



Foucault Revisited

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How to cite: Brunon-Ernst, A. 'Foucault Revisited.' *Journal of Bentham Studies*, 2007, 9(1): 1, pp. 1–14. DOI: <https://doi.org/10.14324/111.2045-757X.029>.

Published: 01 January 2007

Peer Review:

This article has been peer reviewed through the journal's standard double blind peer review.

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Open Access:

Journal of Bentham Studies is a peer-reviewed open access journal.

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FOUCAULT REVISITED¹

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Janet Semple wrote that Panopticon was the only book by Jeremy Bentham that Michel Foucault had ever read. It follows that Bentham scholars have considered Foucault's Discipline and Punish as both a critical and an incomplete analysis of Bentham's thought. The recent 2004 edition of Foucault's unpublished lectures at the College de France and the 2006 seminal paper by Christian Laval, a French Bentham scholar from the Centre Bentham, give grounds for reappraising received ideas on the relationship between Foucault and Bentham. Foucault's understanding of Bentham clearly goes beyond concepts of surveillance to focus on the idea of governance; the latter is more in tune with contemporary Bentham studies. Concepts used by Foucault in his lectures, such as that of 'frugal/frugality' not only derive from Bentham's writings but are more relevant to an analysis of Bentham's philosophy than the corresponding concept 'economical/economy' used by contemporary scholars. Over the years, Foucault seems to have moved on from an incomplete and therefore inaccurate knowledge of Bentham to a deeper understanding of his work. This paper not only challenges Bentham scholars' prejudices against Foucault's analysis but also aims at overcoming received ideas about Bentham's philosophy among the French academic community.

Introduction

Michel Foucault published *Discipline and Punish* in 1975. His book deals with the history of changing types of surveillance and changing forms of punishment in Western Europe from the Middle Ages to the Industrial Revolution. Chapter three, entitled 'Panopticism', centres on Bentham's prison Panopticon project as epitomizing the change in the modern era of punishment. Foucault presented a limited view on the Panopticon, failing to consider it as the practical response to the topical problem of convict transportation at the end of the eighteenth

¹ I am grateful for Dr Christian Laval's and Irena Nicoll's comments as well as Professor Jennifer Merchant's and Anaig Fenby's careful re-reading of my draft.

century, or as tentative explorations into a mode of government after the failure of Bentham's reforms in revolutionary France.² Unfortunately, *Discipline and Punish* has had a lasting impact on the way (French) academics have viewed Bentham's legacy. The London-based Bentham Project was set up in 1959 with the aim of editing Bentham's *Collected Works* from the manuscripts and publishing new insights on Bentham's philosophy. Recent studies by Janet Semple and Michael Quinn have highlighted the strength of Bentham's proposals in various fields including prison and pauper-management. However, they have not made a deep impression on a wider French audience who had in mind Foucault's analysis.

Janet Semple, a renowned Bentham scholar from the Bentham Project, carried out outstanding and unprecedented work on Bentham's Panopticon. However she was unfortunately mistaken about the extent of Foucault's knowledge of Bentham's philosophy, so deeply engrained is the feud between Bentham scholars and Foucault. Stating that Foucault had a shaky knowledge of Bentham might not have been the best way of making a lasting impression on the minds of French scholars and uprooting their prejudices against the British philosopher.³ However this article demonstrates that Foucault had an in-depth understanding of Bentham that had not emerged in his most widely read *vulgate*, and this discovery could draw French academia's interest to a less-known Foucault and help them overcome their received ideas concerning Bentham. A new, 2004, edition of Foucault's unpublished lectures at the *College de France* and a seminal paper by Christian Laval give grounds for a new generation of scholars to explore an unsuspected relationship between Foucault and Bentham.

A perusal of Foucault's lectures and Laval's paper shows that Foucault was familiar with Bentham's philosophy and not only with Bentham's Panopticon experiment. Foucault also used concepts to analyse Bentham's thought that are more relevant to the understanding of utilitarianism than those used by other critics. One example should be underlined. Foucault uses the expression 'frugal government' to describe a utilitarian form of liberal government:

Liberalism, considered from the perspective of "too much government", has been an issue continuously dealt with. In Europe, it

² From 1788 to 1793, Bentham wrote extensively for French reformers and revolutionaries (Mirabeau, Morellet, Necker, Lafayette, La Rochefoucault, Brissot de Warville) about the way their institutions should be reformed. His writings are now published in *Rights, Representation, and Reform, Nonsense Upon Stilts and Other Writings on the French Revolution*, ed. P. Schofield, C. Pease-Watkins and C. Blamires, Oxford, 2002 (*The Collected Works of Jeremy Bentham*), (hereafter *Rights, Representation, and Reform (CW)*).

³ J. Semple, 'Bentham's Haunted House', *The Bentham Newsletter*, xi. (1987), p. 35.

is a recent phenomenon which seems to appear first in England. It grows from the understanding that any political life [...] can exist when government action is limited as to its possible excesses. and the limits are drawn by public debate as regards the good or evil of its action, the excesses or insufficiencies of its action. [...] This constitutes a technology of frugal government [...]⁴

The idea of ‘frugal government’ is encapsulated in other equivalent concepts used by Bentham scholars, such as ‘saving measures’ and ‘economical style of government’. However in Bentham’s thought ‘frugal/frugality’ is not exactly the same thing as ‘economical/economy’, since Bentham defines economy as ‘a combination of frugality with other things’. Bentham concludes that ‘frugality implies a self-denial which economy does not necessarily’.⁵ The Foucauldian concept appears as a useful tool of analysis since it points towards market limitations of government operations in the fields necessary to achieve the utilitarian aim of the greatest happiness of the greatest number.

This study seeks to reach beyond the illustrative concept of ‘frugal government’ and show that the attitude of French scholars towards Bentham’s work as a whole is changing quite unexpectedly thanks to Foucault. But in order to turn the eyes of French scholars away from their copies of *Discipline and Punish*, François Ewald, Alessandro Fontana and Michel Senellart had to uncover Foucault’s notes and his recorded lectures on biopolitics at the *College de France*.

I. From a Foucauldian interpretation of Bentham’s work to the Bentham Project

Foucault is one of the most famous Bentham scholars although not the most revered among academics who devote their lives and studies to Bentham’s philosophy. His major work, *Discipline and Punish*, contains a full chapter on what he coins as ‘panopticism’.⁶ Panopticism is the theory of convict management which is derived from Bentham’s project of a circular prison, with a central tower in which an in-house inspector can supervise the

⁴ La question du libéralisme, entendue comme question du trop gouverner, a été l’une des dimensions constantes de ce phénomène récent en Europe et apparu, semble-t-il, d’abord en Angleterre: à savoir la vie politique [...] existe lorsque la pratique gouvernementale est limitée dans son excès possible par le fait qu’elle est l’objet de débat public quant à son bien ou mal, quant à son trop ou trop peu, [...] une technologie de gouvernement frugal [...] in Michel Foucault, *Naissance de /a biopolitique. Cours au College de France. 1978-1979*, Paris, 2004, p. 327.

⁵ *Deontology, together with a Table of the Springs of Action and the Article on Utilitarianism*, ed. A. Goldworth, Oxford, 1983 (CW), p. 354 (hereafter *Springs* (CW)).

⁶ M. Foucault, *Surveiller et punir : Naissance de /a prison*, 1975, Paris, 2000, pp. 228-64.

activities of the inmates. According to Foucault, Panopticism was then applied to most prison reforms in Europe and in the US in the nineteenth and the twentieth centuries. When *Discipline and Punish* was published, Elie Halévy's seminal study on British radicalism went back 74 years and if it had been read by academics of the previous generation, it had never been widely read by the French public at large. Bentham was therefore a relatively unknown British philosopher until 1975. *Discipline and Punish*, as was the case with most of Foucault's work, was a milestone for the French intelligentsia and it helped to spread Bentham's name. One should not underestimate the influence of Foucault's categorisation of Bentham's thought as a form of all-encompassing panopticism on the subsequent attitude of French scholars.

At University College London, some scholars, headed by Professor J. H. Burns, started a new scholarly edition of Bentham's *Collected Works* in 1959. They derived their understanding of Bentham from both the nineteenth century's unsatisfactory Bowring edition of Bentham's *Complete Works* and from their own study and editing of the Bentham manuscripts. They were well aware that Bentham's six decades of daily writing could not be encapsulated in a single word 'panopticism'. Their unflinching work over the past 50 years has helped correct numerous distortions about Bentham's philosophy and lay the ground for new scholarly research in the field, both in Great-Britain and in the rest of the world. The Panopticon writings 'are [nonetheless] disturbing and create problems for Bentham's admirers', as Semple wrote.⁷ This discrepancy between an increasingly attractive Bentham (thanks to the new edition and studies of the Bentham Project) and a still repulsive Panopticon is largely to be attributed to Foucault's study.

Attitudes to the Panopticon have changed over the twentieth century.⁸ Before the 1960s, Bentham's Panopticon was held to have civilizing effects on inmates.⁹ After Gertrude Himmelfarb's and Charles Bahmueller's studies, Bentham was no longer seen as considering paupers as full-fledged human beings.¹⁰ As research from the Bentham Project was gathering steam, two scholars, Semple and Quinn studied, respectively, the prison-Panopticon and the pauper-Panopticon. Their analysis of Bentham's project was more balanced and stressed the benefits of the Panopticon for inmates and the fairness of the system.

⁷ Semple, 'Bentham's Haunted House', p. 35.

⁸ A. Brunon-Ernst, *Contrôle ou autonomie: Propositions de Jeremy Bentham sur l'assistance aux oeuvres (1795-1798)*, Lille, 2004, p. 37, n. 63.

⁹ M. I. Zagday, 'Bentham and the Poor Laws', ed. G. W. Keeton and G. Schwarzenbeger, London, 1948, p. 64.

¹⁰ G. Himmelfarb, *The Idea of Poverty: England in the Early Industrial Age*, London, 1985; G. Himmelfarb, 'The Haunted House of Jeremy Bentham', *Victorian Minds*, New York, 1968; C. Bahmueller, *The National Charity Company: Jeremy Bentham's Silent Revolution*, Berkeley, 1981.

The only hurdle in the way of the new interpretation of the Bentham Project was Foucault's towering reputation which overshadowed any comments made by academics on the work of the departed but still influential French philosopher.

Since Semple stated that the *Panopticon* was the only book by Bentham that Foucault had ever read¹¹ and that therefore his interpretation of Bentham's work was flawed, Bentham scholars have considered Foucault's *Discipline and Punish* as both a highly critical and an incomplete analysis of Bentham's thought. This statement can now be challenged thanks to the new edition of Foucault's hitherto unpublished lectures and Laval's seminal study.

II. New French Bentham studies: Foucault's unpublished lectures and Christian Laval's seminal paper

Ewald and Fontana are the general editors of Foucault's lectures at the *Collège de France*. Thirteen volumes are to cover Foucault's thirteen years of teaching at the *Collège*, between 1971 and 1984. So far six have been published. In 1970, Foucault was elected to the 'History of Systems of Thought' chair created in 1969. The *Collège de France* is not a university *per se* but an institution which offers its members tenure with 26 hours of lectures a year to a motley audience of academics, students, journalists etc. Lectures are on the research the chair holder has carried out in the past year. The contents and subjects of the lectures must therefore be changed each year. Foucault's lectures were not drafts for subsequent books, but works in their own right. Some of the ideas developed at that stage might have contributed to the development of Foucault's theory but this in no way implies that his lectures should be read as second-rate books. Senellart edited the volume corresponding to the 1978-1979 lectures and for the volume used both the recordings of the lectures and Foucault's notes which are owned by Foucault's family.¹² The volume is entitled *Naissance de la biopolitique*, and has not yet been translated into English. It is of interest not only because *Naissance de la biopolitique* refers to Bentham but because it interprets Bentham's thought in a new light.

Foucault's lectures mention Bentham's name twelve times and references are made to W. Stark's edition of *Jeremy Bentham's Economic Writings*, to the *Panopticon, or the Inspection-House* and to *Constitutional Code*. Foucault seems therefore to have known more of Bentham's works than Semple thought, or at least than was obvious from reading the widely circulated *Discipline and Punish*. It is important to stress that the notes in *Naissance de la*

¹¹ J. Semple, 'Foucault and Bentham: A Defence of Panopticism', *Utilitas*, iv. (1992), pp. 105-06.

¹² 'Avertissement', ed. F. Ewald and A. Fontana, in M. Foucault, *Naissance de la biopolitique*, pp. vii-xi.

biopolitique are added by the editor and not written (or said) by Foucault himself although they can be based on Foucault's marginalia. Nonetheless, Benthamic concepts are used by Foucault in the course of his lectures, such as *agenda/non agenda*, and identified by the editors as Benthamic. This could betray a knowledge of Bentham's thought far beyond information in the *Panopticon Writings*.

Naissance de la biopolitique does not deal with the issues of surveillance familiar to readers of *Discipline and Punish*. Neither the term surveillance, nor punishment is used by Foucault. In the first lectures of the years 1978-1979, what interested Foucault was the study of the rationale of government and more specifically the limits imposed on the growth of the modern State. Contrary to the Medieval and Renaissance periods, the Enlightenment saw the rise of internal limits to a growing State. God, the former perceived external limit, was replaced by the rule of law, which was seen to control the power of the State from within.¹³ More essential to the Foucault-Bentham link is the internal limits on government, that is to say the objectives the government sets itself. Foucault states:

the line is drawn between two series of things of which Bentham draws the list, in one of his most important texts I would like to comment upon later on; the line is drawn between agenda and non agenda, things that ought to be done and things that ought not to be done'.¹⁴

The argument on the limits of government hinges around the idea that one should not govern too much. The science of avoiding big government developed during the last third of the eighteenth century and became known as political economy which is the study of the nature of human (economic) interactions.¹⁵ What determines whether a policy is good or bad is not whether it is fair, or whether it is carried out by a legitimate sovereign, but rather whether it abides by this self-imposed limit of a minimal government intervention.¹⁶ Foucault defines 'liberalism' as the science of knowing how to calculate the right balance between a minimal and a maximal government action.¹⁷ It also has another name; Foucault calls it the

¹³ Foucault, *Naissance de la biopolitique*, 11-13,

¹⁴ 'La ligne de partage va s'établir entre deux séries de choses [dont] Bentham, dans l'un de ses textes les plus importants sur lesquels j'essaierai de revenir, a établi la liste, le partage se fait entre agenda et non agenda, les choses à faire et les choses à ne pas faire' in *ibid.* p. 14. Foucault does not give the reference (the text is extracted from lectures) but the editorial footnotes mention *Method and Leading Features of an Institute of Political Economy, Jeremy Bentham's Economic Writings*, vol. 3, ed. W. Stark, London, 1954.

¹⁵ *Ibid.*, pp. 19-22.

¹⁶ *Ibid.*, pp. 19-22.

¹⁷ *Ibid.*, pp. 19-23.

‘frugal government’, which can be defined as a government which masters the art of limiting itself from the inside.¹⁸ Here Foucault clearly explores one form of liberalism, *i.e.* a technical or governmental liberalism as opposed to a form of liberalism derived from a rights-centred perspective.

Foucault identifies the sources of the modern State not only in the two causes traditionally given — the growth of capitalism and the political power of the *bourgeoisie* at the end of the eighteenth century — but also more radically in the concept of the *individual*, as being shaped by the rising use of disciplines. Foucault defines discipline as that which is rooted in the setting of norms of what bodies, minds, behaviours should conform to.¹⁹ Foucault writes:

disciplinary power individualises; [...] a system of pangraphic panopticism sets out norms which act as defining principles and the process of normalisation appears as a universal prescription for all these subsequently-created individuals’.²⁰

In his later writings, Foucault gives a different definition of the concept of discipline from that of *Discipline and Punish* which betrays the shift in his analysis of the rise of the modern State away from the idea of a pervasiveness of disciplines to that of a norm-dominating system. The relationship between discipline (as norm) and growth of the individual in our Western societies from the Enlightenment onwards dawns on Foucault as he is writing on the prison system, drawing on material he collected in the previous decade. There is, therefore, a discrepancy between the overriding notion of discipline in his 1973-1974 lectures and what he wrote in *Discipline and Punish*. Foucault then fully explained the full implications of discipline-cum-norms generating the concept of the individual in his later lectures in 1978-1979, when he came up with the notion of frugal government²¹ rather than with that of a disciplinarian society, which he obviously equated to a Panopticon-like society.²² Foucault’s lectures at the *Collège de France* offer a radically new approach to

¹⁸ Ibid. pp. 30-31. Foucault writes ‘the issue of the frugal behaviour of government is at the core of the issue of liberalism’ (‘[La] question de la frugalité du gouvernement, c’est bien la question du libéralisme’).

¹⁹ M. Foucault, *Le pouvoir psychiatrique. Cours au collège de France, 1973-1974*, Paris, 2003, p. 58.

²⁰ ‘Le pouvoir disciplinaire est individualisant ; [...] un système de panoptisme-pangraphisme [...] établit la norme comme principe de partage et la normalisation comme prescription universelle pour tous ces individus ainsi constitués’ in *ibid.*, p. 57.

²¹ Foucault, *Naissance de la biopolitique*, p. 30.

²² Foucault, *Le pouvoir psychiatrique*, p. 81.

Foucault's reading of Bentham. Bentham scholars can now draw conclusions from this new interpretation of utilitarianism by Foucault. This is what Laval did at the end of 2006.

A symposium organised by the Centre Bentham on the relationships between Bentham and France was held at the University of Nanterre (Paris 10) in November 2006. At this colloquium, Laval, a renowned French Bentham scholar from the Centre Bentham, gave a seminal paper concluding the discussions.²³ He contended that our knowledge of the relationship between Foucault and Bentham does not extend beyond 1975, whereas Foucault never stopped re-reading Bentham and changing his interpretation of Bentham. Foucault discovered Bentham's work when he was working on the prison system. The Panopticon project was invaluable in Foucault's overall strategy to highlight the creation of a police state in Western Europe at the turn of the nineteenth century. In the process, Foucault separated the Panopticon from the utilitarian project of government. But when he started working on the hospital system, Foucault re-read Bentham. Over the years a shift from the notion of discipline to that of norm allowed Foucault to highlight aspects of Bentham's thought other than the Panopticon. At this stage, the question was whether the development of Foucault's theory in itself made allowance for other portions of Bentham's utilitarian philosophy or whether it is Foucault's closer and more extensive reading of Bowring's and Stark's editions of Bentham that helped Foucault to reinterpret the historical system of power relationships in a different light and to shift from the concept of surveillance to that of norm. In his subsequent work, Laval wishes to answer this question and show that Foucault's whole theory on liberalism is influenced by Bentham's thought.

Laval's groundbreaking study, which flows from his reading of the new edition of Foucault's hitherto unpublished lectures, reappraises received ideas on the Foucault-Bentham relationship and allows for presentation to a French audience of a new facet of Bentham's thought. Foucault's understanding of Bentham clearly goes beyond concepts of surveillance to focus on the idea of governance, which is more in tune with contemporary Bentham studies.

III. The relevance of Foucauldian concepts: the example of 'frugal government'

Foucault shifts his reinterpretation of Bentham's thought away from his disciplinary approach towards an analysis which considers Bentham's role in the technological or governmental form of liberalism; this stands at the core of the change in the Foucault-

²³ C. Laval, 'Comment Foucault a-t-il lu Bentham?', International symposium 'Bentham and France', Paris, 2-4 November 2006.

Bentham relationship. The notion of ‘frugal government’, as a Benthamic concept defining liberalism, needs to be explored in depth to analyse the exact nature of Foucault’s interpretation of Bentham and of Bentham’s role in shaping Foucault’s ideas.

The key-concept in Foucault’s reasoning on society moved from ‘surveillance’ to ‘frugality’ in the course of the 1970s. It is important to stress that Foucault neither invented the idea of ‘surveillance’ nor that of ‘frugality’. He only re-used the terms as operating concepts in his theory. The concept of ‘frugal government’ was widely used in eighteenth-century pamphlets and by Bentham himself.²⁴ The editorial footnote, based on Foucault’s notes for his lectures, identifies Benjamin Franklin as the source of the term ‘frugality’, although Franklin was neither the first to coin the term nor does he use it in the quoted reference. In one of his letters, Franklin writes ‘a virtuous and laborious people could always be ‘cheaply governed’ in a republican system’.²⁵ Franklin does not mention the word ‘frugal’ as such, but he refers to the idea of frugality with his use of the adjective ‘cheaply’. Foucault could easily have used the concept of ‘cheapness’ instead of that of ‘frugality’. Why did he choose ‘frugal/frugality’? The reason most certainly lies in his proximity with Bentham’s language. Indeed, although the idea of frugality is encapsulated in the writings of many late-eighteenth-century writers, it seems that the operative concept of ‘frugal’ itself is taken from Bentham. Although scholars do not have a clear list of all the late eighteenth century writers Foucault had read, prior to lecturing at the *Collège de France* in 1978-1979, they at least know from his previous works and from editorial footnotes that Foucault, among many other books, read *Panopticon; or, the Inspection-House*, and *Constitutional Code*. Whatever the case may be, the term frugal appears in both works. In the *Panopticon Writings*, assuming Foucault had read the different applications of the Panopticon principle (to prisons, poorhouses, chrestomathic schools and later to government)²⁶ and more specifically *Pauper Management Improved*,²⁷ the expression

²⁴ A. Brunon-Ernst, ‘L’abondance frugale : étude des propositions de J. Bentham pour réguler la pauvreté à la fin du XVIII^e siècle’, *Le superflu, chose très nécessaire*, ed. G. Girard. Rennes, 2004, pp. 176-94.

²⁵ Letter from Benjamin Franklin to Charles de Weissenstein dated July 1st, 1778 quoted in Foucault, *Naissance de la biopolitique*, 49, n. 1.

²⁶ Anne Brunon-Ernst, ‘Les métamorphoses panoptiques’, *Les cahiers critiques de philosophie*, ed. J.- P. Cléro et C. Laval. Paris, 2007, forthcoming.

²⁷ ‘Panopticon; or the Inspection-House: containing the Idea of a New Principle of Construction applicable to any sort of Establishment, in which Persons of any Description are to be kept under Inspection’, *The Works of Jeremy Bentham*, vol. IV, ed. J. Bowring, 1843, Elibron Classics, 2005 (hereafter ‘Bowring’); ‘Postscript, Part I. Containing further Particulars and Alterations relative to the Plan of Construction originally proposed; principally adapted to the purpose of a Panopticon Penitentiary-House’, Bowring, iv.; ‘Postscript, Part II. Principles and Plan of Management’, Bowring, iv.; ‘Pauper Systems Compared’, *Writings on the Poor Law*, ed. M. Quinn, Oxford, 1995 (CW); ‘Outline of a Work entitled Pauper Management Improved’, Bowring, iv.: *Chrestomathia*, ed. M. J. Smith and W. H. Burston, Oxford, 1988 (CW); ‘Chapter IX: Ministers Collectively. Section 26. Architectural

‘frugality’²⁸ is of note. In Bowring’s edition of *Constitutional Code*, Bentham uses the term ‘frugality’ repeatedly as a utilitarian concept defining one of the collateral aims of government which is to reduce delay, vexation and expense in order to achieve the aim of the Benthamic State: to promote the greatest happiness of the greatest number.²⁹ The resulting notion of ‘frugal government’ describes the way in which the liberal State operates according to Foucault’s theory. Foucault chose a word which already operated as a concept in Bentham’s theory. However it is essential to stress that the notion carries slightly different meanings in Foucault’s philosophy than in Bentham’s.

Foucault uses ‘frugal/frugality’ to pinpoint Bentham’s utilitarianism as the origin of one form of liberalism. The term ‘liberalism’ is to be understood within the Foucauldian system of reference. Foucault writes: ‘the limit of a governments jurisdiction will be defined by the utility of such government intervention. [...] Utilitarianism is a technology of government’.³⁰ For Foucault, States which are grounded in trade as *the* value-giving activity, cannot escape being in turn assessed as to their own use, therefore they cannot avoid being utilitarian States.³¹ Foucault borrowed one of Bentham’s concepts to build his theory of the growth of the modern liberal State, and, in so doing, assigned a particular interpretation to Bentham’s work. To get a full grasp of the impact of Foucault’s lectures on Bentham scholarship, the relevance of ‘frugal/frugality’ in Bentham’s thought needs to be explored.

Far from ideological squabbling, what interests Bentham scholars is whether the use of the Benthamic-cum-Foucauldian concept of ‘frugal government’ is more relevant to an understanding of Bentham’s thought than equivalent interpretations used by other Bentham scholars, such as ‘economical style of government’ and ‘saving measures’. The former directly alludes to the notion of political economy as part of the government-building process. In contrast, the latter only refers to household economics and not to wider concerns of macro-economic policy-making.³² The heart of our investigation revolves around the comparison of the Foucauldian concept of ‘frugal government’ and the apparently synonymous concept of

Arrangements’, *Constitutional Code*, vol. I, ed. F. Rosen and J. H. Burns, Oxford, 1983 (CW).

²⁸ ‘Materials, the cheapest, so as to afford sufficient warmth. 2. Form, excluding all useless parts — such as skirts to coats and waistcoats — brims to hats [...]. — *Necessity and use* the standards — not *fashion* — though fashion has of late been approaching nearer and nearer to use. — *Distinction*, principally by colour — *form* being determined by frugality. [...] *Shoes with wooden soles* [...]. In summer, no *stockings*’ in *Pauper Management Improved*, p. 388.

²⁹ ‘Judiciary Collectively’, Bowring, ix, p. 467.

³⁰ ‘La limite de compétence du gouvernement sera définie par les frontières de l’utilité d’une intervention gouvernementale. [...] L’utilitarisme, c’est une technologie du gouvernement [...]’ in Foucault, *Naissance de la biopolitique*, p. 42.

³¹ *Ibid.*, p. 48.

³² L. J. Hume, *Bentham and Bureaucracy*, Cambridge, 1981, p. 144.

‘economical style of government’. The comparison therefore hinges on the study of the meaning of ‘frugal/frugality’ and ‘economical/economy’ in Bentham’s thought. Are the two concepts synonymous? If they are, Foucault’s use of the expression ‘frugal government’ does not take Bentham scholarship further than did other Bentham scholars, with their expression of ‘economical style of government’. If not, talking about ‘frugal government’ or about ‘economical style of government’ is not saying the same thing about Bentham’s ideas on government.

In this quest, the *Oxford English Dictionary* does not seem very helpful at first since it states that both words were in use in the eighteenth century and that ‘frugal’ is synonymous with ‘economical’. Nonetheless, both adjectives stem from different origins and apply to slightly different fields. The origins of the term ‘economical’ lie in household management, and in the eighteenth century this meaning was replaced by a new one which extends to the field of political economy. Progressively, throughout the eighteenth century, ‘frugal’ qualifies fewer items than ‘economical’, its use becoming restricted to food, goods, and behaviour, with clear moral undertones, since the adjective is opposed to luxurious, a term expressing disapproval towards certain forms of consumption. In the eighteenth and nineteenth century English language, ‘frugal’ and ‘economical’, albeit close in meaning, were therefore not exact synonyms.

Frugality is a Benthamic concept. Bentham classifies it in *Table of the Springs of Action* as a eulogistic name (i.e. an approval-expressing term) importing a positive idea of negative action.³³ He also defines ‘economy in respect to ‘frugality’.³⁴ ‘Frugality’ and ‘economy’ have notional fields in common, but the import of the term economy is more extensive. ‘Frugality’ carries ideas of self-denial that ‘economy’ does not. Bentham’s comparative definition is congruent with the findings of the *OED*. In his own correspondence, Bentham uses the adjective ‘frugal’ when he writes about saving time, money, food and about a sparing mode of living. He uses the adjective ‘economical’ to mention cheapness pertaining to travelling expenses or projects. Bentham’s conceptual use of ‘frugal/frugality’ in his works refers to what is neither superfluous nor needless.³⁵ The term appears in the context of pecuniary

³³ *Springs (CW)*, p. 345. On this page the annotator claims that the meaning of the last part of the paragraph is unclear. Indeed it seems that the last part refers rather to ‘honesty’, which follows up in the list of virtues, than to ‘frugality’. However, for this study, it was decided to refer only to the first non-contentious part of the paragraph, which clearly deals with ‘frugality’.

³⁴ *Ibid.*, p. 355.

³⁵ *Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns, J. R. Dinwiddy and F. Rosen, Oxford, 1996 (CW), p. 180 (and thereafter *IPML (CW)*).

arrangements (preservation of quantity of wealth,³⁶ minimising expense,³⁷ maximising aptitude,³⁸ publicity) and constitutional arrangement (choice of a form of government which is frugal,³⁹ or quantity of punishment).⁴⁰ ‘Economical/economy’ is cheapness and efficiency taken in abstraction without reference to other goods, conduct etc. ‘Frugal/frugality’ is determined in respect to a reference point, which is not external but internal and which can be represented as *a stock* of wealth, pleasure etc.,⁴¹ from which the legislator has to balance the competing demands to achieve an efficient government.⁴²

The use of the concept ‘frugal’ runs through Bentham’s life-long writing, from the 1770s in *An Introduction to the Principles of Morals and Legislation* to the 1820s-1830s with *Constitutional Code*. However in the nineteenth century, ‘frugal’ might have sounded slightly outdated when compared to the new ‘economical’, which had links with the thriving new science of political economy. The reason may lie in the fact that the former concept was fleshed out very early in Bentham’s thought and became more complicated over the decades. There was no reason to replace it, especially when Bentham had already established a dichotomy between ‘frugality’ and ‘economy’. When Bentham writes ‘frugal’, he means ‘frugal’ and not ‘economical’. Frugality encapsulates one of the collateral ends of government to minimise expense and to maximise aptitude, *i.e.* to reduce waste and increase efficiency:

I have therein, I hope made tolerably well apparent the inseparable connection which, in the case of official men, I have found to have place

³⁶ *Springs (CW)*, p. 354.

³⁷ Some of the manuscripts preparatory to *Economy as Applied to Office* are either headed ‘expence minimized’ or ‘frugality’. See UC cxiv, 2-3, UC clx. 68-74, and UC clx. 98.

³⁸ See ‘Supplement to codification proposals’, *Legislator of the World: Writings on Codification, Law, and Education*, ed. P. Schofield and J. Harris, Oxford, 1998 (CW), p. 355 (and thereafter respectively *Supplement* and *Legislator of the World*): ‘I have therein, I hope, made tolerably well apparent the inseparable connection which, in the case of official men, I have found to have place between the strictest frugality and the highest degree of aptitude, with reference to their several situations. Principle, title, and motto—“Official aptitude maximized—expense minimized”’.

³⁹ For the constitutional frugal arrangements, see *First Principles preparatory to Constitutional Code*, ed. P. Schofield. Oxford, 1989, p. 51 (*The Collected Works of Jeremy Bentham*), (thereafter *First Principles (CW)* and *First ‘Lines of a Proposed Code of Law for any Nation Compleat and Rationalized’ in Legislator of the World (CW)*, p. 217.

⁴⁰ *IPML (CW)*, p. 180.

⁴¹ This study is based on information retrieved from the electronic versions of the *Collected Works of Jeremy Bentham*. Professor Marco Guidi reaches different conclusions thanks to the analysis of the Panopticon Writings. See “‘My Own Utopia’: The economics of Bentham’s *Panopticon*”, *European Journal of Economic Thought*, xi. (2004), pp. 408-10.

⁴² *First Principles (CW)*, p. 51 where a frugal government is one which balances the claims individuals for reward in respect to services rendered to the nation and *IPML (CW)* p. 180 where the terms ‘stock’ and ‘ratio’ are used regarding the frugality of punishment.

between the strictest frugality and the highest degree of aptitude, with reference to their several situations. Principle, title, and motto—“Official aptitude maximized—expense minimized”.⁴³

For this reason, the concept ‘frugal government’ sticks to Benthamic terminology in a way its would-be modern synonyms do not. Using a phrase like ‘economical style of government’ does not account for the complexity of Bentham’s thought. In this respect, Foucault remained closer to Bentham’s meaning than other Bentham scholars.

For Bentham scholars, Bentham is *the* subject of their research, while for Foucault Bentham’s work is only an object of research. Bentham scholars aim at helping academics, students, and readers, to understand Bentham’s philosophy. Foucault never shared these aims. He had his own agenda, which was neither that of Bentham nor of Bentham scholars. In Foucauldian terminology, ‘frugal government’ weaves together ethics and market economics, since the market is the place where good governments are made and therefore where acceptable (i.e. true) and unacceptable conducts (*i.e.* untrue) are established.⁴⁴ The emphasis lies on internal self-limitations since the frugality of any good government consists in limiting its operations to the fields necessary to achieve the utilitarian aim of the greatest happiness of the greatest number. In Foucault, one concept from Bentham’s utilitarian theory was isolated and used as an interpretative tool to explain the rise of the modern State. In so doing, Foucault used a Benthamic concept to prop up his demonstration of the market-based nature of all Western States. Using the concept of ‘frugal government’ implies reading Bentham at the crossroads of his economic writings and his small-scale or wider-scale government experiments in his *Writings on the French Revolution*⁴⁵, in the series of the *Panopticon Writings* and in *Constitutional Code*.⁴⁶ It might be an interesting exercise, although Bentham cannot be restricted to that interpretation.

Conclusion: Beyond *Surveillance and Punish*: the way ahead for Bentham studies

⁴³ *Supplement in Legislator of the World (CW)*, p. 355.

⁴⁴ Foucault, *Naissance de la biopolitique*, p. 34.

⁴⁵ In *Rights, Representation, and Reform (CW)*.

⁴⁶ Compare ‘Draught of a Code for the Organization of a Judicial Establishment in France: with Critical Observations on the Draught proposed by the National Assembly Committee, in the Form of a Perpetual Commentary’ (1790) in Bowring, iv., and Bentham’s ‘Draught for the Organization of Judicial Establishments, compared with that of the National Assembly, with a Commentary of the Same’, (1790), Bowring, iv.; and ‘Judiciary Collectively’ in ‘Constitutional Code’, Bowring, ix.

Over the years, Foucault seems to have moved on from an incomplete and therefore inaccurate knowledge of Bentham to a deeper understanding of his work. This paper challenges not only Bentham scholars' prejudices against Foucault's analysis but also aims at overcoming received ideas about Bentham philosophy among French academics. The new edition of Foucault's lectures hopes to make a significant impact on contemporary interpretations of Bentham. Scholars cannot claim to get to the bottom of Foucault's theory without a good understanding of one of his inspirations: Benthamic utilitarianism. Conversely, Bentham scholars may learn from the exactness of Foucault's definition of Bentham's philosophy as 'frugal government'. However it should not be forgotten that Foucault does not interpret Bentham for his sake, but to find ammunition for his own ideological agenda. When Foucault read Bentham, there was more to it than meets the eye.

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