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ARTICLE

Neoliberalism and Disability: The Possibilities and Limitations of a Foucauldian Critique

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ABSTRACT: In this article, I reflect back on the period since the publication of the first edition of *Foucault and the Government of Disability* in order to argue that the intervening years have seen the increasing advance of neoliberal politics that impact on the lives of disabled people. Beginning from an overview of Foucault's 1978-9 lectures on neoliberalism, I seek to demonstrate that a range of policy developments that affect disabled people can be read against the background of Foucault's analyses of neoliberal rationalities and practices of government. The impact of these developments has been economically harsh for many; hence, the article considers the potential for effective critique of these issues starting from a Foucauldian analytics. I argue that Foucault's works, whilst useful in unsettling taken-for-granted assumptions about subjectivity and autonomy given by neoliberal governmental rationalities, do not, in and of themselves, suggest a form of critique that is capable of mounting an effective challenge to the neoliberal consensus. My argument ends with a challenge to Foucault-inspired social scientists to ally the valuable insights available from Foucauldian analyses to a critical perspective that can, in addition, diagnose and respond to problems of economic marginalisation, the concentration of wealth, and the marketisation of the social.

Keywords: neoliberalism; disability; employment; critique; Foucault

Introduction

I was honored to have my work included in the first edition of *Foucault and the Government of Disability*, published ten years ago. The essays in the volume showed forcefully why Foucault's work remains influential in the field of disability studies and beyond, with a diverse range of approaches taking up quite different interpretations of his work. The publication of the second edition and this special issue of *Foucault Studies* invite us to reflect back on the previous decade in disability studies and cognate areas of social policy, as well as to consider even more critically the potential of Foucault's work and the challenges involved in using it to address the problems that we now face.

Whilst there are many ways that such an undertaking could be framed, I focus in this article on the issue that, in my view, reveals most clearly the challenges for a critical social science that takes its cues from a Foucauldian analytic starting point: namely, the

continuing rise of neoliberalism at the heart of social and economic policy across much of the world. This particular focus is made all the more timely by the publication in English of Foucault's 1978-79 lectures on neoliberalism, the continuing advance of neoliberalism as an organising political logic and its impacts on welfare, employment policy, social provision, and the lives of disabled people, as well as by the emerging analysis, within disability studies, of this spread of neoliberalism.¹

Although Foucault's later lectures have inspired some authors to conduct reinvigorated critical analyses of the arts of government in advanced capitalist democracies, other authors have debated whether Foucault actually betrayed an admiration for and attraction to neoliberalism when he spoke of it at this time and, indeed, whether the critical ethos given by his work as a whole is logically bound to find in neoliberalism (relatively) desirable forms of power and governmentality, as he understood them.² Engagement with these issues will lead us to revisit debates about (the lack of) normativity in Foucault's analytics and their potential to be taken up and used by thinkers committed to critical political projects and social science—that is, projects and analyses that can effectively challenge the forms of social and economic organization and material disadvantage that neoliberal politics intensifies, and which are experienced especially acutely by disabled people and other marginalised groups.

I first provide an overview of Foucault's analysis of neoliberalism, considering also some corrections that Nicholas Gane provides to his treatment of this issue.³ I then consider how this outline of neoliberalism—as a political logic—allows us to understand and frame some of the key policy developments related to disability over recent years, demonstrating the importance of neoliberal practices of government in shaping the lives of disabled people and contributing to their economic immiseration. I shall contend that whilst there remains great promise in the inspiration found in Foucault's work for a critical social science—in, for example, unsettling the sense of immutability or naturalness of neoliberal subjectivity—there are, nevertheless, questions as to how effectively Foucault-inspired analyses can gain critical purchase on the problems that

¹ For example, R. McRuer, "Crippling Queer politics, or the Dangers of Neoliberalism", *S&F Online* (Fall, 2011). Accessed on: July 16, 2014. Available at:

<http://sfonline.barnard.edu/a-new-queer-agenda/cripping-queer-politics-or-the-dangers-of-neoliberalism/0/#>; Chris Grover and Karen Soldatic, "Neoliberal Restructuring, Disabled People And Social (In)Security in Australia and Britain", *Scandinavian Journal of Disability Research*, vol. 15, no. 3 (2012), 216-232; Karen Soldatic and Helen Meekosha, "Disability and Neoliberal State Formations", in Nick Watson, Alan Roulstone and Carol Thomas (eds.), *Routledge Handbook of Disability Studies* (London: Routledge, 2012), 195-210; Scott Yates and Alan Roulstone, "Social Policy and Transitions to Training and Work for Disabled Young People in the UK", *Disability & Society*, vol. 28, no. 4 (2013), 456-470.

² Michael Behrent, "Liberalism Without Humanism: Michel Foucault and the Free-Market Creed, 1976-1979", *Modern Intellectual History*, vol. 6, no. 3 (2009), 539-568. Gary Becker, François Ewald and Bernard Harcourt, "Becker on Ewald on Foucault on Becker: American Neoliberalism And Michel Foucault's 1979 Birth of Biopolitics Lectures (Chicago: The Law School, University of Chicago, 2012, Institute for Law and Economics Working Paper No. 614).

³ Nicholas Gane, "The Emergence of Neoliberalism: Thinking Through and Beyond Michel Foucault's Lectures on Biopolitics", *Theory, Culture, Society* (2013). Accessed on: June 10, 2014. Online first article available from <http://tcs.sagepub.com/content/early/2013/11/26/0263276413506944.abstract>.

neoliberal politics generates; furthermore, there may be dangers that application of Foucault's work will actually embolden the advance of neoliberalism. I shall argue that Foucauldian critical social scientists face challenges in allying the undoubtedly valuable model of critical analysis that Foucault's work makes available to a project that can take account of economic disempowerment and the effects on the social landscape of both impoverishment and the concentration of wealth in an environment in which ever broader aspects of social provision are marketised and welfare is withdrawn.

Foucault's Analytics of Neoliberalism

Attempts to untangle the history and impacts of neoliberalism involve dealing with complicated, contested, and overlapping definitions. Foucault's work on this topic is itself typically scholarly and detailed, as well as singularly instructive in helping to trace the emergence and characteristics of neoliberal thought and its intellectual and political development as a grid of intelligibility for different rationalities of government in different geographical locations. I shall limit my discussion to a sketch of some forms and concepts in Foucault's lectures that are central to the development of neoliberal thought and practices of government. In turn, I will explore how these forms and concepts map onto developments in contemporary social policy that are related to disability.

Foucault traces important lines of emergence for the neoliberalism that confronts us today in the crises that stemmed from the liberalism of the eighteenth century (notably in Germany). Eighteenth-century liberalism began with a fundamental shift in the conceptualisation of the objectives of government and the place of the market in relation to these. It began to see the market less and less as "a site of jurisdiction" and more and more as "something that obeyed and had to obey 'natural,' that is to say, spontaneous mechanisms," and as something that should be allowed to function according to these mechanisms. Good government would no longer be defined by the capacity to be "just," but rather the market itself would have a "role of veridiction" for the practices of government.⁴ There was a concomitant shift in the "centre of gravity" of public law in liberal thought.⁵ Public law would no longer be concerned with the foundation of sovereignty, but rather with determination of juridical limits to power that public authorities could exercise.

Resolutions to the problem of how and on what grounds such limits could be set were proposed under two distinct, but connected, positions: first, a position stemming from the law of rights, as found in Rousseau, which begins with the attempt to define the natural rights that belong to each individual and on this basis arrive at the limits of governmentality; second, a position that starts not from the law, but rather "from governmental practice itself"⁶ in order to define government's appropriate spheres of competence and what lies outside of them, designating in what it would be unwise, counter-productive, or lacking in utility for governments to interfere. This second

⁴ Michel Foucault, *The Birth of Biopolitics: Lectures At The Collège De France, 1978–79* (New York: Palgrave MacMillan, 2008), 31, and 32.

⁵ *Ibid.*, 39.

⁶ *Ibid.*, 40.

position sets bounds for government intervention according to the utility of the potential intervention itself. It is this second position, along with the recognition that the market can act as site of exchange *and* as “a site of veridiction regarding the relationship between values and price,”⁷ that Foucault regarded as a key anchoring point for the development of liberal governmental reason.

Such a liberalism could only function as long as market freedom existed, and the production and enabling of such freedom was held as a primary responsibility of government. Nevertheless, liberal governments during the nineteenth and twentieth centuries faced questions with respect to the management of the dangers and insecurities to which individuals are exposed in an environment in which the defining governmental rationality no longer involves duties of direct protection by a sovereign, that is, an environment of individual economic freedom in which individuals must necessarily “live dangerously” and in which there exists an imperative of governmentality to give way to “natural mechanisms in both behaviour and production.”⁸ In response to fears about these dangers and insecurities, governments faced dilemmas about how to protect freedom from dangerous situations such as unemployment. The “price” of attention to these dangers was “a series of artificial, voluntarist interventions, of direct economic interventions in the market represented in the twentieth century by the basic Welfare measures”⁹ such as the New Deal and the U.K. post-war welfare system.

The twentieth-century crisis of liberalism, Foucault argued, arose precisely because the mechanisms that had been adopted to reduce threats to freedom from dangers, to produce freedoms to work and consume, and so on, had taken the form of direct economic interventions. This political development led directly to a new and more radicalised reengagement by contemporary liberal thinkers with fundamental questions of the nature and ideals of liberal governmental rationality. The new forms of liberalism, from the early Freiburg school in the 1920s to modern forms of American libertarian liberalism, take, Foucault informed us, this crisis as the starting point for their re-evaluation of the art of government: mechanisms of economic intervention had been deployed to avoid reductions of freedom, but according to liberal dogma these very interventions are harmful to freedom, thought even to be waypoints on the road to totalitarianism and despotism.

A new definition of liberalism thus emerged, with important early contributions from the group of thinkers around the journal *Ordo*—the so-called Ordoliberal. The Ordoliberals identified *any* economic interventionism as antithetical to liberalism—from mild Keynesianism to full-blown centralised autarchic state plans. The free market was to become, in their thought, the organizing and regulating principle of the state; furthermore, the guaranteed exercise of economic freedoms was to become the grounds of the state’s legitimacy.

There is thus a break from late nineteenth-century and early twentieth-century liberal societies that are characterised by state interventionism. The re-engagement with

⁷ *Ibid.*, 44.

⁸ *Ibid.*, 67.

⁹ *Ibid.*, 68.

the foundations of liberalism in its new forms that emerged in Germany at this time, however, did not, as often thought, herald a return to a laissez-faire society of the sort present in Marx's critiques, but rather a return to "a sort of social ethic of the enterprise, of which Weber, Sombart, and Schumpeter tried to write the political, cultural, and economic history."¹⁰ That is, Ordoliberalism, more than any previous system of thought, put at its centre the ideal of an enterprise society subject to the dynamic of competition, seeking actively to make "the market, competition, and so the enterprise, into what could be called the formative power of society."¹¹

For Ordoliberals, then, the ideal for the government of a society was that the rule of law can only undertake formal economic legislation: the law "must tell people what they must and must not do; it must not be inscribed within an overall economic choice."¹² All laws in the economic order must be strictly formal, that is, they must not involve the institution of policies in accordance with a plan or aim at a particular end. Social policy can thus never aim to, for example, reduce gaps in earnings or confront material inequality:

a social policy with the objective of even a relative equalization, even a relative evening out, can only be anti-economic. Social policy cannot have equality as its objective. On the contrary, it must let inequality function. [...] I think it was Röpke who said that people complain of inequality, but what does it mean? "Inequality," he said, "is the same for all."¹³

Although such Ordoliberal principles were to shape much of the landscape of governmentality over subsequent years, later varieties of neoliberalism were to go even further in the promotion, above all else, of the ideal that competition should be "a principle on which it would be possible to erect *the whole of society*."¹⁴ Foucault identified Friedrich Hayek and Ludwig Von Mises in particular as "intermediaries" or "agents of transmission" between ordoliberalism and later, more radicalised forms of neoliberalism.¹⁵ This neoliberalism would go further than before in attempting "to use the market economy and the typical analyses of the market economy to decipher non-market relationships and phenomena [...] [including] what we would call social phenomena."¹⁶ It would push to the limits the attempt to generalize the economic form of the market throughout the whole social system, including aspects not usually conducted through or conceptualized in terms of monetary exchange, such as raising children, decisions about family size, education, and so on.

One of the most important elements that Foucault identifies regarding the development of modern neoliberalism as taken forward, especially in the U.S., as both

¹⁰ Ibid., 147.

¹¹ Ibid., 148.

¹² Ibid., 173.

¹³ Ibid., 143.

¹⁴ Ibid., 243; emphasis added.

¹⁵ Ibid., 161.

¹⁶ Ibid., 240; see also Lois McNay, "Self as Enterprise: Dilemmas of Control and Resistance in Foucault's *The Birth of Biopolitics*", *Theory, Culture & Society*, vol. 26, no. 6 (2009), 55-77.

method of analysis and type of programming is the theory of human capital and the figure of *homo oeconomicus* that re-emerges through it.

Gary Becker is one of figures at the heart of what Foucault identifies as a radical rethinking of labor within a calculus of enterprise and human capital. In contrast to both Marxist concepts of the sale of labor power by members of the proletariat to owners of capital and earlier liberal conceptions of labor in terms of a simple calculus of market exchange, in later neoliberal analyses, as exemplified by Becker, labor is understood as the means by which an individual earns an income through a return on their own human capital. Such capital consists of “innate elements, one’s genetic makeup” and “acquired elements” that are cultivated as a result of the individual’s investment as she marshals scarce resources in pursuit of specific goals.

Taken together, these elements of human capital “form an ‘abilities-machine’ that can produce an income”¹⁷ and, on the basis of the capital that the individual has at her disposal, she has the capacity to produce her own satisfaction. It is under these conditions that *homo oeconomicus* re-emerges as a thinkable figure, conceivable not, as in previous imaginings, merely as a consumer or agent of exchange, but rather as “an entrepreneur of himself [*sic*] [...] being for himself his own capital, being for himself his own producer, [...] the source of [his own] earnings’.¹⁸ Thus, the individual—including the individual *qua* worker—must no longer be understood as an “object of supply and demand in the form of labor power,” but rather as “an active economic subject” who makes decisions (however imperfect) to “allot given scarce resources to this end rather than another.”¹⁹ Work is in addition reconceptualised as “economic conduct practiced, implemented, rationalized, and calculated by the person who works”²⁰ and nations seek to operate not on the labor market directly, but rather on their stock of human capital.

Despite the length and detail of Foucault’s analyses of these issues, it should be noted that Nicholas Gane has taken him to task for neglecting the breadth of the writings of Mises and Hayek.²¹ Gane’s paper is significant insofar as it demonstrates the fracture lines and divisions in neoliberal thought. Particularly significant is Gane’s revelation that Mises and Hayek had (albeit for different reasons) been hostile to this new figuring of *homo oeconomicus*—even though it is important in the human capital theories of the later Chicago School. Mises, Gane points out, actually came to reject the figure of *homo oeconomicus* as an ideal type and was “less concerned with the construction of an entrepreneurial human subject *per se*”²² than with the aim to extend to the study of all human actions an economic model that understands them as “conducted on the basis of monetary calculation.”²³ This conceptualisation led Mises to his extreme libertarian variety of neoliberalism (a neoliberalism that, Gane points out, lives on in a variety of political movements across the globe, especially in the U.S.) that

¹⁷ Foucault, *The Birth of Biopolitics*, 229.

¹⁸ *Ibid.*, 226.

¹⁹ *Ibid.*, 222.

²⁰ *Ibid.*, 223.

²¹ Gane, “The Emergence of Neoliberalism”.

²² *Ibid.*, 7.

²³ Hayek, 1948, quoted in Gane, “The Emergence of Neoliberalism”, 7.

regarded as illegitimate *all* forms of state interventionism beyond the protection of private property.

Hayek went further insofar as he rejected what he called the “bogy of the ‘economic man’” seeing “man” rather as “a very irrational and fallible being whose individual errors are corrected only in the course of a social processes.”²⁴ For Hayek, only by co-ordination of the dispersed and imperfect knowledge of individuals through a competitive market—and, more specifically, the pricing mechanism—can co-ordinated and effective social and economic activity emerge. Hayek emphasised that such coordination cannot and must not come from a centralised decision-making body such as government, but rather must come from the action of competition in the market. It is, he noted, precisely where markets cannot be perfect that competition is most greatly needed in order to spread information and enable people to “identify possibilities and opportunities.”²⁵ Rather than the absence of state activity, then, Hayek advocates a position—that Gane points out Foucault attributes to ordoliberalism—not of *laissez-faire*, but rather of “a reconfiguration of government so that it works in the interests of the market by promoting competition in all spheres of life”²⁶ and makes competition as beneficial as possible.

Neoliberalism and Disability

A genealogy of neoliberalism of the kind that I have outlined above is, as Foucault emphasised and as Gane reiterates, not merely an account of the past: it is also a history of the present “that can be used to question the lines of descent that lead to the present while at the same time opening possibilities for thinking otherwise” and posing new questions about the present.²⁷ The application of this critical orientation to social and economic policy in order to understand recent developments in policy on disability is particularly timely.

Other works have recently begun to analyse such policy in terms of a broadly considered neoliberal agenda that encompasses aims to shrink welfare expenditure, privatise state provision, introduce increased conditionality into welfare payments, and employ supply-side measure to activate the unemployed in the labor market.²⁸ Grover and Soldatic’s analyses, for instance, show that despite the existence of paternalistic and pitying discourses around disabled people, in a neoliberal political climate they nevertheless come to be seen as potentially financially burdensome and to have detrimental supply side effects in the labor market.²⁹ Thus, the benefits that disabled people receive no longer remain immune from pressure to decrease expenditure on

²⁴ Hayek, 1948, quoted in Gane, “The Emergence of Neoliberalism”, 13.

²⁵ *Ibid.*, quoted in Gane, “The Emergence of Neoliberalism”, 15.

²⁶ Gane, “The Emergence of Neoliberalism”, 18.

²⁷ *Ibid.*, 20.

²⁸ E.g. Grover and Soldatic, “Neoliberal Restructuring, Disabled People And Social (In)Security in Australia and Britain”; Soldatic and Meekosha, “Disability and Neoliberal State Formations; Yates and Roulstone, “Social Policy and Transitions to Training and Work for Disabled Young People in the UK”.

²⁹ Grover and Soldatic, “Neoliberal Restructuring, Disabled People And Social (In)Security in Australia and Britain”.

welfare and they face new forms of assessment and categorization with respect to their assumed abilities to perform certain types of work or to be eligible for different types of social support.³⁰

Such analyses do much to connect a series of policy developments that affect the lives of disabled people to a broadly defined neoliberal political project and to highlight the ways that these developments and, indeed, this project contribute to increased levels of material deprivation, insecurity, and stigmatisation. What Foucault's analyses contribute—and encourage us to take further—is a deeper analysis of how specific practices of government in this area can be understood in terms of neoliberal governmental rationalities and the subjects that they constitute and address. Foucault's analyses encourage us to understand neoliberalism not only in terms of a shrinking of the state, retrenchment of welfare, and individualisation of the problems of unemployment. Whilst the advancement of neoliberal policies does witness all of these things, under Foucault's treatment, it can also be understood in terms of a governmental rationality mapped out by complex developments in neoliberal thought and populated by subjects who are not merely atoms of ultimate freedom that exist once all conditions, prohibitions, and interventions are removed, but who are constituted in and through specific forms of thought that underpin this rationality.

We cannot, of course, make the easy assumption that our present is purely, essentially, or unproblematically neoliberal. As Rose and Miller note, whilst neoliberal ideas may be dominant in shaping the political landscape, in application these ideas are often combined with right-wing populist politics and traditionalist ideals that give rise to a “complex space for the elaboration of governmental programmes.”³¹ What I aim to do here is merely (and quite briefly) to demonstrate that it is possible to see a number of ways in which aspects of social policy that relate to disabled people and the labour market become intelligible as practices of government according to a neoliberal governmental rationality, as Foucault reveals.

Neoliberalism is, of course, a global phenomenon and, indeed, parts of Foucault's treatment of neoliberalism analyse how it has spread to different countries in different ways. Karen Soldatic's work demonstrates its reach into the Australian political sphere, analyses have recently been conducted in the Canadian context with respect to disability employment under free market deregulation,³² and so on. For reasons of brevity and because of my own expertise, I shall focus on the U.K., though similar analyses could no doubt be made of many other countries, or indeed, of the transnational character of some of the issues that I shall discuss.

We can see—across a number of overlapping developments—clear moves away from direct economic intervention both on the demand side of the labor market and

³⁰ One might also think here of Jashir Paur's contention that under conditions of neoliberalism, demands for bodily capacity sit alongside the targeting of new ways for making gradations of disability profitable for what he calls the medical-industrial complex (Jashir Paur, “Coda: The Cost of Getting Better. Suicide, Senation, Switchpoints”, *GLQ*, vol. 18, no. 1 (2011), 149-58).

³¹ Nikolas Rose and Peter Miller, *Governing the Present: Administering Economic, Social and Personal Life* (London: Polity, 2008), 80.

³² See, for example, the recent CBC news segment “Return on Disability”. Available from: <http://www.cbc.ca/player/News/Business/ID/2439758698/>

with respect to support for people who are out of work,³³ and moves toward a range of strategies that aim to modify incentive variables in the environment, improving the spread of information on which individuals can make choices about their own human capital development and employers can make recruitment decisions that reflect the potential human capital stock within certain groups, promoting competition in new markets of previously centrally-administered employment support and recruitment services, and encouraging individuals to improve their own human capital and thus improve the national stock of human capital. At the centre of these moves lies a governmental rationality that sets out the appropriate sphere of activity of state intervention (focusing primarily on incentive adjustments and the maintenance and regulation of competition in existing or newly created markets) and the economic subject that responds to appropriate economic and quasi-economic incentives in terms of decision-making and the use of their own human capital to produce their own satisfaction.

One example of such governmental rationality can be read from the developments of the relatively new Work Choice programme in the U.K. (introduced in October 2010). The latest in a line of disability employment programmes, Work Choice uses both contracted and non-contracted service providers to support disabled people who are not likely to be supported by mainstream employment services run out of Job Centres.³⁴ The programme works on a model according to which up to six months of “pre-employment support” is provided that involves discussion with advisors of individuals’ strengths, support needs and occupational aspirations, the production of “development plans” and “Passports to Work” (portfolios of individuals’ “successes to show employers”), support with job search, and training with issues such as basic ICT, literacy and numeracy, and vocational skills.³⁵ These strategies are followed by up to 24 months of “short to medium term in-work job support”³⁶ which can include “on the job coaching,” assistance with travel arrangements to and from work, “confidence building,” support with stress and financial management, and “better-off calculations” to enable the newly employed to realize how much “better off” financially they are when employed, rather than when they claim welfare benefits.³⁷

Similar emphasis is seen in Access to Work, which aims to support disabled young people to access work-experience placements and internships by providing financial assistance with the extra costs that they face as disabled people, such as the

³³ The move away from demand-side interventions in favor of supply-side policies has, of course, been noted by others in relation to disability and to broader social policy. A summary of some of these arguments can be found in Yates and Roulstone (Yates and Roulstone, “Social Policy and Transitions to Training and Work for Disabled Young People in the UK”).

³⁴ Department for Work and Pensions [hereafter DWP], *Evaluation of the Work Choice Specialist Disability Employment Programme: Findings from the 2011 Early Implementation and 2012 Steady State Waves of the Research* (London: HMSO, 2013).

³⁵ Ibid.

³⁶ Ibid., 31.

³⁷ Pluss, *Welcome to Pluss: Everything You Need to Know About Work Choice* (Exeter: Pluss, n.d.a.); Pluss Website, Employers section (n.d.a) Accessed on: June 17, 2014. Available at: <http://www.pluss.org.uk/employers>.

need for specialist equipment that they may require to undertake work-related tasks or the costs of travel. The ideal behind this scheme is to put disabled people “firmly in control of their own careers by removing a barrier that prevented them from making their own arrangements in the past.”³⁸ These interventions take as their direct target two elements which figured prominently in Foucault’s analysis of the rationality of neoliberal governmentality: (1) the incentive structures that surround work-related decisions, acted upon in terms of the perceived benefits of paid employment and the costs associated with work placements; and (2) the human capital of disabled people: building capital skills through work experience and specialist skills training, working on softer aspects of human capital such as confidence, and displaying the human capital of disabled people more effectively to prospective employers.

The Work Choice programme also involves “extensive employer engagement” in which advisors discuss with employers what adjustments need to be made to support the individual’s employment and, if necessary, provide the employer with Disability Awareness Training.³⁹ Employers who employ disabled people may also be eligible for short-term financial incentives from the Work Choice programme. These tapered three-year financial incentives (£4,800 in year one, £1,000 in year two and £600 in year three) are designed to encourage employers to take on participants of Work Choice and move away from previous supported employment practice that provided long-term subsidies on the grounds that these subsidies interfere with the natural functioning of the labor market and can have undesirable effects insofar as they “block” labor market activity and the progression of disabled people. Even these smaller short-term incentives are increasingly seen as “outdated” forms of intervention in the labor market, with preference given to actions that aim to promote awareness of disability and the work abilities of disabled people.⁴⁰

In both the Work Choice programme and the Department for Work and Pensions’ year-long Employ Ability initiative that ran from 2008 to 2009,⁴¹ the primary emphasis is on engagement with employers to “demonstrate the business case” that can be made for the employment of disabled people and to build the confidence of employers to employ disabled workers and make reasonable adjustments.⁴² Again, the route to desirable outcomes is defined through the operation of a free market and the decision making of free economic actors who act within it. The central aims are to spread information through the market to encourage recruitment of disabled people. These aims are undertaken through a programme of promotional activities regarding the (often unrecognised) human capital of disabled people as employees. Recruitment activities of

³⁸ DWP, *Access to Work Extended to Help More Disabled People into Work* (2013). Accessed on: June 15, 2014. DWP Press Release, available from: <https://www.gov.uk/government/news/access-to-work-extended-to-help-more-disabled-people-into-work>.

³⁹ DWP, *Evaluation of the Work Choice Specialist Disability Employment Programme*, 31.

⁴⁰ *Ibid.*

⁴¹ DWP, *Employ Ability* (2008). Accessed on: June 17, 2014. Available at: <http://webarchive.nationalarchives.gov.uk/20080727021703/http://dwp.gov.uk/employability/>; see also Stuart Connor, “Promoting ‘Employ Ability’: The Changing Subject of Welfare Reform in the UK”, *Critical Discourse Studies*, vol. 7, no. 1 (2010), 41-53.

⁴² DWP, *Specialist Disability Employment Programmes* (London: HMSO, 2011).

Remploy (the recruitment arm of Job Centres) and activities such as nationwide “Employ Ability workshops” have been used to disseminate this information, which often presents disabled people as (unexpectedly) high in acquired human capital as a result of their experience of managing their “disability” or “health condition.”⁴³ For instance, Remploy note that compared to non-disabled people, the commitment to the job of disabled people is “absolutely massive” and that they have lower staff attrition rates, stay in jobs longer and “perform as effectively, if not better, than their colleagues”;⁴⁴ the Organisation of Responsible Business propose that disabled people typically “aspire to excel in a bid to prove their worth”;⁴⁵ and Pluss (a social enterprise delivering DWP employability programmes) similarly assert that disabled people have better attendance, time keeping, and health and safety records.⁴⁶

Marketing opportunities that open up when one is seen as an employer of disabled people are promoted as additional incentive to potential employers. The Government-mandated “Two Ticks” campaign, for instance, which awards a stamp (“symbol”) that a given business can use on promotional materials enables employers to send a “positive message about themselves to clients, contacts and the wider community. The symbol is a public declaration of a commitment to recognise the abilities and potential of disabled people and of the value your organisation puts on making the most of its staff.”⁴⁷ Pluss stresses to potential employers that insofar as they achieve this stamp, they open themselves to a market of “disabled customers” who have “an estimated spending power of over £80 billion a year.”⁴⁸ Work-free trials that offer “try before you hire” periods framed as two to six week “working interviews” during which the disabled applicant will work (unpaid) with no obligations and no risk to the employer further encourage employers to hire disabled employees.⁴⁹ Whilst employer sanctions remain available through the auspices of the Disability Discrimination Act, it is made clear that these sanctions are an intervention of last resort, as the preferred and first resort action will be to “constructively challenge” employers about ways to improve their recruitment of disabled people, with emphasis on behavior moderation through the spread of appropriate information to employers, and encouragement of the development and display of human capital on the part of disabled job-seekers.⁵⁰ In other words, these policies place faith in the mechanisms of the market, with appropriate incentive structures in place, to produce favorable employment outcomes for disabled people who seek work, as expressed in the DWP’s contention that “low levels of labour

⁴³ Connor, “Promoting ‘Employ Ability’.

⁴⁴ Remploy, *Recruitment Services* (2014). Accessed on: June 17, 2014. Available at: <https://www.remploy.co.uk/en/employers/Recruit/>.

⁴⁵ Organisation for Responsible Business [hereafter ORB], *Two Ticks for Employing the Disabled* (2014). Accessed on: June 17, 2014. Available at: <http://www.orbuk.org.uk/article/two-ticks-for-employing-the-disabled>.

⁴⁶ Pluss, *Welcome to Pluss*; Pluss Website, *Employers section*.

⁴⁷ Quoted in ORB, *Two Ticks for Employing the Disabled*.

⁴⁸ Pluss, *Welcome to Pluss*; Pluss Website, *Employers section*.

⁴⁹ Remploy, *Recruitment Services*.

⁵⁰ DWP, *Specialist Disability Employment Programmes*.

market regulation and taxation mean that firms have incentives to create new jobs alongside new business opportunities, and can offer flexible working arrangements.”⁵¹

We see further moves away from centrally-administered economic and labor market interventions combined with moves towards solutions founded on belief in the power of competitive markets in the delivery structures set up for Work Choice (the formation of which it inherited from its predecessors). A significant portion of the programme is delivered through Remploy, a non-departmental government body that operates as a limited company and is directly funded from the Department for Work and Pensions. Remploy was originally set up by the post-war Labour government to provide employment directly for disabled people in specialist factories that government funds subsidize. In the later 1980s, Remploy began to expand into employment support services, recruitment and training, and the brokerage of work placements on the open labour market. The new millennium has seen the closure of its specialist factories and a more complete move towards a role as sub-contractor for government employment support services—a clear change in purpose from direct labor market intervention in the form of job creation to support of the development of individuals’ human capital, incentivizing labor market activity, and spreading information to labor market actors in regard to ways in which to harness the human capital of disabled people.

Alongside Remploy’s non-contracted delivery sits an extensive new network of contracted providers in a competitive market that U.K. governmental policy produces and maintains. At one stage, over 200 companies operated in this market of over £1 billion annual value.⁵² In a move redolent of Hayek’s belief in the merits of competition as the essential condition for ensuring effective operation of the market’s role in the coordination of decision making and in the need for governments to legislate, where necessary, to produce appropriate conditions for competition (even if not perfect) the key concern for policy development became the degree to which this competition operated effectively to produce desired outcomes. There is thus scrutiny over both the degree to which incentives direct the market effectively in terms of flexibility in market supply chains and entry to and exit from the market and the extent to which competition is effective in driving value for money in terms of the relationship between price and performance levels.⁵³ Indeed, Remploy’s inability to be competitive on price in its core manufacturing activities and its reliance on direct economic support from central government directly contributed to its becoming increasingly regarded by neoliberal policymakers as an “outdated” model not fit for the twenty-first century.⁵⁴ Subsequent proposals to improve its performance involve increased openness to the forces of competition with the removal of its direct route to the award of contracts, positioning it as yet another bidder in the competition for contracts on the open market of employment support.

⁵¹ DWP, *The Work Programme* (London: HMSO, 2012), 2.

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Liz Sayce, *Getting In, Staying In and Getting On: Disability Employment Support Fit for the Future* (London: HMSO, 2011).

The final area I want to examine briefly is “welfare reform,” an issue that is much-promoted by the current Coalition government and that is predicated on the production of impacts on human capital—both individual human capital and the national stock of human capital. In terms of “welfare reform,” high levels of welfare receipt or welfare that is seen as financially generous or relatively easy to access is conceptualized as problematic because it provides perverse incentives for recipients to subsist on benefits as an alternative to their participation in the labor market, thus “accidentally erect[ing] barriers between individuals and work” and “trapping” them on welfare over the long-term.⁵⁵ Such long-term existence on welfare is held to contribute to atrophy of vital elements of human capital, such as the ability to budget effectively, to become accustomed to the timetable of the working day, and to possess the discipline required to maintain employment. So-called “welfare dependency” is thus seen as “an unjust cap on human potential”⁵⁶ liable to give rise to “static neighbourhoods” in which large groups of people become stuck without the incentive or the human capital required to find work.⁵⁷ This emphasis on supposed human capital and incentive impacts of welfare morphs into a powerful imperative, as expressed by Secretary of State for Work and Pensions, Iain Duncan Smith, to withdraw direct intervention into labor markets and welfare provision:

Where for most people, their life’s direction of travel is dictated by the informed decisions they make [...] too often for those locked in the benefits system, process of making responsible and positive choices has been skewed—money paid out to pacify them regardless, with no incentive to aspire for a better life [...] there is no kindness in a benefits system that traps people, leaving them in a twilight world where life is dependent on what is given to you, rather than what you are able to create.⁵⁸

In this framing, welfare payments that meet the needs of recipients prevent them from fulfilling what is assumed to be a fundamental human need: a need to pursue their own aspirations, to earn their own wage and make their own decisions about living arrangements and take responsibility for the upkeep of their own families—a need (to paraphrase Becker) to produce their own satisfaction from their own capital. Once again, we see faith in the operation of a competitive labour market, unimpeded by interventions in the form of welfare or regulation to enable individuals to pursue their own satisfaction in this manner. Indeed, Conservative Member of Parliament Philip Davies famously argued that the minimum wage was another example of regulation that impedes the proper functioning of the labor market, an impediment that should be removed in the case of disabled people so that the labor market can function effectively

⁵⁵ Centre for Social Justice [hereafter CSJ], *Up to the Job? How Reforming Jobcentre Plus Will Help Tackle Worklessness* (London: CSJ, 2013), 4.

⁵⁶ CSJ, *Signed On, Written Off: An Inquiry into Welfare Dependency in Britain* (London: CSJ, 2013), 4.

⁵⁷ *Ibid.*, 3.

⁵⁸ Iain Duncan Smith, *Welfare Reform Speech* (Jan, 2014). Accessed on: June 15, 2014. Available from: http://blogs.spectator.co.uk/coffeehouse/2014/01/iain-duncan-smiths-speech-on-welfare-reform-full-text/#disqus_thread

in setting the price of their employment (presumably a price that reflects their less desirable stocks of human capital).

Such faith in the operations of an unimpeded market, however, is not borne out in results. Unemployment remains stubbornly high amongst disabled people, and the various programmes outlined above have been largely ineffectual with respect to changes in the labor market. Independent reports have noted, for instance, the failure of the Work Programme to improve the level of employment for disabled people,⁵⁹ with one study showing an 88% failure rate.⁶⁰ In this situation of continuing high unemployment, the expectation that many disabled people will find work in a more lightly-regulated labor market and the withdrawal of disability benefits has had severe consequences for many disabled people. Significant numbers have entered poverty, with many reports of extreme hardship and increasing numbers of disabled people relying on food banks for day-to-day subsistence.⁶¹ Anxiety and distress associated with economic precarity and the pressure associated with the expectation to find work in an already over-subscribed labor market are also widespread, with some evidence that this state of affairs has led to increases in psychological distress and even suicide in a few well-publicized cases.⁶²

My analysis of disability and employment policy in this article is limited due to space constraints and purpose. The analysis is certainly not comprehensive, nor does it delve into the historical development of the forms of governmental rationality analysed. It is not to be mistaken for an argument that neoliberalism, whether under Foucault's analysis or any other, can explain fully and sufficiently the range of forms of governmental practice and social policy that surround us in our present. The aims of this

⁵⁹ DWP, *Work Programme Official Statistics on Referrals, Attachments, Job Outcome Payments and Sustainment Payments* (London: HMSO, 2014).

⁶⁰ Disability Rights UK, *Taking Control of Employment Support* (London: Disability Rights UK, 2013).

⁶¹ There are numerous examples reported in the UK press. See, for example: Disability Benefits Consortium, *Food Banks Become Lifeline for Disabled People as Benefit Changes Hit* (2013). Accessed on: June 15, 2014. Available from: <http://disabilitybenefitsconsortium.wordpress.com/2013/12/17/food-banks-become-lifeline-for-disabled-people-as-benefit-changes-hit/>; Amelia Gentleman, "Atos Comes Under Attack in Emotional Commons Debate", *Guardian* (January 17, 2013). Accessed on: August 7, 2014. Available at:

<http://www.theguardian.com/society/2013/jan/17/atos-attack-emotional-commons-debate>; Vicky Smith, "Disabled Man Starved to Death After Benefits Cut When Atos Declared Him Fit for Work", *Mirror* (February 28, 2014). Accessed on: August 7, 2014. Available at: <http://www.mirror.co.uk/news/uk-news/disabled-mark-wood-starved-death-3194250#ixzz34vDWkG9z>

⁶² Again, there are numerous examples. E.g. Matthew Taylor and John Domokos, "Mental Health Experts Warn Against Pace of Incapacity Benefit Cuts", *Guardian* (May 31, 2011). Accessed on: August 7, 2014. Available at: <http://www.theguardian.com/society/2011/may/31/incapacity-benefit-cuts-mental-health>; Adam Withnall, "Woman With 'A Lot to Live for' Took Her Own Life After 'Flawed' Atos Work Capability Assessment Slashed Her Benefits by a Third, Watchdog Says", *Independent* (June 17, 2014). Accessed on: August 7, 2014. Available at: <http://www.independent.co.uk/news/uk/home-news/woman-with-a-lot-to-live-for-took-her-own-life-after-flawed-atos-work-capability-assessment-slashed-her-benefits-by-a-third-watchdog-says-9216975.html>; David Stuckler and Sanjay Basu, *The Body Economic: Why Austerity Kills* (London: Allen Lane, 2013).

brief and relatively simple analysis are twofold: first, to demonstrate some important ways that aspects of neoliberal governmental rationality can be seen to inform social and economic policy in relation to disabled people and, indeed, to show that the problems posed by practices of government stemming from this rationality may be the most important issues that currently face them; second, to lead into a consideration of the extent to which Foucault's work fosters critical perspectives on these issues that can effectively address the problems that confront disabled people in the present. This second issue invites further reflection and raises anew questions about the critical moves that a Foucauldian analytic perspective suggests.

Foucault, Neoliberalism and Effective Critique

Given that many readers of Foucault implicitly take him to be a man of the left, naturally hostile to ways in which the marginalized are governed to their own disadvantage, it is perhaps surprising to find, when one considers the potential for his work to critique practices of neoliberal governmentality that materially disadvantage particular groups, that he himself faces accusations that in his 1978-79 lectures he offers an apology for neoliberalism and, furthermore, that his overall body of work and his concept of critique are fundamentally consistent with, and even have potential to embolden advances of neoliberalism.⁶³ Arguably the most striking illustration of this perhaps surprising reading of Foucault is the question, posed somewhat playfully but nevertheless tellingly, by Foucault's one-time assistant François Ewald of whether it might be appropriate to consider the later Foucault "a pupil" of Gary Becker.⁶⁴ Indeed, as I note above, the publication of *The Birth of Biopolitics* has seen a generally renewed interest in questions with regard to the form of critique that Foucault's varying analyses and treatment of neoliberalism suggest.⁶⁵ Debates about normativity and critique in Foucault's work are, of course, by now, rather well-worn, especially the famous criticisms from Habermas, to Taylor, to Fraser, and onwards. We surely do not need to revisit well-trodden terrain merely as a way to re-enter old arguments in regards to which everyone has already made their own settlement. Nevertheless, as the ongoing interest in this area indicates, some important old questions should be considered anew in order to answer a pressing newer one: To what degree can Foucault's work function to enable us to diagnose and respond to the problems (for disabled people and others) that a political consensus shaped by neoliberal governmental rationality poses?

We can, I think, dismiss straightaway concerns relating to the tone of Foucault's writings on neoliberalism and the lack of condemnatory arguments in his analysis. In various places throughout his work, Foucault made clear his dislike of polemical writing; thus, critical analyses of his tone with regard to neoliberal thought and practices

⁶³ Notable discussions appear in Behrent, "Liberalism Without Humanism"; Behrent, "Accidents Happen"; Steve Hall, *Theorizing Crime and Deviance: A New Perspective* (London: Sage, 2012); Patton, "From Resistance to Government".

⁶⁴ Becker, Ewald and Harcourt, "Becker on Ewald on Foucault on Becker".

⁶⁵ See, for example, McNay, "Self as Enterprise"; Michael Hardt, "The Militancy of Theory", *South Atlantic Quarterly* (Winter, 2011), 19-35; Thomas Lemke, "Critique and Experience in Foucault", *Theory, Culture & Society*, vol. 28, no. 4 (2011), 26-48; Terry Flew, "Michel Foucault's The Birth of Biopolitics and Contemporary Neo-Liberalism Debates", *Thesis Eleven*, vol. 108, no. 1 (2012), 44-65.

of government cannot be expected to indicate anything of very great note.⁶⁶ More pertinent are concerns, perhaps expressed most clearly and systematically by the intellectual historian Michael Behrent, that Foucault's analyses and the form of critique that they make available—the whole orientation of his work in fact—have a fundamental affinity with neoliberalism that becomes clear in his later work, an affinity to which much of his audience are “tone-deaf” due to preconceptions about his status as a critical thinker sympathetic to the concerns of the left.⁶⁷ In our attempt to address the question of whether we can mount effective critique (or, rather, what kinds of critique we can mount) beginning from a Foucauldian analytics, a useful starting point is to consider the reasons that led Ewald to pose his provocative question about Foucault's admiration of Becker. Ewald contended that Foucault was attracted to Becker's work, that their work was “very close,” because Becker offered the “possibility of thinking about power without discipline” and the promise of practices of government that would “conduct the behaviour of the other without coercion, by incitation.”⁶⁸

The relevance of this argument can be seen if we consider the development of Foucault's analytics and his later concerns with the conduct of conduct and practices of the self. Patton (2013), in an informative analysis of the relationship of Foucault's book-length works and his contemporaneous lectures at the Collège de France, highlights that after *Discipline and Punish*, Foucault became dissatisfied with his own conceptualisation of power that had been based in the language of battle and struggles and, thus, began to question its utility for analysing modern societies. As Deleuze had similarly argued, at this time, Foucault came to realise that he would need a “new orientation” in order to avoid the implication that the forms of power he discussed would “becom[e] locked into unbreakable lines of force.”⁶⁹ By 1980, Foucault conceded that his earlier studies of “asylums, prisons and so on [...] insisted [...] too much on the question of domination”⁷⁰ and he later reflected that this work was capable of studying only limited aspects of the historical relation of subjects to games of truth.⁷¹

Foucault's earlier analytic focus was, he came to believe, insufficient for adequately framing and addressing issues that arise when one considers the potential of the subject to resist, to act in the face of a specific field of possibilities. In his work after *Discipline and Punish*, he moved towards an understanding of power conceived as the conduct of conduct, as action upon the actions of others that aims to guide and structure

⁶⁶ See, for example, arguments in Michel Foucault, “Polemics, Politics and Problematizations”, in Paul Rabinow (ed.), *Michel Foucault: Ethics, Subjectivity and Truth* (New York: The New Press, 1997), 111-120; Michel Foucault, “The Masked Philosopher”, in Paul Rabinow (ed.), *Michel Foucault: Ethics, Subjectivity and Truth* (New York: The New Press, 1997), 321-328.

⁶⁷ Behrent, “Liberalism Without Humanism”, 541.

⁶⁸ Becker, Ewald and Harcourt, “Becker on Ewald on Foucault on Becker”, 6.

⁶⁹ Gilles Deleuze, *Foucault* (Minneapolis: University of Minnesota Press, 1992), 161.

⁷⁰ Michel Foucault, “About the beginnings of the hermeneutics of the self”, *Political Theory*, vol. 21 (1993), 204.

⁷¹ Michel Foucault, “The Ethics of the Concern of the Self as a Practice of Freedom”, in Paul Rabinow (ed.), *Michel Foucault: Ethics, Subjectivity and Truth* (New York: The New Press, 1997), 1281-302.

the “possible field of actions” of others.^{72,73} This shift in the terminology that Foucault used to conceptualise power was accompanied by his now much-discussed turn to the third domain of his critical ontological project—the examination of the ways in which “the development of diverse fields of knowledge [...] the establishment of a set of rules and norms,”⁷⁴ with which he had earlier been concerned in their links with power, were also linked to “the way individuals were led to assign meaning and value to their conduct.”⁷⁵ This examination entailed a genealogical focus on “the forms and modalities of the relation to self by which the individual constitutes and recognizes himself [*sic*] *qua* subject.”⁷⁶

This active process of self-constitution implies a degree of freedom, though not a zone of unlimited freedom. Practices of self-formation are never “something invented by the individual himself [*sic*]. They are models that he finds in his culture and are proposed, suggested, imposed upon him by his culture, his society, and his social group.”⁷⁷ Foucault began to use the term *government* in a broad sense to refer to the intersection of strategies of others to govern one’s conduct alongside the actions one performs in relation to and in order to govern oneself.⁷⁸ It is from this configuration of Foucault’s thought that we can begin to consider the ways in which his work opens up (or fails to open up) specific kinds of critique and the implications this has for a critical social scientific study of disability under a neoliberal political consensus.

It is by now well accepted that Foucault’s works do not offer easy recourse to a grounding of critique in terms of the elaboration of normative judgements with respect to what should be done or universally-applicable normative distinctions between different forms of socio-political arrangement. It can indeed be seen as an intentional effect that Foucault’s analyses provide no such recourse, given how hostile he was both to the notion that judgements about what is to be done can stem unproblematically from the analyses of intellectuals and to the idea of a universal set of principles that would reliably ground normativity.⁷⁹ Thus, in *What is Critique?* Foucault makes clear that his work does not aim to provide grounds for judgements of the legitimacy of any given system, but rather acts to unsettle the grounds on which judgements of legitimacy themselves are founded. His work thus gives rise to critique that does not set out to make acceptable any specific forms of action, but which instead aims to “grasp what

⁷² Michel Foucault, “The Subject and Power”, in Hubert L. Dreyfus and Paul Rabinow (eds.), *Michel Foucault: Beyond Structuralism and Hermeneutics* (London: Harvester Wheatsheaf, 1982), 221.

⁷³ See also arguments in Scott Yates and Dave Hiles, “Towards a Critical Ontology of Ourselves? Foucault, Subjectivity and Discourse Analysis”, *Theory & Psychology*, vol. 20, no. 1 (2010), 52-75; Patton, “From Resistance to Government”.

⁷⁴ Michel Foucault, *The Use of Pleasure: The History of Sexuality Volume Two* (London: Penguin, 1987), 3.

⁷⁵ *Ibid.*, 4.

⁷⁶ *Ibid.*, 6.

⁷⁷ Foucault, “The Ethics of the Concern of the Self as a Practice of Freedom”, 291.

⁷⁸ Foucault, “The Subject and Power”.

⁷⁹ See, for example, arguments in Michel Foucault, “Intellectuals and Power”, in Donald F. Bouchard (ed.), *Language, Counter-memory, Practice: Selected Essays and Interviews* (Ithaca, NY: Cornell University Press, 1977), 205-217; Michel Foucault, “The Return of Morality”, in Lawrence D. Kritzman (ed.), *Politics, Philosophy, Culture: Interviews and other writings, 1977–1984* (London: Routledge, 1988), 242–254.

constitutes the acceptability” of a given system.⁸⁰ This critical movement, then, enables us to see the contingencies of the systems of thought on the basis of which we make assessments of such acceptability:

what must be extracted in order to fathom what could have made them acceptable is precisely that they were not at all obvious, that they were not inscribed in any a priori, nor contained in any precedent. There are two correlative operations to perform: bring out the conditions of acceptability of a system and follow the breaking points which indicate its emergence.⁸¹

The effect of this unsettling of the taken-for-granted attitude towards formations of knowledge-power is to bring into critical relief “the coercive effects of knowledge” on our self-formation.⁸² Judith Butler highlights the distinction in this work between government and governmentalization, in which “the apparatus denoted by the former enters into the practices of those who are being governed, their very ways of knowing, their very ways of being,” and the latter is that “movement through which individuals are subjugated in the reality of a social practice through mechanisms of power that adhere to a truth” (ibid).⁸³

As Butler aptly puts it, critique then “begins with the presumption of governmentalization and [...] its failure to totalize the subject it seeks to know and to subjugate.”⁸⁴ There is thus a movement of desubjugation immanent in Foucauldian critique as the associated analytics mark the contingencies, the limits and the points of fragility of systems of knowledge-power. This movement of desubjugation does not imply a move towards a radical freedom from any government, towards a will not to be governed *at all*, a will that Foucault rejects as an originary aspiration.⁸⁵ Rather, it speaks to the critical will “not to be governed *thusly, like that, by these people, at this price*,”⁸⁶ something that connects to emerging concerns in the later Foucault in order to highlight the costs of particular forms of subjectivation, of telling the truth about oneself in relation to given epistemic systems.

It is from these movements in Foucault’s thought that we can make sense of his turn to a concern with the limits of self-formation and the possibility of going beyond them, his use of the concept of agonism to denote power relations conceived as “reciprocal incitation and struggle,”⁸⁷ rather than confrontation locked into permanent positions, and his later concerns for practices of the self and the art of self-formation for an exploration of which he turned to ancient Greece. It is also from here, however, that the alleged affinity of Foucault’s work with neoliberalism—affinity in terms of

⁸⁰ Michel Foucault, “What is Critique?” in Sylvère Lotringer (ed.), *The Politics of Truth* (Los Angeles: Semiotext(e), 1997), 61.

⁸¹ Ibid., 62.

⁸² Judith Butler, “What is Critique? An Essay on Foucault’s Virtue” (2001). Accessed on: June 15 2014. Available at: <http://eipcp.net/transversal/0806/butler/en>, (no pagination).

⁸³ Ibid.,

⁸⁴ Ibid.,

⁸⁵ Foucault, “What is Critique?”, 72.

⁸⁶ Ibid., 75; emphasis added.

⁸⁷ Foucault, “The Subject and Power”, 222.

conceptualising power without discipline, functioning by incitation rather than coercion—becomes clearer. Ewald sets out this affinity in terms resonant with Foucault’s critical project, insofar as he argues that Foucault saw in Becker’s human capital analyses “the possibility [...] to envision new kinds of liberty,” as well as to conduct an analysis of governmental practices that is founded on power relationships and that implies that the relationships between agents in these relationships can be conceptualised in terms of mutual struggle “absolutely free of moral questions or juridical questions.”⁸⁸ Becker himself goes on to agree broadly with this assessment, arguing that Foucault did indeed seem “to take seriously the so-called neoliberalism that was based upon human capital analysis, and a particular approach to understanding how individuals behave, both in the marketplace and in consumption.”⁸⁹

These considerations lead us to the question of where Foucauldian analyses leave us in terms of effectively diagnosing, analysing, and responding to the issues that affect the lives of disabled people in our present. It should be apparent that resolving this question is far from straightforward. Much of the above exposition seems to point to a potential weakness in Foucault’s work with respect to the diagnosis and analysis of the problems associated with neoliberal rationalities of government. As Behrent points out, however, whilst Ewald and other “right Foucauldians” find in Foucault’s “new political philosophy” a road map out of Marxism that leads ultimately to acceptance of the neoliberal consensus, there remain those who, like Negri and Agamben, are committed to a politically radical reading of Foucault.⁹⁰ Although a neoliberal apologist reading of Foucault may not then be inevitable, there are challenges that those who seek critical responses to problems posed by the growth of neoliberalism must address, and perhaps even dangers that Foucauldian analyses might inadvertently function in service of those seeking to advance the neoliberal project.

As many of the analyses in *Foucault and the Government of Disability* amply demonstrate, it should be acknowledged that, for many disabled people, there have been and remain significant struggles connected directly to the ways in which their lives are shaped by a truth that they are obliged to recognise in themselves, a truth that exacts a severe cost, a cost of difference, inferiority and subordination, a truth that is apprehended by power relations and practices of government that lock them into relationships with others and positions within institutional settings— educational settings and special education, in care homes and medical settings, and so on—in which their prospects for resistance and free action are marginal. In reflecting on such situations, it would be difficult to deny that Foucauldian analyses and critique have the potential to contribute positively to the problematisation of systems of knowledge-power that lock people into such fixed positions and tend towards domination, to highlight the points of fragility of such systems, and to foster possibilities to resist “being governed thusly.”

⁸⁸ Becker, Ewald and Harcourt, “Becker on Ewald on Foucault on Becker”, 6.

⁸⁹ *Ibid.*, 10-11.

⁹⁰ Michael Behrent, “Accidents Happen: François Ewald, the “Antirevolutionary” Foucault, and the Intellectual Politics of the French Welfare State”, *The Journal of Modern History*, vol. 82 (2010), 585-624.

The effect of such critique, and even its conscious aim, could reasonably be expected to be, as Foucault himself expressed, to bring it about that the people who administer the lives of others, the people whose social position is associated with particular regulated ways of directing the conduct of disabled people find their actions problematic in new ways, find previously easy gestures and practices difficult and no longer know what to do, and that those who are the subjects of power find new ways to articulate resistance and push against constraining limits. It was with the aim of fostering such critical ethos that my earlier work (one representation of which appeared as a chapter in the first edition of *Foucault and the Government of Disability*) latched on to the notion of “struggle” and held that by using Foucauldian-influenced analyses to identify ways that people struggle with the forms of knowledge-power that inscribe their subjectivity and act upon their conduct, it would be possible to ground a critique that would problematise and expose both the contingency and the cost of these systems. I still maintain that these are useful contributions to be made by such analysis and such critique in respect of local struggles and the points of articulation of specific (narrowly applied) forms of knowledge-power and governmentality. Such studies function effectively in unmasking the contingencies and consequences of systems of power-knowledge and demonstrating the ways that power acts on people to their detriment in institutions for special education, in the diagnosis and classification of “mental retardation,” in the administration of life in care homes, and so on.⁹¹

Notwithstanding the utility of such analyses in these kinds of settings, there are important questions to put to Foucault’s work concerning its sufficiency for framing critical work. First, what is revealed by such analysis of the kinds of situations, settings, and epistemic systems in relation to which Foucauldian studies of disability are applied does not encompass the entirety of that with which people struggle and the various factors and mechanisms that shape their lives. The impacts of neoliberal practices of government are not limited to effects on subjectivation, self-constitution and “the conduct of conduct,” but also include economic marginalisation and the growing immiseration of many disabled people. As I have argued above, some of the greatest challenges that disabled people now face concern the constraints upon their capacity to act, to shape their own lives, even to survive, in ways directly related to economic disadvantage in an environment in which the increasing prevalence of marketisation places greater import on one’s financial resources for meeting basic needs and accessing required services. The hopelessness and social marginality that go along with economic marginalisation (amidst increasingly massive concentrations of private economic wealth by a global elite) and the reports of increases in poverty-related anxiety and suicides exceed the reach of a purely Foucauldian analytics. As a number of commentators have

⁹¹ See, for example, arguments and analyses in Julie Allan, “Inclusion as an Ethical Project”, in Shelley Tremain (ed.) *Foucault and the Government of Disability* (Ann Arbor: University of Michigan Press, 2005), 281-299; Licia Carlson, “Docile Bodies, Docile Minds: Foucauldian Reflections of Mental Retardation”, in Shelley Tremain (ed.), *Foucault and the Government of Disability* (Ann Arbor: University of Michigan Press, 2005), 133-152; Scott Yates, “Truth, Power and Ethics in Care Services for People with Learning Difficulties”, in Shelley Tremain (ed.), *Foucault and the Government of Disability* (Chicago: University of Michigan Press, 2005), 65-77.

begun to argue, Foucauldian analyses neglect the economic as an object of analysis,⁹² fail to see the social effects of economic restriction,⁹³ and are not capable of looking upwards to “the sovereignty and special liberty of the global elite, [...] their concentrated wealth-power,” and the effects that these states of affairs have on social and political environments.⁹⁴

It is, in addition, far from clear how effectively such analysis can frame critique of neoliberal practices which, as noted, work through incitation and action on environmental incentive structures, rather than through coercion and direction. Struggle is certainly likely to be less clearly articulated or conceptualized in relation to neoliberal “government at a distance” and the shaping of the grounds for “formally autonomous” social practices, as indeed I found in my earlier work.⁹⁵

By raising such concerns, I do not, of course, mean to suggest that Foucault’s work might not function in opening up for reflection and, thus struggle and resistance, previously taken-for-granted epistemic systems and rationalities that shape the field of possibilities for such formally autonomous action and constitute aspects of the self as loci of responsible action. Foucault’s later work did provide insight that the subject of neoliberal practices of government should not be seen as an essential kind “inscribed in any a priori,”⁹⁶ not:

an atom of freedom in the face of all the conditions, undertakings, legislation and prohibitions of a possible government [but rather that s/he is] a certain type of subject who precisely enabled an art of government to be determined according to the principle of economy, both in the sense of political economy and in the sense of the restriction, self-limitation, and frugality of government.⁹⁷

This formulation speaks to the possibility hinted at previously of unsettling the taken-for-granted attitude towards formations of knowledge-power within which such a subject is inscribed. Thus Gane argues for the radical possibilities offered by a genealogical approach to analysing neoliberalism that, in highlighting the fracture lines and points of contradiction in its emergence, can “be deployed as an analytical and critical device.”⁹⁸ This type of critical movement does seem at least potentially important in an era in which one of the main forces that propels the advance of neoliberalism, and which magnifies the difficulty of challenging or articulating it as a site of struggle is the powerful perception that “there is no alternative.”⁹⁹

Nevertheless, it is this same climate of powerful neoliberal consensus that throws into relief the lack of scope in Foucauldian work for imagining alternatives or for

⁹² Ute Tellmann, “Foucault and the Invisible Economy”, *Foucault Studies*, vol. 6 (2009), 5-24.

⁹³ Paul Patton, “From Resistance to Government: Foucault’s Lectures 1976-1979”, in Christopher Falzon, Timothy O’Leary & Jana Sawicki (eds.), *A Companion to Foucault* (New York: Wiley, 2013), 172-188.

⁹⁴ Simon Winlow, Steve Hall and Craig Ancrum, *Criminal Identities and Consumer Culture: Crime, Exclusion and the New Culture of Narcissism* (London: Routledge, 2008), 143.

⁹⁵ Rose and Miller, *Governing the Present*.

⁹⁶ Foucault, “What is Critique?”, 62.

⁹⁷ Foucault, *The Birth of Biopolitics*, 271.

⁹⁸ Gane, “The Emergence of Neoliberalism”, 20.

⁹⁹ Mark Fisher, *Capitalist Realism: Is There No Alternative?* (Winchester: Zero Books, 2009).

recognizing positive aspects of previous systems. Challenges to (for example) forms of welfarism, systems of care and education within which people are defined and administered can be effective in relation to the specifics of the epistemic system and forms of governmental practice that comprise them. Such critiques—that so effectively unsettle and problematise the taken-for-granted— might be thought to encourage us to think otherwise in the sense of imagining that things might not necessarily be as they are. They are, however, less well-purposed for the more positive project of imagining actual possible alternatives, or even for conceiving principles upon which alternatives might be founded. Foucauldian unsettling can be met with a reconfiguration of practice consistent with neoliberal governmental rationality that is not so readily dissolved in turn.

One example we might consider is that of Remploy, initially outlined above. Although not yet the subject of a Foucauldian critique (at least not to my knowledge), this example serves my argument well because it bears clear relation to themes discussed here, it has contemporary relevance, and I am free to examine it without concern for implied or unjust criticism of the work of any specific writer. In its previous role as provider of supported and segregated employment for disabled people, Remploy would have been open to analyses that problematise epistemic systems by which people become amenable to being assessed and marked as potential subjects of a form of social apparatus that divides space according to such judgements and within which their conduct can be administered by others. Here, after, all, individuals entered Remploy factories as a result of official classifications as “disabled,” assumed to be less capable of working in the open labour market; they entered a space segregated from others within which their conduct became supervised by factory managers and administrators, who were both conceptually divided from them and in positions to direct their conduct in the performance of work-related and often repetitive tasks.

As in analyses of educational or care institutions, a Foucauldian critique might, through the unmasking of relations of power and rationalities of governmentalisation, unsettle the sense of inevitability of such formations and “function” in opening up possibilities for questioning truths that the agents within the system are obliged to recognise in themselves and thus can resist being governed “thusly.” However, any such unsettling and problematising can be (indeed can be expected to be) met with neoliberal reformulations where individuals are reconfigured as economic subjects responding to incentive structures and investing in and drawing on their own human capital in a zone of economic action free from direct intervention. Foucault’s analytics and the type of critique that they give rise to face questions as to how, in light of potential or actual neoliberal (re)formulations, they could gain an adequate critical grasp on the problems that emerge. Some of the most important conditions that determine the intolerability of these situations are not encompassed by a focus on subjectivation, the limits of self-formation, or the conduct of conduct. As I argued above, they are also economic conditions, connected to the immiseration of economically marginalised groups, the problems attendant on economic precarity, and the impact of the marketization of the social.

Even if we discount the contention (already discussed) that under Foucauldian terms neoliberal formations may actually be *preferred* as making possible practices of

government free from discipline, coercion and moral impositions, there remains the problem that any *other* potential arrangement, or any attempt to recognise and salvage what may have been positive from previous systems is always already problematised in turn. At best, neoliberal governmental rationalities and practices become one amongst a number of actual or possible systems subject to the same form of critique that does nothing to allow evaluation, as Jacques Donzelot put it, “in terms of a political criterion or in terms of value.”¹⁰⁰ Even if neoliberalism is unsettled in its inevitability and in its illusion of pure autonomy of agents subject to its practices, Foucauldian analytics and critiques offer no clear way to argue for the preferability of any alternative system to neoliberal arrangements or to propose foundational priorities for such an alternative.

It may in this sense be possible to think of Foucauldian analytics as a universal solvent, dissolving not only specific forms of knowledge-power and governmentality subject to its investigations, but dissolving too the possibility of any alternative in the instant of its immanent conception, dissolving any alternative even before its fundamentals can coalesce into a coherent alternative proposition. In an environment where the neoliberal consensus is so powerful as to foreclose the conceptualisation of alternative systems, and insofar as it is oblivious to economic marginalisation and the attendant problems this can foster, Foucauldian critique may actually pose a new danger: whilst such critique can problematise and unsettle intolerable systems within which the lives of disabled people are governed, in our present actuality such critique could have the effect of moving us towards neoliberal formations, yet be unable to move us away from them.

This argument resonates with problems that surround the reformulation of social policy relating to disability on neoliberal terms. Whilst moves away from centralised interventions, sheltered employment and old styles of welfarism were welcomed by many people in terms mutually intelligible with Foucauldian critique,¹⁰¹ especially insofar as they resisted the heavy cost of a truth that defines disabled people as different and less capable and signalled a refusal to be governed in ways commensurate with this subjection, current neoliberal arrangements are often experienced as equally (perhaps even more) intolerable because of the financial hardship and social and economic marginalisation that they entail. Disabled people face the dangers that, under current conditions of thought and debate, they could end up caught between two unpalatable alternatives: live a life with increasing poverty and economic disempowerment or cast oneself “back into the role of tragic victims of [...] impairments” and undertake special pleading for ameliorative treatment on this basis.¹⁰²

If we are to avoid both the Scylla of subjugation and governmentalisation and the Charybdis of neoliberal immiseration, it will be necessary to formulate critique that can reinvigorate old alternatives or find new ones to replace them—to paraphrase Zizek, of

¹⁰⁰ Jacques Donzelot and Colin Gordon, “Governing Liberal Societies: the Foucault Effect in the English-speaking World”, *Foucault Studies*, vol. 5 (2008), 54.

¹⁰¹ A summary of some such positions can be found in Connor, “Promoting ‘Employ Ability’”.

¹⁰² This is taken from noted disability researcher Michael Oliver responding to attacks on the social model in our current political climate (Michael Oliver, “The Social Model: A Victim of Criticism”, *Disability Now* (2013). Accessed on: June 20, 2014. Available at: <http://www.disabilitynow.org.uk/article/social-model-victim-criticism>).

making the space within which to dream the dangerous dreams that might lead us to more tolerable alternatives. Foucauldian critique can be a useful starting position, perhaps even a necessary stage, in critical analysis of our present; however, problems emerge when Foucauldian critique is assumed to be sufficient¹⁰³ insofar as the central ambivalence at its core cannot offer the possibilities or evaluations that we need, nor does it offer the open space to dream of better systems. A challenge thus emerges for Foucault-inspired critical social scientists who work in the field of disability and beyond: a challenge to find ways to take forward the powerful exposure and unsettling of the historical a priori of particular forms of experience,¹⁰⁴ subjectivity, and government that we find in Foucault and to adapt these insights to a critical perspective capable in addition of seeing the impacts and intolerability of economic disempowerment and the psychic effects of immiseration and the increasing concentration of private wealth in increasingly marketised social spaces. Such effects transcend the local sites and epistemic systems within which aspects of disability are approached as specific topics of study and raise again the question that was posed to Foucault's work more than two decades ago, namely: to what extent might it potentially contribute to a "counter-hegemonic" bloc¹⁰⁵ that would actually be capable of mounting substantial challenges to neoliberalism? If we wish to make "Foucault" function in our present, we should not in any case be concerned with mere reproduction of his work or with whether or not any future application is genuinely "Foucauldian." On the contrary, the challenge that I have identified should certainly not be confused with yet another call to "forget Foucault," but rather be regarded as a reiteration of the importance of his ethos of "deforming" work such as his and to make it "groan and protest"¹⁰⁶ in order to invent it anew and adapt its methods to the problems that we now confront.¹⁰⁷

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¹⁰³ Here I paraphrase Jacques Donzelot, from Donzelot and Gordon, "Governing Liberal Societies".

¹⁰⁴ This formulation is taken from Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical* (Redwood, CA: Stanford University Press, 2002).

¹⁰⁵ This formulation is taken from Steve Best and Douglas Kellner, *Postmodern Theory – Critical Interrogations* (NY: Guilford Press, 1991).

¹⁰⁶ Michel Foucault, "Impossible Prison", in Sylvère Lotringer (ed.), *Foucault Live: Interviews 1966-1984* (New York: Semiotext(e), 1989), 275-286.

¹⁰⁷ An argument for the need to adapt anew Foucault's work in order to address contemporary problems also appears in Paul Rabinow, and Nikolas Rose, "Introduction: Foucault today", in Paul Rabinow and Nikolas Rose, *The Essential Foucault: Selections From the Essential Works of Foucault, 1954-1984* (New York: New Press, 2003), vii-xxxv.