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Foucault and the Birth of the Police

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In short, life is the object of the police […] *Society and men as social beings, individuals with all their social relations, are now the true object of the police.*

(Foucault, 2001c: 412–414)

This article addresses the research of meaning and significance of the concept of police in the works of Michel Foucault. Although Foucault did not offer a theory or a systematic history of the development of the police, we argue that Foucault's concept of police is less part of his archaeological project and the analytics of discursive practices, but more a genealogical one. Foucauldian genealogy of police is about the birth of a network of branched lines of regulation practices. In this paper, our attempt is to show how the historical emergence of police practices in seventeenth- and eighteenth-century Europe, particularly in France and Germany, was a significant modulation within the two large dispositives of power – the one of sovereignty and the one of discipline. With his genealogy of police practice, Foucault demonstrated how regulatory practices of power/knowledge gradually penetrated the population. The police emerged as a form of regulatory practice pervaded with a new conception of life – the life of population and society or what was later to become the permanent object of the police.

Keywords: Michel Foucault, genealogy, power/knowledge, police, regulation

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1 Introduction

The Social Sciences have always been interested in the power of the police, the police apparatus, and their practices. If we go back to the beginnings of the European social sciences, we notice a certain regularity, correlation and intersection of medical, hygienic and early police practices with the demand for a new science about society whose great promise will be that a good society will produce good individuals.

However, medical, clinical and related police and hygienic practices represented much more significant models that could have been used by social sciences for their constitution. In this regard, Michel Foucault expressed the need to correct the established assumptions about the origins of the social sciences: "Countless people have sought the origins of sociology in Montesquieu and Comte. That is a very ignorant enterprise. Sociological knowledge *(savoir)* is formed rather in practices like those of the doctors" (Foucault, 1980d: 151). Foucault also claimed that *our* society of the "eighteenth century" (Foucault, 2015: 249) and our social science owe much more to English liberalism and utilitarianism of Jeremy Bentham. Thus, he dares to say: "I hope historians of philosophy will forgive me for saying this, but I believe that Bentham is more important for our society than Kant or Hegel. All our societies should pay homage to him. It was he who programmed, defined, and described in the most exact manner the forms of power in which we live…" (Foucault, 2001e: 58). This link between sociology and other social sciences, and Bentham and his *Panopticon* (Bentham, 1995), is a significant intersection with the issue of police and the eighteenth-century surveillance technologies. Hence, it is not surprising that in the sociology of the classical period from in Émile Durkheim and Max Weber, the issue of police was problematised. Today there are significant attempts to sociologically conceptualize the problem of police, for instance, through a neo-Durkheimian approach (Jackson & Sunshine, 2007).

Our attempt is to demonstrate why Foucault's concept of police, the concept of the "early" police that appears in France and Germany during the seventeenth and eighteenth century, is important in the context of Foucauldian genealogy of technologies of power. We assume that it is not sufficient merely to explain Foucault's position on that matter, but we should observe the concept within the broader socio-historical framework, i.e. the framework of power.

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2 Genealogy as the Research Framework

First of all, our task is to contextualize the birth of the police within multiple historical turning points, especially those that occurred throughout the eighteenth century. It was the century of compressing the pre-revolutionary and post-revolutionary dispersion towards social mechanisms, technologies and institutions – towards the new social order. Before the final erosion of sovereign types of power the eighteenth century also saw the break from the "biological ancien ŕegime" (Braudel, 1985: 70). In other words, the break from the older order of fear: disease, barbarians, inquisition, spoken word, a sovereign's right to decide on life and death. And if there had been some kind of "game" of large numbers in the old biological order, until the eighteenth century it became the game of "guessing" according to Braudel (1985: 31), as there were no precise statistics or records at the time.

Fernand Braudel gave a clear example representing all the great social transformations: "In the sixteenth century, the beggar or vagrant would be fed and cared for before he was sent away. In the early seventeenth century, he had his head shaved. Later on, he was whipped; and the end of the century saw the last word in repression – he was turned into a convict" (Braudel, 1985: 76). New technologies were born out of the new social order. This order was called "disciplinary society" (Foucault, 1995). Discipline was, according to Foucault, the practice of power within heterogeneous spatialized forms – in hospitals, prisons, schools, army barracks, factories – with the surveilling mechanisms that were applied to human bodies. Disciplinary practices separated, classified, spatially distributed and medicalized bodies (Foucault, 1980b: 44). The best example and the substance of these "scattered" disciplinary techniques was the model of the Panopticon developed by Jeremy Bentham (1995) and consequently, the concept of Panopticism introduced by Foucault (Ristić & Marinković, 2016). These *schémas disciplinaires* "require a strict spatial partitioning, careful surveillance, detailed inspection and order" (Elden, 2003: 243). To "[t]his 'great enclosure' of the poor, mad and delinquent, as well as sons of good family placed under supervision by their parents, was one psychological aspect of seventeenth-century society, relentless in its rationality. But it was perhaps an almost inevitable reaction to the poverty and increase in numbers of the poor in that hard century" (Braudel, 1985: 76). New types of rationality in the eighteenth century were not a kind of transcendence, since the rationality (as well as truth) is "a thing of this world" (Foucault, 1980e: 131). Foucault demonstrated, especially in *Discipline and Punish*, how different types of rationalities are inscribed in practices – in other words, how discursive practices emerge and what kind of social and historical roles or "functions" they have. There are no practices without a certain regime of rationality – discursive practices are always articulated within the regimes of rationality (Foucault, 1980d).

In the context of this article, different forms of rationality, including a new model of regulatory practice and power, are recognized as police. Furthermore, the birth of the police is regarded as the authentic historical "response" by European societies to the cyclic threats and dangers such as hunger or disease. The early concept of police should be understood as a series of regulation practices, inscription of new type of rationality as an expression of the new attitude towards life, since life is not something that should be left to the cycles of great losses, but the subject of strategies and technologies that protect and securitize aiming to enhance productivity. Life is something that should be surveilled. It becomes the subject of discourses – strategic subject of knowledge. Life is no longer the question of the sovereign's decision – bare life (Agamben, 1998). Since the second half of seventeenth century, it has gradually become the subject of regulatory technologies and practices; from hygienic and medical practices of health protection to the regulation of space through architecture and urbanism (Foucault, 1984). This means that the regulatory practice of "early" police, in a way, "discovered" society as an urban society – a set of productivity practices as the police is interested in what people do and in their "occupation" (Foucault, 2007: 322). New types of productivity, at the same time implied new types of rationality and spatialization; hygienic/medical and spatial/urban practices. However, these practices will not be important to the sovereign, but they will serve the needs of the society to preserve the existing wealth and produce more goods, improve security and health, etc. This framework shows the significance of the birth of the police and introduction of regulatory practices of power – all those technologies and social mechanisms that will be identified in the late Foucault's lectures through the new dispositive of security, bio-power and bio-politics.

Since Foucault does not offer an explanation of the birth of police as a regulatory diagram[3] in the dispositive[4] of sover-

[3] The term diagram used in the article means the regime of power/knowledge. According to Deleuze, this term can be found in Foucault's work, although a bit ambiguous in its meaning: "The diagram is no longer an auditory or visual archive but a map, cartography that is coextensive with the whole social field." …"When Foucault invokes the notion of diagram it is in connection with our modern disciplinarian societies, where power controls the whole field" (Deleuze, 2006: 34). Our approach and usage is in accordance with the claim made by Bové (2006: xxvii): "Power effects' need to be diagrammed not because there is any hope of developing a totalizing picture of the relations of force in a culture or economy – that is, there is no synchronic dream here – but precisely because they cannot be embraced by any concept or mode of thought that sets itself up as their expansive equivalent".

[4] We use the term *dispositive* and it will be explained further in the text.

eignty, we will try to do so. In other words, we do not ask why the police emerged, but rather question the way in which it appeared as the type of regulatory practice of power. And this raises an important methodological problem: Even though the three key regimes of power/knowledge that made up the strategic trihedral of the whole Foucault's work, sovereignty, discipline and regulation can be seen as historical formations, this is not about a simple chronology, nor their historical shifts. It is difficult to assume that Foucault had a pre-determined plan for the chronological historical development of these diagrams and their hierarchy while he was elaborating the concept of power/knowledge. Although they show archaeological stratification, this primarily refers to genealogical lines that can exist parallel to one another, intersect and shift their temporary dominance one over the others. In this sense, there is not a consolidated system of sovereignty (punishment, life and death) – free from disciplinary mechanisms and regulatory technology. Just as it is impossible to find a disciplinary, surveillance and normalizing mechanism without some form of sovereignty, legislation and law, or without regulation: "So, there is not a series of successive elements, the appearance of the new causing the earlier ones to disappear. There is not the legal age, the disciplinary age, and then the age of security" (Foucault, 2007: 22). For instance, "sovereignty of state territory remains sacred even more than it was in the last two centuries" (Malešević, 2008: 106).

Finally, the regulatory power, centred on questions of life and governmentality over the life processes of populations, biopolitics, utility and economy, is not a dispositive free from disciplinary-surveillance mechanisms or legality systems. And that is the reason why Foucauldian "genealogy should not be confused with genesis and filiation – which reconstructs a whole network of alliances, communications, and points of support. So, the first methodological principle is to move outside the institution and replace it with the overall point of view of the technology of power" (Foucault, 2007: 162–163).

Secondly, our assumption in this paper is that the historical emergence of the police and the significance of regulatory practices and power are to be explained thanks to the Foucauldian genealogical method of research. Explanation of the previous problem, new concept of life (collapse of the "biological order") is possible only if we recognize the transformation of the "old", "Hobessian" dispositive of power, that is, sovereignty. Only when this type of power is transformed and deconstructed through new, emerging practices of regulation, power becomes visible in practice. It is no longer an abstract concept of governance, a rule of the sovereign over life and death of people, but the practice of regulating the behavior of the population. This explains our need to abandon the Hobbesian concept of power and accept the Foucauldian genealogy of power/knowledge. History of power/knowledge is possible when power – and not Hobbesian concept of authority – is articulated as a regulatory practice, not only through the disciplinary dispositive and practices of punishment explained in Discipline and Punish (Foucault, 1995), but through the regulatory practices of the police as well. The genealogical method should help us trace the birth of certain institutions and practices as non-discursive. This is why the police were able to focus on man and life in their practices. Before the police, there were no archaeological "layers" in which discourses on man or life had already been stored and there was no discourse on humanities or social sciences – it would develop later. There were only the emerging practices of discipline and regulation. In addition, institutions were for Foucault always some kind of coercion system: "All the field of the non-discursive social, is an institution" (Foucault, 1980c: 189).

In this sense, the genealogy of police should enable us to see that in a historic sense man and life would first become an object of police practice and later a subject of discourse in the humanities and social sciences. Therefore, we claim that the historical appearance of the police was not only the emergence of new types of power/knowledge, but also the important modulation in the disciplinary society. By modulation we mean the transition of power, because the police changed the main course of the sovereign power, i.e., the authority of the sovereign. The social and historical task of the police was to "multiply" or to regionalize the power and to integrate diffused and dispersed practices of regulation over the population. While kings were interested in land and territory and, with their armies during war, the police were interested in regulating the conditions and forces that should enhance organization and reproduction in a society, the "wealth" of life.

This broader theoretical and methodological framework seems to have "an almost Hegelian sense, rather than a uniformed force for the prevention and detection of crime" (Elden, 2003: 247), or as mere and alienated technique of power, the police were born as governance, because "police is identified with the whole of government" (Foucault, 2007: 321). That is why Foucault's concept of police was developed on the idea of rational governmentality (in the trihedral[5] governmentality-population-political economy), as well as on the concept of development of regulatory dispositives. Still, like many of his concepts, the concept of police is liminal. Police

[5] The figure of a trihedral signifies the place or analytical point where different practices of power/knowledge intertwine each other. This term is present in Foucault's work, especially when he talks about "the trihedral of knowledge" and we explain it extensively in another article (Foucault, 2005; Marinković & Ristić, 2016a: 83–84).

practice appears as a boundary of three historical regimes of power. Therefore, the task of our genealogical research is to locate police within the great transformation of historical regimes of power/knowledge as "flexible" fields – fields where "games" of modulations take place.

3 Foucault's Police

The "obsession" with the Foucault phenomenon has not waned even thirty years after his death, and the effects of the "obsession" can be recognised in the multiplication of discourses on most various topics which were sketched by Foucault himself: from discipline to regulation, from architecture to medicine and medicalization, from madness to asylum, Panopticon and new surveillance technologies, from governmentality to hermeneutics of the subject and technology of the self, from prison to the modern school system, and from biopolitics to neoliberalism. His archaeology has become an inexhaustible archive with multiplying discursive layers, and his Nietzschean genealogy is a "modest" methodology suggesting that what exists has not always existed and that there are no elevated origins or beginnings of truths, practices, man or society.

It should be noted that despite the importance of his historical and genealogical conceptualization of police, Foucault did not offer a theory of police, nor a more comprehensive and systematic history of the development of police practice. In addition, our intention is not to offer a sketch of the history of police. There are already relevant sources about this (Bittner, 1970; Emsley, 2007; Martinot, 2003; Mladek, 2007; Monkkonen, 1992; Neocleous, 2014; Robinson & Scaglion, 1987). In this paper, we aim to highlight a seemingly "casual", "secondary" and sporadic concept present in Foucault's work – the concept of police. This "secondary" importance, and sporadicity shows the dispersion of this term in Foucault's discursive trihedral-legacy: books, lectures and interviews.

This term also appears sporadically in its various conceptualizations of diverse topics. We can find it only as hints, in *Discipline and Punish: The Birth of the Prison* (Foucault, 1995), *History of Madness* (Foucault, 2006a), and *The History of Sexuality* (Foucault, 1978). In a more systematized, but not fully articulated theoretical form, we will find it in his lectures held at Collège de France in the mid-seventies, in *Society Must Be Defended* (Foucault, 2003b), and *The Punitive Society* (Foucault, 2015), *Psychiatric Power* (Foucault, 2006b), *Abnormal* (Foucault, 2003a), and *The Birth of Biopolitics* (Foucault, 2008). Finally, it is only in the last lecture of *Security, Territory, Population* (Foucault, 2007) where "Foucault focuses on the technology of the police reconnecting it, as the regulatory technology in explicit rather than inferential fashion to biopower" (Philo, 2012).

The concept of police is dispersed in his interviews. Taking into account the scope of the published interviews and important readers in which the notion of police appears (Burchell, Colin, & Miller, 1991; Crampton & Elden, 2007; Gordon, 1980; Rabinow, 1984), we will mention only a few Foucault sources relevant to this topic: *The Political Technology of Individuals* (Foucault, 2001c), *Prison Talk* (Foucault, 1980b), *The Politics of Health in the Eighteenth Century* (Foucault, 2001d), *The Politics of Health in the Eighteenth Century*[6] (Foucault, 2014), *On Popular Justice: A Discussion with Maoists* (Foucault, 1980a), *The Eye of Power* (Foucault, 1980d), and *The Birth of Social Medicine* (Foucault, 2001b).

Foucault does not talk just about one, but of several types of police, a number of their conceptualizations that are used for different purposes and which oscillate in the trihedral legal system, disciplinary mechanisms and regulatory, security apparatuses-dispositifs and their different technologies of power and management. In this sense, one can find: policing of statements and a policing of sex (Foucault, 1978: 18, 25), disciplinary police of grain (Foucault, 2007: 45), medical police (Foucault, 2003b, Foucault, 2001b: 140), police of health (Foucault, 2001d: 171), police of hygiene (Foucault, 2003b: 83), sanitary police (Foucault, 2003a: 350), disciplinary policing of knowledges (Foucault, 2003b: 182), 'police' of the social body (Foucault, 2001d: 95, 2014: 117), police state (Foucault, 2007, 2008) well-policed state (Rabinow, 1984: 16), Police intérieure (Foucault, 2006a: 36) – internal police of psychiatric clinics; *maréchaussée* (Foucault, 2007: 335) – that is to say, "the armed force that royal power was forced to deploy in the fifteenth century in order to avoid the consequences and disorders following war, and essentially the dissolution of armies at the end of wars" (Foucault, 2007: 335–336). These variations of the concept of police in Foucault's works are not only the result of different contextual uses, but also changes in the historical and geographical meaning of the term.

[6] This is one of two texts that Michel Foucault published under the title The politics of health in the eighteenth century. The two texts appeared in volumes also bearing the same title, *Les Machines à guérir* [Curing Machines] and the first was published in 1976. This year's volume was published in Paris by the *Institut de l'environnement*, but these two texts are not identical. They are approximately the same length, and the second halves of the two essays are virtually identical (one paragraph from the 1976 version is omitted in 1979). The essays' first halves differ in significant ways and the (current) second essay also includes a long list of 'bibliographical suggestions', that were not to be found in 1976 (Foucault, 2014).

Although the first organized police force was created in France by Louis XIV in 1667, it was first recognized as a disciplinary field of study and part of the academic discourse in Germany, where *Polizeiwissenschaft* became part of the science about the State – *Staatwissenschaft*. We can find in Habermas' work that modern economics 'was no longer oriented to the *oikos*; the market had replaced the household, and it became "commercial economics" [...] and this "forerunner of political economy was part of 'police-science'" (Habermas, 1991: 20). The same applies to the science of the state (*Staatswissenschaft*), whose part is *Polizeiwissenschaft* (Foucault, 2001b: 138; Habermas, 1991: 30). The police at the time signified a program of "government rationality" (Foucault, 1984: 241) and "links between rationalization and power" (Foucault, 2001a: 299).

The meaning of the term police (politie, polizei, polizia) changed from the end of the seventeenth to the nineteenth century. In continental Europe of the sixteenth century, it mostly meant management (not yet governmentality in Foucault's sense of the word). This is especially true for German countries of the seventeenth and eighteenth century where *polizei* indicated "good order", and was often synonymous with state and social welfare. It could also be found in Italian regions in the seventeenth century, but much more vaguely defined. The word *police* was hardly used in England in the eighteenth century, due to the domination of Aristotle's notion of *politeia* and *policy.*[7] Montesquieu at the beginning of the eighteenth century could already conclude that England was 'a well-policed nation (*une nation très bien policée*)' (Emsley, 2007: 63). However, the original French meaning of the word always implied the "urban question" or *urban regulation* and the principles of the internal management of cities. For Foucault, the question of the police was primarily based on an "urban model" (Foucault, 1984: 242, 2007: 339).

A methodological problem much more important than the traps of periodisation is the possibility to analytically separate historical formations as different regimes of power in Foucault's work. Foucault's notion of police seems to be inconsistent with his description of three general dispositives of power: sovereignty, discipline and security. Furthermore, it seems not consistent with his periodization of the forms of government – where the first contrasted absolutism (sovereigny and law) with the disciplinary society and the second contrasted an administrative state ("police"/"Polizei-ordnungen", Cameralism) with liberalism ("governmentalization of the state", "society of security") (Hunt, 1996). This is because we claim that police as a type of regulatory power and practice characteristic for the dispositive of *security,* were "born" according to Foucault much earlier – during the eighteenth century. In that sense, it was a modulation of the disciplinary dispositive of power.

It means that police practice as a regulatory type of power/knowledge does not appear *after* the disciplinary dispositive was established, but in parallel with its development and erosion of the dispositive of sovereignty. Hence, the importance of the concept of *dispositive*, one of the most obscure Foucault's terms.

Dispositive is a dispersive term in the double sense, both in its thematic contextualization and its meanings. It can be said that until the idea of security and related notions of population, biopolitics, life and regulation (including the police) were elaborated, this term did not have a firm thematic anchor in any of these large regimes of power. Foucault's "technical vocabulary remained irregular for many years" (Veyne, 2010: 13). Therefore, this term does have multiple meanings, which is best illustrated by Foucault's words:

What I'm trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions – in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements. Secondly, what I am trying to identify in this apparatus is precisely the nature of the connection that can exist between these heterogeneous elements. Thus, a particular discourse can figure at one time as the programme of an institution, and at another it can function as a means of justifying or masking a practice which itself remains silent, or as a secondary re-interpretation of this practice, opening out for it a new field of rationality. (Foucault, 1980c: 194-195)

Therefore, it is sometimes possible to use the concept of dispositive for all three major historical power regimes: sovereignty, discipline and security (regulation), since all have the elements mentioned by Foucault. This is, for example, the case with the use of this term in *Psychiatric Power* where dispositifs refer to "disciplinary apparatuses" (Foucault, 2006b: 63).

[7] This is pointed in the comment made by the interpreter of Aristotle's *Politics*, Tomislav Ladan: "In *Politics* to mark the state order, in which the power is in the hands of the majority – "middle" people who possess a smallish personal income and administer the country in the interest of all citizens, Aristotle uses the term 'politeia'. However, he warns how this can mean state system in general. In such a broad sense, the term 'policy' is used many times in *Politics*... The German translator is much more cautious. He warns of the conceptual relationships that we today no longer know, but also to the inconsistency and uncertainty in the use of names, which certainly comprise the famous cluster of Greek words from *politeia* to *politics*, to which the most modern word is related – police, not only through its ancient root." (Aristotle, 1988: 278).

However, we opt for a more precise meaning of the term; dispositive shall refer to a strategic feature of each regime of power. In this case, the dispositive of security is regulation or regulatory practice, governmentality of life. Foucault himself did not locate dispositive and its meanings more precisely in the security dispositive before the late seventies (1977–1978). Therefore, he talks about: legal system, disciplinary mechanisms, and security apparatuses (dispositifs) (Foucault, 2007: 16). In other words, its strategic trihedral legality-discipline-security has its own semantic transposition in the trihedral: system-mechanisms-dispositif. The system is a question of law, mechanisms are the question of individualisation, while dispositive is the question or bio-politics of the multitude (population). As Agamben (2009: 1) wrote, "the word dispositif, or 'apparatus' in English, is a decisive technical term in the strategy of Foucault's thought. He uses it quite often, especially from the mid-1970s, when he begins to concern himself with what he calls 'governmentality' or the 'government of men'. Though he never offers a complete definition [...]". In the same way, Paul Veyne makes an important observation that the term dispositive has another significant methodological function: "By using the word dispositif [...], Foucault was able to avoid the word 'structure' and so to avoid confusion with the ideas of structuralism which was then very trendy as well as being very confused" (Veyne, 2010: 149). Dispositive was in a certain way, in Deleuzian terms, Foucault's "lines of flight" (Deleuze, 1997) from structuralism, which will enable him to say to his critics: "I have never been a structuralist" (Foucault, 1998: 437).

Once again, it is important to note that this is not about historical sequences and shifts, nor that the dispositive can only and exclusively be linked to security and regulation technology. Nor is there any system (of legality and sovereignty) without: discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, or disciplinary mechanisms.

At one point in the eighteenth century, three key dispositives of power seemed to function parallel with each other, but at the same time, their profiling could be identified. In this respect: "[L]et's say then that sovereignty capitalizes a territory, raising the major problem of the seat of government, whereas discipline structures a space and addresses the essential problem of a hierarchical and functional distribution of elements, and security will try to plan a milieu in terms of events or series of events or possible elements, of series that will have to be regulated within a multivalent and transformable framework" (Foucault, 2007: 35). Then, the question arises: How could regulatory police practices appear within the newly established disciplinary dispositive in the eighteenth century? The following section describes the liminality of the concept of police in Foucault explaining the hypothesis that it represented a significant modulation within the emerging disciplinary dispositive.

4 Modulation of Dispositives – Liminality of Police Practice

So far, we have noted that the eighteenth century was a focal point of multiple modulations and transitions: a modulation in the order of life, towards a new regime of life, "biological regime"; a modulation in the order of power towards a regulatory practice of power; a modulation in the order of knowledge towards the establishment of the sciences of biology, political economy and linguistics as well human sciences. Until the second half of the eighteenth century, disciplinary mechanisms remained in the shadow of the great sovereign power whose key trihedral war-law-death or sovereignty-war-law governed human life through the concept of ritual and ceremonial death, just like the famous execution of Damiens in 1757. Therefore, this was governing through singular deaths, and not governing the lives of the population. Because the sovereign power of the old regime "traditionally exercised two great functions, that of war and peace. It exercised them through the hard-won monopoly of arms [...]" (Foucault, 2001d: 94). For a long time in the West, the law was just an extension of the king's body – its most important continuation: "Right in the West is the King's right... And when this legal edifice escapes in later centuries from the control of the monarch, when, more accurately, it is turned against that control, it is always the limits of this sovereign power that are put in question, its prerogatives that are challenged" (Foucault, 1980f: 94).

The eighteenth century was a crucial historical turning point when we saw the breakdown of institutions and practices within the old sovereign order which dealt with the question of life and death, and the emergence of a new disciplinary society and disciplinary mechanisms. This was the period of multiple mutations and discontinuities in the old political and economic order. It was the century of the ascent of political and civil rights. Moreover, "[a]t the end of the eighteenth century, people dreamed of a society without crime. And then the dream evaporated. Crime was too useful for them to dream of anything as crazy, or ultimately as dangerous, as a society without crime. No crime means no police" (Foucault, 1980b: 47).

And just like that, by the end of the 18th century, a gloomy ceremony of punishment started disappearing along with the body exposed to public torture and execution (Foucault, 1995). Not even thirty years had passed since the dramatic ceremony of Damiens' public execution when Bentham's *Panopticon* appeared in 1787. It is amazing that so many large

mutations accumulated in one century; a long history of the punishing, stigmatising body was interrupted; the body entered a new history or rather a new one genealogical stream – of relations, power, knowledge, gaze, surveillance, practices of instilling discipline, obedience; in the relations between production and usefulness; new spatial relations; new dynamics of the time structure – new space and time arrangements. The great mutation of the old biological system meant a permanent shift from pandemic diseases and mass mortality which had a face of plague, to endemic diseases and imbalance in favour of life and its exponential growth. The population had just consolidated biologically and increased, experiencing a modest but sustained growth, when new fears surfaced. This is where Malthus (1998) saw the legitimacy of this new danger. It was no longer the fear of the old order of death, but the fear of a new order of life that began to emerge. Just as eighteenth century productivity began to conquer death, shortage, scarcity, hunger, and disciplinary hygiene regimes to overcome disease, Malthus was afraid that the productivity of life would outpace the productivity of resources. One should remember that Malthus' fear arose in the midst of the breakdown of the old order, in the midst of productivity, in the midst of the economic optimism of physiocrats and mercantilists. Malthus' fear is still a vivid memory of the possibility of a shortage, just when there was food available. But now there is no longer an old balance of epidemics and high mortality rates, but the thriving of life. This is what we can identify in Foucault as police of grain (Foucault, 2007: 45).

The equilibrium of the old biological order, which was established by a large mortality, was broken with the twin measures: hygienic/medical, and economic/political. The old economic order built on the land and wealth was broken by the development of manufacturing and the first industrial plants, as well as the concept of political economy. The old political order of the monarchical sovereignty finally fell apart in the Revolution, although this old political edifice 'would none the less have fallen, though it would have given way piecemeal instead of breaking down with a crash' (de Tocqueville, 1856: 36). The Great Revolution was only a vibration in the century affected by general mutations. The biological, political and economic mutations in the 18th century "made it necessary to ensure the circulation of effects of power through progressively finer channels, gaining access to individuals themselves, to their bodies, their gestures and all their daily actions" (Foucault, 1980d: 151–152). While the "monarch exercised power in a nakedly violent fashion, bullying the population", with the "ambition to control unruly hearts and minds by dramatic means", the later period "then ushered in a new, more efficient, cleaner and far-reaching form of power, one which ceased to treat the body as mere 'meat' to be hacked up with the purpose of provoking fear in a society's subjects" (Philo, 2001: 481).

The body, therefore, was no longer a place where the sovereign would demonstrate his power, but on its surface the new economic and disciplining practices were imprinted, microphysics of productivity, new practices of the spatial deployment of bodies, the surveillance and discipline (Marinković & Ristić, 2015). These are areas in which, in the deployed body, something else was imprinted. It was no longer a mark, a sign of shame, injury, death, but rather the view, oversight, power/knowledge, productive practices of movement (speed, agility, skill, rhythm). In this way, the "new" body was inscribed in a new way that the epoch would govern as its strategic technology. It was inscribed in the epoch through the new optics of light and control mechanics – through new discourses and practices of power/knowledge which were handled, as the strategic resources, first by the discipline through its individualized body-productivity, and then the regulation through the body-multitude – population. Only then, the body became a bio-political and bio-police reality and "medicine a bio-political strategy" (Foucault, 2001b).

The sovereign's presence is ceremonial and his premises are court, residences, sometimes main squares where his will is executed. He will never gaze at unkept quarters, peasant' or workers' houses, brothels, ports, overcrowded buildings and flats in workers' settlements, the places of odours and unsightly scenes, courtyards, taverns and coffeehouses (the dubious third places) (Marinković & Ristić, 2016b) in which plots are hatched, political pamphlets written and first newspapers start to come out), hospitals or inns, mazes of narrow, dark, stifling streets that will at some point pose a threat to the order and health population. "A fear haunted the latter half of the eighteenth century: the fear of darkened spaces, of the pall of gloom which prevents the full visibility of things, men and truths" (Foucault, 1980d: 153).

A new type of power emerged, to establish a rational regulation, to give a new legitimacy for the surveillance that will find its way into the public and partly private life of people. It was no more monolithic power, but synaptic (Foucault, 1980b: 39), a capillary form of power that corresponds to the new, increasingly thicker fabric of the society.

The police deploy technologies and practices precisely in these new areas, and will not be interested in centralised surveillance, which Bentham previously considered to be archaic (Foucault, 1980d: 160) and outdated. It will rather use a regional distribution of surveillance over small fragmented things related to the everyday life. The sovereign "[p]ower had only a weak capacity for 'resolution', as one might say in photographic terms; it was incapable of an individualising, exhaustive analysis of the social body" (Foucault, 1980d: 151). It should be noted that this does not refer to the concept of

social body in a metaphorical sense. In Foucault, the social body appeared exactly at the same time as the police and its technologies: "We see that the police constituted a complete administration of the social 'body'. This term 'body' must not be understood in a simply metaphorical fashion, because it is a question of a complex and multiple materiality that includes, apart from the 'body' of individuals, the ensemble of material elements that insure their life, constitute the framework and results of their activity, and allow for transportation and exchange. The police, as an institutional ensemble and as a calculated modality of intervention, was responsible for the 'physical' element of the social body" (Foucault, 2014: 117). This new technology of regionalised surveillance appeared only with the police.[8] Then, police and medicine take responsibility for what is regional (Foucault, 2001b: 141).

It is no longer power *over* the society (the sovereign's power), but the power that is being implemented within the society (regulatory power), which is "inserted" as a constant in human behaviour, their demeanour, their learning in their everyday life (Foucault, 1980b: 37). The sovereign is not interested in regionalization, diminishing, fractalisation of the area and its fragility. Sovereign is always interested in centralisation. However, all these new spaces are what will interest the police: "What the police are concerned with is men's coexistence in a territory, their relationships to property, what they produce, what is exchanged in the market, and so on. It also considers how they live, the diseases and accidents that can befall them. In a word, what the police see to is a live, active, and productive man" (Foucault, 2001c: 412). This is why "the birth of police" in the eighteenth century is not an answer to the question of how men became disciplined or how men became good. It is not even the question of how society excluded criminals and criminality and how society, with this exclusion, was constituted as a society of "normal", "rational" or "good" citizens. It is rather an answer to the question of how men became healthy. Even more specifically, although strange at first glance, the police were the answer to the question how men became beings that live, work and speak (Foucault, 2005). Therefore, this article argues that the "mission" of the police was to regulate the life of men. By this we do not think of police as a force that allows people to live – exactly the opposite: the police used regulatory technology and power that allowed for the development and proliferation of life. This was a power of producing social conditions where life was more than just a survival.

In the regionalisation and segmentation of the area, the police will use their regulatory practices and localise anything infinitely small – everything that has escaped the ritual gaze of the sovereign: "Everything that happens" – all those "unimportant things of which Catherine II spoke in her Great Instruction' (Foucault, 1995: 214). The sovereign – this is politics; the life of the man – this is police. Finally, the sovereign is interested in wars; the police are interested in life. Johann von Justi noticed these modulations within the old dispositive of legality, while working on one of his first books – *Polizeiwissenschaft*, in the mid-eighteenth century.

Die Politik is basically for him the negative task of the state. It consists in the state's fighting against its internal and external enemies, using the law against the internal enemies and the army against the external ones. von Justi explains that the police (Polizei), on the contrary, have a positive task. Their instruments are neither weapons nor laws, defence nor interdiction. The aim of the police is the permanently increasing production of something new, which is supposed to foster the citizens' life and the state's strength. The police govern not by the law but by a specific, a permanent, and a positive intervention in the behaviour of individuals (Foucault, 2001c: 415).

The police will intervene in actual, practical life, between work, communications, contact, coexistence, urban density, potential diseases, hazards and sovereign power that will see it, not as people and their actual life, but in the form of the first statistical data, annual or monthly reports. The still sovereign government, in its historical and political end, will be interested in an average, not individual cases; population, not an individual; number, not a man; endemic, not epidemic diseases.

Louis XVI will become aware of it, that he lives at the end of an old dispositive and that something should be changed, but it will be too late. In this new, primarily urban everyday of the masses who grow into new bio-political reality, population, old fears of public executions will eventually fade away, and new fears of closure, imprisonment as a general dispositive of punishment, crime, of miasmic places will revive. There are societies or penal practices of exclusion (Ancient Greece), redemption (Germanic societies), stigmatising or confinement (Western societies at the end of the Middle Ages) (Foucault, 2015: 6–9), and those will be replaced by surveilling and closing societies. Justice of the old regime "only arrested a derisory proportion of criminals; this was made into the argument that punishment must be spectacular so as to frighten the others" (Foucault, 1980d: 155), until the prison becomes space to which punishment will move and spread out; space in which the look will turn into examination (*examen*) or a new form of analysis based precisely on the new legislative, judicial and criminal practices. The panoptic space, not just the prison but all its components as well (clinical, family, factory), will have now their observation and its laboratory side (Foucault, 1995:

[8] In another article on police and the birth of governmentality, we claim that "early" police were spatially regionalized and segmented social mechanism (Marinković & Ristić, 2017).

203). Its naturalist side firmly stands on the botanical garden model, the "unencumbered spaces in which things are juxtaposed: herbariums, collections, gardens" (Foucault, 2005: 143); spaces where they will be seen to be grouped, classified; so that the look could determine the differences; to make a table and work out the averages. Its laboratory side will be dependent on the practices of investigation and examen. The punishment and old inquisitorial investigation will leave the body so that a new type of gaze could appear, panopticism, which will establish a regime of surveillance and discipline. Because the deprivation of liberty and imprisonment were not part of the European penal system before major reforms took place in the period 1780–1820: "Eighteenth-century jurists are unanimous on this point: 'Prison is not regarded as a penalty in our civil law ...'" (Foucault, 2015: 249).

However, the practices of ceremonial punishment used to renew the undermined sovereign's power will not disappear all at once, but will gradually fade and disappear as public performances. They will even be temporarily restored by the new revolutionary regime since the emerging disciplinary dispositive and its technologies of individualisation and normalisation have not been institutionalised yet: "The head of Delaunay was paraded around the captured Bastille; around the symbol of the repressive apparatus revolves, with its ancient ancestral rites, a popular practice which does not identify itself in any way with judicial institutions" (Foucault, 1980a: 6). Nevertheless, while the old ceremony of the sovereign power is being temporarily restored, it is still hard to imagine that the same ceremony is archaic and will soon be replaced by a new one. While the looks directed towards Delaunay's head are still trapped in the old trihedral sovereign-law-repression, the medical gaze penetrates unnoticed into dungeons. But, what is he doing there where he did not belong before? There, where only the gaze of law and legislation reigned supremely, this gaze brings a new classificatory scheme. This is a look that will separate and thus "free" the healthy from the sick, mental patients from criminals, able-bodied from vagrants.

The great constituent scene of Pinel's "liberation" of detained patients in Bicêtre in 1792 (Foucault, 2006b: 28) also suggests changes and the emergence of a new dispositive. However, there is still great intermingling, the absence of new classificatory power. As the sick can still be found in the dungeons of the Bastille, in Bicêtre, the former military paradigm and then the one of a large general hospital, detainees can be found in the prison. In the "old" dispositive of sovereignty, there is no normalisation, no repair. There is a force of removal, expulsion, force of the royal sword, permanent disproportion of punishment and crime. When the sovereign tries to 'heal', this is also done in a ritual manner through a periodic healing ceremony, the royal touch (Bloch, 2015; Brogan, 2015). The king touches persons and the new dispositive *governs* the mass; the king is the ritual and technologies of power become routines; the king is a performance and he has subjects: the king expels, kills or heals in a ceremonial way; new mechanisms normalise and new dispositives signify the implementation of hygiene measures, individualise diseases and regionalize police practices.

Therefore we can speak of a modulation within the dispositive of the sovereignty where disciplinary mechanisms and regulatory practices of power gradually penetrate in the population. Within the disciplinary regime, with its new mechanisms (of surveillance, individualization, bodily practices, imprisonment, normalization, correction, re-socialisation), a modulation appeared, and it had a form of police.

The police appeared as the assemblage of situational interventions that sustained living and coexistence with the purpose of sustaining and developing state forces. This is why the police were part of the circle that starts from the state, as a rational force and calculated interventions over individuals, and "returns" to the state in a new form as the assemblage of forces over the life of individuals. This is no longer only the bare life (Agamben, 1998) of people, but also a problem for the sovereign. The concept of life that the police were interested in was a question of emerging practices concentrated within the urban areas.

Regulation was the main instrument of the police in the form of generalized discipline. It will be clearly distinctive from the other types of royal (sovereign) power, such as judicial power. The police were not justice, they stemmed from royal power; like justice, only different. The police were not a matter of the extension of justice as they enabled the sovereign to have a direct influence, only in a non-juridical way (Foucault, 2007: 339). In other words, the police were born as a non-mediated, direct governmentality of the sovereign as a sovereign; or, "let's say that police is the permanent *coup d'État*" (Foucault, 2007: 339), because it opposed sovereignty with a different type of rationality, that is, a new regulatory type of power. It was the assemblage of the regulatory practices emerging within the disciplinary dispositive and in the erosion of the dispositive of sovereignty. This means that from the end of the sixteenth until the eighteenth century, there was a great proliferation of local and regional disciplines within workshops, schools, hospitals, prisons and army, which was the consequence of the imposition of a new type of social power, that of urban practices of regulation. Trade, city, regulation and discipline were the characteristic domain of police practice during the seventeenth and eighteenth century (Foucault, 2007). That is why Foucault believed that one of the crucial and typical elements of the police was the "man as

the true subject" (Foucault, 2007: 322) or his life as the true subject. A subject is not just what is subjected, but also what is "born" in the resistance to repression. For police, a subject was not only characterised by subordination to discipline and repression, but also by active life, work and production.

What is characteristic of a police state is the interest in what people say and what people do, the interest in their "occupation" (Foucault, 2007: 322). Indeed, the early form of the police was the rudimentary form of biopolitics – bio-police. While the sovereign represented authority and power, the police were governing and governance. Another important difference is that the police did not want revenge like the sovereign, there is the restitutive character and modulation as well, the police wanted balance! Regulation was more about restitution and not retribution or revenge. While the sovereign exercised ceremonial revenge and retribution over the body of the subordinate, the police emerged in the form of generalized discipline; not over an individual body, but over the population.

It is something else, namely regulation, the main means of the police system, which, as I was just saying, [in the form] of a generalized discipline [no more individual – author's comment], was the essential form in which one conceived of the possibility and necessity of police intervention. The postulate of police regulation was, of course, that things were indefinitely flexible and that the sovereign's will, or the rationality immanent to the ratio, to raison d'État, could obtain what it wanted from them (Foucault, 2007: 445).

In this sense, this was not the police of repression, the police of torture of the individual body, the police of strict prohibition or universal centralised surveillance. It was "the art of managing life and the well-being of populations" (Foucault, 2007: 407). Of course, police and the development of regulatory technology of power in the eighteenth century had little to do with our present notion of police. The "original" functions of the "early" police, which Foucault wrote about, were not discipline or militaristic in the true sense of the word.

5 Conclusion

In this paper, we have shown that although Foucault's use of the term police is inseparable from all the key concepts that constitute his analytics, i.e. power (power/knowledge), rationality, surveillance and control, governmentality, medical gaze and discourse, penal, disciplinary and regulatory diagrams, sexuality, crime, insanity, biopolitics and biopower, none of these key concepts has been developed into a kind of Foucault's theory: his theory of power does not exist (Foucault, 1998). Although this is a strategic concept, there is no theory of rationality of the European type, and there is no theory of sexuality and biopolitics.

Perhaps to some (false) modesty, Foucault was satisfied only with analytics and not theory, genealogy, not history, one regional geography (first the French and then European) a local cartography (Deleuze, 2006), analytics that seek to "shift away from a juridico-political discourse of violence, where the concept of sovereignty reigns supreme, and toward historico-political relations of power" (Jabri, 2007). For him, the local archive was of greater importance, the local archaeological 'site' of a certain discourse and very specific social practices, and singularity of the event "stripped of any uniform purposiveness" (Veyne, 2010: 12). Finally, like Weber, Foucault was a nominalist. This was more analytics of transitions, transformations and modulations, than the history of continuity.

In this regard, in Foucault's body of work we did not find a large, extensive history of police that dates back to antiquity. His research will show us the forgotten eighteenth-century police archive records, regulations of local cities on hygienic-police measures, regional and urban practices that attempted to re-establish the disturbed order of life after major epidemics, shortages and famine, starvation or robberies. Foucault's interest in the police is less part of his archaeology of a type of discursive practices that are deposited in one time and one space and more a genealogy; the birth of a network of branched lines of a practice of surveillance, control, discipline and regulation whose original subject is life and man (Foucault, 2001c). These are the lines of "genealogy of technologies of power" (Foucault, 2007: 55).

Shifting from the technology of disciplinary to the technology of regulatory practices marked the permanent shift from the individual body (sick or healthy) to a new collective body, the population. Certainly, by shifting to the regulatory dispositive, police will not abandon disciplinary mechanisms. It will activate them in a situational and temporary manner, but their permanent and true subject will be the man and life, the life of multitude, of population. These are the very objects of the regulatory dispositive and key trihedral in which the police began to operate: order-wealth-health.

We tried to add and demonstrate to this Foucauldian perspective that police were liminal or border term in Foucault's work and it shows why his typology of three great dispositives of power should not be conceived as historical chronology. The early concept of the police was a type of regulation within social life that enabled the life of society, the organization and coordination of institutions within what Foucault called disciplinary society. We have seen in the article that police, as

the regulatory practice, just "announced" the type of power that will be further developed through the urban, medical, hygienic and other models of regulation over the life of population as biopolitics. Therefore, police were a significant regulatory modulation or mutation of the large disciplinary dispositive of power.

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Gre za raziskovanje pomena in pomembnosti koncepta policije v delih Michela Foucaulta. Čeprav Foucault ni ponudil teorije ali sistematične zgodovine razvoja policije, trdimo, da je Foucaultev koncept policije manj del njegovega arheološkega projekta in analitike diskurzivnih praks, temveč bolj genealoški. Foucaulteva genealogija policije se nanaša na nastanek mreže razvejanih vrst regulacijskih praks. V prispevku želimo prikazati, kako je zgodovinski pojav policijske prakse v Evropi v 17. in 18. stoletju, zlasti v Franciji in Nemčiji, predstavljal pomembno modulacijo znotraj dveh velikih dispozitivov moči – suverenost in disciplina. Foucault je s svojo genealogijo policijske prakse pokazal, kako regulativne prakse moči/znanja postopoma prodirajo v populacijo. Policija je nastala kot oblika regulativne prakse, ki je prežeta z novim pojmovanjem življenja – življenja populacij in družbe ali kar je kasneje postalo stalni predmet policije.

Ključne besede: Michel Foucault, genealogija, moč/znanje, policija, regulacija

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