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L'État, C'est Moi?
Towards an Archaeology of Sovereignty in the Western *Episteme(s)*

Daniel R. Quiroga-Villamarín[1] [www.orcid.org/0000-0003.4294-4379]

Abstract:
Across the humanities and the social sciences, Foucault's work has often taken wildly divergent routes. As an unexpected corollary, some of his interventions have been compartmentalized into different fields — with few attempts to read his different contributions across disciplinary boundaries. Conversely, in this article, I place Foucault's early works on the history of Western systems of thought (and, in particular, *The Order of Things*) with some of his later interventions on sovereignty and punishment (and, in particular, *Security, Territory, Population* and *Discipline & Punish*). I draw from his early archeological explorations of the Western *episteme(s)*, which have not been comprehensively explored by legal scholars, to reread his later works as an archeological exploration of the production of knowledge relative to sovereignty. This allows placing Foucault's early epistemological and methodological concerns at the forefront of his later work on the "withering away" of public law in the Western imagination.

Keywords: Political Thought; History of Science; Knowledge Production; Theory and History of Sovereignty; General Theory of Law.

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> *We touch here on an apparently marginal problem that I think is nevertheless important, and this is the problem of theatrical practice in politics, or again the theatrical practice of* raison d'état. *The theater, theatrical practice, this dramatization, must be a mode of manifestation of the state and of the sovereign as the holder of state power* (Foucault 2007, 347).

> *History will cause man's anthropological truth to spring forth in its stony immobility; calendar time will be able to continue; but it will be, as it were void, for historicity will have been superimposed exactly upon the human essence [...] The great dream of an end to History is the Utopia of causal systems of thought, just as the dream of the world's beginnings was the Utopia of the classifying systems of thought* (Foucault 1994, 262-263).

Introduction

In *The Order of Things*, Foucault (1966) offers a broad picture of what he calls the "archeological" underpinnings of modern thought, comparing this picture with the

[1] Daniel R. Quiroga-Villamarín is a PhD Candidate and Researcher at the Global Governance Centre – Graduate Institute of International and Development Studies. Address: Maison de la Paix, Chemin Eugène-Rigot 2, Geneva, Switzerland. E-mail: daniel.quiroga@graduateinstitute.ch

epistemological foundations of science in the Renaissance and the Classical period. In this vein, he argues that the production of scientific knowledge in the West experienced a fundamental change in the 17th and 18th centuries, as knowledge shifted from an issue of resemblance to a problem of representation. Foucault is particularly interested in these transformations in three particular bodies of knowledge: general grammar, natural history, and the analysis of wealth. This enables him to argue that another epistemological shift occurred at the end of the 18th century, in which representation yielded to modern knowledge: and now, the problem of truth would be related to meaning, historicity, and the emergence of the subject. In this article, I sketch an archeological analysis of a similar body of thought: the production of knowledge on sovereignty. Drawing on Foucault's later works on governmentality and punishment, I argue that the changes that occurred within the *raison d´État* paradigm can be understood as a response to the shift from resemblance to representation to historicity/subjectivity that occurred in the western *episteme*. Thus, I archeologically trace the movement of the production of knowledge on sovereignty from its beginnings as a problem of the maintenance of *status*, to the field concerned with the expansion of the *state*, to the discipline that revolves around the history of the *nation* and its *population*.

In this way, I offer a Foucauldian reading of Foucault — folding his insights unto his own work. Thus, I provide an archeological reading — typical of his early works, *The Order of Things* or *The Archeology of Knowledge* (1982; see further Gutting 2013) — of a subject-matter more often associated with his later works on governmentalities and punishment (Elden 2016, 82-111). In this article, I focus on the already cited lectures on *Security, Territory, Population* and *The Birth of Biopolitics* (Foucault 2002), as well as the famous Tanner lectures of 1979 (Foucault 1979). Moreover, I also argue that one can (and perhaps, should) read *The Order of Things* alongside the famous *Discipline & Punish* (1977), to reveal that Foucault's analysis of penal practices corresponds quite neatly with the three historical shifts detected in the former. This methodological approach would allow us not only to engage productively between works which are usually read in isolation (Lemke 2007, 43-64; see conversely Danica & Pearce 2001, 123-158), but it also explores the tensions and discontinuities in his approach and subjects (Valverde 2017, 8-13). Furthermore, this approach also shows the limits and potentials or engaging in archeological inquiry into not only fields of human knowledge, but into the assemblages of power/knowledge which define the bounds of sovereign power (Foucault 2008, 18-19). Instead of seeing *The Order of Things* or *The Archeology* as obsolete works (see, for instance, Dreyfus & Rabinow 1983, xix; Garland 2014, 365-384), I argue that the historical epochs traced in *The Order of Things* continue to haunt Foucault's later work on governmentality or punishment.

Foucault once famously issued a call for social theorists to

> abandon a whole tradition that allows us to imagine that knowledge can exist only where the power relations are suspended and that knowledge can develop only outside its injunctions, its demands[,] and its interests. (Foucault 1997, 27)

While agreeing with this premise, in this article I follow the inverse call for action: to abandon the premise that power, also, can exist without knowledge. Thus, I map the archeological foundations of the body of knowledge that has served as a foundation for the practices and discourses of what we call "sovereignty" in the West. To do so, after the (I) introduction already presented to the reader, (II) I briefly survey *The Order of Things*, attempting to read it side-by-side with Foucault's later works on governmentalities. Within this section, two subsections will introduce the two fundamental epistemological break which guide *The Order of Things:* from (a) the Renaissance to the Classical Age, and (b) from the latter to Modernity. Then, another section will address (III) the relation between punishment and sovereignty, attempting to map this discussion with *The Order of Things'*

three historical shifts in the western *episteme*. Finally, I will offer some (IV) concluding remarks on the persistence of the monarchical imagination.

The Order of Things and the History of Governmentality

By way of introduction, it might be worth restating Foucault's basic argument in *The Order of Things*. According to him, knowledge largely revolved around the association of things according to propinquity during the Renaissance. The world was nothing else than a complex network of connections among things: acknowledging the degree of "sameness" among those things permitted men to understand the essence and the movement of these cosmos. In other words, there was no distance between those signs and the things themselves, rather, there is an unbroken surface that connects observation and language (Foucault 1994, 39). Language merely made "everything speak." Thus, knowledge was basically the study of signs, which enabled men to understand the hidden resemblance of matter. In other words, knowledge in the Renaissance (and late Middle Ages) hinged upon relations of intrinsic resemblance between things and their names, along God's long great chain of being.

a. From the Renaissance to the Classical Age: Status to State

However, this epistemological framework was no longer possible after the Baroque, in a world in which sciences had slowly shifted from the study of resemblances to the study of order, comparison, and difference (Foucault 1994, 51). Knowledge no longer revolved around deciphering the inner signs of things, but rather the establishment of comprehensive systems of signs that permitted to table, dissect, and order things. The intimate link between things and language was forever broken; language no longer *embodied* the world, but now merely *represented* it (Foucault 1994, 56). General grammar, natural history, and the analysis of wealth bear witness to how the classical *episteme* attempted to create a relation between *name* and *order* (Foucault 1994, 208). Language no longer made "everything speak", but rather spoke *through everything*. In his own words,

> the whole classical system of order [...] is unfolded within the space that is opened inside representation when representation represents itself, the area where being and the Same reside. Language is simple the representation of words; nature is simple the representation of beings; need is simple the representation of needs. (Foucault 1994, 209)

I argue that a similar movement occurred in the field that dealt with the production of knowledge on sovereignty: the emerging *raison d'État*. As Foucault would later recall, at the end of the 16th century, a new theoretical — and practical — field emerged in the western tradition (Foucault 2007, 316). This new field was concerned with the knowledge and techniques related to the state's foundation, preservation, and expansion — and its corresponding drive to dominate territories (Foucault 2007, 314). This field initially emerged in the Italian city-states during the Renaissance, and eventually became the rationality of government for all of Europe (reaching its climax at the Peace of Westphalia) before it eventually yielded to "liberal governmentality" (Foucault 2007, 316). I argue that the field of the *raison d'État* also experienced an epistemological shift following the pattern Foucault analyzed in other (neighboring) fields. Although the knowledge of sovereignty – just as the analysis of wealth – was not a pure science but rather a field related with certain institutional practices, it still relied on the epistemological foundations of its time (Foucault 1994, 205).

Initially, *raison d'État* emerged as the field of questions related to the conditions that enabled a sovereign to maintain his -and rarely, her- power. That is, of course, a question of

Sameness: of propinquity between the ruler and his *status* (Golder & Fitzpatrick 2009, 31). A contextual reading of Machiavelli enables us to understand that the initial steps of the *raison d'État* paradigm were concerned with the virtues a particular prince must have to maintain his *princely-hood* (Skinner 2018, 45-62). In other words, the sovereign *embodied* sovereignty: and science must guide him to *maintain* his *resemblance* to sovereignty. There was no distance between the man and the crown: language did not mediate between the sovereign and sovereignty. During the renaissance, we are to take Latin (and Italian) quite literally: this was the field that studied the *ratio status* (the reason of *status*, not of *state*): the propinquity between the sovereign ruler and his sovereign nature (Bartelson 1995, 112). Knowledge could be nothing more but the endless commentary on the virtues, practices, and objects that resembled sovereignty, and thus were useful for the conduct of the sovereign. As Foucault puts it,

> far from thinking that Machiavelli opens up the field of political thought to modernity, I would say that he marks instead the end of an age, or anyway that he reaches the highest point of a moment in which the problem [of sovereignty] was actually that of the safety of the Prince and his territory. (Foucault 2007, 93)

Thus, just as it occurred in the other fields of knowledge analyzed by Foucault, a fundamental epistemological break occurred with the emergence of the Baroque. In the flames of the European religious wars and the wreckage of the previous imperial order, sovereignty lost its intimate connection with the physical sovereign (Foucault 2007, 318). Now, the ruler no longer *embodied* sovereignty, but rather, merely *represented* it. In his own words, "more than the problem of legitimacy of a sovereign's rights over a territory, what now appears important is the knowledge and development of a state's forces" (Foucault 2007, 472). In the classical age, the state became the discursive instrument that enabled the representation of the sovereign in a vast apparatus of territorial domination and population control. The state, in other words, had a theatrical function insofar as it permitted the ritual dramatization of sovereign power (Foucault 2007, 347). Bearing this in mind, *raison d'État* became the field of knowledge related to the question of how to represent the sovereign, both within and outside of its jurisdiction (Foucault 2007, 139). Foucault argued that this field answered with a two-fold response as it is well known. The state would be *represented* by the military-diplomatic assemblage (abroad), and through the police (within its own borders). As Foucault put it, the logic of the classical *raison d'État* would be a "physics of states, and no longer a right of [individual] sovereigns." (Foucault 2007, 384).

In other words, the shift from the Renaissance to the classical episteme in the field of *raison d'État* can be seen it the movement of this knowledge from a discipline concentrated with the *sameness* of sovereign and sovereignty (coagulated together in the *status* of the ruler) to a field preoccupied with the *representation* of sovereignty: from the resemblance of sovereignty and *status* to the representation of sovereignty through the *state*. The irony of Louis XIV's statement (*l'État, c'est moi*) now becomes apparent: only in the Renaissance can the ruler truly *be* the state. Afterwards — in the classical age that Louis XIV contributed to shape — the king can do nothing else but *represent* the state, while at the same time he is himself (and rarely, herself) represented by it (Foucault 2007, 324). His banners, armies, and ships are not the Sun King, but just his representation, whereas in the previous epoch, the ruler and his scepter were truly the same. Since the Middle Ages, it had been understood that the King had, in effect, two bodies: one natural and one political. It can be argued that the shift from the Renaissance to the classical age can be traced as the displacement of royal

dignity from the personal to the "suprapersonal"; from the dignity of the ruler to the power of the state (Kantorowicz 2016, 446).[2]

Later, Foucault briefly summarizes his argument in *The Birth of Biopolitics*, simply adding that the state "no longer has to extend its paternal benevolence over its subjects or establish father-child relationships with them, whereas in the Middle Ages, the sovereign's paternal role was always very emphatic and marked" (Foucault 2008, 4-5). In this lecture, he will further analyze the internal constraints and external limitations of this logic of sovereignty. Of particular relevance to our discussion are his remarks on the withering away of "public law" as a framework for sovereign practices and discourses (Foucault 2008, 8).[3] Before, royal power based on judicial institutions and the army, serving as a historical-juridical complex. However, with the rise of the *raison d'État* logic in the classical age, law and judicial institutions became an external limitation to the practice of governing the state. For the Sun King, juridical reason was not the source of legitimacy, but rather the external threshold that measured the permissibility of state action. Within this threshold, law held no sway, only "politics as *mathesis*, as rational form of the art of government" prevailed (Foucault 2007, 376).

b. From the Classical to the Modern Age: State to Nation

But the Sun King's world of representations would also, in turn, come to an end. Around the years 1775 to 1825, another rupture in western *episteme* would occur, and the new foundations would be the basis for a "positivity from which, even now, we have doubtless not entirely emerged" (Foucault 1994, 220). The previous world of order — of a system of signs that represented the world — would yield into a world of History (with capital H). Whereas before knowledge was mainly the tabulation, and classification of the identity and differences of things, now science will consist of the deployment of analogies (concerned mainly with time and function) to understand how discreet things are connected with organic structures (Foucault 1994, 218). The shift from natural history to biology; analysis of wealth from economics; general grammar to linguistics are merely three examples of a general trend in which "[r]epresentation [lost] its power to define the mode being common to things and to knowledge [as t]he very being of which is represented is now going to fall outside representation itself" (Foucault 1994, 250).

Therefore, sciences would now need to refer to an object which is outside of the realm of representation, and that serves as the cornerstone of the epistemic field. Often, this object would not be a new invention, but rather a concept that was coined in the classical moment that suddenly displaced itself and became independent of representation. In the modern economic theory of Adam Smith, for instance, this would be the role of labor. Although labor, as an analytical category, already existed in classical political economy, this concept would become the new common denominator of time (Foucault 1994, 225). Labor would no longer be a representation of wealth (or need), but rather the basis of a whole new system of production. This system, unsurprisingly, would be anchored in a new organic structure — with its own History and functions. In the domain of natural history, a hierarchy of organic structures would play the same role as labor, allowing for the articulation of families of living beings according to the inner logic of their functions (Foucault 1994, 230). Finally, in the field

[2] This is, of course, not the only productive way of cross-reading Kantorowicz and Foucault (Catherine 2014, 98–106). On Foucault's own remarks on the relevance of Kantorowicz' argument for his own work, see (Foucault 1977, 28).

[3] To be sure, Foucault was not referring to the disappearance of public law, but rather to a shift in its center of gravity. The juridical would return, eventually, in the modern ages, by the hand of two distinct trends: French juridico-deductive rights discourse and radical English utilitarianism (Foucault 1977, 39-40). On the possibilities of a Foucauldian understanding of law (Golder & Fitzpatrick 2009, 55-97).

of general grammar, the first "linguistic turn" would revolve the creation of a hierarchy of organic families of languages, according to their functions and history (Foucault 1994, 234).

All of these processes share a fundamental common characteristic, they all bear witness to "the withdrawal of knowledge and thought outside the space of representation" (Foucault 1994, 242). This, in turn, makes Kant's transcendental subjectivity possible, as

> knowledge can no longer be deployed against the background of a unified and unifying mathesis [but rather around] the problem of the relations between the formal field and transcendental field [and] between the domain of empiricity and the transcendental foundation of knowledge. (Foucault 1994, 242. See further Baumann 2017, 595-616)

In other words, the emergence of the modern *episteme* must be understood as two-fold fracturing of the mathematical world of order. On the one hand, the *object* of knowledge became independent of the endless logic of representations, endowing itself with an internal —historical and functional — logic of its own. On the other, the *knowing subject* finally emerges, aware of his own limitations (and those of representation) to achieve scientific understanding (Foucault 1994, 252). Knowledge will now revolve around interpreting (that is, of course, a problem of ascribing *meaning*) the distance between the hidden and obscure historical forces that animate *objects* and the *subjects* that superficially study them. In his own words, "[w]hat modern thought [does] is to throw fundamentally into question is the relation of meaning with the form of truth and the form of being" (Foucault 1994, 208).

In this light, Foucault argues how the modern *episteme* implied a fundamental discontinuity in western thought, closing the age of natural history, wealth analysis, and general grammar to give way for the emergence of biology, political economy, and linguistics. By analyzing certain paradigmatic authors — such as Smith and Ricardo (Foucault 1994, 253-263), Cuvier and Lamarck (Foucault 1994, 263-280), and Bopp (Foucault 1994, 280-294) — Foucault analyzes how these disciplines were suddenly infused with *historicity* (see, respectively, Foucault 1994, 259; 276; 292-293). Finally, I sketch a similar movement in the field concerned with the production of knowledge on sovereignty. We shall return, thus, to Louis XIV and the classical world of representation through the state.

If the emergence of the modern *episteme* in the human sciences occurred around 1775 to 1825, the rupture of modern *vis-à-vis* classical knowledge on sovereignty must also started around 1775 (with the American Revolution), incrementing its speed with the drums of 1789 until its climax in the liberal-national upheaval of the 19th century. Historicity, of course, was introduced by the swift cut of the guillotine: the King neither *embodied* nor *represented* sovereignty, only the people were truly sovereign. His formerly sacrosanct political body would be dissolved amongst the general population: dignity, once a property unique to the Ruler would slowly permeate all human beings (Moyn 2015, 25-64). The modern political theory emerged only after the Bastille had been burnt to the ground, rupturing classical political thought on two levels. On the one hand, the *object* of study reclaimed its independence: sovereignty was no longer a given. Rather, it was a disputed power that could be taken, shaped, and twisted. On the other, the *knowing subject* of sovereignty also appeared, conscious of its own historical possibilities and limits.

If labor became the cornerstone of modern political economy, I argue that the notion of *nation* would be the new axis for the analysis of sovereignty. Knowledge had now to uncover the hidden layers of meaning that separated *the people* from their own sovereignty. As Santer (2011, xv) puts it, "[p]ostmonarchical societies are then faced with the problem of *securing the flesh* of the new bearer of the principle of sovereignty, the People." Thus, the problem of sovereignty would shift from the *resemblance* of *status* (Renaissance) passing through *representation* of the *state* to become a field concerned with the *meaning* of the *nation*. Forging one of the most distinctive alliances of the 19th century, nationalism would

pair itself with liberalism, transforming the governmentality of the *raison d'État* (Hobsbawm 1992, 14-35). The marriage between the language of liberalism and that of nationhood — stated in Article 3 of the French Declaration of the Rights of Man and Citizen[4] — would govern relations between states, citizens, and "civil society" up to our days. To give just one early example, the British case clearly shows how the Parliament came to *mean* the living body of the polity (Kantorowicz 2016, 447). *L'état, c'est moi* means something completely different now: literally, each member of the nation; each citizen; each human being has an *interpretative relationship* with the state.

The rise of the *nation* has, of course, its exact parallel in Foucault's work on governmentality: population (Curtis 2002, 505-533). In this light, we must understand his considerations on population as the operator (*operateur*) of transformations in domains of knowledge (Foucault 2007, 109). The twin emergence of population and nation entails a series of shifts in the western imagination, which transformed naturalists into biologists, grammarians into philologists, and financiers into economists (Elden 2016, 94). *Mutatis mutandis*, this occurred too in the field of knowledge related to sovereignty, in which suddenly the juridical notion of the subject of right was superseded to give rise to man as a population and nation, under the gaze of the *art of government* (Foucault 2007, 110). Population and nation serve as pivot for the tectonic shift from classical to modern epistemology in the West. But, what now if the King reigns but does not govern? (Foucault 2007, 106; see further Whyte 2013, 143-161). Now sovereignty must be imagined (Olson 2016, 18-38). The "Nation," as a historical force, comes to provide the new centripetal pull that must unify the realms of men as the throne lies vacant (Anderson 2006). Population, in turn, becomes the Nation's field of operations.

The King's death, of course, not only has effects within the borders of his realm. This epistemological break meant that the Classical framework for inter-state relations (based on the delicate balance of power between European powers, calculated mathematically) was no longer the template for modern global governance. In Foucault's words,

> [f]rom the eighteenth century, the idea of perpetual peace and the idea of international organization are, I think, articulated completely differently. It is no longer so much the limitation of international forces that is called to guarantee and found a perpetual peace, but rather the unlimited nature of the external market. (Foucault 2008, 56)

From then on, global governance could only be justified in man's common humanity (and thus, its true mercantile nature), rather than on the maintenance of a *raison d'État* inter-state balance of power. Kant, sitting on the hinge of this epistemological change, represents the first (but perhaps, incomplete) statement of this new "modern" inter-national vision (Kant 1917). Even if Kant discarded the notion of the "majesty of the people" as an absurd expression (Kant 1917, 139), after his *Perpetual Peace*, every international project would have man (as population, as the being of nations) at its core. An interesting example of this fact is offered by Foucault's discussion of the differences between the Austrian and the English objectives at the Congress of Vienna. While Austria attempted to enshrine a "classic" system of continental balance, the English sought to impose a "modern" equilibrium, in which the *Pax Britannica* would serve as the economic mediator, guaranteeing humanity's apparent unity through a world market (Foucault 2008, 60). Ever since, any rising Empire must attempt to carry this mantle, in which the "guarantee of perpetual peace is therefore actually commercial globalization" (Foucault, 2008, 58). Progress (and not simple balance) becomes

[4] "The principle of any sovereignty resides essentially in the Nation. No body, no individual can exert authority which does not emanate expressly from it."

a *sine qua non* condition of global politics in modern liberalism. The stage had been set for the "modern" Empires of the 19th century.

The other pertinent analysis in *The Birth of Biopolitics* for our discussion is Foucault's considerations on the emergence of the *homo œconomicus*. In this book, Foucault describes the emergence of a particular way of understanding the problem and practice of government in modernity: liberalism (Foucault 2008, 61). One of the characteristics of this framework is that the previous subject of rights (as established by juridical thought) was eventually superseded with the rise of the *homo œconomicus* as an actor in the economic domain. This of course, is not to say that juridical discourse disappeared, but rather that it acts as an external limitation, whereas the logic of the *homo œconomicus* exerts internal pressure against the governor. As Foucault notes,

> the subject of right may well, at least in some conceptions and analyses, appear as that which limits the exercise of sovereign power. But *homo œconomicus* is not satisfied with limiting the sovereign's power; to a certain extent, he strips the sovereign of power. (Foucault 2008, 292)

This internal limitation relates to the sovereign's need to justify its practices based not on divine right (which, until then, had been the foundation of government), but rather on his expertise of economic management. "Now, beneath the sovereign, there is something which equally eludes him, and this is not the designs of Providence or God's laws but the labyrinths and complexities of the economic field." As it is well known, Foucault would analyze the German ordoliberal tradition, which posited economic growth is the basis of sovereignty (Foucault 2008, 84). In this article, however, I do not venture into contemporary neoliberal politics, but rather stay in the framework of *The Order of the Things*' three epistemological eras. In any case, this shows how "modern liberalism" implied a fundamental shift in the archeology of sovereignty, as it subjugated the political realm to the demands of "the economy" — and its phantasmagoric companion, civil society (Foucault 2008, 296-308). As he himself put it,

> [e]conomics steals away from the juridical form of the exercising sovereignty within a state precisely which is emerging as the essential element of a society's life, name economic processes. Liberalism acquired its modern shape precisely with the formulation of this essential incompatibility of the non-totalizable multiplicity of economic subjects of interest and the totalizing unity of the juridical sovereign (Foucault 2008, 282).

Punishment and Sovereignty

What is more, we can also read these epistemic movements in Foucault's *Discipline & Punish* of 1975 (and translated into English in 1977). In this book, Foucault traces the shifts in the practices and discourses that constituted the West's penal practices. With this in mind, I argue that one can neatly fit *The Order of Things*' three historical breaks into the Foucault's work on punishment: the age of torture corresponds with the Renaissance (Foucault 1977, 3-69), while the Classical Age maps with the reforms towards generalized and "gentle" punishment (Foucault 1977, 73-131). Finally, Modern epistemology is characterized by reign of mobile systems of disciplines over bodies (Foucault 1977, 135-228). The prison, of course, is not unique to any of these periods (it has stood, impervious to the passing of time, from Antiquity to our days), but rather a concrete infrastructure that has been shaped by the epistemic shifts and movements analyzed throughout the book (Foucault 1977, 231-308). Thus, instead of reading *Discipline* as a break between the archeological and the

governmental Foucault (like Garland 2014, 365-84; 371), I insist the continuities between his later Nietzschean genealogy and his earlier analysis of implicit archaeologies of Western thought.

The spectacle of torture (or, to be more precise, *supplice* in the original French), despite its ambiguities, was inextricably linked with the pre-modern notion of sovereignty. Before the classical age, crime was understood as a direct attack, not on the polity, but on the person of the sovereign itself. Law, in turn, "represents the will of the sovereign; it attacks him [the criminal] physically, since the force of the law is the force of the prince" (Foucault 1977, 47). The spectacle of *supplice* (that is, the imprint of physical pain upon the body of the criminal) is the ceremonial enactment of sovereignty, that restores the breached *lèse majesté*. Every crime, as Foucault reminds us, was in a way a *crimen majestatis* (Foucault 1977, 53). Unsurprisingly, the absolute crime would be regicide, which must be put down with the maximum amount of official brutality. Crime, in other words, was at odds with the personal *status* of the Prince, and, as such, its punishment was a *personal* prerogative of the sovereign. We see, again, the archeological underpinnings of *The Order of Things* at work; the crime presents an immediate threat to the sovereign, and it challenges its claims to resemble divine authority. When the torturer's mace falls upon the culprit, it does not claim to represent the *state* (let alone the *nation*), but rather, the sovereign's personal and inalienable status. In other words, "in monarchical law, punishment is a ceremonial of sovereignty" (Foucault 1977, 130).

The rise of the classical age in the human sciences would be accompanied by a new wave of reform proposals for criminal practices in Western Europe. Despite their internal disputes and contradictions, these great reformers would push for a more lenient and humane form of punishment than King's torture (Foucault 1977, 74-5). Superficially, they would agitate for a more generalized and gentle way of punishing criminals; in reality, they ended up laying the ground for a "more finely tuned justice [and a] a closer penal mapping of the social body" (Foucault 1977, 78). In short, they would aim to convert punishment from a personal power of the sovereign into a new political economy of power (Foucault 1977, 81). In other words, the "right to punish has been shifted from the vengeance of the sovereign to the defense of society" (Foucault 1977, 90). Suddenly, the executioner did not act on only behalf of the sovereign, but rather on behalf of an emerging society, which he claimed to *represent* (Foucault 2003). In this new techno-politics of punishment, what mattered was not vengeance, but rather the protection of society from further offense. Punishment, therefore, should stop at the threshold of the exactly necessary violence needed not only to dissuade the criminal from further breaches, but also to deter those around him from challenging the social order (Foucault 1977, 93). Establishing this threshold required a true *mathesis* of crime, an ever-lasting table that would create a reliable taxonomy of deviation, with its corresponding punishment. We know to call these instruments criminal or penal codes.

Again, we can see that the epistemological frame of the classical age underpinning the reformers' proposals. The crime was a sign that *represented* a threat to the community. Thus, punishment must also imply a sign that not only *represents* the reestablishment of order, but also sends *coded signals* to both the criminal and the larger constituency. As Foucault aptly puts it, this implied a "whole technique of penalty-effect, penalty-representation, penalty-general function, penalty-sign, and discourse" (Foucault 1977, 114-5). Punishment was made visible, but not like before, when the *supplice* enacted sovereignty, but rather, as a veritable *representation* of the state's vigor — as a pedagogical experience. Thus, "[t]he publicity of punishment must not have the physical effect of terror; it must open up a book to be read" (Foucault 1977, 111). As we have seen in *Populations* lecture, this corresponds to the rise of the police in Western governmental practices. As he puts it,

> the machinery of justice must be duplicated by an organ of surveillance that would work side by side with it, and which would make it possible either to prevent crimes,

> or, if committed, to arrest their authors; police and justice must work together as the two complementary actions of the same process. (Foucault 1977, 96)

In sum, classical reformers managed to create a new economy of punishment, in which this act entailed a *representation* of the *state*, rather than a personal prerogative of the *status* of the sovereign. This was achieved through the expansion of the police, the creation of *mathesis* of crime, and the publicity of redemption. However, "the theater of punishment which the eighteenth century dreamed, and which have acted essentially on the minds of the general public was replaced by the great uniform machinery of the prisons" (Foucault 1977, 116). Unsurprisingly, this reform ("the age of sobriety in punishment") occurred in the early 19th century, at the same time the break between the classical and the modern *episteme* occurred. Now, it is time for the emergence of the modern disciplinary constellations.

This short article does not provide me with enough space to review the emergence of the disciplines in –and beyond– Foucault's work (see instead Goldstein 1984, 170-179). For the purposes of our discussion, I just note that these disciplinary formations rise in parallel with the discovery of the human body as an object of governmental intervention. Of course, this is not to say human beings did not have a body before the 19th century, but rather that only until this time a truly "political anatomy" emerge (Foucault 1977, 138). While these types of practices were not foreign to the classical age (or even to earlier periods, if one thinks of monastic practices), only until the emergence of the modern epistemology did they truly thrive. In this modern framework, punishment will be neither a personal prerogative of the Monarch's status, neither a representative action of the state, but rather a micro-physical intervention that shapes the individual actor so he can fit into the pattern of an organized *nation* (or *population*). Perhaps due to its pastoral past, discipline works to shape and rank both the individual and the collective; *omnes et singulatim* (Foucault 1979, 227). It is both individualizing and totalizing (Quiroga-Villamarín 2021, 645-646).

This disciplinary turn entailed the "birth of the prison" as the prevalent mode of "modern" punishment at the concrete level. While prisons had existed for a long time, it was only at this time in which

> punishment was seen as a technique for the coercion of individuals; it operated methods of training the body — not signs [like in the classical age] — by the traces it leaves, in the form of habits, in behavior; and it presupposed the setting up of a specific power for the administration of the penalty. (Foucault 1977, 131)

In sum, we can see that the archeological framework of *The Order of Things* is ever-present in Foucault's analysis of penal practices in the west. Let us remember that of the end of part two of *Discipline*, Foucault sketched three distinct models that dealt with crime in the western political imagination: (i) the force of the sovereign, (ii) the social body of signs, marks, and traces, and (iii) the body subjected to training. These three models, while overlapping until a certain extent, correspond neatly with the epistemological ages identified in *The Order of Things*: (a) the Renaissance, (b) Classical ages, and (c) modernity. In his own words,

> [t]he scaffold, where the body of the tortured criminal had been exposed to the ritually manifested force of the sovereign [Renaissance], the punitive theatre in which the representation of punishment was permanently available to the social body [Classical Age], was replaced by a great enclosed, complex and hierarchized structure that was integrated into the very body of the state apparatus [Modernity] (Foucault 1977, 117-8).

One cannot but hear the lingering echoes of the archeological approach that was once applied to the human sciences, now haunting the analysis of punishment and sovereignty.

Concluding Remarks

Foucault famously claimed that,

> [i]n political thought and analysis, we still have not cut off the head of the king. Hence the importance that the theory of power gives to the problem of right and violence, law and illegality, freedom and will, and especially the state and sovereignty — even if the latter is questioned insofar as it is personified in a collective being and no longer a sovereign individual. (Foucault 1978, 88-89)

By applying the archeological methodological insights provided by Foucault in *The Order of Things* to his later substantive histories of governmentality and punishment, I traced a broad sketch of the shifts that have occurred in the — up to now, failed — attempts of western *episteme* to "cut the king's head." By doing so, I argue that the field related to the production of knowledge on sovereignty has followed similar epistemological ruptures vis-à-vis the other "human sciences" studied by *The Order of the Thing*. Thus, I analyzed the political theory of the Renaissance as the art concerned with the maintenance of *status*, by providing the ruler with the tools and virtues that *resembled* sovereignty. Later, I suggest we understand the political theory of the classical age as the field that studied how to enhance and expand the *representativity* of the ruler by using the apparatus of the *state*. Finally, I argued that modern political theory emerged with the rupture of sovereignty as a given, and explores the *meaning*, limits, and possibilities of the *nation*, as a historical (and perhaps, more precisely, a history-making) political body. Again, the irony of the Sun King's statement becomes apparent. If *Das Kapital* was nothing but and exegesis of the word "value," (Foucault 1994, 298) it appears western political thought has been merely an *excursus* of the question: *l'État, c'est moi?*

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