



## ON HUMAN BEINGS:

### Government, governance, governmentality<sup>1</sup>

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Foucault believed that freedom of a person may be found in her practice of resistance to the power<sup>2</sup>. Being disciplined by regulations of our states and societies, we – the human beings – are never free. We are bound by the law and social norms, we are trapped by state institutions, global and local institutions, public and private institutions. We are imprisoned in jails and at working places – in other words, we are always conditioned by the limits that are set straightforwardly or unconsciously to regulate our ‘conduct of conduct’. On the other hand, we appreciate our independence and freedom, giving them romantic touch and defining freedom as our ‘natural right’, constructing it as our natural desire, behaving as what we are, or should be, human beings with rights, dreams and desires.

In this regard, the very desire for freedom is a certain constraint imposed to us through the subjectification of those who desire. We are trapped once again in a closed circle with the only way out – resistance.

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<sup>1</sup> This Issue is fruit of the collection of some of the papers presented in the panel organized by Joxerramon Bengoetxea and Iker Barbero in the 8<sup>th</sup> Basque Congress of Sociology and Political Science celebrated in Bilbao in February 2010. We would like to thank the authors and the rest of the people that attended the event for such an interesting time and debates.

<sup>2</sup> Foucault, M. (1983) “On the Genealogy of Ethics.” in H. L. Dreyfus and P. Rabinow (eds.) *Michel Foucault: Beyond Structuralism and Hermeneutics*, 2nd ed. Chicago: The University of Chicago Press, 229-252, p. 245.

“The liberty of men is never assured by the institutions and laws that are intended to guarantee them... Not because they are ambiguous, but simply because ‘liberty’ is what must be exercised... The guarantee of freedom is freedom”<sup>3</sup>.

This issue of Sortuz is dedicated to the processes we are supposed to resist in order to practice freedom. Certainly, it is necessary to take a close look at myriads of social contexts to describe them all. The review is not going to uncover them all. This time, the authors of Sortuz will try to examine regulative functions of state which govern a human being through the workings of the mechanisms that the state possesses.

In conducting our researches, we made an attempt to study three different sorts of regulative processes: government, governance, and governmentality. I argue that in the presented articles these features of organisation, mobilisation and subjectification of people may be regarded as three state-related mechanisms of expression of power or relations between forces which exist in the society. In other words, these are three disciplinary mechanisms that are studied as processes of power relations.

One may resist this classification by saying that government is not a process. What is meant by ‘government’ in this short introduction is indeed a process. From my standing point, government is a direct means of expression of state power; it is a straightforward process of regulation of people’s lives by the state with the law. ‘Brazilian *Amnesty Commission: Policies of Reparation, Truth and Memory*’ by Fernando Goya Maldonado examines this sort of regulative process. Government is regarded as a positivist approach to the study of law and regulations.

Governance is a state-related regulatory mechanism born with the crisis of government. It occurs when the law and policies are casted by a state to organise the subjected to them individuals. Governance differs from government in its essential way of organising the subjects: it gives to the subject an illusion of being right when performing the promoted by the state *modus vivendi*. Within governance there are more opportunities for a ‘free’ choice so long as an individual is guided rather than governed. Lucero Ibarra Rojas introduces an analysis of promotion of an indigenous identity in the authorship law in her article ‘Autores indígenas en México’. This state-related and people-performed process reflects the idea of governance as a way of organisation of guidance by legal means.

Governmentality is not strongly bound to state power. It is dispersed in the society and limits the state in its regulatory performance. In my own article ‘Heteronormativity of Russian Legal Discourse: The Silencing, Lack, and Absence of Homosexual Subjects in Law and Policies’ I try to show how the discourse of the state power is formed by the governmentality and – at the same time – shapes the subjects of which it speaks. Governmentality regulates the subjects without actual articulation of the preferred conduct. On the other hand, the very features of discourses are partly constructed by

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<sup>3</sup> Supra.

the state institutions and state power. In ‘Una aproximación socio-jurídica al papel de los intelectuales desde la sociología jurídica’ Sandra Milena Gómez Santamaría uncovers the processes that form education which is the constituent element of governmentality. Finally, human beings resist to Colonial and Post-colonial States and their regulation through multiscalar and subaltern means in order to achieve not only freedom from postcolonialist structures but another way of conceiving Law, Democracy and Politics, as José Atilés describes in “Derecho, activismo transnacional y la lucha por la descolonización: Un estudio de caso de los movimientos anticoloniales puertorriqueños”.

Governance embraces the process of government. It shapes the political dimension of governmental provisions. Governmentality in turn forms the governance. It creates the ‘natural’ meanings of the governed order. In this circulation of performances of power, state becomes the most evident referential point, to which regulative mechanisms address. The state governs our bodies, regulates our conduct. But our mind is capable of being freed through resistance and rejection. Acting against regulatory mandates should be also regarded a new expression of citizenship(s). The question is whether we can be freed of governmentality or only of the state. This is the topic for further implications of the issue.