more definitive productions.

Foucault’s 1973 lectures at PUC-Rio are closely connected to his Collège course from the same year, *La société*

punitive, and his Collège course from the succeeding year, *Le pouvoir psychiatrique*, as well as his 1975 book *Surveiller et punir*.⁴ This first group of analyses gradually forms the study of disciplinary power. The 1974 lectures are, in their turn, connected to the Collège course “*Il faut défendre la société*” and the first volume of the history of sexuality *La volonté de savoir*, which were delivered and published, respectively, in 1976.⁵ This second group of analyses inaugurates Foucault’s investigations of biopolitics.

DISCIPLINARY POWER

Let us consider the lectures “La vérité et les formes juridiques.” They deal with a historical trajectory that begins in ancient Greece, traverses the Middle Ages, and then focuses on the modern age. Foucault organizes this trajectory around three procedures or social practices of a juridical character: the test, the inquiry, and the examination.

In his second lecture, Foucault broaches the juridical procedure of the test and then the practice of inquiry in ancient Greece. The third lecture shows that in the second half of the Middle Ages the test tended to disappear in favor of the inquiry. In the latter practice, the resolution of questions of litigation does not happen directly between litigants, but is imposed from the “outside” and from “above” by a sovereign power. The notion of crime as an infraction takes hold in so far as damage does not appear anymore in the litigation between individuals, groups, or families, but as an offense against the state or the sovereign. The functioning of this system presupposes the questioning of the witnesses, which allows for the reconstitution of facts. The practice of inquiry thus serves as an

instrument capable of replacing the flagrant offense by re-actualizing the crime when the criminal is not surprised in its commission. In his fourth and fifth lectures, Foucault shows that from the end of eighteenth century through the nineteenth century another model invaded the model of inquiry: the examination.

What he famously calls disciplinary society takes root inside this new framework. In the lectures, Foucault proceeds to emphasize some aspects of disciplinary power. From the point of view of the judiciary, transformations occur at two levels. At the theoretical level, there is a new elaboration of the penal system. Civil law needs to be explicitly formulated because the infraction does not concern natural law or religious or moral law. It appears as a crime solely in connection with civil law. But, at the practical level, a penal procedure was adopted that had not been foreseen by the theoreticians of law, namely, imprisonment as practiced in the nineteenth century.

As the practice of imprisonment becomes generalized, the principles of penal legislation are radically altered, implying whole new features. Laws tend to adjust as a function of individual situations, aiming less at punishment and more at the adjustment of the individual to society through the psychological and moral reform of behaviors rendered concrete in the practice of control. Punishment is dependent on the explicit existence of a law and concerns the effective occurrence of an infraction. Control reaches not only the already committed crime but also the possibility of it being committed, thereby leading to a new notion of potential danger. It is for this reason that this penal procedure necessitates extensive action in conjunction with other domains that are not exclusively judicial,

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such as the police as well as psychiatric, psychological, medical, and criminological institutions.

In this society characterized by discipline, the complete disappearance of the inquisitorial model does not take place. Organized around relationships of sovereignty, this model goes on living in the interior of the modern juridical system. However, the establishment of truth through the matrix of the examination is not achieved through the reconstitution of the order of the facts or the order of the testimonies but, rather, through the objectification of the individual in the order of what is permitted or forbidden, correct or incorrect. Disciplinary society produces behaviors and gestures. It creates habits. It does not exclude. It normalizes.

Foucault privileges the elaboration of the subject of disciplinary power in his 1973 and 1974 Collège courses as well as in his 1975 book. Foucault's 1973 course, *La société punitive*, studies the meaning of the punitive function as an expression of the consequences of relations between power and knowledge. It describes historically situated punitive forms. Among these forms, Foucault is mostly interested in the prison as the predominant form of punishment in modern Western societies. Understanding the historical prevalence of this mode of punishment is the central problem of *La société punitive*. It is with it that more precise analyses of disciplinary power will begin. Foucault distances himself from a conception of power that would imply essentially "negative" or "restrictive" procedures such as exclusion, separation, limitation, and repression. Dispensing with the notion of exclusion, his analyses approximate a conception of power that is fundamentally "positive" or "productive." Power does not limit, but it does include, and it

does so through mechanisms of inclusion. Given that for Foucault all punitive operations are carried out inside a sphere of power, he dwells at length on the prison to find the power relations that work effectively in its interior. Foucault thus introduces disciplinary power as a central problem in *La société punitive*, which was delivered in the same year as his lectures “La vérité et les formes juridiques.”

In his 1974 Collège course, *Le pouvoir psychiatrique*, Foucault is interested in the concrete mechanisms of power proper to the therapeutic act in asylums at the end of the eighteenth century and throughout the nineteenth century. He studies the therapeutic scenes that transpired in the disciplinary order of the psychiatric asylum. Characterized by the permanent regulation of activities and time and supported by the fundamental dissymmetry between the power of the physician and the power of the mad person, the disciplinary order of the asylum was the condition for, on one hand, the constitution of a particular medical knowledge, and, on the other hand, the realization of an effect of a permanent cure among the patients. As he covers scenes of asylum therapy, Foucault discloses a mechanism of power and the truth games facilitated by it. He takes as his example the scene in which King George III loses his mind in 1778. It illustrates the psychiatric practice of the time as a regulated manipulation of power relations. This example would also be adequate to illustrate future scenes of psychiatry, such as those of moral treatment, the discovery of hypnosis, psychoanalysis, and even anti-psychiatry.⁶ The description of the procedures to which the mad sovereign was submitted effectively brings out the traits of an anonymous, diffuse, and manifold power distributed among various agents.

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These procedures highlight a form of power that is categorically distinguished from sovereign power: disciplinary power.

From the moment that Foucault assumed the position of Professor of the History of Systems of Thought at the Collège in 1970, he engaged in a reorientation of his research that led him to more closely examine the subject of power. As with his Collège courses, *Surveiller et punir* presents power in a very different manner from the way it was analyzed at the time. This book distances power from the category of repression and the general categories of domination and ideology. Foucault presents and applies certain rules in the book that may be synthesized in the following manner: first, do not focus the study of punitive mechanisms only on their repressive effects but situate these mechanisms within a complete series of positive effects that they may produce (in other words, it is a matter of understanding punishment as a complex social function); second, analyze punitive methods not as simple consequences of the rules of law or as indicators of social structures but as techniques having their own specificity in the more general fields of other processes of power (or, to put it differently, adopt the perspective of political tactics in relation to punishment); third, do not treat the history of penal law and the history of the human sciences as two separate series, but check, rather, to see if there is not a common matrix between them and if both would not stem from the same process of epistemological-juridical formation (put differently, place the technology of power both at the beginning of the humanization of penalties and in the foundation of the knowledge of the human); and, finally, verify if the entrance of the soul on the stage of penal justice, and with it the insertion of a scientific knowledge into

the domain of judicial practice, would not be the effect of a transformation of the manner in which the body itself is invested by the relations of power (in other words, study the transformations of punitive methods starting from an analysis of the political technology of the body).⁷

The structure of *Surveiller et punir* is simple, consisting of four parts. The first one refers directly to torture and execution as the forms of punishment prevailing until the end of the seventeenth and mid-eighteenth centuries. The second discusses the form of punishment that consists in specifying penalties proportional to the crimes. This form was historically associated with the movement of the humanist reformation of penal law in the second half of the eighteenth century. The third and the fourth parts examine the institution of the prison as the most concrete expression of a relatively recent form of punishment that imposed itself historically in Western societies in the beginning of the nineteenth century and still prevails today.

The prison had not been planned as a general form of punishment. It was used only in response to some particular crimes. The problem is that of understanding how it became one of the most general forms of legal punishment in such a short period of time. Now, *Surveiller et punir* shall seek the answer to this question in the identification and close analysis of the mechanisms of disciplinary power. The book describes the functions of these mechanisms: the spatial distribution of bodies; the thorough control of activities; the exhaustive use of time; and the serial composition of forces. It also describes the most important instruments of disciplinary power: hierarchical and continuous vigilance; subtle procedures of normalizing sanction whose form is not that of punishment but of exercise; and

the examination as the procedure for the constitution of a systematized knowledge about individuals. Discipline permits an increase of the forces of the body in economic terms of use and a decrease of the same forces in political terms of obedience.⁸ It is present in institutional forms at the end of the eighteenth century and the beginning of the nineteenth century. Its wide range of variations reaches our present: in schools, in hospital spaces, in military organization, in the psychiatric asylum, and in prison. This last institution, in its turn, is the exemplary model of all of these institutional forms. When Foucault analyzes the birth of the prison, he is interested in describing disciplinary mechanisms whose most important effect is the fabrication of submissive and useful bodies.

Foucault's study of mechanisms of power that correspond to the disciplines thoroughly guides his analysis of the prison in *Surveiller et punir* as the prevailing form of punishment in the penal horizon of modern Western societies. His book is therefore a synthesis and systematization of several roughly contemporaneous analyses from his Collège courses. It is also possible to see how Foucault's 1973 lectures at PUC-Rio laid the groundwork for these courses and the book.

BIOPOLITICS

The reference to medical thought and practice has an important position in Foucault's move from the analysis of disciplinary normalization to biopolitics. Let us consider his lectures on social medicine delivered at UERJ in Rio de Janeiro in October 1974. In studying the birth of social medicine between the eighteenth and nineteenth centuries, Foucault

deals with the strategies and policies around contemporary health systems.

In the first lecture, “Crise de la médecine ou crise de l’antimédecine?,” Foucault discusses the extent of the medical and sanitary model that has been established in the West since the eighteenth century.⁹ In the second lecture, “La naissance de la médecine sociale,” he broaches the subjects of state medicine and urban medicine as well as the relationships between medicine and the labor force.¹⁰ The third lecture, “L’incorporation de l’hôpital dans la technologie moderne,” is about the constitution of the hospital as a therapeutic instrument.¹¹ More precisely, it focuses on the medicalization and disciplinary character of the hospital as an institution.

The word biopolitics appears explicitly at the beginning of the second lecture. It is used as a kind of synthesis to name the content developed in the first lecture. In it, Foucault broaches the organization of health linked to a formulation of a new law, new morals, a new economy, and a new politics of the body in the period from 1940 to 1950. The care of the body, bodily health, and the relationship between health and disease became objectives of state intervention during this period. Medicine basically became a matter of the state. Foucault discusses this transformation in connection with the progress of medical technology. These aspects of his analysis of medicine in the first lecture form the ground on which the idea of biopolitics makes its appearance. As is well known, Foucault then develops this idea in subsequent analyses. His discussion of social medicine in his 1974 lectures at UERJ thus not only continues the analysis of the disciplines of the body but also announces the arrival of a new series of analyses of sex, species, and race.

Foucault developed the subject of biopolitics in two works from 1976: “*Il faut défendre la société*” and volume one of the history of sexuality *La volonté de savoir*. Both of these works enact a widening of the domains treated by the analytic of power. They make explicit the limits of the essentialist character of the juridico-discursive model of power and develop the strategic dimension of the analysis of power considered in terms of normalization mechanisms. Two main versions of the juridico-discursive model of power form the object of critiques in the works of 1976.¹² In one of these versions, power is enmeshed with order and established by law. “*Il faut défendre la société*” opposes this version. Instead, the course sets out to grapple with power as a perpetual war. Foucault studies a type of historical-political discourse that appeared after the end of the civil and religious wars of the sixteenth century. This discourse was clearly formulated in political struggles in seventeenth-century England. It was also present in political struggles of a different sort in France at the end of the reign of King Louis XIV and it persisted as a type of political discourse among racist biologists and eugenicists at the end of the nineteenth century. The central place occupied by war as a matrix of historical interpretation was new relative to the predominant philosophical-juridical discourse about power and society. War began to be understood as a permanent form of social relationship as well as the foundation of all relationships and all institutions of power.¹³

In the displacement of historical discourse from the nobility to the bourgeoisie, war transforms from a constitutive element of history to an element that is conservative and protective of society. The political elaboration of the idea of the nation in the very bosom of bourgeois thought facilitates the idea of an

internal war as a defense of society against the dangers that stem from its own body.¹⁴ It is in this context that Foucault turns to the subject of biopolitics at the end of “*Il faut défendre la société*” since the war “in defense of society” corresponds to the procedures of biopolitics.

The first volume of the history of sexuality *La volonté de savoir* opposes, in its turn, another version of the juridico-discursive model of power. While power in this version is considered a repressive instance, the book tries to show that power does not repress or forbid but that it incites and produces. *La volonté de savoir* makes clear that repression as an explanation for the functioning of the bourgeois order would not be enough to account for the history of sexuality in the West. To the contrary, against the hypothesis that sex has been repressed, it is necessary to show that there is a discursive explosion around sex from the outset of the eighteenth century. Rather than resorting to the repressive hypothesis, Foucault effects a “placing of sex in discourse” that should serve as a principal reference for a history of sexuality.¹⁵ Devoting themselves to speaking at great length about their own silence, Western societies have developed a “will to know” about sex, making it at the same time an object of intervention of the techniques of power and a target of political investment. Thus, sexuality is not a given of nature, but a mechanism that is part of a political negotiation (or struggle) of life. It thus belongs to what may be called biopower.

This power over life was concretely organized along two main axes in the eighteenth century: one centered on the disciplining of individual bodies and the other focused on the biopolitical regulation of population.¹⁶ Here we can see that

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Foucault envelops his explorations of disciplinary mechanisms in the more general perspective of biopolitics. Biopower does not constitute a form of power independent of disciplinary power. It is, on the contrary, precisely around the disciplines of the body and the regulations of populations that a mechanism of power over life has been organized. This mechanism acts neither by forbidding nor through the imposition of death but through investments in life and its phenomena. It has its two main vectors in the living body and in life as a process.

Foucault's critiques and arguments in "*Il faut défendre la société*" and *La volonté de savoir* are complementary in substance and form. However, the lectures he that delivered at UERJ in Rio de Janeiro two years before prepared these critiques and arguments. They served as his laboratory to experiment with the concept of biopolitics.

We have tried to reconstruct Foucault's analyses of discipline and biopolitics in Brazil and France from the perspective of a genealogical elaboration. We have, in other words, engaged in a reading that attempts to place these analyses in the gradual movement of the construction of Foucault's thought. We should add, in conclusion, that it is in the scope of this same historical movement of construction that Foucault's thought becomes increasingly open to the horizon of struggles and insurrections, of countercultures and counter-conducts. To put it differently, in the same way that questions and practices of power develop (whether in the disciplines or biopolitics), questions and practices of resistance also arise as the underside of the same movement. The effort that allowed the questioning of power to be extended would require a symmetrical effort in order to increase our understanding of resistance.

NOTES

- 1 Richardo Pinheiro Lopes translated this article with the assistance of Marcelo Hoffman.
- 2 Michel Foucault, *Dits et écrits 1954-1988*, ed. Daniel Defert and François Ewald with the assistance of Jacques Lagrange, 4 vols. (Paris: Gallimard, 1994).
- 3 Michel Foucault, “La vérité et les formes juridiques,” in *Dits et écrits 1954-1988*, vol. 2, 1970-1975, 538-646.
- 4 Michel Foucault, *La société punitive: Cours au Collège de France (1972-1973)* (Paris: Gallimard/Seuil, 2013); Michel Foucault, *Le pouvoir psychiatrique: Cours au Collège de France (1973-1974)* (Paris: Gallimard/Seuil, 2003); Michel Foucault. *Surveiller et punir: Naissance de la prison* (Paris: Gallimard, 1975).
- 5 Michel Foucault, “*Il faut défendre la société*”: *Cours au Collège de France (1975-1976)* (Paris: Gallimard/Seuil, 1997); Michel Foucault, *La volonté de savoir: Histoire de la sexualité I* (Paris: Gallimard, 1976).
- 6 Foucault, *Le pouvoir psychiatrique*, 29-36.
- 7 Foucault, *Surveiller et punir*, 28-29.
- 8 Ibid., 140.
- 9 Michel Foucault, “Crise de la médecine ou crise de l’antimédecine?,” in *Dits et écrits 1954-1988*, vol. 3, 1976-1979, 40-58.
- 10 Michel Foucault, “La naissance de la médecine sociale,” in *Dits et écrits 1954-1988*, vol. 3, 1976-1979, 207-228.
- 11 Michel Foucault, “L’incorporation de l’hôpital dans la technologie moderne,” in *Dits et écrits 1954-1988*, vol. 3, 1976-1979, 508-521.
- 12 Frédéric Gros, *Michel Foucault*, 2nd ed. (Paris: PUF, 1998), 77-80.
- 13 Foucault, “*Il faut défendre la société*,” 42.
- 14 Ibid., 194.
- 15 Foucault, *La volonté de savoir*, 20.
- 16 Ibid., 183.