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CONFESSION AND POLITICAL NORMATIVITY:

Control of Subjectivity and Production of the Subject

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Abstract

The theme of confession, present in the reflection of Michel Foucault since the early 1960s, pursued the same direction of his researches from the late 1970s concerning the problem of government and the studies of governmentality. Under this perspective, confession is taken as *recognition* through which the subject authenticates in himself or herself his or her own actions and thoughts. Therefore, it is not only a verbal act by means of which the subject states the truth of his or her being; confession also binds the subject to truth, throwing him or her in a relation of dependency regards the other, and, at the same time, modifying the relationship that he or she establishes with himself or herself. According to Foucault, this is what explains the massive growth of practices of confession in Western societies up until their actual inscription at the heart of procedures of individualization typical of modern political power. This paper explores Foucault's analysis of confessional practices and its recent developments in the work of Giorgio Agamben (*Opus Dei. Archeologia dell'Ufficio*, 2012) and Roberto Esposito (*Due. La macchina della teologia politica e il posto del pensiero*, 2013).

Keywords

Confession, oath, subjectivity.

Resumen

El tema de la confesión, presente en la reflexión de Michel Foucault desde principios del decenio de 1960, persiguió la misma dirección de sus investigaciones a partir de

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finales de 1970 en relación con el problema del gobierno y de los estudios de la gubernamentalidad. Bajo esta perspectiva, la confesión se toma como *reconocimiento* a través de la cual el sujeto autentica en sí mismo sus propias acciones y pensamientos. Por lo tanto, no es solo un acto verbal por medio del cual el sujeto establece la verdad de su ser; la confesión también une el sujeto a la verdad, colocándolo en una relación de dependencia con el otro y, al mismo tiempo, cambiando la relación que él establece consigo mismo. Según Foucault, esto es lo que explica el crecimiento masivo de las prácticas de la confesión en las sociedades occidentales hasta su inscripción efectiva en el corazón de los procedimientos de individualización del poder político moderno. Este artículo explora el análisis de Foucault de las prácticas confesionales y sus recientes avances en el trabajo de Giorgio Agamben (*Opus Dei. Archeologia dell'Ufficio*, 2012) y Roberto Esposito (*Due. La macchina della teologia politica e il posto del pensiero*, 2013).

Palabras clave

Confesión, juramento, subjetividad.

Introduction

In 1979 the American political scientist John Gunnell defined the academic subject of Political Theory as a "plea for a new foundation necessary for political action when it is no longer efficient in the maintenance of order. What is required is a new beginning."[1] The problem, according to Gunnell, is that this *foundationalist* task of the Political Theory cannot be carried out without sacrificing the reflected political action.

> Both rulers and ruled, and at times even the founders, should be held within the myth of ordination and of institutional order in such a way that the unpredictable and marginal character of individual action would be nullified. From *The laws* of Plato (by Polybius, Machiavelli, Harrington, Montesquieu, Hume) to the *Federalist Papers*, the dream has been to overcome by way of *some artifice* [my italics] the uncertain and singular character of human behavior, that is the very substance of

1. J. Gunnell, *Teoria Política*, UNB, Brasília, 1981, p. 110.

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> history and politics, through the wisdom of institutions imbued with the knowledge of theory when it is of their foundation.[2]

Defined in this way, the function of Political Theory would be the nullifying of that which made up the historical reality of *the politic*, that is, the unpredictable, marginal, and uncertain character of human behavior. Consequently, for the American political scientist, what has been celebrated by some scholars as symbolizing the *revival post-mortem* of Political Theory, — *i.e.* the theory of justice of John Rawls, the communicative theory of Jürgen Habermas, the interpretivist theory of Charles Taylor, etc. — can be perceived as exactly the opposite: the end of Political Theory, or, in the words of Gunnell, its alienation in relation to *the policy*.[3]

> At the core of the alienation of political theory has been the tendency, born of a search for intellectual identity and authority, to subscribe and become hostage to various philosophical doctrines — particularly those involving the foundations of scientific and normative judgment. This has encouraged the construction of abstract images of both the activity and object of inquiry and of the relationship between them.[4]

If we accept the proposition of Gunnell according to which it is necessary to consider the Political Theory as a type of "meta-practice" by which the world is defined, implicating consequently, presupposed ontological ideas through which the universe of phenomena and vision of reality would be defined and a facticity domain created. Therefore, a question that could be placed is: how, in what way, utilizing which *artifices* did Political Theory construct its facticity domain in which uncertain and irregular action of individuals is banned? How does Political Theory establish its foundations and the players destined to perform in them? In what way does Political Theory *politically act*, produce political effects?

This is not about trying to answer these questions, but to place them as an initial research problem. In this way, referring back to a discussion already initiated, it deals with perceiving the development of Political Theory through the history of the transforma-

2. Ibid.
3. See J. Gunnell, *Between Philosophy and Politics. The Alienation of Political Theory*, The University of Massachusetts Press, Amherst, 1986.
4. J. Gunnell, *The Orders of Discourse: Philosophy, Social Science, and Politics*, Rowman & Littlefield Publishers, Boston, 1998, p. XII.

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tions of the subject of political practice. As such, this article seeks to address the theme of confession in the reflections of Michel Foucault surrounding governmentality, seeking to seize the political function attributed to it, namely, that of the *police of subjectivity*. From the analyses of Foucault it is possible to discern the confession as being one of the main means through which a subjective policing was established in occidental societies, far-reaching and comparable to that enormous *civilizing process* that Elias presented as that responsible for the establishment of individual self-control.[5] Next, starting from the reflections of Giorgio Agamben and Roberto Esposito around *political-theology*, very brief points will be made that will allow for the application of a Foucauldian approach of confession to the domain of Political Theory.

The confession in the studies of Michel Foucault

The confession occupies the thoughts of Michel Foucault since the beginning of the 1960s, when the philosopher still dedicated his studies to the madness theme. The reflection became very well known. Through his studies on madness, Foucault shows the birth of the institutional asylum inaugurating what would be considered in modern times the happy era during which madness would finally be recognized and treated in its truth. Before the modern asylum, when the madman found himself chained within the interior of a hospital, madness appeared at the core of his internment only as an object of fascination or fear; however, the madman was not manifest in his being. In the Classical era a being of madness did not exist in the internment into the hospital. Thus, treatment was exclusively physical. Only in the modern care context asylums started to give madness a psychological and moral statute. The old physical techniques of the classical era would endure, certainly, in the modern era; however, they would no longer have a therapeutic objective, but a strictly punitive objective. In the modern era, the cure of madness would be nearly entirely the result of psychological and moral treatment procedures; procedures that were also responsible for introducing madness into the game of culpability.

However, it would be starting with the modern era that, according Foucault, the problem of madness displaces itself from a body and physical therapy to a moral interrogation about the subject; interrogation from which would be inaugurated a "psycho-

5. See N. Elias, *O processo civilizador, vol. 2: formação do Estado e Civilização*, Zahar, Rio de Janeiro, 1993.

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logical interiority".[6] In an article published in 1963, shortly after the *History of Madness*, Foucault says, in respect to this, that "the water [that in the classical era had a bodily therapeutical function], in the moral world of the asylum, would have a [punitive] function of conduct to the truth [...]; it obliges [the madman] to recognize himself in that which he is. It forces the madman to confess."[7] In the modern treatment of madness the confession would be a practice aimed to conduct the madmen towards "recognizing in himself that which he is", to recognize himself in the truth of his mentally ill being. Confession makes it possible the construction of the mad. Consequently, if madness of the classical internment only existed on the outside, that is, only for those who did the interning, as for the modern days, confession removes the exteriority that madness had, to interiorize it in its own alienation. In other words, if in the classical internment madness existed in an excluded state, it was however, an exclusion that still left one with the possibility of a subjectively free existence; of course not free of physical coercions, but free "of a subjection much more constraining, perhaps more decisive": its constitution aims for the knowledge of psychiatry.[8]

In his analysis of madness, Foucault inverts the traditional image of modernity into a triumph of freedom. The gesture of Pinel freeing the insane from their chains is at the same time the gesture in which modernity no longer imprisoned madness in chains, but in the order of psychiatric discourse.

> To remove the chains from the alienated, imprisoned in the cells, was to open up to them the domain of a freedom that would be at the same time one of verification; [it was] to allow them to appear with an objectivity that would no longer be hidden in the persecutions, nor in the furies that accompany them; [it was] to construct a pure asylum environment.[9]

When freeing mad people from their chains, modernity opened for madness not a domain of freedom, but the order of an objectivity, the order of a direction to which the madman should conform the existence of his being.

This way, the gesture that frees is at the same time an operation that imprisons within a new type of prison: the identity prison. With this, modernity built a domain in which madness began to exist in terms of truth, and while doing so, redefined the role

6. M. Foucault, *História da loucura na Idade Clássicae*, Perspectiva, São Paulo, 1999, p. 325.
7. M. Foucault, *Dits et écrits, I: 1954-1975*, Gallimard, Paris, 2001, p. 207.
8. M. Foucault, *História da loucura na Idade Clássicae*, p. 417.
9. Ibid., p. 466.

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of the internment as being one to reduce madness to its truth. The role of the asylum would consist, from now on, of organizing madness under a form of self-consciousness within a game of culpability: in order to be able to recuperate the purpose, the madman should recognize his mentally ill condition, being conscious of his own guilt. It deals with a movement in which the madman should be objectified from the perspective of psychiatric reason. And from this follows the necessity to force him to confess.

> What is required [...] is to confess. It is necessary not to perceive, but to say; even if it is said under the coercion of showers. Just the fact of saying something that is truth has in and of itself a function; a confession, even forced, is more operative in the treatment than is a just or exact idea, but that remains silent. Hence, the performative character of this statement of truth in the healing game.[10]

Force to confess because the confession, even forced by a cold water shower, has a performative function in the modern asylum in relation to the truth of madness: the confession operates the recognition of the madman in the identity that was constructed by the asylum internment. The function of the confession would be to affix the madman to the standard of his own social identity and connect him to a specific attribute of madness produced in the asylum environment. But how does this happen? Through the inclusion of madness in the domain of a language in which the subject is forced to speak in the first person. By speaking in the first person, the confession makes it possible for the individual himself to build within himself as mad subject: the *confessional statement makes the being* of the madness or, to revisit the title of John Austin's book, the spoken confessional is the making of the subject into reality of an objectification.[11] According to Foucault, the confession would make the madman "prisoner in a more real way than he could be in a cell or by chains, prisoner of nothing more than of he himself". Once "freed, the madman [...] could not escape anymore his own truth; he would be closed within it."[12]

It is perceived that confession, in the first studies of Foucault on madness, appears under a form of interrogation and of *the imperative use of language*: it is about a truth canonically imposed, in the form of the decree. With the confession, an identity, proper name, a past, and a biography is imposed. The confession is therefore, the disciplinary

10. M. Foucault, *Le pouvoir psychiatrique. Cours au Collège de France (1973-1974)*, Gallimard/Seuil, Paris, 2003, p. 158.
11. J. Austin, *Quando dizer é fazer. Palavras e ação*, Artes Médicas, Porto Alegre, 1990.
12. M. Foucault, *História da loucura na Idade Clássicae*, pp. 490, 508.

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form for submission of the body. And, in this sense, it is inscribed within what Foucault called psychiatric power for the subjection of body from a physical relationship of power in constitution of individuals. A similar analysis is found in *Discipline and Punish*, in which the confession is taken in its "double ambiguity": on one side, it is extracted by the oath made before the interrogation and over the threat of perjury and offense to God; and on the other side, it is ripped out with physical violence in the tortures. In both cases it is addressed as punishment whose function is to make the truth shine.[13]

Meanwhile, Foucault's concern over the confession theme followed the same direction of his research carried starting in the end of the 1970s, when he began to worry about the problematic of government.[14] In this new domain of the government or of the governmentality, the confession would still be readdressed as a *recognition* of the individual about his own truth, although in profoundly diverse terms. Beginning with the governmentality studies, the confession would no longer be perceived as the practice of objectification of the truth of madness in the individual, but as a practice of subjectification by which the subject authenticates in himself, and for himself, the truths of his own discourse. In this new scope of studies, the language of confession would no longer have an imperative use, but a *reflexive* use. It would no longer be apprehended in the form of interrogation as a disciplinary method for the submission of the body; but as a technique for directing behaviors; in other words, it will be taken from these governance practices that individuals display over each other, finding the main target in subjectivity, not within the body itself.

This coupling of the confession with governmentality studies widened considerably Foucault's analyses on the theme. When associated to the genealogy of psychiatric control, the confession appears under a form of identity imposition. Now concerned with the greater problem of governmental power, the confession studies open up to an extensive research field around the procedures of individualization by political power in general.

An indicator of this change, that lead the theme of the confession to open up other non-disciplinary practices, is found in that famous passage written in 1976 in which Foucault would claim that the confession became

13. See M. Foucault, *Vigiar e punir. Nascimento da prisão*[22], Vozes, Petrópolis, 2000, pp. 35 and ff.
14. See N. Avelino, "Governamentalidade e anarqueologia em Michel Foucault", in *Revista Brasileira de Ciências Sociais*, (25) 74, 2010, pp. 139-157.

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> [...] in the West, one of the most highly valued techniques for producing the truth. Since then we have become a singularly confessing society. The confession has spread its effects far and wide. It plays a part in justice, medicine, education, family relationships, and love relationships, in the most ordinary affairs of everyday life, and in the most solemn rites; one confesses crimes, one's sins, one's thoughts and desires, one's illnesses and troubles; one goes about telling, with the greatest precision, whatever is most difficult to tell. One confesses in public and in private, to one's parents, one's educators, one's doctor, to those one loves; one admits to oneself in pleasure and in pain, things it would be impossible to tell to anyone else, the things people write books about. Confess.[15]

Foucault displaces the perspective of the practices of psychiatric interrogation to other domains in which, notably, the confession is no longer seen as a burden, but is practiced with pleasure. The analysis displaces itself from the psychiatric power domain in which the confession figured fundamentally as an extortion technique, to other domains in which the confession comes to act as a voluntary practice and in the realm of desire. This demand was due, without a doubt, to the need to remove the analysis of sexuality from the images of a "power-law" and of a "power-sovereignty", drawn by natural law, in order to grasp the "power in concrete and historical intricacies of its procedures" and think "the sex without law and the power without King". The history of governmentality described by Foucault two years later, in 1978, came as a response to this.[16]

However, even after publishing the first volume of his *History of Sexuality*, already in the lectures of the 1975, Foucault directs his attention to Christianity, seeking to highlight the confessional practice in a deliberate and freewill form. He would say that even though regulated soon after, starting in 1215, by the Lateran Council, as an annual obligation, the confession, though compulsory, would not become authoritarian. Instead, as also shown by historians such as Jean Delumeau, with the obligation of the confession came as well "the need, for the penance specialists, to lean the clergy towards kind reception, patient and benevolent towards all sinners, in such a way as to help them overcome the dreaded downside of the confession."[17] And Foucault himself observes that the annual obligation initiated, on the contrary, the production of an enormously vast literature that, in turn, would instigate the Father to "have, in addition to power,

15. M. Foucault, *História da Sexualidade, v. 1: A vontade de saber*, Graal, Rio de Janeiro, 1993, p. 59.
16. Ibid., p. 87.
17. J. Delumeau, *A confissão e o perdão: as dificuldades da confissão nos séculos XIII a XVIII*, Cia. das Letras, São Paulo, 1991, p. 19.

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the zeal, that is, a certain 'love' or 'desire' [...] not a 'love of lust', but 'benevolent love' [...]. It is therefore this love, this desire, that should be effectively present in action, in the confession."[18]

In any case, if it is true that the annual obligation of the confession was not established as an authoritarian practice, but as a *colloquium fraternum*, nevertheless, its regulation formed the decisive fact that profoundly transformed the psychological lives of men and women in the West, by provoking the extensive dissemination of the confessional practice. And one of the most significant aspects is that the wide dissemination of the confession brought with it an entire didactic of penance over the form of general investment in the verbalization of the whole lives of the individuals and in their smallest details. A didactic that established the confession not simply as an examination of thought, but of the *types* of thought, that is, of the *qualities* of the thought; in other words, the desires. It was Foucault that called it the "cartography of the sinful body."[19]

In it, the confessor should examine what are the qualities of thoughts established by the individual in his actions. If the individual touched his own body, the question would be that of knowing which touches were dishonest: did he touch himself only out of curiosity, or on the contrary, sensuality? Did he touch himself to excite in himself indecent movements? Those movements lead to the ejaculation of semen or were they interrupted beforehand? In short, Foucault says, "the essential problem is no longer the distinction that already worried the scholars: real act and thought. The problem will be: desire and pleasure."[20] It does not deal with examining how much sin exists in the act, but how much intention, will and desire exist in the thought; what is in question is not the sinful act, but the form of subjectivity of the sinning subject. According to Foucault, this examination of desires led "to the old theme of the body being at the origin of all sins for the idea that there is lust in every mistake" and implanted the necessity of a confessional technique in which the body would be identified as flesh, that is, as desire. It was from the determination of the desire in the heart of the penance practice that emerged, next to the *political anatomy of the body* for the production of useful individuals, a *moral physiology of desires*, concerned not with the production of useful bodies, but with the establishment of a police — in the positive sense of the word — of the subjectivity for the establishment of a subject obedient to the laws of Christian decency and religious morality.[21]

18. M. Foucault, *Os anormais. Curso no Collège de France (1974-1975)*, Martins Fontes, São Paulo, 2002, pp. 225-226.
19. Ibid., p. 237.
20. Ibid., p. 239.
21. Ibid., pp. 243, 245.

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Confession as a security "dispositif"

One of the reasons why the annual obligatory confessions were not configured as authoritarian practices is due to the fact that they were fundamentally organized based on a logic that today we call *securitarian*. If the confession comforts, it is because it is implanted into the logic of salvation: it is relief for the tormented consciences, those that have not yet tired of forgiving; it is the plague of the devil that blocks the doors of hell and franchises the doors of paradise. Confession provides security to the confider, it tranquilizes the spirit. Delumeau described the endless praise of confession in the ecclesiastical speeches mainly reassuring: "What calm, what inner softness we feel sometimes after a good confession? [...] What holy freedom! [...] What peace, what consolation after a good confession!"[22] These were not simply theoretical affirmations, but founded in life experience itself.

At the same time, Christianity gave the confession an infinite task by establishing the original sin theme against the millenarian belief: if since birth everyone is sinner, then nobody is immune to the fall, nobody could ever be saved from sin not even for only a day, for the devil that inhabits the bodies of men is a threat to them in every instant.[23] The theme of the fall and the original sin make Christianity a religion of salvation without perfection, an aspect that according to Foucault, constitutes the historical uniqueness of Christianity and one of the reasons for its duration.[24] However, by disassociating salvation from perfection, Christianity gave a certain number of effective salvation practices, among those, the confession. Thus, the confession was thought of to produce salvation effects in a world where life is imperfect and indefinitely subject to sin. The undefined danger of sin, the constant threat of the fall, the constant presence of the devil, in turn, should indefinitely feed the resource of the confession, giving it a never-ending task. The tranquilizing confession and the undefined danger of falling in sin feed back to themselves, allowing the first to organize itself in the form of public service.

Thought as a public service, the confession was destined to mitigate the agitation of the spirits and normalize the passions of the largest number possible of individuals. At the same time both a control mechanism and an instrument of salvation, the confession

22. J. Delumeau, *A confissão e o perdão: as dificuldades da confissão nos séculos XIII a XVIII*, p. 38.
23. See F. Gros, *Le principe sécurité*, Gallimar, Paris, 2012, pp. 55 and ff.
24. See M. Foucault, *Du gouvernement des vivants. Cours au Collège de France (1979-1980)*, Gallimard/Seuil, Paris, 2012, p. 253. See also M. Weber, *Economia e sociedade. Fundamentos da sociologia compreensiva, v. 2*, UnB, Brasília, 1999, pp. 362 and ff.

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acquires a normative function of stabilization of subjectivity on a large scale. Wietse de Boer describes the efforts of Carlos Borromeo, author of the famous *Instructions to Confessors*, as an effective social experiment of great proportions with the clear purpose of "transforming the social order through intervention into the consciences of its subjects" utilizing a "system of broad discipline, consistent and unswerving."[25] According to De Boer, in spite of the efforts of Carlos Borromeo to disseminate the use of the confessional, his goal was not the privatization of penance, but the more effective utilization of confession as an instrument of public policy. To this end, he emitted an enormous quantity of decrees, instructions and counsel in an action that configured itself as "a broad and pastoral offensive whose goal was to conquer souls, changing public conduct, and in a final analysis, transforming all of social order."[26]

What would have been the historical consequences of this large sacramental process of society that made all of human life's domains enter into the confessional discourse? Perhaps the most important consequence was the establishment, up until that point unprecedented, of a social form of control of subjectivity. Without the possibility of digging deeper into this aspect here, it would be necessary to mention, however, the important studies on the theme carried out by Alois Hahn and Peter Von Moos.[27] In light of the sinful nature of men, the confession does not save, but produces effects of salvation. However, they would be effects that would produce, above all, from the subjectivity of sin: the sinner must regret his action leading him to perform an introspective look at all of the horror and deformity contained within him; it deals with instilling an effective detestation of sin and establishing in this way the firm objective of not sinning, the resolution of not committing any more sins. It was what was in play during the bitter disputes between attritionists and contritionists.[28] And it was this aspect that Hahn readdressed to confirm that the subjectivity of sin does not make the confession dispensable, on the contrary:

> It becomes an instance in which, on principle, not only the external actions appear, but also the intentions themselves. The result is, at the same time, a so-

25. W. de Boer, *The Conquest of the Soul. Confession, Discipline, and Public Order in Counter-Reformation Milan*, Brill, Leida, 2001, p. IX.
26. Ibid., p. 45.
27. See A. Hahn, "Contribution à la sociologie de la confession et autres formes institutionnalisées d'aveu", in *Actes de la recherche en sciences sociales*, 62-63, 1986, pp. 54-68; P. Von Moos, "Occulta cordis. Contrôle de soi et confession au Moyen Âge, I: Formes du silence", in *Médiévales*, 29, 1995, pp. 131-140; and also: "Occulta cordis. Contrôle de soi et confession au Moyen Âge, II", in *Médiévales*, 30, 1996, pp. 117-137.
28. See J. Delumeau, *A confissão e o perdão: as dificuldades da confissão nos séculos XIII a XVIII*, pp. 42 and ff.

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> cialization of the movements of the soul and a social control of consciousness [...]. The confession becomes an omnipresent instance in front of which the individual should assume his responsibility.[29]

In other words, the instituting of the confession became the great social vector responsible for broadly disseminating and "socializing" those modes of existence previously restricted to only the monasteries. If it is true, as Weber noted, that the monk, while a *religious man* of excellence, was also "the first 'professional' man, with a specifically 'methodic' life, with 'divided time' and constant self-control", and that, for this reason, was "predestined to serve as an instrument to the centralization and bureaucratic rationalization of the structure of domination of the Church, and to propagate [...] the corresponding belief among the laity";[30] then, it would be equally possible to confirm that the main technique placed in the hands of this propagator of Christian beliefs had been the confession. It was with the confession that modes of subjectivation for the construction of a fixed, stable, and long lasting subjectivity, were taken out of the private sector, and before limited to the monasteries, to become a social enterprise. With the confession, "subjectivity grips itself to social control processes", and it is in this sense that Hahn proposes to understand it in the same way provided by Norbert Elias and his "civilizing process".

As it is known, Elias attributed to the Courts the production of a long process through which was established the self-control of the individuals, indispensable to modern societies. The Courts, and their consequent monopoly of violent means, were responsible for "producing a transformation of the entire economy of the passions and affects towards a more constant, stable, and uniform regulation, in all areas of conduct, in all sectors of life."[31] To say that an individual has control of his own self means to say that he is predictable; that he will behave predictably according to models of socially recognized conduct. But it deals with a predictability that would be ever more hidden under the formation of semi-automatic habits. Now, says Hahn,

> [...] exists in the religious context precisely a technique that systematically combines — in a stabilized tension — the unveiling of the self and the secret: the confession. However, the techniques of self-domestication that are decisive in the civilization process coincide in the confession: concealing and revelation. This is

29. A. Hahn, "Contribution à la sociologie de la confession et autres formes institutionnalisées d'aveu", p. 55.
30. M. Weber, *Economia e sociedade. Fundamentos da sociologia compreensiva*, p. 375.
31. N. Elias, *O processo civilizador, vol. 2: formação do Estado e Civilização*, p. 202.

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> particularly clear there where the confession is not only a provision of isolated accounts and acts, but a rigorous exploration of the motives and the sins.[32]

Resuming Hahn's argument, Von Moos would confirm that it was not necessary to wait for modernity for the establishment of self-control agencies for the individual: he was already found significantly developed long before in the pre-modern context of the millenarist and Christian tradition.[33]

> [...] one of the main goals of [confession] was the search for a specific humiliation. The medieval man [...] was, above all else, habituated to maintaining appearances, to support himself on the honor of a lineage and play a flashy role in society that obligated him to dominate the language, to dissimulation and the 'secret of the heart' [...]. Now, in confession this man found himself obligated to invert his moral code: he should, without reservations, place himself naked, verbalizing the socially unspeakable.[34]

The confession was, therefore, a concession to human weakness.

Confession as a government by the truth

The confession is an instrument for self-knowledge. To confess is to expose, to explore, to explicate what is of the order of subjectivity. But it is knowledge of instituting nature, carried out under a form of *speech act*: to confess the innocence, when the conditions of the confession are acceptable, is to become innocent for oneself and for others. It implies, therefore, a type of founding experience, constant and decisive, of a Subject.[35]

Foucault showed that in the direction of Christian conscience three fundamental elements were found connected: infinite obedience, incessant examination and exhaustive confession, and this with the goal of establishing a *veridiction of oneself*:

> It makes appear in me anything that I could not know and that becomes known only through this in-depth work done by me about me. It is about producing a

32. A. Hahn, "Contribution à la sociologie de la confession et autres formes institutionnalisées d'aveu", p. 66.
33. P. Von Moss, "Occulta cordis. Contrôle de soi et confession au Moyen Âge, I: Formes du silence", p. 134.
34. P. Von Moss, "Occulta cordis. Contrôle de soi et confession au Moyen Âge, II", p. 120.
35. M. Foucault, *Mal faire, dire vrai. Fonction de l'aveu en justice*, UCL, Louvain, 2012, p. 4.

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> truth that was unknown. Now, and here is the paradox, [...] if I want to know this that I am, if I should produce the truth about this that I am, it is because I should surrender to that which I am. And this tie between production of the truth and surrendering oneself seems to be what could be called the scheme of Christian subjectivity, speaking more precisely, the scheme of Christian subjectivation.[36]

The expression 'veridiction' appears here somewhat enigmatic. In any case, it had already been employed one year early, in 1979, in Foucault's analysis of liberalism. On this occasion, the market took on, in the analysis, the 'veridictional' ("*véridictionnelle*") function: the function of saying the truth in relation to governmental practice. Invested with the function of saying the truth, the market can "command, dictate, prescribe the jurisdictional mechanisms or complain about their absence [...] an absolutely fundamental phenomenon, I believe, in the history of Western governmentality, was this eruption of the market as a principle of veridiction". Veridiction indicates, therefore, a situation of power; indicates the "constitution of a certain right of truth from a situation of right."[37] It is about a matrix of normativity that met diverse modalities in history: psychiatry, medicine and criminology. All of these fields carried modes of saying the truth, forms of veridiction over the madman, the sick and the delinquent. But in relation to the practice of confession, veridiction would take on a very significant form.

Understood as a veridiction of oneself, the confession implies a certain number of characteristics that Foucault numbers as being the following: 1) a cost, an effort in its enunciation: the confession is a passage from the unspoken to the spoken, from the secret to the revelation. To confess is to reveal what before was in silence, in secret, and that, for this, was valued: it is important for the individual to not say, not speak, not reveal. However, when coming to speak, to reveal one's secret, one's speech is always costly; the verbalization always causes one effort; for this the secret will be said in shame, fear, humiliation, nervousness, timidness, etc. 2) it is necessarily a free act: it is not about producing a statement or extorting information, but about provoking an engagement; to provoke in the individual an act of engagement capable of obligating him to do what he said. In the confession, the penitent engages in doing what he affirms and pronounces. 3) because the confession always demands and needs the presence of another, it implies a surrender, a loss of resistance, a relaxation. The penitent always gives in before

36. M. Foucault, *Du gouvernement des vivants. Cours au Collège de France (1979-1980)*, p. 303.
37. M. Foucault, *Naissance de la biopolitique. Cours au Collège de France (1978-1979)*, Gallimard/Seuil, Paris, 2004, pp. 34, 35, 37.

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the confessor: he surrenders his position of secret, of silence and by doing this, a reinforcement of the power that the confessor exercises over him occurs. The confession is an act that reinforces the relationship of power. 4) because the confession is an engagement and not just information, it activates a bond between the subject that confesses and what he said. And, in this moment, the confession produces another qualification of the subject: when the criminal confesses his crime, this gesture qualifies him in front of the jury or the judge as someone capable of remorse.[38]

Thus, there are four characteristics in the *performance* of the confessional: a sacrifice, a cost or a surrendering by the subject, although voluntary and desired; an intensification of the power relationships by the dependency of the penitent in relation to the confessor; and a requalification of the subject. Foucault endeavored to study these four characteristics:

> [...] no longer in a discourse in which it would be possible to speak the truth about the subject, but in the discourse of truth where the subject is susceptible and capable of talking about himself, [under] a certain number of culturally recognized and typified forms, for example, revelation, confession, and examination of conscience. [...] discussions of truth where the subject elaborates about himself and in which it is easily possible to see the importance in the penal practice, or even more, in the domain that I studied, in the sexuality experience.[39]

The fact that Foucault chose the domain of sexuality for the description of what he called "moral physiology of desires" established by the confession was not accidental. Through the sexual experience, Foucault clearly perceived the effectiveness of the confessional veridiction in the constitution of the subject. It could be said that there exists in relation to sexuality and desire this demand of the individual in assuming in relation to himself what Vincent Descombes calls "acts of self-position *without* actant",[40] that is, acts from which the individual is placed in a position of truth. They are distinct, however, from the acts of self-positioning as an ability to act, destined to make the individual *become his own self*. In this perspective, in relation to sexuality, the individual needs to be directed to recognize himself in the truth about his sex, and it would be only through this recognition that he could be constituted as a subject of sexual desire. Repression,

38. M. Foucault, *Mal faire, dire vrai. Fonction de l'aveu en justice*, pp. 5-7.
39. M. Foucault, *História da loucura na Idade Clássicae*, p. 5.
40. V. Descombes, *O complemento do sujeito. Investigação sobre o fato de agir por si mesmo*, Radical Livros, São Paulo, 2009.

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violence and authoritarianism are incapable of building the individual as a sexual subject, seeing that in the sexual experience the effect of the power of truth depend, almost exclusively, on the subject: of his assimilation, his approval, and his recognition. This way, the discussion about sexuality can very well assume an authoritarian form when pronounced by a doctor in the height of his scientific knowledge. But he could never assume a form of massive, total, perfect prohibition without the participation of the subject.

Foucault perceived that the sexuality experience holds two possible forms of veridiction, of the relationship between subject and truth. On the one hand, the discourses of truth pronounced by the doctor implanted a matrix of normativity in which the truth establishes an exterior relationship with the subject of more or less authoritarian imposition, more or less violent, more or less repressive, and that is an objectification of the subject. On the other hand, the discourses of truth not pronounced by the doctor, but supported, confirmed, approved, recognized by the subject himself, implanted, in their way, not only a matrix of normativity, but a state and condition of the human being through a process of subjectivation that implies the surrender of the self or, to use the expression of Descombes, a process of *trans-subjectivation* through which the individual becomes another of himself.[41] In the first mode of veridiction, the subject is objectified in a discussion of truth. In the second, it is the subject himself that is directed to objectify himself in a discussion of truth through practices of introspection. In the first mode one has a relationship of dominance over the self; in the second, one has the governance of oneself through one's own truth.

The confession postulates, therefore, the governance of the individual for his own truth, for the truth of his own being, truth of who he is, governance through identity. According to Foucault, this specific way of governing man is owed to Christianity: "The Christianity found a way of implanting a type of power that controls individuals through their sexuality designed as something to mistrust and that always introduces to individuals the possibilities of temptation and fall."[42] This type of power, that governs the individual through his sexual identity or by the truth of his being, was possible with the confessional technique, through which Christianity implanted the subjectivity police. Moreover, there will be a day in which the Christian invention finds itself accepted

41. I retakes to Descombes' term (Ibid., p. 242) used to characterize, in relation to Foucault, the confessional procedure of surrender to the self through the objectification of the self in a discourse of truth; the Christian *trans-subjectivation* would be, in this sense, distinct from Pagan *auto-subjectivação* that consists, contrary, in the act of making a truth *one's own*, and not of objectifying one's self in it renouncing that which it is.
42. M. Foucault, *Dits et écrits, II: 1976-1988*, Gallimard, Paris, 2001, p. 565.

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in philosophy as well as modern politics. And that Descartes and Hobbes, separated by the *method*, would find themselves in the *reflexiveness of the Subject*.

Confession and governmentality: the production of the political Subject

What place would occupy the *moral physiology of desire* in the genealogy of liberalism? My argument is that it would be necessary to place it between those two poles of the bio-power that Foucault called anatomy-politics of the human body and bio-politics of the population.[43] Between these two poles would be placed the moral physiology of desire, established by the confessional technology of the pastoral power.

Moreover: even though the bio-political power can be considered, from the analyses of Foucault, as the most specific that exists in the rationality of liberalism, as being its most original invention, a liberal regime *can only be liberal* based on its pastoral power. This means that, in a liberal regime, the bio-power is only capable of producing effective effects when associated and juxtaposed to the pastoral power. This implies that the political success of liberalism rests, in large part, on the fact of giving to its political subjects the knowledge and the instruments with which they produce, for themselves, their own obedience. An obedience whose production would not complain about any violence or exterior threat and that would dispense any gesture of repression: obedience that the individual exercises for himself and over himself. Hard task, because it is also an obedience whose inefficiency projects over the liberalism the shadow of its own political weakness as a regime; and, on the other hand, makes the liberalism constantly permeable to the totalitarians. In other words, liberalism is a type of regime that demands the production of a specific obedience at an optimal level, on the contrary it would not be able to extract riches from the population without producing catastrophic effects over it, without incurring totalitarianism. This is the argument that I would like to develop readdressing to the studies of governmentality.

A genealogy of political practices would not consist of understanding the power as an institution, thing, or substance. It would not be studying the State or political domination: the monarchy, the republic or the democracy. It is not about studying Sovereignty, much less social classes or dominant groups. A genealogy of politics consists of understanding the

43. See Foucault, *História da Sexualidade, v. 1: A vontade de saber*, p. 131.

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power in terms of relationships of force to perceive in them the moment in which that force imposed itself and emerged as a dominant force. For this reason, the key to understanding power is not in the State, it is only a terminal effect of the relationships of power. In the State, the power relations find themselves finalized; in them, the power finds itself fixed, immobilized in a dominant form that is precisely the State-form. In the ambit of the State, power looses its relational character to gain a crystalized form of domination; it finds itself "reified". Thus, one should search for the intelligibility of the power relations in an ambit before the State: this ambit is the one of government practices, understood not as an exercise of sovereignty, but as a conduction of behaviors: to govern is to conduct behavior. Understood in this way, the government practices can reveal an effective way through which power relations are exercised, since it is they who make possible their exercise as a relationship.

Emphasizing the problem with government, the studies on governmentality produced a large reworking of the theories of power, hitherto strongly concerned with the State as a central problem of analysis. The studies of governmentality proposed an inversion of the problem: instead of starting from the State, starting from the government. In addition to this, as said previously, the State is seen as being only a terminal effect, government practices are what make up their conditions of possibility. In other words, at the core, the liberal State was only possible because it produced in this ambience of government practices, an ambit that is immediately before the State, the conduction of the behaviors of the individuals. It was necessary to have conduction of behavior or government practices, so that the liberal State was possible. Said in another way, for the establishment of liberalism it was necessary to produce the Subject from its political practice: governable subjects or individuals made into subjects of the liberal practice through the subjectivation of obedience.

Someone would say, however, that it is necessary to have obedience in relation to any State, government or political regime, not just the liberal. That, at the core, obedience is the primary fact of politics, and that every political thought comes back to the same problem: how to make men obey? Liberalism would be just another episode.

But the type of obedience claimed by liberalism is, historically speaking, very special. In his analysis, Foucault described liberalism as a political regime that gave itself the task of not only governing men individually, but governing them from an aggregate that is not either the State nor the territory, but the population. The task of liberalism is to govern the individual not simply as an individual, but as an individual connected to a population for his birth, death, health, productive activity and reproduction.

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In addition, this individual, whose existence is inseparable from the life of the population, was called by the economists *homo oeconomicus*: a subject host to economic interests and that behaves in a conscientious and reflective way having always in sight the greater probability of earning. It is an actor that not only reacts rationally, but that calculates his action adapting means and ways to obtain the greatest gain possible.[44] It was in order to guarantee and protect freedom of action and the movement of this *homo oeconomicus* that liberalism initially assumed the version of *laisser faire-laisser passer*: it is necessary to let it do, to let it go and come, to let it act, and to let it move itself. It is necessary that the individuals, understood as economic men, have the freedom necessary for pursuing their interests. But also and above all it is necessary to make the individuals pursue their interests; necessary to make them interested, to excite in them the "interest for the interest"; stimulate them to make themselves interested. It is necessary, especially, to ban disinterest from the world.

According to Foucault, liberalism emerged initially as a complex and perpetual game between interest and freedom: liberalism was responsible for guaranteeing that "the different interests, individual, in what they have that differ from one another, sometimes opposed to one another, did not offer danger to the interests of all", to the interests of the population. Liberalism established itself as an art of manipulation of the individual and collective interests that only could be carried out from within a space of freedom of action and movement, that is, from *laisser faire-laisser passer*.[45]

However, a very complex and difficult challenge for liberalism: how to manipulate, or better, how to conduct the behavior of these subjects living in this space of freedom of action and movement? How to govern this economic man without destroying in him the freedom of action and movement? Better said, how to make sure that the liberal subject is free and obedient at the same time? And the response of liberalism to reconcile this double demand of freedom and obedience was the following: instead of organizing the obedience around violence, it is necessary to implant it in the behavior of the governed itself. Liberalism removed from obedience everything that it had of exteriority to interiorize it in the individual; in other words, removed the obedience from the body to insert it preferably into the subjectivity.

This is a very evident aspect in the formation of the modern State, and for that, one just needs to think about what happened historically in the time between Machiavelli and Hobbes. As everyone knows, for Machiavelli, founding the political power and conserving

44. See P. Demeulenaere, *Homo oeconomicus. Enquête sur la constitution d'un paradigme*, PUF/Quadrige, Paris, 2003.
45. M. Foucault, *Naissance de la biopolitique. Cours au Collège de France (1978-1979)*, p. 67.

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it demands from the Prince the same procedures: the use of force, especially warlike force. From the good arms result the good laws, said Machiavelli.[46] This way, exists a solution of continuity in Machiavelli: the Prince not only founds his power by force, but also defends and conserves by force that conquered power. In his reflection exists continuity between the act of conquest and the exercise of political power: political power becomes the continuation of the conquest. Continuation, however, carried out over unarmed enemies. Once the kingdom has been conquered, in the instant that the enemies lower their arms, in the moment of the suspension of hostilities, it would be then that the time in which the Prince's reign should start, and he should reign using the same means utilized in the conquest: by force. The peace of the Prince is an armed peace.

This over-valuing of force was considered the anti-modern aspect of Machiavelli's thinking and was precisely the aspect rejected by Hobbes. Hobbes' political modernity consists in large part of the distinction between conquest and victory. At the heart, Hobbes would say to Machiavelli in an imaginary dialogue, he had confused two very different things with each other:

> […] that which is dead is beaten, although not conquered; that which is entrapped and taken to prison, or chained, is not conquered, much less beaten, since he is still an enemy and could escape, if able to. But that which with promise of obedience received his life and freedom, is in this moment conquered and a subject, although not before. [...] In such a way that the *conquest* (for us to define) is the acquisition of the right to sovereignty for victory. This right is acquired with the submission of the people, for which this make a contract with the winner, promising obedience in exchange for life and freedom.[47]

In Hobbes the force of arms is only capable of beating the enemy; but the political conquest itself — the acquisition of the *right* to sovereignty — is not a work of force. To transform the beaten enemy into a subject, or to use the example of Hobbes, to enable prisoners of war to enjoy once again their freedom of action and of movement, without running in a stampede or restarting the old battle, it is necessary to make them promise obedience. In the reflection of Hobbes, force only guarantees victory; but it is the promise of obedience that guarantees the political conquest of the beaten. This is the modern

46. See N. Maquiavel, *O Príncipe. Escritos políticos*, Victor Civita, São Paulo, 1973, p. 55.
47. T. Hobbes, *Leviatã ou matéria, forma e poder de uma República eclesiástica e civil*, Martins Fontes, São Paulo, 2003, pp. 585-586.

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element that Hobbes introduced into the political thought: the entrance of reason onto the scene substituting force. From Hobbes, obedience ceases to be simply bodily in order to gain a form of will, of deliberation: it becomes a rationality. And, at the same time and consequently, politics becomes primarily a *reflexive* activity.

As it is known, this movement of modernization, for which the political power disarms itself to implement itself more and more in the disarmed way of reason, has certainly not ceased to be followed until today. And what in Hobbes was a "pact of obedience", in Locke becomes "pact of consent" until arriving at the famous Rousseaunian paradox in which the most absolute freedom coincides with the most complex conformity. In Rousseau exists the idea that freedom and authority are not opposed to each other, but are confused. And this occurs each time the rules that a man obeys are not imposed from the exterior; as Berlin says, when it is "*he himself* [that] imposes them *on himself*; he obeys because he believes in them, because he discovered them in his own heart."[48] Just as it is for Hobbes and Locke, for Rousseau the Social Contract is a *reflexive* act; it is, in first place and fundamentally, a contract that each individual makes with himself. And the relation of the self from which Rousseau extracted the normative acts is found in his "two people" theory: the individual, to become a contracting Subject, should be conduct to recognize himself as having a private person and another public person; accepting subordinate, in the political practice, the first to the second as a condition of his freedom.[49]

The development of the reflexive dimension in politics has certainly not ceased in our times. Charles Taylor analyzed this "subjectivist turning" in Western culture, especially from the landmarks of modernity; the recurrence of Plato and Saint Augustine would come only to confirm the limits of his analysis.[50] But, in Taylor, these limits reveal an evaluative position. According to him, in modernity there exists "a powerful ideal [...]. The moral ideal behind the self-realization is the one of being loyal to oneself, in a specifically modern understanding of the term". This properly modern ideal, Taylor defined by the term "authenticity".

> In adopting the ideal, people within the culture of authenticity, as I would like to call this, give support to a certain type of liberalism, which has been embraced by many others as well. It is about liberalism of neutrality. One of its basic principles

48. I. Berlin, *Ideias políticas na era romântica. Ascenção e influência no pensamento moderno*, Cia. da Letras, São Paulo, 2009, p. 179.
49. See J.-J. Rousseau, *Do contrato social ou princípios do direito político*, Victor Civita, São Paulo, 1973, especially chapter VII.
50. See C. Taylor, *As fontes do self. A construção da identidade* moderna, Loyola, São Paulo, 2011.

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> is that a liberal society needs to be neutral in regards to questions about what constitutes a good life. The good life is what each individual seeks, in his own way [...].[51]

The problem in genealogy is placed in a completely distinct manner. It is not about starting from an ethically given position, but raising questions about its conditions of possibility. It is about questioning, taking into account this singular and historically given gesture that consists of saying "I promise to obey" as a demand made inevitable in the political practice, how this was possible. In the end, what were the conditions of possibility of this passage that took the political Subject from an *objective* position in Machiavelli to a *reflexive* position in Hobbes? In other words, the question placed by Foucault is "how a type of government of men was formed in which simply obeying is no longer demanded, but manifesting, stating it, that which it is?" Why and how, in a determined moment in the history of the West, political practice began to demand from individuals not only the gesture of their obedience, but also a declaration about their *status* and of their condition as Subjects?

The problem placed this way breaks necessarily with the landmarks of modernity, making it possible to perceive that the type of reflexivity found in the modern political thought is much older. And this enables to perceive, in the Hobbesian promise, much more than a simple affirmation, but a veridiction in which the Subject, acknowledging themselves as subject, obliges themselves to live as subject. If since Hobbes, moving to Pufendorf, Locke, Rousseau and all modern and contemporary political thought until today — one only has to think about the never ending and intense debate fought today around the role of trust in politics — it attributed so much importance to this small ritual of truth that happens in the recognition of that which is and that which is done, this is due, without a doubt, to the fact that, as Agamben argued the purpose of Foucault,

> [...] in the veridiction the subject constitutes himself and places himself in play as such, connecting himself performatively to the truth of the affirmation itself. For this, the truth and the consistency of the oath coincide with his performance; for this, the calling to be a witness to God does not imply an effective witness, but is carried out performatively by the pronouncing of the name itself. What today we call performative in a restricted sense (the *speech acts* 'I swear', 'I promise',

51. C. Taylor, *A ética da autenticidade*, É Realizações, São Paulo, 2011, p. 27.

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> 'I declare' etc., that should, significantly, be delivered in the first person) is, in language, the relic of this constitutive experience of the word — the veridiction — that is exhausted with its pronunciation, because the speaker subject does not preexist nor successively connect to it, but coincides completely with the act of the word.[52]

In a previous work about the genealogy of *officium* understood as an instance for the production of consequent behavior, that is, *officium* as a governmental paradigm in which the expected behavior is produced between people connected by socially codified relations, Agamben would say that in the practice of the "liturgical act" — performative act for excellence — the agents "*are* not simply nor do they simply *act*, but are defined in their being by the act and vice-versa. The official — as well as the officiate — it is this that must and must this that is: in other words, it is a being of command."[53] Here it is found, according to Agamben, the paradigm not only of ethics and ontology, but also of modern politics. With effect, it would be under these terms that Samuel Pufendorf would define the word "duty" (*officium*): a type of obligation that "does not coincide with the external coaction, but penetrates into the will of the agent himself, as a type of intrinsic moral feeling."[54]

In the same direction the recent studies of Robert Esposito around "political theology" describe the importance of the notion of the person understood as a dispositive whose central function, from Hobbes to Hegel, was to establish a nexus between subject and subjection in the modern political practice. According to Esposito, it would only be after the XVII century that *subiectum iuris* (subject of right) would cease to designate the object of a judicial normative and would begin to designate the subject of determined rights. Since then, the notion of subject would become the central motor: "Each man will be considered carriers of subjective rights"; the normative system will remain only "a function of protecting existing rights, and in regards to such, inherent to human nature."[55] The idea of the subject agent as a voluntary master and conscious of his own acts would constitute, paradoxically, the political-theological nucleolus between *subjectivity-subjection*.

52. G. Agamben, *O sacramento da linguagem. Arqueologia do juramento (Homo Sacer II, 3)*, Editora UFMG, Belo Horizonte, 2011, p. 68.
53. G. Agamben, *Opus Dei. Archeologia dell'Ufficio (Homo Sacer, II, 5)*, Bollati Boringhieri, Torino, 2012, p. 100.
54. Ibid., p. 126.
55. R. Esposito, *Due. La macchina della teologia politica e il posto del pensiero*, Einaudi, Torino, 2013, p. 111.

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> To become a 'subject' it is necessary to be *subiectus*, subjected to others or to oneself. [...] It is then that, for the first time, the transformation of the *subiectus* in *subditus* is determined — first in servile form imposed on all inhabitants of the Empire and then in the form of subjection to the absolute Sovereign State. But still, exactly in this last one that the antinomical relationship between subject and vassal reaches its perfection through the Hobbesian category of authorization — from which the power of men is transferred to those that would all become subjects of their own subjection. The emblematic figure behind this dynamic is what La Boétie called the 'voluntary servitude'. [...] the most complete analysis of the nexus between production of subjectivity and subjection is owed to Foucault. That he had connected it to the institution of confession, confirms his intrinsically political-theological character.[56]

Covered by what Foucault called "*aleturgies* forms", the subjection of the individuals in modernity hides under the appearances of small legal rites, sumptuous proclamations, ceremonies and solemn acts intended to conduct individuals to recognize the truth within themselves, verbalizing it. But all of these small gestural rituals through which the individual speaks the truth within himself, manifesting the state of his being, had a very precise political function in history: making obedience a modality of the being, a state and a condition of subjectivity, a form of will. Modern political rationality has, for centuries, dedicated itself to radically transforming obedience, which for a long time was only an instrumental practice, into a form of existence. For a long time, men obeyed for fear of the worst or for hope for the best. But the day arrived in which, in an instrumental way, obedience became a way of being and of existing in the world, a state of the spirit, a way of conducting oneself. This transformation of obedience was an extremely important political process. To try to understand the history of this process Foucault proposed the genealogical description of some of the pastoral power characteristics, among which is the one which liberalism transformed into its most important individualization technique for the control of subjectivity: the confession.

56. Ibid., pp. 114-115.

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