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## Foucault against Ethics: Subjectivity and Critique after Humanism

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FOUCAULT AGAINST ETHICS:  
SUBJECTIVITY AND CRITIQUE AFTER HUMANISM

A Dissertation

Submitted to the Graduate School  
of the University of Notre Dame  
in Partial Fulfillment of the Requirements  
for the Degree of

Doctor of Philosophy

by

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Notre Dame, Indiana

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SUBJECTIVITY AND CRITIQUE AFTER HUMANISM

Abstract

by

Patrick Gamez

This dissertation is in the first place an interpretation of the thought of Michel Foucault. Beyond interpretation, it also makes provides a qualified defense of his views on the significance of ethical theory, particularly in its “critical” forms, the shape of the space of reasons, and the role of subjectivity within it.

I take as my starting point an orthodox view of Foucault’s work, namely, that it can divided in terms of its content into three distinct periods. First, an “archaeological” phase spanning most of the 1960s. Second, a “genealogical” devoted to unearthing power-relations beneath purportedly progressive institutions. Finally, an “ethical” period, focused on rehabilitating practices of moral self-formation in Antiquity. This so-called “ethical turn” has been a source of persistent criticism of Foucault’s thought for several decades.

I claim that this periodization is mistaken. There is no substantively “ethical” period in Foucault’s work that would stand in contrast to his genealogical inquiries. In the first chapter, I present overwhelming textual evidence against this interpretation, and then diagnose the motivation for it: the charge of “ethical nihilism” and the demand for a normative framework from critics of Foucault’s genealogical works. In brief the charge is that in revealing the power-relations that partially constitute Enlightenment institutions

and the ideals that sustain them, Foucault deprives himself of the resources required to construct the kind of ethical theory needed to ground his critical project.

In the second chapter and third chapters, I bring Foucault into conversation with several figures in analytic philosophy, most prominently Wilfrid Sellars and the “Pittsburgh School,” and P.F. Strawson. I argue that Foucault’s archaeological and genealogical works are best construed as an historical inquiry into the construction of “spaces of reasons,” in which we find ourselves subject to normative evaluation and direction. I then argue that the charge of nihilism against Foucault is the result of a process of neutralizing and depoliticizing the essentially plural, agonistic character of the space of reasons. I conclude by using my interpretation to explain and defend Foucault’s controversial engagement with the Iranian Revolution.

As always, for my mother, without whom I doubt I'd have amounted to much at all

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Finally, I will never be able to repay Erin Marie Hall for her patience with me throughout this process. There are many more, of course, but these few needed to be named.



## DID FOUCAULT DO ETHICS?

### §1.1 What, If Anything, Comes After Genealogy?

It has become something of a commonplace, if not outright orthodoxy, in Foucault scholarship to divide his work into several periods. Foucault's earliest works are sometimes the subject of discussion: *Mental Illness and Psychiatry*, or his introduction to Kant's *Anthropology*. And his very early *History of Madness* has rightfully been at the centre of a great deal of scholarly dispute. But, more or less, the established periodization of Foucault's work has three parts. First, there is the "archaeological phase," exemplified in *The Birth of the Clinic*, *The Order of Things*, and *The Archaeology of Knowledge*. This "first" phase is set off from the second phase by an extended silence in publishing by Foucault, which is explained with reference to Foucault's realization of the "methodological failure" of archaeology.<sup>1</sup> This is followed by a second, "genealogical" phase, in which Foucault's concerns are taken to shift from the autonomy of discourse and the production of knowledge to the effects and mechanisms of power. The works attributed to this genealogical period are, more or less obviously, *Discipline and Punish* and *The Will to Knowledge*, the first volume of *The History of Sexuality*. This genealogical period, similarly, is followed by a relative silence; Foucault publishes no major monographs between 1976 and 1984. A third period, in which Foucault's concerns are taken to centre on "ethics" or

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<sup>1</sup> See both Dreyfus and Rabinow. *Michel Foucault: Beyond Structuralism and Hermeneutics* (2nd ed. Chicago IL. University of Chicago: 1983) and Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical* (Trans. Edward Pile. Stanford CA. Stanford University Press: 2002).

the “history of the subject,” includes the last two volumes of *The History of Sexuality: The Use of Pleasure* and *The Care of the Self*.

And a good deal of scholarship on, and dispute about, Foucault hinges on this periodization. To a great extent, its scholarly acceptance is tacit or passive. Jeffrey Nealon, for instance, despite the “caveat that ‘this periodization is only indicative and is discussed and criticized’” in her text, adopts it from Beatrice Han wholesale.<sup>2</sup> And in Timothy Rayner’s fascinating text, *Foucault’s Heidegger*, the “turn” or break between the genealogical and “ethical” works is simply taken as a datum to be explained (in this case, by appealing to Foucault’s latent Heideggereanism).<sup>3</sup> Indeed, explaining the apparent “rupture” between his “middle” and “late” period seems to be an urgent task in Foucault studies. Whereas there seems to be a more or less accepted explanation of the shift from archaeology to genealogy – the “methodological failure” of the former – there does not seem to be any established account of just what “moved” Foucault from his middle to late period.<sup>4</sup> And the stakes are high. Not only Foucault’s “archaeological” work, such as *The Order of Things* with its manifest hope that “man would be erased, like a face drawn in sand at the edge of the sea,”<sup>5</sup> but his work of the mid-70s on power, seem to be radically anti-humanist; the “subject,” it appears, is for Foucault nothing more than a precipitate of strategies and mechanisms of power, and hence we subjects don’t seem to be capable of any sort of robust resistance to power. If Foucault is correct about this, then *how*

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<sup>2</sup> Nealon, *Foucault Beyond Foucault: Power and Its Intensifications since 1984* (Stanford CA. Stanford University Press: 2007), p. 2. Cf. *Foucault’s Critical Project*, p. xiii.

<sup>3</sup> *Foucault’s Heidegger: Philosophy and Transformative Experience* (New York NY. Continuum: 2007). In particular, see the first paragraph on p. 86, referring to Foucault’s “ethical turn” in the early 80s as something to be explained.

<sup>4</sup> Note that I am not endorsing this explanation, just registering it.

<sup>5</sup> *The Order of Things: An Archaeology of the Human Sciences* (New York NY. Routledge: 2002), p. 387.

could Foucault turn to a history of the subject? Wouldn't admitting something like a "subject," that could *have* a history, fly in the face of the work of all his previous work?

What I hope to do, however, is to undermine that very periodization: in particular, the positing of a "turn" in Foucault's thought from genealogy to ethics. My strategy in doing so will be to present an overwhelming amount of evidence *against* the idea that Foucault is providing us with an ethics, before trying to make sense of how he came to be seen as doing so in the first place.

In the first part of this chapter, I will first look at *how* this periodization has emerged, specifically, its basis in Foucault's own reflections on his work. I will then show that characterizing Foucault's late works as a "turn to ethics" is premature and unwarranted in light of the vast array of text stating otherwise. I then diagnose what I think is an anxiety that underlies the tendency of many of Foucault's commentators and critics to posit such a turn. Finally, I shall show that the conceptual or problem space in which such anxieties take form is by no means the only one available, and that we are better off relocating ourselves in order to fully grasp Foucault's insights. All of this will inevitably embroil me in presenting and explicating in at least some detail Foucault's reception-history, and I ask the reader's patience wading through these waters. It will be necessary to sweep away a great deal of interpretation before I can present a positive account of what Foucault is doing, one with a firmer basis both in Foucault's texts, and one which will not only avoid but give us reason to reject the sorts of criticisms levelled against him by, for example, Habermas and Nancy Fraser, among others.

In 1984, at the very end of his life, Foucault in several venues gives us a brief overview of his work as comprising a singular project. In both the 2<sup>nd</sup> volume of the *History of Sexuality* and the essay "What is Enlightenment?" Foucault describes this singular project as comprising 3 "axes" or dimensions. In the former, he places his

detailed historical examination of sexual medicine, discourse, and morality in this context:

To speak of “sexuality” as a historically singular experience also presupposed the availability of tools capable of analyzing the peculiar characteristics and interrelations of the three axes that constitute it: (1) the formation of sciences (*savoirs*) that refer to it, (2) the systems of power that regulate its practice, (3) the forms within which individuals are able, are obliged, to recognize themselves as subjects of this sexuality.<sup>6</sup>

He goes on to say that the first two axes, or the tools required for their investigation, were dealt with in his earlier work, and that the third axis, or the tools required for dealing with it, is the focus of the volume in question (and, likely, of the projected future volumes of the unfinished *History of Sexuality*). In this context, though, it’s not clear whether or not this is an overview of the entirety of Foucault’s *oeuvre*, or at least of its development from the mid-60s onwards, or whether or not these are simply the axes along which it is necessary to analyze *sexuality* as “a historically singular experience.”

In “What is Enlightenment?” Foucault seems to imply that sexuality is one domain in which these three axes intertwine, but that his project, as a whole and in general, has been to develop these three axes *as* axes of investigation. In the essay, he describes the questions – in their most general forms – that have guided him:

How are we constituted as subjects of our own knowledge?  
How are we constituted as subjects who exercise or submit to  
power relations? How are we constituted as moral subjects of  
our own actions?<sup>7</sup>

So, we have an account from Foucault in which he explains his project as, all along, a unified one taking place along 3 “axes” of investigation, axes that clearly seem to respectively correspond to Foucault’s archaeologies of the 1960s, his genealogical works of the early and mid-70s, and whatever it is that he’s doing from roughly 1979 onward.

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<sup>6</sup> *The Use of Pleasure: Volume 2 of the History of Sexuality*. New York, NY. Vintage Books: 1990. p. 4.

<sup>7</sup> “What is Enlightenment?” in *The Politics of Truth*. p. 117.

Famously, one of the name given to this project is “historical ontology,” or the “historical ontology of ourselves.” As the name suggests, the historical ontology of ourselves is, ultimately, about figuring out *who we are now*. This is ontological, insofar as Foucault thinks that we are *constituted* in our *very being* as subjects, of knowledge, power, and our own action. Characterized thusly, and without a detailed exegesis of how such “constitution” actually occurs, Foucault’s project seems anodyne, and even traditional. It echoes the Delphic imperative to know oneself, only with the proviso that to know oneself requires us to know who we have *become*, and *how*. While Foucault might share this aim with Socrates, and consequently the trait of annoying those who would rather not leave such things radically open to question, he also more explicitly links his works to some of Kant’s “occasional” writings. The new line of inquiry Kant opens up in *his* answer to the question “What is Enlightenment?” and by which Foucault orients his approach is, in essence, “What just happened?”

For Foucault, when Kant asks “What is Enlightenment?” he is asking “What is this thing that has just happened to us?” But in asking this, Kant is not *merely* reporting on current events, not narrating a story in which we simply happen to be embroiled as characters. The Kantian innovation, for Foucault, is in taking some *historical event* to be of *ontological import*, that as new ways of subjecting ourselves to knowledge, power, and action become available (and perhaps, eventually, hegemonic), we are altered *as subjects*. It is in making the question of what just has happened to us an essential dimension of the question of who one is that Foucault *historicizes* his ontology (or, for that matter, ontologizes his history): that is, that makes his project one of “historical ontology.”

As it happens, the unity of “historical ontology” has often been overlooked, though the division of Foucault’s work along three axes has been a *very* influential way of describing his project, tacitly shaping his reception. Paul Rabinow has used it to organize

the three volumes of Foucault's "essential works" in English. It has been adopted by Arnold Davidson, the general editor of the English translations of Foucault's lectures at the Collège de France, in his influential essay "Archaeology, Genealogy, Ethics." This might be enough reason for dwelling on the alleged three projects of archaeology, genealogy, and ethics; it has shaped our reception of Foucault, and thus must be assessed. But I am dwelling on it for the further reason that it serves to introduce some *interpretive* issues, the settling (and even the articulation) of which will in turn bring up some basic *conceptual* issues that need to be addressed.

If "historical ontology" is the guiding thread in Foucault's inquiries, it involves, in general, figuring out *who we are* by investigating *how we have become* – that is, been constituted as – *the subjects we are*. And we are constituted thus in three ways: namely, how we constitute ourselves as subjects (and objects) of our own knowledge, as subjects who exercise or submit to power relations, and as (moral or ethical) subjects of our own action. This is the picture that Foucault gives us in "What is Enlightenment?" And many of Foucault's commentators have taken Foucault's investigation of the first axis to comprise his "archaeological" work, or perhaps even an "archaeological method." Similarly, the second axis is supposed to be somehow related to "genealogy," to *Discipline and Punish* and the first volume of the *History of Sexuality*. Conveniently, these distinctions seem to correspond fairly neatly to a chronological periodization of Foucault's work; an "archaeological phase" in the 1960s, a "genealogical" phase in the 1970s, which then might be followed by some third phase in the late 1970s and the early 1980s, these periods being identifiable at the least by gaps between major monographs.

But it's not exactly clear how these different characterizations fit together, or what the objects of Foucault's descriptions are. One might be tempted to ask, *if* there are these three distinctions to be made in Foucault's work, and the first might be subsumed

under the terms “archaeology” and “genealogy,” respectively, then how would we characterize the third axis?

Perhaps the most prominent way of doing so has been as a “turn” to “ethics.” In other words, Foucault’s *analytic* distinction between the three axes of investigation is superimposed on a *developmental* reading of his work, such that the shift in apparent subject-matter from investigating technologies of power to those of subject formation is also read as a *chronological* division. This is already a loaded interpretive choice.

As mentioned briefly above, the primary evidence for this alleged turn is generally taken to be the *prima facie* dramatic shift in historical focus; instead of focusing on the period between the renaissance and the twentieth century – the whole period of which was the focus of *The Order of Things*, the main data for both *The History of Madness* and *Discipline and Punish* being taken from this period, and the 19<sup>th</sup> century being the historical focus of *The Will to Knowledge* – Foucault looks back to Antiquity and, perhaps even more strikingly, the more or less explicitly “ethical” dimensions of subject-formation expressed in prominent Greek and Latin philosophy.

Thus many have arrived at archaeology, genealogy, and ethics as the axes of historical ontology. And it is quite simple, then, to think that Foucault has given us an archaeology, a genealogy, and an ethics; these three terms correspond, in each case, to what Foucault is doing. And a good number of Foucault’s more perceptive and sympathetic commentators think that this is precisely what he’s doing. Some – perhaps most emphatically Eric Paras but also Timothy O’Leary, in his *Foucault and the Art of Ethics* – are fully on board with Foucault’s project, and not only think that Foucault is providing us with an ethics, but also with an ethics that is best characterized as an “aesthetics of existence” or “care of the self,” and that such a project is a fruitful and appropriate endeavour.

But there are some who are less satisfied with the ethics of the care of the self. Arnold Davidson, for example, thinks that Foucault is not merely doing ethics, but radically transforming how we *ought to do* ethics, and the history of ethics (and perhaps even the history of philosophy), and he thinks this transformation a salutary one. Indeed, Davidson thinks that Foucault shows us that we *should* think about ethics *as* ascetics. What concerns him is Foucault's *conceptualization* of ethics, of ancient ethics explicitly but one making possible a *contemporary* form ethics "as ascetics," to which he gives his qualified endorsement.<sup>8</sup> Nevertheless, Davidson admits that Foucault's version of "ethics as ascetics," that is, the investigations of modes and practices of ethical self-formation in Antiquity, is perhaps too "aestheticized," too akin to Baudelaire's *dandysme*. Davidson is being sensitive to Pierre Hadot's criticism of Foucault, namely the charge that Foucault ignores the ways in which ancient schools of philosophy thought of ethical self-formation as a way of making oneself answerable to the structure of the world, its *rational* structure, and not as a freewheeling process of self-creation guided by amoral and individualistic aesthetic criteria like "beauty." The world has a *rational* moral structure, for the ancients, that makes a claim on *all* rational agents, so that, for example, Stoic asceticism is a matter of bringing oneself into a truly *universal* community, with objective or at least intersubjectively valid criteria for (moral) action. But Davidson's response is to agree with Hadot that Foucault's *emphases*, or "interpretation," is untoward, but that his way of *conceptualizing* ethics as, primarily or perhaps even *exclusively*, ascetics or self-fashioning is the correct way to proceed.

Let us consider Hadot's objection in more detail. It is on the one hand, an historiographical complaint; Foucault is not getting the ancients *right*. In presenting a

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<sup>8</sup> Davidson, Arnold. "Ethics as ascetics: Foucault, the history of ethics, and ancient thought" in Gutting (ed.), *The Cambridge Companion to Foucault*. 2nd ed. New York NY. Cambridge University Press: 2005. pp. 115-140.



picture of – in particular – Stoic “technologies of the self” as focused on attaining pleasure or joy in oneself through various ascetic disciplines without an acknowledgement of the dimension of “universality,” of the “universal” nature of capital-R Reason to which the Stoics aspire, he is doing them a disservice. On the other hand, however, Hadot fully acknowledges that his historiographical complaint is in the service of an *ethical* complaint. That is to say, he is expressing a worry about the moral consequences of an excessive attention to the “aesthetic” dimension of ancient practices of ethical self-formation. Hadot claims that he is himself looking to the ancients for “alternatives” to our contemporary way of being in the world. As he puts it:

All these observations which I have just made are not to be situated only in the framework of an historical analysis of ancient philosophy; they are aimed also at the definition of the ethical model which modern man might discover in Antiquity.<sup>9</sup>

And, he thinks, Foucault is doing the same thing. The trouble for Hadot and Davidson is that Foucault’s turn to the Greeks for a model of ethical subjectivity that might be relevant today doesn’t end up being *ethical* enough. For Hadot, the project is too self-involved, too self-interested – the “care of the self” that rejects the Whole of which that Self is but a part can only be an egoism.

Though I focus on a relatively minor quibble between Davidson and Hadot, the basic positions here are representative. There are many who think that Foucault’s turn to an “aesthetics of existence” is deeply unsatisfactory *as an ethics*, who nevertheless are by and large sympathetic to the conceptualization of an “art of living” or technologies of self-formation as the primary matter of a philosophical ethics. If not egoism, the emphasis on Greek “aesthetic” self-fashioning may seem off-putting to many for other

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<sup>9</sup> *Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault*. Ed. Arnold Davidson. Trans. Michael Chase. Malden MA. Blackwell: 1999 p. 230.

reasons: it is the privileged mode of existence of (a) slave-owning (b) white European males, focused on (c) male pleasure at the expense of female agency; or, perhaps, it is simply off-topic, as the 18<sup>th</sup> century concept of “aesthetics” that we have inherited has its own sort of autonomy from ethics or morality, and hence an “aesthetics of existence” could only be amoral; or, as some have noted, and especially in light of Foucault’s 1979 lectures on neoliberalism, it seems that the mode of individualistic self-formation Foucault appears to endorse in the Greeks is too close to the sort of libertarian individualism demanded and produced by our (neo-)liberal present, and inimical to the sorts of moral solidarity required for concerted collective/social action. What’s lacking, for these commentators, is a satisfactory set of principles or rules or virtues by which our “art of living” - for thematizing which Foucault rightly deserves credit - might be adequate to the contemporary moral landscape; one’s life ought to be thought of as a work of art, but not one that only seeks to embody aesthetic values. One’s life ought to be a work of *moral* art.

A similar worry arises for those for whom the very *conceptualization* of ethics as ascetics is problematic, who think that *any* turn to “ascetics” or “self-fashioning” will inevitably fail to be properly moral or ethical. Perhaps most hysterically in this vein is Richard Wolin, but even sympathetic critics might think that Foucault proffers only an anemic, inadequate ethics. The worry, I take it, is that if Foucault is putting forward an ethics of the “care of the self,” or “aesthetics of existence,” it will be inevitably be inadequate because recommending such an ethos, such a self-directed project, is just orthogonal to what first-order ethics normative ethics *is*. What ethics, in this sense, is *supposed* to do is to help us figure out what’s right and what’s wrong, which in turn enables us to *figure out what to do*. Foucault’s ethics doesn’t suffice for providing this sort of normative guidance when confronted with pressing contemporary problems. For

example, Dianna Taylor has recently discussed her experiences of being confronted by many among the community of feminist scholars for whom Foucault is a disappointment because in some sense his work “is not normative” in this respect.<sup>10</sup> It doesn’t help us see what we ought to do when, for example, we confront contemporary issues of social justice, to be told that we ought to live our lives as works of art. If Foucault is giving us an ethics, one of the most important means of evaluating it would be to see what guidance would be offered to us in salient, morally-charged situations, and it’s not clear that they would fare well.

The same sort of problem troubles those critics and commentators who think that Foucault’s ethics are somehow inadequate or problematic *for his own project*. The idea is that Foucault’s ethics just don’t *answer* to the problems that Dreyfus and Rabinow, for example, gently point out, such that, after pointing out to us the possibility that we are living in a “carceral” society, and one in which we subject to something called “bio-politics” (this being linked to both the Nazi camps and the Soviet purges), Foucault calling us to “live our lives as works of art” is at best not really a *solution* to those problems but just the exchange of one “dangerous” way of living for another. Rainer Rochlitz is less reserved when he states, not without some justification, that “[t]here is something laughable about Foucault’s proposing a new way of living if we continue to bear in mind the threats of genocide he had brandished some years earlier. If some social minority decided to set about making its life a work of art, this would hardly be a matter of concern for a power apparatus of this nature.”<sup>11</sup> In short, Foucault’s “ethics” are simply not up to the task of freeing us from the snares of power within which he

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<sup>10</sup> “Normativity and Normalization,” *Foucault Studies* 7 2009:45-46.

<sup>11</sup> “The Aesthetics of Existence: Post-conventional morality and the theory of power in Michel Foucault” in *Michel Foucault Philosopher* [Ewald, François (ed.), Trans. Timothy J. Armstrong. Hertfordshire UK. Harvester Wheatsheaf: 1992].

himself had so effectively convinced us that we are trapped. At best, he simply changes the subject.

Finally, there are those who simply think that Foucault contradicts himself. The exact nature of the contradiction varies from critic to critic. As an example, James Porter might fall in this category. Like Hadot, he is a classicist and aims to raise an *historiographical* complaint. Again like Hadot, however, the historical criticism is motivated by moral concerns: “Foucault’s genealogy of the modern self has more than a historical dimension: it also has a moral dimension.”<sup>12</sup>

The problem, as Porter sees it, is that Foucault tries to do too much with the concept of asceticism, or self-formation, simultaneously wanting to explain contemporary political dilemmas and deadlocks as arising out of attitudes, stances, and rationalities that emerge from Christian asceticism (perhaps in the same spirit as Weber), while at the same time tracing these forms of asceticism to laudable pre-Christian and Greek and Roman practices of “self-fashioning.” Porter worries that there might be some sort of inconsistency or incoherence here, in that ancient practices of asceticism are supposed to lie both at the root of our contemporary, oppressive social situation and to bespeak the possibility of greater freedom than we currently enjoy.

Porter’s complaint mirrors those by Critical Theorists regarding Foucault’s genealogical works.<sup>13</sup> In broad terms, the complaint is that the targets of Foucault’s critiques are precisely the sorts of things - norms, practices, and institutions - in which one would hope to find resources for resisting the indignities and injustices of contemporary society, somehow implicating them in our own oppression, such that

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<sup>12</sup> “Foucault’s Ascetic Ancients” *Phoenix* 59(12) (2005): 123.

<sup>13</sup> Hereafter, “Critical Theory,” capitalized, will refer exclusively to the tradition of the Frankfurt School, while “critical theory” uncapitalized will refer to the broader, looser conglomeration of theoretical endeavours with purportedly critical intent, including those post-structuralist and anti-foundationalist ventures with which Critical Theory so frequently finds itself at odds.

appeal to them could only be self-defeating. The Critical Theorists here are particularly concerned that among Foucault's targets are rationality itself, or humanism, or the most valuable elements of the liberal tradition. Nancy Fraser perhaps puts it most forcefully:

[Consider] the disciplinary or carceral society described in *Discipline and Punish*. If one asks what exactly is wrong with that society, Kantian notions leap immediately to mind. One cannot help but appeal to such concepts as the violation of dignity and autonomy involved in the treating of persons solely as means to be causally manipulated. But again, these Kantian notions are clearly related to the liberal norms of legitimacy and illegitimacy defined in terms of limits and rights... Given that there is no other normative framework apparent in Foucault's writings, it is not unreasonable to assume that the liberal framework has not been fully suspended. But if this is so, Foucault is caught in an outright contradiction, for he, even more than Marx, *tends to treat that framework as simply an instrument of domination*.<sup>14</sup>

Porter and Fraser both draw out attention to the fact that the very things at which Foucault seems to gesture as a possible source of normative guidance - ancient asceticism or liberal framework - are swallowed up as part of the problem with respect we need to be guided.

Whether or not they think that Foucault's "turn" to ethics are insufficient in general, or for his own project, or just inconsistent with his prior work, almost all of these commentators agree that there is a *shift* of some sort, not just between the periods on which Foucault focused his investigations, but also in the *object and aim* of his investigations.

Not only do all of these commentators and critics agree the aims and objects of Foucault's investigations change radically sometime between 1977 and 1982 but, further, that he moves from a clinical, genealogical investigation of insidious "power-relations" permeating society to providing for us at least the rudimentary outlines of an ethics

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<sup>14</sup> "Foucault on Modern Power: Empirical Insights and Normative Confusions". *PRAXIS International* 3 (1981):284, my emphasis.

inspired by Greek and Roman practices of self-mastery. This outline has been embraced (e.g. O’Leary), subjected to sympathetic revision (Hadot, Davidson), denounced (Wolin, Rochlitz and others), and accused of some sort of incoherence (Porter, Fraser). This might seem a trivial point; obviously, everyone who has a stance on Foucault’s ethics thinks that Foucault is providing an ethics. But it does not follow from the fact that there is a change in emphasis in Foucault’s writing that he has simply started to do “ethics.”. As I shall now try to show, there is plenty of evidence suggesting that whatever Foucault was doing from the late 1970s onward, he is *not* doing ethics. What we shall then find is that all the commentators seem compelled to present Foucault as *responding* to a particular set of concerns, concerns which – I shall argue – were not really his at all, and that we should not feel obliged to foist upon him.

### **§1.2 The Illusion of an “Ethical Turn”**

As stated, it seems that, for many commentators, Foucault’s characterization of his project as an “historical ontology,” with three different “axes,” suggests a more-or-less chronological division between Foucault’s explicit projects of “archaeology” and “genealogy” and a third axis.<sup>15</sup> He was, in the 1960s, by his own admission doing something called “archaeology,” which seemed to be followed, in the 1970s, by something called “genealogy.” Between these two there is a lengthy gap between books, and an apparent change in focus from the structures of discourse to concrete practices of domination, to “power/knowledge.” And his late work in the 1980s is both fairly

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<sup>15</sup> “What is Enlightenment?” in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)* (Ed. Paul Rabinow. Trans. Robert Hurley et al. New York NY. New Press. 2000) p. 316.

forthrightly concerned with ethics, even if ancient ethics, and separated from his explicit work on power/knowledge by a break between monographs very similar to that between his “archaeological” and “genealogical” periods. So, the line of reasoning might go, he must be doing ethics, as it follows after genealogy just as genealogy followed after archaeology.

Unfortunately, this is unsatisfactory for a panoply of reasons, and I apologize for what will no doubt seem like an avalanche of textual evidence against the “ethical turn.” Indeed, in this section I present only the evidence available in Foucault’s published works. Granted, not all of these writings would have been available to Foucault’s critics in the 1970s and 1980s. But the theme of Foucault’s ethics has persisted long since then, and seems so sturdily constructed as to require making this point with a hammer.

First of all, if the reasoning above is in fact that of his commentators, it suffers from some formal deficiencies. It would be inappropriate, on this view, to label his late work an “ethics”, for the same reason we do not take his early work to be offering a “knowledge” or his middle work to be a “power.” It is not even obvious, for that matter, that Foucault is giving a *theory* of knowledge or a *theory* of power.<sup>16</sup> Though Foucault in some sense takes knowledge and power as the objects of his investigations, he is not just “theorizing” them, and is certainly not putting forward theories of what knowledge and power *should* be. At best, we would want to say that Foucault is putting forward a *meta-ethics*, that is, he is talking *about* ethics, and telling us something significant about what it is to be an ethical agent, and indeed he is.<sup>17</sup> But this is something distinct from putting forward a first-order, normative ethics proper. And, further, there does not seem to be

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<sup>16</sup> Depending on what you think is required by a genuine “theory.”

<sup>17</sup> A similar point is made by Gutting regarding Levinas. Cf. *Thinking the Impossible: French Philosophy since 1960* (New York NY: Oxford University Press: 2011), especially Chapters 6 and 7. Confusions seem to arise sometimes when meta-ethics is not properly distinguished from first-order normative ethics. This will be dealt with in more detail in the following sections.

any *a priori* requirement of meta-ethical philosophy that first-order normative principles or virtue “drop out” of its analyses, whether of the content of moral utterances or the source of normativity or the shape of moral agency or the space of moral reasons.<sup>18</sup>

Beyond this perhaps niggling objection, we might object further that, indeed, Foucault *never* characterizes his work as comprising the axes of archaeology, genealogy, and ethics. And, in fact, in one of the earliest versions of what would eventually become the essay “What is Enlightenment?” – from which the three-axis characterization of his work is often drawn – Foucault explicitly does otherwise. In the interview that has been published as “What is Critique?” given in 1978, Foucault gives us one of his first attempts at linking his thought to the sorts of historical and philosophical concerns that Kant raises in his famous essay. And, in this text, he *also* discusses the three axes of his investigations: these comprise archaeology, genealogy, and something called “strategies,” which involve – precisely – the manners in which relations of power can be intensified, solidified *or reversed and transformed*.<sup>19</sup>

Of course, one might respond as follows. “It’s all well and good that Foucault *prospectively* – in 1978 – takes the emerging third axis of his investigation to be focused on strategies and tactics, deployments and reversals of power-relations; it nevertheless turned out that what he was interested in, that what *came to be* the third axis of his investigations, was precisely an *ethics*, that is, an new way of answering the question “How *ought* one (or *I*) *live*?” And he came to this by returning to the Greeks, who at least

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<sup>18</sup> There are perhaps Kantians and even Aristotelians who might think that such normative guidance does in fact fall out of their meta-ethics, there seems to be no reason to think that it must be the case. At any rate, the burden of proof is on those who think so.

<sup>19</sup> “What is Critique?” in *The Politics of Truth*. (Ed. Sylvère Lotringer and Lysa Hochroth. New York NY. Semiotext(e):1997) p. 65. The malleability and reversibility of power-relations seem to be all but ignored by many of Foucault’s most dogmatic commentators (whether sympathetic or critical) for whom the burning insight of his mid-70s work seems to be a claim that subjects are not just produced but determined by power in some substantive (if nebulous) sense. We will return to this later.



give us *some* way of understanding how to live that contrasts with the clearly insufficient ways that now command currency. How else are we to explain his focus *precisely* on Greek and Roman ethics, and *precisely* on the priority of (aesthetic) dimension of self-shaping in them?”<sup>20</sup>

There are two things to be said here. First, it's not at all clear that Foucault's attitude changed. In "What is Enlightenment?" Foucault's last published essay on Kant, much of the material from "What is Critique?" remains. But even more strikingly it reproduces exactly much of the material comprising the first two lectures of the series at the Collège de France under the title *The Government of Self and Others*, delivered in 1983. What we find there is yet another description of his work along three axes. Predictably, the first two axes deal with knowledge and power. And, it is true, we do not find Foucault claiming that "strategics" constitutes the third axis of his investigations. But it is also true that we do not find Foucault claiming *anything* about ethics; rather, his stated "third axis" is concerned with "pragmatics," the "pragmatics of self." Foucault is interested in "the different forms by which the individual is led to constitute him or herself as subject."<sup>21</sup> Now, even if our ethical practices - or those of the Greeks and Romans - are one set of those practices, of which one can study the pragmatics, nothing about the "pragmatics of the subject" immediately implies that Foucault is *doing* ethics. It seems that if there were ever a time for Foucault to own up to doing ethics, or even to suggest obliquely that he was doing so, it was this. And yet he demurred.

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<sup>20</sup> Even those who acknowledge the presence of "strategics" as an important dimension of what Foucault thinks that he is doing in the late 1970s interpret it the light of what they take to be Foucault's "ethics": as a form of ethical "resistance" to inescapable power relations that is then superseded by Foucault's alleged turn to the "aesthetics of existence." See Thompson, "Forms of Resistance: Foucault on Tactical Reversal and Self-Formation" *Continental Philosophy Review* 36 (2003):113-138

<sup>21</sup> *The Government of Self and Others: Lectures at the Collège de France 1982-198* (Ed. Frédéric Gros. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2010), p. 5.

This is perhaps because it's even less clear that Foucault's turn to the ancients is primarily focused around "ethics" or an aesthetic mode of self-cultivation, fashioning or formation. Foucault certainly *did* have positive things to say about fashioning one's life as a work of art, but – at least with respect to his published writings – they are in the form of occasional remarks, occasionally linked to a Kantian philosophical *ethos* that he had been exploring on and off for over half a decade, or linked to the more concrete and pressing issues of gay liberation, or simply as a theoretical response to the "fact that the self is not given."<sup>22</sup> But this hardly amounts to anything like a *focus* on such issues, let alone an ethics built on them.

Furthermore, it is hardly the case that the aesthetics of the self were the *only* things to which Foucault gave a positive assessment, even *qua* practices or discourses of resistance against power. He was not averse to providing, at any given juncture in his career, elliptical remarks concerning "overcoming" or "resistance." As early as *The History of Madness*, Foucault seemed to think that there was something positive and meaningful in, for example, the Renaissance experience of madness, even if many therefore took him to task for appearing to attempt to liberate an "essence" of madness that would exist beneath any oppressive discursive formation. Again, in *The Order of Things*, Foucault makes positive remarks about the powers of a modern "literature" that was gathering strength in the twilight of the modern *episteme*, and would sweep the figure of "Man" from the centre of discourse. In *Discipline and Punish*, Foucault seems to put a positive spin on prison revolts and 19<sup>th</sup> century anarcho-socialist rejections of the prison system. In "Society Must Be Defended" Foucault explicitly praises the discourse of *race war*, of all things, for its critical, resistive potential, its function as a "counter-history" and – perhaps most striking – its evocation of a *Biblical, prophetic* voice and style of enunciation in

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<sup>22</sup> "On the Genealogy of Ethics" in *Ethics: Subjectivity and Truth*, p. 262

contrast to the juridical or “politico-legendary” style of history linked to the Roman Empire. There is the notorious suggestion, in *La Volonté de Savoir*, that we elaborate a new economy of “bodies and pleasures” in opposition to the apparatus of sexuality and its “logic of desire.” In the later 1970s, Foucault’s apparent commendations multiplied and diversified: for example, his consistent appeal to human rights (on behalf of Vietnamese asylum-seekers, Polish *Solidarnosc*, and even a lawyer for the Baader-Meinhof Gang seeking asylum in France), and enthusiastic support of Islamic revolt and Islamic government during the Iranian revolution. All of this before ancient practices of self-shaping had even made an appearance in his work. And, as they began to appear, Foucault was equally sanguine about anonymous BDSM practices. Further, though he couches his positive recommendations for the direction of gay liberation in the *language* of a “style of life” that seems almost synonymous with an individualistic “aesthetics of existence,” his actual aim is to *create new relations*, and – especially – *love-relations* between men, to establish a network of affective and normative reciprocal connections within a community.<sup>23</sup>

If one were still committed to excavating something like a Foucauldian ethics, it strikes me that one could not very well posit a “turn” in Foucault’s thinking, at least not simply on the basis of Foucault’s scattered affirmations of the importance or desirability of developing one’s life “as a work of art.” If one were still so inclined, it seems that the task of the (radical) reconstruction of an ethics would involve assessing the consistency and coherence of all these affirmations, developing their thematic unity, and extracting some sort of guidance from them. Or, if that task appears too daunting, at the very least one would have to find some way of separating the “genuine” – or perhaps “mature” –

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<sup>23</sup> Cf. “Friendship as a Way of Life” in *Ethics: Subjectivity and Truth*, pp. 135-140

affirmations, those which actually represent a “coherent first-order normative outlook,” to use Nancy Fraser’s locution, from his “immature” ones.<sup>24</sup>

But we can already hear – from both Foucault’s critics and some of his partisans – the reply: “Precisely! The *mature* Foucault is the one who spent his last years discussing antiquity and endorsing the notion of giving a style to one’s life *as an ethical ideal*. This is simply the last word, and so we who would assess this ideal are obligated to flesh out what such an ethics, with all its potential and deficiencies, would really amount to.”

The problem with this response is that it raises an historical accident to the level of Foucauldian dogma. It is certainly true that in his final years Foucault was working on the late antiquity, and it is also true that during this period Foucault was explicitly fascinated by the idea of extending the realm of the “aesthetic” into the very stuff of one’s life or existence. He even linked it explicitly to the sort of *ethos* that he found in Kant, and with which he identified. And for a long time after his death, the extant writings gave the impression that these remarks were indeed Foucault’s “last word,” the mature hints of the ethics that had been lurking in his thought, perhaps only recently or perhaps all along.

But this impression ought no longer impress us. The fact of the matter is that Foucault’s late works on the ancients give us no unambiguous answer to the question of what Foucault was focusing on. We now have at our disposal the series of lecture courses that Foucault gave at the Collège de France, and in particular those from the late 1970s through to his death, which paint a different picture of the trajectory of his thought over those years. We see that Foucault’s explicit and continued inquiries into biopolitics led him to reformulate the his genealogies in terms of “governmentality,” and that *government* – of men, and things, and in particular *government by the truth* – forms a

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<sup>24</sup> “Michel Foucault: A Young Conservative?” *Ethics* 96(1) (1985):172.

constant concern; indeed, we see from 1977 onward a concern with the development of a *pastoral* form of political power, incorporating religious modes of governance developed in the middle ages. We know that his first steps toward looking at the conditions of the possibility of this form of religious governance in Late Antiquity are taken in the 1979/1980 lecture courses *The Government of the Living*. As he puts it:

This year's course drew support from the analyses done the preceding years [i.e. precisely in *Security, Territory, Population* and *The Birth of Biopolitics*] on the subject of "government," this notion being understood in the broad sense of techniques and procedures for directing human behavior. Government of children, government of souls and consciences, government of a household, of a state, or of oneself. Inside this very general framework, we studied the problem of self-examination and confession... The question raised is this one, then: How is it that in Western Christian culture the government of men demands, on the part of those who are led, not only acts of obedience and submission but also "acts of truth," which have the peculiar requirement not just that the subject tell the truth but that he tell the truth about himself, his faults, his desires, the state of his soul, and so on? *How was a type of government of men formed in which one is required not simply to obey but to reveal what one is by stating it?*<sup>25</sup>

No mention of ethics, but rather an explicit continuation of Foucault's genealogy of governmentality. As his investigations reach further into the ancient Greek world, he explains further:

[It was] a question of beginning an inquiry concerning the instituted models of self-knowledge and their history: How was the subject established, at different moments and in different institutional contexts, as a possible, desirable, or even indispensable object of knowledge? How were the experience that one may have of oneself and the knowledge that one forms of oneself organized according to certain schemes? How were these schemes defined, valorized, recommended, imposed? It is clear that neither the recourse to an original experience nor the study of the philosophical theories of the soul, the passions, or the body can serve as the main axis in such an investigation.

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<sup>25</sup> "The Government of the Living," in *Ethics: Subjectivity and Truth*, p. 81. Emphasis mine.

One could be forgiven for thinking that one was reading a preface to *Discipline & Punish*. But this is Foucault's reflection on the course immediately following *The Government of the Living*, entitled *Subjectivity and Truth*. He continues:

The guiding thread that seems the most useful for this inquiry is constituted by what one might call the "techniques of the self," which is to say, the procedures, which no doubt exist in every civilization, suggested or prescribed to individuals in order to determine their identity, maintain it, or transform it in terms of a certain number of ends, through relations of self-mastery or self-knowledge. In short, it is a matter of placing the imperative to "know oneself" - which to us appears so characteristic of our civilization - back in the much broader interrogation that serves as its explicit or implicit context: What should one do with oneself? What work should be carried out on the self? *How should one "govern oneself" by performing actions in which one is oneself the objective of those actions, the domain in which they are brought to bear, the instrument they employ, and the subject that acts?*<sup>26</sup>

The point here is that the "techniques of the self" are not some sort of ethical response to the problems of contemporary society, but a domain to be investigated precisely in order to determine how people *were led to* or *prescribed* certain ways of relating themselves *that made them objects of knowledge*. Foucault repeats himself at Dartmouth College:

I conceived of a rather odd project: not the study of the evolution of sexual behavior but of the historical study of the link between the obligation to tell the truth and the prohibitions weighing on sexuality. I asked: How had the subject been compelled to decipher himself in regard to what was forbidden? It is a question that interrogates the relation between asceticism and truth.

Max Weber posed the question: If one wants to behave rationally and regulate one's action according to true principles, what part of one's self should one renounce? What is the ascetic price of reason? To what kind of asceticism should one submit? I posed the opposite question: How have certain kinds of interdictions required the price of certain kinds of knowledge about oneself? What must one know about oneself in order to be willing to renounce anything?

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<sup>26</sup> "Subjectivity and Truth" in *Ethics: Subjectivity and Truth*, p. 87. Emphasis mine.

Thus, I arrived at the hermeneutics of technologies of the self in pagan and early Christian practice.<sup>27</sup>

Note that, if Foucault really *were* looking for something like an “ethics” or a “normative foundation” for his work, or for resistance in the present, or something of that ilk, it would make the most sense to pose a variant of Weber’s question: if I want to act in accordance with true (ethical) principles, what part of myself ought I renounce? How do we overcome or transform those parts of ourselves that are shaped or formed or constituted by “power”? But this is not Foucault’s question. Rather, the question is something more like *into which technologies and practices of truth-telling must one be initiated in order to be governed?*

Arnold Davidson may be correct in noting that understanding “sexuality” is not in fact the main aim of Foucault’s late work, but seems clearly mistaken in thinking that the point of his interest in “the history of ancient sex... was part of his interest in ancient ethics.”<sup>28</sup> Rather, ancient ethics articulate one set of techniques, among others, by which he have subjected ourselves, one mode of governing our relation to the truth in a long history of them. Consider the following, from *The Hermeneutics of the Subject*:

I have tried to show you that the role and function of ascesis - in the sense that Greek and Roman philosophers gave to to the word *askēsis* - was to establish the strongest possible link between the subject and truth... The ascesis constitutes, therefore, and its role is to constitute, the subject as subject of veridiction [i.e. truth-telling].<sup>29</sup>

Earlier in the same course, Foucault makes the same point, while establishing the continuity of this interrogation of Plutarch and Aurelius with his earlier work:

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<sup>27</sup> “Technologies of the Self,” in *Ethics: Subjectivity and Truth*, p. 224.

<sup>28</sup> “Ethics as ascetics: Foucault, the history of ethics, and ancient thought,” p. 115.

<sup>29</sup> *The Hermeneutics of the Subject: Lectures at the Collège de France 1981-1982*. (Ed. Frédéric Gros. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2005), p. 371.

... at the heart of the problem I want to pose this year - *and what's more have wanted to pose for some time* - ... is: How is the relationship between truth-telling (*veridiction*) and the practice of the subject established, fixed, and defined? Or, more generally, *how are truth-telling and governing (governing oneself and others)* linked and connected to each other? I have tried to look at this problem under a whole range of aspects and forms - whether with regard to madness, mental illness, prison, delinquency, etcetera - ... I would now like to pose this question of the relationship between truth-telling and the government of the subject in ancient thought before Christianity... in the form and within the framework of a constitution of a relationship of self to self...<sup>30</sup>

At each turn, the question of the relation to the self, the techniques of the self, the “aesthetics of existence” are referred to a larger investigation of how the subject is governed by its relations to the truth, and how in turn “the formation of a certain type of experience of the self became possible which is, it seems to me, typical of Western experience... but also of the experience the Western subject may have of create of others.”<sup>31</sup>

One might here think that Foucault is engaged in revisionist history, that his concerns with veridiction and subjectivity must be late additions to his work. But this would be to ignore, for example, the detailed analysis of techniques for securing and extracting truth in early modern judicial proceedings in his 1971 lectures in Brazil on “Truth and Juridical Form” (material discussed again at length in *Discipline & Punish*<sup>32</sup>), and how these constitute both a certain way of relating to truth, of “reading” or experiencing the body, and a certain modality of power. It would be to ignore the continuity of these themes with Foucault’s 1981 lectures at Louvain published as *Mal*

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<sup>30</sup> *The Hermeneutics of the Subject*, pp. 229-230.

<sup>31</sup> *The Hermeneutics of the Subject*, p. 230.

<sup>32</sup> *Discipline & Punish: The Birth of the Prison*. (Trans. Alan Sheridan. 2nd edition. New York NY. Palgrave Macmillan:1995), pp. 35-47. As Foucault says, “one may see judicial torture... as torture of the truth,” and “from the judicial torture to the execution, the body has produced and reproduced the truth.”



*faire, Dire vrai*. It would be to ignore the fact that, even in his explicit engagements with bio-politics and governmentality in the 20th century, veridiction was at the center of his concerns:

It is not so much the history of the true or the history of the false as the history of veridiction which has a political significance. That is what I wanted to say regarding the question of the market or, let's say, of the connecting up of a regime of truth to governmental practice.<sup>33</sup>

In fact, what is hardly ever noticed is that “truth” or “truth-regimes” or “regimes of veridiction” are in fact the original stated objects of Foucault’s work from at least his inaugural lecture at the Collège de France, at the beginning of what could be called his “genealogical” period:

I want to try to discover how this choice of truth, inside which we are caught but which we ceaselessly renew, was made - but also how it was repeated, renewed, and displaced. I will consider first the epoch of the Sophists at its beginning, with Socrates or, at least with Platonic philosophy, to see how efficacious discourse, ritual discourse, discourse loaded with powers and perils, gradually came to conform to a distinction between true and false discourse.<sup>34</sup>

We see here that not only did Foucault begin his genealogies in 1970 with an inquiry into the different ways in which we might bind ourselves to truth, compel ourselves to speak it, but that he did so precisely by turning to the Greeks, to a great extent the subject of his first course, bearing the same title as the first volume of the *History of Sexuality: La Volonté de Savoir*. The same themes that appear in 1970 - such as that of the *sumbolon*, or the “half-truth” as a way of relating to truth, in Greek tragedy, and especially in *Oedipus*,

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<sup>33</sup> *The Birth of Biopolitics: Lectures at the Collège de France 1977-1978*. (Ed. Michel Senellart. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2008), pp. 36-37.

<sup>34</sup> “The Order of Discourse,” in *Untying the Text: A Post-Structuralist Reader*. (Ed. Robert Young. Routledge Kegan and Paul. New York NY. 1982), p. 70. While published separately, this is in fact the first lecture of Foucault’s inaugural course at the Collège de France.

where truth is linked explicitly to power - Foucault returns to in 1983.<sup>35</sup> The ancients, for Foucault, do not appear first as the exemplars of a free art of living safe from the vicissitudes of disciplinary power, but as an early and decisive episode in the history by which we have subjected ourselves, in this case by making ourselves accountable to the truth.

Indeed, the *late* turn to the ancient world as a whole, despite the significance placed on it by commentators as Foucault's "final" work, does not even appear to be intended as more than a quick one; in *The Courage of Truth: The Government of Self and Others II* (note that *both* of his final lecture courses contain a reference not to ethics but to government), Foucault says:

The lectures I would like to give will no doubt be somewhat disjointed because they deal with things that I would like to have done with, as it were, in order to return, after this several years long Greco-Roman "trip," to some contemporary problems which I will deal with either in the second part of the course, or possibly in the form of a working seminar.<sup>36</sup>

This remark seems designed to ward off misunderstandings, as he repeats a sentiment he had expressed days earlier in an interview, when asked about the contemporary *ethical* significance of his work:

I must admit that I have not gone very far in that direction and I would rather come back to some contemporary problems, in order to try and see what we can do with all that in the actual political problematic... I don't like answering questions which I have not examined. I would, however, like to take up once again [in the contemporary world] those questions I have raised through the culture of Antiquity.<sup>37</sup>

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<sup>35</sup> "Oedipal Knowledge," in *Lectures on the Will to Know: Lectures at the Collège de France 1970-1971 and Oedipal Knowledge* (Ed. Daniel Defert. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2013). Cf. also the lectures of 17 March, in the same volume, and *The Government of Self and Others*, especially the "Course Context" and the lecture of 26 January, First Hour.

<sup>36</sup> *The Courage of the Truth (The Government of Self and Others II): Lectures at the Collège de France 1983-1984* (Ed. Frédéric Gros. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2011), p. 2.

<sup>37</sup> "The Ethics of the Care of the Self as a Practice of Freedom," pp. 124-125.

Foucault never had the chance to move beyond the ancient world, but we have good reason to think that he would have. The final course was incredibly truncated on account of his rapidly deteriorating health, and he would be dead within months. Nevertheless, it's clear that it is *truth-telling* in all of its historicity, the different “games of truth” and “regimes of veridiction” and the manners in which these games and regimes are governed, that is, *government of and by truth*, that have played a role in making us who we are here and now, is the focus of Foucault's research. It remains to explicate in detail the structure of veridiction and governmentality, and their theoretical and practical significance, but their centrality is beyond dispute.

Now, one could try to make a case that, at the very end of his life, Foucault took the practice of ancient *parrhesia* or truth-telling as an ethically exemplary technology of self, an aesthetic of existence or manner of caring for the self in which we can find at the least the *germ* of a normative ethic of resistance for contemporary life. But without an independent conviction that giving us an *ethics* is what Foucault is primarily up to this would seem strangely unmotivated. It would mean rejecting out of hand Foucault's claim he is not looking for solutions to our problems in other solutions to other problems, that in fact he was *not even looking for such solutions*.<sup>38</sup> It would require explaining why Foucault's alleged foray into “ethics” seem rather to consist in extended discussions of truth-telling and governmentality, and why he had hoped to be done with his little “trip” and to return to investigations of the “contemporary problematic.” One would have to explain why Foucault describes his work in 1982 not as ethics but as a “series of studies of ‘the arts of oneself,’ that is, the aesthetics of existence *and the government of oneself and others*,” in effect assimilating discussion of the practices of the self to a series of studies on

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<sup>38</sup> “On the Genealogy of Ethics,” p. 256.

governmentality, begun (at the latest) in 1977. One would have to explain why *parrhesia* is not rather just one mode of truth-telling, in all of its relations to power and government, among all the others that Foucault explored. As he puts it in 1983:

one of the questions I would like to put to the history of *parresia* concerns the long and slow evolution over several centuries which led from a conception of political *parresia* as the right, the privilege of speaking to others in order to guide them (Periclean *parresia*) to, I was going to say post-antique *parresia*, the *parresia* we find after ancient philosophy, in Christianity, where it becomes an obligation to speak of oneself, to tell the truth about oneself, to tell everything about oneself, and to do so in order to be cured. This kind of great mutation from *parresia* as “the privilege of free speech in order to guide others” to *parresia* as “the obligation of someone who has done wrong to tell everything about himself in order to be saved,” is certainly one of the most important aspects of the history of parrhesiastic practice... This long history is obviously very important if we want to analyze the relations between subjectivity and truth and the relations between government of self and government of others.<sup>39</sup>

In other words, it would be up to the partisan of Foucauldian ethics to explain how *parrhesia*, the ethics of truth-telling, the care of the self, or “aesthetics of existence,” the emergence of all these techniques by which an individual may establish a relation with herself, are not, on the contrary, nuances in the history of our government by truth.

We have already seen the genuine continuity of the problematic of truth, and of government by the truth, through his lectures. And he confirms this in his published monographs, for example, in the Introduction to the *History of Sexuality Vol. 2.*, where Foucault tries to explain to his readers the glaring shift in historical material from the Victorians to the Greeks, he states that “[a]fter first studying the *games of truth* in their interplay with one another... and then their interaction with power relations, as exemplified by punitive practices - I felt obliged to study the *games of truth* in the

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<sup>39</sup> *The Government of Self and Others*, pp. 359-360.

relationship of self with self and the forming of oneself as a subject, taking as my domain of reference and field of investigation what might be called ‘the history of desiring man.’”<sup>40</sup> Again, we see the importance of the “games of truth,” of the rules and strategies that govern our relations to the truth, but no mention of ethics. When in 1984, interviewers try to insinuate that there had indeed been a “break” between this work and prior investigations, all Foucault will admit is that he had been brought to take account of the ways in which subject act on themselves in the process of subject-formation in a more explicit way than he had before. It is striking, I think, that Foucault – even at this very late stage – resists characterizing his work in ethical terms. This is not what one would expect of an author allegedly “turning” to “ethics.” It is, however, rather unsurprising if one recalls Foucault’s actually stated interests in investigating, variously, *strategies* of government and *pragmatics* of subject-formation, all of these reversible, alternately threatening and oppressive and empowering and free.

Taking Foucault at his word, then, would mean actually taking him seriously when he says of Greek sexual ethics that they were “disgusting,” and that “All of antiquity seems to [him] to have been a ‘profound error.’”<sup>41</sup> It would mean taking seriously the claim that the interrogation of the ethical practices of antiquity is not a matter of doing ethics but of writing a “history of desiring man... situated at the point where an archaeology of problematizations and a genealogy of practices of the self intersect.”<sup>42</sup> It would mean recognizing that when Foucault says that he is giving, in fact, a *genealogy* of ethics, he is no more giving us an ethics than Nietzsche is giving us a

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<sup>40</sup> *The Use of Pleasure*, p. 6. Emphasis mine.

<sup>41</sup> “On the Genealogy of Ethics,” p. 233 and *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*. (Ed. Lawrence D. Kritzman. Trans. Alan Sheridan et al. New York NY. Routledge: 1990), p. 244.

<sup>42</sup> *The Use of Pleasure*, p. 13.

morality with his genealogy of morality.<sup>43</sup> One would have to recognize that after archaeology and genealogy comes simply more archaeology and genealogy.

Nor should we be surprised, then, to find that a “Foucauldian” ethics has been subject to a battery of objections. It would be surprising, rather, if Foucault - despite his serious misgivings regarding Greek ethics, his professed lack of attention to any connection between ancient practices and contemporary problems, and his decided interest in investigating different historical modes of governmentality (of both self and others) - had somehow managed, as if by miraculous accident, to produce a compelling normative ethical theory. I hope that the evidence presented has been sufficient to convince one that, rather than thinking that Foucault is giving us an ethics and therefore leaving us with a host of problems, inconsistency not least among them, we ought to employ *modus tollens* rather than *modus ponens*. The real question is why the latter seemed a compelling move in the first place.

### **§1.3 The Demand for a Normative Framework**

The reason that so many commentators continue to think that Foucault *must* have been giving us an ethics is that, to paraphrase Wittgenstein, they are held captive by a picture of what philosophy in general, and ethical theory in particular, must be. The best way of teasing out this picture is to return to the reception - and subsequent criticism - of Foucault’s genealogical work.

In brief, Foucault’s genealogical work was read as making three central claims. First, that subjects are not *given*, and subsequently *repressed* by relations of power, but are

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<sup>43</sup> Of course, this doesn’t mean that Nietzsche and Foucault don’t tell us much of interest about what it is to be an ethical agent or subject.

rather *produced* by such power-relations:

The man described for us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself. A 'soul' inhabits him and brings him to existence, which is itself a factor in the mastery that power exercises over the body. The soul is the effect and instrument of a political anatomy; the soul is the prison of the body.<sup>44</sup>

*Discipline & Punish* is, among other things, an historical attempt to make good on this claim. And, in doing so, Foucault is thought to make the following claim: the moral, ethical, and political *valuing* of emancipation or liberation, of humanity or individual subjectivity, or of rationality or the Enlightenment, liberal government - all these ideals that, we might want to say, animated the best in progressive thought over the last centuries - do not so much serve to orient our ethical and political projects and limit the excesses of power as they are the expressions of the “more profound subjection” that produces subjects to begin with. As he says:

On this reality reference [i.e. the human subject produced through power-relations], various concepts have been constructed and domains of analysis carved out: psyche, subjectivity, personality, consciousness, etc.; on it have been built scientific techniques and discourses, *and the moral claims of humanism*.<sup>45</sup>

The real, corporal disciplines constituted the foundation of the formal, juridical liberties... The “Enlightenment,” which discovered the liberties, also invented the disciplines.<sup>46</sup>

Third, there is supposed to be a deeply negative *evaluation* of the sorts of power-relations he describes. It is difficult to avoid attributing a deep contempt to his voice when Foucault writes the following:

We are often reminded of the countless procedures which Christianity once employed to make us detest the body; but

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<sup>44</sup> *Discipline and Punish*, p. 30.

<sup>45</sup> *Discipline and Punish*, pp. 29-30. Emphasis mine.

<sup>46</sup> *Discipline and Punish*, p. 222.

let us ponder all the ruses that were employed for centuries to make us love sex, to make the knowledge of it desirable and everything said about it precious. Let us consider the stratagems by which we were induced to apply all our skills to discovering its secrets, by which we were attached to the obligation to draw out its truth, and made guilty for having failed to recognize it for so long. These devices are what ought to make us wonder today. Moreover, we need to consider the possibility that one day, perhaps, in a different economy of bodies and pleasures, people will no longer quite understand how the ruses of sexuality, and the power that sustains its organization, were able to subject us to that austere monarchy of sex, so that we became dedicated to the endless task of forcing its secret, of exacting the truest of confessions from a shadow.

The irony of this deployment is in having us believe that our "liberation" is in the balance.

These, the closing words of the first volume of the *History of Sexuality*, leave us with a fairly unambiguous denunciation not just of the power-relations that produce "sexuality" as a politically and morally important object, lodged deep within and perhaps even constitutive of each individual, and the hierarchical political and ethical relations that such an object sustains, but also of the purportedly emancipatory project of *liberating* that sexuality. Given his other main claims, it should not be shocking that Foucault criticizes the project of emancipating the sexual subject, insofar as he takes such subjects as the product or effect of pernicious power-relations and promulgating the ideal of liberation as one more technique for sustaining those relations. The same can be said of the prison and the modern soul, with respect to *Discipline and Punish*. Further, Foucault's rejection of the prison-system, of the obsession with sexuality and the movement to liberate it, do not end with either self-satisfied contempt or merely academic criticism. Foucault was himself an activist, from the late 1960s with the *Groupe d'information sur les prisons* (GIP) and, as mentioned earlier, for several other causes. Foucault's moral impulses ran deep, and he by no means gave in to resignation in the face of encroaching power.



The question that arises for the critics of Foucault is *how* he can possibly maintain this position. If Foucault thinks that progressive moral values and ideals, values like “humanity,” certainly, and perhaps justice or freedom as well, ideals like “emancipation” and “equality,” are employed as techniques for sustaining power-relations, how can he possibly make the evaluative judgments that he does? In what terms could he possibly *justify* them? The creeping expanse of the penal system, and the internalization of disciplinary structures at the very heart of our everyday life, the dangers of bio-power, and our constant search for sexual identity? Are these not objectionable *precisely* because they are affronts to our human dignity, or autonomy, or they are alienating, or in some sense irrational? Mustn’t any explanation of their wrongness or badness appeal to just the sorts of values and ideals that Foucault has indicted? And if so, Foucault’s work appears doomed to be nihilistic with respect to morality and fatalistic with respect to political action; the norms that might guide our actions, that might enable our autonomy, can only thereby serve to reproduce the sorts of power-relations that constitute us as the subjected subjects we are now.

Nancy Fraser has been the most effective and incisive in leveling this sort of criticism:

... it has been or may be supposed that Foucault has given us a value-neutral account of modern power. Or alternatively, since this does not square with the obvious politically engaged character of his writing, that he has some alternative normative framework to the suspended one. Or since none is readily apparent, that he has found a way to do politically engaged critique without the use of any normative framework. Or, more generally, that Foucault has disposed altogether of the need for any normative framework to guide politics.

Clearly a number of these suppositions are mutually incompatible. Yet Foucault’s work seems simultaneously to invite all of them. He tends to assume that his account of modern power is both politically engaged and normatively neutral. At the same time, he is unclear as to

whether he suspends all normative notions or only the liberal norms of legitimacy and illegitimacy. To make matters worse, Foucault sometimes appears not to have suspended the liberal norms after all, but rather to be presupposing them. These, then, are what I take to be the most serious difficulties pertaining to Foucault's work.

They appear to stand in a rather curious relationship to the strengths I have mentioned; it seems that the very methodological strategies which make possible the empirically and politically valuable description of power are intimately tied up with the normative ambiguities.<sup>47</sup>

Foucault is not shy about making evaluative claims but Foucault's critics want something more, namely the "normative framework" with which Foucault operates. While vague, and in need of a great deal of clarification, the term, and the worry, is persistent; more than 25 years after Fraser's article, even sympathetic readers of Foucault such as Todd May feel it:

It has long been noted that there is a certain normative tension in the work of Michel Foucault. On the one hand, he was always reticent to offer a normative framework for his writings. Aside from the cryptic comment about "bodies and pleasures" in the first volume of his history of sexuality, one would seek in vain for positive political or ethical suggestions or claims. On the other hand, his work is undoubtedly normatively driven. The genealogical works have a strong undercurrent of critique... There can be no doubt that he means these works to intervene upon our current situation in a normative way.<sup>48</sup>

The idea is that "normative intervention" requires a "normative framework." Now, these terms are vague, but the basic idea, I take it, is that in this context a "normative intervention in our current situation" is just an evaluative judgment of our situation, linked to action in some important sense, if not as a concrete prescriptive regarding specific circumstances than at least as a general indication of overlooked problems that

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<sup>47</sup> "Foucault on Modern Power" p. 276.

<sup>48</sup> Todd May, "Equality as a Foucaultian Virtue: The Relevance of Rancière" *Philosophy Today* 51 (2007):133

we should discover how to address. And we all agree that Foucault makes - or at least insinuates - *many* of these interventions.

But there seems to be some confusion in the idea of a “normative framework” or “outlook.” Nancy Fraser “raises the question whether the values implicit in [Foucault’s] unabashedly value-laden descriptions of social reality would, if rendered explicit, constitute a coherent and consistent first-order normative outlook. That question is especially pressing since Foucault has, despite repeated insinuations, never successfully argued that a coherent first-order normative outlook is dispensable in social criticism.”<sup>49</sup> It is strange, I think, to put things in this way insofar as Foucault *does* seem to have a “first-order normative outlook.” Fraser seems to admit as much when she refers to his “unabashedly value-laden descriptions of social reality,” and May is certainly mistaken in claiming that one would “search in vain for positive political or ethical suggestions of claims” in Foucault’s work. Foucault commended many different political actions in fairly unambiguous normative terms. And, moreover, they don’t seem to be wildly inconsistent or incoherent. Indeed, it seems that Foucault would have no problem even with relatively generally applicable commendations. Appeal to human rights to curb the overreach of government power; radically alter our current penal system; discipline and bio-power are dangerous; resist normalization; these judgments and imperatives all seem to hang together well.

But, as we have seen, these judgments aren’t what Foucault’s critics want. Fraser wants to know what “values” undergird Foucault’s judgments, and Habermas finds fault in Foucault for his lack of normative “yardsticks.” These are the sorts of things that constitute a normative framework, which, I take it, is whatever it serves to *order* and *render intelligible* the first-order judgments that Foucault makes. In the case of moral judgments,

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<sup>49</sup> “Michel Foucault: A Young Conservative?” p. 172.

or ethical life more broadly, such a normative framework could have several components. The most fleshed-out such framework would provide one with, e.g.: more or less general normative *principles* that justify first-order evaluations; a set of more or less general *deliberative* principles (which may or may not be the same as the normative principles), that allow one to come to a first-order evaluation; a set of *values* that these principles express or serve; and set of “facts” (whether ontological/metaphysical, transcendental, or loosely empirical) that *ground* the normative principles somehow. Kantian and traditionally Utilitarian theories of morality exemplify these sorts of frameworks. In the Kantian case, we have a normative principle that justifies moral action in the categorical imperative and the famous claim that the only thing that can be called unqualifiedly good is a good will.<sup>50</sup> We have a set of deliberative principles that can help us figure out what the right thing to do *is* in the various formulations of the categorical imperative.<sup>51</sup> We have a “grounding” of these in the Kantian account of the freedom and rationality of human beings. And in Kantian morality we find expressed the values of autonomy and human dignity. In the Utilitarian case, the normative principle - something along the lines of “One ought to act to bring about the greatest happiness for the greatest number” - and the deliberative principles come apart, as one does in every relevant situation have at one’s disposal a happiness calculator powerful enough to do the requisite calculations,

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<sup>50</sup> Each of these claims, of course, take some unpacking. The categorical imperative is not, strictly speaking, in the declarative form we would expect of a principle, but its normative import can nevertheless be explained in such terms: the imperative is what commands us to do the things in virtue of which the unqualifiedly good will is in fact good, or some such.

<sup>51</sup> In the Kantian case, despite Kant’s own opinions, it’s not clear in what sense the different formulations of the categorical imperative, which are to help us in our deliberations, are “equivalent” or “identical.” If not, it is not a huge problem. One need not be committed to the claim that the normative and deliberative principles of a moral theory must be the same. As we shall see, in the utilitarian case they are not.

relying instead on practical rules of thumb.<sup>52</sup> These Utilitarian imperatives express or serve the values of happiness/pleasure/non-suffering, and they are in some loose sense “grounded” in the loose empirical observation that human beings generally act so as to increase pleasure and avoid pain.

Frameworks such as these are supposed order and make intelligible our first-order moral judgments. When we are told as children, for example, not to lie to our siblings, or are punished or otherwise corrected, we can (and often do) meaningfully ask “but why?” and are often supplied a normative framework in response. We are given a normative principle in response such as “because you ought not lie to the people you care about.” Of course, as is often the case with children, we might be reasonably unsatisfied with the bare normative principle: but *why* ought we not lie to the people we care about? And in response to this we might appropriately be referred to a *value* - say, respect - that is expressed in the principle: because doing so would be disrespectful to your brother or sister. And yet we might *still* be reasonably unsatisfied with this response: “and *so*?” we might say. And so we might be told an important, *fact*: “Because your brothers and sisters *deserve respect*, simply in virtue of being your siblings.” And at this point, it seems we reach bedrock. Of course, any given person might continue to be unsatisfied, but it’s not clear that they could be given, in response, anything but some sequence of principles, values, and grounding fact. Often, with children, the questioning doesn’t stop until the parent or adult involved simply invokes her authority: “*because I said so*.” Perhaps, if they are lucky, they might not have to invoke *personal* authority, but only act as the mouthpiece of a more impersonal authority: “that’s just the way it is.” It is not personal fiat but the objective normative order of things.

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<sup>52</sup> And, indeed, in easing the trouble of calculation, using such rules of thumb yields higher utility. Mark Lance and Margaret Little make this point in “Particularism and Anti-Theory” in *The Oxford Handbook of Ethical Theory* [Ed. David Copp. New York NY. Oxford University Press: 2006], p. 897.

It is not difficult to look at first-order normative *theories*, such as Kantianism and Utilitarianism above, as much more refined versions of this dialectic between parent and child, making sense of the moral demands placed upon us. They make our moral life intelligible to us, in providing explanations of and reasons to execute what is demanded of us, principles, values, and grounds, all of which also serve as explanations for and justifications of the sanctions placed upon us when we fail to do what we ought.<sup>53</sup>

It is no coincidence that Foucault's most trenchant critics are at least in some way affiliated or aligned with or highly sympathetic to the Frankfurt School, a tradition that has been somewhat preoccupied with developing such an framework, with the aim of rendering intelligible the foundations of its own clearly normative, evaluative judgments.<sup>54</sup> It is unsurprising that they would thus demand of Foucault the same. And this reading has set the terms for the critical reception of Foucault's work, so much so it is often framed in terms of a "Foucault/Habermas debate" (where Habermas ultimately metonymically stands in for the whole tradition of Critical Theory).<sup>55</sup> I take it that most of Foucault's critics think that rendering our ethical life intelligible is a non-optional task for any sort of genuinely critical theory and that insofar as Foucault's evaluative claims

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<sup>53</sup> Of course, not all moral theorizing or philosophizing takes up this dialectic; a great deal of serious work has to go into, for example, conceptualizing the right sorts of relations between values, and between values and norms, getting clear on our moral concepts, figuring out just what exactly it means for one to have a reason to do something, illuminating the moral psychology of agents or conditions of agency, etc. But then one is no longer in the realm of first-order normative theory.

<sup>54</sup> Nothing I have said implies that only Critical Theorists are interested in making our ethical lives intelligible in this way, or that I have (yet) any reason to think that one ought not be so interested, but only that they do have this commitment, which has been prominently on display in their criticisms of Foucault, and that these have greatly impacted at least his Anglo-American reception.

<sup>55</sup> Interestingly, several of the most interesting, relatively neutral participants in the debate are fairly clear that it is a highly artificial one, perpetuated mostly by Critical Theoretic criticisms of Foucault. Particularly instructive here is the work of Amy Allen. See, especially, "The Entanglement of Power and Validity: Foucault and Critical Theory." She ambitiously tries to find some middle ground between the two. I admire her presentation of the state and status of the "debate," but I am not as sanguine about the prospects for reconciliation. Also important for understanding the construction of a debate that never took place is James Schmidt, "Misunderstanding the Question 'What is Enlightenment?': Venturi, Habermas, Foucault" *History of European Ideas* 37(1) (2011):43-52

seem, on the whole, to be fairly critical he is in the business of critical theory and, therefore, of ethics. So, I take it that the best or, at least, most sympathetic way of interpreting Foucault's critics is to see them taking his genealogical work to task insofar as it leaves our ethical commitments unintelligible. No one is denying that Foucault makes evaluative claims. But his genealogies do not satisfactorily answer the subsequent "but why?" questions we take it to be at least part of the task of moral theory to answer. He has precluded any explanatory appeal to the values of autonomy or dignity, in part because his rejection of "humanism" has precluded any explanatory appeal to a grounding fact about human beings.

This, I think, explains the temptation to read his later works as a response to this demand for ethical intelligibility. It is especially tempting due to the long gap between his last explicitly avowedly genealogical monograph in 1976 and the publication of the second two volumes of the *History of Sexuality*. The ethical practices of the elites of Classical Athens seem sufficiently independent of the modern, Enlightenment values, theories, and institutions that Foucault is alleged to oppose, and the "self as a work of art" could perhaps be taken to ground these suitably different practices. This work would fill in the blanks, so to speak, of the "normative framework" that is supposed to render his evaluative judgments intelligible. And that is exactly what prominent Critical Theorists like Habermas and Peter Dews took Foucault to be doing.<sup>56</sup>

It should be clear, by now, however, that Foucault is *not* providing "an alternative normative framework". Nor should we be so quick to rush to judgment that not doing so is a failing on Foucault's part. When Fraser, for example, suggests that Foucault must have "an alternative normative framework" - meaning the same *kind* of framework, but

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<sup>56</sup> Cf., respectively, "Taking Aim at the Heart of the Present" in Michael Kelly (ed.), *Critique and Power: Recasting the Foucault/Habermas Debate* (Cambridge MA. The MIT Press:1994), pp. 149-158 and "The Return of the Subject in late Foucault," *Radical Philosophy* 51(1) (1989):37-41.

different in content from traditional “Enlightenment” moral theories - she is, along with many others, I want to claim, in the grip of a dogma. In order to see how this might be so, we need to look at how Foucault engages with moral philosophy explicitly.

#### **§1.4 Moral Problematization and the Technologies of the Self**

I am not the first to note, at least in passing, the demand for a normative framework placed upon Foucault by his critics. Ian Hacking describes the dialectic:

What we more commonly call ethics has, in its nobler forms, tended to address the questions, what shall we do? What is of value? Foucault was in the terrible predicament of being rich in values and able in action, yet at the same time asking what makes the ethical question possible at all. It is common for intellectuals, be they self-styled pragmatists or Critical Theorists or academic social democrats, to harass Foucault about this supposed predicament, and imagine debates like this:

"And what, then, shall we do?"

"Well, if you want to do something, why don't you start trying to make San Quentin less horrendous?"

"No, that doesn't answer the question. If you're in the tradition of unmasking the origins of moral codes and our ethical practices, then where do you stand? How can you have any values at all? How can you have any grounds for action, even for joining a league for prison reform?"

Even his generous interviewers, Dreyfus and Rabinow, have a sense that Foucault "owes us a criterion of what makes one kind of danger more dangerous than another."<sup>57</sup>

He is right to state that the debate is purely imagined, insofar as Foucault, frustratingly for his critics, never felt compelled to engage. Foucault, I think, was not simply being intractable. He did not, and perhaps could not, engage in this sort of debate *not* because

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<sup>57</sup> *Historical Ontology* (Cambridge MA. Harvard University Press: 2002), p. 118.



he was simply devoid of values and thus stuck in some sort of pragmatic self-contradiction, but rather because he found the very terms of the debate problematic.

H.A. Pritchard also famously worried whether or not moral philosophy rested on a mistake. It will be fruitful, I think, to explore Pritchard's position, in order to then illuminate Foucault's engagement with moral philosophy.

The problem, Pritchard thought, could be brought out by considering why we are brought to ask moral questions in the first place. The idea is that, in our everyday lives, we generally unproblematically observe all sorts of norms, or "oughts," though some times we find that these demands upon us are at odds with other things we find ourselves highly motivated to do, or other ends we find ourselves highly motivated to realize. We find ourselves asking "well, *why ought I do this?*" And, in general, we give two sorts of answers to this question. The first type claims that the act in question is, in fact, something we *are*, or would be, motivated to do, if we can get clear on what our interests actually are; it is an answer to the effect that *it is to your benefit* to do this thing. The second type makes no appeal to one's benefit, or at least not directly, but rather to "goodness," either of the action or its consequences. Giving these sorts of answers is the business of moral philosophy. This is not the place to discuss Pritchard's full arguments but, given the title of his essay, suffice it to say that he thinks *both* of these sorts of responses are doomed to fail at actually giving us answer that captures the normative force of why we *ought* to do something. In what follows I don't want to presume that moral philosophy is in some way damned by this, but I do want to register the force of his conclusions.

According to Pritchard, the first sort of answer fails insofar as it doesn't preserve any of the normative force of the *ought* involved; it does not answer why you *ought* to perform the action in question, but rather just brings you to *want* to do it, "resolving obligation into inclination," as he puts it. However, in a sense, this sort of response is

successful, if not as a “legitimate answer,” insofar as it *dissolves* the question by dissolving the conflict that caused it to be raised. The one who raised it can continue on with her life, acting in accordance with, if not out of, duty.

On the other hand, the second sort of answer fails insofar as it attempts to explain why we *ought* perform some action in terms of *goodness*, either of the consequences of the action or of the action itself. In the first case, Pritchard thinks that, in general, however, our sense of the rightness of the action is actually *prior* to our sense of the goodness of its consequences; for us, the recognition of the obligation to obey the norm is the reason we recognize the good produced or value expressed through action, and thus the latter cannot be the answer to the question *why ought I do this*. In the second case, he notes that we generally only think of an action as “good” when it is performed out of one of certain set of motives, generally including duty or some sort of benevolence. Pritchard takes it that the effect of such a response is to cause one to “want to want to perform the action,” which he also takes to be impossible. I think this is wrong; rather, I think it *is* in fact a response to the sort of problem that raised the question, in a manner similar to the appeal to the agent’s benefit. Whereas that sort of response, if successful, brings the agents behavior in line by showing that the norm, i.e., the “ought,” in question is hospitable to her existing motives, the appeal to the goodness of the action-plus-motivation ensemble, if successful, brings the agent to adopt a certain attitude, or take a certain stance: one of *commitment*.

In some cases, bringing the agent to take up this attitude may take place simply by reminding an agent of her existing commitments; if I’m asked “Why ought I keep the promise I made,” I might respond, “Because you ought to be honest and reliable, generally,” and this could be a perfectly good answer. It could give the agent a *reason* why

she *ought* to perform the action in question.<sup>58</sup> I might even respond “Because to do so would be to lack integrity,” and this could be a fine answer. Each case would, of course, rest on a great deal of tacit knowledge and background assumptions on the part of my interlocutor, but that is no problem. What is crucial is simply that the answer given, if it is to count, hooks into one or another of the normative commitments of my interlocutor, whether as the application of a broader principle she accepts, or as condition for being the sort of person she is committed to being, or what have you.

In other, more interesting cases, the response given may be *performative*; if successful, it may bring the agent to take up *new* commitments, or to adopt *new* stances. It might be that I engage with someone whose existing normative commitments simply don’t give her (moral) reason to keep her promises. If she asks me why she ought to do so, I might simply say “Because, in this case at least, to do otherwise *would be wrong*.” Now, it’s not clear that this response does anything but repeat the claim that one ought to do keep one’s promises, which, if one could not see to begin with, would not be an answer to the question as to *why* we ought do so. However, such a response can constitute such an answer when someone without the relevant normative commitments comes to *acknowledge* the force of the response, and in doing so takes up those commitments, however diverse the causes of that acknowledgment may be.

Pritchard thought he had shown that traditional moral philosophy rests on a mistake, in that the sorts of answers it seeks in response to the questions of the sort “Why ought I perform such and such an action” are misguided, as they either dissolve the distinctively normative force of the ought in question, appeal to properties of

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<sup>58</sup> This is different than in the case where one appeals to the agent’s benefit, insofar as though there is a sense in which that appeal might also be thought to give a reason why the agent “ought” to perform the action if she is prudential or instrumentally rational, this is not the same distinctively moral ought that has been in question.

goodness or rightness that are in fact derivative of the original, intuited obligation, or attempt to enlarge or alter the motivational set or structure of the agent in question. I don't want to commit myself or Foucault to this diagnosis, exactly, but I want to note some aspects of Pritchard's manner of thinking on this matter that is strikingly evocative of Foucault's.

First of all, it should be noted that, as presented, the question that moral philosophy attempts to answer - "Why ought I do X" - arises from a *problem*. Some aspect of the agent's usual way of navigating the normative landscape in which she finds herself has broken down. This might be as innocuous as simply being confronted with an episode of particularly strong inclinations to act otherwise than she ought to, prompting the question. But such problems can go even deeper. Our agent might be confronted with a situation sufficiently foreign that her everyday, unreflective way of being in the world cannot immediately and unproblematically cope with it, requiring explicit guidance. One might raise the important similar question "What is to be done (here)?" In such a case, our agent might find her form of life expanded, extended or amplified in being made capable of dealing with relevantly similar scenarios. I take it that this question is of the same type that gives rise to, among other things, moral philosophy; our agent can be provided an account of the rules or principles or the virtues that, in fact, specify the appropriate thing to do.

It is indeed not impossible that our agent could confront a situation, whether of simply extreme unfamiliarity or of such disorder that she finds herself unable to *apply* her moral concepts, to find purchase on or orientation in her situation, in which case the rules or virtues she has at her disposal will do her no good. In such a case, it's not clear that a moral philosophy that consists in the elucidation and justification of rules or virtues alone will suffice; what is required is the development of a new skill, a new

technique for navigating one's life, the sort of non-codifiable (on pain of infinite regress) tacit knowledge that all agents possess.<sup>59</sup>

Sometimes the development of these skills or techniques or styles of living is part and parcel of *transforming* one's way of life, whether because one has found some sort of incoherence in it, or because it is no longer viable, for whatever reason. This self-formation and transformation might take place in the relative suddenness of a conversion experience that demands such new ways of comporting oneself, or through the long and difficult work of accommodating oneself to the demands of the world and others in it, but, in general, will be in response to the finding of something in the situation *problematic*.

And this is exactly what Foucault took himself to be investigating. He was not doing moral philosophy, but rather investigating what he called *problematization*, or modes or fields of problematization.<sup>60</sup> This is, as he puts it, the explicit theme of *The Use of Pleasure*, the second volume of his history of sexuality and the first to turn to specifically “ethical” practice:

It was a matter of analyzing ... the problemizations through which being offers itself to be, necessarily, thought – and the practices on the basis of which these problemizations are formed.<sup>61</sup>

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<sup>59</sup> See the following two chapters for a discussion of the non-codifiability of at least some of our normative skills.

<sup>60</sup> Recently, Colin Koopman has presented a very strong case that “problematization” is something of a “master key” for understanding Foucault's work. See *Genealogy as Critique: Foucault and the Problems of Modernity* (Bloomington IN. Indiana University Press: 2013). His argument is too complex to address as a whole. For the moment, I will just note that I am in full agreement with Koopman regarding the centrality of the concept of “problematization” in Foucault's work, though I disagree that it is best thought of, to use the former's parlance, as an “analytic” or “method” (as opposed to a “concept,” which might emerge in the application of a method). It might simply pick out a particular type of privileged object of investigation.

<sup>61</sup> *The Use of Pleasure*, p. 11.

Bracketing the Heideggerian language, Foucault's point here is that what is of interest to him are the ways in which our practices and, more broadly, our forms of life, our everyday ways of navigating the world *break down*. When these practices break down, we don't know what to do, and have to develop new techniques and styles of living.<sup>62</sup> Foucault is quite clear about this in *The Use of Pleasure*. He wants to investigate what he explicitly calls "the moral problematization of pleasure," of what the Greeks called *ta aphrodisia*. Foucault asks why, for the Athenians, there was "an intense problematization of sexual practice":

Why was it... that the practice of pleasures became a matter for debate? Why did... sexual activity... occasion anxiety, discussion, and reflection? Why did... everyday experience give rise to a way of thinking that sought to rarefy sexual behaviour, to moderate and condition it, and to define an austere style in the practice of pleasure? *How did sexual behaviour... come to be conceived as a domain of moral experience?*<sup>63</sup>

And Foucault knows perfectly well that these sorts of problems, these problematizations, call for responses, for new techniques or styles of living. In the case of the Athenian problematization of sexual behaviour, Foucault identifies "four types of stylization of sexual conduct that were developed in a *dietetics* concerned with the body, an *economics* concerned with marriage, an *erotics* concerned with the subject of boys, and a *philosophy* concerned with truth..."<sup>64</sup> As we have seen, (moral) philosophy is a response to situations in which our practices break down, or cease to suffice for unreflective guidance, but not the only one.<sup>65</sup>

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<sup>62</sup> I don't distinguish here between inventing a new technique and finding a new use for an old one. I don't think it makes much of a difference in this case.

<sup>63</sup> *The Use of Pleasure*, p. 23. Emphasis mine.

<sup>64</sup> *The Use of Pleasure*, p. 36.

<sup>65</sup> We should also note, of course, that we have Foucault making oblique reference, once again, to the way in which we come to govern our conduct, through the help of philosophy, with reference to the "truth." Government by or through the truth remains a constant preoccupation of Foucault's.

We should also note, here, that - again - Foucault is not himself providing us with an account of what the Greeks *should* have done, how they ought to have responded to the problems that they faced when their ways of navigating the practice of sexual pleasure broke down. He is certainly not looking to them for a model of how we ought to respond to our own *contemporary* problems. When Dreyfus and Rabinow ask him if he sees any sort of valuable solution in the Greeks that might be adapted to our own circumstances, Foucault is unequivocal:

No! *I am not looking for an alternative*; you can't find the solution of a problem [e.g., a contemporary political or ethical problem] in the solution of another problem raised at another time by other people. You see, what I want to do is *not the history of solutions* [nor, *a fortiori*, "ethics"] - and that's the reason I don't accept the word "alternative." *I would like to do the history of problems, of problématiques.*<sup>66</sup>

So, Foucault, like Pritchard, takes it that philosophy, and moral philosophy in particular, is among other things but one way of responding to *problems*, and is interested in how these problems arise.

At this point, it is important to avoid misunderstanding. Some commentators take Foucault to characterize the way the Greeks problematized sexual pleasure, and responded to these problematic pleasures, as "ethical," in a manner distinguished in some important way from "morality," and especially from Christian morality, where morality is understood merely as a code or set of rules or prohibitions. Timothy O'Leary goes so far as to attribute to Foucault the "suggestion that traditional, code-based morality can only be replaced by an 'aesthetics of existence.'"<sup>67</sup> Lois McNay puts it as follows:

The distinction that Foucault perceives between the Classical and Christian moral systems gives rise to a distinction

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<sup>66</sup> "On the Genealogy of Ethics," p. 256.

<sup>67</sup> *Foucault and the Art of Ethics* (New York, Continuum: 2002), p. 6.

between *morality* as a set of imposed rules and prohibitions and *ethics* as the 'real behaviour' of individuals in relation to the rules or values that are advocated to them... Techniques or practices of the self are situated at the level of ethical practice. It is through a series of different practices or 'arts of existence,' ranging from the concrete techniques used to order daily existence to the spiritual significance attached to these activities, that individuals seek to interpret those experiences.<sup>68</sup>

The distinction being made here is more or less Hegelian in its roots, which is supposed to underwrite Hegel's critique of Kant's moral theory; Kantian ethics, for Hegel, is too abstract, too concerned with separating the dictates of morality from anything empirical, historical, or concrete, to actually suffice to guide human action in the way morality should. In brief, Kant's moral theory focuses on the formal properties of rational norms, deriving our moral obligations from the bare fact of our rationality. Hegel offers an account of *Sittlichkeit*, or ethical life, as a corrective to what he takes to be Kant's emaciated conception of philosophy not merely as *rules* but as *purely rational rules*, rules somehow derived from the nature of reason itself. Ethical life, on the other hand, is supposed to incorporate the historical and social ways of determining conduct, traditions, customs and mores, into a richer, though still thoroughly rational, form of life. A similar distinction is also made by Bernard Williams, who - very loosely - takes "ethics" as a term for all the various ways in which we are able to evaluate and guide our lives, a term, in broad strokes, for what we are doing when we are trying to answer the question "How should we live?" in a way that takes seriously all the assorted (and perhaps unassociated) ways in which we find courses of action, and human life more broadly, significant; "morality" is distinguished as a peculiarly hegemonic way of guiding one's life, characterized by a reliance on highly general principles of conduct to be applied to any and every situation, which override all other considerations and are often

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<sup>68</sup> Foucault: *A Critical Introduction* (New York. Continuum: 1996), p. 135.



indifferent to many of the most deeply held convictions of those subject to it. Williams, I take it, thinks morality tends to be pernicious, while Hegel takes it to be lacking in content. I am unsure of what Foucault's take on the matter would be, insofar as it is not a distinction that he cares to make.

After all, if Foucault really were to be worried about the effect of Christianity - or "morality" more generally - upon us, it would undoubtedly be because they have had pernicious power-effects on us. Let us agree that, were Foucault to be "critiquing" "morality" in some way, the technologies, techniques, strategies, tactics, and effects of power imbricated in our moral lives are the most plausible targets. But then it would be strange for him to take to task Christianity, or Christian morality, or morality, for imposing some set of rules upon us, and especially for imposing some sort of "repressive" set of rules, given that it is arguably arguably the paradigmatic achievement of Foucault's genealogical works to demonstrate to us that power does not work on us first and foremost in the form of law or rules at all, but through subtle techniques that produce us as the sorts of subjects we are. Further, it is the explicit thesis of the first volume of *The History of the Sexuality* that we are *not* the subjects of a "repressed" sexuality - whether by Christian values or Victorian mores - that would be something positive and free if we could only lift these restraints. To think that Foucault is worried about the replacement of Greek "ethics" by a moral code - and especially a "repressive" one - is to have misunderstood his diagnosis.

In his lecture course on *The Hermeneutics of the Subject*, Foucault explains himself on this point:

It seemed to me that one of the most interesting dimensions of [Greek ethics] was that the basic framework of modern European sexual morality was to be found in this regimen of

*aphrodisia*, rather than in so-called Christian morality, or worse, in so-called Judeo-Christian morality.<sup>69</sup>

That is to say, it is *not* in Christian morality, and *a fortiori* not in the supersession of Greek “ethics” by Christian “morality,” that we find the earliest traces of what will become *our* sexual morality. In 1984, Foucault references “that ‘fiction’ called Judeo-Christian morality,” claiming precisely that it would be a mistake to locate the roots of ‘our sexual morality’ in “prohibitions” or the “form of law,” and as early as 1978, Foucault was claiming that, in fact, “there is no Judeo-Christian morality.”<sup>70</sup> What he means, in this case, is that there is nothing particularly novel in terms of the content of moral codes given to us by the Judeo-Christian tradition.<sup>71</sup> Rather - and somewhat surprisingly - a certain sort of “austerity” with regard to sexual conduct was already present in the lives of the Athenian elite, in the form of rules for self-mastery that echo in the rules for sexual conduct we have today.

For Foucault, the content of the moral code - the sorts of acts that have been proscribed in widely accepted rules of conduct - is relatively continuous, from classical Athens to our time. One conclusion that he draws from this is that “morality” isn’t that interesting at all, and certainly is not the target of his critique. And yet, because there obviously *have* been incredible transformations in our experience of sexual activity, perhaps culminating most recently in the emergence of something called “sexuality,” another obvious conclusion is that *something else must have altered* in the transition from antiquity to the Christian era, and beyond:

I am not supposing that the codes [i.e. what we might call “morality,] are unimportant. But one notices that they

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<sup>69</sup> *The Hermeneutics of the Subject*, p. 2.

<sup>70</sup> *The Use of Pleasure*, p. 251; *Security, Territory, Population: Lectures at the Collège de France 1976-1977* (Ed. Michel Senellart. Trans. Graham Burchell. New York NY: Palgrave Macmillan: 2007), p. 191.

<sup>71</sup> At least with regard to sex.

ultimately revolve around a small number of principles: perhaps men are not much more inventive when it comes to interdictions than when it comes to pleasures. Their stability is also rather remarkable; the notable proliferation of prohibitions (concerning permitted or forbidden places, partners, and acts) occurred rather late in Christianity. On the other hand, it appears - *and this is the hypothesis I would like to explore here* - that there is a whole rich and complex field of historicity in the way the individual is summoned to recognize himself as an ethical subject of sexual conduct. *This will be a matter of seeing how that subjectivation was defined and transformed, from classical Greek thought up to the formulation of the Christian doctrine and pastoral ministry concerning the flesh.*<sup>72</sup>

If moral codes remain strikingly stable and constant between the ancient pagan and Christian eras, what changes is what Foucault calls “subjectivation,” that is, the way in which we *become* (ethical) subjects at all, and the sorts of ethical subjects that are available for us to become. And the means by which subjectivation takes place include what Foucault variously calls the “technologies” or “practices” or “pragmatics” of the self, and of which the “aesthetics of existence” that so concern commentators like McNay and O’Leary are but an episode:

Taking the example of sexual behavior and the history of sexual morality, I tried to see how and through what concrete forms of the relation to self the individual was called upon to constitute him or herself as the moral subject of his or her sexual conduct. In other words, once again this involved... the analysis of forms of subjectivation,... through the techniques/technologies of the relation to self, or, if you like, through what could be called the pragmatics of self.<sup>73</sup>

Foucault, unlike Hegel or Williams does not separate out “morality,” as some sort of distinctive set of obligations, construed as rules, or motivations, whether overly rational or not, from “ethics.” He does not do so because he is not interested in opposing some one set of directives for living to another. As mentioned, it’s important to note that

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<sup>72</sup> *The Use of Pleasure* p. 32. Emphasis mine.

<sup>73</sup> *The Government of Self and Others*, p. 5.

Foucault does not come to the Greeks looking for “solutions” to contemporary problems. What he wants to do, rather, is to investigate - in *The History of Sexuality*, at least - is how the practice of pleasure was “morally problematized.” He is looking at how certain acts or behaviours or situations came to be problematized, and he comes to the investigation of the technologies of the self *not* as some sort of alternative ethics, much less a normative framework underwriting the critical attitude displayed in his works of the mid-70s, but rather precisely to *explain* the problematization of the pleasures in ancient Athens, insofar as these technologies play a role in *constituting* ethical subjects, or the sorts of ethical subjects, for whom the pleasures *are* problematic. It is, I think, utterly remarkable how rarely this is noted, when Foucault is so clear about it; again I can only think to attribute the apparently overriding urge to treat the technologies of the self as an ethical recommendation by Foucault, in the face of so much evidence to the contrary, to, the effect of his reception by critics held in thrall by a certain way of construing our ethical relations to the world, and each other.

If Foucault is going to investigate how we come to be the sorts of subjects for whom some course of action or set of passions - e.g., for Foucault, in the ancient world, the love of boys, or, in the Christian world, those stirrings of the flesh that constitute our concupiscence - become problematic, and in turn how we may, in wrestling with those problems, come to be transformed, he is going to have to deal with the rules or principles by which conduct has been assessed. And he refers to this as a “moral code,” the set of rules and interdictions to which a moral agent may (or may not) be held accountable and may (or may not) conform.<sup>74</sup> This is as near as Foucault gets to the manner in which “morality” is characterized by Williams or Hegel, and it is not particularly close; he is absolutely indifferent as to what might *ground* these prohibitions

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<sup>74</sup> *The Use of Pleasure*, p. 25.

and interdictions, whether it be overly abstract rationality or custom or teleological necessity or what have you, and he certainly does not take the demands of “morality” in this sense to be overriding or hegemonic. Rather, he takes the moral code to be an absolutely integral, if less interesting for his purposes, part of unified moral conduct:

There is no specific moral action that does not refer to a unified moral conduct; no moral conduct that does not call for the forming of oneself as an ethical subject; and no forming of the ethical subject without “modes of subjectivation” and an “ascetics” or “practices of the self” that support them. Moral action is dissociable from these forms of self-activity, and they do not differ any less from one morality to another that do the systems of values, rules, and interdictions.<sup>75</sup>

To see how they hang together, let us look at each a little bit closer.

As discussed, there is the morality, or code, in relation to which one evaluates one’s actions, intentions, etc. determines one’s standing, and makes adjustments as need be. For example, the proscription “Do not lie” would be an element of a moral code.

There is, second, the determination of the ethical substance, that is, of the ultimate subject of moral evaluation, that which one works to control, improve, manage, etc. Just *which* part of the subject is ultimately evaluable? A paradigmatic example of the determination of ethical substance, vis-à-vis Kant’s moral theory, would be the will. Ultimately, what matters for Kant is one’s will, one’s moral intentions. The moral evaluation of actions, consequences, states of affairs, etc. are all subordinate to the evaluation of the will. What matters is that one wills the right thing for the right reasons. In relation to the proscription mentioned above, what matters is that one never wills to lie, and does not do so not for prudential reasons but out of duty.

Third, the form of *ethical work* required by must be determined. Must, for example, the subject constantly survey her will in order to make sure that it accords with

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<sup>75</sup> *The Use of Pleasure*, p. 28.

the moral code, or is all that is required for her proper ethical conduct a sort of conversion experience, one that - if conditions are correct - will bring her will into the right sort of state? For Foucault, importantly, one works on oneself in this way not only to bring one's actions or intentions in line with the moral code but also to genuinely make oneself the ethical subject of one's conduct. To use our Kantian example, one carefully inspects the motive for one's will not simply in order to police oneself, to make sure one's actions and intentions are in accord with the law, but in fact in order to be the ethical subject of one's action. In distinguishing rational autonomy from sensible inclination, the Kantian sets herself a task, a task of surveillance and of striving (a pathos that continues through the tradition of German Idealism) that must actually be taken up in order that one become the subject of one's actions, the task of autonomy.<sup>76</sup> Foucault's preferred examples in the late writings often come from the Stoics, and he discusses at length the manner in which, for example, various practices of writing worked as "techniques of the self," working - for example - to bring one's self-image into alignment with the perceptions of others, or to integrate traditional wisdom with the diverse and fragmented deliverances of everyday experience.<sup>77</sup>

This brings us to the "mode of subjection" or "subjectivation," the style or way in which one relates oneself to both the code and the substance. As Foucault notes, this can be a matter of seeing oneself as the sort of subject whose very *being* is essentially determined *through* its subjection to the moral code (as, perhaps, is true to some degree of religious ethics). But, Foucault says, there can be other ways of doing so: "One can

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<sup>76</sup> In the *Religion*, even Kant is fairly clear about this; even if the alignment of the will with "reason" could only ever happen in an instant moment of conversion, we finite beings must continue to discipline ourselves as if it were a gradual process, due to the fact that we can never be exactly sure about the praise- or blameworthiness of our motivations.

<sup>77</sup> Cf., for example, "Self-Writing," in *Ethics: Subjectivity and Truth*, pp. 207-222. See especially pp. 220-221.

practice [determining and conducting one's ethical substance in relation to a moral code], too, [for example] because one regards oneself as an heir to a spiritual tradition that one has the responsibility of maintaining or reviving; one can also practice fidelity in response to an appeal, offering oneself as an example, or by seeking to give one's personal life a form that answers to criteria of brilliance, beauty, nobility or perfection."<sup>78</sup> To continue with our Kantian example, one determines one's will as the ethical substance and oneself as responsible for it, obliged to subject it to the moral law because, ultimately, one has the possibility of being a rational, autonomous, self-legislating being; one styles oneself as an ethical subject out of respect for the self-given Law, out of respect for one's potential for autonomy. One has to do one's duty not out of mere momentary inclination, nor as part of a long-term project of aesthetic self-shaping, but for the sake of duty.

Finally, there is the moral *telos* or goal towards which one aims; for the Utilitarian, for example, it is a state of affairs, the state of affairs in which the maximal good for the maximal number of people is obtained. For the Aristotelian, it is something like achieving excellence in one's human functioning. For the Kantian, the absolute ideal would be a world in which virtue and happiness were always to be found in perfect proportion.<sup>79</sup>

It is clear that the discussion of "ethical subjectivity," and of the various elements that constitute such subjectivity, has nothing at all to do with opposing "ethics" to "morality," and it has nothing to do with the recommendation of "ethical subjectivity" in contrast to some alternative way of being a subject. Rather, Foucault's discussion of

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<sup>78</sup> *The Use of Pleasure*, p. 27.

<sup>79</sup> Foucault's discussion of these elements of ethical subjectivity can be found in UP, pp. 25-32. My presentation of them here reproduces in part my discussion in "Ricoeur and Foucault: Between Ontology and Critique" [*Études Ricoeurriennes/Ricoeur Studies* 4(2) (2013):90-107].

the modes of subjectivation and technologies of the self (which are always related to a moral code) serves as an “analytical grid” or a “principle of intelligibility,” a way of analyzing - as can be seen even in the brief examples given above - multiple different ways of taking oneself or treating oneself *as* subject to a moral code, whether Stoic or Kantian or utilitarian or what have you. So, if Foucault is not attempting to replace an allegedly destitute or domineering “morality” with ethics, why is he interested in these different ways of making moral action intelligible to ourselves, and of rendering different ethical subjects intelligible?

The answer, I take it, is really quite straightforward. Foucault is interested in what he calls “moral problematization,” in the ways that certain activities, actions, or inclinations have, historically, come to be problematic for those engaged in them. The historical point is, precisely, that such problematizations *have* occurred; e.g., the love of boys *became* intensely problematized, at a certain moment in Classical Athens; the stirrings of the flesh *became* intensely problematized at a certain moment in the history of the Church. And the novel analytical point that Foucault wants to make is that *they did not become problematic due to violating a code*; it is not simply as if these practices or inclinations had been ignored, and upon their discovery were found to be in violation of a moral or religious or legal code. Rather, these phenomena present problems for the “relation of the self to itself,” as Foucault calls it, that is enacted or established through the technologies of the self. And these problems are not, in general, addressed through the development of a more refined system of law or prohibition, but through the emergence of *new* technologies, or the expansion and transformation of the old. Moral problematization and the technologies of the self go hand in hand for Foucault because they are integral parts of his analysis: to explain moral problematization requires appeal



to the technologies of the self, and the analysis of the technologies of the self illuminates how moral problematization occurs.

For example, with respect to the problematization of the love of boys, that Foucault finds so crucial for the genealogy of sexuality, it is not that all of a sudden the Athenian elites realized that it was *wrong* or *bad* or *vicious* to love boys. It was not discovered to be “against the rules,” nor was it legislated to be so when it raised problems. Rather, out of a complex collection of ways of becoming an (exclusively male) ethical subject, which included developing one’s active capacities and avoiding passivity at all costs, and thus involved developing *enkrateia* or a proper mastery of one’s appetites and pleasures, the love of boys is problematic insofar as it may reveal a weakness on the part of the lover. And, according to Foucault, we see, as an example of a response to this sort of problematization, the establishment of a new set of technologies of the self: “... they elaborated a courtship practice, a *moral reflection*, and - as we shall see - a *philosophical* asceticism, around [the love of boys].”<sup>80</sup>

But the love of boys was not simply problematized because of the threat it posed to the self-mastery of the ideal Athenian citizen. Perhaps more threatening is the risk of inhibiting or retarding the initiation or induction of the beloved young boy into the way of life of the adult Athenian male, of his transition into a certain status, in short, the *passivity* of the beloved with respect to his lover might taint the boy’s honour, or shame him, in a manner hard to reconcile with his eventual entry into the ranks of Athen’s citizenry:

The preoccupation of the Greeks... did not concern the desire that might incline an individual this kind of [homo-erotic, pederastic] relationship, nor did it concern the subject of this desire [primarily]; their anxiety was focused on the object of pleasure, or more precisely, *on that object insofar as he*

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<sup>80</sup> *The Use of Pleasure*, p. 214, emphasis mine.

*would have to become in turn the master in the pleasure that was enjoyed with others and in the power that was exercised over oneself.* It was here, at this point of problematization (*how to make the object of pleasure into a subject* who was in control of his pleasures), that *philosophical* erotics, or in any case Socratic-Platonic reflection on love, was to take its point of departure.<sup>81</sup>

In order to make sense of the development of new (and in this case, philosophical) ascetics, Foucault refers to the problematization of the love of boys, and in explaining problematization of the love of boys it had been necessary to refer to the various technologies and practices of the self that had constituted the Athenian citizen as an exemplar of self-mastery, ruler of himself, his household and, jointly, his polis. Together, the concepts of moral problematization and the technologies of the self serve to render these Greek practices intelligible, altering our understanding of the complexities of historical transformation. Their function is more historiographical than moral.<sup>82</sup>

As we have seen, Foucault, like Pritchard, sees our moral reflection as beginning in the face of *problems*, situations or courses of conduct that arise and - without necessarily constituting a violation of a moral or legal code - nevertheless render problematic our customary or everyday way of life, throwing a wrench, as it were, into the technologies by which we are formed and form ourselves as ethical subjects and inhabitants of a particular way of life: the question is raised as to *how ought I (or we) go on?*

Pritchard was skeptical of the ability of moral philosophy to give a sort of foundational justification for any particular question of the form “Well, why *ought* I do X?” The problem, he felt, was that the obvious, and peculiarly *moral*, force of the “ought” in question was *primitive*; it was only in virtue of the recognition of that force,

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<sup>81</sup> *The Use of Pleasure*, p. 225, emphasis mine.

<sup>82</sup> My account here is consonant with Koopman’s insofar as the point for Foucault is, I think, not just to show *that* certain practices or forms of knowledge have emerged historically, with their particular sets of rules, modes of action, etc., but *how* they have done so. Problematization is a key notion in explaining this *how*.

and its manifest tension with other urges, inclinations, or demands placed on an agent that the moral question arises in the first place. His own response was to embrace intuitionism, the view that we somehow immediately *intuit* our duties and obligations. Foucault himself made remarks that seem close to a form of intuitionism, such as when he famously stated that, with regard to the problems of the prison system, “*Simplement, je perçois l’intolérable.*”<sup>83</sup> Nevertheless, I think it is clear that Foucault does not endorse intuitionism or *any* particular form of moral epistemology. Rather, he recognizes that the immediacy or priority of the norms we confront in the course of our everyday lives is just part of what it is to inhabit a particular way of life. We have always already been formed as, or called to be, ethical subjects, with all the complex forms of ethical work, subjectivation, and so on, that this entails, but to be formed so is not to be an automaton; the regular and unthinking guidance that our ways of life, or ways of being ethical subjects, afford us can confront problems, to which, sometimes, only a transformation in our techniques for living are capable of responding.

Pritchard also thought that some forms of moral philosophy (probably unwittingly) worked to dissolve or transform moral problems, rather than answering the moral questions raised in response to them, as, for example, when it is argued that what one *ought* to do is in fact what best serves one’s interests. Desires are brought into alignment with the obligation in question, thus dissolving the problem, but the question isn’t answered, and the ethical subject in question must be (at least) tacitly committed to the assertion that, in this case at least, what one ought to do is indulge one’s desires. To take another example, the development of what Foucault calls the “Socratic-Platonic erotics” approach to philosophy does not, in fact, simply answer the question of “how

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<sup>83</sup> “Je Perçois l’Intolérable,” *Dits et écrits 1954-1888. Tome II 1970-1975*. (Ed. Daniel Defert and François Ewald. Paris. Gallimard: 1994), p. 1073.

ought I love (or eschew loving) boys?” but rather introduces a new set of technologies, new ways of relating to oneself and working upon oneself in service of a new goal. The question of “how ought I love (or eschew loving) boys?” - if it remains at all - is transformed in the context of a project of transcendence. One can be reconciled to one’s way of life, or that way of life can be transformed, without providing what would be considered, strictly speaking, a justification for that way of life. Foucault takes a step back, so to speak, from engaging in first-order normative ethics to see more clearly the forms of life in which such an enterprise arises, and how it manages to gain purchase. We have outlined how these forms of life might come to be problematized, and transformed through the development of new technologies of self-shaping. Before seeing just how Foucault challenges the very ground from which his critics challenge him to provide a normative framework, the following two sections will investigate how Foucault characterizes those forms of life whose constitution and transformation he studies.

## FOUCAULT'S ARCHAEOLOGICAL EXCAVATION OF THE SPACE OF REASONS

### §2.1 The Trouble with Freedom

In this section, I want to ward off misunderstandings of Foucault's work that might arise when confronted with the apparent change of focus in Foucault's work, from anonymous structures of power in the 16th century and after, to highly personal and individualized modes of self-formation in Ancient Athens. We have seen that the appeal to technologies of the self and moral problematization in Foucault is not intended to find new "moral models," as Hadot puts it, but rather as an attempt to render intelligible what Foucault, in describing the reorientation of the entire project of *The History of Sexuality*, calls "the history of desiring man," to understand ourselves historically without relying on tired explanatory tropes of individual ingenuity or autonomous social dynamics. It is precisely with the Platonic transformation of the technologies of the self that we find "ground broken for a future inquiry into desiring man... [T]he tradition of thought that stems from Plato was to play an important role when, much later, the

problematization of sexual pleasure was to be reworked in terms of the concupiscent soul and the deciphering of its arcana.”<sup>84</sup>

But nevertheless, very insightful readers of Foucault’s work have been struck by the *way* that Foucault writes about these ancient practices. As James Porter puts it, Foucault often presents these ancient practices as revealing a different, *freer* sort of life:

The contingency of sexual norms bespeaks vast freedoms, a kind of unheard-of malleability and plasticity of subjectivity, if not a complete emancipation from normativity. This line of approach is known among classicists as a mode of existence “before sexuality,” when sexual behaviors were fluid, not essence-defining, and not yet divided by desire and its repression, and among postmodern exponents [including, allegedly, Foucault] as an emancipatory “self-fashioning” ...<sup>85</sup>

He sees Foucault as endorsing the claim that “the modern subject is *culturally* constructed, while the ancient subject is [freely] *self-constructed*,” where self-construction is understood as morally preferable to, presumably because freer than, cultural construction.<sup>86</sup> Lois McNay argues that the elite Athenian individuals whose modes of self-fashioning intrigue Foucault were “allowed much greater freedom [than the contemporary subjects of Christianity-inflected sexual morality] in the interpretation and application of the demands of austerity to their own lives.”<sup>87</sup> And, to be fair, Foucault does sometimes talk in this way:

These themes of sexual austerity should be understood not as an expression of, or commentary on, deep and essential prohibitions, but as the elaboration and stylisation of an

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<sup>84</sup> *The Use of Pleasure*, pp. 244-245. I should note here that the “tradition of thought that stems from Plato” likely includes the Stoics and Epicureans, and thus one cannot, for example, unproblematically valorize, on Foucault’s behalf, the laudable Stoic modes of self-fashioning as against a pernicious Christian “hermeneutics of the subject,” as some are wont to do. A “golden age of self-cultivation” is not, in and of itself, something Foucault recommends. See, for an example of this, Michael Ure, “Senecan Moods: Foucault and Nietzsche on the Arts of the Self” *Foucault Studies* 4 (2007):19-52.

<sup>85</sup> “Foucault’s Ascetic Ancients,” p. 123.

<sup>86</sup> “Foucault’s Ascetic Ancients,” p. 123

<sup>87</sup> *Foucault: A Critical Introduction*, p. 135.

activity in the exercise of its power and the practice of its liberty.<sup>88</sup>

McNay cites this same passage, italicizing the phrase “the practice of its liberty” to emphasize the possibility that Foucault might actually think the Greeks possessed “more” freedom than we do. However, one might very well have emphasized “the exercise of its power.” For Foucault, whatever freedom might be manifested in stylized Greek responses to the moral problematization of sexual pleasure, they are no less the establishment and maintenance of power-relations. As I have been arguing, his investigations into the ethical practices of classical Athens remain part of genealogical project, and trying to draw this quick contrast between “self-construction” and “cultural construction,” or between what “strong and free individuals living their lives as works of art”<sup>89</sup> and whatever benighted condition we find ourselves in now, is too quick by half.

Foucault himself, in a different context, explicitly takes issue with the idea that one ought to make evaluative comparisons and contrasts of the various historical periods he covers in his research. Foucault resists such comparisons “for two reasons. One is factual and the other is a reason of method and principle...

The factual reason first of all. What sense is there in saying, or simply wondering, if [for example] an administrative monarchy like that of France in the seventeenth and eighteenth centuries, with all its big, heavy, unwieldy, and inflexible machinery, with its statutory privileges which had to be recognized, with the arbitrariness of decisions left to different people, and with all the shortcomings of its instruments, allowed more or less freedom than a regime which is liberal, let’s say, but which takes on the task of continuously and effectively taking charge of individuals and their well-being, health, and work, their way of being, behaving, and even dying, etcetera? *So, comparing the quantity of freedom between one system and another does not in fact have much sense.* And we do not see what type of demonstration, what type of gauge or measure we could apply.

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<sup>88</sup> *The Use of Pleasure*, p. 47.

<sup>89</sup> Paras, *Foucault 2.0: Beyond Power and Knowledge* (New York. Other Press: 2006) p. 127.

This leads us to the second reason, which seems to me to be more fundamental. This is that we should not think of freedom as a universal which is gradually realized over time, or which undergoes quantitative variations, greater or lesser drastic reductions, or more or less important periods of eclipse. It is not a universal which is particularized in time and geography. *Freedom is not a white surface with more or less numerous black spaces here and there and from time to time.*<sup>90</sup>

While it is obvious to all but the most hardened utilitarians that quantifying morally salient qualities such as freedom is absurd, Foucault's point here is that what is of import when speaking of freedom (as in this case, but also, I take it, of other normatively important or valuable concepts) is not a property or set of conditions, and certainly not one we can unproblematically pick out and compare across historical periods from a detached perspective.

I would like to note well that this is not the same thing as claiming something like "There is no such thing as freedom," and we should be careful not to attribute such a position to Foucault. We should be especially careful not to assume that, because Foucault thinks that power-relations or techniques of power *constitute* subjects, he thinks that subjects are somehow unfree *in virtue* of being so constituted. One finds such sentiments expressed frequently in discussion of Foucault. But it's not at all clear that, when Foucault speaks of power producing or constituting subjects, that he is invoking a *causal* notion of production or constitution in a way that would conflict with more libertarian intuitions about freedom. The thought that *any* notion of the constitution or production of subjects would *necessarily* be deterministic, or close enough to our everyday ideas of causal determination to raise problems requires ignoring deep and complex

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<sup>90</sup> *The Birth of Biopolitics*, pp. 62-63, emphasis mine. In this lecture, Foucault is, admittedly, discussing the meaninglessness of trying to compare pre-liberal French government with other forms, but the point, it seems, is quite general, and should be heeded by any commentator tempted, for example, to hold up the punishment of Damien as evidence that things were "better" or "more free" before the dominance of disciplinary society.



debates about compatibilism and incompatibilism. After all, it is no foregone conclusion that some event, action, or agent's being determined precludes that event, action, or agent's freedom. It may even be the case that such determination is a necessary condition *for* one's freedom. For the moment we will bracket such concerns, and come at the problem of freedom in Foucault's work from a different direction.<sup>91</sup>

It should be uncontroversial to claim that there are multiple concepts of freedom operative in political life. For example, it is to Isaiah Berlin that we owe the most straightforward characterizations of two of these: negative liberty (as the absence of external constraint or coercion) and positive liberty (as having the resources to or meeting the conditions, often quite substantial, for the *mastery* of one's own life or actions). It seems clear that these are both really conceptions of *freedom*, and it seems equally clear that either can be embodied to various degrees in our everyday and political lives. So, on the face of it, one could read Foucault's claim regarding the incommensurability of freedom across different historical periods as being a claim to the effect that, while one could perhaps assess greater or lesser degrees of either negative or positive freedom, it does not make sense to say that there is some single privileged sense in which one regime is more free, *simpliciter*, than the other.<sup>92</sup>

But Foucault's aim is more radical than that. He makes no specific reference to positive or negative freedom. The reason is not, I think, that he was unfamiliar with the exact manner in which we, following Berlin and Benjamin Constant before him, draw the distinction, but also likely because these two options amount to a far too restrictive view of what freedom might mean. Even in contemporary Anglophone political philosophy,

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<sup>91</sup> Johanna Oksala has remarkably thoroughly explored what might be called the more "ontological" dimensions of freedom in Foucault's work. See *Foucault on Freedom* (New York: Cambridge University Press:2005). My approach diverges from hers, though I take it my conclusions are compatible.

<sup>92</sup> Assessing Foucault's work in these terms is, in fact, central to the criticisms made by Charles Taylor, and his subsequent debate with Paul Patton.

we find, for example, Philip Pettit's influential "republican" conception of "freedom as anti-power," which tries to carve a middle ground, of sorts, between positive and negative freedom, in which the central concern is with non-interference, as with Berlin's conception of negative freedom, construed not primarily in terms of *actual* interference, but rather as in freedom from *potential arbitrary* interference. On Pettit's account, the proper antonym of freedom is not interference but *slavery*; his notion of freedom is not as strong as self-mastery but rather a more minimal notion of "non-domination." If Berlin is useful to set up the initial contrast between different sorts of freedom, the allusion to Pettit's work is useful to demonstrate how conceptions of freedom can proliferate. It is especially useful insofar as he notes that this conception belongs to a history, and he and Berlin both note that the import of all these conceptions of freedom derives from the fact that their advocates are motivated by *what they want to avoid*, whether it simply be external constraint or some form of slavery. To the extent that there are these - and, importantly, other, different - rival conceptions of freedom vying for primacy in any political community, Foucault is correct to say that there is not much meaningful content to comparative assessments of such communities in terms of freedom *as such* and, further, he is right to note that freedom, in the relevant sense, is not some "white space," that is, not in and of itself some unsullied and metaphysically basic sense of unconstrained agency.<sup>93</sup> Rather, freedom in the relevant sense is something that emerges out of relations of power, between governed and governors (even if the governed are would-be self-governors), in terms of what is demanded, and what is deemed - to use an appropriately Foucauldian phrase - *intolerable*.

We saw in the previous section that Foucault begins *in media res*; the analysis of moral problematization and the technologies of the self arise in a context in which

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<sup>93</sup> It is not clear to me, at least, that a notion of unconstrained agency is even intelligible.

“ethics, or the exchange of ethical reasons and observations, [is] an ‘already going concern.’”<sup>94</sup> If they weren’t such “going concerns,” they wouldn’t be part of the practices, habits, and institutions susceptible to problematization.<sup>95</sup> And so it is with the demand for freedom. The limits of what will be tolerated, of the unfreedom deemed acceptable, by the participants of political life are going to be determined - as much as they are determinate - at least in part, by the form of life they inhabit, their everyday ethical practices and habits, and these limits are not likely to ever be fully determinate insofar as everyday ethical practice is shot through by contestation: over the meanings of concepts, hierarchies of values, and so on.<sup>96</sup>

The claim here is that there is no one metaphysically or morally interesting property, such as, e.g., being able to act on the basis of one’s desires, or having the capacity to do otherwise than what one does, or being in some sense the “source” of one’s actions, that is also in and of itself normatively fundamental, or calls out for safeguarding against encroachments. In the context of one’s form of ethical life, one might find that certain encroachments upon action *do* violate some consciously held

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<sup>94</sup> Sabina Lovibond, *Ethical Formation* (Cambridge MA. Harvard University Press: 2002) p. 108. In this passage, Lovibond is herself citing John McDowell, *Mind and World*, (Cambridge MA. Harvard University Press: 1994), p. 125.

<sup>95</sup> There is no need to assume that sharing a form of life, including an ethical form of life, entails consensus on all ethical judgments or, more broadly, in matters of practical concern. Indeed, the “exchange of ethical reasons and observations” need not be the primary or fundamental expression of a form of life. More to the point is that the inhabitants of such a form of life are able to navigate their daily lives with each other fluidly, precisely in an “everyday” or “ordinary” manner. This is completely consonant with a great deal of judgmental variation. It might be more important, rather, that among the various potential sources of discord or dissensus, that those sharing a form of life at least tacitly are in accord as to which *matter*.

<sup>96</sup> Failures to really account for the pervasiveness of contestation, it seems to me, doom Rorty-inspired radically pragmatic accounts of, e.g., meaning, truth, justification, etc. We cannot say that these things just *are* what a community agrees on, or lets us get away with, as this ignores the fact that communities are always somewhat divided, and there is always someone who won’t let us get away with it. And this dissensus, unless properly understood, will be where realists attack such pragmatists. The beginnings of a radical pragmatist/naturalist response can be found in the work of Huw Price. See, for example, “Truth as Convenient Friction” in *Naturalism without Mirrors* (New York NY. Oxford University Press:2011), pp. 163-183

moral value or principle, such that, for example, medical paternalism on the part of doctors or hospital boards violates the autonomy of one as a patient, or the action of entrepreneurs in establishing a monopoly violates the right of consumers to express themselves through choice. Or it might be that some form of freedom is demanded *negatively*, on the basis of a related moral violation; the police force breaking up a strike might simply be *brutal* and *cruel*, resulting in a call for rights not to safeguard anything positive and determinate, but as a bulwark against *that*. There is no single antonym of freedom, but there have been - at various times, in various contexts - many obstacles to it: from slavery to imprisonment, from poverty to laziness, from “mass society” to, it is sometimes claimed, “society” as such.

The important thing is that there is no clear-cut meaning of freedom that has any normative force on its own, as far as Foucault is concerned. And, I take it, “freedom” is not unique in this regard; the same could be said of any of the complex network of normative notions and practices into which the concept and claim to freedom are embedded. We do not grasp our normative concepts, like freedom, rights, injustice, well-being, or vice, merely in having some articulable sense of how to apply a moral rule to some normatively mute state of affairs (though sometimes grasping moral concepts will enable such applications). Nor can we grasp any one normative notion independently of a rich set of normative notions, in terms of which we can make sense of what it is or would be, say, to be vicious, or have broken a promise, or to have rendered another’s livelihood precarious. And, certainly, we don’t grasp such concepts in being acquainted with some *non*-normative fact or state of affairs. In brief, it is best to

understand Foucault as rejecting what might be called “the myth of the normative given.”<sup>97</sup>

## **§2.2 Sellars, The Myth of the Given, and the Space of Reasons**

Wilfrid Sellars introduced the notion of the “myth of the given” at least in part to combat traditional empiricist and foundationalist programmes in epistemology. Sellars’ primary target, in invoking the myth, is the notion that there might be some sort of experience - the given - that could serve to ground the epistemic status of other content-bearing states, itself graspable and in fact knowable independently of any of these derivative states. The given is the non-inferential *ground* of all inferentially gained and propositionally articulated knowledge. Sellars rejects this vision of knowledge, emphatically.<sup>98</sup> Similarly, Foucault rejects the idea that there are foundational normative concepts such that we could be in possession of them without grasping a web of related moral concepts, and understanding the normative relations between them, *and* rejects the idea that such foundational concepts could (or are needed to) bestow positive moral status, or to legislate, or legitimate, other moral judgments. We begin in a complex normative web, without clear-cut or consistent conceptual hierarchies. Exploring the rejection of that myth, as developed by Sellars and his followers, will help us gain some insight into Foucault’s position.

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<sup>97</sup> Benedict Smith uses a similar phrase in his *Particularism and the Space of Moral Reason* (New York. Palgrave MacMillan:2011). His discussion is insightful, though, given the aims of this essay, my use diverges somewhat from his.

<sup>98</sup> The rejection of the myth of the given stands at the inception of a wide range of post-positivist philosophy. For a brief but detailed overview of Sellars’ own argument supporting the rejection the myth of given, see Devries, “Wilfrid Sellars,” in the Stanford Encyclopedia of Philosophy ([plato.stanford.edu/entries/sellars](http://plato.stanford.edu/entries/sellars)), section 4.

Sellars' rejection of the myth is in part an expression of his rejection of a particular vision of knowledge, and a broader conception of the human being's relation to the world, a vision in which human beings stand in isolation from a world, giving rise to the urgent metaphysical and epistemological tasks of finding a bridge from (representational) thought to world. If the nature of the primary cognitive relation between propositional thought and the world is *representational*, the correctness or accuracy of at least *some* of those representations will be necessary; skeptical worries aside, it makes no sense to think of a relation as representational if it cannot be said to successfully represent at all. The given serves this role, giving us unmediated contact with the world in a way that secures the epistemic standing of derived states.

Sellars gives us an alternative to this picture; for him, the human being does not stand *apart* from the world, but in a "space of reasons" *within* the world, and our practices of knowing are not, or not primarily, a matter of the neutral representation of a particular state of affairs:

The essential point is that in characterising an episode or state as that of knowing, we are not giving an empirical description of that episode or state; we are placing it in the logical space of reasons, of justifying and being able to justify what one says.<sup>99</sup>

The image of the "space of reasons" is attractive, at least in part because of its suggestiveness. It has been developed in various different ways over recent decades, and it would be foolish to attempt to do full justice to the thought of Sellars and his heirs here.<sup>100</sup> Nevertheless, some important features of this image should be noted as, I take

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<sup>99</sup> *Empiricism and the Philosophy of Mind*, (Cambridge MA. Harvard University Press: 1997), p. 76.

<sup>100</sup> Obviously the work of John McDowell and Robert Brandom must be mentioned in this regard. For a discussion contrasting their respective development of the notions, and placing them in a fascinating conversation with Soviet Marxist philosophy, see David Bakhurst, *The Formation of Reason* (Malden MA. Wiley Blackwell:2011), Ch. 5.

it, they figure into the vision of the “subject” and its relation to the “games of truth” or “regimes of veridiction” that interested Foucault so much.<sup>101</sup>

First of all, invoking the image of the “space of reasons” serves to disabuse us of foundational questions. Subjects, persons, human beings, do not stand in isolation from a world of which they must then come to somehow have accurate representations. Rather, an inhabitant of the space of reasons is always *in media res*, is *thrown* - to use Heideggerian language - into this space. This is consonant with Foucault’s approach to everyday practices, forms of life, and their problems. To be placed in the space of reasons, as an individual, is to be held accountable and, accordingly, to have or be attributed both a stock of concepts at one’s disposal with which one might attempt to justify oneself; to be in the space of reasons is to be able to navigate, or be held responsibly for not being so able, a rich web of normative relations. The point is that an inhabitant of the space of reasons stands in a very different relation to the world than the traditional subject of empiricist philosophy. There is no need to establish some privileged or foundational relation to the world, as one is, in general, not in an epistemic void subject to skeptical anxieties.

This is not to say that inhabitants of the space of reasons are immune to error. One’s actions are subject to rational evaluation, to censure and criticism, and one is subject to demands for explanation and justification. One can act in ways that one is not entitled to act, one can make assertions to which one is not entitled, one can violate the commitments that issue from previous actions or assertions, and so on. And others can hold us accountable for these errors. But the point is that neither the justifications demanded of us, nor the criticisms we seek to raise, need to have a foundation in any

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<sup>101</sup> The term “regime of veridiction” appears, as far as I know, for the first time, in *The Birth of Bio-politics*, p. 35, though the discussion of “practices” of veridiction run throughout the text. Foucault notably refers to the objects of his analyses as “games of truth” in *The Use of Pleasure*, p. 6.

particular, privileged ahistorical type of experience or body of knowledge. What is unacceptable and where explanations come to an end vary according to context. The norms governing justification, explanation, and so on are not best thought of as being a matter of clearly defined and uniformly applicable *rules*, all the way down; what rules there are are *instituted* in practices that, though shot through with normative relations, are not *wholly* governed by *articulable* rules, at the very least.<sup>102</sup>

Beyond the fact that asking for a foundation for these norms in terms of articulable rules would lead to an infinite regress, practices rely on a wide variety of factors, such as bodily skill and comportment, shared attention, senses of meaningfulness, and so on. In other words, a form of life is the only sort of “foundation” that our practices, and their norms, have or require. But this is not a serious problem for anyone playing the “game of giving and asking for reasons,” or anyone engaged in the “game of truth.” In analyzing or discussing the space of reasons, there is neither a need for or possibility of stepping outside of it. When Sellars writes that, in calling some episode “knowledge,” one is not merely *describing* but *ascribing* a certain normative status, opening that episode up to challenge and critique, the implicit

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<sup>102</sup> This Wittgensteinian idea is articulated well by Stanley Cavell: “That there are no explanations which are, as it were, complete in themselves, is part of what Wittgenstein means when he says, “In giving explanations I already have to use language full-blown . . . ; this by itself shows that I can adduce only exterior facts about language” (*Investigations*, § 120). And what goes for explaining my words goes for giving directions and for citing rules in a game and for justifying my behavior or excusing my child's or for making requests . . . or for the thousands of things I do in talking. *You cannot use words to do what we do with them until you are an initiate of the forms of life which give those words the point and shape they have in our lives.* When I give you directions, I can adduce only exterior facts about directions, e.g., I can say, “Not that road, the other, the one passing the clapboard houses; and be sure to bear left at the railroad crossing”. But I cannot *say* what directions *are* in order to get you to go the way I am pointing, nor *say* what my direction *is*, if that means saying something which is not a further *specification* of my direction, but as it were, cuts below the actual pointing to something which makes my pointing finger point. When I cite or teach you a rule, I can adduce only exterior facts about rules, e.g., say that it applies only when such-and-such is the case, or that it is inoperative when another rule applies, etc. But I cannot *say* what following rules is *überhaupt*, nor say how to obey a rule in a way which doesn't presuppose that you already know what it is to follow them” (*The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. Oxford University Press. New York NY. 1999, p.184.



point is that to inhabit the space of reasons is to be *partisan*, at least to some extent; one is not standing outside the space of reasons, but taking up a stance of one's own within it. To characterize someone as *knowing* X is to claim that the relevant party is entitled to believe X, does in fact believe X and, finally, just to endorse X oneself.<sup>103</sup> No individual can survey the world as it is, so to speak, and enter the space of reasons with some sort of trump card that would put an end to the game of giving and asking for reasons.

Thus, acknowledging one's placement in the space of reasons, one's partisanship or partiality or - to use a term of which I am less fond - the perspectival nature of the stance one is afforded involves the firm rejection of what has been called "the view from nowhere," the "God's eye" perspective on the world and the subject's relation to that world. Beginning in the middle of the game of giving and asking for reasons, sustained by a shared form of life, there is no issue of getting *the* world right, or getting in *the* single right relation to the world. Such an endeavour misunderstands what it is to be an inhabitant of the space of reasons, already related to the world in myriad ways, through an array of diverse practices. To invoke a God's eye view, or a sovereign perspective, may serve to characterize our inchoate sense of what it would mean to be "finished" with inquiry, but it does not serve to name a point of view that can be gained within the space of reasons that would be authoritative in and of itself. Any epistemic authority that someone might have, even God, depends on its being granted, that is, on us making ourselves accountable to that person. And the reasons we have for doing so will always

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<sup>103</sup> Cf. Robert Brandom, *Reason in Philosophy: Animating Ideas* (Harvard University Press, Cambridge MA, 2009), especially "Why Truth is Not Important in Philosophy," pp. 156-176.

be the partial, partisan reasons available to us in the game of giving and asking for reasons.<sup>104</sup>

Though Foucault never knew Sellars or the the manner in which he and his heirs articulated their vision of the rational subject's place in the world, their views resound strikingly with his. And his approach to the "space of reasons" may be equally illuminating, insofar as he interested not just in the game of giving and asking for reasons, which is but the tip of the iceberg constituted by our everyday bodily, material, and discursive practices - our form of life - but rather in "forms of a possible knowledge, normative frameworks of behavior for individuals, and potential modes of existence for possible subjects."<sup>105</sup> At the very end of his life, this was his manner of characterizing the three foci or "axes" of his project of "historical ontology."

### **§2.3 Placing the Space of Reasons in the Arena of Power**

It does not seem too much of a stretch to think of the "forms of a possible knowledge" that Foucault wished to investigate as particular regions of the space of reasons:

First of all I tried to study the formation of forms of knowledge with particular regard to seventeenth and eighteenth century empirical sciences like natural history,

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<sup>104</sup> Brandom understands this point well. Cf. his "An Arc of Thought: From Rorty's Eliminative Materialism to his Pragmatism" in Alexander Groeschner, Colin Koopman, and Mike Sandbooth (ed.) *Richard Rorty: From Pragmatist Philosophy to Cultural Politics* (New York NY. Bloomsbury:2013), pp. 23-30 Even the idea that our beliefs ought to be accountable to the "way the world is" in some objective sense is a matter of our ceding such authority to the world; this in itself is unproblematic, unless we think of the world as somehow exerting that authority over us from beyond, and in virtue its being "beyond." I take it that such a situation is akin to the one Hegel means to describe as the "unhappy consciousness," that was popularized in interwar France by Jean Wahl, influencing the basic Sartrean existentialist view of human-being-in-the-world, and rejected thoroughly by Foucault.

<sup>105</sup> *The Government of Self and Others*, p. 3. Emphasis mine.

general grammar, and economics. For me, these were only an example for the analysis of the formation of forms of knowledge (*savoirs*). It seemed to me that if one really wanted to study... the matrix for the formation of forms of knowledge, one should not analyze the development or progress of particular bodies of knowledge, but rather one should identify the *discursive practices* which were able to constitute the matrices of possible bodies of knowledge, and study *the rules, the game of true and false, and, more generally, the forms of veridiction in these discursive practices*. In short, it was a matter of shifting the axis of the history of the contents of knowledge towards the analysis of forms of knowledge, of the discursive practices that organize and constitute the matrix element of these forms of knowledge, and *studying these discursive practices as regulated forms of veridiction*. For some time I have tried to bring about a shift from the contents of knowledge to forms of knowledge, *and from forms of knowledge to discursive practices and rules of veridiction*.<sup>106</sup>

Though Foucault's phrasing may in places suggest that his view of the structures of rational space are purely formal, in some neo-positivist or neo-Kantian sense, I have stressed that he indeed thinks of discourse *as a practice*, in which we - embodied, historical beings - are permitted to make some moves and sanctioned for others. In his archaeological work he delves in painstaking detail into the various canons of explanation, underlying models, and evidentiary relations taken to be credible in the history of various human or social sciences, and the constitutive role that these play in the very emergence of, e.g., political economy, natural history, biology, or general grammar. One might very well call these the architecture or infrastructure of the space of reasons, or at least some part of that space; Foucault is interested in how it is we have rational discourse at all, though he is clear that in moving from an epistemological assessment of the "contents of a knowledge" to limning the normative relations or

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<sup>106</sup> *The Government of Self and Others*, p. 4. Emphasis mine.

“structures” of our discourses, he is doing something quite other than providing a justification or foundation for them.<sup>107</sup>

Foucault characterizes the second sort of object of his historical ontology as “normative frameworks of behaviour.” Now, it must be stressed that, in Foucault’s language, a “normative framework” does not mean the same thing that it does in the mouths of his critics, which was discussed in §1.3. It is not an *external* moral or ethical system by which one might seek to evaluate, as if from outside, the forms of life and everyday practices that make up our history. Rather, normative frameworks of behaviours, as Foucault uses the phrase, are *immanent to* and *embodied within*, in fact *constituting*, these forms of life, these practices, and, in turn, the space(s) of reason they support. They are not guides by which a theorist might presume to legislate over a form of life, but are the very *object* of Foucault’s investigation:

Second, it was then a matter of analyzing, let’s say, the normative matrices of behavior. Here the shift did not consist in analyzing Power with a capital “P”, or even institutions of power, or the general or institutional forms of domination. Rather, it meant studying the techniques and procedures by which one sets about conducting the conduct of others. That is to say, I tried to pose the question of norms of behavior first of all in terms of power, and of power that one exercises, and to analyze this power as a field of procedures of government. Here again the shift consisted in passing from analysis of the norm to analysis of the exercise of power, and passing from analysis of the exercise

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<sup>107</sup> Nothing I’ve said here should be too controversial. My characterization of that project should in fact resonate with Dreyfus and Rabinow’s broad understanding of archaeology as an investigation into the conditions of “serious meaning,” if not with the details, insofar as any “serious” utterance with scientific purport is bound by these rules of reasoning and evidence. If there is any slight novelty here, it is in suggesting further resonances between Foucault’s thought and that of Sellars and the broader “Pittsburgh School,” as opposed to say, Kuhn. Indeed, I am tempted to say that the tendency to read Foucault as focusing on Kuhnian problems is at least in part an artifact of the latter’s incredible impact in the post-positivist Anglophone philosophical landscape. And I am not even the first to suggest similarities between Sellars’ thought and Foucault’s; see, e.g., Mark Lance and Todd May “Two Dogmas of Post-Empiricism: Anti-Theoretical Strains in Derrida and Rorty” *Philosophical Forum* 25(4) (1994):272-309. But all this, again, is completely consistent with approaches to Foucault’s archaeology that stress his indebtedness to the very different tradition of French epistemology.

of power to the procedures of, let's say, governmentality. In this case my example was criminality and the disciplines.<sup>108</sup>

Foucault was always adamant that he was not providing a *theory* of power.<sup>109</sup> And we can grant that his interest was not in analyzing “capital-P” power, in the same way that he is not interested in what might be called “capital-F” freedom; there is no interesting thing of that sort. If there is no particular feature of agency that is always and everywhere defended under the aegis of “freedom,” neither is there some historically constant “power” that either augments it or impedes it. Of course, individuals and institutions may exert force on others, and may - as Foucault puts it - attempt to “conduct the conduct of others,” but Foucault is not even interested in this phenomena *in general*. Rather, he is interested in the specific and concrete techniques and procedures by which the conduct of others may be conducted; “conduct” here is a capacious enough concept to include obvious senses of the direct control or indirect manipulation of the behaviour of others, but also more subtle modes of directing, shaping, managing, administrating, and otherwise impacting the behaviour of individuals.

I want to stress that it is not *power* in and of itself that concerns Foucault, or even “disciplinary power” or “bio-power” as such, but rather the *techniques* and *procedures* by which behaviour is shaped, sometimes in disciplinary, sometimes in biopolitical ways, and likely in various ways that he never managed to investigate himself. This makes sense, given Foucault's focus, discussed in §1.4, on the technologies of the self, which are no less techniques and procedures for conducting one's own conduct; moreover, this characterization goes back to his major early statements about power: "'Discipline' may

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<sup>108</sup> *The Government of Self and Others*, p. 4.

<sup>109</sup> And if he was not, in fact, giving us a theory of *power*, perhaps the best-known and most central concept in his post-1970 work, it seems even less likely that he was ever intent on giving us a normative moral *theory*.

be identified neither with an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedures, levels of application, targets; it is a ‘physics’ or an ‘anatomy’ of power, a technology”.<sup>110</sup>

The techniques and procedures by which conduct is conducted include, of course, the pre-reflective shaping of bodily conduct, at the level of brute behaviour; this is part of what Foucault is getting at when he describes the techniques of disciplinary power as aiming at the production of “docile bodies.” But behaviour does not take place in a void, and a form of life is not built up out of interpretations of otherwise mute movements. Behaviour is shaped and directed, certainly, but in our forms of life and everyday practices there is no bare behaviour, but rather intelligible action, not merely rationally evaluable but in fact *responsive* to reasons. We can be appropriately chided for laughing at an in-law’s racist joke, for the inappropriateness of this behaviour, and we hang our heads, appropriately, *because* we are ashamed. All of this shapes the space of reasons we inhabit, and our standing within it.

Insofar as action is rationally intelligible, in the sense of responsive to and expressing reasons, from the bottom up, Foucault wants to claim that *bringing* subjects to be responsive to reasons in this way, initiating them into a form of life, is a matter of power-relations. He rejects any sort of contrast between a “natural” or “free” knowledge, and power-relations that could only serve to obscure or distort or mask the truth. Foucault never tries to *reduce* truth or knowledge to power-relations, but nevertheless the two are linked. The human being does not come on the scene, so to speak, with an originary will to know the world, but has to be formed and shaped into the sort of being for whom knowledge, inquiry, and objectivity come to be valuable and meaningful at all. As he puts it, by way of explicating some remarks from Nietzsche in a

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<sup>110</sup> *Discipline and Punish*, p. 215.

lecture during the alleged transition from Foucault's "archaeological" to his "genealogical" period:

...knowledge is absolutely not inscribed in human nature. Knowledge doesn't constitute man's oldest instinct; and, conversely, in human behavior, the human appetite, the human instinct, there is no such thing as the seed of knowledge... Knowledge is simply the outcome of the interplay, the encounter, the junction, the struggle, and the compromise between the instincts. Something is produced because the instincts meet, fight one another, and at the end of their battles finally reach a compromise. That something is knowledge...<sup>111</sup>

This conviction in the *unnaturalness* of knowledge, of the subject's knowing relation to the world, remains constant in Foucault:

Perhaps, too, we should abandon a whole tradition that allows us to imagine that knowledge can exist only where the power relations are suspended and that knowledge can develop only outside its injunctions, its demands, and its interests. Perhaps we should abandon the belief that power makes mad and that, by the same token, that renunciation of power is one of the conditions of knowledge. We should admit, rather, that *power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful)*.<sup>112</sup>

*Pace* critics like Habermas, Foucault is not at all interested in unmasking knowledge-claims as "ideology," as falsehood, but rather showing that it is through our formation as subjects that we come to play "games of truth and falsity" at all, and that in playing them we cement our positions in various power-relations. We see this concern in the very structure of *Discipline and Punish*, which moves from a discussion of the bodily discipline that produces docile bodies, to a discussion of the various modes of education to which individuals are subjected, initiated into a particular mode of truth-telling - namely, hierarchical observation, normalizing judgment, and examination - with its particular

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<sup>111</sup> "Truth and Juridical Form," in *Power (The Essential Works of Michel Foucault 1954-1984 Volume III)* (Ed. James Faubion. Trans. Robert Hurley et al. New York NY. New Press. 2000), p. 8.

<sup>112</sup> *Discipline & Punish*, p. 27.

norms, leading finally to a generalized panopticism, that is to say, a technique of power whereby subjects internalize the norms of correct action, holding themselves accountable in the absence of an external authority as if there were such an authority present. And this is precisely what is required by any initiate into a practice; at some point, we just have to obey, and not merely obey mechanically, but obey because we have come to recognize the authority of the reasons for which we act.

In this regard, Foucault's position is similar to that of Robert Brandom, for whom our position in the space of reasons is, precisely, maintained by a sort of "scorekeeping" practiced by others, our interlocutors, educators, trainers, and supervisors; we respond to reasons insofar as we are trained to be able to obey the rules of the game. Some find this conclusion disturbing. John McDowell, for example, distinguishes his interpretation of our position in the space of reasons from Brandom's as "a position according to which initiation into a social practice yields individuals of a special kind, able to achieve standings in the space of reasons by, for instance, opening their eyes; [Brandom's, by contrast, is] a position according to which we supposedly accommodate the very idea of such standings by contemplating subjects individually incapable of achieving them, who somehow nevertheless keep one another under surveillance?"<sup>113</sup>. This manner of putting it is misleading, however; *any* social practice require initiation, a period of apprenticeship and blind obedience. It is the characterization of the nature of that social practice which is at issue.

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<sup>113</sup> McDowell, cited in Bakhurst, p. 151. Bakhurst, a McDowellian, claims that "If we read the second view as making our standing as rational beings dependent on the actual attitudes and judgements of others, the result is an Orwellian vision (note the reference to 'surveillance')". Indeed, given that the original title of *Discipline & Punish* is *Surveiller et Punir*, the reference to surveillance should be well noted.



In fact, the *necessity* of initiation into social practice has been stressed more by McDowell and his followers.<sup>114</sup> This is in part because McDowell is concerned with how we might find room in a more-or-less naturalistic worldview for an autonomous space of reason. His answer is that it is through *Bildung*, an unproblematic sort of enculturation that is “natural” for the sorts of beings we are, that we come to inhabit such a space. Indeed, he comes to call our residency our “second nature.” But if one does not frame the problem in McDowell’s terms, rejecting any lingering Aristotelianism and accepting a more social-pragmatic construal of the nature of the space of reasons, shot through with historical contingency and marked all over by the human serpent, it remains the case that some sort of initiation is necessary. The shape of our practices do not fulfill any human *telos*, and even if there are (incredibly) broad limits to the sorts of forms of life that a human being could really participate in, it is neither the case that such limits determine the shape of any form of life on their own nor that there are any such forms into which human beings effortlessly enter. The contingency of our ways of being in the world are of a piece with the necessity of our being properly formed to inhabit it.

Returning to Foucault, the very *possibility* of “veridiction,” of being a subject capable of speaking the truth and thus of being a partisan in the space of reasons is a matter of *being brought to be* responsive to norms, insofar as the very notions of “truth” and “falsity” are normative notions. The upshot, so clear in Foucault’s work, is that we must be acted upon, governed, *placed* into the normative frameworks of behaviour we inhabit, and this is done through a wide variety of techniques and procedures, comprising what Foucault calls “power.” Reading Foucault in this way also not only allows us to make the best sense of his claims that power is not merely or simply

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<sup>114</sup> Bakhurst is a fine example of this, but see also Lovibond, *Ethical Formation*, and Ch. 7-8 of Kukla and Lance, *Yo! and Lo!: The Pragmatic Topography of the Space of Reasons* (Cambridge MA. Harvard University Press: 2009).

*repressive* but in fact *productive* of subjects, of their objects, and of the relations between them, but also to understand how the production - or constitution - of subjects by power is neither a deterministic nor purely causal affair, and to see the continuity of this concern through his first obviously “genealogical” works and his later inquiries into Greek antiquity:

It is... the technologies of domination and self, which have most kept my attention. I have attempted a history of the organization of knowledge with respect to both domination and the self. For example, I studied madness not in terms of the criteria of formal sciences but to show what type of management of individuals inside and outside of asylums was made possible by this strange discourse. This encounter between the technologies of domination of others and those of the self I call “governmentality.” Perhaps I've insisted too much on the technology of domination and power. *I am more and more interested in the interaction between oneself and others, and in the technologies of individual domination, in the mode of action that an individual exercises upon himself by means of the technologies of the self.*<sup>115</sup>

Here we find Foucault *explicitly* stating that the individualizing technologies, the “technologies of the self” that so occupied him in his final years, are technologies of *domination*.<sup>116</sup> All the ways in which we form ourselves into ethical subjects, that is to say, subjects responsive to norms, to reasons, rules, facts, pleas, and demands, are themselves modes and procedures of power, or of governmentality, of the same kind that occupied Foucault throughout the 1970s.

Of course, this is unsurprising. After all, it was, among other things, Foucault’s description of the function of panopticism that so disturbed his readers. He has this to say of the subject who finds himself in such a field of generalized surveillance:

He who is subjected to a field of visibility, and who knows it, *assumes responsibility for the constraints of power*; he makes them play *spontaneously* upon himself; *he inscribes in himself* the power

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<sup>115</sup>“Technologies of the Self,” p. 225. Emphasis mine.

<sup>116</sup>I have to confess that I find it stunning that this has gone so unremarked.

relation in which he simultaneously plays both roles; he becomes the principle of his own subjection.<sup>117</sup>

One clearly finds the language of agency, or “freedom,” here. Subjects assume responsibility and act spontaneously, actively. This is the sort of language that one might have expected in a conversation about elite Athenian technologies of the self, if one were still committed to the existence of some sort of Foucauldian ethics. And it suggests that there is no important *ethical* difference, perhaps in terms of some sort of contrast between the “cultural” and “self” construction of subjects or the degrees of freedom manifest in each, between the technologies and procedures of power or government and the modes of self-fashioning that interested Foucault, or at least *as such*.

Rather, it seems perfectly appropriate to claim that, in a disciplinary society such as the one described in *Discipline & Punish*, a generalized panopticism regulating conduct according to both patterns of statistical normalcy as well as normatively loaded assumptions about the goals of social cooperation, by means of constant self-surveillance, is part and parcel of the “technology of the self” by which any given individual joins in the everyday practices and ways of life that make up her social milieu. Ancient Greek technologies will of course be very different, and their differing will be in part due to, for example, differently sanctioned sorts of behaviour, aiming towards different ends.<sup>118</sup> It is clearly the case that the technologies that interest Foucault in Greek ethical life are structured wildly different from our own, in terms of an array of

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<sup>117</sup> *Discipline and Punish*, p. 202-203. Emphasis mine.

<sup>118</sup> I am loathe here to make appeal to anything like “values,” especially “different cultural values.” I think that, from a Foucauldian point of view, this gets the order of explanation precisely backwards; the normatively structured sets of practices that Foucault analyzes are *prior to values*, insofar as they get a grip on subjects prior to their being able to formulate any sort of intentionally held values or ideals and, further, though normatively structured such practices are not the institution of some antecedently-held collective value.

aesthetic criteria for conduct, and agonistic modes of interaction.<sup>119</sup> For example, we might, alongside Hannah Arendt, stress the important difference in collective organization between the “social” and the “political.” “Society” as an entity to which all belong, which can be organized in different ways, but nevertheless has certain functions and requirements which must be *administered*, is foreign to Greek thought; *political* organization, that is, collective interaction (albeit only on the part of the privileged) aimed toward manifesting individual excellence through active leadership in the affairs of the city, would play a much greater role in structuring the everyday life and technologies of the self of the Athenian elites.<sup>120</sup> Already, such a distinction makes the difference between panopticism and the aesthetics of the self more intelligible; *of course* disciplinary techniques and procedures transplanted from functionally-organized contexts such as the military and early factories would structure social practice drastically differently than the aesthetic/political techniques and procedures available to a free Athenian male.

The same phenomenon - again, strikingly unremarked by commentators - features prominently in the first volume of *The History of Sexuality*, in which Foucault is much more concerned with the contemporary techniques and procedures of bio-politics. Foucault contrasts his sort of explanatory project with a more Marxist hypothesis, according to which the emergence of bio-political techniques and procedures of

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<sup>119</sup> The aesthetic, the ethical, and the agonistic are tightly linked together in, at least, the Platonic tradition that interests Foucault; consider the *Symposium*, in which the crafting of the most beautiful paean to Love becomes a *contest* (in the wake of a previous aesthetic contest), and one in which the ethical importance of conducting oneself in accord with the “truth” or “being” of Love ultimately comes to the fore.

<sup>120</sup> See *The Human Condition* (*The Human Condition*. 2nd edition. University of Chicago Press. Chicago IL. 1998), pp. 22-49. I do not want to suggest, at least here, that Foucault is a partisan of the *recovery* of the Greek sense of political life in the way that Arendt is, but the distinction she makes is a useful one. Neither do I want to imply that it was because the Greeks *valued* political existence that their lives were structured in this way. That sort of explanation is too facile. Rather, it is best to think of any explicit value that the Greeks placed on political existence as an *effect* of the modes of subject formation available to them, modes that developed contingently in response to the problematization of everyday practices.

sexuality would have been invented to sedate the working classes. This is emphatically *not* the case:

On the contrary, the most rigorous techniques were formed and, more particularly, applied first, with the greatest intensity, in the economically privileged and politically dominant classes. The direction of consciences, self-examination, the entire long elaboration of the transgressions of the flesh, and the scrupulous detection of concupiscence were all subtle procedures that could only have been accessible to small groups of people...

The same can be said of the family as an agency of control and a point of sexual saturation: *it was in the "bourgeois" or "aristocratic" family that... sexuality...was first problematized...* [It] was the first to be alerted to the potential pathology of sex, the urgent need to keep it under close watch and to devise a *rational technology of correction*. It was this family that first became a locus for the psychiatrization of sex. Surrendering to fears, creating remedies, appealing for rescue by learned techniques, generating countless discourses, it was the first to commit itself to sexual erethism. *The bourgeoisie began by considering that its own sex was something important, a fragile treasure, a secret that had to be discovered at all costs...* [though] the deployment of "sexuality," elaborated in its more complex and intense forms, by and for the privileged classes, spread through the entire social body.<sup>121</sup>

We saw that, as Foucault depicts classical Athens, the problematization of the practice of loving boys with respect to the active or passive status of both the lover and beloved boy was focused in part on the maintenance of the normative status of the male citizen as active, and - it seems to be implied - thus as authoritative, capable, competent; a potential leader. But it was also aimed at preserving the normative status of the beloved boy as a potential future citizen, active and authoritative, and hence was troubled by his perceived passivity. The "care of the self" that developed in response to this problem thus concerned both the positions available within a politicized space of reasons, within which one can act and speak with purported authority, and the induction of certain

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<sup>121</sup> *The History of Sexuality, Volume One: An Introduction* Trans. Robert Hurley. New York NY. Pantheon: 1978 (hereafter *HST*), pp. 120-122. Emphasis mine.

candidates into that space. The same is true for the bourgeois European classes with whom the complicated technologies of contemporary sexuality emerged; they feared for their virility, the continued physical and moral well-being of their offspring, all of the complex signs of fitness to *lead*:

many of the themes characteristic of the caste manners of the nobility reappeared in the nineteenth-century bourgeoisie, but in the guise of biological, medical, or eugenic precepts. The concern with genealogy became a preoccupation with heredity; but included in bourgeois marriages were not only economic imperatives and rules of social homogeneity, not only the promises of inheritance, but the menaces of heredity; families wore and concealed a sort of reversed and somber escutcheon whose defamatory quarters were the diseases or defects of the group of relatives—the grandfather's general paralysis, the mother's neurasthenia, the youngest child's phthisis, the hysterical or erotomaniac aunts, the cousins with bad morals.<sup>122</sup>

And it seems clear that the development of the complicated techniques and procedures that constitute what Foucault calls the “*dispositif* of sexuality” themselves originate in a version of the care of the self:

... it seems that the deployment of sexuality was not established as a principle of limitation of the pleasures of others by what have traditionally been called the “ruling classes.” *Rather it appears to me that they first tried it on themselves.* Was this a new avatar of that bourgeois asceticism described so many times in connection with the Reformation, the new work ethic, and the rise of capitalism? It seems in fact that what was involved was not an asceticism, in any case not a renunciation of pleasure or a disqualification of the flesh, but *on the contrary an intensification of the body, a problematization of health and its operational terms: it was a question of techniques for maximizing life.* The primary concern was not repression of the sex of the classes to be exploited, but rather the body, vigor, longevity, progeniture, and descent of the classes that “ruled.” This was the purpose for which the deployment of sexuality was first established, as a new distribution of pleasures, discourses, truths, and powers; *it has to be seen as the self-affirmation of one class rather than the enslavement of another: a defense, a protection, a strengthening, and an exaltation that were*

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<sup>122</sup> *HS1*, p. 124-125.

eventually extended to others - at the cost of different transformations - as a means of social control and political subjugation. *With this investment of its own sex by a technology of power and knowledge which it had itself invented, the bourgeoisie underscored the high political price of its body, sensations, and pleasures, its well-being and survival...*

What was formed was a *political ordering of life... through an affirmation of self*. And this was far from being a matter of the class which in the eighteenth century became hegemonic believing itself obliged to amputate from its body a sex that was useless, expensive, and dangerous as soon as it was no longer given over exclusively to reproduction; *we can assert on the contrary that it provided itself with a body to be cared for, protected, cultivated, and preserved* from the many dangers and contacts, to be isolated from others so that it would retain its differential value; and this, by equipping itself with - among other resources - a technology of sex.<sup>123</sup>

The technologies of the self developed by the bourgeois European classes in the 19th and early 20th centuries are not so narrowly focused on what today goes by the name of “ethics,” the sort of practices that were so salient to Foucault in his investigations of classical Athens, and could perhaps only be so salient prior to the historical emergence of various social or political agencies of direction, administration, education, policing, and so on. It takes nothing away from his analysis of either, nor does it imply any real change in theoretical interest on Foucault’s part, to admit that the institutional and cultural contexts of ancient Greece and modern Europe are wildly different. It does, however, make the continuity in analysis all the more clear. In both cases we see, in response to problems in everyday life and practice, the invention of *technologies of the self* that serve to modify these practices, maintaining and strengthening their positions in a politicized space of reasons, a field of authoritative and often hierarchical relations. If Foucault admits that his investigations shifted from

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<sup>123</sup> *HS1*, p. 122-124. Emphasis mine. At this stage, Foucault had not thought at length about the differing senses and uses of “asceticism.” But there is no real tension between his use of the term here and in his later works; in *HS1*, “asceticism” is simply meant in a more restricted, Nietzschean sense, as life-and/or pleasure-denying.

“technologies of domination” as such to the “interaction between oneself and others, and in the technologies of individual domination,” this is not a turn away from “power” but a shift in emphasis from the impersonal power-relations that structure, for example, everyday life in a “disciplinary society,” which we might call the carceral space of reasons, to the techniques subjects are brought to employ on themselves in order to maintain or transform their standing in those spaces, not just through the exclusion of others but through a sort of self-affirmation, involving, especially, the preservation and initiation of new members of that class, something we see in common between the Athenian and European elites. This in no way undermines the crucial and important differences between the strategies, techniques, and procedures available in Athens and, say, *fin-de-siècle* Vienna. They are drastic. But commonalities and differences can coexist, and the better the analysis, the better we can see this.

It is certainly true that Foucault cared about freedom. In the last piece that he prepared for publication, he described his work as “patient labor, giving form to our impatience for liberty.”<sup>124</sup> But, in his research, was never interested in contrasting the histories of practices of freedom with those of our unfreedom. What we have found, in this section, is that it is fruitful to understand Foucault’s work on *power* as an investigation into the ways in which we are inducted into the space of reasons, where the latter is a distinctive view of how human beings are immersed or engaged in a world through a complex normative web. But Foucault is not simply repeating insights already provided by Sellars and various members of the Pittsburgh School. In the following section, we will see how Foucault crucially improves on our understanding of what it is to occupy a space of reasons.

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<sup>124</sup> “What is Enlightenment?” p. 319.



## §2.4 Historical Ontology and the Archaeology of the Space of Reasons

If “space of reasons” talk can help us to understand what Foucault is doing, namely, investigating how it is that we come to inhabit such a space, it is also the case that Foucault can help us change our ideas about the space of reasons. One important thing to note is that, on Foucault’s view, the topography of the space of reasons varies. I take the term “topography of the space of reasons” from Rebecca Kukla and Mark Lance, who use it in mapping out the different sorts of speech-acts available to agents, and to note that different speech-acts, with different conditions on their felicitous enactment, position agents differently within the space of reasons, that is, bestow different sorts of authority upon agents and entitle them to different sorts of claims. Their work is, in part, a valiant effort to combat what they call the “declarative fallacy,” the idea that the declarative statement is, if not the only sort of speech-act that makes a difference in the space of reasons, the paradigmatic sort; they reject a vision of the space of reason in which the only real move is the exchange of propositions, altering the entitlements and commitments of members of the space of reason as if shifting them in “abstract... Platonic space,” through a sort of disembodied scorekeeping.<sup>125</sup> Their project is admirable, and I have learned a great deal from it. However, I would suggest that, at the level of metaphorical appropriateness, they would have been better served by discussing the “geography” of the space of reasons. Kukla and Lance are particularly interested in the way that embodied rational agents come into contact with the extra-linguistic or extra-cognitive world, with how they place demands on each other, and how they place each other, and other things, in the space of reasons. They are concerned, in

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<sup>125</sup> *Yo! and Lo!* p. 8. Their main target is Brandom, but the criticism applies to Sellars as well.

short, with how things stand, and are located with respect to each other in the space of reasons.

But, for Kukla and Lance, the space of reasons whose geography they map is invariably *flat*, so to speak. Certainly, some speakers have entitlements that others lack, but in general the acquisition of a non-indexical true declaration becomes authoritative for *everyone*; to the extent that we do not possess what has become part of our community's common store of knowledge, we are, at best, epistemically defective and, at worst, culpably so. And, for Kukla and Lance, the authority of these normative statuses, underwriting the binding nature of our commitments, the transmission of entitlements, and the force of imperatives, has its source in the way the world is. They want the world to have genuine *normative* significance for our epistemic practices and endeavours, and to be the source of the *rightness* or *wrongness* of our assertions. And the world exerts the same normative claims over everyone.

Now, I think, Foucault can certainly assent to the claim that the way the world is makes a difference to our practices of asserting. Whether or not it is the case that, for example, the source of national wealth is found in agriculture and the fecundity of the land, depends on the way the world is, and the way the world works. Nevertheless, to admit this does not commit one to there being one unique way the world is; the world might admit of multiple sorts of true description that do not cohere into an intelligible whole. Further, it does not commit one to the claim that the contributions that the world makes to our practices of asserting are the same in all cases of asserting, nor that they can be specified and articulated. Further, and most importantly for my purposes, I take it that Foucault would claim - and I think he would be right in claiming - that the *authority* that the world has in making this difference is not *per se*, and not *simpliciter*. The world doesn't have any bearing on the correctness or incorrectness of anything, independent of

a practice that aims to be correct in some specific manner with respect to the world.<sup>126</sup> In the absence of our epistemic endeavours, the world is normatively inert, though, equally, without many and varied ways of being responsive to our environments, our epistemic endeavours would be unintelligible. In a sense, this is just a repetition of the rejection of the myth of the given; there is no *normatively* significant role to be played by the world or the states of affairs it contains that is independent of our complex normative relationships, that is, of the space of reasons and the complicated attitudes and practices that support and constitute it.

As we have noted, for Foucault there is no basic human drive to knowledge, no innate and unique mode of epistemic behaviour that would form fully if we could but free ourselves from all of the obstacles that block its realization, whether this be ideology or illusion or what have you. I take it that the upshot of this, for him, is that the space of reasons is *not* flat, in the sense that it is *not* the case that, as inhabitants of the space of reasons, we are simply subject to some unique way that the world is, with our initiation into this space of reasons being more or less a matter of coming to have contentful, epistemically productive discourse about the world through the assistance of others - say, parents and teachers - who act merely as functionaries, their authority in correcting or encouraging us being vested in them by an impersonal nature, and effective only insofar as conducive to an ideal of knowledge. Rather, as he puts it:

Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its 'general politics' of truth: that is, the types of discourse which it accepts and makes function as true ; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned ; the

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<sup>126</sup> And we know, now, that our epistemic past is full of very different ways of aiming at “correctness,” or “objectivity.” See Daston and Galison, *Objectivity* (Cambridge MA. Zone Books: 2007) for some case studies.

techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.<sup>127</sup>

Of course, some sort of “pure knowledge” might serve as a regulative ideal *in* the epistemic game of giving and asking for reasons. But, on the one hand, once we discard the myth of the given and the idea of mapping a world from which we stand separated, it’s not at all clear what concrete content that ideal has. And, on the other hand, it is clear that, even if such a regulative ideal can help explain the functioning *of* the game, it cannot, for Foucault, serve as an explanation or, at the very least, a complete explanation of how the game, the shape of the space of reasons, *came to be*.<sup>128</sup> Such an explanation would, of course, be far too Hegelian for Foucault, especially given his intellectual context.<sup>129</sup> Crucial to the character of the “genealogical” approach to the history of thought is a commitment to explanations in terms of contingent interactions, and responses to problematizations, with effects that outstrip the intentions of any historical actor. Foucault characterizes genealogy thusly:

Let us say, roughly, that as opposed to a genesis oriented towards the unity of some principal cause burdened with multiple descendants, what is proposed instead is a genealogy, that is, something that attempts to restore the conditions for the appearance of a singularity [that is, in this case, a particular region of the space of reasons or set of practices in which such space is embedded] born out of multiple determining elements of which it is not the product, but

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<sup>127</sup> “Truth and Power,” in *Power/Knowledge: Selected Interviews and Other Texts 1972-1977*. (Ed. Colin Gordon. Trans. Colin Gordon et al. New York NY. Pantheon:1980), p. 131.

<sup>128</sup> Some, like Alasdair MacIntyre, might argue that we cannot make sense of a practice *at all* without taking into account the conditions for *success* at the practice, that is, without taking account of its *telos*. And it may be the case that we cannot render our practices intelligible to ourselves without reference to such things. But though one can answer the question “Why do we engage in this practice?” by referring to its point, perhaps in conjunction with some reasons *justifying* our engagement, this is perfectly compatible with an answer that explains the genesis of the practice and its *de facto* hold on us in very different terms. That we have a reason for what we do, and even reasons to keep doing what we do, is not the same thing as an explanation of the conditions of our coming to do so.

<sup>129</sup> The deeply engrained anti-Hegelian sentiment of Foucault and his contemporaries is dealt with extensively in Gutting, *Thinking the Impossible*, Ch. 2.

rather the effect. A process of making it intelligible but with the clear understanding that this does not function according to any principle of closure.

There is no principle of closure for several reasons. The first is that this singular effect can be accounted for in terms of relationships which are, if not totally, at least predominantly, relationships of interactions between individuals or groups. *In other words, these relationships involve subjects, types of behavior, decisions and choices. It is not in the nature of things that we are likely to find support.* Support for this network of intelligible relationships is in the logic inherent to the context of interactions [e.g., in the context of the problematization of an existing practice] with its always variable margins of non-certainty.<sup>130</sup>

Our practices, in general, are not “products” in the sense of “realizations of human intentions.” As effects of transformations, ruptures, or small series of changes, there is no *a priori* guarantee that the shape they ultimately take on will be foreseeable. And this should be unsurprising; if the authority behind the normative structure of our practices, of our spaces of and for reason, has its source neither in the way the world is independently of us nor in some fact about human nature, it is, in some sense, brute. After all, to explain the authority that a figure or rule or institution has over one to be initiated, or in the process of initiation, into the space of reasons by appeal to reason is viciously circular. Foucault simply draws our attention to the fact that, if this is so, authority or power is, if not *prior* to reason, at the very least inextricably linked to it without thereby being *grounded* in reason. We see this with striking clarity, for example, in his lectures on psychiatric power in asylums:

This authority within the asylum is, at the same time, endowed with unlimited power, which nothing must or can resist. This inaccessible authority without symmetry or reciprocity, which thus functions as the source of power, as the factor of the order's essential dissymmetry, and which determines that this *order always derives from a non-reciprocal*

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<sup>130</sup> “What is Critique?” pp. 57-58. Emphasis mine.

*relationship of power, is obviously medical authority, which... functions as power well before it functions as knowledge.*<sup>131</sup>

What is the effect of this sort of medical authority? “The condition, therefore, of the relationship to the object and of the objectivity of medical knowledge, and the condition of the therapeutic process, are the same: disciplinary order.”<sup>132</sup> For the moment, we should focus not on the “disciplinary” qualification, but on the fact that the effect of the authority at work in the asylum, that is, of medical authority, is *order*. That order begins with the normative structuring of the asylum space, of all the practices that go on within it, and make possible the development of psychiatric knowledge, or the space of psychiatric reason. And how does this normative structuring work? Through the authority of the figure of the doctor:

[W]hat is the doctor?... [H]ow then does this authority without symmetry or limit, which permeates and drives the universal order of the asylum, appear? This is how it appears in Fodere's text, *Traite du delire*, from 1817, that is, at that great, prolific moment in the protohistory of eighteenth century psychiatry—Esquirol's great text appears in 18187 — the moment when psychiatric knowledge is both inserted within the medical field and assumes its autonomy as a specialty. "Generally speaking, perhaps one of the first conditions of success in our profession is a fine, that is to say noble and manly physique; it is especially indispensable for impressing the mad. Dark hair, or hair whitened by age, lively eyes, a proud bearing, limbs and chest announcing strength and health, prominent features, and a strong and expressive voice are the forms that generally have a great effect on individuals who think they are superior to everyone else. The mind undoubtedly regulates the body, but this is not apparent to begin with and external forms are needed to lead the multitude. "So, as you can see, the figure himself must function at first sight. But, in this first sight, which is the basis on which the psychiatric relationship is built, the doctor is essentially a body, and more exactly he is a quite particular physique, a characterization, a morphology, in which there are the full muscles, the broad chest, the color of the hair, and so

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<sup>131</sup> *Psychiatric Power: Lectures at the Collège de France 1973-1974* (Ed. Jacques Lagrange. Trans. Graham Burchell. New York NY. Palgrave Macmillan:2006), p. 3. Emphasis mine.

<sup>132</sup> Ibid.

on. And this physical presence, with these qualities, which functions as the clause of absolute dissymmetry in the regular order of the asylum, is what determines that the asylum is... a field polarized in terms of an essential dissymmetry of power, which thus assumes its form, its figure, and its physical inscription in the doctor's body itself.<sup>133</sup>

The doctor serves to establish the *normative* order that makes possible knowledge, that is, to shape the space of reasons. Of course, one cannot establish a normative order through brute force, but only through *normative* authority. The topography of the psychiatric space of reasons is not flat; the position of the doctor is elevated. Now, of course, the space of the asylum and the figure of the doctor are not instances of an absolutely generalizable form of authority, nor do they present us with an invariable mechanism for induction into the space of reasons. But, as a case study, it does give us some insight both into the character of Foucault's project and into the shape of the space of reasons, and demonstrates clearly how genealogy, rather than replacing archaeology as a method or type of investigation, is part and parcel of the larger enterprise of historical ontology.

## **§2.5 Rationalities, Persons, and Power**

With respect to the relations between knowledge and power in Foucault's thought, it is useful to remember that he is primarily concerned with the objects of the *human* sciences, namely, ourselves. The idea is that a certain sort of authority must be in place to establish the right sort of order to serve as the preconditions of such knowledge; ways of observing, examining, modifying, and testing human beings. This authority, with respect to those over whom it is exerted, not yet epistemic or rational

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<sup>133</sup> *Psychiatric Power*, pp. 3-4.

authority (though it may be authority held simply by virtue of holding the *title* of “science” or “reason”). As is clear above, this authority at the very least *can* be found in the sheer physical presence of those who give the space of reasons its form. And this is a phenomenon that Foucault is deeply interested in; in the first volume of *The History of Sexuality*, he was concerned with how the “political ordering of life” is structured through the technology of sexuality, and this too is a matter of establishing authority in a thoroughly embodied fashion:

... there was more to this concern with the sexual body than the bourgeois transposition of themes of the nobility... A different project was also involved: that of the indefinite extension of strength, vigor, health, and life. The emphasis on the body should undoubtedly be linked to the process of growth and establishment of bourgeois hegemony: not, however, because of the market value assumed by labor capacity, but because of what the "cultivation" of its own body could represent politically, economically, and historically for the present and the future of the bourgeoisie. Its dominance was in part dependent on that cultivation; but it was not simply a matter of economy or ideology, it was a "physical" matter as well.<sup>134</sup>

As we saw in the previous section, the authority of elite Athenian males was manifest by their *active* role, their manifest virility, such that the practice of loving boys was rendered problematic. A similar dynamic played out among the bourgeoisie in the Victorian era, concerned with preserving authority through various techniques of self-care and self-shaping:

the onanistic child who was of such concern to doctors and educators from the end of the eighteenth century to the end of the nineteenth, this was not the child of the people, the future worker who had to be taught the disciplines of the body, but rather the schoolboy, the child surrounded by domestic servants, tutors, and governesses, who was in danger of compromising not so much his physical strength as his intellectual capacity, his moral fiber, and the obligation to

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<sup>134</sup> *HSI*, p. 125. It is worth noting the stress Foucault places on “cultivation,” which in German is, of course, *Bildung*.



preserve a healthy line of descent for his family and his social class.<sup>135</sup>

In each case, some privileged group develops a new technology of self-shaping, in order to maintain their authority; these qualities - whether it be virility, moral-sexual uprightness, activity, etc. - inspire *obedience*. And it is only in a context of obedience that the game of giving and asking for reasons can begin. One obeys, or is told to obey, before one can ask “why?” or produce reasons not to submit, and this is as true of *modus ponens* as it is of any practical imperative. For Foucault, to be enjoined in the game of giving and asking for reasons is to be, at first, *commanded*.

To treat someone as a subject to be commanded, and to treat someone as an authoritative source of command, are two different ways of *taking* someone as something, that is, of adopting a certain stance towards them as persons. And Lance and Kukla argue in various places, correctly on my view, that to treat something as a *person* is to place it into the “space of reasons.” There is a constitutive connection between the *treatment* of an individual, that is, the stance one takes toward that individual, and her placement in the space of reasons.<sup>136</sup> This means, in part, treating them as subject to the norms of reason, evaluable and accountable to them, and this in turn means being subject to the structures and individuals in whom the authority of those norms and the force of our accountability resides. What Foucault does is disabuse us of the idea that there is a *single* space of reasons or - to slightly modify the metaphor - that the space of

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<sup>135</sup> *HSI*, p. 121.

<sup>136</sup> A paradigmatic statement of a view like this would be Daniel Dennett’s idea of the “intentional stance”: to treat someone as a *person* is to attribute to them a more or less rational mind, and to do so is to take up the “intentional stance” towards them; one interprets their behaviour as the rationally intelligible outcome of various intentional states that one attributes to them, such as beliefs, desires, and so forth. McDowell connects a similar idea from Davidson to the Sellarsian space of reasons, arguing for a constitutive connection between the attribution of rationality and the attribution of mindedness, with special stress on the *irreducibility* of this attribution of rationality to the recognition of some “natural” property of, e.g., human beings. See “The Constitutive Ideal of Rationality: Davidson and Sellars” (*Critica* 30 (88) (1998):29-48).

reasons is uniform. There are different spaces, or wildly varying regions, of reason. Foucault was always quite clear about this. As he put it, in 1980, to an interviewer who wonders whether his critical work might be situated in a Weberian tradition critiquing the “rationalization” of something like Reason-as-Such:

If one calls "Weberians" those who set out to trade off the Marxist analysis of the contradictions of capital for that of the irrational rationality of capitalist society, then I don't think I am a Weberian, since my basic preoccupation isn't rationality considered as an anthropological invariant. *I don't believe one can speak of an intrinsic notion of "rationalization" without, on the one hand, positing an absolute value inherent in reason, and, on the other, taking the risk of applying the term empirically in a completely arbitrary way. I think one must restrict one's use of this word to an instrumental and relative meaning.*

The ceremony of public torture isn't in itself more irrational than imprisonment in a cell; but it's irrational in terms of a type of penal practice that involves new ways of envisaging the effects to be produced by the penalty imposed, new ways of calculating its utility, justifying it, fixing its degrees and so on. *One isn't assessing things in terms of an absolute against which they could be evaluated as constituting more or less perfect forms of rationality but, rather, examining how forms of rationality inscribe themselves in practices or systems of practices, and what role they play within them—because it's true that "practices" don't exist without a certain regime of rationality.*

But, rather than measuring this regime against a value of reason, I would prefer to analyze it according to two axes: on the one hand, that of codification/prescription (how it forms an ensemble of rules, procedures, means to an end, and so on), and, on the other, that of true or false formulation (how it determines a domain of objects about which it is possible to articulate true or false propositions).<sup>137</sup>

And, the year before in his Tanner lecture:

It may be wise not to take as a whole the rationalization of society or of culture, but to analyze this process in several fields, each of them grounded in a fundamental experience: madness, illness, death, crime, sexuality, and so on...

I think that the word "rationalization" is a dangerous one. The main problem when people try to rationalize something is not to investigate whether or not they conform to

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<sup>137</sup>“Questions of Method” in *Power*, p. 229. Emphasis mine.

principles of rationality but to discover which kind of rationality they are using.<sup>138</sup>

The point is that there is not *one* space of reason, but a host of them, operative throughout history, and prone to transformation.

It might be objected, at this point, that this is merely illusory; *everyone* is bound by modus ponens, or whatever axioms one chooses to characterize natural deductive reasoning. To treat someone as a person is to place them in the space of reasons in the sense of attributing to them this basic, stripped-down sort of formal rationality. Even those in the post-Sellarsian tradition who want to maintain a slightly more substantive conception of reason tend to err towards quite bare-boned accounts. Mark Lance and W. Heath White, for example, argue that for individuals to be *persons* really just *is* for it to be appropriate to adopt two appropriate evaluative stances towards them, namely, evaluation of their subjunctive and indicative updating inferences:

Since, as we have argued, subjecthood and agency go together for finite natural creatures, taking someone to be a person is just treating them in this complex indicative and subjunctive fashion. If it is appropriate to treat them this way, they are a person indeed.<sup>139</sup>

Leaving aside the details of these two patterns of inference, it is noteworthy that, in wanting to tie together agency and subjectivity in the concept of a *person*, Lance and White want to claim that taking someone as a person involves placing them in “two spaces of reasons,”<sup>140</sup> insofar as they are subject to the evaluation of two different patterns. And in multiplying spaces of reason, they are on the right track. The problem,

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<sup>138</sup> “*Omnes et Singulatim*: Toward a Critique of Political Reason,” p. 299.

<sup>139</sup> “Stereoscopic Vision: Persons, Freedom, and Two Spaces of Material Inference” [*Philosopher’s Imprint* 7(4) (2007):1-21], p. 12.

<sup>140</sup> “Stereoscopic Vision,” p. 10.

from a Foucauldian point of view, is that they engage in a piece of “transcendental” reasoning:

Thus it seems to be transcendently necessary - “transcendentally” in a modest sense that applies to the finite natural creatures we have been focusing on - that the diachronic space of reason and belief have a dual topography. Any believer, that is, who can count as having empirical knowledge deployable in practical inference will update in both indicative and subjunctive ways. Understanding of the world essentially involves stereoscopic vision.<sup>141</sup>

And, as is well-known, Foucault was resolutely non-transcendental in his thinking:

In all of my work I strive instead to avoid any reference to this transcendental as a condition of possibility for any knowledge... I try... to define the historical conditions and transformations of our knowledge. I try to historicize to the utmost in order to leave as little space as possible to the transcendental.<sup>142</sup>

The problem, that is, involves paring the concept of personhood and, therefore, the space of reasons, down to the minimal collection of inference-patterns deemed to be necessary to have and deploy empirical knowledge. Foucault would claim that this is simply historically false. Our concepts of what it is to be a person, of what it is to be a subject or an agent, are *substantive*, and have shifted and transformed over time, and one does not capture what it is to be a person at any given time simply by pointing out what minimal, more or less formal, patterns of inference all those different sorts of persons must have been committed to. Indeed, as the history of 20th century philosophy of science has shown, it’s not clear that formal logic alone can account for how it is that we come to have empirical knowledge (science being the paradigmatic enterprise of

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<sup>141</sup> “Stereoscopic Vision,” p. 11.

<sup>142</sup> “A Historian of Culture,” in *Foucault Live: Collected Interviews 1961-1984*. (Ed. Sylvère Lotringer. Trans. John Johnston. New York NY. Semiotext(e):1989), p. 79. While there have been “transcendental” readings of Foucault, they have to my mind been decisively answered by Colin Koopman in “Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages,” *Foucault Studies* 8, 2010, pp. 100-121, and subsequent exchanges with Kevin Thompson and Colin McQuillan in *Foucault Studies* 8 and 9.

empirical knowledge-seeking); the failure of a Carnapian programme in the face of criticism from, e.g., Goodman, Quine, or Kuhn, demonstrated the need for a more substantive conception of scientific reason. And Foucault knew this fact well, though coming from a different tradition. He would often, when discussing the post-Kantian tradition of “critique of reason,” emphasize his own position in the tradition of French philosophy of science, a tradition that never really characterized reason in the arid terms of formal logic.<sup>143</sup> And, just as there is no one set of formal rules of inference that characterizes human inquiry, so it is not the possession of or capacity for mastering some such set of rules that characterizes a subject or agent.<sup>144</sup>

To their credit, Lance and White don’t want to strip the space of reasons to just its formal components. For example, they admit that attributing rationality to individuals involves attributing to them a whole set of altered beliefs in the case of the alteration of a single practically salient empirical belief. Moreover, they recognize that *evidential* relations - that is, what counts as a good reason for believing or doing something - are not primarily or fundamentally understood in formal terms, and are difficult to characterize as purely logical. Ultimately, what they want to say is that to attribute rationality to an individual, that is, to *take* that individual as a *person*, placing him or her in the space of reasons, is a matter of attributing them a command of “good” material inferences.<sup>145</sup> For Lance and White, this is constitutively tied up with establishing (the

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<sup>143</sup> Cf., for example, “Structuralism and Post-Structuralism” and “Life: Experience and Science,” both in *Aesthetics, Method and Epistemology*, pp. 433-458 and 465-478, respectively. This tradition is also sometimes called “historical epistemology,” and its most illustrious representatives are Bachelard and Canguilhem, though one could likely trace it back to Poincaré and Duhem, and forward to the works of figures like Lorraine Daston, Mary Poovey, Peter Galison, and (despite his protests) Ian Hacking.

<sup>144</sup> What goes for theoretical reason here goes for practical reason as well. Indeed, it should be much clearer that - whatever “morality” might ultimately be, and Kant notwithstanding - we cannot look back on the moral history of the West and pretend that we ever took moral agency to be *one* sort of thing.

<sup>145</sup> “Stereoscopic Vision,” p. 5.

limits of) the “rational community, those who are ‘one of us’, with whom we can interact mind-to-mind, and those we cannot... The attitudes we invoke to elucidate personhood *constitute practices...*, *practices which constitute a community of [rational] individuals.*”<sup>146</sup> They seem to claim that it is our treatment of individuals as subject to the norms of rationality that places them into a space of reasons, creating a “rational community.” But at the same time they seem to want to say that it is our recognition of individuals as members of that community that secures the *propriety* of that treatment; we do not subject rocks or trees to the norms of reason because we cannot recognize them as members of our rational community, that is, as subjects and agents with whom we might engage.

I want to suggest that, for Foucault, the relation between our “rational community” and the “goodness of material inferences” is complex. First of all, in his archaeological works, Foucault seems to recognize that the goodness of material inferences, that is, those relations that determine what is evidence for what, and so on, are constitutively related to the *content* of our discourses, or what Foucault calls their “objects.” This is a familiar Sellarsian theme, taken up most explicitly by Robert Brandom, for whom the content of our discourses is *exhausted* by their inferential proprieties. Foucault does not take such an extreme position, but he does make clear that his archaeological work, focused on what he calls “the positivities” of discourse, is an inquiry into the constitution of the *content* of discourse. As Foucault puts it:

The positivity of a discourse – like that of Natural History, political economy, or clinical medicine – characterizes its unity throughout time, and well beyond individual oeuvres, books, and texts. This unity certainly does not enable us to say of Linnaeus or Buffon, Quesnay or Turgot, Broussais or Bichat, who told the truth, who reasoned with rigour, who most conformed to his own postulates; nor does it enable us to say which of these oeuvres was closest to a primary, or ultimate, destination, which would formulate most radically

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<sup>146</sup> “Stereoscopic Vision,” p. 6.

the general project of a science. But what it does reveal is the extent to which Buffon and Linnaeus (or Turgot and Quesnay, Broussais and Bichat) *were talking about 'the same thing', by placing themselves at 'the same level' or at 'the same distance', by deploying 'the same conceptual field', by opposing one another on 'the same field of battle'* [in brief, how their discourse had the content it had]; and it reveals, on the other hand, why one cannot say that Darwin is talking about the same thing as Diderot, that Laennec continues the work of Van Swieten, or that Jevons answers the Physiocrats. It defines a limited space of communication.<sup>147</sup>

That is, when Foucault talks about “positivities” - as he does at length in, for example, *The Order of Things* - he is discussing the “field” or space of reasons in which individuals at a given time can talk *about* the same thing, that is, the space of reasons in which our discourses can come to have the objective content they do. And, further, for Foucault, the object, or content, of our discourse transforms through time. The following statement seems worth citing at length:

What, in fact, are medicine, grammar, or political economy? Are they merely a retrospective regrouping by which the contemporary sciences deceive themselves as to their own past? Are they forms that have become established once and for all and have gone on developing through time?

... First hypothesis – and the one that, at first sight, struck me as being the most likely and the most easily proved: statements different in form, and dispersed in time, form a group if they refer to one and the same object. Thus, statements belonging to psychopathology all seem to refer to an object that emerges in various ways in individual or social experience and which may be called madness. But I soon realized that the unity of the object ‘madness’ does not enable one to individualize a group of statements, and to establish between them a relation that is both constant and describable... This group of statements is far from referring to a single object, formed once and for all, and to preserving it indefinitely as its horizon of inexhaustible ideality; the object presented as their correlative by medical statements of the seventeenth or eighteenth century is not identical with the object that emerges in legal sentences or police action; similarly, all the objects of psychopathological discourses

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<sup>147</sup> *The Archaeology of Knowledge* (New York. Routledge: 2002), p. 142.

were modified from Pinel or Esquirol to Bleuler: it is not the same illnesses that are at issue in each of these cases; we are not dealing with the same madmen...

... So that the problem arises of knowing whether the unity of a discourse is based not so much on the permanence and uniqueness of an object as on the space in which various objects emerge and are continuously transformed. Would not the typical relation that would enable us to individualize a group of statements concerning madness then be: the rule of simultaneous or successive emergence of the various objects that are named, described, analysed, appreciated, or judged in that relation? The unity of discourses on madness would not be based upon the existence of the object 'madness', or the constitution of a single horizon of objectivity; *it would be the interplay of the rules that make possible the appearance of objects during a given period of time: objects that are shaped by measures of discrimination and repression, objects that are differentiated in daily practice, in law, in religious, casuistry, in medical diagnosis, objects that are manifested in pathological descriptions, objects that are circumscribed by medical codes, practices, treatment, and care.*<sup>148</sup>

Already at this point, archaeology is shading off into genealogy. Certainly, the investigation of positivities is about the rules, that is, the norms that allow us to have objective discursive content, and these include, for instance, the proprieties of material inference. However, it also involves far more than that. Foucault notes that these rules are given shape by the various concrete ethical, therapeutic, political, and legal practices in which they are embedded, each of these having their own contingent and historical structures of authority. It is these that give our discourse content, that is, give the space of reasons its topography. How does this topography change? Sometimes, certainly, our discourse is altered because we *learn* things, that is, we discover new facts about old objects, coming to realize that a previous theory or way of framing our knowledge. But this is not always the case; sometimes the apparent continuity of a science covers up quite radical changes; for Foucault, it is not because we *learned* something about the source of wealth, for example, that we came to place *labour* at the theoretical foundations

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<sup>148</sup> *The Archaeology of Knowledge*, pp. 35-36.



of political economy. Rather, the two discourses - the analysis of wealth and political economy - are not *about* the same thing; they do not in fact concern the same objects at all.<sup>149</sup> Using the example of medicine, Foucault had to:

recognize that clinical discourse was just as much a group of hypotheses about life and death, of ethical choices, of therapeutic decisions, of institutional regulations, of teaching models, as a group of descriptions; that the descriptions could not, in any case, be abstracted from the hypotheses, and that the descriptive statement was only one of the formulations present in medical discourse. I also had to recognize that this description has constantly been displaced: either because, from Bichat to cell pathology, the scales and guide-lines have been displaced; or because from visual inspection, auscultation and palpation to the use of the microscope and biological tests, the information system has been modified; or, again, because, from simple anatomoclinical correlation to the delicate analysis of physiopathological processes, the lexicon of signs and their decipherment has been entirely reconstituted; or, finally, because the doctor has gradually ceased to be himself the locus of the registering and interpretation of information, and because, beside him, outside him, there have appeared masses of documentation, instruments of correlation, and techniques of analysis, which, of course, he makes use of, but which modify his position as an observing subject in relation to the patient.<sup>150</sup>

The topography of the space of reasons alters, at least sometimes, not due to human intention or human discovery, but through the implementation of new technologies that

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<sup>149</sup> Cf. *The Order of Things*. In *Security, Territory, Population*, Foucault attributes the transformations of natural history, the theory of wealth, and general grammar - the sciences studied in *The Order of Things* - to the emergence of the "population" as an object, a *problematic* object that required new attitudes, technologies, and practices to *govern* it properly: "To sum up, I think that if we look for the operator (opérateur) of transformation for the transition from natural history to biology, from the analysis of wealth to political economy, and from general grammar to historical philology, if we look for the operator that upset all these systems of knowledge, and directed knowledge to the sciences of life, of labor and production, and of language, then we should look to population" (p. 109).

<sup>150</sup> *The Archaeology of Knowledge*, p. 36. I think this series of citations shows, quite clearly, that archaeology and genealogy were always, for Foucault, very tightly linked. I agree with Koopman that genealogy is part and parcel of a "archaeological + genealogical" project on Foucault's part, focused on problematizations, though I think the relationship between the two is far from clearcut (indeed, so far from it that it's not clear that archaeology or genealogy actually refer to stable methods or elements in Foucault's broader project of historical ontology).

have their own logics, their own directedness.<sup>151</sup> It alters through shifts in the status of authoritative figures, and through the development of new methods of measurement and data-collecting. And, importantly, the topography of the space of reasons can be altered by our *treatment of persons*.

The constitution of the “rational community” and the norms constitutive of personhood are reciprocally related. We never just treat someone as “a person.” Taking someone as a person involves taking them as a *sane, healthy, reasonable* person, or not; we place individuals in the space of reasons amidst of whole network of normative relations.<sup>152</sup> And, as not only concepts of illness, madness, and so on alter, but also our forms of treatment, our rules, our practices, and the stances we can take towards individuals, so does what it means to be a person. Foucault puts it as follows in 1983, using madness as an example of how he attempted tying together archaeology, genealogy, and the “pragmatics of the subject”:

Rather, it involved... grasping madness, first of all, as a point from which a series of more or less heterogeneous forms of knowledge were formed whose forms of development had to be analyzed: madness as the matrix of bodies of knowledge which may be of a strictly medical nature, but which may also be psychiatric, psychological, sociological, and so on. Second, to the extent that madness is a form of knowledge, it was also a set of norms, both norms against which madness could be picked out as a phenomenon of deviance within society, and, at the same time, norms of behavior for normal

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<sup>151</sup> This point about the directedness of technologies and practices is noted by Dreyfus and Rabinow, though they are discussing the logic of power-relations in particular: “There is a logic to the practices. There is a push towards a strategic objective, but no one is pushing. The objective emerged historically, taking particular forms and encountering specific obstacles, conditions, and resistances. Will and calculation were involved. The overall effect, however, escaped the actors’ intentions, as well as those of anybody else” (p. 187). For a lengthy discussion of the way that technologies, with their own solidity and logic, shape our moral subjectivity, see Latour, “Where are the Missing Masses? The Sociology of a Few Mundane Artifacts” in Bijker and Law (ed.), *Shaping Technology-Building Society: Studies in Sociotechnical Change* (Cambridge MA. The MIT Press: 1992), pp. 225-259.

<sup>152</sup> Indeed, there have been historical moments taking someone to be a fully responsible person has involved taking them to be a *white, able-bodied* person. Foucault’s analyses allow us to investigate problems of racism, colonialism, and ableism from a new perspective.

individuals, for doctors, psychiatric personnel, and so on in relation to this phenomenon of madness. Finally, third, this perspective involved studying madness insofar as this experience of madness defined the constitution of a certain mode of being of the normal subject, as opposed to and in relation to the mad subject. It was these three aspects, these three dimensions of the experience of madness (form of knowledge, matrix of forms of behavior, constitution of the subject's modes of being) that I more or less successfully and effectively tried to link together.<sup>153</sup>

We see here, just as we would expect from an investigation into a deeply politicized set of rational practices, a focus on norms for practical behaviour and for the production of knowledge, these being mutually constitutive. A person's placement in the space of reasons depends on a whole host of factors beyond the strictly rational, linked to the norms and practices that constitute all the forms of knowledge we have about ourselves, and which constitute our "normalcy" and proper functioning within that space. The spaces of reason that we might possibly inhabit are various, according to what sorts of persons it is possible for us to be. In brief, there have been as many different spaces of reasons as there have been ways to treat each other as persons.

We can see here quite clearly how Foucault might think that power, then, is *productive* of subjects, and we have an at least slightly more concrete sense of what that could mean. Insofar as power-relations are those ways we have of maintaining, shaping, and, in particular, initiating individuals into the spaces of reasons, these power-relations, or forms of governmentality, they do so by determining the treatment of individuals as types of persons and, further, by making those types *possible*; not only madmen, delinquents, homosexuals, or deviants, but also doctors, priests, and aristocrats. So, for Foucault, to the extent that one can speak of *a* or *the* space of reasons, it really *does* have a genuine (and genuinely political) topography; not only are there different spaces, or

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<sup>153</sup> *The Government of Self and Others*, p. 3.

regions, of reason, with different sorts of objects, or objective content, and in fact different types of *persons*, different sorts of subjects and agents. And these different sorts of subject and agents have wildly different normative statuses, including epistemic positions, such that they are able to wield authority or are subjected to it in wildly different ways, sometimes oppressive and sometimes enabling. While we certainly encounter constraint in all of our practices, our practices of reasoning are no more two-dimensional than any of the rest of them.

Let us return to the question of freedom with which we began this chapter in §2.1. I have argued against those who think that Foucault's "late" works attributes to human beings some substantial sense of freedom, usually opposed to sort of (disciplinary or bio-political) constraints placed us through our subjection. I want to suggest that those who think so are confusing the capacity to act with freedom, and freedom with the absence of constraint. Those examples of historical moments in which privileged elites take it upon themselves to shape themselves, whether according to "aesthetic" criteria or in the service of impeccable health and moral hegemony, whether Athenian citizens or the European bourgeoisie, are certainly examples of subjects *doing* things, acting upon themselves in particular ways. These elites are able to act, certainly. There is absolutely no reason to think that power, as Foucault conceives it, is the sort of thing that necessarily restricts action in this way; indeed, insofar as it is what structures, maintains, and initiates us into the spaces of reason, there is a sense in which power-relations are the very condition of genuine *action*, as opposed to mere behaviour. But there is no sense in which this is somehow escaping the networks of power, or the fields of governmentality. Indeed, the ethical self-work of the bourgeoisie, while self-affirmative, is a first moment in the deployment of the *dispositif* of sexuality, while the self-care of the Athenians is a first moment in the development of a whole

hermeneutics of the flesh. Many transformations in the practice of self-care were necessary for something like the Christian “flesh” to emerge, but that does not mean the Greeks were not yet participating in power-relations.

Foucault, when prodded, will admit that “freedom is the ontological condition of ethics.”<sup>154</sup> But, by the same token, he also claims that “freedom may well appear as the condition for the exercise of power (*at the same time its precondition, since freedom must exist for power to be exerted, and also its permanent support, since without the possibility of recalcitrance, power would be equivalent to a physical determination*).”<sup>155</sup> The point, I take it, is that between “ethics,” the “practices of freedom” and those practices constituted by relations of power, there is no significant difference in kind. Becoming an agent and a subject, that is, becoming a *person* depends in important ways on our treatment by others and by ourselves, and the rules governing that and the work of becoming an *ethical* agent is still a matter of entering a space of reasons shot through by power. These relations are not the sort of thing that one escapes.

I should stress again that, though in his analyses Foucault often stresses the transformation of our spaces of reason, of our practices and attitudes, in terms of the “self-affirmation” of a privileged group, as with the “care of the self” in Athens or the deployment of sexuality in the families of the European elites, this does not imply that these groups form a shadowy cabal of political masterminds, manipulating power-relations to their own advantage. Rather, power-relations, *qua* relations, are *prior* to their relata, in much the same way that the rules of baseball determine who is an umpire and who is an outfielder. These two can do different things. And they can train and improve

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<sup>154</sup> “The Ethics of the Care for Self as Practice of Freedom,” in *Ethics: Subjectivity and Truth*, p. 284. We saw in §1.2 that, in this interview, Foucault was reluctant to talk much about the ethical relevance of Greek conduct for the contemporary world.

<sup>155</sup> “The Subject and Power” *Critical Inquiry* 8(4) (1982):790

themselves according to any standard they want, really, aesthetic or athletic or what have you, but it hardly means they've escaped the rules of baseball. And so it is with being a person; one adopts a "person-stance" towards oneself and others, which - concretely - actually involves a whole host of attitudes, technologies, etc., and places one in various (and often hierarchical) relations with others, but these attitudes and stances are not the product solely of will, reflection, or calculation; the positions available are those that exist in the games of truth and power that we play, and though we may switch positions, or strengthen or weaken those we hold, and even contribute to their transformations, we don't invent them. They are simply the techniques that are available to us.

The objects of Foucault's analyses are the practices, technologies, and discourses that constitute the spaces of reasons that we have come to inhabit, and the ways in which we've been brought to inhabit them, the ways in which we have been formed by power-relations, and have come to govern ourselves and others. In doing so, he tracks several, but by no means all, of the techniques and strategies by which we have been brought to *be* who we *are*. We should not then be surprised to find him uninterested in traditional metaphysical worries about freedom with respect to determinism, insofar as he uninterested in characterizing our actions in terms of the complex causal chains of which they form a part. Perhaps these are free in some metaphysical sense. Perhaps not. It's not clear that any theoretical answer to that question would make a difference to the political, ethical, and scientific practices that *do* interest Foucault.<sup>156</sup> Neither is he interested in freedom construed as some *antecedently* determined sphere of action or

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<sup>156</sup> In this, I think Foucault shares the same basic intellectual orientation as P.F. Strawson. Cf. his "Freedom and Resentment" in McKenna, Michael and Paul Russell (eds), *Free Will and the Reactive Attitudes*. (Burlington VT. Ashgate:2008), pp. 19-37. I will discuss this at greater length in the following chapter.

influence that must be either safeguarded or enabled, given that one can only *be* an agent capable of performing genuine actions by entering into power-relations.<sup>157</sup>

It is fitting, I think, that Sellarsians often think of the space of reasons as the realm of autonomy.<sup>158</sup> For Foucault, the space of freedom and the space of reasons overlap as well. But reason and freedom, while not identical with power (and Foucault is always clear about this) are nevertheless enmeshed in networks of power all the way down. The logical spaces of reason, that is, are encompassed by the political arena of power. In the following section, I will bring together my earlier claims about the nature of the demand for normative standards (§1.3) and what it is that we do when we pursue traditional moral philosophy (§1.4) in order to show how Foucault's genealogical and archaeological analyses of our spaces of reason - that is, of who we have been and might be - not only undermines the grounds for such demands but gives us reason to think that they might themselves be problematic.

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<sup>157</sup> Again, I want to stress that this is consistent with Oksala's characterization of a sense of freedom in Foucault as non-subjective and "anarchic," a matter of ruptures or fractures in the conditioning practices in which we are able to act, and also consistent with the sense of freedom as "operational," in her sense of the constant testing of our conditioning practices for such ruptures and fractures.

<sup>158</sup> See, e.g., John McDowell, "Autonomy and Its Burdens," *The Harvard Review of Philosophy* 17(1) (2012):4-15 and David Forman, "Autonomy as Second Nature: On McDowell's Aristotelian Naturalism," *Inquiry* (51)6 (2008):563-580.

## HUMANISM, CRITIQUE, AND HISTORICAL ONTOLOGY

### §3.1 The Prosecutor, the Jurist, and the Universal Intellectual

In 1977, Foucault claimed, in an interview, that in order to carry out his project:

[one] has to dispense with the constituent subject, to get rid of the subject itself, that's to say, to arrive at an analysis which can account for the constitution of the subject within a historical framework. And *this is what I would call genealogy*, that is, a form of history which can account for the constitution of knowledges, discourses, domains of objects etc , without having to make reference to a subject which is either transcendental in relation to the field of events or runs in its empty sameness throughout the course of history.<sup>159</sup>

In 1983, well into what has been alleged to be his “ethical period,” he basically says the same thing, in characterizing the “third axis” of his project:

Finally, the third area involved analyzing the constitution of the subject’s mode of being. Here, *instead of referring to a theory of the subject, it seemed to me that one should try to analyze the different forms by which the individual is led to constitute him or herself as subject...* In other words, once again this involved bringing about a shift from the question of the subject to the analysis of forms of subjectivation, and to the analysis of these forms of subjectivation through the techniques/technologies of the relation to self, or, if you like, through what could be called the pragmatics of self... [This involves] *replacing the theory of the subject or the history of subjectivity with the historical analysis of the pragmatics of self and the forms it has taken.*<sup>160</sup>

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<sup>159</sup> “Truth and Power,” p. 117.

<sup>160</sup> *The Government of Self and Others*, pp. 4-5.



I cite these two passages in support of the claim that Foucault never really stopped doing genealogy and certainly did not stop doing genealogy in favour of ethical theory. We saw, further, in the last chapter that Foucault's archaeology of the space of reasons leads directly, and naturally, into these sorts of genealogical questions. He is concerned with discovering how *subjects* were constituted by entering into discursive practices that are themselves constituted by power-relations, and this never changed (even if he recognized that subjects were also forced, or "led to," "brought to," and "called upon," to relate to *themselves* in certain ways). The historical analysis of our spaces of reason requires, as we have seen, an investigation of the manners in which individuals are treated, or governed, insofar as these are constitutively related to our ways of producing knowledge.

Now, at this point, one might understandably feel somewhat deflated, to the extent that one might see the position that I am ascribing to Foucault as thoroughly nihilistic. Power-relations permeate the production of knowledge, the norms of rationality, and the dream of freedom all the way down. Any hope for an escape from power is dashed. Fair enough. I want to claim that, indeed, Foucault's thought *is* thoroughly nihilistic, as long as we understand that term in the right way. In doing so, I am echoing, for example, Richard Rorty and C.G. Prado, who have claimed that there is an "Americanized" image of Foucault who has been stripped of the disturbing nihilism evident to his European readers.<sup>161</sup> My contribution, such as it is, is to add: this sort of nihilism, properly understood, isn't so bad. Indeed, at a conference devoted to Foucault's work in 1988, his two good friends, André Glucksmann and Paul Veyne, confirmed without reservation (and, notably, without condemnation) Foucault's nihilism:

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<sup>161</sup> Cf. Prado's review of Todd May, *The Philosophy of Foucault*, Notre Dame Philosophical Reviews ([ndpr.nd.edu/news/25133-the-philosophy-of-foucault](http://ndpr.nd.edu/news/25133-the-philosophy-of-foucault))

The term nihilism can be understood in [in at least two] ways. (1) Relativism of values: there is no supreme good. Was Foucault a nihilist in this sense? Certainly. (2) Refusal to create supreme values. God, being dead, cannot be replaced. Was Foucault a nihilist in this sense? Certainly.<sup>162</sup>

Neither Glucksmann nor Veyne felt compelled to defend Foucault in this regard. And, strikingly, neither did Foucault. In the manuscript for the same 1983 lecture cited above, in which Foucault describes his rejection of the “theory of the subject” in favour of the historical analysis of the pragmatics of the self, Foucault includes the following long passage:

What meaning is this enterprise [i.e. historical ontology] to be given?

There are above all its immediately apparent ‘negative,’ negativist aspects. A historicizing negativism, since it involves replacing a theory of knowledge, power, or the subject with the analysis of historically determinate practices. A nominalist negativism, since it involves replacing universals like madness, crime, and sexuality with the analysis of experiences which constitute singular historical forms.

*A negativism with a nihilistic tendency, if by this we understand a form of reflection which, instead of indexing practices to systems of values which allow them to be assessed, inserts these systems of values in the interplay of arbitrary but intelligible practices.*

*Faced with these objections, or to tell the truth, ‘reproaches,’ we should adopt a very firm attitude. For there are ‘reproaches,’ that is to say objections, such that in defending oneself from them one inevitably subscribes to what they maintain. Under these different objections /reproaches, a sort of implicit contract of theoretical decision is assumed or imposed, a contract whose terms disqualify historicism, nominalism, and nihilism from the start: no one dares to declare themselves such and the trap consists in not being able to do anything but accept a challenge, that is to say, subscribe . . .*

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<sup>162</sup> Glucksmann, “Michel Foucault’s nihilism” in Ewald, François (ed.). *Michel Foucault Philosopher*, p. 336. Glucksmann discusses a third way of understanding nihilism as well, regarding an “a-cosmic” worldview, which lies beyond the scope our current concerns. With respect the first two ways of understanding, and affirming, Foucault’s nihilism, Veyne states that he is “in complete agreement with what André Glucksmann has just said, and flattered at this convergence of our views,” (“Foucault and going beyond (or the fulfillment of) nihilism”) in the same volume, p. 340.

To objections that postulate the disqualification of nihilism/nominalism/historicism, we should try to reply by undertaking a historicist, nominalist, nihilist analysis of this current. By this I mean: not construct this form of thought in its universal systematic character and justify it in terms of truth or moral value, but rather seek to know how the constitution and development of this critical game, this form of thought, was possible.<sup>163</sup>

We should understand the charge of nihilism, in this case, as the charge that Foucault fails to provide a normative framework for his works of criticism; this is what he means when he says that “instead of indexing practices to systems of values by which they could be assessed,” he analyses values as internal to practices. In this passage, then, Foucault doubles down on his alleged nihilism; not only does he not find it necessary to respond to the demand for a normative framework, but rather suggests subjecting that very demand to genealogical and archaeological analysis, that is, to the work of historical ontology, in order to discern how it arose, and what it says about who we’ve become.

In §1.3 we saw how the demand for a normative framework can be understood as a demand for set of normative and deliberative principles, perhaps expressing “values,” along with a set of facts that ground these principles, in brief, a demand for an ethical or moral theory, traditionally understood. Now, of course a moral theory includes some of the various elements of ethical subjectivity discussed in §1.4. A moral theory will include a more or less systematic presentation of a moral code (insofar as the prescriptions of such a good can be derived through the application of the normative and deliberative principles provided), and likely a specification of the ethical *telos* to be achieved, as well as of what Foucault calls the “ethical substance.” The upshot of the discussion of Foucault’s work in relation to Pritchard’s in §1.4 was that the activity of *doing* ethical theory or demanding that ethical theory be *done* is both a matter of

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<sup>163</sup> *The Government of Self and Others*, editor’s note, pp. 5-6. Though Foucault did not actually read this note aloud during the lecture, its inclusion in the manuscript is, I think, incredibly striking.

responding to a *problem* and, in general, a way of re-orienting an agent in the space of moral reasons, either by bringing her motivations in line with what she originally thought she had moral reason to do, or by bringing her to accept new commitments, or by clarifying the commitments she already had, etc. And, as was seen in §1.6, re-orienting this agent in the space of reasons may, in some cases, importantly involve new or different ways of *treating* her, of taking her to be a person, involving new relations of authority between agents, new relations of evidence or justification, and so on. Thus, the ways in which we engage in moral discourse or, better, moral discursive practice - whether simply in one's conduct, or in casuistry, or even in genuine *theory* - are ripe for historical-ontological investigation. The question that would concern Foucault is not whether the norms and principles of, say, Enlightenment thought are in some sense valid, true, or legitimate, but rather what has this mode of discursive practice *done* to us; through its adoption, *who have we become?*

Of course, in his opening lectures on the government of self and others, Foucault never actually read aloud the above passage claiming that, rather than responding to the “reproach” of nihilism, one ought to subject the practices in which nihilism warrants reproach to genealogical investigation. But it was not the first time that he had at least pretended to demur from polemics, that is, from responding to the “reproaches” leveled against him, from demands for a normative framework that would somehow locate him along some political spectrum. Paul Rabinow begins an interview with Foucault by simply asking “why don't you engage in polemics?” And Foucault responds, as he seemed at least tempted to do publicly in his 1983 lectures, by engaging in some surreptitious polemics. His strategy is, again, to call into question the role, the personage, the sort of subject that one would have to make such theoretical, practical, or political demands upon him. In the interview with Rabinow, Foucault describes the

activity of engaging in polemics as that of demanding that one's interlocutor meet certain criteria so as not to be disqualified from meaningful discussion:

The polemicist, on the other hand, proceeds encased in privileges that he possesses in advance and will never agree to question. On principle, he possesses rights authorizing him to wage war and making that struggle a just undertaking;... his final objective will be not to come as close as possible to a difficult truth but to bring about the triumph of the just cause he has been manifestly upholding from the beginning. The polemicist relies on a legitimacy that his adversary is by definition denied.<sup>164</sup>

The type of critic who levels the reproach of nihilism at Foucault, then, is sort of critic who engages in the activity of polemics. Indeed, the reproach of nihilism might be a paradigmatic instance of "polemics" in Foucault's sense, insofar as he characterizes it as a "trap" to which one is (almost) forced into responding in order to qualify oneself as a partner to a "theoretical contract." The idea is that one simply *cannot* be a nihilist, one simply *cannot* be without a normative framework, if one is going to be a serious partner in conversation. And Foucault links this sort of polemical engagement with the adoption of a certain kind of intellectual stance, and a particularly "juridical" stance:

As in judiciary practice, polemics allows for no possibility of an equal discussion: it examines a case; it isn't dealing with an interlocutor, it is processing a suspect; it collects the proofs of his guilt, designates the infraction he has committed, and pronounces the verdict and sentences him. In any case, what we have here is not on the order of a shared investigation; the polemicist tells the truth in the form of his judgment and by virtue of the authority he has conferred on himself.<sup>165</sup>

This is not the only time that Foucault has tried to distinguish himself from a certain sort of would-be or failed interlocutor who adopts the same sort of stance. Famously, in "Truth and Power," Foucault tries to distinguish what he does from a certain kind of "left" intellectual, that he calls the "universal intellectual":

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<sup>164</sup> "Polemics, Politics, and Problematization," in *Ethics: Subjectivity and Truth*, pp. 112.

<sup>165</sup> *Ibid.*

For a long period, the [universal] intellectual spoke, and was acknowledged the right of speaking, in the capacity of master of truth and justice. He was heard, or purported to make himself heard, as the spokesman of the universal. To be an intellectual meant something like being the consciousness/conscience of us all..

It is possible to suppose that the "universal" intellectual, as he functioned in the nineteenth and early twentieth centuries, was in fact derived from a quite specific historical figure—the man of justice, the man of law, who counterposes to power, despotism, and the abuses and arrogance of wealth the universality of justice and the equity of an ideal law. The great political struggles of the eighteenth century were fought over law, right, the constitution, the just in reason and law, that which can and must apply universally. What we call today "the intellectual" (I mean the intellectual in the political, not the sociological sense of the word, in other words, the person who uses his knowledge, his competence, and his relation to truth in the field of political struggles) was, *I think, an offspring of the jurist... The "universal" intellectual derives from the jurist or notable.*<sup>166</sup>

With his *repeated* reference to either the polemicist or the “universal” intellectual, Foucault is trying to characterize the same figure. He was quite familiar with objections demanding a normative framework. In response, he consistently gestured at a sort of genealogical or historical-ontological investigation of the stance adopted by those making the demand. On the one hand, Foucault casts the “universal” intellectual, the one charging him with the sin of nihilism, that is, the sin of ultimately having no normative reasons for struggling against “power” that might support his obviously critical intent, into the role of the polemicist. On the other hand, Foucault is resisting being cast in that same role; the polemical universal intellectual is precisely the one who has a robust normative framework, who can speak as the “conscience” of all, that is, who can provide reasons that (at least given ideal conditions) any rational moral agent might be able to

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<sup>166</sup> “Truth and Power,” pp. 126-128. Emphasis mine.

sign off on in support of a particular criticism or suggestion for political action.<sup>167</sup> What needs to be subjected to genealogical investigation, then, is not just the *role* of the universal intellectual as conscience, but also the demand for it, the apparently deep-seated *need* for such a conscience.

Now, what does it mean to say that the universal intellectual - as represented by, say, the Critical Theorist critical of Foucault's work - is a descendant or a derivative of the jurist or notable? Foucault never gave a full, detailed answer to this question, but he nevertheless did speak on several occasions about the emergence of the *court* system, the system in which the jurist has a place, and made highly critical remarks about the court as a juridical institution. These are themes that remain constant concerns throughout the latter half of his career. In the remainder of this section, I will trace his account of that emergence.

In his lectures from 1971 on "Truth and Juridical Form," Foucault details a series of transformations that took place in penal procedures in the Middle Ages. According to Foucault, in certain feudal Germanic cultures lacking the sort of centralizing sovereign power we see emerging during the Renaissance, conflict resolution between or within groups did *not* take place through juridical intervention in the form of a court. What is crucial in this situation for Foucault is that there is no allegedly neutral third party, like a court or magistrate, to adjudicate the situation. And, indeed, there is no such institution because it wouldn't really make sense; the wrong claimed is *not* a purported

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<sup>167</sup> Zach VanderVeen uses the term "representative critique," insofar as the norms presented by the universal intellectual are supposed to be "representative" of the interests or the norms endorsed by some group or community. See his "Bearing the Lightning of Possible Storms: Foucault's Experimental Social Theory" *Continental Philosophy Review* 43 (2010):467-484. I am not convinced that critique, in the sense of the universal intellectual, need be "representative" in this sense. I agree with the spirit of VanderVeen's argument, and the claim that Foucault's mode of critique - centered around the concepts of problematization and the "specific intellectual" - is supposed to be an alternative to the models of critique found in, e.g., the tradition of the Frankfurt School. But I am skeptical of VanderVeen's characterization "intellectual" activity, and not sure that he has given us good reason to think an alternative such as Foucault's is particularly worthwhile. That is what I hope to do in this chapter.

infraction against an independent law, such that some sort of neutral observer could determine whether or not the infraction took place. Foucault further argues that these legal conflicts - cases in which a wrong has been claimed - were handled not through a process of (judicial) *inquiry*, but by means of “tests,” or “ordeals.” The resolution of the conflict could take place through various means, such as the swearing of oaths, the recitation of certain formulae, the attestation of members of the community to one of the parties’ character, physical ordeals, or combats.<sup>168</sup> The claim of a wrong initiated a process of what Foucault calls “ritualized warfare,” a continuation of a private war by procedural means, that did *not* issue in a *judgment* regarding innocence or guilt; it ended with victory or defeat.<sup>169</sup>

Foucault notes that the emergence of a recognizable judicial system in feudal Europe, and the fading of the bellicose model of conflict-resolution, coincides with the centralization of wealth and (armed) force in newly established monarchies. With the establishment of monarchies with these features comes a set of four developments in penal practice that contrast strikingly with the feudal system. First, where the claim/challenge of a wrong, and its potential redress, involved the claim of one against another in a voluntary procedure between two individuals, we see the emergence of a manner of dealing with conflict that is, as Foucault says, “imposed from above on individuals, adversaries, and parties. Thereafter individuals would no longer have the right to resolve their own disputes, whether regularly or irregularly; they would have to submit to a power external to them, imposing itself as a judicial political power.”<sup>170</sup> What is important about this transformation? First of all, we have the first stages of the

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<sup>168</sup> “Truth and Juridical Forms,” pp. 38-39.

<sup>169</sup> “Truth and Juridical Forms,” p. 39.

<sup>170</sup> “Truth and Juridical Forms,” p. 42.



establishment of the sovereign *monopoly* on right.<sup>171</sup> The most explicit statement in favour of the sovereign monopoly on rights would, obviously, be Hobbes' *Leviathan*. In *Leviathan*, subjects contract away their rights to the sovereign, such that, at least fundamentally, one cannot, strictly speaking, *directly wrong* another individual. If one does wrong, one does wrong to the sovereign, directly affronts the order embodied in the law construed as the king's will. Only derivatively will one be wronging another subject; they may be *harmed*, but their claim to being *wronged*, in the sense of having their right(s) violated, is a secondary phenomenon. Foucault repeats the claim many times, into the 1970s, and it forms a central part of his characterization of "sovereign" punishment in *Discipline & Punish*:

Besides its immediate victim, the crime attacks the sovereign: it attacks him personally, since the law represents the will of the sovereign; it attacks him physically, since the force of the law is the force of the prince... The intervention of the sovereign is not, therefore, an arbitration between two adversaries; it is much more, even, than an action to enforce respect for the rights of the individual; it is a direct reply to the person who has offended him... [Sovereign] punishment, therefore, cannot be identified with or even measured by the redress of the injury [of the victim]; in punishment, there must always be a portion that belongs to the prince, and, even when it is combined with the redress laid down, it constitutes the most important element in the penal liquidation of the crime.<sup>172</sup>

So, for example, in such an arrangement, if I confront you with a switchblade and take your wallet as you stumble home some drunken evening, I have not *primarily* wronged you, but rather *broken the law*. After all, in this case, I don't have any *duties* primarily directed at *you*. And it doesn't seem that I can wrong *you* by doing X if I don't have a duty *to you* not to X. I might have a *duty* to obey the law, but this is, so to speak, a monadic

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<sup>171</sup> I take this locution from Joel Feinberg, but emphasize the monopolistic aspect more than he does. Cf. "The Nature and Value of Rights" *The Journal of Value Inquiry* 4 (1970):243-257.

<sup>172</sup> *Discipline & Punish*, pp. 47-48.

duty, or, if it is bipolar, or relational, it is a relation between the sovereign and I.<sup>173</sup> And the opening pages of *Discipline & Punish* examine in gruesome detail the consequences of confronting the sovereign.

The main idea here is that cases of conflict are no longer cases of essentially first- and second-personal interaction between agents, but a matter of establishing something like “social order” from above, replacing the explicitly partisan, medieval mode of resolving conflict.<sup>174</sup> As it happened, historically, the order to be imposed was that determined by a monarch or sovereign, insofar as the law or legal order was considered an extension of the will of the sovereign. But the point stands, I think, even if we no longer think of sovereignty in the same terms. Perhaps we now think that the institution of law is not the embodiment of the will of the sovereign but, perhaps, the representation of the popular or general will, the means for a populace set on self-rule to order itself. Or, one might hope, the institution of positive law comes close to ordering human existence in terms of a *moral* law. In either case, what matters is that we think of the institution of law as a means of ordering our social interactions, and a means that works insofar as individuals are *answerable* or *accountable* to a law that not only exists antecedently and independently not simply of any particular case of being wronged but of any moral action at all, grounding the intelligibility of any subsequent moral claim, such as the claim of being wronged.

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<sup>173</sup> I take the language of monadic vs. bipolar normative relations, especially with respect to rights and wrongs, from Michael Thompson. Cf. “What is it to Wrong Someone? A Puzzle about Justice” in R. Jay Wallace, P. Pettit, S. Scheffler, and M. Smith (ed.) *Reason and Value: Themes from the Moral Philosophy of Joseph Raz* pp. 333-384. Note that this is not quite the same distinction as that between “objective” and “subjective” rights, as discussed by Edmundson in *An Introduction to Rights*.

<sup>174</sup> This is still not *quite* right; there did not yet exist a concept of “society” anything like ours. Foucault is quite aware of this in his history of the emergence of our current concept of “society” in *Society Must Be Defended*. See also Arendt’s brief discussion in *The Human Condition*, pp. 23-24. However, I lack the space here to coin a sufficiently precise concept to capture the sense of the ordering of a collective through the institution of the rule of a law expressing the will of a sovereign.

Foucault calls this latter shift in understanding the intelligibility of a claim of wrong-doing the invention of the “infraction”:

So long as the judicial drama unfolded between two individuals, the victim and the accused, it was only a matter of the wrong that one individual had done to another. The question was whether there had been a wrong committed and who was right. From the moment that the sovereign, or his representative, the prosecutor, said, "I too was injured by the offense," the wrong was not just an offense of one individual against another, but also an individual's offense against the state, against the sovereign as the state's representative; *not an attack upon an individual but an attack against the law* of the state itself. Thus, in the concept of crime the old concept of wrong was to be replaced by that of infraction. The infraction was not a wrong committed by one individual against another, *it was an offense or injury done by an individual to order, to the state, to the law, to society, to sovereignty, to the sovereign.* The infraction is one of the great inventions of medieval thought. We thus see how state power appropriated the entire judicial procedure, the entire mechanism of interindividual settlement of disputes in the early Middle Ages.<sup>175</sup>

It is difficult, I think, to overstate how important Foucault took the invention of the infraction to be, insofar as the idea that a crime is not merely a wrong done to a person but a violation of a law raises the issue of guilt or innocence. One who has broken the law, or committed an infraction, is no longer confronted as an *opponent* within a political field that is always in flux, but rather as *guilty* and thus, in virtue of this new status of guilt, in need of being resituated - whether through punishment or rehabilitation - in the social, political, and moral order. One who hasn't, of course, remains innocent. The law sorts people into categories of innocent and guilty. And, indeed, Foucault characterizes the goal of his political (and, arguably, theoretical) activism of the early 1970s in terms of that distinction:

Consider the actions of the GIP (Information Group for Prisons) during the past year [with which Foucault was heavily involved]. The ultimate goal of its intervention was

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<sup>175</sup>“Truth and Juridical Forms,” p. 43.

not to extend the visiting rights of prisoners to thirty minutes or to procure flush toilets for the cells, *but to question the social and moral distinction between the innocent and the guilty... Our action... seeks to obliterate the deep division that lies between innocence and guilt.*<sup>176</sup>

So, I think it is clear, Foucault - at least in the early 1970s - sees something very problematic about the juridical notions of innocence and guilt, at least in part because of something troubling about the concept of an “infraction,” which gives these notions their sense. In the 1971 lectures, he goes so far as to call the institution of the infraction, along with the other novel elements of the externally imposed juridical process, “diabolical.”<sup>177</sup>

The invention of the *infraction* is part and parcel of the sovereign monopoly on right; the infraction is the violation of this *sovereign law*. I am not just one who has wronged my peer, but a law-breaker, one who has violated rule itself, in violating a rule. There is no opportunity for me to *alter* or *determine* the normative landscape in this confrontation, as there might have been in the feudal “test” or “ordeal,” but only to await the discovery of the facts of the matter. If I have committed a criminal infraction, I am a criminal, which is not *relation* I bear to an individual, to one of my peers, but a *property* of *mine*. This property marks me as a source of *disorder*, such that my punishment - the workings of justice - will also be tied to the restoration of order, an order identified with those *above* me; the very invention of the infraction places all citizens in a position of *submission*. And it is the duty of the prosecutor to figure out if I in fact bear this property, that is, to marshal the evidence, apply the law, and discover the *truth*.

Finally, along with the institution of the law and its infraction, Foucault notes the emergence of the figure of the jurist:

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<sup>176</sup> “Revolutionary Action ‘Until Now,’” in *Language, Counter-memory, practice*, p. 227.

<sup>177</sup> “Truth and Juridical Form,” p. 43.

There appeared a totally new figure, without precedent in Roman law—the prosecutor. That curious personage, who appeared in Europe around the twelfth century, would present himself as the representative of the sovereign, the king, or the master. When there was a crime, an offense, or a dispute between individuals, he would appear as a power that was injured by the mere fact that an offense or a crime had occurred. The prosecutor would make common cause with the victim; he would be behind the one instituting an action, saying: "If it is true that that man did injury to another, I can affirm, as the representative of the sovereign, that his sovereignty, his power, the order that he ensures, and the law that he established have also been injured by that individual. Thus, I too stand against him." In this way, the sovereign and political authority stood in for and gradually replaced the victim. This utterly new phenomenon would enable political power to take control of the judicial procedures. The prosecutor, therefore, appeared as the representative of the sovereign, who was injured by the offense.<sup>178</sup>

*This* figure, the jurist, the prosecutor, is the ancestor of the “universal intellectual” that Foucault is so often criticized for not being, and the demand for whom, and whose function, ought to be called into question.

The prosecutor adopts what I have called above the “juridical stance,” the stance inherited by the “universal intellectual” who accuses Foucault of nihilism.<sup>179</sup> The prosecutor is the agent of the law, that is, a coherent normative framework or theory, which determines, for each, their place in the normative order, that is, their proper normative status and their desert. And is this not what Foucault’s critics demand of him? An authoritative framework that would explain why (and how) he can assign to discipline and bio-politics and “power” the normative statuses that he does? And now we see that in rejecting the framing of normative questions in the way that he does, Foucault is rejecting role of the jurist, the prosecutor, of the “universal” intellectual. He does not engage in “polemics” at least in part because he has no interest in serving as a

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<sup>178</sup> “Truth and Juridical Form,” p. 42.

<sup>179</sup> Note that the fact a 16th century jurist and 20th century Left intellectual can both assume the juridical stance in no way implies that the role, aims, or objects of the two are the same.

prosecutor, in bringing anyone or anything to trial, and no interest in serving the power of a sovereign by enforcing a normative order in the form of a law. If Foucault is a nihilist, such a charge could only be leveled by the bureaucrats of power: for “Western societies since the Middle Ages, the exercise of power has always been formulated in terms of law.”<sup>180</sup>

To adopt the juridical stance in the context of philosophical or theoretical work is to approach moral questions in this way, as if one always spoke either *as* a judge or *to* a judge, rendering a verdict or attempting to mount the case that some law *has indeed* been violated or upheld. From this stance, in moral life, or politics, one is to be ceaselessly placing one or another’s existence on trial. And it is something with which Foucault wants nothing to do. From at *least* 1972, he rejects legalistic or juridical intervention; in his debate with Maoist students, he rejects courts as potential instruments of revolutionary popular justice, and proceeds to enlighten his interlocutors as to the sovereign, monarchical origins of the court apparatus that appeared in the Middle Ages to consolidate royal power and redistribute and circulate wealth.<sup>181</sup> Four years later, in the first volume of the *History of Sexuality*, he reminds us that “Law was not *simply* a weapon skillfully wielded by monarchs; it was the monarchic system’s mode of manifestation and the form of its acceptability.”<sup>182</sup>

Of course, many of Foucault’s liberal critics might contend that even *if* our modern judicial apparatus, and the juridical stance that makes it possible, arose in the service of stabilizing centralized, monarchical power, it nevertheless now serves to limit excessive and arbitrary exercises of power. But Foucault’s lecture series at the Collège de

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<sup>180</sup> *HS1*, p. 87.

<sup>181</sup> “On Popular Justice: A Discussion with Maoists,” in *Power/Knowledge*, pp. 1-36.

<sup>182</sup> *HS1*, p. 87.

France undermine our confidence in both this story and what might be called the “traditional” reading of *Discipline and Punish*. In the next two sections, I will explain this, in some detail.

### **§3.2 War, Sovereignty, and Subjectivity**

We now have at our disposal a good deal of the background of *Discipline and Punish*, and a better sense of the concerns that animate the work. While critics like Fraser want to claim that Foucault is committed to broad, universalistic normative claims like “discipline is bad” and Habermas thinks that Foucault is committed to something like a total rejection of the Enlightenment (whatever that would mean), we can see that this is not the case. Both of these figures read *D&P* as an overtly political continuation of the more explicitly anti-humanist theoretical philosophy *The Order of Things* and the *Archaeology of Knowledge*. But Foucault never claims anything so crude as his critics impute to him, though his approach is still radical. Ultimately, Foucault’s worry is that “prisons resemble factories, schools, barracks, hospitals, which all resemble prisons.”<sup>183</sup> The idea is that, with the rise of the prison as the fundamental modality of (public, state, or social) punishment, we see a transformation not only of our juridical institutions and the techniques of power that subtend and sustain them, but also of the very ethical subjects, the moral selves, that we are. And these are moral selves that live under the constant imperative of *correction*. This might not seem a particularly interesting point, but it is - in fact - quite novel. If Foucault is correct, then it seems that we have departed, for the

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<sup>183</sup> *Discipline & Punish*, p. 228.

most part, from cultivating moral selves in relation to sovereignty and law, strictly speaking.

Where the instruments of sovereign law once displaced the ordeals and trials of mediaeval justice, “disciplinary power” has - if not displaced - then colonized and mutated the understanding of law as *will*, as the *sovereign’s* will (once God’s, then the king’s, and then the nation’s, and so on). With respect to sovereign power, to play the game of justice, with its characteristic technology of law, was to adopt a particular version of what P.F. Strawson calls the “participant attitude.”

In his justly famous “Freedom and Resentment,” Strawson is concerned with a set of potential consequences of the truth of determinism, namely, whether or not our practices of holding responsible, accountable, attributing moral blame, and - perhaps *most* importantly - *punishment*, if it turns out that determinism is true. He identifies two broad positions on this question, that of the positivist and that of the optimist. The optimist, according to Strawson, takes it that the truth of determinism will have no impact on the attribution of moral properties, whereas the pessimist thinks that the truth of determinism will necessitate drastic revisions in our practice. Strawson - wisely - professes ignorance with respect to the exact content of the thesis of determinism, and instead focuses on whether or not *any* metaphysical thesis in the area would affect our everyday such practices and judgments. Strawson goes on to claim that, in general, our practices of holding accountable and moral evaluation are expressions of reactive attitudes - such as gratitude or resentment - towards the concern for us manifested in the action of others. And these practices have, in general, accepted conditions for occasionally forbearing the expression of reactive attitudes, if not inhibiting these attitudes completely, such as extreme external pressure, coercion, etc. And having these attitudes - responding the valuing manifest in the comportment or conduct of others -



takes place within a context of genuine interpersonal engagement, as *participants* in a life tied closely to the lives of others, dependent on them in many respects, and sensitive to their attitudes, values, and behaviour; it relies on maintaining the “participant attitude.”

The participant attitude is not the only one available. When one has such an attitude, exculpatory reasons from someone who has offended have no tendency to make us see the agent as other than a morally responsible agent; they simply make us see the injury as one for which he was not morally responsible.”<sup>184</sup> One can shift from this attitude, however, to what calls the *objective* attitude, in which we treat agents as, in some sense, *other* than morally responsible agents, that is, who are appropriately blameworthy due to their somehow “abnormal” status. So, for example, one might argue that we take up the objective attitude with respect to certain behaviour on the part of mentally ill or several incapacitated persons; we don’t usually take these individuals to be accountable for their actions - especially those that don’t indicate the demanded degree of concern and respect for us - in the same way that we take the sane to be. Such abnormality is an example of a special sort of excusing or exculpatory consideration, one which excuses not the act in question, but the individual taken to have authored the act. Strawson takes it that viewing the issue in this way helps to disabuse us of the notion that the metaphysics of free will and determinism have any bearing on our practices of moral approbation, disapprobation, and punishment. The idea is that we have a perfectly clear understanding of the conditions that cause us to suspend these practices, and they don’t hinge on any metaphysical views at all.

Now, Foucault obviously doesn’t adopt this terminology and, though he was familiar to some extent with ordinary language philosophy, there’s no evidence that he

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<sup>184</sup> Strawson, p. 30.

ever read Strawson.<sup>185</sup> But it can help us to understand his work and, as with the Sellarsian themes discussed in the previous sections, in turn his work can give the Strawsonian approach much-required historical and political inflection.<sup>186</sup> And this approach gives us more resources to discuss just what Foucault is after in investigating what I have been referring to as our placement or induction into the space of reasons; after all, if *how we treat individuals determines not only an individual's placement in the space of reasons but its very shape* then better understanding those attitudes will give us a better handle on the latter, and this is the aim of Foucault's project of historical ontology, the investigation into *who we are*. And it helps support the picture that we sketched in the previous sections. The evidential and the rational are, just as much as the moral, part of the realm of the normative. If, as Strawson suggests, we can make sense of the constitution of moral agency as a matter of the treatment of individuals, of our *holding them accountable or responsible*, then the view already put forth, of understanding *rational agents*, or subjects more generally, as *constituted* in and through the attitudes and reactions they adopt and warrant, seems more like just a different case of the distribution of normative statuses. And this *is* a picture of moral subjects as constituted by our attitudes towards them. On this view, there is nothing more to *being* responsible, and therefore a moral agent, than being appropriately held accountable or responsible. And what makes this holding *appropriate* is not the sensitivity of our practices to some *prior* metaphysical

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<sup>185</sup> He refers to the speech act theory of the "English analysts" in *The Archaeology of Knowledge*, pp. 91 & 93.

<sup>186</sup> Strawson admits as much, though he does not give this issue nearly as much weight as it deserves: "One factor of comparatively minor importance is an increased historical and anthropological awareness of the great variety of forms which these human attitudes may take at different times and in different cultures. This makes one rightly chary of claiming as essential features of the concept of morality in general, forms of these attitudes which may have a local and temporary prominence. No doubt to some extent my own descriptions of human attitudes have reflected local and temporary features of our own culture." (p. 36)

fact, but rather precisely the norms of the moral lives to which we are subject. The two are inseparable.<sup>187</sup>

What does this have to do with Foucault? To begin, he - like Strawson (and Nietzsche) - takes our *punitive* and *retributive* practices to be constitutive of our forms of subjectivity, to the extent that subjectivity is essentially about accountability, or answerability (e.g., answerability to the facts for a certain sort of epistemic subject, to the law for a legal subject, to ethical norms or values for a moral subject). Accordingly, we can interpret Foucault's characterization of the ordeals, tests, and trials that made up certain medieval practices of conflict resolution as involving a particularly radical and agonistic version of the participant stance. To claim a *wrong* in such a case, then, is not to appeal to the violation of some code, or the magical transgression of some invisible metaphysical right, but to report the dissatisfaction of a demand placed upon one's peer(s); it is to express a reactive attitude. To the extent that this claim has uptake in one's community, one can engage in a challenge, or trial, the outcome of which will validate or invalidate said reactive attitude. This is why Foucault claims that the outcomes of these is not a verdict or "judgment" but rather a *victory*, one which establishes whether or not the expressed demands and attitudes are in fact acceptable, and whether some further sanction is required to satisfy them, or whether the trial itself sufficed. The outcome, thus, is analogous to a speech act, like a baptism that does not report a fact but produces or constitutes one. In this sense, there is no prior "fact of the matter" as to whether or not someone has actually been wronged. Whether or not this process ends with an explicit statement, its conclusion is nevertheless analogous to a performative, rather than

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<sup>187</sup> For example, on R. Jay Wallace's revised Strawsonian view, figuring out what being morally responsible amounts to is not a metaphysical question but a question in normative ethics, about what's fair and what's not. And, further, he thinks it's a matter not of high-order moral principles, but rather of quite particular moral judgments. Cf. *Responsibility and the Moral Sentiments* (Cambridge MA. Harvard University Press: 1999), Ch. 4.

declarative, speech act; rather than simply *reporting* the violation of a right, it *establishes* that indeed a right was violated, that is, certifies the demand made as the claim of a right.

The emergence of the technology of law as the “monarchic mode of manifestation,” including the appearance of the jurist, the infraction, etc., involves a modification of the sorts of attitudes that constitute our moral lives and our very moral subjectivity. The technology of law is still a matter of *will*, in the sense that the law embodies the will of the sovereign (even if the sovereign is the nation or the people). In this sense, law is a *demand* placed upon us by the sovereign, and when we fail to satisfy the demand, Foucault notes, our offense is an affront to the sovereign. The punishment of Damien the regicide is, for all its spectacular cruelty, the expression of the reactive attitudes of the King (perhaps with the sanction of the deity who legitimates his rule), one that makes of the offender a symbol of transgression and, with any luck, inspires obedience.<sup>188</sup>

We can in fact see the impact of sovereign power, and its technology of law, by looking at the sort of ethical subject - in Foucault’s sense - that one would have to be in order to genuinely be governed by a (moral) law. As we have seen, Foucault’s project is a historical ontology, inquiring into the sorts of subjects that we have become, and the spaces of reason that we inhabit. And these spaces and subjectivities are shaped by the ways we have available to us of *treating* persons, of the stances we can take towards them.

For Foucault, as he characterizes sovereign power, what genuinely *matters* in determining cases of wrongdoing is *whether or not the crime was committed*, and if so by *whom*. And these centers of concern, or problematizations of action, reveal how subjects and agents have been constituted. Let us assume that everyday moral and legal codes are relatively continuous, as Foucault claims elsewhere with respect to the narrower domain

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<sup>188</sup> Famously described in *Discipline & Punish*, pp. 3-5.

of sexual morality. The ethical substance of the legal subject is one's action or, perhaps, the individual *qua agent*. This is true also of the agent recognized in the agonistic medieval conflict resolutions mentioned above. They are both, in this sense, instances of moral subjectivity constituted in part by reciprocal adoption of the participant stance. What matters, in each case, is *whether* a wrong was committed, and *who* committed it; there is no tracing some source of the wrong deep into the person in order to correct or isolate or stem its influence.

In contrast with the episodic "battles" that characterize Foucault's vision of medieval justice, the aim of sovereign power is obedience, in the sense of *submission to the will of the sovereign*, as embodied in the law. Those who are "subjected" or "subjectivated," in terms of sovereign power aim - whether consciously or not - at a sort of *stability*, and *order*, for social life. This is expressed in Hobbes' desire to escape the *bellum omnium contra omnes*, and 400 years later Bernard Williams explicitly echoes the former:

I identify the "first" political question in Hobbesian terms as the securing of order, protection, safety, trust, and the conditions of cooperation. It is "first" because solving it is the condition of solving, indeed posing, any others.<sup>189</sup>

Williams is of course criticizing those who take a "moralistic" or "foundational" approach to this question - the heirs of Kant and Rousseau, one might say - but the point is that all of them share a sense of the basic problem, even if they differ with respect to the constraints they accept on their answers. And the order to be established is the order of the sovereign's will, arranging things as closely as possible to the sovereign's specifications. For Foucault, this is true even when the technology of sovereign law is wielded, in some sense, *against* the king or sovereign. As he puts it in *Society Must Be Defended*:

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<sup>189</sup> *In the Beginning was the Deed: Realism and Moralism in Political Argument* (Ed. Geoffrey Hawthorn. Princeton NJ. Princeton University Press: 2005), p. 3.

The juridical edifice was, then, formed around the royal personage, at the demand of royal power, and for the benefit of royal power. When in later centuries this juridical edifice escaped from royal control, when it was turned against royal power, the issue at stake was always, and always would be, the limits of that power, the question of its prerogatives. In other words, I believe that the king was the central character in the entire Western juridical edifice. The general system, or at least the general organization of the Western juridical system, was all about the king: the king, his rights, his power, and the possible limits of his power. That, basically, is what the general system, or at least the general organization, of the Western juridical system is all about. No matter whether the jurists were the king's servants or his adversaries, the great edifices of juridical thought and juridical knowledge were always about royal power.<sup>190</sup>

The point, for Foucault, is that even when we try to think, in moral and political philosophy, about the individual rights we might have against the sovereign - and against each other, in the case of popular sovereignty and broadly legalistic ways of construing our interpersonal moral relations - we are still trapped by a failure of imagination. In particular, we fail to imagine that there might be something other than law construed as the will of a sovereign that might serve as a model or template for thinking about power, about the normative structure of our practical lives. In the context of the quotation immediately above, the 1975/76 lecture series at the Collège de France entitled in "*Society Must Be Defended*," Foucault is interested in one particular alternative, namely, *war*.

This year, I would like to begin... a series of investigations into whether or not war can possibly provide a principle for the analysis of power relations: can we find in bellicose relations, in the model of war, in the schema of struggle or struggles, a principle that can help us understand and analyze political power, to interpret political power in terms of war, struggles, and confrontations?

That is, so to speak, the preliminary question I would like to look at a bit this year: Can war really provide a valid analysis

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<sup>190</sup> *Society Must Be Defended*: *Lectures at the Collège de France 1975-1976*. (Ed. Mauro Bertani and Alessandro Fontana. Trans. David Macey. New York NY. Picador: 2003), pp. 25-26.

of power relations, and can it act as a matrix for techniques of domination?

He had already made limited use of this model of analysis in *Discipline & Punish*. In that work, he is explicitly “presupposing” that we think about power in terms of strategies of “battle” rather than in terms of either “contract” or “conquest”.<sup>191</sup>

We all know that Foucault thinks of power as *producing* rather than repressing subjects with given channels of desire, practices of pleasure, and sources of values. But viewing power as a battle, allows us to think of the production of bodies, individuals, etc., through power-relations as intrinsically *contestable*, as unfinished. If every site of power is a site of resistance as well, it is because every site of power is a site of struggle. Foucault echoes Nietzsche’s claim that the “higher natures” among us have become “genuine battlegrounds.”<sup>192</sup> Long before his alleged “ethical turn,” and in direct opposition to his teacher Althusser, Foucault recognizes that it is not the State but *we* who are the stakes and site of political struggle.

Foucault is hopeful about using the war-model to understand power-relations, and to think about law apart from sovereignty. Though Foucault is never explicit about it, this counterhistory, this model of war as a matrix of intelligibility for understanding power, echoes and transforms the forms of medieval law he discussed in “Truth and Juridical Form,” which he states clearly is the “*ritual form of war*.” He explicitly *praises* the discourse of “race war” for its “counterhistorical” function, that is, for its ability to contest what he calls the “rituals of sovereignty” that establish the legitimacy of

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<sup>191</sup> *Discipline & Punish*, p. 25.

<sup>192</sup> *On the Genealogy of Morality* (Revised Student Edition. Ed. Keith Ansell-Pearson. Trans. Carol Diethe. New York. Cambridge University Press: 2006), First Essay, §16

sovereign power.<sup>193</sup> Through the “historico-political” discourse of “race war,” developed - at least at first - by Levellers during the English civil war, and contrasted with the “juridico-philosophical” discourses of the jurists, one was able to:

demand rights that have not been recognized, or in other words, *to declare war by declaring rights*. Historical discourse of the Roman type pacifies society, justifies power, and founds the order—or the order of the three orders—that constitutes the social body. In contrast, the discourse [of race war] I am telling you about, and which is deployed in the late sixteenth century, and which can be described as a biblical-style historical discourse, tears society apart and speaks of legitimate rights *solely in order to declare war on laws*.<sup>194</sup>

There is an important contrast to be drawn, then, between these two different forms of discourse, the “juridico-philosophical” discourse of sovereignty and the “historico-political” discourse of war. There is a corresponding contrast to be drawn between the *subjects* of sovereign law and the subjects of medieval law or of this sort of bellicose revolt through and against law, that is, about the sorts of subjects that these practices make and have made us. To use the terminology that Foucault adopts in the *History of Sexuality*, they involve quite different “modes of subjectivation.”

As mentioned, the agonistic subject of medieval, Germanic justice adopts a sort of radically agonistic version of the participant attitude or stance. To *be* such a subject is to recognize others as fellow participants in social life, and to hold them *accountable*, not simply to a single higher authority, but to each of their compatriots, and also to hold oneself accountable to them, recognizing that *their* demands may place on one the *burden* of a trial or ordeal, and being prepared to answer their charges. One is accountable to the contingent and potentially arbitrary demands of one’s peers. The subject of “race

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<sup>193</sup> “*Society Must Be Defended*,” pp. 65-70. He of course distinguishes “race war” from “racism,” and indeed goes on to describe the historical co-optation of race war into racist discourse. I will discuss this more later, but for the moment I want to focus on the importance of *war* or *conflict* in Foucault’s thought.

<sup>194</sup> “*Society Must Be Defended*,” p. 73. Second emphasis mine.



war,” does not subject oneself to an established order that could serve as criteria of the legitimacy of claims before they are made. As Foucault says, the strategy of “claiming rights to declare war on law” is, to some extent, a *rejection* of *established* order. For Foucault, both of these sorts of “war discourse” hew closely to the sort of rejection of the normative given that I have argued underpins his own research.<sup>195</sup> We should be unsurprised that Foucault looks to such discourse as a rough model for how to think about the domain of normativity in the absence of a “God’s-eye view” of the landscape, and this not just because there doesn’t happen to be a God, but because even if there were, there is no determinate landscape to be seen from such a position.

To own up to this situation is to adopt what I will call, in contrast to the juridical stance, the stance of revolt. While both are clearly expressions of the participant stance, the stance of an *engaged* subject, taking up a *first-person* stance towards one’s peers, and treating them as adopting first-person stances of their own, registering (or not) demands for respect or concern, expressing (or not) attitudes of proper regard, etc., nevertheless to be subjectivated from, and into, a stance of revolt is *very* different from being subjectivated into a juridical stance. The subject of revolt begins, as all subjects do, *in media res*, and in this case *begins in indeterminate struggle*, a sort of standing conflict of which - at least in principle - even the conditions for victory are not fixed in advance. On this view, there are *friends* and there are (at least potential) *enemies*, and there is no fully determinate normative whole to which all are, or must be, accountable; under felicitous conditions, there are simply the normative *negotiations* of parties to lives that are inevitably shared.

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<sup>195</sup> Marcelo Hoffman clearly demonstrates Foucault’s methodological identification with the discourse of race war, though he sees Foucault as identifying primarily with the French State historian Henri de Boulainvilliers, as opposed to the grassroots insurrectionists of the English civil war. See “Foucault’s Politics and Bellicosity as a Matrix for Power Relations,” *Philosophy and Social Criticism* 33:6 (2007):756-778.

To enter (or, better, to be brought into) the space of the reasons in the *juridical* stance, on the other hand, and to take others to embody that stance is, in a sense, to elide our thrownness into a shared, normatively structured existence. The sovereign accrual to itself of a monopoly on right is made possible by the fact that subjects *accept* their answerability to the sovereign order (and this might be taken to be the *ultimate* normative order, God's laws, or what have you), and to one single will or set of rules. No one can "wrong" another, directly, as we have seen. Certainly, we can adopt the participant stance towards others, but only insofar as we recognize, in their actions and attitudes, a failure to abide the *order* in which he have our set places. The agonistic dimensions of earlier modes of subject-formation are absent in the tamer, more docile subjects of sovereignty. As Foucault puts it, "Before the justice of the sovereign, all voices must be still."<sup>196</sup> Such subjects are bound by laws purporting to be the foundational expression of order, a presumptive constitutive framework into which the totality of normative life must fit.

In both of these cases, the space of reasons is different. In an agonistic, warlike space of reasons, for example, that you fail to take into account, say, my honour or some such when attempting to recruit me into an underhanded business venture may put me in a position to raise a claim against you. However, this is only so if your action in fact registers with me and activates my reactive attitudes. It is just not the case that, simply in virtue of having performed some action X and thereby violating some (perhaps unwritten) law prohibiting X, you have in fact wronged me; indeed, whether or not your action counts as a *wrong* at all will depend on the outcome of the ordeal or trial by which the claim is resolved. And, even if it *does* turn out that a wrong has occurred, its wrongness will not be *explained* by the fact that the action, as a particular action, falls under a general category or concept or rule. There is no reason to think that two

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<sup>196</sup> *Discipline & Punish*, p. 36.

instances of underhandedness, even in relevantly similar circumstances, will both necessarily have the same moral weight, or provide the same reasons for action or judgment. The valence of these considerations is variable.

The flexibility of the valence of reasons is a central claim contemporary moral particularism, which is a fully cognitivist view of moral reasons that denies the existence of any true, non-trivial moral principles at all.<sup>197</sup> While we are not obliged to read Foucault as adopting quite so strong a claim, nevertheless, in a sense, the agonistic subjects of revolt, to whom he is so clearly sympathetic, is subject to particulars, to the particulars of one's own demands and those of others (which is not to say that one is *only* subject to particulars; there may be rules to which one is subject as well, but they will not cover everything, and they will not be construed as an original order to which one is answerable). This implies a specific set of legal, ethical, and even evidential relations, that is, a shape of the space of reasons, that is particular to this sort of agonistic subjectivity.

Different space of reasons, different kinds of subjects inhabiting it. Thus the subject of sovereignty is a *different sort of subject, and thus constituted or subjectivated differently*. One is subject to an order that exists independently of one's own desires, of the demands that one might make on others. There is an *I-Thou* structure that is essential, and central, to the agonistic, medieval form of subjectivity.<sup>198</sup> The structure of the subject of sovereignty also has an important *I-Thou* structure, though one that is ambiguous and unstable. The subject of sovereignty is subject to a *will*, in Foucault's characterization, and thus to a *Thou*. However, the will of the sovereign is independent

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<sup>197</sup> See the overview by Mark Lance and Margaret Little in *Oxford Handbook of Ethical Theory*, pp. 582ff.

<sup>198</sup> As far as I know, the language of *I-Thou*, as distinct from *I-It* relationships, derives from Martin Buber's work of that name, though traces of an idea a similar effect can be found from Fichte to Levinas to Stephen Darwall's "second-person standpoint." Kukla and Lance argue that every speech act has an implicit second-personal dimension to it, namely, a "transcendental vocative." See *Yo! and Lo!*, pp. 153-173.

of any relation to a specific person or subject. At least in principle, it need not be responsive to the particularities, demands, or expectations of any subject, and purports to prescribe an order for a social whole. Whatever demands sovereign law places on one, and thus whatever reasons for acting such law provides one, are entirely *agent-neutral*, in contrast to the manner in which reasons for acting, for an agonistic subject in a particularistic space of reasons, are - in general - *agent-relative*.<sup>199</sup> There is no face-to-face between the sovereign and its subjects. As Foucault puts it:

Ever since the Middle Ages slowly and painfully built up the great procedure of investigation, to judge was to establish the truth of a crime, it was to determine its author and to apply a legal punishment. Knowledge of the offence [sic] knowledge of the offender, knowledge of the law: these three conditions made it possible to ground a judgement in truth. [The important questions for sovereign power with respect to penal practice are]... “Has the act been established and is it punishable?”... “Who committed it?” ... [and] “What law punishes this offence?”<sup>200</sup>

In this passage, Foucault is contrasting sovereign power with the new disciplinary techniques that colonized interpersonal life during the 18th century. The point of the contrast is that, whereas the techniques of disciplinary power, as they enter into penal practice, require detailed knowledge of an individual, sovereign law is indifferent to these details. Being able to pick out the offender is sufficient.

The period in which the techniques and concepts of sovereign power best characterize the political and penal practice corresponds to the reign of what, in *The Archaeology of Knowledge*, he calls “representation.” In this era, the rich tapestry of analogy and divination that characterized Renaissance “knowledge” is succeeded by the creation of “facts,” as “something compact, robust, down to earth, neutral, bite-sized, byte-sized,

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<sup>199</sup> The distinction originates with Parfit and Nagel, though I draw my use of it from Michael Morgan’s magisterial *Discovering Levinas* (New York: Cambridge University Press:2007), pp. 421-434.

<sup>200</sup> *Discipline & Punish*, p. 19.

the very opposite of theory, conjecture, hypothesis, generalization. Facts are ugly ducklings, ungainly, unordered, 'brute facts.' But then they are supposed to speak, if only we get enough of them."<sup>201</sup> The idea, here, is to separate *facts* from our *interpretations* of them, interpretations that fit them into fascinating inferential webs, e.g., those structured by the Renaissance concepts of microcosm/macrocosm, allowing inferences from features of small-scale phenomena to global phenomena and vice-versa.<sup>202</sup> Foucault here uses the language of "knowledges" rather than "rationalities," though this is more of a quirk of his immersion in the tradition of French philosophy of science rather than German critical theory, with which he would not really familiarize himself for some years yet. But the point is still clear. One is silent before the *brute facts*, which are yet still supposed to *speak*, to *move one* to belief or action, in the same way that one is supposed to be silent before the voice of the sovereign. Of course, these brute facts are still supposed to be held together by natural laws. There is an affinity between the epistemological reign of representation and facts, and the establishment of sovereign power. The fact of the law, or will of the sovereign, is supposed to be the same sort of brute fact, and subjects must *not* be partisan, must not be *partial*; the objective order of the sovereign's will is objective, free of interpretation, independent of the vicissitudes of our personal histories.

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<sup>201</sup> Ian Hacking, "Historical Ontology," p. 12. Hacking here is discussing the conditions of the possibility of the emergence of the problem of induction with Hume, riffing on Foucault's famous phrase that under the reign of representation, "Hume became possible."

<sup>202</sup> "This ancient notion was no doubt revived, during the Middle Ages and at the beginning of the Renaissance, by a certain neo-Platonist tradition. But by the sixteenth century it had come to play a fundamental role in the field of knowledge. It hardly matters whether it was or was not, as was once claimed, a worldview or *Weltanschauung*. The fact is that it had one, or rather two, precise functions in the epistemological configuration of this period. As a category of thought, it applies the interplay of duplicated resemblances to all the realms of nature; it provides all investigation with an assurance that everything will find its mirror and its macrocosmic justification on another and larger scale; it affirms, inversely, that the visible order of the highest spheres will be found reflected in the darkest depths of the earth," *The Order of Things*, p. 34.

The spaces of sovereign and agonistic reason are genuinely different spaces, and thus are inhabited by different sorts of subjects. I have suggested that Foucault is sympathetic to the subjects of revolt, those who recognize the space of reasons as a partial, indeterminate and incomplete space. But the juridical stance is still a species of the participant attitude. Though the particularities of juridical subjects make no claim in themselves on the sovereign, it is still the case that the *punishment* or *sanctions* that juridical subjects are best seen as manifestations of the *reactive attitudes* of the sovereign. In the following section, I will discuss how Foucault sees disciplinary power as in turn building a different sort of space of reasons, and its impact on moral subjectivity.

### **§3.3 Discipline, the Human Sciences, and the Subject of Correction**

As noted in §3.1, with the invention of the “infraction,” breaking the law becomes an affront against the sovereign himself, against the very form of his will, displaying the sort of lack of concern that, as Strawson notes, tend to provoke the reactive attitudes in interpersonal life. Torture, the paradigmatic sovereign punishment, is the imprint of the reactive attitudes on the very body of the criminal.

Foucault stresses that torture is a mode of punishment by which a spectacle is made of the criminal, a ritual which not only manifests the reactive attitudes of the sovereign, but also his power. It has the function of a *sign* (which, given that it is an expression, should be unsurprising). But he also notes that this torture, as a technology of sovereign power, is ambivalent and unstable. The ritual that is supposed to, in all of its gruesome splendour, underwrite and strengthen the normative ties between sovereign and subjects can have precisely the opposite effect. As he puts it:

Of all the reasons why punishment that was not in the least ashamed of being “atrocious” was replaced by punishment that was to claim the honour of being “humane” there is one that must be analysed at once, for it is internal to the public execution itself: at once an element of its functioning and the principle of its perpetual disorder. In the ceremonies of the public execution, the main character was the people, whose real and immediate presence was required for the performance. An execution that was known to be taking place, but which did so in secret, would scarcely have had any meaning. The aim was to make an example, not only by making people aware that the slightest offence was likely to be punished, but by arousing feelings of terror by the spectacle of power letting its anger fall upon the guilty person: “In criminal matters, the most difficult point is the imposition of the penalty: it is the aim and the end of the procedure, and its only fruit, by example and terror, when it is well applied to the guilty person!... But, in this scene of terror, the role of the people was an ambiguous one.”<sup>203</sup>

Note that Foucault is explicit in describing sovereign punishment as the expression of *anger*; he will go on to describe the participation of the people in the *vengeance* of the sovereign. Sovereign punishment is clearly an expression of the reactive attitudes. And the people are not only supposed to feel fear at the prospect of suffering the same punishment, but also to partake of the sovereign’s resentment:

People were summoned as spectators: they were assembled to observe public exhibitions and *amendes honorables*; pillories, gallows and scaffolds were erected in public squares or by the roadside; sometimes the corpses of the executed persons were displayed for several days near the scenes of their crimes. Not only must people know, they must see with their own eyes. Because they must be made to be afraid; but also because they must be the witnesses, the guarantors, of the punishment, and because they must to a certain extent take part in it. The right to be witnesses was one that they possessed and claimed; a hidden execution was a privileged execution, and in such cases it was often suspected that it had not taken place with all its customary severity. There were protests when at the last moment the victim was taken away out of sight...The people claimed the right to observe the execution and to see who was being executed.<sup>204</sup>

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<sup>203</sup> *Discipline & Punish*, pp. 57-58.

<sup>204</sup> *Discipline & Punish*, p. 58.

It is a *right* of the subjects to observe the sovereign punishment, to see judgment done, and not only a right but a right *exercised*, passionately. Insofar as these subjects *submit* to the sovereign's will and the order that it prescribes they must *accept* it, such that it would in fact be *normative* for their lives. And they demand to see justice done. But not just to see, either. They were to participate in the power to punish, not because the power belongs to them, but because it is the power to which they are beholden:

The people also had a right to take part... The condemned man, carried in procession, exhibited, humiliated, with the horror of his crime recalled in innumerable ways, was offered to the insults, sometimes to the attacks of the spectators. The vengeance of the people was called upon to become an unobtrusive part of the vengeance of the sovereign. Not that it was in any way fundamental, or that the king had to express in his own way the people's revenge; it was rather that the people had to bring its assistance to the king when the king undertook 'to be avenged on his enemies', especially when those enemies were to be found among the people...<sup>205</sup>

But these very rights, which though hemmed in by the power of the sovereign are part of its functioning in penal practice, work to render that power unstable. Though it was the case that they might work to enact or enable to work of sovereign punishment, nevertheless it might be “that the people, drawn to the spectacle intended to terrorize it, could express its rejection of the punitive power and sometimes revolt.”<sup>206</sup> The tortured criminal, while a possible target of the wrath of the public, was also a possible object of sympathy, a symbol of injustice, of purported justice beyond proportion, and so on. In such cases, the criminal would be a sign of justice “gone wrong,” not a sign of a rejection of the sovereign will, embodied in law, but of its application in this instance:

Now it was on this point that the people, drawn to the spectacle intended to terrorize it, could express its rejection of the punitive power and sometimes revolt. Preventing an execution that was regarded as unjust, snatching a

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<sup>205</sup> *Discipline & Punish*, pp. 58-59.

<sup>206</sup> *Discipline & Punish*, p. 59.



condemned man from the hands of the executioner, obtaining his pardon by force, possibly pursuing and assaulting the executioners, in any case abusing the judges and causing an uproar against the sentence - all this formed part of the popular practices that invested, traversed and often overturned the ritual of the public execution.

But things could be more radical. The body of the criminal may become the *site of a symbolic battle*. And, occasionally, the underclasses, plebeians, and peasants would *side with the criminal* against the sovereign, rejecting the sovereign edifice, in the same sort of gesture of war Foucault discerned in “*Society Must Be Defended*” in the discourses of the English civil war and in the genealogies of the pre-revolutionary French nobility.<sup>207</sup>

This sort of instability is a condition of the possibility of the gradual colonization of penal practice, and hence subjectivity, by what Foucault will call “discipline” or “disciplinary power”:

In this same dangerous and ritual violence, the eighteenth-century reformers denounced, on the contrary, that which exceeded, on both sides, the legitimate exercise of power: in this violence, according to them, tyranny confronts rebellion; each calls forth the other. It is a double danger. Instead of taking revenge, criminal justice should simply punish.<sup>208</sup>

It has been frequently noted how Foucault takes disciplinary power to succeed sovereign power (at least as a dominant structure in penal practice), in part because it was more stable than the occasionally arbitrary and/or excessive practices of sovereign power. But it should be stressed that the eventual domination of disciplinary power is in no way a result of any sort of *intention* to overhaul the punitive practices of sovereign power. Foucault notes that, while there were plenty of explicit plans for the transformation of penal practice circulating in the 18th century - such as focusing more

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<sup>207</sup> The lecture series as a whole discusses the emergence and important transformations of the discourse of race war. For two interesting discussions of the topic, see Ladelle McWhorter, “Decapitating Power” [*Foucault Studies* 12 (2011):77-96] and Marcello Hoffman, “Foucault’s Politics and Bellicosity as a Matrix for Power Relations”.

<sup>208</sup> *Discipline & Punish*, p. 74

on less brutal but more effective symbolic forms of deterrence - the implementation of *prisons* as the paradigmatic mode of punishment, and the corresponding alteration in our ethical subjectivity is not really one of them. Disciplinary power was not deployed in order to stabilize sovereign power; rather, because it stabilized the procedures of punishment, discipline was able to survive.

It was able to survive, in part, because disciplinary power *neutralizes* the potential agonism of the sovereign spectacle of punishment. How does this work? The answer, in part, is given by the manner in which disciplinary power allegedly “humanizes” punishment: by making it impersonal. Punishment can no longer be seen as the expression of the reactive attitudes of the sovereign. Even the sovereign *people* cannot simply exhaust their collective fury on the body of the criminal. Rather, punishment becomes, at its gentlest, rehabilitation or, more tellingly “corrections.”<sup>209</sup> And, this implies, that the normative order that the criminal has transgressed is no longer a *will*. Indeed, it’s not even clear that what the criminal has done is *transgressed*. Rather, insofar as the aim of punishment is not vengeance but rehabilitation or correction, the criminal, then, simply becomes *one who is sub-performing*, one who fails not to respect the law, but to meet certain positive standards of conduct. That is to say, subjects are *compelled to actively meet a functional norm*, rather than to heed a prohibition. This change, I take it, signals a new paradigm in ethical life in contrast to earlier “agonistic” and “sovereign” technologies of power. Both of these, as I have been arguing, initiate subjects into a space of reasons in a “participant stance,” from which they might make claims upon each other “face to face,” so to speak. Disciplinary power, with its positive compulsions

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<sup>209</sup> This is not to deny the brutality or injustice of prison situations. It simply registers that the *acceptance* of such situations on the part of the public (and quite possibly of inmates) hinges on the idea that penalty is not fundamentally reactive.

to action, on the other hand, initiates subjects into the “objective attitude” which Strawson opposes to the participant attitude.

In the context of his essay, Strawson notes that the objective attitude is often adopted by those he calls “optimists.” Optimists are those who take it that the truth of determinism would pose no serious threat to our ethical practices (including blame and punishment). The optimist, that is, thinks that the justification of our punitive practices resides in their efficiency and effectiveness:

To adopt the objective attitude to another human being is to see him, perhaps, as an object of social policy; as a subject for what, in a wide range of sense, might be called treatment; as something certainly to be taken account, perhaps precautionary account, of; to be managed or handled or cured or trained; perhaps simply to be avoided...<sup>210</sup>

On the optimists’ view, our punitive practices - and thus the sorts of subject that we are - aim at “treating” offenders, at reforming their behaviour. There is no room for “all the essentially *personal* antagonisms” that require a participatory attitude in intersubjective life; as Strawson puts it:

The objective attitude may be emotionally toned in many ways, but not in all ways: it may include repulsion or fear, it may include pity or even love, though not all kinds of love. But it cannot include the range of reactive feelings and attitudes which belong to involvement or participation with others in inter-personal human relationships; it cannot include resentment, gratitude, forgiveness, anger, or the sort of love which two adults can sometimes be said to feel reciprocally, for each other. If your attitude towards someone is wholly objective, then though you may fight him, you cannot quarrel with him, and though you may talk to him, even negotiate with him, you cannot reason with him. You can at most pretend to quarrel, or to reason, with him.<sup>211</sup>

Strawson’s point is that when engaging someone in a wholly objective stance, one does not recognize them as responsive to reasons; one adopts the objective stance precisely

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<sup>210</sup> Strawson, pp. 24-25.

<sup>211</sup> Strawson, p. 25.

when the object of one's attitude is not properly held responsible (for actions or beliefs) in the way that rationality requires. And individuals are not properly held responsible when they fail to meet the conditions required for proper *authorship* of their acts, for having the right sort of *authority* over their actions.<sup>212</sup>

On Foucault's view, part of what disciplinary power does is subjectivates individuals without this authorship. In the practices of sovereign juridical inquiry, the accused still maintained an important sort of authority. If sovereign power, in the ritual torture, laid ahold of the body of the criminal in a particularly violent way, it was, as Foucault says, to manifest the "truth of the crime."<sup>213</sup> The *body of the criminal* needs to be *present* for this; a mere pronouncement will be insufficient to actually *register* the punishment *as* the manifestation of the truth that the crime was committed (indeed, arguably, simply seeing the crime committed wouldn't count as establishing the truth of the crime). The authority of the criminal, however, does not only reside in the body; Foucault describes at length the importance of *confession* for sovereign penal procedure:

...the only way that this procedure might use all its unequivocal authority, and become a real victory over the accused, the only way in which the truth might exert all its power, was for the criminal to accept responsibility for his own crime and himself sign what had been skilfully [sic] and obscurely constructed by the preliminary investigation. "It is not enough," as Ayrault, who did not care for these secret procedures, remarked, "that wrong-doers be justly punished. They must if possible judge and condemn themselves"... [T]he criminal who confessed came to play the role of living truth. The confession, an act of the criminal, responsible and speaking subject... [and] an element in the calculation of the truth, it was also the act by which the accused accepted the charge and recognized its truth; it transformed an investigation carried out without him into a voluntary

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<sup>212</sup> There is probably much to be said about the conditions for this authority. Foucault doesn't explore them in much detail, and I will similarly defer; they can be useful concepts for the work of historical ontology.

<sup>213</sup> *Discipline & Punish*, p. 35.

affirmation. Through the confession, the accused himself took part in the ritual of producing penal truth.<sup>214</sup>

The necessity of this sort of first-person avowal of the crime is characteristic of the participant stance; in such a stance, one has to take the agent-object of the reactive attitudes as capable of genuinely expressing a problematic lack of good intentions, and hence as genuinely warranting an expectation thereof. Confession is crucial because the crime is only truly a *crime* - as opposed to, say, an accident or misfortune - if the criminal can responsibly author it; the criminal must say, in effect, “this was *my* act, it was *I* who committed it” for the juridical procedure to be truly, properly concluded. Of course, the mere vocalization or statement of guilt is not enough. The criminal subject must be genuinely *recognizing* and *responding* to the norm against whatever crime it is, and part of doing so is *avowing*, that is, committing oneself to the norm that has been broken.

With the rise of disciplinary power, this changes, and the change is complicated. On the one hand, individuals have to be subjectivated or subjectified to *not* take others as essentially (at least potential) interlocutors, that is, as *claims-makers* (what John Rawls calls “self-authenticating sources of valid claims”).<sup>215</sup> Sure, others may make claims, but the point is that their claims do not have *authority* by themselves; normative discourse becomes, in almost all of its manifestations, the expression of opinion and preference, and it is not clear that such expressions carry any weight in and of themselves. This process has already begun with the establishment of a sovereign monopoly on right. For all but the sovereign, what possesses authority is an objective set of norms and values independent of one’s own (empirical) will.<sup>216</sup> What disciplinary power accomplishes is

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<sup>214</sup> *Discipline & Punish*, pp. 38-39.

<sup>215</sup> *Justice as Fairness: A Restatement*, (2nd edition. Ed. Erin Kelly. New York. Cambridge University Press: 2001), p. 23.

<sup>216</sup> This is true even of people in situations where, nominally, the “people” are ultimately sovereign.

the uncoupling of the normative order from any will at all; what becomes normative are simply *norms*, in the sense of normalcy, norms of performance. And, for Foucault, the emergence of this new, neutralizing, depoliticizing, and normalizing disciplinary power hinges on its approach to the human body.<sup>217</sup>

Many, *many* commentators have stressed the centrality of the “body” to Foucault’s work, and Nietzsche - Foucault’s greatest philosophical inspiration - had foregrounded its centrality in the formation of ethical subjects, subjects responsive to norms. Furthermore, Foucault was well aware that the 18th century “was certainly not the first time that the body had become the object of such imperious and pressing investments; in every society, the body was in the grip of very strict powers, which imposed on it constraints, prohibitions or obligations.”<sup>218</sup> Foucault’s question, rather, is “What was so new in these [particular] projects of docility that interested the eighteenth century so much?”

It was certainly not the first time that the body had become the object of such imperious and pressing investments; in every society, the body was in the grip of very strict powers, which imposed on it constraints, prohibitions or obligations. However, there were several new things in these techniques. To begin with, there was the scale of the control: it was a question not of treating the body, *en masse*, 'wholesale', as if it were an indissociable unity, but of working it 'retail', individually; of exercising upon it a subtle coercion, of obtaining hold upon it at the level of the mechanism itself - movements, gestures, attitudes, rapidity: an infinitesimal power over the active body. Then there was the object of the control: it was not or was no longer the signifying elements of behaviour or the language of the body, but the economy, the efficiency of movements, their internal organization; constraint bears upon the forces rather than upon the signs;

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<sup>217</sup> Indeed, from Alan Sheridan’s very early English commentary, *Michel Foucault: The Will to Truth* (New York: Tavistock: 1980) through ontological readings such as those given by Johanna Oksala in her *Foucault on Freedom*, to the explicitly feminist appropriation of Foucault’s work by readers like Jana Sawicki and Cressida Heyes, the “bodily turn” marked by Foucault’s genealogy seems to be one of the most provocative and enduring themes in his thought.

<sup>218</sup> *Discipline & Punish*, p. 136.

the only truly important ceremony is that of exercise. Lastly, there is the modality: it implies an uninterrupted, constant coercion, supervising the processes of the activity rather than its result and it is exercised according to a codification that partitions as closely as possible time, space, movement. These methods, which made possible the meticulous control of the operations of the body, which assured the constant subjection of its forces and imposed upon them a relation of docility-utility, might be called 'disciplines'.<sup>219</sup>

In this passage, Foucault notes three crucial innovations of disciplinary power. First, disciplinary power targets control not only of the position or placement of the body, its general movement or somatic integrity. After all, holding a medieval criminal in a cell is an act of power upon the body, one that treats it “en masse” by ignoring the details of its actions and simply placing material limits on them. This bears on the second point; sovereign power, of course, made a target of the body, but as a *symbol*; as a manifestation of truth and the authority of the sovereign. This is no longer the case with disciplinary power. The disciplined body is no canvas on which truth might display itself. Discipline, rather, targets the components of each action, aiming at making them maximally efficient, at optimizing them. This optimization does not *signify* anything, but simply increases *capacity*. The processes of collecting and presenting truth and evidence are altered, radically.

The eighteenth century was witness to a number of disciplinary projects: military, educational, industrial, and so on. According to Foucault, discipline historically drew on the sorts of labour, management, military, and educational techniques that developed through the eighteenth century. So, for example, as the production of goods shifted from skilled craftspeople to factory division of labour, a new schema of separate actions had to be invented. The actions of the single craftsperson are not simply divided into operations to be performed by a series of labourers. Rather, new and different schemes

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<sup>219</sup> *Discipline & Punish*, pp. 136-137.

of action are required, and bodily motion needs to be retrained to repetitive and/or mechanical tasks.<sup>220</sup> What disciplinary *power* does is shape the sort of sub- or pre-conscious bodily intentionality that makes these new forms of performance possible.

Foucault always stresses that disciplinary power targets the body at a *pre-conscious* level, often parasitically making use of the sorts of affordances that fill other areas of our lives.<sup>221</sup> Consider an early public schoolroom. Children who have never attended a public school might not know what is required of them as they enter, but nevertheless they enact the proper script. Whatever prompting they might need would come from nervousness or fear, not incapacity. A room full of desks and chairs presents them with a wealth of affordances for which they have already have uptake - namely, sitting (especially in the absence of much in the way of standing room) - while at the same time using the uptake of those affordances to orient children towards a central (usually standing) authority in the figure of the teacher. As we saw in §3, some figures occupy higher ground in the space of reasons due to non- or arational factors, and the teacher (at least initially) occupies such ground, which further shapes the subjectivity of the students. The students are arrayed in front of a teacher, all visible at once, but unable to survey the room themselves with ease without making themselves more visible, by craning one's neck or turning around, generally movements that will be subject to judgment and penalty for "disturbing" a classroom until the student has been trained to look forward at all times. Finally, the teacher is authorized to subject the students to

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<sup>220</sup> There is a course a vast literature concerning the transformation of the bodily routines of workers in the wake of the development of mechanized industry, often Marxist in bent. Foucault explicitly cites Guéry and Deleule's *Productive Body* in his account of the rise of discipline.

<sup>221</sup> I borrow here the concept of an "affordance" from Donald Norman's *The Design of Everyday Things* (Revised and expanded edition. New York. Basic Books: 2013). He derives the notion from Gibson's ecological theory of perception, according to which affordance is a perceived possibility of action. Norman and others go beyond this; affordances aren't *just* perceived possibilities of action, but also *invite* particular courses of action.



examinations, which reveal the latter's level of performance for evaluation or "normalizing judgment."

At the same time, these arrangements (and similar ones in factories, barracks, and so on) serve to make power "cellular," to distribute individual bodies in space such that they can be monitored, assessed, and addressed in an individual ways. Disciplinary arrangements make possible a structure of constant, individualized intervention. Indeed, even architecture in disciplinary settings works to shape these affordances while at the same time installing particular individuals in authoritative positions and others in subordinate positions.<sup>222</sup>

The parent, the teacher, the doctor, the staff sergeant, the floor manager: these authoritative figures, among others, interpellate subjects, calling and binding them to their identities, and in doing so to various assigned tasks. Individuals are induced into a routine or schema of tasks, a routine or schema which normatively structures their experience.<sup>223</sup> What is important is that each of these local, relatively small-scale disciplinary projects is how they served to render "normalcy" normative, and how the techniques for doing so colonized social life to such a degree that criminal wrongdoing would no longer find its appropriate response in vengeance or - really - even punishment, but rather in *correction*, in rehabilitation, in the return to a normalcy that has become obligatory. Indeed, it is a *constitutive* norm for the subject of discipline.

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<sup>222</sup> The chapter on "Panopticism" in *Discipline & Punish* is obviously the most extended discussion of this, but there is a more general discussion in the preceding chapter. See, e.g., pp. 170-177.

<sup>223</sup> It is most apt here to use the language of experience, even if it sounds too "phenomenological." Foucault himself uses the language in his later lectures (cf. *The Government of Self and Others*). I also sidestep the debate surrounding whether Foucault's account of the structuring of experience is "transcendental" in some problematic way (cf. the exchange between Colin Koopman and Kevin Thompson in *Foucault Studies* 8).

This marks a shift and transformation in disciplinary technologies from their original contexts, linked essentially for Foucault to the birth of the human sciences. He is explicit at the beginning of *Discipline & Punish*:

Instead of treating the history of penal law and the history of the human sciences as two separate series whose overlapping appears to have had on one or the other, or perhaps on both, a disturbing or useful effect, according to one's point of view, see whether there is not some common matrix or whether they do not both derive from a single process of "epistemologico-juridical" formation; in short, make the technology of power the very principle both of the humanization of the penal system and of the knowledge of man.<sup>224</sup>

As Foucault notes in describing "the methods of correct training" in specific military, industrial, and educational contexts, these disciplinary technologies all involved three important factors, namely: (1) hierarchical observation, (2) normalizing judgments, and (3) examination. He then links these to the development of the human sciences. After all, it was in the "laboratories" of these disciplinary settings that human multiplicities became *observable*, en masse. As has been discussed at various points above, these various forms of confinement and the manner in which they establish positions of authority and subordination. At the same time, they do so in a *normalizing* environment, that is to say, environments in which proper functioning is not only of the utmost importance but also not taken for granted. It must be *trained*, and *habituated* into subjects. At the same time, the examination tests subjects on their performance; the thing to be evaluated is no longer their judgment, and their avowal is no longer necessary for that evaluation. What is captured is functional aptitude, the capacity to perform assigned tasks.

And - I think Foucault would agree with me here - if one could abstract the factory, the barracks, the school from their eventual place in a larger "carceral

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<sup>224</sup>p. 23

archipelago,” there is nothing really objectionable about the way they are run.<sup>225</sup> We should recognize that in many local contexts our performance, or ability to fulfill various functions, calls for supervision, reinforcement, training, and indeed discipline. As Foucault says in a late interview, “I say that power is a relation. A relation in which one guides the behavior of others. And there’s no reason why this manner of guiding the behavior of others should not ultimately have results which are positive, valuable, interesting, and so on.”<sup>226</sup> We should not think of Foucault’s genealogy of the prison as being a call to seek out and subject to critique every instance of discipline simply in virtue of its being discipline.

Discipline becomes troubling, rather, when these disciplinary contexts come to colonize our social life at large and especially when the sort of functional normativity that characterizes particular *roles* in local contexts comes to characterize *human beings*, if not as such then at least insofar as they are social beings. It is nothing new to stress the connection Foucault draws between the nascent human sciences and the rise and spread of disciplinary techniques through the 18th and 19th centuries. But it is not always incredibly clear what he takes that connection to be. In broad strokes, I take it that, although he doesn’t use this language, Foucault thinks that it is through the *functionalism* of the human sciences, both social and psychological, that the human sciences are linked to the disciplines.

Similarly, anyone who has read Foucault’s genealogical works knows that disciplinary power is supposed to place the harsh, heavy, often physical power of the sovereign with *normalizing* power. But it’s not often explained why discipline, with its connection to the human sciences, must be normalizing, as opposed to - say - merely

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<sup>225</sup> He is, after all, not opposed to discipline “as such.” See “Power, Moral Values, and the Intellectual” *History of the Present* 4 (1988):1-2, 11-13.

<sup>226</sup> “Power, Moral Values, and the Intellectual,” p. 12.

oppressive, or alienating, or what have you. It's important to note that - as opposed to the concepts of physics or chemistry - the functional concepts and categories of the human sciences are intrinsically normative.<sup>227</sup> By this I mean that these concepts are essentially related to our *evaluations* of human beings; where we cannot say that an atom or an electromagnetic field is deficient or abnormal in the pejorative sense *qua* physical phenomena, the concepts of the human sciences allow us to classify humans as, for example, *deviant* or *invalid*. While of course there are longstanding disputes about the differences, and possible relationships, between the natural and social sciences, the concepts of the human sciences play a role in inscribing such functional, normative conceptions of the human individual in our broader visions of nature, or of human being-in-the-(natural)-world.

From Durkheim through Parsons to Habermas and beyond, an influential stream of social theory has construed society precisely as a sort of functionally differentiated organism or machine, a unified object serving an array of purposes.<sup>228</sup> It is this sort of functionalism that lies behind, for example, critical accounts of ideology.<sup>229</sup> While "*Society Must Be Defended*" details the emergence of a sort of organic, functional conception of society out of the agonistic "counterhistory" of race war in early modern England and France, in other lectures he hints at the way that this "functional" normative conception of human beings emerges in the psychological sciences. Indeed, as early as *The Order of Things* Foucault emphasized the importance of the conceptual pairing of *function* and

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<sup>227</sup> Whether or not they are essentially normative is another question. Perhaps, given a different history, we would have developed purely descriptive concepts for the study of ourselves. In actuality, however, we didn't.

<sup>228</sup> Foucault, in *The Order of Things*, refers explicitly to Durkheim as well as Goldstein, Mauss, Dumezil, Levy-Bruhl, and Blondel in this regard (p. 393 *et passim*).

<sup>229</sup> Cf. Michael Rosen, "On *Voluntary Servitude* and the Theory of Ideology" *Constellations* 7(3) (2000):394-409

*norm*, attributing to them in that work a sort of quasi-transcendental status, functioning as constitutive categories for the development of the sciences of biology, sociology, and psychoanalysis.<sup>230</sup>

For example, in his 1973/74 course at the Collège de France on psychiatric power, coinciding with the publication of *Discipline & Punish*, and in particular the lecture of 12 December 1973, he discusses how, as disciplinary power came to colonize the treatment of the mad or mentally ill, the “most important and typical” aspect of this treatment was the putting to work of mental patients.<sup>231</sup> Foucault’s point here is that the “illness” of the patients is tested against their ability to function. Of course, there are conceivably many different explanations why this might be, but Foucault wants to suggest that the very conceptual structure of the truths of the human sciences are founded on this functional, utilitarian employment of patients:

In the middle of all this, the most important and typical element is undoubtedly the way in which psychiatric knowledge and treatment are connected to the practice of putting those residents to work who are capable of working. Actually, very strangely, it is clear that the psychiatric categories developed by the psychiatry of the time... are not

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<sup>230</sup> “But there are also constituent models, which are not just techniques of formalization for the human sciences, or simple means of devising methods of operation with less effort; they make it possible to create groups of phenomena as so many ‘objects’ for a possible branch of knowledge; they ensure their connection in the empirical sphere, but they offer them to experience already linked together. They play the role of ‘categories’ in the area of knowledge particular to the human sciences. These constituent models are borrowed from the three domains of biology, economics, and the study of language. It is upon the projected surface of biology that man appears as a being *possessing functions* – receiving stimuli (physiological ones, but also social, interhuman, and cultural ones), reacting to them, adapting himself, evolving, submitting to the demands of an environment, coming to terms with the modifications it imposes, seeking to erase imbalances, acting in accordance with regularities, having, in short, conditions of existence and the possibility of *finding average norms* of adjustment which permit him to perform his functions... These [constituent models] completely cover the entire domain of what can be known about man..” (pp. 389-390).

It is surprising and to some degree frustrating to read critics and commentators alike read Foucault’s genealogical works as the same sort of functionalism for which he provides an archaeology in his earlier work. For example, Rosen attributes to Foucault this same functional conception of society, though he admits that he can’t make much sense of him. See also Neil Brenner, “Foucault’s New Functionalism” [*Theory and Society* 23(4) (1994):679-709].

<sup>231</sup> *Psychiatric Power*, p. 128.

in fact employed here at all as a classification of the curability of different people and the form of treatment that should be applied to them. Nosological classification is not linked to any therapeutic prescription but serves instead solely to define the possible utilization of individuals for the work they are offered.<sup>232</sup>

As I put explained in Chapter Two, the construction of the space of reasons is intimately connected to our treatment of persons: in this case, to the treatment of the mad and mentally ill, insofar as these sorts of practices form the conceptual bedrock of the human sciences. Psychiatric patients were, at the dawn of the disciplinary age, put to work, and treated as functionally characterized individuals.

This treatment, in the rather brutal and crude context of early psychiatric practice, highlights the way in which disciplinary power in general works to produce a specific sort of individual. In the same course, during Foucault's lecture of 21 November 1973, Foucault discusses explicitly and at length the "genealogy of disciplinary power." As he puts it, "the other side of the disciplinary relationship is punishment, both miniscule and continuous punitive pressure."<sup>233</sup> As described above, teachers, military officers, factory managers, all of these figures shaping the disciplinary contexts in which they operate, exerting this continuous pressure, even if only through the threat of disapproval, minor corrections, etc. As Foucault puts it:

One must be able to spot an action even before it has been performed, and disciplinary power must intervene somehow before the actual manifestation of the behavior, before the body, the action, or the discourse, at the level of what is potential, disposition, will, at the level of the soul. In this way something, the soul, is projected behind disciplinary power, but it is a very different soul from the one defined by Christian practice and theory.<sup>234</sup>

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<sup>232</sup> Ibid.

<sup>233</sup> *Psychiatric Power*, p. 51

<sup>234</sup> *Psychiatric Power*, p. 53

The *individual*, considered as that mass of properties, tendencies, tastes, character, habits, dispositions, is the product of disciplinary arrangements. As he puts it in *Discipline & Punish*:

The history of this 'micro-physics' of the punitive power would then be a genealogy or an element in a genealogy of the modern 'soul'. Rather than seeing this soul as the reactivated remnants of an ideology, one would see it as the present correlative of a certain technology of power over the body. It would be wrong to say that the soul is an illusion, or an ideological effect. On the contrary, it exists, it has a reality, it is produced permanently around, on, within the body by the functioning of a power that is exercised on those punished - and, in a more general way, *on those one supervises, trains and corrects, over madmen, children at home and at school, the colonized, over those who are stuck at a machine and supervised for the rest of their lives.*<sup>235</sup>

And this object - projected, produced, and managed through disciplinary apparatuses, becomes the object of the human sciences which, in turn, further solidify it. These qualities, which constitute "individuals," are "projected" behind the bodies that are consistently pressured to perform. As we saw in the previous chapter, these therapeutic and medical practices play a role in *constituting the object* of the human sciences, namely, the soul or psyche. There is nothing obvious about such an object; indeed, once this object was in some sense constituted, the work of Nietzsche and Freud, among others, served as a sustained attack on the idea that the various drives, desires, and dispositions of human beings amount to any coherent whole at all.

In the same lecture course, Foucault gives his most detailed account of the relation between the human sciences, disciplinary power, and juridical/penal practice. As he puts it:

The function of the discourse of the human sciences is precisely to twin, to couple this juridical individual and disciplinary individual, to make us believe that the real,

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<sup>235</sup> *Psychiatric Power*, p. 29. Emphasis mine.

natural, and concrete content of the juridical individual is the disciplinary individual cut out and constituted by political technology. Scratch the juridical individual, say the (psychological, sociological, and other) human sciences, and you will find a particular kind of man; and what in actual fact they give as man is the disciplinary individual.<sup>236</sup>

With the rise of the juridical apparatus of sovereign power, the sort of agonistic, essentially incomplete mode of conflict resolution, with its attendant forms of subjectivity and space of reason, faded away. Where once people *struggled* with *each other*, in an arena where at least in principle the strength and validity of their claims was not predetermined in advance, awaiting only discovery, there was now the sovereign order, imposed from above, independently of partisan voices. With the twin inventions of the *infraction* and the *prosecutor*, the legitimate claims that might be raised and the voices that might raise them are reduced sharply; the latter ventriloquizes subjects of right with the voice of the sovereign. Disciplinary power silences even that voice.

Through the lectures on psychiatric power, Foucault notes the transformation in the role of the psychiatric doctor, from - as he puts it - “ambiguous master of truth” to an “agent of reality.” Foucault here is summarizing a drastic change in the treatment of the mad; prior to the 19th century, the psychiatric doctor treated patients, in some sense, by *indulging* their delusions. So, for example, in a case he draws from the practice of Mason Cox, published in 1804, he describes a patient consumed by paranoid fantasies about his housekeeper. While clearly this was a fantasy, the treatment of his condition involved at the very least *pretending* the patient’s views were true; a false trial was held, the housekeeper convicted and sent away, and the patient appeared to recover.<sup>237</sup> Foucault - whose approach in these lectures is precisely to analyze these “scenes” of medical practice to reveal the workings of the “microphysics” of disciplinary power - wants to

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<sup>236</sup> *Psychiatric Power*, pp. 57-58.

<sup>237</sup> *Psychiatric Power*, pp. 33-34.



stress that, at least through the very beginning of the 19th century, the voice of the patient made a difference to his or her treatment; his or her role as a *truth-teller* was not completely discounted, even if it meant creating a more or less elaborate “delusion within a delusion.”<sup>238</sup>

Foucault contrasts these sorts of psychiatric scenes - scenes, perhaps, which still evoke the outlines of sovereign power - with those that indicate, explicitly, the rise of disciplinary power. Indeed, he chooses for his exemplary case one in which a genuine sovereign - King George - confronts the new forms of psychiatric power. In this scene, as the mad king submits to his treatment and, perhaps more importantly, to the administrations of servants acting on doctor’s orders. And, as Foucault describes it:

Now, in the disciplinary relationship that we see appearing here, the servant is not at all in the service of the king's will, or it is not because it is the king's will that he serves the king's needs. He is in the service of the king's needs and condition *without either the king's will or his status being involved. It is only the mechanical requirements of the body, as it were, which fix and determine what the servant's service must be.* Consequently will and need, status and condition are disconnected. What's more, the servant will only act as a repressive force, he will leave off serving only in order to curb the king's will, when the latter is expressed over and above his needs and his condition.<sup>239</sup>

To be completely clear about the case:

One type of power, that of sovereignty, is replaced by what could be called disciplinary power, and the effect of which is not at all to consecrate someone's power, to concentrate power in a visible and named individual, but only to produce effects on its target, on *the body and very person of the dethroned king, who must be rendered "docile and submissive" by this new power.*<sup>240</sup>

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<sup>238</sup> “What I would like to do this year is basically a history of these psychiatric scenes... What I propose to bring to light this year is, before the analysis of the institution, the microphysics of power,” pp. 32-33.

<sup>239</sup> p. 24, emphasis mine.

<sup>240</sup> p. 22, emphasis mine.

What is striking about this case is the separation of *will* - and, consequently, of voice, of one's capacity to hold authority in oneself, to be a genuine author of one's existence - from the normative order; the king himself must be placed in the normative order, and not stand at its head. And once that happens, the human sciences step in to inscribe the natural, functional normative order that belongs to their neutral, third-person, objective knowledge.

As mentioned, Foucault's worry is that ““prisons resemble factories, schools, barracks, hospitals, which all resemble prisons.” The point here is that, insofar as the normative order to which we are subjected is drawn from the functional contexts in which disciplinary techniques and technologies are deployed, we become subjected *as* subjects of training, ready to be *corrected*. The point is that when we *submit to such punishment* in a penal system that stands as the safeguard and guarantor not only of a political order but also of the conduct of our everyday lives, we *subjectivate ourselves* - using Foucault's language - *as subjects of correction*, for whom this order is *authoritative*; we put in the *ethical work* of constant surveillance and intervention with the aim of *training* and *correcting* our ethical substance, namely, our souls, or psyches, or dispositions and tendencies.

Let us return to the Strawsonian themes discussed earlier. Where Strawson distinguished between the participant and the objective stance, we have drawn a further distinction within the participant stance, namely, that between the juridical stance and the stance of revolt, based on the structures and sources of normative authority at work in each. We have seen how the shifts in the technologies of power between, for example, medieval and sovereign practices embodied each of these. Strawson saw the participant stance - and we might see the juridical stance and the stance of revolt - as necessary to our moral lives, unable to engage others *solely* in the *objective* stance. As he puts it:

Being human, we cannot, in the normal case, do this [i.e. adopt the objective stance] for long, or altogether. If the strains of involvement, say, continue to be too great, then we have to do something else – like severing a relationship.<sup>241</sup>

It is this that Foucault would deny; indeed, what *discipline* does is divest human beings of the sense of being *any* sort of source of normative authority. This is what happens when even the voice of the king is silenced in the face of his bare needs. What is to be maintained is simply the functional order of a society, which is authoritative with respect to all of our actions. The space of disciplinary or carceral reason is one which has been flattened and which purports to provide standards and norms in virtue of objective facts about human functioning; we are always a mistake away from having that lack of authority made forcefully apparent. In brief, disciplinary power moves us to adopt the objective stances as the foundation of our engagement with each other.

There are many reasons why one might expect - at the very least - our governing bodies to adopt the “objective” stance towards individuals. Where in our individual lives we are perhaps able to sever our relationships when the strains of involvement are too great, we do not have this same option when considering ourselves as members of, say, a national community. Indeed, neutralizing tensions between smaller scale political units has been part and parcel of the emergence of the administrative State, an objective aided and abetted by the rise of disciplinary power. Foucault - while not appealing to these intentions as *causes* of the rise of disciplinary power - nevertheless suggests that they are important effects:

If the economic take-off of the West began with the techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men made possible a political take-off in relation to the traditional, ritual, costly, violent forms of

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<sup>241</sup> Strawson, p. 10

power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection.<sup>242</sup>

Indeed, the role of disciplinary technologies in establishing the normative order - we might, presumptively, call it “the social” - that underlies our contemporary political existence is crucial for Foucault.

To think otherwise would be to miss the massive transformation that has taken place in our punitive and penal practices. We *have* moved - in our assessments of the proper attitudes to take towards wrong-doers - to the “objective” stance on the whole, precisely because it is “civilized”:

This need for punishment without torture was first formulated as a cry from the heart or from an outraged nature. In the worst of murderers, there is one thing, at least, to be respected when one punishes: his 'humanity'. The day was to come, in the nineteenth century, when this 'man', discovered in the criminal, would become the target of penal intervention, the object that it claimed to correct and transform, the domain of a whole series of 'criminological' sciences and strange 'penitentiary' practices... We must, therefore, recount the birth and early days of this enigmatic 'leniency'.<sup>243</sup>

In the next section we will see how the birth of this leniency, which we have now outlined, and its role in setting a limit to the power of the sovereign has come to shape the juridical stance that Foucault rejects completely.

### **§3.4 Cutting Off the King's Head**

For Foucault, the humanism of the Enlightenment began with the placing of limits on sovereign power. However, pursued in a juridical fashion, this movement to

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<sup>242</sup> *Discipline & Punish*, pp. 220-221

<sup>243</sup> *Discipline & Punish*, pp. 74-75.

limit sovereign power never managed to escape the juridical stance and the technologies of sovereign power sustaining that stance. And, indeed, framing this attempted escape from these technologies in terms of *humanity*, or of *human dignity*, have served to place the juridical stance in a sustained dialectic with the human sciences that Foucault refuses to enter.

Let us look more closely at the way Foucault links the birth of “lenient” or “humane” punishments with the birth of the human sciences:

Instead of taking revenge, criminal justice should simply punish. This need for punishment without torture was first formulated as a cry from the heart or from an outraged nature. In the worst of murderers, there is one thing, at least, to be respected when one punishes: his 'humanity'. The day was to come, in the nineteenth century, when this 'man', discovered in the criminal, would become the target of penal intervention, the object that it claimed to correct and transform, the domain of a whole series of 'criminological' sciences and strange 'penitentiary' practices. But, at the time of the Enlightenment, it was not as a theme of positive knowledge that man was opposed to the barbarity of the public executions, but as a legal limit: the legitimate frontier of the power to punish. Not that which must be reached in order to alter him, but that which must be left intact in order to respect him. *Noli me tangere*. It marks the end of the sovereign's vengeance. The 'man' that the reformers set up against the despotism of the scaffold has also become a 'man-measure': not of things, but of power. There is, therefore, a problem here: how was this man-measure opposed to the traditional practice of punishment? How did he become the great moral justification of the reform movement. Why this universal horror of torture and such lyrical insistence that punishment be 'humane'? Or, which amounts to the same thing, how are the two elements, which are everywhere present in demands for a more lenient penal system, 'measure' and 'humanity' to be articulated upon one another, in a single strategy? These elements are so necessary and yet so uncertain that it is they, as disturbing as ever and still associated in the same dubious relation that one finds today whenever the problem of an economy of punishment is posed. It is as if the eighteenth century had opened up the crisis of this economy and, in order to resolve it, proposed the fundamental law that punishment must have 'humanity' as its 'measure', without any definitive meaning being given to

this principle, which nevertheless is regarded as insuperable. We must, therefore, recount the birth and early days of this enigmatic 'leniency'.<sup>244</sup>

The point to be noted, in this longer excerpt, is this: the pushback against sovereign power came *before* the development of the objects of the human sciences, constituted by the practices of discipline in our industrial, pedagogical, military, and - later, and most importantly - penal institutions. And it occurred in the name of the *humanity*; the arbitrary will of the sovereign reached the end of its grasp as it clutched at the edges of its object's humanity.

But what *is* this humanity? What does it amount to? As Foucault notes in a far more commonly cited discussion of the shortcomings of "humanism," it is not clear that humanity as such has much in the way of concrete normative content. In the context of distinguishing humanism from Enlightenment, he writes:

Humanism is something entirely different. It is a theme or, rather, a set of themes that have reappeared on several occasions, over time, in European societies; these themes, always tied to value judgments, have obviously varied greatly in their content as well as in the values they have preserved... In the seventeenth century, there was a humanism that presented itself as a critique of Christianity or of religion in general; there was a Christian humanism opposed to an ascetic and much more theocentric humanism. In the nineteenth century, there was a suspicious humanism, hostile and critical toward science, and another that, to the contrary, placed its hope in that same science. Marxism has been a humanism; so have existentialism and personalism; there was a time when people supported the humanistic values represented by National Socialism, and when the Stalinists themselves said they were humanists.

From this, we must not conclude that everything which has ever been linked with humanism is to be rejected, but that the humanistic thematic is in itself too supple, too diverse, too inconsistent... And it is a fact that, at least since the seventeenth century, what is called "humanism" has always been obliged to lean on certain conceptions of man borrowed from religion, science, or politics. Humanism

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<sup>244</sup> *Discipline & Punish*, pp. 74-75

serves to color and to justify the conceptions of man to which it is, after all, obliged to take recourse.<sup>245</sup>

Remember that, as was discussed in §1.3, normative frameworks often make appeal to some sort of substantive normative fact, straddling the divide between the natural and the moral, in order to ground the normative principles, laws, and rules that comprise them. Foucault thinks that the great juridical effort, from the 17th through the 19th century, to rein in the powers of the sovereign did so by erecting a *humanist* framework, one in which the “human” with its attendant “dignity” plays the role of the foundational normative fact. This is part of what Foucault, in *The Order of Things* calls the “anthropological sleep.” What makes this anthropological sleep a slumber is that it allows one to think that there is anything at all about *being human* - in the purely descriptive sense of *being a homo sapiens* - that has any moral import *in itself*. Another way of putting this is that “human being” cannot serve as the sort of normative fact these frameworks require, where the relevant sense of “fact” is the sense in which it is opposed to (mere) values, insofar as such facts could be at least in principle public and objective. The gold standard for such normative facts would be one, for example, that would move anyone who could recognize the *descriptive* or “merely factual” aspects of human being to respect the moral claims that human being allegedly makes on us.<sup>246</sup>

I take that in pointing out that humanism of some sort has been used to ground wildly different moral and political projects - and, importantly, moral and political projects that few if any of his readers would endorse - Foucault wants to suggest that these are not simply so many failed attempts at figuring out the “correct” or “true”

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<sup>245</sup> “What is Enlightenment?” pp. 313-314. To this list we could add the colonialism of the 19th century.

<sup>246</sup> Something like this is at work in Kant’s discussion of the “fact of reason,” the encounter with a moral law that confronts us in the same way that an empirical fact might, but with incontrovertible moral force.

concept of humanity, that is, of finding an accurate representation of humanity. His point here is that, rather, what we find in these cases is what might be called the “normative construction of the human,” a kind of humanity that does not coincide with empirical human being. This becomes apparent in the ways in which these movements have explicitly endorsed the differential treatments of different classes of human beings, as inhuman or subhuman. In thinking that the *fact* of humanity could serve as the *ground* of humanistic normative frameworks would be to miss the ways in which a normative conception of the human is constructed out of extant, already (often deeply) held moral commitments.

The upshot of this is that, in making an appeal to “the human” central to its efforts, the juridical resistance to sovereign power placed itself in the position of having to provide some sort of *content* to that conception, to conceive of a human being whose sheer existence would have normative consequences. And it is this sort of humanism that, I think, fuels Foucault’s suspicion of normative frameworks more generally. For if, as Foucault thinks as happened, the West has continually failed to ground its moral and political projects in a consistent conception of the human being, what *other* sort of moral fact might take its place? At any rate, he takes it that this juridical move, noble as it might have been, laid the groundwork for the colonization of our moral lives by the imperatives of “normal functioning.” In replacing the *will* of the sovereign as the source of normative authority in our lives, as something *arbitrary* and possibly *unreasonable*, with an *objective* and purportedly *neutral* “natural” normative order, the jurists placed themselves in the position of having to provide some sort of content to this concept. Let us expand another citation from the previous section:

The function of the discourse of the human sciences is precisely to twin, to couple this juridical individual and disciplinary individual, to make us believe that the real,



natural, and concrete content of the juridical individual is the disciplinary individual cut out and constituted by political technology. Scratch the juridical individual, say the (psychological, sociological, and other) human sciences, and you will find a particular kind of man; and what in actual fact they give as man is the disciplinary individual. Conjointly, there is the humanist discourse that is the converse of the discourse of the human sciences, taking the opposite direction, and which says: the disciplinary individual is an alienated, enslaved individual, he is not an authentic individual; scratch him, or rather, restore to him the fullness of his rights, and you will find, as his original, living, and perennial form, the philosophico-juridical individual. This game between the juridical individual and the disciplinary individual underlies, I believe, both the discourse of the human sciences and humanist discourse.

What I call Man, in the nineteenth and twentieth centuries, is nothing other than the kind of after image of this oscillation between the juridical individual, which really was the instrument by which, in its discourse, the bourgeoisie claimed power, and the disciplinary individual, which is the result of the technology employed by this same bourgeoisie to constitute the individual in the field of productive and political forces. From this oscillation between the juridical individual—ideological instrument of the demand for power—and the disciplinary individual—real instrument of the physical exercise of power—from this oscillation between the power claimed and the power exercised, were born the illusion and the reality of what we call Man.<sup>247</sup>

What Foucault means by all of this is really quite simple. The *normative* appeal to humanity - embodied in the humanist, “philosophico-juridical” position - serves a critical function in attempting to limit direct intervention by the sovereign, but this in turn calls for genuine content to the concept of the “human.”

In principle, I suppose that there are many ways to try to provide such content. Even putting aside various forms of philosophical anthropology, one could draw, for example, on any number of religious traditions for a normative and descriptive account of human beings. However, as was mentioned in the closing paragraphs of the previous chapter, that it's not clear that this will suffice for providing a normative framework for

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<sup>247</sup> *Psychiatric Power*, pp. 58-59

living together in common in an age characterized by what John Rawls calls “the fact of pluralism.”<sup>248</sup> In modern Western liberal democracies, we must coexist with many who do not share our most deeply held moral, political, religious, or metaphysical beliefs. And - given that part of the reason that disciplinary practices have survived and proliferated is that they work to neutralize the sorts of clashes of wills that could be provoked by displays of sovereign vengeance - it should not be surprising that these same disciplinary practices aid in the propagation of purportedly neutral normative frameworks, that might be acceptable to the (vast majority) of a population. And that is what Foucault takes them to do, through their relation to the human sciences; in the face of massive disagreement about the proper ends of life, the human sciences provide normative, functional characterizations of human beings, which provide standards and goals for human conduct and reasons for intervention in many cases. As disciplinary power colonizes public institutions, the aim of government becomes less the imposition of sovereign will and more and more the *administration and policing of normal life*.

And throughout the 20th century, the administered life and the administrative State have been the repeated objects of critique, indeed, often of humanist critique. Too often, it is claimed, the State oversteps its bounds in its interventions into the lives of its citizens, or that the character of life in the modern world is deadening or alienated; human being is at odds with its nature, in some way. This is, in broad strokes, the beginnings of a dialectic of critique that Foucault rejects. Some normative but thin conception of the human being and its place in nature and society arises out of everyday disciplinary practice, and is used to naturalize and legitimate an enforceable social order.

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<sup>248</sup> *Political Liberalism* (Expanded edition. New York. Columbia University Press:2005), p. 441 *et passim*. Rawls actually refers to “the fact of *reasonable* pluralism,” but I take it that - outside of the enterprise of “ideal theory” - in our modern liberal democracies we are compelled to coexist with those whose views and forms of life we find wildly unreasonable.

Some aspect of this order or its enforcement is found ethically lacking, and an objection is raised to it, usually framed by a humanist normative framework; appealing to some sort of moral quality or consequence of human nature or reason or dignity or what-have-you. And this appeal to a humanist normative framework, in turn, demands a positive conception of human being, and a normative order that answers to its rights, responsibilities, values, and desires. And, eventually, the attempted institution of this positive conception of human being and its accompanying normative order - through further disciplinary practices, legislation, and so on - falls short, ethically, again, and the dialectic begins all over. It is in this back and forth of ethical critique and political and social construction that, Foucault thinks, we arrive at the philosophical conception of “Man” that so occupied him in, for example, *The Order of Things*.

In that work - identified as the locus classicus of Foucault’s alleged anti-humanism, with its closing “wager that man [might] be erased, like a face drawn in sand on the edge of the sea” - Foucault identifies “Man” not as a generic term for human being, but as “an invention of a recent date. And one perhaps nearing its end.”<sup>249</sup> What he means by this is that “Man” is something like an *epistemological artefact*, the precipitate of a massive change in the way in which we conceive knowledge. During what Foucault calls the “Classical period” - roughly the 17th and 18th centuries - certain important fields of empirical knowledge, namely, those that have to do with human beings, the fuzzy and immature sciences of natural history, the study of wealth, and the study of grammar - were understood first and foremost as a matter of *representation*, something like a table of facts all systematically arranged. As Foucault describes it, in the closing years of the 18th century, the questions of the *conditions of the possibility* of these representations came to be raised: the Kantian problematic of how the manifold

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<sup>249</sup> p. 422.

elements of a field might be unified into objects of knowledge. And the Kantian answer to this problem is to posit a transcendental subject, a non-empirical structure or process, working to unify and render cognizable the objects of our empirical knowledge.

Foucault's - and not only his - problem with this solution is that, insofar as *human beings* are taken to be, instantiate, or somehow participate in this sort of transcendental subjectivity, the human being is *divided*, bifurcated; both an empirical human and a non-empirical subject. Why is this a problem? Well, it seems self-defeating in important ways. If the transcendental subject organizes empirical objects for cognition, but is itself not an empirical object, it's not at all immediately clear how we could possibly have any knowledge of it, or what knowledge of it might amount to.<sup>250</sup> How could we make *any* claims about the transcendental subject, or have *any* self-knowledge?

One strategy is to adopt what Lee Braver, in his magisterial study of anti-realism in Continental philosophy, has termed "the Empirical Directive." In his explication of the Kantian paradigm and its development, transformation, and dissolution in the work of Hegel, Nietzsche, and Heidegger, he points out that *the only way we can know the transcendental subject* is through its manifestation in the empirical world:

We will see that throughout the history of continental philosophy, the Empirical Directive gradually pulls subjectivity itself more and more into the field of experience—history, nature, causality, and community all come to claim constitutive power over the constituting subject. Although this immersion into this world would have horrified Kant, it is one of the unintended effects of the Empirical Directive that he initiated.<sup>251</sup>

And so we end up at with the quasi-transcendental figure of Man, that strange subject-object of knowledge, the being who studies himself. As Foucault describes it, the forms

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<sup>250</sup> This problem hinges on the further claim that constitution, or preparation for knowledge, by transcendental subjectivity is a precondition for *all* knowledge.

<sup>251</sup> *A Thing of This World: A History of Continental Anti-Realism*, (Evanston IL. Northwestern University Press: 2007), p. 76.

of life, the processes of our labour, the significance of our language, all these aspects of our worldly existence that aren't *quite* empirical, that don't *quite* count as "objects" that we encounter, these have been taken to be what I will call *manifestations* or *expressions* of our human subjectivity, the shadowy force binding these phenomena together and constituting them as *ours*.

But, in the same text, Foucault takes issue with this way of addressing the Kantian problem, with what he calls "the analytic of finitude." The Kantian turn in philosophy makes human finitude a *positive* feature of human being, making the *limits* that we face into conditions for any experience at all. And there is something to this; as finite human beings, we are confronted in our daily lives with both the experience of a kind of freedom to do what we will, while at the same time finding ourselves subject to all sorts of obstacles, particularly, binding normative structures, from the cognitive and epistemic to the ethical and political. This is the idea same idea expressed by - to use an example that Foucault would have known very well - Hegel's contention that we originally confront the normative structures of our lives as *alien*, as having the source of their authority in something *beyond* us, "in itself" before we recognize that this authority is only "for us." Hegel's post-Kantian project of reconciliation, in both the *Phenomenology* and more explicitly in the *Philosophy of Right*, of appropriating as our own - as expressions of our own *freedom*, perhaps, but even more importantly as the expression of *reason* in the world - the structures that confront as alien is precisely the sort of project that Foucault rejects. Indeed, in the text that marks the passage between his most explicitly archaeologically-focused works and his genealogies, Foucault states clearly his anti-Hegelianism, inherited from Hyppolite.<sup>252</sup>

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<sup>252</sup> For a discussion of Hyppolite's influence at greater length, see Gary Gutting, *Thinking the Impossible*.

What Foucault inherits from Hyppolite is the rejection of the *closed system* of Hegelian thought.<sup>253</sup> In particular, Foucault rejects the orthodox Hegelian model of reality - and the philosophical comprehension thereof - as a *closed* system. The idea is that, on the Hegelian model, some aspect of the normative structures that we encounter *resists* its appropriation or construal as an expression of our reason; it cannot be recuperated. This is the motor behind Hegelian dialectics; one's entire mode of being - both practical and cognitive - must be altered, encountering new normative structures and appropriating and so on, until the system is closed in a state of Absolute Knowledge. This closure is crucial; without it, we have no reason to accept Hegel's claim that the "in itself" can truly be recuperated as merely "for us," as an expression of our reason or freedom.

This promise of closure or full recuperation, required by the transcendental turn to Man is the target of Foucault's account of the analytic of finitude. Though in *The Order of Things*, his targets seem to be, variously, Husserl and Heidegger, Hegel and Marx, and Freud (and likely) Lacan, the structure that he is attacking is the same; whether it be the thought of the constituting phenomenological subject who must always await its complete description in the *unthought* that has eluded description, the Hegelian subject awaiting absolute knowledge, or the proletariat whose full realization must await its "origin" in the classless society, in each case the reality we are able to encounter is supposed to both express our nature, but also in some way fall short of fully expressing it. Foucault takes this to be evidence that the empirical directive is a failed strategy, and that it is time to awake from the anthropological

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<sup>253</sup> "Discourse on Language" in *n The Archaeology of Knowledge and the Discourse on Language* (Trans. A.M. Sheridan Smith. New York NY. Pantheon: 1972) p. 235.

The wager of Foucault's claim is that this project fails, though he knows that the attempt to estrange us from the structures in which we find ourselves can always be countered. That is the nature of the analytic of finitude; as long as transcendental subjectivity always purports to be only indirectly accessible, one can always claim that the structures we encounter are its expressions. As he puts it, his path of thought might be one "at the end which [Hegel] stands, motionless, waiting for us."<sup>254</sup>

And this is the dialectic in which he finds "humanism" and "discipline," the juridical stance and the human sciences, locked. Back and forth, it might go, from a claim that some practice or act violates the rights or the humanity of some party to the elaboration of that humanity to the realization that, again, the establishment of that vision of humanity in our disciplinary practices and, once again, to the claim that this vision does not match up with our normative and moral judgments.

So, for example, one can see Foucault targeting in the first volume of his *History of Sexuality*, not primarily at "sexuality" as a normalizing discourse, but at those movements or discourses aiming at permitting the free expression of sexuality. The idea that inscribing "human sexuality" in the normative order - whether in an "emancipatory" or a "repressive" manner - would amount to realizing or instituting freedom, as opposed to participating in this dialectic that constantly elicits discourse about "human being" for the sake of somehow recognizing or realizing that being in our normative institutions:

Moreover, we need to consider the possibility that one day, perhaps, in a different economy of bodies and pleasures, people will no longer quite understand how the ruses of sexuality, and the power that sustains its organization, were able to subject us to that *austere monarchy of sex*, so that we became dedicated to the endless task of forcing its secret, of exacting the truest of confessions from a shadow. The irony

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<sup>254</sup> "Discourse on Language," p. 253. He explicitly credits Hyppolite for exploring the ways in which we might consistently be brought back to Hegelianism "only from a different angle, and then, finally, be forced to leave him behind, once more."

of this deployment is in having us believe that our "liberation" is in the balance.<sup>255</sup>

I take as further evidence that Foucault's thought on this issue goes back as far into his alleged "archaeological" period as *The Order of Things* the fact that he had explicitly anticipated this dialectic, and the role that sexuality would come to play in it in. After the classical era of "representation," and with the transition to the "modern" period, with its intense focus on "Man," "violence, life and death, *desire and sexuality* will extend, below the level of representation, an immense expanse of shade which we are now attempting to recover, as far as we can, in our discourse, in our freedom, in our thought. But our thought is so brief, *our freedom so enslaved*, our discourse so repetitive, that we must face the fact that that expanse of shade below is really a bottomless sea."<sup>256</sup>

This is important, for several reasons. First of all, it is the first signal of Foucault's rejection - ultimately - of any sort of foundationalism with respect to ethical theory, which is the first step towards his rejection of the need for ethical theory at all. The humanist foundation would be, to Foucault's mind, the most plausible; Sartrean existentialism, phenomenology, and humanist Marxism were to some extent the order of the day. Even Levinas' radically Other-centered ethical philosophy is, in the relevant respects, humanist. The failure of humanist foundations for ethical life indicates their superfluousness in general; after all, we manage to live ethically - or, given our weaknesses, we know *what it would be* to live ethically, at least in broad strokes - and it's not clear what work these purported foundations are doing. Indeed, the transcendental figure of "the human" seems to be merely a repository for the normative judgments and convictions we already have, that are part and parcel of our ways of life and spaces of reason.

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<sup>255</sup> *HS1*, p. 159

<sup>256</sup> *The Order of Things* p. 229, emphasis mine



This is precisely the sort of view we should expect from Foucault. After all, in our discussion in §1.4, in which we brought Foucault into conversation with Prichard's criticisms of moral philosophy, we saw that what is important, what *matters*, is our conviction in our moral judgments, the normative force we feel from these principles and particular cases. Indeed, in Anglo-American philosophy this idea has grown in influence under the guise of *reflective equilibrium*, which does away even with the notion that *moral principles* need to be foundational, let alone some sort of state of affairs grounding them.

This criticism of humanism, and foundationalism in moral theory more generally, is doubly important when considering the criticisms of Foucault from the Critical Theoretic Left that many take to express the sorts of theoretical problems taken to have moved Foucault to make an "ethical turn." For example, Nancy Fraser conflates several aspects of Foucault's view, taking him, in *Discipline & Punish*, to be criticizing some sort of disciplinary humanism, a crude utilitarianism that takes the source of goodness to be the maximization of human productivity or happiness.<sup>257</sup> Fraser aims to show that Foucault's "critique" misses its mark, the most important legacy of Enlightenment, namely, liberalism. In an earlier article, she claims that Foucault's work, which she interprets as criticizing disciplinary power as such, which she also takes Foucault to credit with the emergence of liberal, "Enlightened" institutions; her problem with this is that Foucault seems to be "presupposing" liberal norms in order to criticize discipline for its impingement upon our "freedom." Fraser, like so many of Foucault's critics, is committed to a version of "the juridical stance," the stance of the prosecutor and the universal intellectual.

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<sup>257</sup> "Michel Foucault: A Young Conservative?" p. 176

This reading of Foucault neglects, entirely, the tripartite relationship between disciplinary practices, the human sciences, and the juridical stance involved in attempting to delineate foundational rights that would ground a normative social order. This target allows Foucault to draw connections between interventionist, utilitarian policies and liberal foundations, and - effectively - target them both. But he is emphatically *not* presupposing liberal norms of justice, legitimacy, freedom, etc., in targeting them. And this is because he is not saying that discipline is *bad*, or - and this is different - that it is *wrong*. Discipline isn't in and of itself a problem. The failure on the part of many of Foucault's critics to realize that he is not engaged in this juridical sort of critique - in identifying and labeling those practices that violate a pre-established right in terms of a normative framework - is in part the reason why he is accused of nihilism.

Foucault's nihilism, such as it is, consists in his consistent refusal to take *how things are* to settle, on their own, *the way things should be*, to refuse the authority of normative frameworks that seek their ground in some set of facts about the world. As Foucault uses the term, then, *the truth* - in the sense of the accurate representation of the way things are - does not govern us *naturally*, in and of itself. There are *ways* in which we become subject to the truth; the importation of models of human being from religion, philosophy, economics, and the "human sciences" into our juridical practices and our political thinking, and the technologies that underlie and support these models, these all have histories, and he aims to show them to us. Foucault doesn't "critique" discipline, but rather he engages in the historical ontology of *our selves*; the question is not *what makes discipline wrong*, but *how does discipline make us who we are*. The question remains: is this who we want to be?

Foucault repeatedly claims that the standard approaches to political - and, indeed, ethical - thought are insufficient:

At bottom, despite the differences in epochs and objectives, the representation of power has remained under the spell of monarchy. In political thought and analysis, we still have not cut off the head of the king. Hence the importance that the theory of power gives to the problem of right and violence, law and illegality, freedom and will...<sup>258</sup>

We have already seen that Foucault rejects the juridical stance - the tool of the monarchy, though often raised against the sovereign - and its imbrication with the human sciences in the emergence of “the doctor-judge, the educator-judge, the ‘social worker’-judge,” and so on. Cutting off the king’s head is about *more* than recognizing, merely, that disciplinary power, for example, is more diffused throughout our lives and more efficacious in them than the proscriptions laid down by the State or the sovereign. For example, Fraser and Habermas might completely agree with the latter; they still fail “to cut off the king’s head,” insofar as their concern is finding “normative foundations” for an order of rights that would serve as basis for a shared and communal life.

Even a liberal, secular order, grounded in the dignity or humanity of the human subject, does not aim at a *new way* of organizing social and political. It simply replaces the will of the sovereign with human being as the organizing principle. Now, many in the traditions of liberal and critical theory would emphatically deny that any sort of conception of human nature is at the heart of the sorts of order that they endorse. This is precisely the aim of Rawls’ conception of “public reason,” for example: no *substantive* conceptions of human nature can play a justificatory role in the constitution of the just liberal society. But Foucault is not only putting *substantive* conceptions of human being into question.

Even putting *the will of the people*, for example, in the sense of *popular sovereignty*, at the basis of one’s political theory requires assumptions about the nature of human

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<sup>258</sup> *HS1*, p. 89

freedom and reason, about what individuals *would* do, under certain conditions. The sticking point here, for Foucault, is that *the head of the sovereign remains*, even if the person of the sovereign is no longer the king. This will be an issue so long as the project is that of deciding upon a just or legitimate *constitution*, of reigning in and enabling the powers of the sovereign. The liberal framework of individual rights is but one way of doing this.

Foucault's position here - while it might have been difficult to discern at the time - is similar to ones that are now much better known and represented. For example, an inherent tension between *liberalism* and *democracy* has been proposed by thinkers like Chantal Mouffe and others for whom liberal and critical theory has neglected the *agonistic* dimensions of political life, and by those, like Bruno Latour and Jacques Rancière, who take such theory to represent a profound hostility to a genuinely *democratic* form of politics. These discussions often take the form of a charge against some liberal or critical-theoretic account of the proper conditions for political discourse, some sort of constitution that everyone might agree on, might be brought to accept. The hope is that these conditions - whether Rawls' veil of ignorance or Habermas' ideal speech situation, for example - will allow for the derivation of just or legitimate norms for our living-in-common. The issue is that these forget the ineliminable dimension of *struggle* in political life; to engage in this sort of theorizing is to *subject* oneself, in a sense, to a sovereign order that will be upheld, without one's input or meaningful ability to transform in accordance with one's desires or interests.

The point is that, at the very least, the foundational or constitutional norms in these situations need to be beyond the reach of political debates, beyond contention, insofar as they are supposed to frame the forms of life and discourse that amount to our shared form of life, drawing boundary lines around our spaces of (acceptable) reason. But, as we saw in §2, Foucault recognizes that to inhabit the space of reasons is to be

denied the possibility the god's-eye view, to deny that any sovereign could guarantee that the limits of the space of reason hold. It is, in a word, to cut off the king's head. As Brandom puts it:

Sorting out who should be counted as correct, whose claims and applications of concepts should be treated as authoritative, is a messy retail business of assessing the comparative authority of competing evidential and inferential claims. [. . .] There is only the actual practice of sorting out who has the better reason in particular cases. The social metaphysics of claim-making settles what it means for a claim to be true by settling what one is doing in taking it to be true. It does not settle which claims are true—that is, are correctly taken to be true. That issue is adjudicated differently from different points of view, and although these are not all of equal worth there is no bird's-eye view above the fray of competing claims from which those that deserve to prevail can be identified *nor from which even necessary and sufficient conditions for such deserts can be formulated. The status of any such principles as probative is always itself at issue in the same way as the status of any particular factual claim.*<sup>259</sup>

Though most of our discourse, and critical and liberal theory perhaps more than others, proceed as if this were not the case, we have already seen Foucault's intense interest in such agonistic, essentially contested modes of conflict resolution, of framing and rejecting, vindicating and disqualifying, claims of right and wrong. Consider again the medieval, Germanic mode of conflict resolution; the distribution of *authority*, of the right to speak truly, are all up for challenge, and what *counts* as a challenge - for example, combat as opposed to inquiry - is itself up for challenge.

The recognition of this essential agonism in our collective lives, I take it, is at the heart of Foucault's rejection of the juridical-humanist complex, and it is something that continues well after his alleged "ethical turn." In lecture courses from both 1971 and 1981, for example, Foucault discusses at length an episode from Homer, in which the

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<sup>259</sup> *Making It Explicit: Reasoning, Representing, and Discursive Commitment*. Cambridge MA. Harvard University Press: 1994), p. 601. Emphasis mine.

contestants dispute the outcome of chariot race.<sup>260</sup> Despite the presence of an “objective” witness, they defer to *rank* as the guarantor of right, and are not simply *mistaken*; the objective witness simply *does not bear the right sort of authority*.

Or consider Foucault’s discussions of ancient philosophy, of *parrhesia*, ancient practices of truth-telling, and the care of the self. It must not be forgotten that, for all Foucault’s interest in the Stoic care of the self in Hellenistic antiquity, he is not endorsing it. Indeed, the figure of the professional philosopher, or the philosopher as a guide in the art of living, as represented by, say, Epictetus, is fashioned as a particular sort of *master*, one who asserts an *authority*, based on *knowledge*, over the way in which life ought to be lived:

... in the practice of the self in the Hellenistic and Roman period I want to analyze, at the beginning of the Empire, the relationship to the other is just as necessary as in the classical epoch... but obviously in a different form. [I]t is especially based... on the fact that the subject is *not so much ignorant as badly formed, or rather deformed, vicious, in the grip of bad habits*. Above all it is based on the fact that right from the start, at the moment of his birth, even in the lap of his mother, as Seneca says, the individual has never had the relationship to nature of rational will that defines the morally sound action and the morally valid subject... I think this theme is rather important in the history of this practice of the self and, more generally, in the history of subjectivity in the Western world. Henceforth, the master is...no longer the person who, knowing what the other does not know, passes it on to him. No more is he the person who, knowing that the other does not know, knows how to demonstrate to him that in reality he knows what he does not know. Mastership will not work in this way. Henceforth the master is an effective agency... for *producing effects within the individual's reform and in his formation as a subject... We can say that, in one way or another, all the declarations of philosophers, spiritual directors, etcetera, in the first and second centuries, testify to this... [W]hen it becomes a question of transforming bad habits, of transforming... the individual's way of being, when we have to correct ourselves, then a fortiori we will need a master...* Passing from a

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<sup>260</sup> *Lectures on the Will to Know*, Lecture 5, and *Wrong-Doing and Truth-Telling: The Function of Avowal in Justice*. (Trans. Stephen W. Sawyer. Ed. Fabienne Brion and Bernard Harcourt. Chicago IL. University of Chicago Press: 2014), First Lecture.

status of "to be corrected" to the status "corrected" a fortiori presupposes a master. Ignorance cannot be the element that brings about knowledge; this was the point on which the need for a master was based in classical thought. The subject can no longer be the person who carries out his own transformation, and the need for a master is now inserted here.<sup>261</sup>

In the figure of the Stoic, then, we can see - with the benefit of both hindsight and Foucault's work - the germs of what, with countless subtle transformations and shifts in technique, knowledge, and aims, will become the figure of the spiritual advisor, the confessor, the physician, the psychoanalyst. In each case, there is a privileged possessor of a truth that must use that truth in order to *reform* the subject, to train him or her, and bring her properly into the "true" form of life that the philosopher is trying to either unearth or invent.

While it is true that Foucault contrasts this Stoic sort of normative mastery over the truth with more "classical" forms, primarily Socratic and Platonic. But they are continuous in very many important respects. After all, in investigating the shape of ethical life through the lens of sexuality, Foucault notes that it is Plato's intervention in the debates surrounding the use of pleasures in ancient Athens that links *desire* with *truth*, in "a process by which the *master of truth* teaches the boy the meaning of wisdom... Platonic erotics... introduces the question of truth... *as a fundamental question.*"<sup>262</sup> Further:

Socratic erotics, in the form that Plato gives it, does deal with questions that were customary in discussion on love. But it does not seek to define proper conduct... it tries to *determine the self-movement, the kind of effort and work upon oneself, that will enable the lover to elicit and establish his relation to his true being.*<sup>263</sup>

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<sup>261</sup> *The Hermeneutics of the Subject*, pp. 129-130, emphasis mine. He continues: "First, you see that the need for a master... arises in connection... with correction, rectification, and reform."

<sup>262</sup> *The Use of Pleasure*, p. 243, emphasis mine.

<sup>263</sup> *The Use of Pleasure*, p. 243, emphasis mine.

The Platonic philosopher differs from the Stoics in that, rather than simply working to *reform or correct* the subject, to bring the subject and the subject's conduct in empirical reality into agreement with some transcendent or foundational order, Platonic or Socratic attempts to bring the subject to recognize *that what she has wanted, all along, is to be in such agreement*. This subject "would not be able to conduct [herself] without a twofold relation to truth: a relation to her own desire questioned in its being, and a relation to *the object of desire recognized as true being*."<sup>264</sup> The idea, I take it, is that in order for the conduct of the subject to be *stable*, and to be *truly harmonious* with the way of the world, the genuine desire of the subject must be satisfied, that is, somehow grasping that truth must *be* the desire of the subject. The task of this Socratic/Platonic truth-telling is to bring the subject to shape him- or herself into a subject *of truth*, in the sense of one who is subject to the *way things are*, to an *order in the world*.

This lays the groundwork for the Stoic, for the priest, the confessor, and so on. Each of them, of course, take for granted that there is some sort of order to be fit into, or nature or desire on the part of the subject to be expressed or realized. Less common is the conviction that the *desire* of the subject, the aim of the subject, has to be *for*, or *directed towards*, the realization of that order; the aims of the ordering of desire by these various iterations of the director of conscience can vary. But each will speak the truth *about* the subject, will articulate what it is about the subject that needs to be worked on, left alone, and so on. And this possibility - that of speaking the truth - is the prerogative of *philosophical truth-telling*, or *parrhesia*.

Foucault notes the emergence of *philosophical parrhesia* out of criticism of the alleged failure of *political parrhesia* and, more specifically, *democratic parrhesia*. In a sense, then, Foucault is positioning himself as a partisan of a certain sort of democracy - the

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<sup>264</sup> *The Use of Pleasure*, p. 244, emphasis mine.



possibility of *ruling oneself*, while also living in common with others - against liberalism and its kind. Platonic, philosophical truth-telling - the sort of truth-telling that is engaged in by the liberal and critical theorist - has roots in the rejection of *demos*, the rejection of the view that the *people* are capable of ruling themselves. But it is more than simply the aristocratic rejection of the immorality of the masses:

For Plato, the primary danger of *parrhesia* is not that it leads to bad decisions in government, or provides the means for some ignorant or corrupt leader to gain power, to become a tyrant. The primary danger of liberty and free speech in a democracy is what results when everyone has his own manner of life, his own style of life... then there can be no common *logos*, no possible unity, for the city.<sup>265</sup>

That is to say, unity and order are threatened by democratic or political *parrhesia*; if citizens are able to use their speech - and to claim to speak the *truth*, to convince others, to bring them to accept their ways of living - then there will be no unity.

But why not? One might think that the free use of rhetoric might result in tyranny or oligarchy, that those who could be most flattering or pandering or deceptive or otherwise convincing might thereby accrue to themselves an inordinate amount of power, securing rule for themselves. But that is not the situation or the worry; the worry that individuals might be able to shape their own lives, to exist in their own distinctive ways, is part and parcel of a worry over the *agonistic structure* of Athenian democracy and democratic truth-telling:

So we can say that *parrēsia* characterizes a particular position of some individuals in the city which is not defined just by citizenship or status. I would say that it is much rather characterized by a dynamic, by a *dunamis*, by a certain superiority which is also an ambition and effort to be in a position such that one can direct others. This superiority is not at all identical to that of a tyrant, who exercises power without rivals, as it were, even if he has enemies. The superiority connected to *parrēsia* is a superiority shared with

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<sup>265</sup> *Fearless Speech* [Ed. Joseph Pearson. Semiotext(e): 2001], p. 84.

others, but shared in the form of competition, rivalry, conflict, and duel. It is an agonistic structure. Even if it implies a status, I think *parrēsia* is connected much less to status than to a dynamic and a combat, a conflict. So, a dynamic and agonistic structure of *parrēsia*.<sup>266</sup>

And this dynamic, agonistic structure is linked crucially to various forms of self-expression. Foucault will go on to discuss how this agonistic structure of truth-telling formed the basis of a sort of *ethos* on the part of those who wanted to be “first rank,” to play a part in *directing* the affairs of the city, in bringing others not to agree in their everyday conduct, necessarily, but to lend their efforts in public affairs. In particular, it is a mode of *self-assertion*, or *self-affirmation* on the part of those who wish to lead. Of course, this is a complex mode of self-affirmation, and the *conditions* for such truth-telling are neither simple nor simply epistemic, but the agonistic, partisan basis of the space of political reason in Athens is, to Foucault’s mind, clear:

It is one of the internal dimensions of democracy. That is to say, democracy is necessary for there to be *parrēsia*. For there to be democracy there must be *parrēsia*; for there to be *parrēsia* there must be democracy.<sup>267</sup>

Without going further into the details, we see again Foucault’s focus on an agonistic system of claims-making and influence being superseded by the emergence of a discourse claiming to speak the objective truth and transforming the subjects of that truth.

The supplanting of agonistic, democratic *parrhesia* is, according to Foucault, Plato’s aim:

... the *parrēsia* that should characterize the action of some citizens in relation to other citizens, is no longer to be given by citizenship and is no longer the exercise of moral or social ascendancy of some over others. *Parrēsia* [...], truth-telling in

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<sup>266</sup> *The Government of Self and Others*, p. 156

<sup>267</sup> *The Government of Self and Others*, p. 155

the political realm can only be founded on philosophy. It is not just that this *parrēsia*, this truth-telling must refer to an external philosophical discourse, but truth-telling in the field of politics can well and truly only be philosophical truth-telling. Philosophical truth-telling and political truth-telling must be the same, inasmuch as none of the ways of conducting politics witnessed by Plato can assure the true functioning of this *parrēsia*. This dangerous and perilous game I have been talking about is no longer possible. I think the absolute right of philosophy over political discourse is clearly central in this conception of Plato.<sup>268</sup>

Foucault is contrasting the *democratic*, political form of truth-telling with *depoliticizing*, philosophical forms of truth-telling, forms and practices of truth-telling that are supposed to bring subjects into line with a privileged truth. Platonic *parrhesia*, Stoic philosophy, these are all in many respects ancestors of, or at the very least, they begin furnishing the conditions for, the adoption of the juridical stance, in both philosophy and politics.

Bruno Latour has also recently looked towards Plato to discover the roots of approaches towards political and ethical theory that oppose “might” to “right.” It is a common refrain among political theorists of a critical theoretic bent that, in the absence of a proper critical theory, the masses, the people, the *demos* will be lead astray through “ideology” or “false consciousness.” In essence, the theory of ideology, and its critique, is a version of Cartesian skepticism played out in the ethical and political realm, with the role of the evil demon being played by some set of tyrannical forces preventing the people from recognizing their true interests, or the moral truth, or what have you. In a sense, Plato’s Socratic skirmishes with Callicles, or Thrasymachus present a preview of this view, opposing the ideology and machinations of the mighty, or the strong, with rule *by the truth*, with the grasp of an *inhuman* nature that might provide us with the rules and laws by which to order our living together in common. Latour is insightful, however, in

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<sup>268</sup> *The Government of Self and Others*, p. 217

pointing out that *both* Callicles and Socrates evince a distrust - a hatred, even - of the people, or of their self-rule; for each of them, the merely “conventional” laws and norms, subject to revision, to debate, and to the agonistic struggling of individuals to position themselves as leaders and “masters of truth,” can and must give way to a higher law, a natural order.<sup>269</sup>

While Foucault would have been unfamiliar with Latour’s work (though the reverse is likely untrue), he still would have been familiar with literature in classical studies paying close attention to the rise of privileged claims to “truth,” and to shifting conceptions of what truth amounted to. In particular, he would have been aware of how truth was seen as the object of a *struggle*, and not simply an agreement with “the facts.”<sup>270</sup> Similarly, he would have been familiar with fellow travelers of the post-Marxist left attempting to leave behind the world of immobile structures of productive forces and placing their hope in truly radical democracy.<sup>271</sup> In the light of all this, I take Foucault to be tracing the genealogy, in part, of our inability to deal with the unending agonism of genuine democracy and the urge to halt this game in the face of some foundational order, accessible to all in principle but by the philosopher, the advisor, the counselor, by the “educator-judge,” the “social worker” judge, and, perhaps, the liberal and critical theorist.

This same distrust plays out, continually, in critical political theory today, in the form of the same sort of dialectic that Foucault described in his lecture series on

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<sup>269</sup> Cf. Ch. 7, “The Invention of the Science Wars: The Settlement of Socrates and Callicles,” in *Pandora’s Hope: Essays on the Reality of Science Studies* (Cambridge MA. Harvard University Press: 1999).

<sup>270</sup> Foucault’s activist peers in the GIP, for example, included the prominent classicist Pierre Vidal-Naquet. The canonical text on this theme would be Detienne’s *Les Maîtres de vérité dans la Grèce archaïque*, published in 1967.

<sup>271</sup> Most representative in this regard would likely be the work of Castoriadis and the contributors to *Socialisme ou Barbarie*.

psychiatric power and in his earlier works under the title of “the analytic of finitude.” Consider the following dialectic that has played out among theorists active in the tradition of the Frankfurt School and, in particular, among those Axel Honneth has recently turned explicitly to philosophical anthropology in order to provide normative foundations for his approach to critical theory; the idea is that our social arrangements ought to be arranged towards something like “human self-realization.” The details of Honneth’s view are unimportant for our purposes here; more interesting are the responses of his fellow critical theorists. For example, in a review of Honneth’s work, Nikolas Kompridis takes issue with the manner in which Honneth *justifies* this approach, namely, by grounding it in the “pre-theoretical” interests, desires, experiences, and claims of individuals. Kompridis is skeptical of the very idea of a “pretheoretical” fact. He is skeptical that *any* of these claims, in the absence of some theoretical criteria for identifying them, carry any normative weight or - to use the language of the tradition “validity.”<sup>272</sup> Kompridis, rather than attempting to delineate a social order based on claims and norms deriving from philosophical anthropology, rather attempts to provide normative foundations for critical theory by grounding norms in the human capacity of “disclosure,” occurring through our everyday practices, to reveal the world in new and transformative ways.<sup>273</sup> Indeed, we find here the same phenomenon Foucault has been tracing - the call for a normative foundation, the consequent elaboration of a philosophical image of human being, followed by dissatisfaction with that image, followed in turn by the positing of some new foundational feature, in this case, our “disclosive” being in the world.

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<sup>272</sup> “From Reason to Self-Realisation? Axel Honneth and the ‘Ethical Turn’ in Critical Theory,” *Critical Horizons* 5 (1):323-360 (2004). See p. 326, for example.

<sup>273</sup> Cf. *Critique and Disclosure: Critical Theory between Past and Future* (Cambridge MA: The MIT Press: 2006).

Note that the dialectic doesn't cease; Kompridis' work is in turn subjected to criticism from within the same tradition. Amy Allen, for example, has raised the exact same concerns about disclosure; we are able to disclose the world in novel and fruitful ways, but our ability to do so rests on being part of traditions and participants in practice that *might* be unjust:

...the worry is that everyday practices are permeated with relations of power in ways that we as actors often do not fully understand. Some of these power relations are subordinating and dominating and others are empowering and enabling (and, perhaps paradoxically, some may even be both subordinating and empowering at the same time). The difficult question for critical theory, and, hence, for Kompridis' notion of reflective disclosure, is how to ground and justify our normative distinctions between these different types of power relations.<sup>274</sup>

There are three important things, I think, to be learned from this. First, that the analytic of finitude is still a dominant frame for thinking in ethical and political theory; the head of the king has yet to be cut off. Second, note that in each of these cases, our *everyday judgments* are placed under suspicion. The *distrust* of the people to govern themselves, to know what's best for them, to play a role in guiding the lives of those dearest to them, is manifest; in the absence of some criteria that would allow us to tell which of our convictions match up with "the way (moral) things are," they cannot be trusted. It's difficult to see, at least *prima facie*, how to render this sort of theory democratic. Third, we should note that the recurring search for foundations, the quest to wrangle our moral outlooks and get them in order, does very little work. After all, we call into question our institutions, the forms of life we lead, because they violate some set of our other moral intuitions, convictions, and principles. It turns out we *do*, in fact, give them weight, and any sort of foundation we could give them would have force at best

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<sup>274</sup> "The Power of Disclosure: Comments on Nikolas Kompridis' *Disclosure and Critique*," *Philosophy and Social Criticism* 37 (9) (2011):1028.

only *ex post facto*. And given that we have yet - apparently - to arrive at the theory that would finally legitimate them, revealing them as *the* moral these moral intuitions, convictions, and principles, as the eternal and unchanging moral landscape that we inhabit, it's not clear why we need such a theory. One explanation, of course, would be that such theories aim at sovereignty or, at least, to advise the king. By this I mean that these theories aim at producing the bodies of knowledge - objective knowledge, whether metaphysical or scientific - that will allow for stable and effective rule. Indeed, Foucault notes that Plato served as an advisor to Dion, the tyrant in Syracuse, attempting to develop the *ethos* of philosophical *parrhesia* in him.

Let us return to the question that Foucault wrote but left unspoken, of the genealogy of the charge of nihilism against him, of the game to be played in which the charge of nihilism features as a constant threat. Despite his protests that “there [was] no question” of performing such a genealogy, we nevertheless find an implicit one. This particular game of truth, the game played in the juridical stance, is the game in which one either aims to be the sovereign, and to install order, or still serves the sovereign. In §1.3, I noted that a normative framework embodies the sorts of answers that a parent might provide a child; that was likely being too simplistic. It resembles most the back and forth reasoning between a ruler and her counselors, and that is not the game that Foucault wants to play.

One might worry, at this point, that Foucault's work has lost its teeth. After all, if he is not in the business of declaring discipline *bad*, of identifying and weeding out disciplinary power or biopower or what have you, then what purpose do his genealogies serve? How might they be *critical*, as is so often demanded of contemporary philosophy?

As was discussed in the first chapter, Foucault characterizes his work as “historical ontology,” or a “critical ontology of our selves.” He is committed to showing

us how - historically, genealogically - we have *become who we are*, whether we be agonistic subjects or subjects of correction or what have you. And *who we are* is intimately linked to the norms that we accept, the work that we must do on ourselves to adhere to those norms, the aims we take them to serve, and the ways in which we let ourselves be governed. What he doesn't do is suggest what we should *do* once we know who we are. We may be happy with being subjects of correction; we may rest content in our convictions that the leniency and mercy embodied in this way of being, and of relating to our fellows, is of the utmost moral value.

As Foucault puts it:

... in the theoretical domain, the imperative discourse that consists in saying "love this, hate that, this is good, that is bad, be for this, beware of that," seems to me, at present at any rate, *to be no more than an aesthetic discourse that can only be based on choices of an aesthetic order*. And the imperative discourse that consists in saying "strike against this and do so in this way," seems to me to be very flimsy when delivered from a teaching institution... In any case, it seems to me that the dimension of what is to be done can only appear within a field of real forces... that cannot be created by a speaking subject alone and on the basis of his words, because it is a field of forces that cannot in any way be controlled or asserted within this kind of imperative discourse... *But this is, after all, the circle of struggle and truth, that is to say, precisely, of philosophical practice.*<sup>275</sup>

This is a dense passage, but there are two points to be made.

First, we should note, like Richard Wolin might, read Foucault as suggesting that moral criteria are essentially *aesthetic* criteria, that moral properties can be reduced to aesthetic properties. We are not morally bound, after all, by beauty. Nor should we think that this means that Foucault thinks our moral judgments or imperatives are non-cognitive, merely expressive of preferences, paving the way for a total moral relativism. Rather, we should Foucault describing *moral* judgments as similar in character *aesthetic* - or

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<sup>275</sup> *Security, Territory, Population*, p. 18.



*reflective* - judgments, in the Kantian sense. In the *Critique of the Power of Judgment*, Kant characterizes aesthetic, reflective judgments as importantly *subjective*, a response to a particular feature of one's environment, and an attempt to find a way of giving conceptual expression to that response, as opposed to other sorts of judgment that involve grasping a (universal) concept under which these particulars might fall. This attempt to give conceptual expression to our encounters has important effects. These judgments carry with them a kind of *force*, a demand for the assent or agreement of others.<sup>276</sup> In short, they are *normative*, claims that demand assessment in terms of correctness or incorrectness. But given the irreducible subjectivity and receptivity involved in such judgments, despite the demand for assent and the normativity embodied in this demand, there is no neutral or objective matter of fact that one could appeal to, in order to *command* that assent. One can appeal to the features of an object or an experience in support of one's reflective judgments, but if others do not respond to these features, if they *disagree*, still one has no ground for judging them as *deviant*, or *defective*, or even simply *irrational*. One can try to adduce more reasons for the disagreeable but reasonable interlocutor, but it is entirely possible that there *be no such reasons* that can sway this interlocutor *as he is*. Indeed, just as when we argue about works of art we might wish that we could just *see* the work, from a *different angle*, with *different eyes*, that we could reshape the sensibilities of our opponents, or bring them to adopt new values that would illuminate the worth of the piece, so it is with ethical and political discourse, or - to be a better Foucauldian about it - discursive practice.<sup>277</sup> But we should

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<sup>276</sup> For a quick and accessible account of these issues, see the entry on "Aesthetic Judgment," in the Stanford Encyclopedia of Philosophy ([plato.stanford.edu/entries/aesthetic-judgment](http://plato.stanford.edu/entries/aesthetic-judgment)).

<sup>277</sup> I take it that this insight underlies Arendt's attempt to put reflective judgment at the heart of politics in her *Lectures on Kant's Political Philosophy* (Ed. Ronald Beiner. Chicago IL. University of Chicago Press:1992).

note that Foucault isn't, and rarely does, put forward any positive ethical content. What he is trying to do here concerns not what we should do but, rather, who we are.

I take it, secondly, that this sort of discursive practice is another agonistic mode of engagement with others. Rather than simply appealing to factual or natural foundational order, or even moral principles, to which one's interlocutor is purportedly subject, and rather than simply manipulating their behaviour so as bring it in line with some such order, it engages with the other as a *competitor* or *rival*. As we saw in §1.4, the game of moral discourse involves attempts to renew or transform the convictions of our interlocutors. As Foucault practices it, this discursive practice, making full use of rhetoric, aims not only at the beliefs of the subject but at its being: perhaps, even to effect a *conversion* or a *transformation*. We might be persuaded, or persuade another, to give up some norm or form of ethical work or *telos* that makes us who we are now; once it has been revealed to us, we might not be able to *tolerate* what we are, or who we have - over decades, centuries, or millennia - become.

We might not always be able to distinguish this work from the work of power, insofar as it aims at initiating us into a *new* space of reason, into a *new form of life*. There is always a risk that we might end up engaging with others in the purely objective stance, or that we might simply end up positing a foundational order to which we try to bring our others to subject themselves. But there is no avoiding that risk. This is - as Foucault puts it - the "circle of struggle and truth," the field in which we attempt to initiate others into an agonistic space of reasons, and - in his time - to transgress the limits of the juridical stance and the subject of correction. To Foucault's mind, these are no longer tolerable:

And if I was interested in Antiquity it was because, for a whole series of reasons, the idea of morality as obedience to a code of rules is now disappearing, has already disappeared.

And to this absence of morality corresponds, must correspond, the search for an aesthetics of existence.<sup>278</sup>

The point here is not that we should simply seek to shape our lives in accordance with criteria of beauty, grace, etc., but that we have no choice but to adopt the technologies of the self - technologies for influencing, impacting, indeed governing, ourselves and others - once we realize that foundational orders, whether “natural” or “sovereign,” cannot be sustained. As the discussion of aesthetic judgment above is meant to suggest, the project of the “aesthetics of existence” is a possible way of initiating subjects into an agonistic form of life, one in which - in the absence of foundations - our moral relation to ourselves must be more of a styling or crafting than an attempt to conform such an order.

This is the aim of a *critical ontology of who we are*; after all, there is nothing about *what* we are that determines *who* we are; the truths about ourselves that we take to *matter*, to be meaningful and normative with respect to *who* we are. And once we realize that, we are left with the necessity of figuring out just what exactly will be. In 1978, Foucault describes philosophical practice as a circle of struggle and truth; in 1984 he will describe his philosophical practice as a “critical *ethos*” or stance that embraces *transgressing* the historical limits, norms, and structures that determine *who* we are:

The point, in brief, is to transform the critique conducted in the form of necessary limitation into a practical critique that takes the form of a possible crossing-over... This entails an obvious consequence: that criticism is no longer going to be practiced in the search for formal structures with universal value but, rather, as a historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying. In that sense, this criticism is not transcendental, and its goal is not that of making a metaphysics possible: it is genealogical in its design and archaeological in its method. Archaeological - and not transcendental - in the sense that it will not seek to

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<sup>278</sup> “An Aesthetics of Existence” in *Politics, Philosophy, Culture*, p. 49.

identify the universal structures of all knowledge [*connaissance*] or of all possible moral action, but will seek to treat the instances of discourse that articulate what we think, say, and do as so many historical events. And this critique will be genealogical in the sense that it will not deduce from the form of what we are what it is impossible for us to do and to know; but it will separate out, from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking what we are, do, or think.<sup>279</sup>

I take it that my account of Foucault's project gives real substance to these words, and makes much clearer the notion of critique that Foucault rejects, and the "limit-attitude," or "ethos" that he hopes to cultivate in its stead, in the form of "historical ontology."

Foucault articulates his project of historical ontology in the context of a discussion of Kant's thought on Enlightenment, and situates his own thought in a broadly Kantian tradition. Many have written about the connection between Kant and Foucault's work.<sup>280</sup> I don't intend to challenge these other interpretations; in fact, I assume that some of them are consistent with most of what I have put forward. Rather, I take it that an account of Foucault's project is all the stronger the more it can incorporate and make intelligible numerous aspects of that project. I want to argue that we can make the best sense of Foucault's "Enlightenment" *ethos*, his "ethics" of critique, as precisely an engaged, *practical* effort to bring both himself and other subjects - his readers in particular - into the sort of agonistic, dynamic, politicized stance that we have seen him repeatedly discuss.<sup>281</sup> Perhaps even more idiosyncratically, we can bring out

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<sup>279</sup> "What is Enlightenment?" pp. 315-316.

<sup>280</sup> Most recently, for example, Koopman's *Genealogy as Critique* explores in compelling detail the "constitutive" aspects of Foucault's historical methods. Other recent works include Marc Djaballah's *Kant, Foucault and Forms of Experience* and Laura Hengehold's *The Body Problematic: Political Imagination in Kant and Foucault*.

<sup>281</sup> I am not the first to suggest that transformation on both his own part, and that of his readers, is Foucault's aim; cf. Rayner, *Foucault's Heidegger: Philosophy and Transformative Experience*. Rayner, however, approaches Foucault through a reading of Heidegger (and of Foucault's reading of Heidegger) that I don't fully accept.

these themes through a rethinking of Foucault's doubly controversial engagements, through 1978-79, with Iranian Revolution and neoliberal government. This will be the task of the next, and concluding, chapter.

**PUTTING THE ACCOUNT TO THE TEST: FOUCAULT ON  
BIOPOLITICS, NEOLIBERALISM, AND THE IRANIAN REVOLUTION**

The text that comprises “What is Enlightenment?” - Foucault’s most explicitly Kantian text, and one of his final publications - went through several iterations, with many passages serving almost word for word as the introductory lectures in his 1983 course on the *Government of Self and Others*.<sup>282</sup> But the main ideas - presented in strikingly similar ways in many respects - had been worked out at least 6 years earlier.

In 1978, in an interview published as “What is Critique?” Foucault first makes public his allegiance to the Enlightenment, at least as what he calls an “historico-philosophical” discourse, that he finds emerging in Kant’s occasional writings.<sup>283</sup> This move raised the eyebrows and hackles of many of Foucault’s critics; Habermas thought the move showed staggering inconsistency on the part of a figure who, he thought, had thoroughly rejected the “old fashioned European rationality” of the Enlightenment. In

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<sup>282</sup> A nice accounting of the various versions, along with context, can be found on James Schmidt’s blog at [persistentenlightenment.wordpress.com/tag/foucault](http://persistentenlightenment.wordpress.com/tag/foucault).

<sup>283</sup> This interview contains the bulk of the material presented in 1984’s “What is Enlightenment?” which itself mirrors almost exactly the opening lectures from his final course, *The Courage of Truth*.

the end, Habermas - like so many - thought that Foucault had made some sort of “turn,” ultimately repudiating his nihilism for a set of Enlightenment normative standards.<sup>284</sup>

Simultaneously, in a move that still receives relatively little attention, Foucault identified and – in various newspaper and journal articles – gave his unflinching and exclusive support to Ayatollah Khomeini and the Islamic wing of the Iranian Revolution. This move drew much criticism; his work was taken by many to show a callous disregard for the cruelty of Shari’a law and the poor station of women under Islamic rule, through a shallow sort of Orientalism.<sup>285</sup> After Khomeini’s government instituted theocratic executive power and an exclusively clerical jurisprudence, Foucault fell silent on Iran. But the question remains: how could Foucault align himself with the tradition of Kant, of Marx, Weber, Adorno, and Habermas (critics of European rationality, but also prophets – whether optimistic or pessimistic – of a West ruled by a purified, enlightened, humanized reason) while at the same time supporting a radical, politicized Islam? What did he take from the Iranian situation, how can we make sense of it in the context of his professed relation to Kant and “critique”?

1978 also marks Foucault’s most explicit engagement with the concepts of “bio-politics.” He first deploys the concept in his lectures of 1975-76, entitled “*Society Must Be*

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<sup>284</sup> “Taking Aim at the Heart of the Present: On Foucault’s Lecture on Kant’s *What is Enlightenment?*” p. 154.

<sup>285</sup> These criticisms are articulated forcefully in Afrary & Anderson, *Foucault and the Iranian Revolution: Gender and the Seductions of Islam* (Chicago IL. University of Chicago: 2005), which also collects the entirety of Foucault’s writings on the matter and contemporaneous writings by his public critics. In recent years, some scholars have returned to Foucault’s alleged Iranian blunder. See, for example, Corey McCall’s “Ambivalent Modernities: Foucault’s Iranian Writings Reconsidered” [*Foucault Studies* 15 (2013): 9-26] and Alan Beaulieu’s “Towards a Liberal Utopia: The Connection between Foucault’s Iranian Reporting and the Ethical Turn,” *Philosophy and Social Criticism* 36(9) (2010):801-818. I don’t engage with them here insofar as McCall organizes his paper around the concept of “modernity,” one which Foucault almost never uses, and appeals to theoretical characterizations of modernity that Foucault couldn’t have possibly held. Beaulieu, on the other hand, is committed to the notion of an ethical turn and - moreover - one that is, in its basics, neoliberal. I have spent the dissertation arguing that there is no such turn, and want to suggest in this chapter that he was in no way a neoliberal.

*Defended,*” and concludes the first volume of *The History of Sexuality* with a discussion of the lethal consequences of bio-political governance in the Holocaust, Soviet purges, and the constant threat of nuclear annihilation. He claims that bio-political imperatives, like those of the welfare State and its intermediaries in the medical and helping professions to “make live or let die” - as opposed to the sovereign privilege to “let live or make die” - are now in fact the horizon of Western politics. In part because of the striking nature of these claims, no doubt, bio-politics has been a major focus of much Foucauldian research over the last 20 years or so. Nevertheless, the concept has remained quite pliable, in part because Foucault - despite nominally designating a course to the topic - very rarely discusses it explicitly. We know that it is meant to designate a new set of practices and imperatives that have, he takes it, in some sense either superseded, or emerged alongside and transformed, disciplinary practices in many important respects through the late 19th and early 20th century.<sup>286</sup>

In “*Society Must Be Defended*” Foucault’s discussion of bio-politics appears as a coda to a semester-long history of the concept of the “race war.” One of Foucault’s avowed goals in this lecture course is to investigate the origins, limits, and fecundity of analyzing power-relations in terms of *war*, in terms of military tactics. Indeed, more than anything else, this sort of discursive practice is the focus of the course. We’ve already encountered, in §3.2, this attempt to “invert Clausewitz’ dictum” and see “politics as war by other means.”<sup>287</sup> It is a prototypical form of the agonistic, dynamic shaping of subjectivity that we have seen Foucault excavating in ancient Athens, in medieval Germanic justice, and beneath the surface of both penal discipline and activism.

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<sup>286</sup> Thomas Lemke provides a survey of the wildly differing interpretations in his *Bio-politics: An Advanced Introduction* (Trans. Eric Frederick Trump. New York. New York University Press: 2011).

<sup>287</sup> “*Society Must Be Defended*” p. 15 *et passim*



One can make the best sense of the discussion of race and racism, and the basic structure of Foucault's insights into bio-politics with this dimension of the "war-model" in mind. After all, in determining the sources and limits of the discourse of the "race-war," Foucault is explicit in *praising* it. In the context of the emergence of the discourse of "race" war, "race" is not taken in even a quasi-biological sense; it originally refers to something perhaps closer to "class," and is indeed the discourse from which Marx and Engels claim to have found the concept of "class war."<sup>288</sup> But Foucault's main interest in the emergence of the discourse of race-war as it emerged in early modern England and, later, France, is that it is an *oppositional* discourse, an "historico-political" discourse that opposes what he calls philosophical or juridical discourses.<sup>289</sup> The important point of contrast lies in the constitutive *partiality* of historico-political discourse. This is different in kind from the philosophico-juridical insofar as the latter is concerned with elucidating truths, norms, and rights that are objective in the particular sense of allegedly being binding for *any* "rational" subject, any subject of rights, from which practical commitments can be drawn and competing claims impartially adjudicated.<sup>290</sup>

Historico-political discourse, in this sense, rests on an authority that comes not from some sovereign right of subjectivity but from from one's investment in a struggle, situated in an agonistic context or field of force-relations. And, I would like to suggest, there is an irreducibly first-personal dimension to this; the rights claimed by, say, the Diggers or the Levellers are grounded in *who they* are. They are not "objective" in the sense that they could necessarily be agreed to by anyone who does not share the same

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<sup>288</sup> "Society Must Be Defended" p. 79

<sup>289</sup> Despite Foucault's aversion to the term "ideology," his discussion of "oppositional" discourses seem awfully close in spirit to proposals put forward by Karl Mannheim in his *Ideology and Utopia*.

<sup>290</sup> This distinction maps – loosely – on to the distinction recently drawn by Raymond Geuss and Bernard Williams between "realist" and "moralist" political philosophy.

first-personal commitments. And they are truths about *who* one is precisely because they are *integrated* into projects and, consequently, struggles; such a discourse could not be used to “guide” action from a disinterested vantage point. The normativity of these claims born in struggle is of the aesthetic order.<sup>291</sup>

As we have seen, philosophico-judicial discourse is taken by Foucault to stand opposed to this; there are important truths about who (and, more often) *what* we are that are available only from an essentially neutral or third-personal standpoint, truths that nevertheless have some sort of normative claim on us. And their normative authority depends *precisely* on the fact that they are neutral in this way; first-personal commitment can only be distorting, and the ideal of philosophico-judicial discourse is to provide truths that, *because* objective, might be binding for all. For example, the discourse of natural rights in early modern philosophy articulates truths about us that are available to all, and which are authoritative for us *because* of this impartial availability, and thus serve to provide normative guidance independent of our projects, commitments, and struggles, regulating the behaviour of individuals, groups, populations, and nations.

Foucault, then, praises the discourse of race war insofar as it offers a model of political discourse and practice that “cuts off the king’s head”:

...this historico-political discourse is not, and cannot be, that of the Prince's politics" or, obviously, that of absolute power. It is in fact a discourse that inevitably regards the Prince as... at best, an enemy. This is, basically, a discourse that cuts off the king's head...<sup>292</sup>

What Foucault finds, in “*Society Must Be Defended*,” is that this oppositional discourse becomes both co-opted by State power, and the truths it produces rendered

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<sup>291</sup> Note here that “first-personal” does not imply a plural or singular determination; in *SMD*, Foucault is talking about historico-political discourses that speak unambiguously in a first-person *plural* register. Arguably, in his work on the “care of the self,” Foucault is concerned with sources of normative authority that are irreducibly first-person *singular*.

<sup>292</sup> “*Society Must Be Defended*” p. 59

objective by incorporation into the scientific discourses of medicine and (misguided racial) biology.<sup>293</sup> The *oppositional* aspect of the discourse is absorbed into the State discourse, and so the opposition between *rival* combatants is transformed into an *internal* division, a division within the *unity* of society and the combative, agonistic dimension neutralized into a project of *purification*. The discourse of race war is only *able* to be co-opted and neutralized in this way through its “objectification” in biological discourses; the truths of “race” are available to all, and their normative authority is no longer linked to first-personal struggle but to a third-personal discourse of health. Health therefore takes on political significance, the State takes on the responsibility of administrating it, and political problems and medical problems begin to overlap. All of this results in the eclipse of the sovereign State’s right to “let live or make die” by the imperative to “make life live.” This discourse of the State’s responsibility for the health of the nation plays itself out in the history of State racism.

I want to stress here is that, whatever differences there are between bio-politics and disciplinary power - and Foucault clearly thinks that the two modes of power co-exist, buttress, and cohere with each other - he is tracing the same sort of genealogical story, the neutralization and depoliticization of engaged, agonistic forms of life in and through the objectifying integration of scientific discourses into the production of political order, resulting in new and different sorts of subjects. He is explicitly tracing the way that philosophy...

... codifies struggle, war, and confrontations into a logic... it turns them into the twofold process of the totalization and revelation of a rationality... The dialectic, finally, ensures the historical constitution of a universal subject, a reconciled

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<sup>293</sup> It should be noted here that – though of course the pseudo-science of racial biology did *not* produce truths about race – Foucault’s critique is not an *epistemic* critique; science may tell us many really true things about ourselves. Foucault is just trying to identify spaces for other discourses that tell truths about our *selves, differently*.

truth, and a right in which all particularities have their ordained place. The Hegelian dialectic and all those that came after it must, I think and as I will try to demonstrate to you, be understood as philosophy and right's colonization and authoritarian colonization of a historico-political discourse that was both a statement of fact, a proclamation, and a practice of social warfare... The dialectic is the philosophical order's, and perhaps the political order's, way of colonizing this bitter and partisan discourse of basic warfare. There you have the general frame within which I would like to try this year to retrace the history of this discourse.<sup>294</sup>

I have already outlined how this process, involving the human sciences and penal practice, played out in the case of disciplinary power. And it is interesting, in that with the establishment of a “natural” or objective that the sort of “racism” that is usually associated with Foucault’s work on bio-politics is also present in his discussion of disciplinary practices. Indeed, it seems that the inhabitants of the “carceral society” were among those who though “society must be defended,” though, in this case, from a “criminal” race or species.<sup>295</sup> Foucault foreshadows this aspect of his work on bio-politics, and its relation to earlier frameworks of “juridical” thought, in an even earlier lecture course:

Whether we take Hobbes, Locke, or later French theorists, we can say that there was a juridico-political type of discourse one role of which-though not the only role, of course-was to constitute what I will call a formal and theoretical discriminant that enables one to distinguish between good and bad political regimes... After the third wave of republican, democratic, nationalist, and sometimes socialist revolutions that shook Europe between 1848 and 1871, it was psychiatry, and psychology [and the human sciences] in general, that people tried to put to work as a discriminant. We will possess the principle of discrimination if it can be

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<sup>294</sup> “*Society Must Be Defended*” p. 58-59.

<sup>295</sup> Foucault notes the view, not uncommon at the time, that “ it is not crime that alienates an individual from society, but that crime is itself due rather to the fact that *one is in society as an alien, that one belongs to that 'bastardized race'*, as Target called it, to that 'class degraded by misery whose vices stand like an invincible obstacle to the generous intentions that wish to combat it' ... [and] that in the courts society as a whole does not judge one of its members, but that a social category with an interest in order judges another that is dedicated to disorder” (*Discipline & Punish*, p. 276, emphasis mine)

proved that these contemporary movements are led by a biologically, anatomically, psychologically, and psychiatrically deviant class of men. Biological, anatomical, psychological, and psychiatric science makes it possible to recognize immediately the political movement that can be endorsed and the movement that must be discredited.<sup>296</sup>

Foucault thinks that bio-political strategies of State power were made possible in part by the assimilation of an oppositional discourse into objective, scientific discourse and the transformation of the discourse-as-struggle into discourse-on-(internal)-struggle.

We can outline how this sort of process takes place with respect to “biopolitics” as well. Foucault’s original plan for the *History of Sexuality* project was to provide a genealogy of modern bio-politics, culminating in a volume entitled *Population and Races*.

The concept of population is crucial here, as Foucault distinguishes bio-politics from disciplinary power in part due to the fact that bio-politics takes the population as its object, where disciplinary power targets the body. The population is thus constituted *both* as a unified object whose care is entrusted to the government *and*, consequently, as a “site of veridiction,” an object about which one can gain objective knowledge, knowledge that can then become normative, serving to lay the groundwork for a political order in which there will be the normal, and the deviant.

In order for the auto-immune mechanisms of bio-politics to play out – as they have tragically done over the last 100 years – State power must have taken the “care” of its subjects as its objective, as the sort of beings for whom such care is crucial, namely, as “populations.” When faced, for example, with the problem of securing urban territories against plague, against meteorological disaster, etc., that is, not against violations of right but against the danger of probabilistic and uncertain *events*, the State needs to govern a *population*, a body of living beings whose behaviour is intelligible in terms of statistical

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<sup>296</sup> *Abnormal: Lectures at the Collège de France 1974-1975* (Ed. Valerio Marchetti and Antonella Salomoni. Trans. Graham Burchell. New York NY. Verso: 2003), pp. 152-154

probability, these truths being mined from the nascent discourses of statistics, political economy, biology, and so on.<sup>297</sup>

That such a strategy of government might find a foothold, however, required that the ruled – citizens, subjects, individuals – be accustomed to being “governed economically,” that is, that they submit to being directed to their “natural” ends, in accordance with objective truths about their dispositions. This “conduct of conduct” Foucault calls governmentality. Foucault sees the conditions of “governmentality,” and thus the possibility of bio-politics, stretching further back into the development of “pastoral power”<sup>298</sup>. In early ecclesiastic communities, the individual is induced to *confess* one’s desires, one’s inner life, as an important truth about one’s dispositions. But the *normative* authority of this truth – its ability to provide direction for action, living – derives from its *interpretation* by the mediating figure of the priest. The priest has an authoritative knowledge. And here we see the fate of sorts of philosophers and spiritual advisors whose emergence so absorbed Foucault in the last years of his life, those whose access to the truth allowed them a privileged position from which to govern themselves and others.

The genealogy of government and governmentality in their broadest senses - which Foucault pursues from Athens through the Chicago School - explains how it is that individuals might come to think that there is a *truth* inside them, such that if it were only explained to them, might explain how it is that they ought to live. Given the continuity between pastoral and biopolitical government, it is unsurprising that people

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<sup>297</sup> See the lectures of 11 and 18 January 1978 in *Security, Territory, Population*.

<sup>298</sup> The discussion of pastoral power can be found throughout *Security, Territory, Population*. Indeed, in 1979, well after the events of the Iranian Revolution were concluded and he was lecturing at the Collège de France on neoliberalism, Foucault gave the address that would be entitled *Omnes et Singulatim: Towards a Critique of Political Reason* at Stanford University that focused precisely on the centrality of pastoral power for our contemporary political self-conceptions.

accustomed to the former did not bristle at the latter; all that has shifted is the type of truth being sought in people - biological, medical, sexual – and, correlatively, the authority that interprets them and renders them normative, from the priest to the scientist, the expert, the counsel and administrator. Bio-politics is able to emerge in history with barely a ripple through subtle transformations of the ways that subjects are *governed by the truth*. The story that Foucault tells us about this process is more complicated and detailed, but it is in 1978 that Foucault’s thinking about bio-politics and governmentality, their convergence and relation, are expressed most explicitly.

It is with reference to bio-politics and bio-political governmentality that one must understand Foucault’s ill-fated dalliance with radical Islam. Throughout his writings on the subject, one finds Foucault discussing the promise of Islamic *government*. This is a particularly prevalent theme in his most well-known piece on Iran, “What are the Iranians Dreaming About?”<sup>299</sup> It is striking to read Foucault’s critical remarks about Western ideals of revolution, and of liberation, and to see him throw his support behind a form of *government*. But this move is comprehensible when we remember the central role that governmentality had taken on in his work at the time, both in *Security, Territory, Population*, and *The Birth of Biopolitics*. In fact, “governmentality” seemed to eclipse “biopolitics” in Foucault’s thought; for example, between 1980 and 1984, 3 out of 5 of his lecture courses at the Collège de France included the term “government” in their titles. Foucault, perhaps naively, takes the idea of “Islamic government” to be a form of self-government, one that importantly resists the authority on which bio-political government rests. He, as usual, has very little to say about the positive content of this Islamic, self-government. As his engagement with Islam and the Iranian Revolution takes place in a journalistic context, he states this contrast in terms of “traditional forms of

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<sup>299</sup> See *Foucault and the Iranian Revolution*, Appendix.

life” vs. a sort of “modernization.”<sup>300</sup> But the real distinction here is, in fact, between a particular form of bio-politics, namely, *neoliberal* governmentality, and the agonistic sort of self-affirmation that Foucault has traced time and time again.

As mentioned, the object of bio-politics is the *population*. The “population” is the object of both regulative practices and of the sort of scientific knowledge that will provide the normative order into which political life will be pressed. While the discourses of biology, epidemiology, and other measures of public health and welfare are certainly central to this knowledge, Foucault is explicit that *political economy* is - par excellence - the science that gets at the “truth” of the population, and that *liberal government* is its correlate. The market becomes a “site of veridiction,” the arena in which the *truths of market behaviour become normative* for governmental conduct.<sup>301</sup> And liberal government is that which takes this truth *as its principle*, that is to say, as ultimately normative. In early forms of liberalism, this takes the form of “*laissez-faire*” government, government that attempt to let the market run its course, in contrast to other intensively interventionary forms of government.<sup>302</sup> Slowly, bio-politics is becoming a kind of econo-politics. Nevertheless, as Foucault states, liberalism is a *naturalism*.<sup>303</sup> That is to say, the “natural order” made manifest in the economic activity of the population will become foundational. But it is with *neoliberal* government that we finally see how political economy intersects with State power through the bio-political imperative to “make life live.”

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<sup>300</sup> This is perhaps most explicit in “The Shah is a Hundred Years Behind the Times,” included in *Foucault and the Iranian Revolution*.

<sup>301</sup> *The Birth of Biopolitics*, p. 32-34.

<sup>302</sup> This includes discipline, of course, but see also *Security, Territory, Population* for a discussion of *Raison d'État*.

<sup>303</sup> *The Birth of Biopolitics*, p. 61.



In a sense, neoliberal bio-politics is the purest example of the replacement of agonistic politics. Consider Foucault's discussion of the first neo-liberals, the German "ordo-liberals." The problem confronting the ordo-liberals was the establishment of a legitimate political order in the wake of the devastation of WWII. The attempted solution to that problem was to *remove* politics, the struggle over substantive values and the form of one's life, and to claim that the *economic* order would provide the absolute and exclusive basis for political life.<sup>304</sup> But neoliberalism cannot simply be the abolishment of government: "So, it is a matter of a market economy without *laissez-faire*, that is to say, an active policy without state control. Neoliberalism should not therefore be identified with *laissez-faire*, but rather with permanent vigilance, activity, and intervention."<sup>305</sup> Neoliberalism requires *constant* governmental activity because, paradoxically, the perfectly natural mechanism of the market is nevertheless constantly under threat. If the object of bio-politics is the *population*, and the truth about the population is discovered by political economy, and it is neoliberal governmentality that realizes or inscribes this order in reality with all the weight of the State behind it, then neoliberal governmentality really does "make the population live," institutionalizing the purportedly most basic, objective features of human life.<sup>306</sup>

In his lectures of 18 January 1978, as demonstrations in Iran against the Shah intensified, Foucault was describing the subject of *revolt* in the context of the biopolitical government of the population:

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<sup>304</sup> The discussion of the Ordo-liberals consumes 5 lectures - from 31 January through 7 March 1979 - in Foucault's *Birth of Biopolitics* course, twice as many as the discussion of American neoliberalism.

<sup>305</sup> *The Birth of Biopolitics*, p. 132. On this point see also Mirowski and Plewhe (ed.), *The Road to Mount Pelerin: The Making of the Neoliberal Thought Collective*. (Cambridge MA. Harvard University Press: 2009), especially the postface.

<sup>306</sup> It would be instructive to compare Foucault here with Arendt's account in *The Human Condition* of the displacement of politics from the center of human life by "life" and "labour."

Well, this is the people. The people comprises 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.<sup>307</sup>

Foucault's view of the transformative potential of Islamic self-government was clearly clouded by a good deal of Orientalism (though perhaps no more than the hopes of many westerners for the Arab Spring).<sup>308</sup> But what was he looking for? I think that, in the face of the economic modernization of Iran under the Shah, the increasing government of the population through political economy, Foucault was searching for the *people*, the collective *subject of revolt*, against neoliberal governmentality.

Throughout his writings on the Iranian revolution, we find him stressing what he takes to be the non-hierarchical organization of Islamic religious community. As Foucault saw it, the imams, as leaders or – perhaps better – as organizers of (religious) life do not make a claim to *political* authority on the basis of *scientific* authority, possibly not even on the basis of any epistemic authority at all. Now, this was hopelessly mistaken with regard to Khomeini, whose *Islamic Government* had, in 1970, explicitly claimed authority to rule on the basis of the privileged knowledge of trained mullahs. But what Foucault imagined was a decentralized mode of organization, in which imams afforded provisional leadership for just those followers they engaged in discussion. The religious leaders are “like so many photographic plates on which the anger and the aspirations of

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<sup>307</sup> *Security, Territory, Population*, p. 66

<sup>308</sup> Many Westerners pushed for genuinely democratic self-governance on the part of the Egyptian people, who themselves supported the Muslim Brotherhood to a large degree, and some even for military support for nominally democratic rebels. The outcome of this remains unclear.

the community are marked. If they wanted to go against the current, they would lose this power, which essentially resides in the interplay of speaking and listening.”<sup>309</sup>

The discourse of radical Islam in the Iranian Revolution was therefore, for Foucault, akin to that of the Levellers, and the Diggers, of the originators of the discourse of race war. It serves as a *counterhistory*, and its political manifestation as a sort of *counterconduct*. Most importantly for Foucault, it serves as a discourse in which governing truths are not pronounced with the impersonal authority of science, and not through a process of objectification, of neutralization, of rendering *available* to all. They are truths not produced through inquiry (and certainly not through self-inquiry) but through gestures of *rejection*, of *revolt*, and through the shaping and formation of a new political subjectivity; through struggle, and conflict, a new *who* is being formed. This is part of what Foucault considers the strange destiny of Persia, and of Islam; in this culture that, he thinks, invented the State and, in centuries past, developed its administrative form, he finds a new sort of political *wilk*: a “possibility we [Westerners] have forgotten since the Renaissance and the great crisis of Christianity, a *political spirituality*.”<sup>310</sup>

This term garnered some attention from Foucault’s critics at the time but, despite his silence regarding Iran after Khomeini tightened his grip on power, Foucault did not give up on “spirituality.” In fact, in *The Hermeneutics of the Subject*, delivered a few short years later at the Collège de France, Foucault “spirituality” would replace “race-war” as the object of Foucault’s praise. Spirituality is, for Foucault, the name of those sets of practices in which the subject must subject itself to *trial*, in order to reach a truth about itself that it might affirm; whatever normative authority the truth might have for

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<sup>309</sup> “Tehran: Faith Against the Shah,” p. 202, in *Foucault and the Iranian Revolution*.

<sup>310</sup> “What are the Iranians Dreaming About,” p. 209.

conduct derives from these practices. While Foucault focuses, in these lectures, on the way these these practices take shape at the level of *individual* subject-formation, it is the same phenomenon that he saw writ large in the early stages of the Islamic revolt in Iran. After tracing it from the British civil war to to the streets of Tehran, he follows this phenomenon to the practices of the Athenian elite. He dates the end of its *political* efficacy to roughly the same period, a “Cartesian moment” marking the end of the Renaissance: the need to transform oneself –through an *épreuve*, an ordeal, trial, or struggle – in order to produce or access normatively authoritative truths is superseded by a project of accessing *objective* truth, a truth available to all, and hence (potentially) authoritative for all.<sup>311</sup> The latter, for Foucault, is one of the (many) distant seeds of bio-politics.

It is in light of all the preceding that we can best understand Foucault’s alignment with the Kantian project of critique, an engagement that stretches from 1978 until his death. The aspect of Kant that Foucault wrestles with for 6 years is the nature of “Enlightenment” as an *exit from immaturity*, that is, from government by others. For Kant, this means taking on the responsibility for *knowing* for oneself, over against the normative authority of the clergy, of doctors, or of rulers. It involves refusing their government by critiquing their epistemic authority. This project – as Foucault calls it, the “art of not being governed” – is inherited by him slightly differently; as we have seen, Foucault’s art of not being governed is not a direct epistemic challenge to the truths produced by reason, by science, by medicine, or even by religion. It is a challenge to the normative authority of those truths *even if they’re true*. Figuring out who we are, engaging in a “critical ontology of our selves,” is not a matter of producing an objective account of ourselves, but producing *new* truths about ourselves that are only intelligible from our

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<sup>311</sup> *The Hermeneutics of the Subject*, lecture of 6 January 1982, First Hour.

situations, our struggles, and only guide us insofar as they remain partial, remain *ours*. If Foucault came to insist that we “experiment” on our selves and our limits, it is because this word “experiment” still holds traces of its original meaning of “trial,” “test,” “ordeal.” This is why critique is an *attitude*, that is, a *stance*, a *position*, a way of being *partisan*. He inherits from Enlightenment an agonism, in both his approach to the history of the West and in his ceaseless attempts to think it differently. For Foucault, global revolution holds no appeal; it is only in *revolt*, local and partial, that we genuinely engage in what he ultimately came to refer to as our “patient labour, giving form to our impatience for liberty.”

## BIBLIOGRAPHY

- Afary, Janet and Kevin B. Anderson. *Foucault and the Iranian Revolution: Gender and the Seductions of Islamism*. University of Chicago Press. Chicago IL. 2005
- Allen, Amy. "The Entanglement of Power and Validity: Foucault and Critical Theory" in Timothy O'Leary and Christopher Falzon (ed.) *Foucault and Philosophy*. pp. 78-98
- , "The Power of Disclosure: Comments on Nikolas Kompridis' *Disclosure and Critique*". *Philosophy and Social Criticism* 37 (9) (2011):1025-1031
- Arendt, Hannah. *The Human Condition*. 2nd edition. University of Chicago Press. Chicago IL. 1998.
- , *Lectures on Kant's Political Philosophy*. Ed. Ronald Beiner. University of Chicago Press. Chicago IL. 1992.
- Bakhurst, David. *The Formation of Reason*. Malden MA. Wiley Blackwell: 2011
- Beaulieu, Alain. "Towards a Liberal Utopia: The Connection between Foucault's Iranian Reporting and the Ethical Turn". *Philosophy and Social Criticism* 36(9) (2010): 801-818
- Bijker, Wiebe and John Law (ed.) *Shaping Technology-Building Society: Studies in Sociotechnical Change*. Cambridge MA. The MIT Press: 1992
- Brandt, Robert. "An Arc of Thought: From Rorty's Eliminative Materialism to His Pragmatism" in Alexander Groeschner, Colin Koopman, and Mike Sandbothe (ed.) *Richard Rorty: From Pragmatist Philosophy to Cultural Politics*. pp. 23-30
- , *Making It Explicit: Reasoning, Representing, and Discursive Commitment*. Cambridge MA. Harvard University Press: 1994

- , *Reason in Philosophy: Animating Ideas*. Cambridge MA. Harvard University Press: 2009
- Braver, Lee. *A Thing of This World: A History of Continental Anti-Realism*. Evanston IL. Northwestern University Press: 2007
- Brenner, Neil. "Foucault's New Functionalism". *Theory and Society* 23(4):679-709 (1994)
- Cavell, Stanley. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. New York NY. Oxford University Press: 1999
- Copp, David (ed). *The Oxford Handbook of Ethical Theory*. New York NY. Oxford University Press: 2006
- Daston, Lorraine and Peter Galison. *Objectivity*. Cambridge MA. Zone Books: 2007
- Davidson, Arnold. "Ethics as ascetics: Foucault, the history of ethics, and ancient thought." In (ed. Gutting) *The Cambridge Companion to Foucault*. pp. 115-140.
- Devries, Willem. "Wilfrid Sellars". *Stanford Encyclopedia of Philosophy* (plato.stanford.edu/entries/sellars). Accessed March 30 2016.
- Dews, Peter. "The Return of the Subject in Late Foucault". *Radical Philosophy* 51(1) (1989):37-41
- Dreyfus, Hubert and Paul Rabinow. *Michel Foucault: Beyond Structuralism and Hermeneutics*. 2nd ed. Chicago IL. University of Chicago Press: 1983
- Edmundson, William A. *An Introduction to Rights*. New York NY. Cambridge University Press: 2004
- Ewald, François (ed.). *Michel Foucault Philosopher*. Trans. Timothy J. Armstrong. Hertfordshire UK. Harvester Wheatsheaf: 1992
- Feinberg, Joel. "The Nature and Value of Rights". *The Journal of Value Inquiry* 4:243-257 (1970)

Forman, David. "Autonomy as Second Nature: On McDowell's Aristotelian Naturalism".

*Inquiry* 51(6) (2008):563-580.

Foucault, Michel. *Abnormal: Lectures at the Collège de France 1974-1975*. Ed. Valerio

Marchetti and Antonella Salomoni. Trans. Graham Burchell. New York

NY. Verso: 2003

-----, *Aesthetics, Method and Epistemology (The Essential Works of Michel Foucault*

*1954-1984 Volume II)*. Ed. James D. Faubion. Trans. Robert Hurley et al. New

York NY. New Press: 2000

-----, *The Archaeology of Knowledge*. New York. Routledge: 2002

-----, *The Archaeology of Knowledge and the Discourse on Language*. Trans. A.M.

Sheridan Smith. New York NY. Pantheon: 1972

-----, "An Aesthetics of Existence" in *Politics, Philosophy, Culture*. pp. 47-53

-----, *The Birth of Biopolitics: Lectures at the Collège de France 1977-1978*. Ed.

Michel Senellart. Trans. Graham Burchell. New York NY. Palgrave Macmillan:

2008

-----, *The Courage of the Truth (The Government of Self and Others II): Lectures*

*at the Collège de France 1983-1984*. Ed. Frédéric Gros. Trans. Graham Burchell.

New York NY. Palgrave Macmillan: 2011

-----, *Discipline & Punish: The Birth of the Prison*. Trans. Alan Sheridan. 2nd

edition. New York NY. Palgrave Macmillan: 1995

-----, *Dits et écrits 1954-1888. Tome II 1970-1975*. Ed. Daniel Defert and

François Ewald. Paris. Gallimard: 1994

-----, "Discourse on Language" in *The Archaeology of Knowledge and the*

*Discourse on Language*. pp. 215-237



- , "The Ethics of the Care of the Self as a Practice of Freedom" in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*. pp. 281-301
- , *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume I)*. Ed. Paul Rabinow. Trans. Robert Hurley et al. New York NY. New Press. 2000
- , *Fearless Speech*. Ed. Joseph Pearson. Semiotext(e). 2001.
- , *Foucault Live: Collected Interviews 1961-1984*. Ed. Sylvère Lotringer. Trans. John Johnston. New York NY. Semiotext(e): 1989
- , "Friendship as a Way of Life" in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*. pp.135-140
- , *The Government of Self and Others: Lectures at the Collège de France 1982-1983*. Ed. Frédéric Gros. Trans. Graham Burchell. New York NY: Palgrave Macmillan: 2010
- , "The Government of the Living," in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*, pp. 81-86
- , *The Hermeneutics of the Subject: Lectures at the Collège de France 1981-1982*. Ed. Frédéric Gros. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2005
- , "A Historian of Culture" in *Foucault Live: Collected Interviews 1961-1984*, pp. 73-89.
- , *The History of Sexuality Vol. 1: An Introduction* Trans. Robert Hurley. New York NY. Pantheon: 1978
- , "Je perçois l'intolérable". *Dits et écrits II (1970-1975)*. pp. 203-205
- , *Language, counter-memory, practice: Selected Essays and Interviews*. Ed.

- Donald F. Bouchard. Ithaca NY. Cornell University Press: 1980.
- , *Lectures on the Will to Know: Lectures at the Collège de France 1970-1971 and Oedipal Knowledge*. Ed. Daniel Defert. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2013.
- , "Life: Experience and Science" in *Aesthetics, Method and Epistemology (The Essential Works of Michel Foucault 1954-1984)*, pp. 465-478
- , "Omnes et Singulatim: Toward a Critique of Political Reason," in *Power (The Essential Works of Michel Foucault 1954-1984 Volume Three)* pp. 298-325.
- , "On the Genealogy of Ethics," in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*. pp. 253-280
- , "On Popular Justice: A Discussion with Maoists" in *Power/Knowledge: Selected Interviews and Other Texts 1972-1977*, pp. 1-36
- , "The Order of Discourse" in Robert Young (ed.), *Untying the Text: A Post-Structuralist Reader* pp. 48-78
- , *The Order of Things: An Archaeology of the Human Sciences*. New York NY. Routledge: 2002
- , "Polemics, Politics, and Problematization," in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*. pp. 111-119
- , *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*. Ed. Lawrence D. Kritzman. Trans. Alan Sheridan et al. New York NY. Routledge: 1990
- , *The Politics of Truth*. Ed. Sylvère Lotringer and Lysa Hochroth. New York NY. Semiotext(e): 1997
- , *Power (The Essential Works of Michel Foucault 1954-1984 Volume III)*. Ed. James Faubion. Trans. Robert Hurley et al. New York NY. New Press. 2000

- . *Power/Knowledge: Selected Interviews and Other Texts 1972-1977*. Ed. Colin Gordon. Trans. Colin Gordon et al. New York NY. Pantheon: 1980
- . "Power, Moral Values, and the Intellectual." *History of the Present* 4 (1988):1-2, 11-13
- . *Psychiatric Power: Lectures at the Collège de France 1973-1974*. Ed. Jacques Lagrange. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2006
- . "Questions of Method" in *Power (The Essential Works of Michel Foucault 1954-1984 Volume Three)* pp. 223-238
- . "Revolutionary Action 'Until Now'" Trans. Donald F. Bouchard and Sherry Simon. in *Language, counter-memory, practice: selected essays and interviews.* pp. 218-233.
- . *Security, Territory, Population: Lectures at the Collège de France 1976-1977*. Ed. Michel Senellart. Trans. Graham Burchell. New York NY. Palgrave Macmillan: 2007
- . "Self-Writing" in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*, pp. 207-222
- . "*Society Must Be Defended*": *Lectures at the Collège de France 1975-1976*. Ed. Mauro Bertani and Alessandro Fontana. Trans. David Macey. New York NY. Picador: 2003
- . "The Subject and Power" *Critical Inquiry* 8 (4):777-795 (1982)
- . "Subjectivity and Truth" in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*., pp. 87-92
- . "Structuralism and Post-Structuralism" in *Aesthetics, Method and Epistemology*, pp. 433-458

- . "Technologies of the Self" in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*. pp. 223-251
- . "Truth and Juridical Form" in *Power (The Essential Works of Michel Foucault 1954-1984 Volume III)*, pp. 1-89
- . "Truth and Power" in *Power/Knowledge*, pp. 109-133.
- . *The Use of Pleasure: Volume 2 of the History of Sexuality*. Trans. Robert Hurley. New York, NY. Vintage Books: 1990
- . "What is Critique?" in *The Politics of Truth*. pp. 23-82
- . "What is Enlightenment?" in *The Politics of Truth*. pp. 101-134
- . "What is Enlightenment?" in *Ethics: Subjectivity and Truth (The Essential Works of Michel Foucault 1954-1984 Volume One)*, pp. 303-319
- . *Wrong-Doing and Truth-Telling: The Function of Avowal in Justice*. Trans. Stephen W. Sawyer. Ed. Fabienne Brion and Bernard Harcourt. Chicago IL. University of Chicago Press: 2014
- Fraser, Nancy. "Foucault on Modern Power: Empirical Insights and Normative Confusions". *PRAXIS International* 3 (1981):272-287
- . "Michel Foucault: A Young Conservative?" *Ethics* 96(1):165-184 (1985)
- Gamez, Patrick. "Ricoeur and Foucault: Between Ontology and Critique". *Études Ricoeurriennes/Ricoeur Studies* 4 (2):90-107 (2013)
- Glücksman, André. "Michel Foucault's nihilism" in Armstrong, Timothy and François Ewald (ed.), *Michel Foucault Philosopher*. pp. 336-339.
- Groeschner, Alexander, Colin Koopman, and Mike Sandbooth (ed.). *Richard Rorty: From Pragmatist Philosophy to Cultural Politics*. New York NY. Bloomsbury: 2013
- Gutting, Gary (ed.). *The Cambridge Companion to Foucault*. 2nd ed. New York NY. Cambridge University Press: 2005

- Gutting, Gary. *Thinking the Impossible: French Philosophy since 1960*. New York NY. Oxford University Press: 2011
- Habermas, Jürgen. "Taking Aim at the Heart of the Present: On Foucault's Lecture on Kant's *What is Enlightenment?*" in Michael Kelly (ed.) *Critique and Power: Recasting the Foucault/Habermas Debate*. pp. 149-158
- Hacking, Ian. *Historical Ontology*. Cambridge MA. Harvard University Press: 2002
- Hadot, Pierre. *Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault*. Ed. Arnold Davidson. Trans. Michael Chase. Malden MA. Blackwell: 1999.
- Han, Béatrice. *Foucault's Critical Project: Between the Transcendental and the Historical*. Trans. Edward Pile. Stanford CA. Stanford University Press: 2002
- Hoffman, Marcelo. "Foucault's Politics and Bellicosity as a Matrix for Power Relations" *Philosophy and Social Criticism* 33:6 (2007), pp. 756-778.
- Kelly, Michael (ed.) *Critique and Power: Recasting the Foucault/Habermas Debate*. Cambridge MA. The MIT Press: 1994
- Kompridis, Nikolas. *Critique and Disclosure: Critical Theory between Past and Future*. Cambridge MA. The MIT Press: 2006
- , "From Reason to Self-Realisation? Axel Honneth and the 'Ethical Turn' in Critical Theory," *Critical Horizons* 5 (1):323-360 (2004)
- Koopman, Colin. "Appropriation and Permission in the History of Philosophy: Response to McQuillan" *Foucault Studies* 9:156-164 (2010)
- , *Genealogy as Critique: Foucault and the Problems of Modernity*. Bloomington IN. Indiana University Press: 2013
- , "Historical Conditions or Transcendental Conditions: Response to Kevin Thompson's Response" *Foucault Studies* 8:129-135 (2010)

- , "Historical Critique or Transcendental Critique: Two Kantian Lineages"  
*Foucault Studies* 8:100-121 (2010)
- Kukla, Rebecca and Mark Lance. *Yo! and Lo! The Pragmatic Topography of the Space of Reasons*. Cambridge MA. Harvard University Press: 2009
- Lance, Mark and Margaret Little. "Particularism and Anti-Theory" in David Copp (ed.)  
*The Oxford Handbook of Ethical Theory*. pp. 567-594
- Lance, Mark and Todd May. "Two Dogmas of Post-Empiricism: Anti-Theoretical Strains  
in Derrida and Rorty". *Philosophical Forum* 25(4):272-309 (1994)
- Lance, Mark and W. Heath White. "Stereoscopic Vision: Persons, Freedom, and Two  
Spaces of Material Inference". *Philosopher's Imprint* 7 (4):1-21 (2007)
- Latour, Bruno. "Where are the Missing Masses? The Sociology of a Few Mundane  
Artifacts" in Wiebe Bijker and John Law (ed.) *Shaping Technology-Building Society:  
Studies in Sociotechnical Change*. pp. 225-259
- , *Pandora's Hope: Essays on the Reality of Science Studies*. Cambridge MA.  
Harvard University Press: 1999
- Lemke, Thomas. *Biopolitics: An Advanced Introduction*. Trans. Eric Frederick Trump. New  
York. New York University Press: 2011
- Lovibond, Sabina. *Ethical Formation*. Cambridge MA. Harvard University Press: 2002
- May, Todd. "Equality as a Foucaultian Virtue: The Relevance of Rancière". *Philosophy  
Today* 51 (2007):133-139
- McCall, Corey. "Ambivalent Modernities: Foucault's Iranian Writings Reconsidered".  
*Foucault Studies* 15 (2013):9-26
- McDowell, John. "Autonomy and Its Burdens" *The Harvard Review of Philosophy* 17(1)  
(2012):4-15

- , “The Constitutive Ideal of Rationality: Davidson and Sellars”. *Critica* 30 (88) (1998):29-48
- , *Mind and World*. Cambridge MA. Harvard University Press: 1994
- McKenna, Michael and Paul Russell (eds). *Free Will and the Reactive Attitudes*. Burlington VT. Ashgate: 2008
- McNay, Lois. *Foucault: A Critical Introduction*. New York. Continuum: 1996
- McQuillan, Colin. “Transcendental Philosophy and Critical Philosophy in Kant and Foucault: Response to Colin Koopman” *Foucault Studies* 9
- McWhorter, Ladelle. “Decapitating Power”. *Foucault Studies* 12 (2011):77-96
- Mirowski, Philip and Dieter Plewhe (eds.) *The Road to Mount Pelerin: The Making of the Neoliberal Thought Collective*. Cambridge MA. Harvard University Press: 2009
- Morgan, Michael L. *Discovering Levinas*. New York. Cambridge University Press: 2007
- Nealon, Jeffrey. *Foucault Beyond Foucault: Power and Its Intensifications since 1984*. Stanford CA. Stanford University Press: 2007
- Nietzsche, F. *On the Genealogy of Morality*. Revised Student Edition. Ed. Keith Ansell-Pearson. Trans. Carol Diethe. New York. Cambridge University Press: 2006
- Norman, Donald. *The Design of Everyday Things*. Revised and expanded edition. New York. Basic Books: 2013
- O’Leary, Timothy. *Foucault and the Art of Ethics*. New York. Continuum: 2002
- O’Leary, Timothy and Christopher Falzon (ed.) *Foucault and Philosophy*. Malden MA. Wiley Blackwell: 2010
- Oksala, Joanna. *Foucault on Freedom*. New York. Cambridge University Press: 2005
- Paras, Eric. *Foucault 2.0: Beyond Power and Knowledge*. New York. Other Press: 2006
- Porter, James I. “Foucault’s Ascetic Ancients” *Phoenix* 59(12) (2005):121-132

- Prado, Carlos. "Review of Todd May, *The Philosophy of Foucault*" *Notre Dame Philosophical Reviews* (ndpr.nd.edu/news/25133-the-philosophy-of-foucault). Accessed March 30 2016
- Price, Huw. "Truth as Convenient Friction" in *Naturalism without Mirrors* pp. 163-183  
----- . *Naturalism without Mirrors*. New York NY. Oxford University Press:2011
- Rawls, John. *Political Liberalism* (expanded edition). New York. Columbia University Press: 2005  
----- . *Justice as Fairness: A Restatement*. 2nd edition. Ed. Erin Kelly. New York. Cambridge University Press: 2001
- Rayner, Timothy. *Foucault's Heidegger: Philosophy and Transformative Experience*. New York NY. Continuum: 2007
- Rochlitz, Rainer. "The Aesthetics of Existence: Post-conventional morality and the theory of power in Michel Foucault" in François Ewald (ed.), *Michel Foucault Philosopher*. pp. 340-342.
- Rosen, Michael. "On Voluntary Servitude and the Theory of Ideology," *Constellations* 7(3) (2000):394-409
- Schmidt, James. "Misunderstanding the Question 'What is Enlightenment?': Venturi, Habermas, Foucault". *History of European Ideas* 37(1) (2011):43-52
- Sellars, Wilfrid. *Empiricism and the Philosophy of Mind*. Cambridge MA. Harvard University Press: 1997
- Sheridan, Alan. *Michel Foucault: The Will to Truth*. New York. Tavistock: 1980
- Smith, Benedict. *Particularism in the Space of Moral Reason*. New York. Palgrave MacMillan: 2011
- Strawson, P.F. "Freedom and Resentment" in McKenna and Russell (ed.), *Free Will and Reactive Attitudes: Perspectives on P.F. Strawson's "Freedom and Resentment"*. pp. 19-37



- Taylor, Dianna. "Normativity and Normalization," *Foucault Studies* 7 (2009):45-63
- Thompson, Kevin. "Forms of Resistance: Foucault on Tactical Reversal and Self-Formation". *Continental Philosophy Review* 36 (2003):113-138
- . "Response to Colin Koopman's 'Historical Critique or Transcendental Critique: Two Kantian Lineages'" *Foucault Studies* 8 (2010):122-128
- Thompson, Michael. "What is it to Wrong Someone? A Puzzle about Justice" in R. Jay Wallace, P. Pettit, S. Scheffler, and M. Smith (ed.) *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*. pp. 333-384
- Ure, Michael. "Senecan Moods: Foucault and Nietzsche on the Arts of the Self". *Foucault Studies* 4 (2007):19-52
- VanderVeen, Zach. "Bearing the Lightning of Possible Storms: Foucault's Experimental Social Theory". *Continental Philosophy Review* 43 (2010):467-484
- Veyne, Paul. "Foucault and going beyond (or the fulfillment of) nihilism" in Armstrong, Timothy and François Ewald (ed.), *Michel Foucault Philosopher*, pp. 340-342
- Wallace, R. Jay. *Responsibility and the Moral Sentiments*. Cambridge MA. Harvard University Press: 1999
- Wallace, R. Jay, P. Pettit, S. Scheffler, and M. Smith (ed.) *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*. Oxford University Press. Cambridge MA. 2004
- Williams, Bernard. *In the Beginning was the Deed: Realism and Moralism in Political Argument*. Ed. Geoffrey Hawthorn. Princeton NJ. Princeton University Press: 2005.
- Young, Robert (ed.). *Untying the Text: A Post-Structuralist Reader*. Routledge Kegan and Paul. New York NY. 1982