

ARTICLE

The Biopolitics of Ordoliberalism

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ABSTRACT: This article examines the biopolitical dimension in ordoliberal thought using Wilhelm Röpke and Alexander Rüstow as exemplary figures of this tradition. Based on an explication of various biopolitical themes that can be extracted from Foucault's writings and lectures the article argues that these biopolitical themes, although rarely touched on in Foucault's lectures on ordoliberal governmentality, nevertheless constitute an integral aspect of the thought of Röpke and Rüstow. From the regulation of the population through the strategic lever of the family to the organicist concerns over the health of the social body, biopolitical themes pervade the socio-economic theories of ordoliberalism. The article suggests that critical evaluations of the ordoliberal approach to political economy, which has been gaining ground again in the aftermath of the financial crisis, should take into account the biopolitical—and rather illiberal—dimension of this approach as well.

Keywords: Foucault, biopolitics, ordoliberalism, governmentality.

Introduction

Initially it would seem as though biopolitics and biopower were two of the key themes that also provide the conceptual link between Foucault's lectures on *Security, Territory, Population* (1978) and *The Birth of Biopolitics* (1979) at the *Collège de France*. The very first lecture from 1978 begins with Foucault announcing that "this year I would like to begin studying something that I have called, somewhat vaguely, bio-power."¹ *Biopolitics* not only figures prominently in the title of the lecture series from 1979, but in the first lecture of that year Foucault also names it as one of the phenomena he would like to analyze: "I thought I could do a course on biopolitics this year."² However, a shift in focus complicates the agenda. Already in that first lecture Foucault tells his students that he will embark on a small detour to discuss the governmentalities of classical, ordo- and neoliberalism before the issue of biopolitics can be addressed. This detour turns out to be much longer than originally planned and Foucault spends almost the entire year on ordo- and neoliberalism, repeatedly apologizing for the fact that he still has

¹ Michel Foucault, *Security, Territory, Population. Lectures at the Collège de France 1977-1978*, edited by Michel Senellart, translated by Graham Burchell (New York: Palgrave, 2007), 1.

² Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979*, edited by Michel Senellart, translated by Graham Burchell (New York: Palgrave, 2008), 21.

not made it to the putative topic of the lecture course, namely biopolitics. But although it is possible to argue that a lot of what Foucault has to say about ordo- and neoliberalism contributes to an understanding of biopolitics because the former two provide the overarching rationalities for specific configurations of the latter, biopolitics is not brought up *explicitly* until the end of the year.³ Only in the summary of the lectures is the topic raised again when Foucault formulates a research agenda for the following year. “What should now be studied, therefore, is the way in which specific problems of life and population have been posed within a technology of government which, although far from always having been liberal, since the end of the eighteenth century has been constantly haunted by the question of liberalism.”⁴

Foucault never carried out that plan and instead turned to other topics. What I aim to do in this paper is partly inspired by this research agenda. It is an analysis of some of the key thinkers of ordo-liberalism—Wilhelm Röpke and Alexander Rüstow—that focuses on the biopolitical aspects of their thought. Both are referenced a number of times in the lectures and Röpke’s *Gesellschaftskrisis der Gegenwart* (together with other works). Still Foucault hardly pays any attention to the biopolitical dimension of their contributions to an ordoliberal governing rationality/technology. One can speculate on the reasons why Foucault abandoned the concepts of biopower and biopolitics and never carried out the plan to analyze “liberalism as the general framework of biopolitics”⁵ as he puts in the lecture notes from January 10th 1979, but the fact that he turned to other issues does not imply that the agenda is not an interesting one. The lectures on the *History of Governmentality* have to be seen as a project that remains emphatically unfinished. It is full of concepts, thoughts and analytical frameworks that are introduced and pursued for a while before Foucault drops them never to pick them up again. This means that the *History of Governmentality* should not be viewed as a fully worked out history, even less a theory of governmentality. It offers far fewer answers than it raises questions and thus should rather be seen as a multi-faceted research agenda waiting to be tackled. But while this paper is thus clearly inspired by Foucault’s research agenda its point goes beyond simply contributing to an arguably unfinished research project. Rather it hopes to offer a critical and somewhat heterodox interpretation of ordoliberal thought making use of Foucaultian notions as heuristic tools. As I will try to show, the focus on the biopolitical dimension of ordoliberal thought reveals some of its rather illiberal tenets that deserve highlighting in order to gain a more thorough and critical understanding of the respective thinkers; be it their concerns over massification, the various effects of the demise of the traditional family, demographic concerns about overpopulation, the health of the social body or the demand for a politics of life [Vitalpolitik].⁶ This is important not just for reasons of intellectual history. Although ordoliberalism is hardly known outside the continental European context and appears

³ One could also try to make the argument that Foucault implicitly studies biopolitics by analyzing apparatuses of security – a connection he seems to suggest early on in the first lecture series. However, these apparatuses of security are also not mentioned at all explicitly anywhere in the second lecture series that is concerned with the different forms of liberalism. See Foucault, *Security, Territory, Population*, 10.

⁴ Foucault, *Birth of Biopolitics*, 323-4.

⁵ *Ibid.*, 22.

⁶ In my view these various biopolitical issues cannot be reduced to one core concern, not the least because there are multiple ways in which they refer to and presuppose one another.

as a somewhat obscure cousin of the far more prominent neoliberalism of the Chicago School, it would be mistaken to treat it as a somewhat quaint and obsolescent governmentality. Not only did Foucault himself see the Freiburg School version as the 'real' neoliberalism and spent almost five full lectures predominantly on Eucken, but also on other thinkers associated with ordoliberalism. More importantly, one of the lessons of the financial crisis on which most commentators and policymakers can agree is that the notion of self-regulating markets is a deeply flawed and dangerous one—and this happens to be one of the core axioms of ordoliberal thought. Therefore, it is not unlikely that we will witness a renaissance of ordoliberalism at the expense of the vilified 'market fundamentalism' now associated with neoliberalism: "If there was ever a time for *Ordnungspolitik* to prove its relevance, this may be it," writes Ralph Atkins in the *Financial Times* of August 1st 2010 and for Bruno Amable the current debates over the re-regulation of financial markets is reminiscent of the debates in the 1930s in which ordo- and neoliberals distanced themselves from laissez-faire 'market fundamentalism' and emphasized the importance of rules and regulations for the proper functioning of markets.⁷ So while few policymakers and thinkers beyond continental Europe may think of their reform suggestions and efforts as ordoliberal, they may very well be considered to reinvent the ordoliberal wheel. Therefore, it is all the more important to take a closer (critical) look at the ordoliberal agenda, which is part of the purpose of this paper.

I will proceed in the following way. In the first section I will introduce and discuss the Foucaultian concepts of biopolitics and biopower. As will become clear, the two notions are multi-faceted and I will try to identify several biopolitical themes and categories that can be used to structure my analysis of the works of Röpke and Rüstow in the following section. In the conclusion I will give a brief summary of the argument and formulate a number of thoughts concerning future research on biopolitics and governmentality.

Biopolitics and Biopower

While it is far from unusual that key concepts of theories display a certain ambiguity, this is particularly pronounced in the case of biopolitics. This is not only due to the somewhat varying ways in which Foucault defines and uses the term, but also because other theorists like Agamben or Negri and Hardt also use the term biopolitics, yet often in a way that is different if not outright antithetical to Foucault's notion of biopolitics. The ensuing confusion is only exacerbated by the fact that the rapid innovations in the life sciences from biomedical research to neuroscience are also often considered to be associated with a biopower or biopolitical problematic that seemingly covers everything from pre-natal diagnostics to assisted suicide.⁸ In other words, biopolitics has become a catch-all term. However, for the purposes of this paper, what matters is not the entire discourse on biopolitics, but rather the concept as it is developed by Foucault—and as I will try to show in the following, the exact contours of biopolitics are often not entirely clear.

⁷ See Ralph Atkins, "Germans can be proud of playing by the rules," *Financial Times* (August 1st 2010); Bruno Amable, "Morals and politics in the ideology of neo-liberalism," *Socio-Economic Review*, Vol. 8 (August 2010), 1-28.

⁸ See Petra Gehring, *Was ist Biomacht? Vom zweifelhaften Mehrwert des Lebens* (Frankfurt: Campus, 2006).

Biopolitics and biopower are first introduced in the last chapter of *The History of Sexuality*, which is almost identical with the last lecture of *Society Must Be Defended* that Foucault delivers in 1976. In the *History of Sexuality* in particular biopower is introduced as the antithesis of the juridical power of the sovereign, which is the power to “take life or let live.”⁹ Biopower is juxtaposed to this negatively defined power as a power “to foster life or disallow it to the point of death”¹⁰; a power that “exerts a positive influence on life, that endeavors to administer, optimize, and multiply it, subjecting it to precise controls and comprehensive regulations.”¹¹ What is already visible in these characterizations is Foucault’s emphasis on the two sides or two poles of biopower. Control of the individual and the regulation of the population as a whole emerge as the twin key problems of modern government. *Biopolitics* then refers to one of the two poles of biopower. Chronologically speaking, the first pole of biopower is constituted by the disciplines, which Foucault refers to as “an *anatomo-politics of the human body*” he had already scrutinized in *Discipline in Punish*:

The second, formed somewhat later, focused on the species body, the body imbued with the mechanics of life and serving as the basis of the biological processes: propagation, births, longevity, with all the conditions that can cause these to vary. Their supervision was effected through an entire series of interventions and *regulatory controls: a biopolitics of the population*.¹²

Here we can already see that the seemingly clear distinction between discipline and regulation/biopolitics collapses immediately, because Foucault emphasizes that we have to think of the two as poles that “are linked together by a whole intermediary cluster of relations,”¹³ which means that in a certain sense the disciplinary side is also relevant for an understanding of regulation and the two poles of biopower cannot be analyzed in strict isolation from one another. And it is precisely the central object of *History of Sexuality*, the sexuality dispositif, which connects these two poles.

There are, of course, a number of reasons, why Foucault is interested in the sexuality dispositif. There is the trenchant critique of the Freudo-Marxist New Left as well as its intellectual standard bearers like Wilhelm Reich and Herbert Marcuse. Furthermore, some Foucault scholars tend to interpret his work with reference to his own sexuality and in this case the interest in the sexuality dispositif is easily accounted for.¹⁴ However, Foucault himself explains his interest in the sexuality dispositif with reference to biopower: “It [sex] was at the pivot of the two axes along which developed the entire political technology of life. On the one hand it was tied to the disciplines of the body [...] On the other hand it was applied to the regulation of populations, through all the far-reaching effects of its activity.”¹⁵ This means that

⁹ Michel Foucault, *The History of Sexuality, Volume 1. An Introduction*, translated by Robert Hurley (New York: Vintage, 1978), 138.

¹⁰ Ibid.

¹¹ Ibid., 137.

¹² Ibid., 139.

¹³ Ibid.

¹⁴ See James Miller, *The Passion of Michel Foucault* (Cambridge: Harvard University Press, 2000).

¹⁵ Foucault, *History of Sexuality*, 145.

the sexuality dispositif can be interpreted as a hinge that connects the two poles of biopower and by the same token this marks its significance for biopolitics. Sex is one crucial lever for the regulation of a population, which becomes visible e.g. in the “socialization of procreative behavior [...] achieved through the ‘responsibilization’ of couples with regard to the social body as a whole.”¹⁶ Understood in this way, biopolitics refers to the attempt to intensify and enhance life on the level of the population—although it has to be kept in mind that the disciplinary pole is also relevant for such a project. After all, one possible way (not the only one though) of regulating sex would be to discipline bodies with regard to sexually related behavior, from personal hygiene to ‘risky’ sexual practices. This regulation of the population, i.e. biopolitics, is the domain of the state and it is here that the state makes its first explicit appearance in Foucault’s thought, which before had focused on sub-state institutions and agencies like the prison, hospitals and asylums.

While it is the productive dimension of the sexuality dispositif that lies at the center of the *History of Sexuality*, it is the link between biopower and racism which leads to the transformation of the former into a thanato-power that preoccupies Foucault especially in the final lectures of *Society Must be Defended*.¹⁷ The starting point for his discussion of these issues is the apparent paradox of the predominance of a form of power that aims at the safeguarding and intensification of life in an era that is characterized as follows: “Wars are no longer waged in the name of a sovereign who must be defended; they are waged on behalf of the existence of everyone; entire populations are mobilized for the purpose of wholesale slaughter in the name of life necessity: massacres become vital.”¹⁸ According to Foucault, it is the phenomenon of (state) racism that accounts for the connection between bio- and thanato-power because it establishes a systematic link between those who have to die so others will live; a zero-sum game between different groups of the population, as rational-choice theorists would put it.¹⁹ Biopolitics in this slightly different sense thus refers to the attempt to regulate the population according to racist or biologicistic principles. Typically this attempt manifests itself in projects of ‘cleansing’ and ‘purifying’ the population or ‘protecting’ it from ‘genetic contamination’ in the first place, all of which can prompt measures that range from positive/negative eugenics to forced segregation and even collective extermination of groups.

It is important to note the internal relation between what could be described as two dimensions of biopolitics corresponding to the two aspects of biopower outlined above. The first dimension refers to a politics pursued by the state aiming at a maximal intensification of life and it would appear as if nothing could be further from it than the outdated juridical power of the sovereign epitomized by its ability to inscribe itself into the very flesh of those it put to death. However, it is this very concern over life and the living that comes to figure in

¹⁶ Ibid., 104-5.

¹⁷ For a concise summary see Amy Allen’s review essay on the lecture series in *Constellations*, Vol. 12 (December 2005), 574-582.

¹⁸ Ibid., 137.

¹⁹ On the racist dimension of biopolitics see for example: Clare Hanson, “Biopolitics, Biological Racism and Eugenics,” in Stephen Morton and Stephen Bygrave (eds.), *Foucault in an Age of Terror. Essays on Biopolitics and the Defence of Society* (New York: Palgrave, 2008), 106-117; and David Macey, “Some Reflections on Foucault’s *Society Must Be Defended* and the Idea of ‘Race’,” in *Foucault in an Age of Terror*, 118-132.

the second dimension of biopolitics albeit in a different way, namely an exterminatory thanatopolitics²⁰ that does whatever is necessary to deal with those “who represented a kind of biological danger to others”²¹ to the point of even killing them.

At this point it should have already become clear that it is not easy to pin down biopolitics and define it in an unequivocal way.²² The conceptual relation between the latter and biopower ultimately remains unclear—not the least because Foucault often uses them as synonyms. Another open conceptual question concerns the relation between biopower with its two poles and other concepts that display similar poles, like pastoral power or the general effects of governmentality that Foucault characterizes as both individualizing and totalizing.²³ Do these terms and concepts refer to different phenomena, or should they be viewed as revised and refined vocabularies that aim to capture the same phenomena?²⁴ This is not to say that biopolitics should be discarded as a concept, but it should serve as a cautionary note with regard to what can be expected from attempts to formulate an unambiguous and straightforward definition of biopolitics. With these caveats in mind I will try to sum up in a tentative fashion what I consider to be some of the key biopolitical themes and categories that will be used in the following to guide my analysis of the thought of Rüstow and Röpke.

Let us start with one of the few features of biopolitics that is in fact fairly uncontroversial. Biopolitics is premised upon the notion of *population*. It is the regulating ‘care’ over this population as a crucial factor in contemporary government that makes for the prominent position biopolitics holds—at least for a while—in Foucault’s thought. The ‘discovery’ of a population made up of living beings is accompanied by the pledge of governments to watch over its well-being, which leads to an entirely novel way of governing. This regulating care of the population immediately prompts further questions, namely regarding the modalities of biopolitics. How is a population of living beings to be governed? There are two argumentative threads discernible here, one of which is particularly pronounced in the lectures on governmentality and is of crucial significance to Foucault’s revision of his analytics of power that takes place in these lectures. The regulation of a population is introduced in the very first lecture in 1978 as type of power *sui generis* that is distinct from both sovereign (juridical) power and discipline. Sovereign power operates in a mode of negative prescription (punishment, censorship) while discipline operates as a positive/productive prescription. Security,

²⁰ On “thanatopolitics” see Robert Esposito, *Bios. Biopolitics and Philosophy*, translated by Timothy Campbell (Minneapolis: University of Minnesota Press, 2008), 110-145.

²¹ Foucault, *History of Sexuality*, 138.

²² Valverde argues that biopolitics, discipline or governmentality should not be viewed as concepts with a somewhat stable definition at all but rather as “tentative and always dynamic abstractions that are deployed strategically, rather than either scientifically or philosophically.” See Mariana Valverde, “Specters of Foucault in Law and Society Scholarship,” in *Annual Review of Law and Social Science*, Vol. 6 (August 2010): 52

²³ Michel Foucault, “‘Omnes et Singulatim’: Toward a Critique of Political Reason,” in James D. Faubion (eds.) *Power. Essential Works of Foucault 1954-1984* (New York: The New Press, 1994), 325.

²⁴ One could add to these questions by problematizing the fairly ambiguous concept of governmentality itself and wonder about its relation to biopolitics or take into consideration the apparatuses (*dispositifs*) of security that are supposedly part of contemporary governmentality. The latter presumably contribute to the regulation of a population but their conceptual relation to biopolitics also remains unexplored in Foucault’s lectures: see Foucault, *Security, Territory, Population*, 6.

which is to regulate the population through its apparatuses, is a form of power that takes into consideration the natural character of phenomena, as Foucault puts it.²⁵ Its 'ideal' is not prescriptive but rather derived from the empirical average. Moreover, the apparatuses of security only intervene once the aberration from this average crosses a certain threshold. As long as this threshold is not reached the security paradigm tolerates aberrations and thus turns out to be far less activist than the disciplines for example.²⁶

According to Foucault the discovery of the population in the thought of the ascending scientific discipline of political economy is, by the same token, the discovery of the naturalness of this population that is manifested in statistic data pertaining to this conglomerate of living beings. Death-rates and birth-rates, general demographic questions, but also public hygiene and the density and distribution of a population over a given territory are of relevance here.²⁷ The art of governing on this macro-level lies in the ability to grasp them [things] at the level of their nature, or let's say [...] grasping them at the level of their effective reality."²⁸ After all, the naturalness of the population has to be respected, i.e. social relations cannot simply be manipulated at will; that is, they exhibit only a limited plasticity in contrast to what the governmentality of the police state assumed. Still, this naturalness is not simply given, it has to be produced in a certain sense, namely through the right kind of government that leaves room for natural mechanisms of regulation on the level of the population to operate properly. This introduces an important ambiguity to (neo)liberal government to which I will return below.

This biopolitical concern over the population as a statistically aggregated entity is easily compatible with organicist notions that conceive of the population as a macro-organism—the social body—that has a certain life expectancy and other specific features and is also prone to certain 'illnesses' that might reduce this life expectancy. At this point it is possible to connect these arguments with Foucault's thoughts on the racist dimension of biopolitics discussed above, because the racist concern over the population is often tied to organicist notions and the biologicistic metaphors of sickness, degeneration and contamination.

The second line of thought regarding the question of the modality of biopolitical regulation does not figure as prominently as the one just discussed and makes more reference to the elaborations on biopolitics in the *History of Sexuality*. One of the most important effects of the conceptual entry of the population into the reflected practices of government is its replacement of the family as a normative frame of reference for governing. In short, the advocates of the new arts of governing have abandoned the notion that the family can serve as a model of how to govern a whole society, as late medieval thought under the sway of Aquinas still maintained: "Apart from some residual themes, such as moral or religious themes, the family disappears as the model of government."²⁹ Importantly though, this does not imply that the

²⁵ See for example: Foucault, *Security, Territory, Population*, 19.

²⁶ *Ibid.*, 6.

²⁷ "...a state of government that is no longer essentially defined by its territoriality, by the surface occupied but by a mass: the mass of the population, with its volume, its density, and for sure, the territory it covers..." (*Ibid.*, 110)

²⁸ *Ibid.*, 46.

²⁹ *Ibid.*, 104.

family would cease to be relevant for the task of regulating the population. “The family now appears as an element within the population and as a fundamental relay in its government [...] It is therefore no longer a model; it is a segment whose privilege is simply that when one wants to obtain something from the populations concerning sexual behavior, demography, the birth rate, or consumption, then one has to utilize the family.”³⁰ Thus, the family gains crucial biopolitical importance as a lever or a relay in the regulation of a population. And of course, these thoughts can also be linked easily with the racist dimension of biopolitics because the dangers of contamination and the weakening of the DNA of the social body is closely linked to the concern over sexuality with the latter not only being relevant for the social birth-rate, but also supposedly for the contraction and spreading of diseases.

In sum, one can highlight a number of issues, questions and categories that can be characterized as pertaining to biopolitics and that can be used to structure the following examination of ordoliberal thought: the population, its (physical) well-being which also includes its distribution over a territory and, in particular, concerns aggregate demographic measures such as birth, sickness and death rates. This concern over the health of the population is often expressed in organicist terms (the social body) and provides the link to racist concerns over the contamination of this body and anxiety over sexuality as a potential transmitter of diseases. Finally, the family is identified as one of the prime strategic sites of efforts at regulating the population in various ways.

Ordoliberalism as a ‘General Framework of Biopolitics’: Alexander Rüstow and Wilhelm Röpke

Let me start out with some clarifications and caveats regarding the following analysis. Foucault’s interpretation of ordoliberal governmentality makes strong reference to the work of Walter Eucken—possibly due to the respective emphasis in François Bilger’s work on which Foucault relies to a large degree in his reading of ordoliberal thinkers. However, I will focus exclusively on Wilhelm Röpke and Alexander Rüstow simply for the reason that their ‘sociological’ brand of ordoliberalism is particularly rich in content when it comes to matters of biopolitics because they place their economic theories (which they share for the most part with Eucken) in a broader context of social preconditions of the ‘perfect competition’ they hope to see realized in markets. In other words, in contrast to Eucken’s published work which is heavily tilted towards strictly economic questions (his early death preventing him from working out these social and political preconditions of functioning markets), the scope of the thought of Rüstow and Röpke is much broader and hence touches on many more issues that might be considered of biopolitical pertinence. At the same time it is important to point out that these ‘social preconditions’ are in my view inherently related to the ideal of perfect competition; i.e. they are a necessary complement for functioning markets. What Röpke and Rüstow depict is a society of small, decentralized and autarkic units which corresponds exactly to the structure of markets in the state of perfect competition that is void of economic power brought about by the ability to coerce other market actors due to discrepancies in size and/or utter dependence on the market. Furthermore, Röpke and Rüstow are adamant that non-market spheres are not

³⁰ Ibid.

to be colonized by market principles, but still, one could argue that these spheres are little more than a functional precondition for competitive markets because they serve as spaces where the energies of enterprising selves are replenished so they can return to the market to compete with renewed vigor.

When I speak of ordoliberal thought in the following, this refers exclusively to positions held by Röpke and/or Rüstow, which may or may not be shared by other ordoliberal thinkers such as Walter Eucken or Franz Böhm. However, it is worth noting once more that Röpke and Rüstow are far from marginal figures within the ordoliberal paradigm and although Foucault focuses on the work of Eucken, he repeatedly mentions Rüstow and Röpke and even refers to the latter's trilogy of books (*Gesellschaftskrisis der Gegenwart*, *Civitas Humana*, *Internationale Ordnung*) as "a kind of bible of this neo-liberalism."³¹ Let me finally clarify that I will not systematically distinguish between the thought of Röpke and Rüstow in the following. While this may be important for other purposes, there is no need to differentiate between the two as far as the biopolitical dimension of their thought is concerned because the commonalities outweigh the differences by far.

Population and the Fear of Masses

In ordoliberal thought the concern over the population manifests itself primarily as a concern over certain tendencies that are seen as related to the masses. The topic of mass society and mass democracy become ever more prominent over the course of the second half of the 19th century with the overall ideological thrust of the discourse on masses being mostly conservative, as in the case of Edmund Burke, Gustave Le Bon or Ortega Y Gasset. Still, the concern over masses also plays a role in the thought of Tocqueville, who is less unambiguously labeled a conservative, and also in the work of John Stuart Mill, who is a far cry from conservative. The discourse on masses, thus, is multi-layered and cannot be pinned down ideologically in an unequivocal way. It constitutes the framework in which the ordoliberals (and in this case this also explicitly includes Eucken) address most questions related to the biopolitical concern over the population as it was described above.

Now, what does the talk of masses and massification refer to specifically? Massification is a long-term effect of its dialectical counterpart, individualization or atomization, which create the preconditions of the former. Rüstow writes about the loss of the "safety of sufficient organic social embeddedness."³² Grown social structures exhibiting both horizontal

³¹ Foucault, *Birth of Biopolitics*, 104.

³² Alexander Rüstow, *Ortsbestimmung der Gegenwart. Eine universalgeschichtliche Kulturkritik. Dritter Band. Herrschaft oder Freiheit* (Erlenbach/Zürich: Eugen Rentsch, 1957), 120. Note that all translations from German are mine. In the case of Rüstow, only an abridged version of the third volume of *Ortsbestimmung der Gegenwart* exists that does not include the sections I cite from. See *Freedom or Domination: a Historical Critique of Civilisation*, translated by Salvator Attanasio (Princeton: Princeton University Press, 1980). In the case of Röpke a translation of *Civitas Humana* exists but it is no longer in print and I was unable to find any existing copies. See *Civitas Humana. A Humane Order of Society*, translated by C.S. Fox (London, William Hodge, 1948). According to Alexander Gray the translation is less than ideal: "The other defect is that this book has been presented in a translation which will most effectively deter all but the stoutest from persevering to the end." (Alexander Gray, "Review of *Civitas Humana*," *Economica*, Vol. 16 (May 1949), 181)

and vertical dimensions that wither increasingly over the course of the 19th Century leave behind atomized and uprooted individuals in their wake that lack any experience of being embedded in 'natural' collective structures such as intermediate institutions like the church or corporatist organizations, but also the family and the (rural) local community. According to Röpke und Rüstow, the decline of all these intermediary structures and institutions leads to the unmediated confrontation between an atomized individual and an all-powerful bureaucratic state. "Individuals are randomly thrown together as if they were grains of sand piled up into arbitrary heaps by the wind; they are the masses of the urban centers. [...] The resulting simple aggregation of these individuals left entirely to their own devices is what we call massification. It is the leveling of the social pyramid; an atomization that is accompanied by agglutination."³³ It becomes abundantly clear at this point that the problem of massification refers to questions that coincide with those that Foucault sees as pertaining to the population, namely the density of the population, its distribution over a territory and the more or less 'organic' or 'natural' bonds between its members.³⁴ Rüstow often refers to the dialectic of atomization and agglutination in the more conventional sociological terms of over- and under-integration. The under-integration of the members of a society, i.e. their atomization that is partly the result of the modernization and rationalization of social life taking place over the course of the 19th century, makes those individuals vulnerable to overcompensating forms of integration that can consequently lead to over-integration. Following this logic, fascism would be a form of over-integration premised upon the preceding atomization processes. As already hinted at above, the phenomenon of massification is also to be understood in conjunction with processes of impoverishment and what the ordoliberals call 'proletarianization', "in the material and immaterial sense of an uprooting, a lack of reserves, of nomad-like restlessness and, finally, the mechanical and anonymous collective social welfare."³⁵ Assuming that massification is a sociological phenomenon, proletarianization could be considered its socio-economic dimension, although the causal links between the two are not always entirely clear in the remarks of the ordoliberals. Industrial society furthers processes of proletarianization because people increasingly have to sell their labor power on the labor market to become employees. If this source of income is missing because people lose their jobs they have to rely on the transfer payments of a bureaucratic and anonymous welfare state that contributes to processes of massification. The atomization upon which massification is premised, in turn ends up being a crucial factor in proletarianization processes because it is the solitary employee with no social capital in the form of family ties or other networks that is dependent on the bureaucratic welfare state in the case of 'contingencies' such as unemployment, sickness, accidents etc. This already implies the significance of the family in ordoliberal thought, to which I will return further below. In the meantime, let me sum up some of the features of the ordoliberal concern over the masses and how they relate to what Foucault calls the concern over a population.

³³ Wilhelm Röpke, *Civitas Humana. Grundfragen der Gesellschafts- und Wirtschaftsreform*, 2. auflage (Erlenbach/Zürich: Eugen Rentsch, 1946), 243, 246.

³⁴ Foucault, *Security, Territory, Population*, 110.

³⁵ Röpke, *Civitas Humana*, 250.

Let us begin with the way Rüstow characterizes a politics of 'de-massification': "Accordingly, we refer to the pathological deviances from this normal and healthy mean as under- or over integration", both of which should be avoided.³⁶ This is reminiscent of Foucault's characterization of the workings of the apparatuses of security, which are only supposed to intervene once a certain threshold is crossed and the deviances from an empirical norm, (i.e. the mean regarding certain statistical measures related to the population) become excessive.³⁷ However, for the ordoliberalists this 'norm' is by no means to be derived from empirical statistics. Rather, the norm Röpke and Rüstow have in mind is that of a humanly dignified "rootedness" with the members of society being "embedded in a healthy and organic way", because "whoever is healthy and normally embedded finds comfort and is spared a sense of being thrown into the world. [Therefore] we will not be denied to strive for a new embeddedness according to human nature and to recognize the former as what is normal, healthy and hence, what ought to be and what ought to be pursued."³⁸ This norm is obviously of a prescriptive nature in contrast to the norm Foucault attributes to apparatuses of security. To be sure, the point of reference for the ordoliberalists is the 'naturalness' of the population as well, particularly regarding the 'natural' bonds between individual members. However, this naturalness is derived from a rather implicit philosophical anthropology that aspires to discern some kind of human essence from which the natural level and quality of societal integration could be derived. We will have to return to what turns out to be a rather ambiguous notion of human nature or essence at greater length below.

Another point deserving attention that highlights the differences between Foucaultian and ordoliberal ideas regarding the (emergence of the) population can be spelt out with reference to Röpke's diagnosis of the negative repercussions of massification. The respective negative impact on society can be illustrated with reference to "the truest and simplest community; the family premised upon monogamy, which is the original and indestructible basis of any higher form of community."³⁹ Röpke refers to the family as an 'arch' of well-ordered vertical and horizontal structures. "The decay of Western society ultimately is nothing else but the collapse of this arch; the destruction of its three-dimensional structure and the ongoing dissolution of any true community." The crucial point here is the explicit normatively laden analogy between family and society. This appears to be at odds with Foucault's thesis of the displacement of the family as a *normative* model of government in the course of the 'discovery' of the population. Nevertheless, as it turns out, both the ordoliberalists and Foucault attribute an important strategic role to the family as a crucial lever in the attempt to regulate the population.

³⁶ Alexander Rüstow, *Rede und Antwort* (Ludwigsburg: Horch, 1963), 267.

³⁷ "...one establishes an average considered as optimal on the one hand, and, on the other, a bandwidth of the acceptable that must not be exceeded." (Foucault, *Security, Territory, Population*, 6)

³⁸ Wilhelm Röpke, *Torheiten der Zeit* (Nürnberg: Glock und Lutz, 1966), 37; Rüstow, *Rede und Antwort*, 179; 267.

³⁹ Röpke, *Civitas Humana*, 244.

The Significance of the Family

“All existing variations aside, marriage and family are the forms appropriate for humans to live together and procreate.”⁴⁰ Advocating this conventional model of the nuclear family is, of course, anything but unusual in the context of the 1950s. What proves to be far more interesting is an analysis of the strategic significance of the family in ordoliberal thought that touches on demographic and genuinely biopolitical issues as well as questions regarding the distribution of the population over a given territory, concerns over proletarianization and, finally, the normative ideal of human dignity that is supposed to provide a normative guidepost for what the ordoliberals call ‘politics of life’ [Vitalpolitik].

Let us begin with the reciprocal connections between family, massification and proletarianization. According to Rüstow, proletarianization is one of the crucial factors in the looming destruction of the family as an institution. Elaborating on the contrast between a family business and large scale industrial production he writes: “While family businesses integrated families into an autonomous community of work factory production tears the family apart and subjects herds of dependent workers to alien control.”⁴¹ One of the firmest foundations of family and marriage is thus destroyed. The basic normative problem of proletarianization is the lack of autonomy and/or autarky of those affected by it, which makes them particularly susceptible to processes of massification. The ordoliberals view the family as an ‘intermediary institution’ that offers shelter from such relations of dependence (be it employers or the welfare state) by providing services for those in need in accordance with the principle of subsidiarity. Still, as Marx and Engels already noted in the *Communist Manifesto*, under capitalism ‘everything solid melts into thin air’—traditional family and social structures being no exception. The ordoliberals certainly did not fail to recognize this corrosive effect of market societies due to increased mobility and work requirements.⁴² Undoubtedly, the ability of the family to offer a certain measure of security in the face of the volatility of markets is greatly reduced, let alone the ‘healthy embeddedness’ of interpersonal relations that is questioned increasingly by dual-earner households and the temporal and geographical delimitation of work. Proletarianization and the rise of industrial production thus weaken the family as an institution and, conversely, this weakening of the family furthers tendencies of proletarianization. Family policies regarding maternity leave and many other issues therefore would also be a kind of social policy and a policy of de-proletarianization.

The centrifugal dynamic affecting the family in the era of large scale industrial production also has a spatial dimension that preoccupies the ordoliberals and that corresponds to Foucault’s analysis of the regulation of a population regarding its geographical distribution and, hence, relative density. Capitalist production is almost inevitably accompanied by processes of centralization and urbanization that are viewed with great concern by the ordoliberals. Röpke refers to the urban metropolis as a “pathological degeneration,” not the least because of its sociological structure that turns it into one of the “main sites of massification,

⁴⁰ Rüstow, *Ortsbestimmung der Gegenwart*, 41.

⁴¹ Ibid.

⁴² See Alexander Rüstow, *Die Religion der Marktwirtschaft* (Münster: Lit, 2001), 28.

proletarianization and devitalization.”⁴³ The rise of industrial capitalism thus leads to an increased urbanization that leaves rural families and businesses weakened while it produces (im-)materially impoverished proletarians in the cities that are particularly vulnerable to massification processes, not the least because of their lack of family ties and the respective safety net they could fall back on. Still, why are there no new ties developing among the urban dwellers? According to Röpke, living conditions in big cities turn children into “nothing but a heavy burden on the family budget.” Therefore, one could rightly say that “the urban-industrial development of the last fifty years has done grave injustice to the people by turning the most natural thing in the world, namely conceiving and raising children, into a heavy material burden that requires a conscious and difficult moral decision.”⁴⁴ Both Röpke and Rüstow draw the conclusion that what is required is a politics of habitation [*Siedlungspolitik*] that would strengthen non-industrial agricultural production as well as small ownership in general that opens up the possibility of at least partial subsistence production. This politics of habitation would be a crucial element in a broader politics of life that stems the tide of massification and proletarianization using the family as a relay. Good family policies thus imply a decentralizing policy of habitation. Families do not exist in a vacuum, they require an appropriate context to flourish and this is “doubtlessly provided in the best and healthiest way through ownership of a home and the land on which it stands.”⁴⁵ Röpke concurs with a demand for the “decentralization of habitation.”⁴⁶ The politics of habitation the ordoliberalists advocate entails a dynamic as well as a conservative element. On the one hand they hope to conserve small ownership and small farm businesses in particular. The latter are idealized in a way that is reminiscent of a Jeffersonian agricultural utopia.⁴⁷ This idealization partly rests on the putative embeddedness of farmers in the natural rhythms of the seasons that provide an important sense of rootedness. Small-scale farm production with its structures of subsistence and solidarity that prevent exclusive dependence on the market—what Esping-Andersen calls ‘de-commodification’—is also viewed as a “bulkwork” against a dependent proletariat that is entirely deprived of the means of autarky.⁴⁸ While this is the conservative side of a politics of habitation, the dynamic side requires a more proactive politics of decentralization that can be “summed up in the imperative to create new, smaller centers at the expense of big cities.”⁴⁹ Thus, biopolitics in this sense also implies a politics of urban and rural habitation and development.

Family and Demography

Let us now turn to the demographic dimension of family policies. Foucault introduced the term biopolitics with reference to statistical demographic measures like birth rates or fertility

⁴³ Röpke, *Civitas Humana*, 287.

⁴⁴ *Ibid.*, 285.

⁴⁵ Rüstow, *Rede und Antwort*, 181.

⁴⁶ Röpke, *Civitas Humana*, 284.

⁴⁷ See Carl J. Friedrich’s review essay of *Ortsbestimmung der Gegenwart*: Carl J. Friedrich, “The Political Thought of Neoliberalism,” *American Political Science Review*, Vol. 49 (June 1955), 522.

⁴⁸ Rüstow, *Rede und Antwort*, 205.

⁴⁹ Röpke, *Civitas Humana*, 290.

rates. Accordingly, this is a core domain of biopolitics. Aside from the fear of massification, the population as such concerns the ordoliberals predominantly because of the danger of an uncontrollable population growth. Röpke refers to a “flooding effect” and Rüstow bemoans “the transformation of the world into a rabbit cage”, which supposedly leads to “senseless population growth,” which is also considered an unintended consequence of increased standards of hygiene and the productivity increases of capitalist societies.⁵⁰ Population growth supposedly is caused by both economic and sociological factors, with the economic one, i.e. Malthus’s theorem of population growth outpacing food production, not being a real concern for the ordoliberals. Rather, it is the fear of sociological overpopulation contributing to massification processes that is considered to be far graver. “While economic overpopulation can be deferred into the future—sociological overpopulation is already a fact in many places and it keeps on growing. We have long since surpassed the sociological optimum.”⁵¹ This means that regulation has to be applied to the family, with the ultimate purposes of the respective attempts not always being entirely clear and also differing in the case of Rüstow and Röpke. In the case of Röpke his warnings of untrammled population growth are coupled with a concern over the decline of fertility among certain strata of the population (particularly the upper strata and the well-educated) that he interprets as a sign of the cultural and moral crisis of Western society. Adults are no longer willing to accept the responsibility of a mother or a father, which is “one of the most remarkable manifestations of the modern evasion of life with all of its obligations, risks and ties [...] The relinquishment of vitality in exchange for an artificial existence of comfortableness.”⁵² Furthermore, as already mentioned, the putatively inhospitable environment that big cities provide for families and children is one of the reasons underlying a decentralizing politics of habitation. For Röpke, both population growth in general as well as declining birth rates among certain strata in particular turn out to be a problem, which points us in the direction of the crucial question of *who* should have *how many* children. However, before addressing this issue let us take a look at Rüstow, who offers plenty of considerations regarding demographic questions in the context of family policies.

First of all, Rüstow is adamant in his defense of contraceptives, which is a somewhat remarkable stance at the very beginning of the 1960s. While this position may seem fairly progressive, it also entails a deeply problematic espousal of the Chinese ‘One-Child-Policy’: “Of course, the intrusion of rationalization into this innermost sphere of intimacy constitutes a loss of vitality. But the menacing effects of overpopulation are of such stark and crushing proportions that such sensitivities have to give way.”⁵³ It already becomes clear at this point that the ordoliberals live up to their reputation—which is also repeatedly confirmed by Foucault—that they cannot be subsumed under classic *laissez-faire* liberalism. If necessary, so it seems, the state is even entitled to intervene deeply into the private sphere of individuals and this is considered to be in accordance with ordoliberal principles.

⁵⁰ Röpke, *Civitas Humana*, 247; Rüstow, *Ortsbestimmung der Gegenwart*, 77, 72.

⁵¹ Rüstow, *Rede und Antwort*, 77.

⁵² Röpke, *Civitas Humana*, 285.

⁵³ Rüstow, *Ortsbestimmung der Gegenwart*, 74.

However, Rüstow's policy recommendations for German society have a mainly anti-interventionist thrust—at least at first sight. "I believe the family flourishes best if left alone; and one should avoid interventions that tend to reduce its responsibility significantly."⁵⁴ This line of reasoning prompts Rüstow to object to transfer payments like child benefits because it supposedly undermines the responsibility of parents for the material well-being of their children, and, more generally leads to an erosion of familial bonds. In short, the aim of family policy should be to enable only those parents to have children who are able to raise and support them on their own and thus behave responsibly. At least there should not be any incentives for members of lower economic strata to have children. Still, the children of such parents should not be punished for the 'irresponsible' behavior of their parents. Rüstow mentions social welfare programs in general and argues for an education policy that would provide true equality of opportunity even for these socio-economically disadvantaged children.⁵⁵ Once more it becomes clear that despite Rüstow's own call for an anti-interventionist family policy, ordoliberal policy is far from it, because policies aiming at true equality of opportunity would have to be extremely interventionist—and Rüstow himself has formulated the most radical ideas in this regard, including inheritance taxes of 100 percent.⁵⁶ Thus it would be greatly misleading to characterize the family policy position of ordoliberals as anti-interventionist. Consider Rüstow's remarks on the 'problem' of working mothers. In a lecture he references a contemporary American documentary on orphanages which showed how "due to the lack of motherly love the children became increasingly retarded [sic] from month to month."⁵⁷ This shows that the biopolitical concern over the genetic weakening of the population discussed by Foucault in the lecture series *Society Must Be Defended* is also present in ordoliberal thought. Rüstow, accordingly, argues for a 'breast-feeding benefit' instead of child benefits to provide an incentive for mothers to stay at home and takes things even one step further with the following remarks: "There is no easy solution. I would like to say that, personally, I would not even object to prohibiting mothers of young children to be employed, and this shows you how significantly we neoliberals differ from the old liberals with regard to any ban on interventions."⁵⁸

It is worth noting how deeply illiberal ordoliberalism turns out to be when biopolitical concerns are at stake. Safeguarding the genetic heritage of the population and avoiding a looming 'retardation' of society's offspring seemingly justifies gender discrimination and restrictive labor market policies that are anything but liberal. Let us dwell a little longer on this issue of population health, anxiety over defective collective DNA and how to confront these 'dangers.' To be sure, it is not an old-fashioned racism one finds in ordoliberal thought, despite the fact that the organicist and naturalist rhetoric is often disturbing to contemporary ears. Röpke bemoans the "degeneration of society" and Rüstow states that "what is needed is rather a responsible critique of our culture to secrete all of it that is sick, rotten and frail."⁵⁹ In such

⁵⁴ Rüstow, *Rede und Antwort*, 181.

⁵⁵ *Ibid.*, 134.

⁵⁶ Rüstow, *Die Religion der Marktwirtschaft*, 84.

⁵⁷ Rüstow, *Rede und Antwort*, 85.

⁵⁸ *Ibid.*

⁵⁹ Rüstow, *Ortsbestimmung der Gegenwart*, 266.

remarks both Röpke and Rüstow make use of medical rhetoric and cast themselves as physicians dissecting the social body.⁶⁰ The nature of the social diseases diagnosed is often described in metaphors of contamination and defilement with the therapy requiring the secretion and removal of the respective pathogenic agents. “In the light of the external menace through a full-fledged, unveiled and untrammelled superimposition [Überlagerung]⁶¹ there is the absolutely urgent task that will bear no postponement to identify and secrete rigorously, relentlessly and in a sanitary way all forms and effects as well as all remnants and traces of all preceding superimpositions in ourselves, our beliefs and institutions.” The rampant organicism of ordoliberal thought is also on display in Röpke’s explicit analogy between the human and the social body, when he states that “a healthy society is characterized by a normal degree of integration just like the human body is characterized by a normal body temperature and that any deviance from this normal degree of integration—be it over- or under-integration—is to be described as pathological.”⁶² I do not mean to belabor this point regarding the highly questionable rhetoric that also has to be considered in the context of the time. Rather I would like to return once more to the question already touched upon above, namely who should have how many children. Röpke only deals with this in passing, stating that the empirical fact of population growth is not inconsistent with the cultural crisis symptom of a falling birth rate, because “one only has to take into account that the birth rate is declining in a highly uneven way across the various strata of society.”⁶³ The issue is addressed more bluntly by Rüstow who points out that contraceptive techniques first took hold among the upper strata of society, while the lower strata “procreated in an unmitigated fashion: This created a picture of an often bemoaned counter-selective mode of procreation.”⁶⁴ Fortunately, Rüstow continues, contraceptive techniques are by now widely used in the lower strata, too, “whereas the rich and well-educated [...] increasingly tend to view children one can ‘afford’ as something desirable and a vital plus. [...] If both developments were to continue this would lead to a reasonable and desirable procreative distribution.”⁶⁵ The only thing that could undermine this development would be child benefits paid to the poor and uneducated because it would make it easier for them to have and raise children. Without being too uncharitable in our interpretation, I think it is not far-fetched to detect a certain measure of biopolitical concern in these remarks that Foucault analyzes with regard to the complex of family-population-disease-racism. This is obviously not a biological racism along the lines of modern anti-Semitism, but it is still a form of social racism that accompanies the rise of mass societies in the late 19th Century⁶⁶ and that can be traced all the way to its contemporary manifestations like Lawrence Mead’s cri-

⁶⁰ See Gray, “Review of *Civitas Humana*,” 179: “Here again he plays the part of physician to humanity.”

⁶¹ For a concise summary of Rüstow’s theory of ‘superimposition’ see Friedrich, “The Political Thought of Neoliberalism,” 516-522.

⁶² Röpke, *Civitas Humana*, 158. Note the clear correspondences between the way Röpke describes the norm of the social body and Foucault’s characterization of the *modus operandi* of apparatuses of security.

⁶³ *Ibid.*, 248.

⁶⁴ Rüstow, *Ortsbestimmung der Gegenwart*, 75.

⁶⁵ *Ibid.*

⁶⁶ See Elisabeth Ewen and Stuart Ewen, *Typecasting. On the Arts and Sciences of Human Inequality* (New York: Seven Stories Press, 2006).

tique of a 'culture of dependency' among the poor, or the more biologicistic/racist versions found in Murray and Sarrazin.⁶⁷

Human Nature, *Vitalpolitik* and the Naturalness of the Population

Let us finally look at what serves as the normative foundation of ordoliberal thought and supposedly figures as a guidepost for the 'politics of life' advocated by Röpke, Rüstow but also Eucken, namely human nature.

The ordoliberals are given to strong claims about human nature. Consider Rüstow's remarks in the context of a discussion of the ideological battle between communism and capitalism (a word he does not use). Despite being seemingly outnumbered, there is hope in the struggle against communism, because "human nature is on our side."⁶⁸ Röpke concurs and refers to "anthropological facts that science has to respect just like other facts,"⁶⁹ after all, "despite the variation in responses to different environments, our human nature proves to be remarkably unchanging time and time again."⁷⁰ It is Rüstow in particular who highlights a "newly emerging basal anthropology" that explicitly renounces its biologicistic and racist precursors and instead aspires to be "a science of man that captures him in the richness of his nature starting from the biological, bodily dimension and reaching to the spiritual, moral and religious dimension."⁷¹ This new 'science' plays a crucial role in the normative architecture of ordoliberal thought because it is to provide "what we were missing bitterly so far, namely a scientific foundation of our idea, our view, the direction of our will."⁷² What is at stake here is a theory of human nature that can claim scientific authority and serves to inform what the ordoliberals stress to be more important than economics or economic policy, namely *Vitalpolitik*, a politics of life. The latter "consciously abstains from striving for records and maximum performance [...] rather, it consciously asks what is to be done in order to make the individual person happy and content" so she can lead a dignified life.⁷³ In the context of ordoliberal thought the biopolitical concern over the population is thus transposed into a call for a politics of life that does justice to a holistic view of human nature. Consider the foundational status of the link between human nature and a politics of life that serves as the normative point of reference for most of the issues discussed above. Family policies as well as policies of habituation are ultimately to be shaped and informed by this ideal of what it means to be human. Even in the otherwise absent biopolitical dimension of sexuality Rüstow argues that what needs to be considered is the question of "norms in the domain of the erotic that are

⁶⁷ See Lawrence Mead, *The New Politics of Poverty: The Nonworking Poor in America* (New York: Basic Books, 1992); Charles Murray, *Losing Ground: American Social Policy, 1950-1980* (New York, Basic Books, 1984); Thilo Sarrazin, *Deutschland schafft sich ab. Wie wir unser Land aufs Spiel setzen* (München: DVA, 2010).

⁶⁸ Rüstow, *Rede und Antwort*, 38.

⁶⁹ Röpke, *Civitas Humana*, 158.

⁷⁰ Rüstow, *Orstbestimmung der Gegenwart*, 509.

⁷¹ Rüstow, *Rede und Antwort*, 166.

⁷² *Ibid.*, 167.

⁷³ *Ibid.*, 182.

differentiated according to age and developmental stage and that are in accordance with human nature."⁷⁴

How does this normatively laden human nature relate to the naturalness of the population that Foucault discusses in the context of biopolitical regulation? The obvious difference seems to be that Foucault insists on biopolitical regulation relying on an empirical norm, i.e. the 'natural' birth rate of a given population etc.,⁷⁵ while the ordoliberals use a norm of human nature that is drenched in normativity. I think this characterization is largely correct although there is an ineradicable ambiguity to the notion of nature or the natural. I think it can be shown that the empirical mean Foucault has in mind also always carries certain normative connotations with it,⁷⁶ while, conversely, the ideal of human nature espoused by ordoliberals gains a lot of its normative traction from its reference to the putative empirical anthropological 'facts' mentioned above. What is more important, though, is a structural similarity between Foucaultian naturalness and ordoliberal human nature, which also takes us to the heart of the neo-/ordoliberal art of governing and its challenges.

Consider first the ambiguity inherent in the 'naturalness' of the population. Seemingly the natural characteristics of a population are simply a given that provides the orientation markers for ordo- and neoliberal governmentality because the latter has to take into account this naturalness in the sense that there is only a limited degree of plasticity to these aggregate measures. It is with reference to Gary Becker's theory of human capital that Foucault points out that neoliberal governmentality is one that 'accepts reality' rather than trying to impose a normative ideal irrespective of reality – and this can easily be applied to ordoliberal governmentality as well.⁷⁷ Still, this is less straightforward than it may seem because the naturalness of the population is *not* simply a given. As Foucault puts it in one lecture, with the 'birth' of the population comes a shift in the art of governing: "The basic principle of the state's role, and so of the form of governmentality henceforth prescribed for it, will be to respect these natural processes, or at any rate to take them into account, get them to work, or to work with them."⁷⁸ However, the very naturalness of these processes is already premised upon a proper way of governing: "The essential objective of this management will be not so much to prevent things as to ensure that the necessary and natural regulations work, or even to create regulations that enable natural regulations to work."⁷⁹ With this twist the naturalness of the population turns out to be thoroughly underdetermined because it is only brought out through the right way of governing, and by the same token identifying what counts as the right way of governing becomes a slightly more challenging task because there is no yardstick to be applied that is not already subject to these very ways of governing in question. In other

⁷⁴ Rüstow, *Ortsbestimmung der Gegenwart*, 43.

⁷⁵ "Security will rely on a number of material givens." (Foucault, *Security, Territory, Population*, 19)

⁷⁶ See Thomas Biebricher, *Selbstkritik der Moderne. Habermas und Foucault im Vergleich* (Frankfurt: Campus 2005), 328-329.

⁷⁷ With reference to security and its accompanying norm, Foucault makes the following distinctions: "Finally security, unlike the law that works in the imaginary and discipline that works in a sphere complementary to reality, tries to work within reality..." (Ibid., 47)

⁷⁸ Foucault, *Security, Territory, Population*, 352.

⁷⁹ Ibid., 353.

words, whether a certain way of governing brings out the true naturalness of the population ultimately remains an unanswerable question, which is one of the crucial problems haunting neoliberal government.

In my view there is an analogous under-determination to be detected in the ordoliberal treatment of human nature. From what has been discussed so far, it would seem that the new anthropology Rüstow sees emerging provides the scientific basis for a positive theory of human nature that can, in turn, serve as a normative foundation for everything from habituation policy to the politics of life. However, at closer inspection it turns out that human nature is normatively far more ambiguous than the ordoliberals initially seemed to suggest. "Man is of a mixed nature. There are no entirely good or bad people."⁸⁰ This is a rather trite judgment with which few would disagree, but if it is already an insight of the 'new anthropology' Rüstow constantly refers to, the project of a scientifically based politics of life is in great peril. After all, if one were to follow the quote above, human nature would turn into an empty signifier that can serve as justification for just about everything—and by the same token, nothing. Taking a look at how Rüstow continues, it becomes clear that it is not really 'human nature' that is supposed to guide politics. He characterizes people as moral "zebras" that have black and white stripes. Politics "can appeal to the black stripes of people [...] or it can appeal to their idealism, their insight, their reason, and their willingness to sacrifice."⁸¹ Government should appeal to the white stripes according to Rüstow, and thus performatively strengthen these normatively desirable characteristics of people in the sense of Althusser's interpellation. Accordingly, one has to draw the conclusion that what people are, i.e. their 'human nature', is not a given but is rather brought out through a certain way of governing, hence human nature can hardly serve as a normative yardstick that informs governmental policy. It is rather telling that Rüstow's justification for a 'politics of white stripes' is a fairly functionalist one that has little to do with a normative anthropology. "Egoism is basically a very superficial principle of integration that has no depth and is incapable of bringing about a sustainable and dynamic form of integration."⁸² Ultimately, it seems, ordoliberal politics is informed by the necessity to create and maintain social stability and not so much by a normatively impregnated view of human nature.

Concluding Thoughts

The aim of this paper was to take up the research agenda formulated but never realized by Foucault in the governmentality lectures, namely to analyze biopolitics in the context of the general framework of liberalism. One way of operationalizing this agenda is to scrutinize liberal thought with regard to its biopolitical dimension. The paper has made a first attempt to do this, albeit not with regard to liberalism in general but rather more specifically with regard to the ordoliberal thought of Röpke and Rüstow, who show a keen interest in the various social preconditions for a functioning market economy. These preconditions often turn out to touch more or less directly on biopolitical themes and questions, which I have identified on the basis

⁸⁰ Rüstow, *Rede und Antwort*, 96.

⁸¹ *Ibid.*

⁸² *Ibid.*, 98.

of a critical reconstruction of Foucault's concept of biopolitics and the various argumentative and thematic threads related to it.

As I have shown in this paper, there are indeed a number of biopolitical aspects to ordoliberal thought; be it the fear of massification and proletarianization, the call for a decentralizing politics of habituation, the defense of a family policy that takes account of demographic and collective health requirements, or the politics of life that is to be informed by the norm of human nature. I think it has become clear that the Foucaultian notion of biopolitics in all of its internal complexity serves as a useful 'tool' to analyze and problematize ordoliberal thought; an issue to which I will return below. Before, though, I would like to highlight one particular point that, in turn, problematizes Foucault's reading of the ordoliberals. Recall that Foucault stressed the specific functioning of the norm in the context of apparatuses of security as an empirical average rather than a prescriptive norm that he still saw at work in other modes of power. Even if one were to question a strict categorical distinction between an empirical and a prescriptive norm as I have, the point remains that the account of human nature in which much of the normativity of ordoliberal thought is grounded has to be considered a norm heavily tilted towards the prescriptive rather than the empirical. This sheds a critical light on Foucault's understanding of ordoliberalism as a species of neoliberalism which he took to be associated with apparatuses of security and the respective workings of a norm. At the very least, this should prompt us to reconsider Foucault's account of the relation between ordoliberalism, neoliberalism and the functioning of 'security' in order to reach a more nuanced understanding of how to map various governmentalities and the more or less corresponding modes of power.

Before I turn to the possibilities of future research that arise from the arguments made here, let me recall one last time why I think they are important in the first place. What I have tried to offer here is a heterodox reading of ordoliberal thought that focuses less on its genuinely economic policies that are usually the subject of discussions and rather takes into view the policies aimed at what ordoliberals called the 'market boundary' [Marktrand]. As Foucault notes with regard to these policies: "the object of governmental action is what the Germans call 'die soziale Umwelt': the social environment."⁸³ As it turns out, governing this social environment in a way that is conducive to functioning markets involves a significant biopolitical dimension that mostly goes undetected in discussions of ordoliberal thought. However, especially in the light of a recent renaissance of ordoliberal ideas in the aftermath of the global financial and economic crisis⁸⁴ I deem it important to point out that this biopolitical dimension is part and parcel of an ordoliberalism that is often charitably interpreted as more benevolent and humane than its cold-hearted cousin from Chicago. As I have tried to show, this biopolitical dimension often takes a fairly illiberal form and puts the liberal features of ordoliberalism at least into perspective. If nothing else the paper should serve as a cautionary note not to forget about these aspects and form (normative) judgments on ordoliberalism and whether its agenda should be revitalized as a response to the chimerical notion of self-

⁸³ Foucault, *The Birth of Biopolitics*, 146.

⁸⁴ See Amable, "Morals and Politics," and Atkins, "Germans can be proud."

regulating markets that fueled the run up to the current crisis on the basis of a comprehensive view of ordoliberalism that also includes the facets discussed here.

Finally, let me turn to future research options. Obviously, a similar kind of analysis could be done with other ordo- and neoliberal thinkers. Probably one of the most intriguing bodies of work to look at would be that of Gary Becker who applies the 'economic approach' to many of the institutions and issues that would have to be considered to be of biopolitical significance, be it the family, crime, racism or education.⁸⁵

Beyond that, I think one important item on a future research agenda would be to take a closer look at what Foucault described as one of the crucial challenges facing modern (neo-) liberal government, namely the fact that the governed are constituted as legal subjects as well as a population of the living. While this paper has focused on highlighting the latter aspect, examining the respective mediation between the liberal rule of law and the biopolitical regulation of a population, which is often far from liberal, promises to provide a more thorough (critical) insight into the workings of contemporary governmentalities.⁸⁶

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⁸⁵ See Ulrich Bröckling, "Human Economy, Human Capital: A Critique of Biopolitical Economy," in Ulrich Bröckling, Susammen Krasmann and Thomas Lemke (eds.), *Governmentality. Current Issues and Future Challenges* (New York: Routledge, 2010), 247-268.

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