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Revisiting the *Omnes et Singulatim* Bond: The Production of Irregular Conducts and the Biopolitics of the Governed

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ABSTRACT: This article starts from the non-judicial meaning of subjectivity that counter-conducts entail and from the asymmetrical forms of refusal they generate. Foucault's understanding of counter-conducts as productive practices, internal to the regime of norms that they oppose, enables analysing struggles and modes of life that were not defined by Foucault in these terms, or those counter-conducts that are more recent. In the first section, the article engages with the meaning of "counter-conduct," situating it within the *omnes et singulatim* nexus, interrogating how the level of multiplicities is at stake in contemporary forms of counter-conduct. Then, it focuses on *The Punitive Society*, showing that the modes of life and strategies of flight against the capitalist system described by Foucault allow us to grasp the excess of discordant conducts with respect to technologies of power that try to discipline them. In the final section, the article explores the entanglement between singularities and multiplicities at play in the government of refugees, focusing on the *spatial disobedience* enacted by rejected refugees at Choucha refugee camp in Tunisia. Refugees' strategic embracement of the condition of *subjects eminently governed* by the humanitarian rationale illuminates a form of *biopolitics of the governed*.

Keywords: biopolitics, omnes et singulatim, refusal, spatial disobedience, collective struggles

Introduction

As it is well known, the notion of counter-conduct is introduced by Foucault in the Lecture of March 1st 1979 to designate revolts of conducts against technologies of government that "do not exercise sovereignty and do not exploit, but 'conduct'."¹ The political technology that Foucault is talking about is pastoral power, the genealogy of which he traces in *Security, Territory, Population*. This political technology, defined by Foucault in this work as a "government of men,"² is characterized by a twofold level of 'hold' over people's lives: *omnes*

¹ Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-1978*, edited by Michel Senellart, translated by Graham Burchell (Basingstoke: Palgrave Macmillan, 2007), 266.

² *Ibid.*, 71.

et singulatim,³ that is, the government of singularities and the government of populations. However, when Foucault introduces the notion of counter-conduct in the Lecture of March 1st the focus of the analysis is centred primarily on the government of singular conducts and the *omnes* dimension is in part left aside. This does not mean that the collective level is absent in revolts of conduct; indeed, as Foucault stresses, in the XVI century the individual refusal of “being governed like that and at that cost”⁴ was very often enacted by subjects who were part of specific religious groups and communities. Nevertheless, counter-conducts are defined as practices of refusal and disobedience against certain norms of behaviour that structure the individual’s field of action. As much shared and spread as they could be among people belonging to the same community, the religious counter-conducts that Foucault recognizes start as the refusal of certain norms that shape people’s bodies and lives.

In this article I will discuss how the notion of counter-conduct provides a useful lens through which to analyse struggles and modes of life that were not defined by Foucault in these terms, or those counter-conducts that are more recent. In particular, I will show that, despite the prefix “counter,” the notion of counter-conduct is helpful for revising the relationship between powers and resistances beyond any reactive model of struggles against biopower, as well as beyond a juridicization of subjectivities. Then, I problematize the use and the meaning of “counter-conduct,” situating it within the *omnes et singulatim* nexus, interrogating how the level of multiplicities as an object of governmentality on the one hand, and the dimension of collective struggles on the other, is at stake in contemporary forms of counter-conduct. After commenting on the way in which Foucault deals with this in *Security, Territory, Population*, I will dwell on his *La société punitive*. In those Lectures at the Collège de France, the modes of life and strategies of flight against the emergent capitalist productive system described by Foucault enable us to grasp how resistances based on the enactment of discordant conducts are produced by an excess that technologies of power are then forced to contain. In the final section, I will explore the specific entanglement between singularities and multiplicities that are at play in the government of refugees, focusing on the *spatial disobedience* enacted by rejected refugees at Choucha refugee camp in Tunisia. I will show that their strategic embracement of the condition of *subjects eminently governed* by the humanitarian rationale, despite being *out of its concern*, illuminates a form of biopolitics of the governed.

Non-judicial subjectivities and the productive twist of counter-conducts

From the point of view of an analysis of governmentality, the choice to look at them through the lens of counter-conducts enables the displacement of two main images of power-resistances that are implicitly reiterated in political theory literature. The first one consists in

³ “On the one hand, the shepherd must keep his eye on all and on each, *omnes et singulatim*, which will be the great problem both of the techniques of power in Christian pastorship, and of the, let’s say, modern techniques of power deployed in the technologies of population” (Ibid.,173). See also Michel Foucault, “Omnes et Singulatim: Towards a Criticism of ‘Political Reason’ [1979],” in *Power: Essential Works of Michel Foucault 1954-1984*, vol. 3 (New York: The New Press, 2000), 298-325.

⁴ Michel Foucault, “What Is Critique?” in Lotringer Sylvère and John Rajchman (eds.), *The Politics of Truth* (New York: Semiotext(e), 1997), 41-82.

the juridicization of power relations that led Foucault to state that “we still have not cut off the head of the king.”⁵ The juridical frame is constantly instantiated any time that power is depicted as a set of constrictions that are exercised on subjects of right. The fact that Foucault introduced the notion of “counter-conduct” at the same time that he mobilized the frame of governmentality should be seen as part of his radical challenge to the juridical framing of power relations.⁶ As Arnold Davidson puts it, the “space of counter-conduct cannot be reduced to the juridical sphere” and “the attempt to create a new mode of life is much more pertinent than the question of individual rights.”⁷ By reframing power relations in terms of governmentality Foucault goes beyond any image of the subject as a subject of right, as he explicitly points out in 1984:

governmentality entails the relationship of the self to itself, and I intend this concept of governmentality to cover the whole range of practices that constitute, define, organize and instrumentalize the strategies that individuals in their freedom can use in dealing with each other.

Instead, Foucault goes on, “if you try to analyse power not on the basis of freedom, strategies and governmentality but on the basis of political institutions, you can only conceive of the subject as a subject of law”⁸.

Together with this anti-juridical approach to subjectivities, Foucault’s reflection on counter-conducts enables the dismissal of any oppositional conception of the relationship between powers and resistances. The prefix “counter” in the term “counter-conduct” is in part misleading if it is conceived as a mere reactive form of refusal, instantiating a sort of symmetrical resistance to power’s hold on conducts. Yet, in the Lecture of March 1st Foucault stresses the productivity of counter-conducts and their irreducibility to the borders and conditions imposed on them by those very techniques of governmentality from which they try to wriggle out. Counter-conducts are always *in excess* with regard to the norms that they resist by twisting and altering their expected functioning. Indeed, the modes of life through which subjects try to circumvent the regime of norms mobilizes the same elements that power uses, but they do so in a way that troubles and jams the effects of normalization and constraints on subjectivities. In order to grasp the productivity of counter-conducts we have to shift our attention away from the space in which counter-conducts operate and the means that they strategically use, towards the *undecidable openness* stemming from their practices; namely, the space they *open up* as an outcome of their modes of life. *What is generated through practices of counter-conduct cannot be fully accommodated in the regime of norms and truths that subjects are shaped by. In particular, practices of counter-conducts escape any evaluation of them that can be done*

⁵ Michel Foucault, *The History of Sexuality: The Will to Knowledge* (London: Penguin Books, 1998), 98.

⁶ Corey McCall, “Conduct,” in *Foucault Lexicon* (Cambridge: Cambridge University Press, 2014).

⁷ Arnold I. Davidson, “In Praise of Counter-Conduct,” *History of the Human Sciences*, vol. 24, no. 4 (2011), 33.

⁸ Michel Foucault, “The Ethics for the Concern of Self as a Practice of Freedom,” in *Ethics, Subjectivity and Truth; The Essential Work of Michel Foucault, 1954-1984, Vol. 1* (New York: The New Press, 1997, 300).

*in terms of calculability—costs and benefit's logic—and of the counting-subject's representation in the space of the political.*⁹

It can be contended that by skirting the edges counter-conducts—*tactically and from a genealogical point of view*—rest on and mobilize the same elements that produce them, and those with which they are subjected as subjects of conduct. Instead, *strategically and from an ontological standpoint*, counter-conducts introduce a constitutive asymmetry, as practices and forms of life that appear as discordant regarding the normative codes they counter-act and twist. I say “strategically” recalling Foucault’s definition of strategy as a comprehensive effect that “gains support from precise and tenuous relations serving [...] as its prop anchor point.”¹⁰ Coming back to Foucault’s explanation of the internality of revolts of conduct in relation to the techniques of power they aim to counter-act, it should be noticed that he expressly leaves out of his genealogy what he calls the “external blockages” of the pastorate, meaning “the passive resistance of populations still undergoing conversion to Christianity in the late Middle Ages. Even when converted, for a long time these populations were resistant to a number of obligations imposed on them by the pastorate.”¹¹ Thus, Foucault actually does not exclude that there could be insurrections of conduct and resistances to pastoral power that act at the very margins, or even partially outside the field of power technologies and norms of conducts they resist; however, he chooses to focus exclusively on the internal ones. But what does such an elision imply? As the abovementioned citation explains, Foucault mainly refers to the colonial geography of the pastorate, excluding from his analysis the resistance of “populations still undergoing conversion to Christianity.” Nevertheless, I suggest that there is also a sort of hidden elision in Foucault’s genealogy of counter-conducts; that is, external blockages whose exteriority is not primarily geographical but are, first of all, social and political and actually take place within the same space addressed by Foucault’s analysis. In a nutshell, this concerns the sphere of productivity and the space of mobility; these are forms of dissidence enacted by subjects who resist not the religious economy of conducts, but the disciplinary power of the system of production. In the 1972-1973 Lectures at the College de France, *La société punitive*—so, well before the introduction of the concepts of “governmentality” and of “counter-conduct”—Foucault brings attention to the criminalization of those unruly behaviours and strategies of flight that, in the XVII and in the XVIII century, resisted becoming a labour force bound to the apparatuses of production. According to Foucault, these strategies of flight were criminalized at that time, and were illegalized for the “common existence” and the possible “counter-society” they could generate.¹²

The political projects of counter-societies and the revolutionary-eschatological model: collective counter-conducts?

⁹ Athena Athanasiou, and Judith Butler, *Dispossession: The Performative in the Political* (New York: Polity Press, 2013); Judith Butler, “Human Shield,” *Lecture at the London School of Economics* (February 4th, 2015).

¹⁰ *The Will to Knowledge*, 99.

¹¹ *Security, Territory, Population*, 258.

¹² Michel Foucault, *La société punitive: Cours au Collège de France, 1972–1973* (Paris: Gallimard, 2013).

Before developing this point, I would like to briefly focus on modern and collective forms of counter-conduct discussed by Foucault in the last Lecture. Indeed, after situating counter-conducts within the field of pastoral power, as a political technology characterized by a twofold hold on populations and singular conducts (*omnes et singulatim*), in the Lecture of March 1st Foucault leaves aside the issue of revolts of conduct exercised at the level of the population: he focuses the analysis of counter-conducts on the second pole (*singulatim*) positing *obedience*—of the singular individual to the master or to a regime of norms—as the cornerstone of pastoral power. And after the Lecture of March 8th the term counter-conducts disappears. Nevertheless, in the last Lecture (April 5th) Foucault comes back to that neologism and to his earlier exploration about modern practices of counter-conduct in the XVIII century that emerged in reaction to *Raison d'Etat*.¹³ Differently from the other examples of counter-conducts that Foucault illustrates in *Security, Territory, Population*—where the collective dimension refers to closed communities—here he envisages forms of collective resistance that involve a national population—in opposition to the emergent *Raison d'État*—or political projects of future counter-societies that would concern the people against the state. Moreover, these cases clearly show that although counter-conducts hinge on the same elements that are mobilized by power and are internal to the field of governmentality, they are far from being merely oppositional struggles or subtractive resistances. In particular, it is around the tyranny of a naturalized conception of temporality—the time of governmentality—and of truth that these models of society centre their resistance to the *Raison d'Etat*. The implicit, but quite immediate, resonance with Walter Benjamin's revolutionary eschatology should be read, I suggest, not as a utopian move out of history but as a political project that, despite drawing on the same elements used by the *Raison d'État*, fashions a (political) imaginary that is out of any logic of costs and benefit, and whose outcome is not contemplated within the borders from which it emerges. These two underplayed aspects of counter-conducts that I recalled—the “external blockages” and the modern revolutionary eschatologies that Foucault only partially tackles—give us the possibility to revise and problematize the articulation between *omnes* and *singulatim* in counter-conducts. And, simultaneously, this allows us to come to grips with techniques of governmentality that work through different mechanisms of subjectivation than the individualizing ones at play in pastoral power.

Strategies of flight up against labour exploitation: the production of illegal and immoral conducts

In order to develop the analysis along this line, I will start by exploring the occurrences in which Foucault takes into account forms of existence and strategies of flight that, despite not being named by him as counter-conducts, can help to broaden the field of resistance to techniques of governmentality that apply to life and to its productivity. Indeed, as I sketched above, in *La société punitive* the biopolitical frame is *de facto* introduced in advance with a

¹³ “I wonder whether we could analyse counter-conducts in the modern system of governmentality [...] from the middle of the eighteenth century a whole series of counter-conducts have developed whose essential objective is precisely the rejection of *raison d'État* and its fundamental requirements, and which gets support from the very same thing as that *raison d'État*” (Ibid., 453).

detailed analysis of the mechanisms of normalization and government of the lives activated with the emergence of capitalism. Thus, my suggestion is to reread counter-conducts in the light of subjects' refusals to be disciplined by mechanisms of production¹⁴ that historically have been enacted through strategies of mobility, and have been criminalized as "dangerous behaviours." What distinguishes the hold on conducts exercised by capitalist mechanisms of production and what characterises the forms of refusal and resistance against them, is, I contend, the control over life-time and the government of conducts at the level of their potentialities—e.g. life that can be potentially transformed into labour force. In *La société punitive* Foucault mobilizes a vocabulary that evokes the biopolitical taxonomy and, together, insurrections of conduct. Certainly, it would be incorrect to transpose there the biopolitical grid since this latter is introduced by Foucault with the analysis on biopower as a political technology that is related to the emergence of the object "population."¹⁵ Yet, what is important for the purpose of this analysis is the centrality of the notion of "life" in terms of human activity and of recalcitrant subjectivities to be subjected to disciplinary mechanisms that aim to "fix" the subjects to apparatuses of production and, more broadly, to judge and classify them according their deviation from the norm.¹⁶

In this regard I would like to highlight three points that help us to trace similarities and differences with counter-conducts. Firstly, the forms of refusal that Foucault illustrates are not properly insurrections of conduct, if we mean by that the forms of life and ways of conducting oneself that happen 'within and against' a certain community of belonging—a religious or a political one. Rather, the forms of refusal described by Foucault in *La société punitive* are at the same time more radical and more general when compared to the counter-conducts of the pastoral age. Indeed, they are not enacted from within a specific community of belonging but, rather, they subtract from the hold on life-time exercised through the mechanisms of fixation to the system of production and practices of unruly mobility. These forms of disobedience are enacted through specific behaviours and conducts—like flight, for instance—that neither accept the horizon of governmentality they try to escape—i.e. the capitalist system of production—nor tactically ground themselves on the same elements mobilized by power, as in the case of counter-conducts. In the face of the economic and social readjustment of western societies around the emergent capitalist societies, the refusals that Foucault talks about unsettles and dodges the new mechanisms of capture, facing off recalcitrant subjectivities with the disciplinary hold on people's life and time. Nevertheless, this does not mean that those subjects are "outside" the field of governmentality that they unsettle through practices of

¹⁴ And in particular to be "fixed" to the productive apparatuses.

¹⁵ Moreover, it is only with the reframing of the analysis on power in terms of governmentality that biopolitics can be situated, both theoretically and historically.

¹⁶ "The time and the life of man are not by essence made of work; rather, they are made of pleasure, discontinuity, holidays, rest, needs, instants, hazard, violence etc. Now, it is precisely this explosive force that must be transformed into a labour force that is constant and continuously offered on the market. Life must be synthesized into labour force, and this implicates the coercion enacted by this system of sequestration" (Foucault, *La société punitive*, 236). And, concerning the norm: "the individual is always described in function of his possible or real deviation from what is defined [...] as the normal" (ibid., 221).

flight or “deviant” and unruly conducts; rather, those *struggles through movement* are staged by subjects who are eminently governed by mechanisms of normalization, since, as Foucault explains, it is at the level of life itself, at the level of bodies and time, that disciplinary mechanisms act. But those troubling subjectivities are seen as “dangerous” and criminalized precisely because they mobilize and create forms of life and conduct that are discordant with respect to the normative codes of the productive apparatuses, and are beyond the thresholds of acceptability. In the wake of this, I suggest that they are more than revolts of conduct by those individuals and groups who are placed within the horizon of a certain regime of power-knowledge; those troubling subjectivities appear as counter-conducts precisely due to the fact that they escape capture by the mechanisms of production.

This leads me to the second point: these troubling subjectivities evoke a dimension of “counter” insofar as they disobey the rule of territorial fixation and the coercive mechanisms that aim to “synthetize life into labour force.”¹⁷ However, even in a more evident way than those counter-conducts described in *Security, Territory, Population*, these practices of resistance refuse the disciplinary dressage by enacting modes of life that governmental forces need to tame, contain, or reabsorb. Thus, the crafting of mechanisms of sequestration emerges as a “counter-manoeuvre”¹⁸ and as a strategy of containment for modes of life that escape the transformation into labour force. This strategy could be embraced by many, which would result in a sort of counter-collectivity.¹⁹ But what effectively destabilizes modern capitalist society? Is the scarcity of labour force the most troubling effect of those forms of refusal? Actually, I suggest that beyond the indisputable material scarcity that they provoke, Foucault proposes another core element that directly concerns political subjectivities. What appears as potentially dangerous, and what is subsequently criminalized, is the *will not to be governed in such a way*²⁰ that vagabonds, migrants, lazy people, and depraved workers represent. As he writes, “the vagabond is less one who is deprived of means of subsistence and who is left out than the one who on his own volition refuses the job supply.”²¹ In this way, we see that the real troubling component of practices of mobility and laziness relies not (only) on their economic consequences but on the *political will* that pushes those subjects to leave and to refuse work; and it is precisely building on the unwillingness to be governed in such a way and unwillingness to perform certain tasks that processes of subjectivation, which concern both individuals and a potential “counter-society,” are activated in friction with the mechanisms of subjection and subjectivation put into place by governmental techniques. As it is well known, political will—framed first of all as a will not “to be governed like that and at that cost”²²—is an issue around which Foucault reconceptualizes his earlier reflections on

¹⁷ Foucault, *La société punitive*, 236.

¹⁸ Michel Foucault, *Psychiatric Power: Lectures at the College de France, 1973–1974* (New York: Picador, 2006).

¹⁹ Foucault, *La société punitive*, 219.

²⁰ See Foucault, *What is Critique?* [1978] in which Foucault uses the expression “not to be governed in such a way at that cost.”

²¹ Foucault, *La société punitive*, 49.

²² Foucault, *What is Critique?*

power and resistance from 1978, contained in his seminal lecture “*What is Critique?*” and in light of the Iranian uprisings.²³ In this regard, as Daniele Lorenzini aptly stresses, the will not to be governed in such a way and the question of counter-conducts cannot be thought of separately.²⁴ Therefore, it is precisely this recalcitrant will that lies behind the criminalized strategies of flight examined by Foucault, as well as structuring a potential field of subjectivation that turns out to be discordant and intolerable in the emergent capitalist societies. To put it differently, those forms of refusal are crafted as intolerable illegalisms to the extent that they enact practices of freedom refusing what Nicholas De Genova calls “the obscene of inclusion,”²⁵ namely the concealed exploitation of labour force,²⁶ and what Peter Linebaugh names “the oppression of the living by dead labour.”²⁷

A third point, which stems from the former, is that apparatuses [*dispositives*] of normalization respond to *strategies of flight* and *modes of life* by outlawing and criminalizing them. In this way, new social identities are created, defining those subjects through the criminalized activity they perform.²⁸ In this sense, those strategies of flight emerge as discordant and troubling practices of freedom—that cannot be tolerated in modern societies—after being illegalized and subjected to a process of moralization. Hence, to trace a filiation with counter-conducts it must be noted that in these modes of life the dimension of “counter” refers to flights, behaviours, and modes of life that are criminalized as “intolerable

²³ Ultimately, the journalistic reportages that he made for the Italian newspaper *Il Corriere della Sera* in Iran in 1978 and in 1979 shed an important light on the potential political force of the notion of counter-conduct, since Foucault looks at the Iranian uprisings from the point of view of the refusal of the Iranian people to continue to obey that regime of government. However, Foucault’s experience in Iran started after the conclusion of the Lectures series *Security, Territory, Population* and in the writings on Iran he does not use the term counter-conduct. But despite the abandonment of the term counter-conduct, in his articles for *Il Corriere della Sera* Foucault describes the Iranian uprisings finding and highlighting in the Iranian people many of the same elements that structure the field of counter-conducts, like the will of not to be governed in that way, and linking them to a dimension of political creativity that, according to him, was at stake in that movement. Certainly, in the writings on the Iranian uprisings the dimension of modes of life as enacted by individuals is in part superseded by a focus on the “collective will” of the Iranian people (see Michel Foucault, “Inutile de se soulever?” in *Dits et Ecrits*, vol.2, (Paris, Gallimard, 2004), 790-794 and “L’esprit d’un monde sans esprit,” in *Dits et Ecrits*, vol.2, 743-754).

²⁴ Daniele Lorenzini, “From Counter-Conduct to Critical Attitude,” forthcoming in *Foucault Studies*.

²⁵ Nicholas De Genova, “Spectacles of migrant ‘illegality’: the scene of exclusion, the obscene of inclusion,” *Ethnic and Racial Studies*, vol. 36, no. 7 (2013), 6.

²⁶ Nicholas De Genova coins the expression in the context of migration and labour migration management, defining the obscene of inclusion “as the public secret of a sustained recruitment of ‘illegal’ migrants’ undocumented labour” (Ibid.). However, the same concept can be adapted and used even more broadly, to describe the processes of exploitation of popular classes and of non-citizens that have historically characterized capitalist societies.

²⁷ Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London: Verso Books, 2006), 1.

²⁸ Indeed, Foucault explains disciplinary power posited a “primary and fundamental identity between moving and refusing to work” (Foucault, *La société punitive*, 49).

illegalisms.” Thus, the “counter” is the result of processes of illegalization and moralization of those practices of mobility, and strategies of existence, that are declared deviant with regard to the norm. Yet, if on the one hand the primary object of techniques of control are individual conducts—acting at the level of their bodies and their life-time as well as through the moralization of their habits—on the other hand the thresholds of tolerability of the “greyness of illegalisms” depend not on the examination of singularities but on the margins for managing an irregular population.

As Foucault repeatedly reminds us throughout his work, freedom is never reached once and for all—it cannot be stabilized in a condition—it must be continuously practiced and exercised:

freedom is practice [...] the freedom of men is never assured by the laws and the institutions that are intended to guarantee them. That is why almost all of these laws and institutions are quite capable of being turned around. Not because they are ambiguous, but simply because ‘freedom’ is what must be exercised [...] I think it can never be inherent in the structure of things to (itself) guarantee the exercise of freedom. The guarantee of freedom is freedom.²⁹

This is particularly important in the context of the revolts of conducts, insofar as they involve a certain deviance from the norm, or better are disqualified and criminalized as “deviant.” Indeed, as Arnold Davidson highlights, the pathologization of (counter)-conducts is one of the most powerful means for neutralizing their disruptive force.³⁰ Therefore, the possibility that singular escapes and refusals could lead to the emergence of “counter-societies” is precisely what power technologies prevent by generating categories of deviance through which the troubling behaviours are criminalized and disqualified as immoral conduct. But, once again, the procedures of illegalization and the mechanisms of sequestration—the fixation of bodies to productive apparatuses—are not eminently based on forms of obedience that, as in the case of pastoral power, bind the subject to his own truth that he is requested to verbalize. Rather, in *La société punitive* Foucault brings to light mechanisms of discipline and containment of unruly conducts that work through categorization and fixation that actualise in a hold on life-time. Subjects are allocated to these already-existent categories generating “criminal identities” and immoral conducts by establishing a chain made of unruly behaviours that are supposed to implicate each other³¹: for instance, the flight and the refusal to work, Foucault explains, are considered inseparable depraved actions that, together, make of the subject an irregular conduct. Therefore, although mechanisms of discipline and normalization have a hold on individuals—fixing them to apparatuses of production or illegalizing their conducts—their outcome consists in the emergence of social-types (the dangerous individual, the criminal, the vagabond) that conflate in the figure of the social enemy. This latter appears as the

²⁹ Michel Foucault, “Space, Knowledge and Power,” in Paul Rabinow (ed.), *The Foucault Reader* (New York: Pantheon Books, 1984), 245.

³⁰ Davidson, “In praise of counter-conducts.”

³¹ Foucault, *La société punitive*, 49.

crystallization of different “generalizable singularities,”³² that is to say, profiles of dangerousness that are produced through the generalization of singular deviant behaviours that are then mobilized for redefining those irregularisms of conduct.

In fact, in the context of emergent disciplinary mechanisms described by Foucault, conducts surface as an outcome of the mechanisms of illegalization and moralization of workers and other unruly subjectivities. Troubling behaviours are transformed as conducts to discipline and punish, since the conduct is not a primary given, but the result of a complex set of regulations that act upon life. To sum up, *La société punitive* enables us to widen the spectrum of counter-conducts while at the same time stretching their boundaries by bringing in forms of refusal and strategies of flight that generate other modes of life that appear intolerable in early capitalist societies. Firstly, as much situated (and entrapped) in the relations of subjection and economic exploitation as they could be, they are differentiated from revolts of conduct against the pastorate as these counter-practices do not depend on their situated regime of knowledge and mechanisms of subjectivation; on the contrary, they can be considered counter-conducts to the extent that they refuse the disciplinary horizon of (economic) productivity, putting in place modes of life that undermine those mechanisms of capture. Secondly, as I explained above, the collective dimension of counter-conducts does not refer here to some community of belonging, and it is not something that exists from the beginning; on the contrary, it is the effect of those singular strategies of refusal that start to be enacted by many. It is exactly this unpredictable outcome that could lead to the formation of alternative sub-societies that is dreaded by apparatuses [*dispositives*] of production and that disrupt their functioning.

But there is also another collective dimension related to these unruly modes of life that remains in the background as a sort of ever-present dreadful specter: this is *the mob* conceived as the multiplicity that is not governable as a population and that appears in excess with regard to biopolitical mechanisms of control.³³ The specter of the mob, that unruly modes of life evokes, implicitly percolates the carceral archipelago—that as Foucault illustrates in *La société punitive* includes different mechanisms of sequestration well beyond the institution of the prison—to respond to strategies of refusal and troubling modes of life. After all, this point leads us back to *Security, Territory, Population* and to the irreducibility of the people to population as an object of modern governmentality. In the Lecture of January 18th, 1978 Foucault refers to a fundamental recalcitrance exercised by some people—not taken individually but as the many, namely, as part of an undecidable multiplicity—“who resist the regulation of the population, who try to elude the apparatus through which the population

³² Martina Tazzioli, “The government of the mob? Produzione del resto e suo eccesso,” in *Euronomade* (last accessed April 1st, 2015): <http://www.euronomade.info/?p=3880>

³³ Concerning the term “the mob,” I draw on Claudia Aradau and Jef Huysmans’s definition: “the mob is seen as a problem for democracy. The mob appeared as a disorderly force, whose actions are depoliticised either as economically determined—e.g. by hunger—or as socially irrational [...] the mob was the antinomy of the demos, the excess and unrest that could only be perceived as threatening for democratic forces” (Claudia Aradau, Jef Huysmans, “Mobilising (global) democracy: a political reading of mobility between universal rights and the mob,” *Millennium: Journal of International Studies*, vol. 37, no. 3 (2009), 12.

exists, is preserved, subsists.”³⁴ It is quite significant, I contend, that Foucault addresses in terms of “conduct” this *collective recalcitrance* to the *becoming population* of the people under the emergent governmental rationale:

the people comprise those *who conduct themselves* in relation to the management of the population, at the level of the population, as if they were not part of the population as a collective subject-object, as if they put themselves outside of it, and consequently the people is those who, refusing to be the population, disrupt the system.³⁵

Then, this aspect remains ultimately unaddressed by Foucault in the other Lectures and consequently the elaboration of a collective counter-conduct as a form of resistance to the political technologies for transforming people into population is not further developed. However, Foucault’s reference to the refusal to become a population should be the subject of analysis in trying to understand biopolitical resistances to mechanisms of life’s regulation. Indeed, Foucault remarks that the ways in which “the people” –thus, as a collective entity, and not simply “people” –resists the formation of a population should not be confused with the political subject of social contract theory that, at some point, breaks the contract and places him/herself outside of the law. How should we read this brief clarification? First of all, it seems that Foucault wants to clearly distinguish the notion of conduct from the semantic field of sovereignty, and thus to the subject of right. Secondly, and related to this, Foucault highlights that the resistances that we are discussing here are situated within and against processes of biopolitical regulation. In the face of biopolitical mechanisms, Foucault seems to suggest, both resistances and practices of subjectivation cannot hinge, at least primarily, on rights-claims or on acts of disobedience to the law; rather, they directly involve life as such, not only in its biological dimension but including instead any aspects of people’s existence.

Intermezzo on conducts and government

In this regard I want to highlight, in passing, that while in 1978 and 1979 the dimension of government in its relationship to conduct is formed by the articulation between being governed/governing oneself (or being conducted by others/conducting oneself), in the Eighties Foucault re-centres his analytical frame around the couple governing oneself/governing others. Such a shift indicates, I suggest, that in the late-Seventies the issue of government is situated in the political and ethical question “how not to be governed in such a way and at that cost?” while in the Eighties Foucault’s attention focuses on how learning to govern oneself—in order to get a mastery over oneself and to be able to transform the power relations in which one is involved. Among the reasons for Foucault’s abandonment of the notion of counter-conduct there is also this partial shift from the primacy of the will not to be governed (in such a way)—that cannot but start from the condition of *assujettissement* of the subject and that necessarily entails an ambivalent relationship to the norm—towards the problem of getting mastery over oneself in order to change the power relationship. This does not at all mean that in the techniques of the self described by the late Foucault the subject acts in a pure

³⁴ *Security, Territory, Population*, 66.

³⁵ *Ibid.*

space without being shaped by power relations. However, what I want to stress is that the subject who asks “how not to be governed in such a way and at that cost?” must necessarily struggle with the constraint of interiorizing social norms and discipline when creating spaces of freedom. So, as far as the couple government of the self/government of others is concerned, the starting point is the individual—who by transforming him/herself aims to conduct him/herself differently and *thus* to transform the field of power relations.³⁶ This slippage helps us to articulate the differences between counter-conducts and the forms of subjectivation that Foucault takes into account in the Eighties through the opposition reactive resistances/productive subjectivations—since, as I have shown, counter-conducts are eminently productive of new modes of life. And rather, in the place of such an opposition, it makes it possible to grasp the nuanced differences between starting from the will of not being governed (in such a way) and starting from the goal of transforming ourselves as ethical subjects.³⁷

“UNHCR is my government”: the exclusionary humanitarian regime and the biopolitics of the governed.

Up to now I’ve approached the issue of the articulation between *omnes* and *singulatim* in counter-conducts while situating the analysis on the edges of—and beyond—the space of revolts of conduct tackled by Foucault and his commentators; and, to a certain extent, this operation has led to a pushing of the boundaries of the meaning and space of counter-conducts by looking at struggles that Foucault had not himself described in these terms, but showing that they have an affinity with the semantic and political field of revolts of conduct. In turn, this forces us to revise the original definition of counter-conduct in the light of those fields of power relations that I have described. Following the main thread of this article, the stakes consist in interrogating how the *omnes et singulatim* bond is played out differently in spaces where the government of conduct is predicated on colonial legacies, or on “the tyranny of the national”³⁸ that characterize both Foucault’s and our present. Or, to frame it from a slightly different angle, the question is to explore, in the spaces of the present, the mechanisms of individualization and the specific regime of truth that are mobilized in the government of non-citizen’s conducts. Thus, the government of non-citizen conducts is the specific angle through which I have chosen to unpack the *omnes et singulatim* nexus to interrogate the potentiality of the notion of counter-conduct today. This leads us to confront two intertwined forms of governmentality: migration management and the production of illegality on the one hand, and humanitarian government and the regime of asylum on the other. These two

³⁶ “The principle of a critique and of a permanent creation of ourselves in our autonomy” that Foucault discusses in 1984 in *What is Enlightenment?* seems to set aside the ambivalent and conflicting condition of being a subject of conduct—as subject who needs to interiorize and obey the norms and subject who refuses to be governed in that way.

³⁷ See for instance Foucault, “On the genealogy of ethics: An overview of work in progress,” in P. Rabinow (ed.), *The Foucault Reader* (New York: Pantheon Books, 1984) where Foucault posits at the core the issue of the production of the self as the outcome of the relationship to ourselves as subjects.

³⁸ Gerard Noiriel, *La tyrannie du national: le droit d’asile en Europe, 1793-1993* (Paris: Calmann-Lévy, 1993).

supposedly distinct fields of migration governmentality have not only blurred the conceptual boundaries, migrants themselves are often captured by both regimes and pass from being subjects of humanitarianism to illegal migrants; concurrently, they are both based on the production of—degrees of—illegality, and the production of human remnants who fall beyond any humanitarian concern. It is precisely at the slippery borders between illegalization of migrant conducts and humanitarian protection that the last section of this article is situated. The refugee camp I focus on here is by no means a space of exception nor as a spatially enclosed place. On the contrary, as I have illustrated elsewhere³⁹ the government of refugees' conducts and the economy of humanitarianism that sustained the functioning of the camp went well beyond its spatial boundaries. Indeed, since Choucha camp it is not a closed reception center, refugees were allowed to move in and out of the area of the camp while at the same time being controlled at distance—i.e. registered and fingerprinted by Tunisian authorities. Moreover, in particular after the official close of the camp, in June 2013, refugees who remained there used the space of the camp as a site of struggle for resettlement in Europe.

“We have all fled the Libyan war and thus we are all refugees, no distinction should be made among us”—placard written and shown by rejected refugees at the sit-in in front of UNHCR's headquarters in Tunis, February 2013. “We have been living at Choucha camp, in the desert, for four years, without having the possibility to restart our life: so, who is the subject of humanitarian aid if not us?”—a dialogue with rejected refugees at Choucha camp, August 2014. These two statements have been formulated by the *illegalized subjects of humanitarianism*; that is, asylum seekers who arrived in Tunisia, at Choucha refugee camp close to the Libyan border of Ras-Ajdir, to escape the war in Libya and whose asylum claims have been rejected by the United Nations High Commissioner for Refugees (UNHCR), and who, because of that, have become “irregular migrants” in the Tunisian territory.⁴⁰ Moreover, “rejected refugees” presence at the camp soon became non-existent, since UNHCR crossed them out from the daily count at the camp as well as from any reported statistics. Suddenly, they became “people of no concern” for UNHCR's officers who, after producing them as irregular migrants, declared them out of the humanitarian jurisdiction. The political invisibility of the rejected refugees was followed by the invisibility of the space of the camp. Indeed, after the official closure of Choucha camp (June 2013), many of the rejected refugees decided to continue to stay there as a form of ongoing struggle for a place to live. They demanded to be resettled in Europe saying that if they were not, they would have preferred to die in the desert, which is still a free space. This is our space, the space of those who escaped a war and are now stranded as irregular migrants in Tunisia, as irregular migrants with no other solution for leaving than to take a boat and cross the Mediterranean; this discourse shared by all rejected refugees at the camp, actualized in their spatial persistence, in their

³⁹ Martina Tazzioli, *Spaces of Governmentality; Autonomous Migration and the Arab Uprisings* (London: Rowman and Littlefield, 2015).

⁴⁰ Martina Tazzioli, and Glenda Garelli, “Crisis as Border: Choucha Refugee Camp and Migration in Crisis,” *Etnografia e Ricerca Qualitativa*, vol. 1 (2014), 15-26.

refusal to leave the only space they had—the space of the ex-Choucha camp—appropriated the categories of the humanitarian discourse and radically redefined their meanings. In fact, in the face of the exclusionary criteria of asylum, and the primacy of the context of origin as a basis for judging if the person is in need of protection, rejected refugees at Choucha camp instantiated their own law of protection. However, they did that not by refusing to be governed by the humanitarian institution but, on the contrary, by endorsing their categories and twisting their exclusionary meaning up to empty them, since, as explained above, the regime of asylum is based on the exclusion of some—most of the time many—in order to grant protection to a few. Their demands and their spatial struggle insisted on the same tone: “we are subjects of the humanitarian, as we all escaped the war together and are stranded in the desert: UNHCR finish your job.”⁴¹ This request addressed to UNHCR is in part meaningless and in vain if we keep to the borders of humanitarian law and if we accept the rules of the game made by UNHCR itself. Indeed, UNHCR had fully finished its job at Choucha, a job that, as in any refugee camp, consists of partitioning between people deserving of humanitarian protection and those who do not. Nevertheless if, from the point of view of “humanitarian reason”⁴² their demand inevitably went around in circles, its *non-addressability*, its falling out of the margins established by the humanitarian regime opens up a space of resignification that does not simply stretch the borders of the asylum but explodes them. In other words, rejected refugees emptied the exclusionary basis of the asylum and refigured it as a protection against any *deprivation of space* produced by migration policies, by wars, and by economic exploitation. However, due to their position as “subjects of no concern” for the humanitarian actors, and ultimately for human rights associations generally, rejected refugees at Choucha camp focused the struggle on a non-discursive level, they stopped laying claims to institutions and instead fully endorsed the humanitarian condition that the UNHCR refused them. The ex-Choucha camp has become the space of the fleeing persons who left Libya as third-country nationals. They struggle for a space to stay—elsewhere, in Europe—using the same space in which they have been blocked—Choucha camp—by the juridical deadlock imposed on them by the UNHCR.

The way in which revolts of conduct ultimately hinge on a “politics of the governed,”⁴³ or better on a *biopolitics of the governed*, emerge quite blatantly, I suggest, in the field of migration governmentality. Indeed, in that context the people of concern—those who are governed as ‘migrants’—are to some extent subjects eminently captured and controlled by policies that block and select them, and interrupt their journeys. At the same time, many of those who are governed as migrants are left out of any concern by humanitarian politics. However, as the case of Choucha shows, it is very important to underline that their condition

⁴¹ “UNHCR finish your job” was one of the main slogans used by rejected refugees at Choucha during their protests. This quote is from an interview I did at Choucha camp in August 2014 with a group of Nigerian rejected refugees.

⁴² Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley: University of California Press, 2011).

⁴³ Partha Chatterjee, *The Politics of the Governed: Reflections on Popular Politics in Most of the World*, (New York: Columbia University Press, 2004).

as “people of no concern” according to UNHCR’s mandate does not at all mean that they are out of the grip of power and mechanisms of control. On the contrary, their mobility as well as their possibility to stay in a space is highly hampered by the same policies that produced them as illegal migrants, and this precisely because of them. Mechanisms of capture through exclusion and mechanisms of capture through inclusion are both at play in the government of humanitarian-and-irregular migration.⁴⁴ Aware of their condition as subjects eminently governed *despite* and *due to* the exclusionary criteria of the asylum,—which illegalized them and crossed them out of humanitarian concern—rejected refugees at Choucha camp mobilized their own politics of the governed, turning it upside down. Firstly, defining themselves as refugees in total disregard of the denial they received, they detached the meaning of the category of refugee from the regime of truth of the asylum, while simultaneously detaching their (strategic) subjectivation⁴⁵ from the juridical and social identity marked in the final response to their dossier—“rejected.” As subjects eminently governed precisely by those politics that exclude them from the capture of humanitarianism, people at Choucha camp endorse in their own way the qualification of “refugee” and the semantic field of humanitarianism. Nevertheless, their self-entitlement is not only a nominal question: they stay there, they persist there, and with their presence—as little visible as it could be—they constitute the inerasable remnants of humanitarian governmentality. Moreover, their firm decision to continue to live at the camp, in the desert, without any kind of assistance, completely unbalanced any logic of costs and benefits, and posited the “intransitivity of freedom”⁴⁶—in this case the freedom to struggle for a space away from there, at the risk of dying in the desert—beyond the criteria of the humanitarians that allocate, displace, or constrain people within a certain space. Thus, refugees’ strategy of endorsing, by themselves and in their own way, the categories of the humanitarian should not be seen only as a way of “getting support from”⁴⁷ the humanitarian system itself. Rather, their act has been perceived by the Tunisian government as well as by humanitarian actors as a sort of *spatial disobedience*—the decision to stay there at the cost of their own life—based on the refusal to fit in the categories assigned by UNHCR, and the refusal to conduct their lives according to these.

Together with this strategic endorsement of the categories of the humanitarian discourse and the spatial disobedience that the refugees performed, the other important aspect that emerges from the *struggle for space* made by rejected refugees at Choucha camp is the articulation between the level of singular subjectivities and the collective one. The common experience of the flight from Libya and of life in the camp produced a temporary collective “we” that coincided with the space of Choucha: “*nous, les deboutés de Choucha*” (“we, the rejected refugees from Choucha”) was mobilized all the time in their public demonstrations

⁴⁴ Sandro Mezzadra, and Brett Neilson, *Border as Method, or, The Multiplication of Labor* (Durham, NC: Duke University Press, 2013).

⁴⁵ “We are all refugees as we live in an unsafe zone close to a dangerous border—the Libyan border—and as we all escaped a war” (interview with rejected refugees at Choucha camp, August 2014).

⁴⁶ Michel Foucault, “The Subject and Power,” *Critical Inquiry*, vol. 8, no. 4 (1982), 792.

⁴⁷ *Security, Territory, Population*, 453.

and in the discussions with journalists, activists, and humanitarian actors at the camp. And it continued to be used by those who then moved to Tunis and settled there, as well as by some of those who crossed the sea and arrived in Rome or Berlin. Despite the peculiarity of the personal stories that each of them had to describe in detail to UNHCR's officers at the time of the evaluation of their asylum claim, they asserted their common condition as escapees from a war and as individuals stranded in a camp, which excluded any exception being made among them. The unconditionality of the humanitarian protection that they posited is *de facto* what voided, while at the same time bringing to the fore, the exclusionary criteria upon which the asylum regime is predicated. Thus, by universalizing the right to receive asylum, they emptied and nullified its selective measures.

Nevertheless, for the purpose of this article, it is also important to explore how the level of *omnes* and that of the *singulatim* are specifically intertwined with each other in the government of refugees. Is there effectively a conduct of truth that is presupposed and produced in the political technology of asylum? Are the mechanisms of subjectivation and *assujettissement* based primarily on a set of positive and normative incitements that bind the individual to a certain conduct that he/she is required to adopt? And, finally, is individualization the main way through which asylum seekers and refugees are conducted?

The hypothesis that I put forward is that, actually, in the context of refugee governmentality, the term "conduct" holds quite a different ethical and political basis than the government of conducts whose legacies are rooted in pastoral power. Rather, what characterizes the production of governable subjects in the political technology of asylum is ultimately a *government through limits* that structures the field of possibilities of the asylum seeker. I will develop such a hypothesis relying on two main problematizations. The first one concerns the way in which the hold on singularities is entrenched in a government of multiplicities that, for all that, does not coincide with the object "population." Firstly, as Didier Fassin points out, the humanitarian rationale grounds on the logic of "saving lives in numbers."⁴⁸ And in fact, in this very numeric rationale the "few" who remain out of humanitarian concern are ultimately contemplated as the unavoidable excess of the asylum regime. In refugee contexts, like at Choucha camp, or when there is a group of asylum seekers whose asylum claims have to be processed, the partition between rejected refugees and beneficiaries of international protection responds to a logic of numbers and remnants—not all could be 'saved', and, vice-versa, there is a percentage that has to be granted asylum status. Thus, numeric criteria quite often underpins not only the partitioning and exclusionary mechanisms of asylum, but also the processes of subjectivation through which people are discursively labelled according to a certain category, and so are materially produced as subjects governed and controlled by migration policies. In this way, it appears that, in the context of refugee governmentality, subjectivation through individualization in the context of refugee governmentality is not primary. And individuals are "counted" as part of a temporary multiplicity based on spatial coexistence—like asylum seekers in a camp; it follows that

⁴⁸ Didier Fassin, "Inequalities of Lives, Hierarchies of Humanity," in I. Feldman and M. Ticktin (eds.), *In the Name of Humanity: the Government of Threat and Care* (Durham: Duke University Press, 2010), 243.

singular conducts are crafted from the very beginning in relation to a larger multiplicity of individuals that defines their being in excess or not of the expected number of acceptable refugees. However, I would argue, the notion of conduct does not lose its efficacy in describing the mechanisms of government or the production of refugees and remnants, since it enables us to look at subjects from the point of view of the effective “hold” of governmental technologies on people’s lives. Such a context pushes us to reconsider the notion of conduct by positing the dimension of the government of singularities as immediately entrenched in a government of multiplicities—that are not necessarily “populations” and that are often only temporary collectivities resulting from a forced spatial coexistence, like in a refugee camp.

Secondly, the government through numbers and categories that is at the core of the asylum regime involves the hold on singular bodies being actually exercised predominantly by forcing individual stories into pre-existing profiles rather than by demanding the individual to produce a discourse of truth for oneself. To put it differently, despite the incessant production of discursivity that asylum seekers are asked to perform, it could be argued that it is a question of an anomalous confession, a sort of “confession without truth”⁴⁹: indeed, the injunction to speak in detail about their personal stories does not mean that asylum seekers are expected to effectively endorse the discourse that they produce and to mould their subjectivity according to the categories by which they are labelled. Moreover, ultimately they are *not* even supposed to be *conducts of truth*, which is the condition to produce a discourse of truth about themselves; on the contrary, the entire procedure of examination of their asylum claim is based on a *presumption of guilt*. It is grounded on the assumption that they are potential “liars” who, by consequence, need to demonstrate that they are not the *deceitful conducts* that they are actually supposed to be *until proven otherwise*; echoing Frantz Fanon’s expression of “conduct of non-truth” referred to the suspect behaviour of the colonized.⁵⁰ And in order not to be “deceitful” in the act of story-telling they must be eminently non-contradictory with themselves.⁵¹ Therefore, in the strategic game of the asylum process between humanitarian actors and asylum seekers, what is at stake is not so much the correspondence between the conduct and the discourse of truth but rather, the struggle around the production of coherent narrative that could fit the set of categories that are already there and through which the subject will be governed—as refugee, as rejected refugee, as refugee to be resettled, as vulnerable person, etc. In this way, the “adherence” and the correspondence of the singular conduct with the discourse that it demands is not of the same order of truth than the one described by Foucault in his genealogy of the western modern subject; namely, the order of truth that presupposes that the subject is required not only to tell

⁴⁹ Tazzioli, *Spaces of Governmentality*, 123.

⁵⁰ Frantz Fanon, “Condotte di confessione in Nord-Africa,” in *Decolonizzare la Follia* (Verona: Ombre Corte, 2011), 123-27.

⁵¹ See Roberto Beneduce “Undocumented Bodies, Burned Identities: Refugees, Sans Papiers, Harraga: When Things Fall Apart,” *Social Sciences and Information*, vol. 47 (2008), 505–27 and Didier Fassin, “The Precarious Truth of Asylum,” *Public Culture* vol. 25, no. 1 (2013), 39–63.

the truth, but also to tell the truth about him/herself.⁵² This “gap” that always remains between the demand placed on subjects to tell their stories on the one hand, and the taxonomy of migration governmentality and the production of *humanitarian conducts* and *irregular conducts*⁵³ on the other, makes room for a strategic appropriation and reversal of categories as was the case for rejected refugees at Choucha camp. After all, the government through partitioning that characterizes the asylum machine⁵⁴ despite tracing limits on the movements and on the choices of singular conducts produces at the same time *generalizable singularities*, namely migration profiles, whose boundaries are usually blurred.

As I have illustrated, the two mechanisms that are at stake in refugee governmentality are that migrant conducts are materially shaped on the basis of a government through limits, namely by fixing or allocating subjects to a certain place or to a certain profile; however, these limits are not only exclusionary, on the contrary, mechanisms of exclusion from humanitarian concern, and mechanisms of control and containment through identification and inclusion within the boundaries of the humanitarian program go together. In such a context, “conduct” becomes the name for designating precisely the condition of becoming governed as a migrant by a set of heterogeneous policies—humanitarian government; mechanisms of identification; production of irregular conducts. It could be suggested that, actually, in the context of the production of immigrant subjectivities and of the illegalization of certain of them as “irregular migrants” or as “rejected refugees,” the crafting of (governable) conducts is the response for taming troubling mobilities and practices of freedom—the freedom not only to move but also to have a living space.

Conclusions

Actually, when you are in a system that does not give you any explanation but that, yet, controls you [...] I have no country, my country is UNHCR, my government is UNHCR [...] I mean, I’m in their camp, I’m under their mandate, and they are my government since they are managing the camp.⁵⁵

Rejected refugees who are still at Choucha camp, struggling to get a place to stay in Europe, are “emptying” the exclusionary criteria of asylum positing. By claiming that they are all subjects of humanitarian concern, twisting the categories of humanitarianism, they push the limits of their condition of being governed while being “subjects of no concern” at the same time. As the quote below clearly shows, their impossible universal claim—“we are all refugees”—and their spatial disobedience at the camp, touched the core of the functioning and effects of the hold of power exercised over their lives. From such a perspective, the expression

⁵² Michel Foucault, *On The Government of the Living; Lectures at the Collège de France, 1980-81* (New York/London: Palgrave, 2013).

⁵³ By irregular conducts I mean here the denial of many asylum claims by UNHCR, that automatically transforms those asylum seekers into irregular migrants on the territory.

⁵⁴ That involves the production of irregular conducts that fall outside of the borders of the humanitarian despite being highly governed by it.

⁵⁵ Kim, *The horizon is far away*, Video. Available online at: <https://vimeo.com/121456138>

“biopolitics of the governed” designates the mobilization of spatial claims and strategies of existence that starts from, and plays on, the condition of being governed by certain policies and of being produced as irregular conducts.

In this article I have highlighted how we can read in-between the lines of Foucault’s analyses on counter-conducts and how the government of singularities (*singulatum*) and that of multiplicities (*omnes*) are articulated in different politics over life—showing how the collective dimension is directly and indirectly tackled by Foucault. The choice of re-reading some of Foucault’s texts in light of the notion of counter-conduct and of putting it to work in the present forms of governmentality should not be read as a strategy for broadening the field of counter-conducts as much as possible; this would bring with it the risk of losing its political efficacy. Rather, this gesture of making counter-conducts travel across different historical experiences of struggles within and against biopolitical technologies was aimed to show the spaces of subjectivation that revolts of conduct can open, and thus, to analyse in a more productive way the term “counter” that is actually implied in all forms of resistance. Moreover, it enables us to redefine the boundaries of the notion of counter-conduct in light of revolts of conduct enacted by people in the face of political technologies that subjectivize, govern, and subjugate them in quite a different way than the pastoral power described by Foucault in *Security, Territory, Population*.

However, coming back to a crucial point already mentioned in this article, we cannot overstate *struggles of conduct* and *against (a certain) conduct* in an abstract way without taking seriously the risk of pathologization and of production of marginality that “counter-conducts” often run. The ongoing story of rejected refugees at Choucha camp is quite exemplary in this sense: how could a radical claim or a struggle of conducts generate an effect that is not one of mere marginalization when total political invisibility is imposed on them? The collective level on which I have focused my attention here as a provisional and strategic “we” emerging as the outcome of the struggles of conduct is certainly one of the orientations that could open up unexpected spaces of subjectivation that is worth further exploration.

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