
GOVERNMENTALITY: THE CORE TENDENCIES IN CONTEMPORARY REGULATION


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SUMMARY

This paper explores the concept of governmentality, as introduced by Michel Foucault, and its relevance for analyzing contemporary regulatory practices. It argues that governmentality offers a valuable framework for understanding power dynamics within risk discourses, showing how narrative control shapes regulatory agendas, defines critical issues, and delineates the scope of institutional action. The analysis focuses on two key trends in modern regulation: (1) the increasing role of private

actors in regulatory functions, and (2) the limitations placed on public agencies by historically constructed risk narratives. These developments are examined through a Foucauldian lens, emphasizing the interplay between power, knowledge, and governance. The study concludes that governmentality provides crucial insights into the transformation of regulatory frameworks in an era marked by globalization, technological change, and growing demands for transparency and accountability.

Introduction

 Michel Foucault, one of the most influential intellectuals of the twentieth century, introduced the term governmentality in the 1970s while exploring the dynamics of political power at the Collège de France (Bevir, 2010). This cornerstone of Foucauldian thought refers to the political rationality through which governance operates within a state framework (Rose *et al.*, 2006). Governmentality is defined as the “ensemble formed by institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise” of a “very specific, albeit

complex, form of power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument” (Foucault, 2009).

Drawing on historical evidence from the West, Foucault examines the transition from the medieval “state of justice” to the administrative state in the fifteenth and sixteenth centuries. In this process, it is argued that the state has become “governmentalized,” as a specific form of power, referred to as “government,” comes to predominate over other forms of power, such as sovereignty and discipline (Foucault, 2009). Thus, following Rose *et al.* (2006), scholars contend that, in the modern state, the concept

of sovereignty—originally understood as obedience and adherence to the law—has shifted toward a conceptualization in which governing is conceived as an art. This approach not only seeks to preserve sovereignty and maintain discipline but also aims to enhance the living conditions of individuals within the state.

From this perspective, government implies the existence of an authority responsible for both the actions of individuals and what happens to them—an authority that steers the state (Rose *et al.*, 2006). This notion involves guiding societal actions toward a unified objective (Foucault, 2017). Governmentality does not hinge solely on the imposition of laws; rather, it

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relies on the use of strategies and tactics—including laws and regulations—to optimize the attainment of desirable outcomes for populations based on a given endowment of initial means (Sending and Neuman, 2006).

Hence, the principal goal of governmentality is to secure the material well-being of populations, maximizing their potential and capacities and ultimately enhancing quality of life and life expectancy (Sending and Neuman, 2006). In this view, governmentality constitutes the political rationality of governments, shaped by a network of institutions, procedures, thought processes, and strategies designed to serve the public (Sending and Neuman, 2006).

Within Foucault's theory, the forms of dominant policy within a state translate into the actions of populations. As Siebert and Walsh (2013) observe, these actions are not solely the result of governmental apparatuses and legal frameworks. Rather, appropriately guided individuals can achieve alignment between their perspectives and those of the government. Consequently, regulation is not exclusively governmental; private actors assume a crucial role, contingent upon the implementation of appropriate strategies and tactics.

In this light, the present analysis examines how governmentality provides a framework for understanding two key trends in contemporary regulation: (1) the increasing prominence of private actors as regulators, and (2) the constraints on regulatory agency through historically specific risk discourses. This analysis emphasizes how laws, norms, and governmental institutions regulate public conduct not only directly but also indirectly, by promoting practices rooted in self-regulation and individual self-governance. Furthermore, it explores how risk discourses shape regulatory agendas, define their boundaries, and instill a sense of urgency.

Finally, based on this discussion, the argument is advanced that the concept of governmentality is essential for understanding the expanding role of private actors in regulation and the ways in which risk discourses influence regulatory practices.

Discussion

Essential Aspects of Governmentality

Governmentality is a concept formulated by Michel Foucault, described as the “rationality immanent to the micro-powers, whatever the level of analysis being considered” (Foucault,

2009). This concept represents an approach to the study of power that emphasizes how a responsible authority directs the conduct of the population and assumes responsibility for both behaviors and their outcomes (Rose *et al.*, 2006).

Foucault (2009) defines governmentality as the “way in which one conducts people's conducts,” emphasizing that influencing individuals through positive mechanisms often exerts a stronger impact on societal behavior than sovereign power, which simply enforces laws and regulations (Foucault, 2009). According to Dean (2013), governmentality addresses the challenge of shaping individual behavior not only through legal frameworks but also through strategies and tactics of guidance and control.

From this perspective, governance relies on a network of institutions, norms, and practices aimed at guiding populations toward specific objectives. This shift in focus—from coercion to the strategic alignment of individual and collective actions with governmental objectives—positions governmentality as a foundational concept for understanding contemporary regulatory practices.

In this regard, numerous academic studies underscore three foundational elements in Foucault's perspective on governmentality. First, individuals are active subjects capable of self-regulation (Pongratz, 2006; August, 2022; Roach Anleu and Sarantoulas, 2023). Second, governmentality employs tactics and strategies to influence both social and individual mentalities (Fraser, 2003; Siebert and Walsh, 2013; Triantafillou, 2024). Third, power and knowledge are inseparably linked (Nola, 1998; Willcocks, 2004).

Based on these insights, three key propositions can be identified: (1) Foucault's conceptualization expands the traditional state-centric view of power—rooted in normative authority and the monopoly on force—by emphasizing the role of individuals as active, self-governing agents; (2) the purpose of governmentality is to foster the well-being of populations by shaping mentalities conducive to self-regulation, thereby aligning the perspectives of the populace and governing bodies; and (3) the link between power and knowledge is foundational, with knowledge acting as a critical medium of power and power shaping knowledge structurally.

Discipline and biopolitics are two mechanisms that support the alignment of governmental and individual perspectives. As Rose (2013) explains, discipline establishes the subjective conditions necessary for national governance by promoting self-regulation, self-control, and self-mastery. Biopolitics, in turn, provides

legibility to key areas of societal activity, ensuring they are properly recognized and understood. This alignment is essential for achieving governmental legitimacy, as it demonstrates the possession of vital knowledge and a comprehensive understanding of the citizenry (Rose, 2013).

A variety of control techniques are employed by the government to influence societal behaviors. One such technique is normalization, which involves the formulation and promotion of behavioral standards considered desirable. These standards are often enforced through social pressure and/or mass media strategies, encouraging conformity to societal expectations. A notable example includes public health campaigns designed to promote vaccination against specific diseases (Hall and Link, 2004).

Another technique, discipline, focuses on managing behavior through systems of evaluation, rewards or penalties, and training processes. This technique is exemplified by educational systems that aim to shape individuals' values, principles, and functional competencies (Hoffmann, 2014). Additionally, regulation functions as a complementary mechanism, utilizing laws, standards, and economic incentives—both positive and negative—to guide the decisions and actions of individuals, organizations, and society. This approach reflects Foucault's notion of a “disposition of things,” which facilitates the achievement of desired objectives (Tadros, 1998). Practical applications include the imposition of fines for pollution or the provision of incentives for social or productive innovations.

Governmentality originated in Western Europe during the late sixteenth century and has since evolved significantly. Foucault's work demonstrates how the theory of sovereign power—originally focused on the protection of territory—was gradually replaced by a perspective centered on populations and their welfare. In contemporary times, the concept has considerably broadened its reach, influencing institutions, social spheres, and newly conceptualized populations, thus maintaining its relevance for analyzing current power dynamics.

Consequently, governmentality serves as a valuable theoretical lens for examining various modern phenomena. For example, neoliberalism views individuals as responsible, self-regulating agents capable of entrepreneurial activity, who primarily require opportunities rather than direct subsidies (Hamann, 2009). Globalization represents a form of power that transcends the nation-state and physical borders, allowing the policies of international organizations to apply across

diverse geographic contexts (Joseph, 2013). Similarly, digital technologies—particularly social networks—gather data and influence individual decisions and mindsets, thereby constructing particular definitions of rationality and acceptability (Barry, 2019).

Based on this discussion, governmentality provides insights into the power dynamics shaping contemporary States. Rather than relying on the use of force *a priori*, governance involves influencing individual decisions (Foucault, 2009). Institutions assume a moderating role in behavioral guidance, and the State is not expected to regulate all aspects of life; instead, it facilitates the agency of self-regulating individuals (Rose, 2013).

Foucault's perspective is critical for understanding how the rationality of power extends beyond legal norms, imposed obligations, or traditional State regulation (Foucault, 2009). This shift underscores the increasing prominence of private actors in governance and the constraints imposed on regulatory agendas by historically specific risk discourses.

The Growing Importance of Private Actors as Regulators

The neoliberal approach, predominant in advanced economies, posits that market freedom enables price mechanisms to balance supply and demand, thereby achieving private and social optimal outcomes under ideal conditions (Schmidt, 2018). This framework assumes that individuals pursuing their self-interest will inadvertently contribute to social welfare (Smith, 2023). As a result, neoliberalism advocates for the widespread privatization of public functions, reducing the role of the State to a residual one (Schmidt, 2018). However, such Pareto-efficient outcomes require ideal conditions, such as rational participants, perfect information, and fully competitive markets.

From this standpoint, State intervention is warranted only in cases of market failure (Schmidt, 2018). Although Foucault's theory of governmentality is not aligned with any particular political ideology (Devetak, 1999), it shares important intersections with neoliberalism. Foucault conceptualizes governance as the ability to shape behavior through self-regulation and internalized control (Rose, 2013), aligning with market-based coordination mechanisms that determine what to produce, how, and for whom.

It is important to note that, within Foucault's framework, legal norms and formal regulations constitute only one among several strategies to influence behavior. Regulation functions as

an explicit and adaptable mechanism for shaping conduct in specific contexts.

Foucault's conceptual contributions have profoundly shaped the understanding of private regulation, paralleling insights from George Stigler and the University of Chicago School of Economics. As early as the 1960s, Stigler and his colleagues argued that public regulation, although designed to correct market failures, often results in inefficient bureaucracies (Schmidt, 2018). Stigler (1971) also warned of regulatory capture, whereby established actors manipulate regulation to serve private rather than public interests.

Neoliberalism favors private regulation for two main reasons: minimizing the size of the public apparatus and capitalizing on the perceived advantages of private regulatory models. These include greater efficiency (Shleifer, 2010; Büthe, 2010; Loconto and Fouiilleux, 2014), cost reduction (Scott, 2002; McLaughlin and Mulligan, 2020; Hegde *et al.*, 2023), and greater legitimacy or flexibility (Bartley, 2020; Pacheco *et al.*, 2020; Hutton *et al.*, 2022).

Synthesis of these insights reveals several potential benefits of private regulation. First, it assumes markets are more efficient than governments, resulting in timelier and more rigorous outcomes. Second, private regulation may reduce costs by overcoming bureaucratic inefficiencies. Third, it allows for industry-driven self-regulation based on codes of ethics and technical standards. Fourth, it often commands greater trust among stakeholders, as regulators possess field-specific expertise and can integrate practical, non-legal considerations.

Private and self-regulation have been effective in addressing complex problems, such as the tragedy of the commons. Ostrom's work illustrates how collective self-organization, in line with Foucault's thought, can enable resource sustainability (Ostrom, 1990). Accordingly, Stigler and Ostrom's contributions complement Foucault's notion of governing through the guidance of conduct rather than coercion.

Further research emphasizes how governmentality shapes regulatory practices. McKinlay and Pezet (2010) demonstrate its impact on accounting definitions, reinforcing the dominance of private regulation. Leiser *et al.* (2017) similarly highlight the influence of private actors in digital governance, where they define and enforce regulatory standards in transnational contexts.

Digital platforms exemplify this shift: they regulate content through algorithms and internal protocols

to moderate hate speech, violence, and misinformation (Horten, 2024). Other domains include credit rating agencies, financial auditors, and environmental and safety certification bodies.

Nevertheless, the rise of private regulation introduces risks such as reduced transparency and accountability (Aman and Rookard, 2019; Kuruville *et al.*, 2020; Jordanoska, 2021), as well as conflicts of interest (Avraham, 2011; Scheltema, 2016; Grabs *et al.*, 2021).

These concerns suggest that private regulation may result in weaker public oversight, selective enforcement, and uneven application of rules. Regulatory neutrality is also difficult to achieve, as regulatory frameworks influence how resources are allocated and which values prevail.

As Lim (2011) states, drawing on Foucault, governmentality is composed of institutions, knowledge systems, and techniques for exercising power over populations. While initially applied to hospitals, schools, and prisons (Foucault, 2009), the concept now encompasses NGOs, private firms, and international bodies, thereby transforming State-society relations. This transformation necessitates a balance between public and private regulation, reinforcing the importance of governmentality as a framework for understanding the growing role of private actors.

In conclusion, governmentality helps to explain the increased prominence of private regulation in contexts that demand transparency, accountability, and the continuous monitoring of potential conflicts of interest.

Constraints on Regulatory Agency Through Specific Risk Discourses

As previously discussed, governmentality refers to the political rationality underlying the processes by which governments steer or direct society. As such, it entails constructing a form of power that does not rely solely on sovereignty but rather on persuasion and the formation of a shared mentality. Achieving this objective requires knowledge, as it is through knowledge that discourses are produced regarding what is desirable or undesirable, what is possible and what is not, and what is or is not permissible. In this regard, Black (2002) asserts that the discussions and relationships established within the regulatory sphere are critical in delineating its boundaries. These discussions appear not only in bilateral exchanges but also in discourses directed at broader populations.

According to Foucault, power is exercised not only through legal

enforcement but through the guidance of populations—an endeavor in which knowledge production plays a central role (Rose, 2013). Knowledge materializes in discourse, which delineates what constitutes an acceptable risk from a regulatory standpoint, or conversely, what demands immediate intervention. Risk discourses influence regulatory strategies, legitimizing certain control mechanisms and practices not solely because they are codified in law, but because they are perceived as “correct” from an expert perspective. For instance, O’Brien (2001) demonstrates how governmental discursive practices concerning drug use risks shape the administration of juvenile justice systems. Similarly, Petersen (1996) illustrates how discourses of risk and uncertainty inform both individual and societal self-regulation by presenting risk as a concrete possibility, thereby significantly impacting public health promotion policies.

This perspective aligns with Beck’s seminal work (1992), which argues that the relationship between industrial society, natural resources, and culture is structurally unsustainable. Consumption continuously exceeds necessity, and existing mechanisms are inadequate to restore balance. Furthermore, the passivity, negligence, and inefficiency of State institutions in addressing critical challenges—such as global sustainability—have contributed to the emergence of alternative collective institutions and the phenomenon Beck describes as “institutionalized individualism.” Consequently, the nation-state has evolved into a multifaceted framework, accommodating identity-based and collective expressions that operate simultaneously at local, national, regional, and international levels.

Risk discourses, as specific manifestations of historical contexts, play a substantial role in shaping public policies and regulatory frameworks. Drawing on a Foucauldian governmentality perspective, Fenech *et al.* (2008) analyze how regulatory risk is mobilized in the context of early childhood education and care services in Australia. Their findings suggest that governments have appropriated regulatory risk to serve institutional objectives, rather than utilizing it as an effective quality assurance mechanism. This case underscores how differing emphases in risk discourse directly influence what is accepted and enacted as public policy.

Moreover, risk discourses are not confined to expert communities. A wide array of actors—including government agencies, industry stakeholders, non-governmental organizations, and traditional and digital media—play an active role in shaping public understanding.

Importantly, these actors cannot be considered entirely neutral. Their interpretations are rarely objective reflections of reality; rather, they are conditioned by bounded rationality and potential conflicts of interest (Kamat, 2004).

Often, risk discourses are strategically constructed by interested parties to influence political perceptions and public sentiment. These constructed narratives shape regulatory policies not only at the formulation stage but also during implementation. In this context, Van Assche *et al.* (2017) argue that discourse functions both as a moderator and a driver of knowledge and power, playing a decisive role in governance and the management of natural resources. Furthermore, they emphasize that the discursive framing of risk directly informs how regulatory systems define, prioritize, and respond to challenges.

Risk discourses play a pivotal role in shaping how individuals and communities respond to potential events. These discourses elicit both rational and emotional reactions, influencing perceptions of personal and collective risk. Trust in information sources and the credibility of messages are critical determinants of how much importance is assigned to a particular threat. Credibility, therefore, functions as a structural factor in determining sensitivity to risk-related narratives. For instance, low-probability but high-impact events are often perceived as more urgent than more probable, lower-impact ones when even a minimal likelihood is presented by a trusted source.

Moreover, societal mind-sets, belief systems, and community values influence how individuals interpret and respond to risk discourses. These collective frameworks act as filters through which information is processed, contributing to variations in reactions across different social and cultural contexts. Ultimately, risk discourses mediate both individual awareness and communal behavior, thereby influencing broader societal responses.

Stiglitz (2010) identifies the 2008 financial crisis as the outcome of systemic regulatory failures, particularly related to the concept of “too big to fail” megabanks, which generated asymmetric risks. According to Stiglitz, when large banks engaged in high-risk ventures and succeeded, they retained the profits; however, when they failed, the resulting losses were absorbed by taxpayers. This imbalance undermined the discipline of capitalism and encouraged reckless conduct. Stiglitz advocates for regulatory reforms that ensure accountability and address systemic vulnerabilities to prevent future crises.

A Foucauldian perspective interprets risk discourses as expressions of a broader system wherein power and knowledge are inextricably linked. Such discourses serve to shape regulatory agendas by amplifying certain urgencies while downplaying others—as exemplified by the treatment of financial risks associated with megabanks. Public discourses also aim to legitimize decision-making processes not only legally but also socially and morally, thereby supporting government interventions, targeted public campaigns, and surveillance or monitoring programs.

In addition, risk discourses can function as tools to justify inaction, particularly through the assumption that the “invisible hand” of the market will resolve economic disruptions—a notion frequently critiqued for its disconnection from empirical market behavior. These discourses ultimately influence whether policy responses emphasize individual behavior modification or the reform of systemic structures.

Notably, no single, unified risk discourse exists for any given issue. Rather, discourses evolve over time as stakeholders interact, adopting distinct positions and decisions often shaped by game-theoretic dynamics. A Foucauldian analysis underscores the fluid nature of power, noting that those who control the narrative gain the ability to set agendas, define critical issues, and delimit the scope of possible actions.

Nevertheless, societies tend to gravitate toward a discursive equilibrium, wherein the credibility and content of competing narratives are assessed. During periods of social upheaval, however, extreme discourses may temporarily dominate, destabilizing this equilibrium and reshaping the trajectory of public opinion and policy formation.

Conclusions

Power operates through a specific political rationality, guiding the transition from a broad, controlling State toward one that increasingly relies on self-regulation. This shift is not solely the result of technical imperatives but rather reflects deeper configurations of power within society. Regulatory responses—as evident in their definitions, scope, and implications—embody the dynamics of power that influence both individual and collective behavior, ultimately shaping social realities.

One notable trend in contemporary regulation is the increasing involvement of private actors as regulators. This development aligns with Foucault’s concept of governmentality,

which emphasizes the capacity of individuals for self-regulation. It also reflects the influence of neoliberal intellectual traditions, particularly those developed by scholars associated with the University of Chicago, which prioritize privatization over public control. While technical factors such as efficiency, cost-effectiveness, and legitimacy contribute to this transformation, the decisive influence of neoliberal economies—particularly in the United States and the United Kingdom since the 1980s—has significantly reduced the role of the State while enhancing that of private initiatives.

This evolving regulatory order has transformed the relationship between the State and society by incorporating non-governmental organizations, private institutions, and transnational entities into the regulatory domain. Such a transformation necessitates a careful balance between regulation and self-regulation, as well as between public and private governance structures. Governmentality offers a critical lens for interpreting the growing importance of private actors, particularly in contexts that demand transparency, accountability, and systematic oversight to mitigate potential conflicts of interest.

In addition, the concept of a “risk society,” as formulated by Beck (1992), introduces specific risk discourses shaped by historical contexts that, in turn, influence public policies and regulatory frameworks. These discourses, often produced by governments and other non-neutral actors, shape both individual and collective cognitive frameworks by defining what is considered desirable, possible, or permissible.

A Foucauldian perspective is essential for analyzing the power relations embedded in risk discourses. It reveals how those who control the narrative are positioned to shape regulatory agendas, define critical issues, and establish the boundaries for legitimate action. While society typically gravitates toward discursive equilibrium—through assessments of credibility and content—periods of social disruption may temporarily allow extreme narratives to dominate. However, such dominance is generally short-lived, reaffirming the cyclical nature of power and discourse within regulatory systems.

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GOBERNAMENTALIDAD: LAS TENDENCIAS CENTRALES EN LA REGULACIÓN CONTEMPORÁNEA

Carmen Emilia Rodríguez

RESUMEN

Este artículo explora el concepto de gubernamentalidad, tal como fue introducido por Michel Foucault, y su relevancia para el análisis de las prácticas regulatorias contemporáneas. Se argumenta que la gubernamentalidad ofrece un marco valioso para comprender las dinámicas de poder presentes en los discursos sobre el riesgo, mostrando cómo el control del relato configura las agendas regulatorias, define los temas críticos y delimita el alcance de la acción institucional. El análisis se centra en dos tendencias clave de la regulación moderna: (1) el papel cada vez más prominente de los acto-

res privados en funciones regulatorias, y (2) las limitaciones impuestas a las agencias públicas por narrativas de riesgo construidas históricamente. Estos desarrollos se examinan desde una perspectiva foucaultiana, enfatizando la interrelación entre poder, saber y gobernanza. El estudio concluye que la gubernamentalidad proporciona claves fundamentales para comprender la transformación de los marcos regulatorios en una era marcada por la globalización, los cambios tecnológicos y la creciente demanda de transparencia y rendición de cuentas.

GOVERNAMENTALIDADE: AS PRINCIPAIS TENDÊNCIAS DA REGULAÇÃO CONTEMPORÂNEA

Carmen Emilia Rodríguez

RESUMO

Este artigo explora o conceito de governamentalidade, introduzido por Michel Foucault, e sua relevância para a análise das práticas regulatórias contemporâneas. Argumenta-se que a governamentalidade oferece um arcabouço teórico valioso para compreender as dinâmicas de poder nos discursos de risco, demonstrando como o controle da narrativa molda as agendas regulatórias, define questões críticas e delimita o escopo de ação institucional. A discussão concentra-se em duas tendências centrais da regulação moderna: (1) o papel crescente de atores privados como reguladores e (2) as restrições impostas às agências públicas por discursos de risco histórica-

mente construídos. Esses fenômenos são examinados sob uma perspectiva foucaultiana, com ênfase na inter-relação entre poder, saber e governança. O estudo destaca, ainda, como os discursos de risco, moldados por entidades governamentais e não neutras, influenciam as políticas públicas e os processos regulatórios ao delimitar o que é permissível, desejável ou possível. A análise conclui que a governamentalidade fornece uma perspectiva essencial para compreender a transformação das estruturas regulatórias em uma era marcada pela globalização, pelos avanços tecnológicos e pelas crescentes demandas por transparência e responsabilização.