

The Scope of Law within the Interstices of Governmentality

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This Author draws heavily from the works of Michel Foucault in explaining models of power and governmentality. The emergence of the disciplinary powers of the government is rooted in the industrial revolution and the release from monarchic and Machiavellian concerns, which led to the collective belief in the creation of a State. With the State as the end in mind, governmental action was justified if done in response to the set problems it faced.

The Article presents the population in general and the individual as the two poles which the government concerns itself with and by virtue of its responses towards the problems and concerns presented by these two poles, it built a system of knowledge and action aimed towards addressing their welfare. Using Foucault's view that individuals are free only to the extent that the government, as a disciplinary power, allows them to be, the issue at hand therefore is not the individual's consent nor coercion, but the degree of legality of the exercise of governmental power.

With these regulations, one is expected to conform to a norm, a durable yet flexible standard of measurement that applies to the group which created it, and such norm is the goal which the regulation seeks to attain. The Author argues that this mode of normalization and control does not diminish legal nor judicial power and presents resistance to this disciplinary power as still controlled with the illusion of sovereignty, using the example of an exercise of rights to illustrate this point. The Author concludes that governmentality merely conceals the element of control and domination in disciplinary acts.