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“The Government of Desire: A Genealogical Perspective”

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I. “The Man of Desire”

Desire is everywhere – everywhere recognised, displayed, discussed, and drawn upon. It is so much part of our lives, so deeply entrenched in our bodies and minds – so “hard-wired” into our brains, some would say – that we cannot imagine a life without it, indeed cannot imagine what it could mean to live without experiencing its force and appeal, but also the conflicts and struggles it gives rise to. The *Law of Desire*, Almodóvar would say, is one by which we live. It seems to play a crucial part in understanding who we are, our sense of self, and our relations to others. Its ubiquity, we claim, is a sign of its rootedness in human nature. We readily admit that it is a force we need to reckon with, and governs us, often beyond our own will, but we do not question that we are *creatures* – and not just *subjects* – of desire.

What, in that context, are we to make, of the somewhat elliptical and puzzling remark that Michel Foucault made in the course of a discussion at The University of Berkeley in 1983, according to which the western civilisation is *the* civilisation of desire?¹ We might find this suggestion needlessly provocative. To the extent, as we tend to believe, that desire is a constitutive feature of human nature, aren't *all* civilisations by definition civilisations of desire? Isn't desire so bound up with *who* we are that the very suggestion that civilisation itself – *any* civilisation – not be its expression, that is, not recognise it, integrate it, organise it, in short, deal with it in some way, can only come across as fanciful? Yet I want to take my point of

¹ M. Foucault, *Qu'est-ce que la critique?* followed by *La culture de soi*, edited by Henri-Paul Fruchaud and Daniele Lorenzini, with an Introduction and notes by Daniele Lorenzini and Arnold Davidson (Paris: Vrin, 2015), 145. See also M. Foucault, *Histoire de la sexualité I. La volonté de savoir* (Paris: Gallimard, 1976), 102.

departure in that provocation and consider seriously the possibility that our culture of desire has an origin and a history, and a very *western* history at that. Following Foucault, and extending his thought where necessary, I want to take seriously his suggestion that desire, or, better said perhaps, the *problem* of desire, emerged at a particular time and under specific historical circumstances; that it had a particular and far-reaching history; that it defines who we are today in ways that we aren't always aware of, and aren't inevitable. In what follows, I will attempt to define the limits or contours of the various configurations or "regimes" of desire under which we live, trace their emergence, and measure their consequences. However, despite my wish – one could say my fantasy – to imagine a philosophical history of desire from Greek and Roman Antiquity to the present day, I will limit myself to exploring the roots and sketching the dominant features of the contemporary face of desire.

The general question that, in my view, triggers Foucault's interest in desire is the question that he claims to have been concerned with throughout his life, namely: who are we? More precisely: who are we *today*? The role of philosophy, he claims in an interview from 1967, "is to diagnose. The philosopher has ceased to try and say what is eternally. The far more arduous and fleeting task he is now faced with is to say what is happening."² Here, we have an image of philosophy that, in the interview from which the passage is extracted Foucault traces back to Nietzsche. Elsewhere, however, and perhaps surprisingly, he traces it back to Kant – not the Kant of the critical project, who seeks to identify the conditions and limits of human experience and knowledge, but the Kant of the historical essays, and of "An Answer to the Question: What is Enlightenment?" in particular. In that essay, Kant raises the question of philosophy against the backdrop of an event, the Enlightenment, which he

² M. Foucault, *Dits et écrits* (Paris: Gallimard, 1994), volume 1, 581.

defines as “the courage to make use of one’s own understanding” and the “*public* use of one’s reason.” Philosophy, then, insofar as it is bound up with such a project, is identified with an “attitude” and an “*ethos*,” best described as the “permanent critique of our historical era”³ and the “historical ontology of ourselves.”⁴ To philosophise is to ask about the manner in which we are *governed*, the authority under which we live, and the truths we live by, all of which contribute to making us the subjects that we are. But it is also, and at the same time, to ask ourselves whether and how we could govern ourselves differently, the sort of subjects we could become, the kind of self we could be.

It seems, then, and following Foucault’s own clue, that by interrogating desire, and the manner in which we came to recognise ourselves as subjects of desire, we can arrive at a critical ontology of our present and ourselves, and, potentially at least, become a different kind of subject. But the manner in which Foucault poses the question, and interrogates desire, is radically different from the *hermeneutics* of desire and subjectivity that, from Augustine and Christian pastoral *care* to the psychoanalytic *cure*, we have grown accustomed to, and which takes the form of the following imperative: “Tell me your desire, and I’ll tell you who you are” – radically different, that is, from the tradition that’s concerned with the desires themselves, their content and their object, with understanding them, interpreting them, and analysing them, with a view to revealing their hidden *meaning*, intrinsic *value*, and *truth*. Rather, the question is one of knowing how, under what conditions and circumstances, the western subject came to recognise him- or herself as a subject of desire, how his or her subjectivity was shaped around the problematic of desire, and how desire itself

³ *Dits et écrits II. 1976-1988* (Paris: Quarto Gallimard, 2001), 1390.

⁴ M. Foucault, “What is Enlightenment?” translated by Catherine Porter, in Paul Rabinow (ed.), *The Foucault Reader: an Introduction to Foucault’s Thought* (New York: Pantheon Books, 1984), 45.

became an object of “veridiction.” In other words, the question concerns the emergence of what Foucault calls “the man of desire.”

Let me now turn to the genealogy itself. It seems to me that, in the period that stretches between 1975 and 1980, Foucault was precisely involved in laying the foundations of such a broader genealogy. Whilst the history of sexuality, carried out in *Abnormal* (1975) and the first volume of *History of Sexuality* (1976), provides key insights into the inscription of desire within psychiatric discourse and bourgeois power via the concept of sexual instinct, the genealogy of political economy, carried out in *Security, Territory, Population* (1978) and *The Birth of Biopolitics* (1979), reveals a different kind of connection or convergence, namely, between desire and *economic* self-interest. Those two configurations and rationalities of desire overlap and intersect in ways that are at times complex, and create tensions: the contemporary subject of desire is far from being a unified and harmonious totality, and may very well include other regimes than the two I shall be investigating in this paper.

II. Desire and Self-Interest: the Birth of *Homo Economicus*

The two connections, or senses of desire, can be seen as two consequences of the emergence of a new kind of power in the eighteenth century, namely, biopower, which doesn't so much replace sovereign power as it overlaps with it, and complicates it. Where sovereign power was seen as the right to “take life and let live,” according to Foucault's famous formulation, biopower can be seen as the power that rules over life itself, invests it, governs it, manages it. It is the right to “make live and let die.” It is the power that targets subjects as *population* and as *living* human beings, that is, as beings whose identity is defined by the fact that they are alive, and thus imbued with a certain *naturalness*. The emergence of what Foucault calls liberal

governmentality is itself to be situated within that power shift. We need to be a bit clearer here: Foucault's claim is not that the notion of population didn't exist prior to the birth of biopower. It's a notion that can be found as early as Bacon's *Essays* (1597).⁵ But Foucault's point is that the problem of population in the classical age was entirely bound up with a specific problem, that of the power of the sovereign, and with the question of territory, as that over which the sovereign's power is extended. It's a problem, yes, but only insofar as it interests the sovereign, and it interests the sovereign primarily as a quantity that can be used: a large population is a source of power in that it provides troops and resources. Population is contrasted with depopulation, which can happen as a result of wars, diseases, or famine. So the problem of population, even for the mercantilists and cameralists of the seventeenth and eighteenth centuries, remains subordinated to the rationality of the state and the question of how to increase its power.

This begins to change in the eighteenth century, and with the physiocrats in particular: the population no longer appears as a collection of subjects of right, of the sovereign's will, but as a set of *natural* processes, which need to be *managed*. What does this mean?

It means, first of all, that it's recognised as a complex phenomenon, which depends on a large series of variables, such as the climate, material surroundings, commerce, customs and laws, moral and religious values, means of subsistence, etc. Because of that complexity, it's not immediately transparent to the sovereign's action, and the relation between the population and the sovereign can't be one of obedience or refusal of obedience, submission or revolt. One can't act on those variables

⁵ *The Essays of Francis Bacon*, edited, with introduction and notes, by Mary Augusta Scott (New York: Charles Scribner's Sons, 1908), Chapter XXIX, "Of the True Greatness of Kingdoms and Estates."

through sheer voluntarism. It's no longer possible to think of the relation as one of the type: "Do this." It requires a different rationality of government, namely management, and a different kind of knowledge, namely, political economy.

At the same time, the question is also one of knowing whether, beneath all those variables, which now need to be recognised, analysed, combined, there is something like an invariant, or a "mainspring of action" that the population as a whole would share, and which should therefore become the object or target of government. And that's precisely *desire*. Not in the old sense of concupiscence, and in connection with the Christian problematic of the flesh, but in the sense of the irreducible, indivisible, natural core of human life, now identified with the concept of interest. Far from being anodyne, the shift of the notion and rationality of interest, from the sovereign, with whom, up until the seventeenth century, it was identified, to the individual, was itself a remarkable event, and one that corresponded to the need, on the part of state reason itself, to limit its own power.

Foucault recognises this key development in a single yet fairly long passage, which I will cite and comment on in various stages. In the lecture from 25 January 1978, he tries to define what he means by the emergence of the concept of population, the new type of power it requires (biopower), and the new science that defines it (political economy). It's in that context that he writes the following:

We could also say that the naturalness of the population appears in a second way in the fact that this population is of course made up of individuals who are quite different from each other and whose behavior, within a certain limit at least, cannot be accurately predicted. Nevertheless, according to the first theorists of population in the eighteenth century, there is at least one invariant

that means that the population taken as a whole has one and only one mainspring of action. *This is desire.*

Desire, he goes on to say, is obviously an old notion, which first appeared and was employed in spiritual direction. But it makes its second appearance within techniques of power and government. Every individual, it is now thought, acts out of desire; and one can do nothing against the force of desire:

As Quesnay says: You cannot stop people from living where they think they will profit most and where they desire to live, because they desire that profit. Do not try to change them; things will not change. However – and it is here that this naturalness of desire thus marks the population and becomes accessible to governmental technique – for reasons to which we will have to come back and which are one of the important theoretical elements of the whole system, this desire is such that, if one gives it free play, and on condition that it is given free play, all things considered, within a certain limit and thanks to a number of relationships and connections, it will produce the general interest of the population. *Desire is the pursuit of the individual's interest.* In his desire the individual may well be deceived regarding his personal interest, but there is something that does not deceive, which is that the spontaneous, or at any rate both spontaneous and regulated play of desire will in fact allow the production of an interest, of something favorable for the population. The *production of the collective interest through the play of desire* is what distinguishes both the naturalness of population and the possible artificiality of the means one adopts to manage it.

The significance of this shift cannot be underestimated:

This is important because you can see that with this idea of a management of populations on the basis of the *naturalness* of their desire, and of the spontaneous production of the collective interest by desire, we have something that is completely the *opposite of the old ethical-juridical conception of government and the exercise of sovereignty*. For what was the sovereign for the jurists, for medieval jurists but also for the theorists of natural law, for Hobbes as well as for Rousseau? *The sovereign is the person who can say no to any individual's desire*, the problem being how to legitimize this “no” opposed to individuals' desire and found it on the will of these same individuals.

In the old ethical-juridical conception of government, but also in the Christian conception of the good life, desire is what is opposed and dominated. This is what changes with the advent of governmentality and the birth of political economy:

Now through the economic-political thought of the physiocrats we see a completely different idea taking shape, which is that the problem of those who govern must absolutely not be how they can say no, up to what point they can say no, and with what legitimacy they can say no. *The problem is how they can say yes; it is how to say yes to this desire*. The problem is not therefore the limit of concupiscence or the limit of self-esteem in the sense of love of oneself, but concerns rather everything that stimulates and encourages this self-esteem, this desire, so that it can produce its necessary beneficial effects. We have here

therefore the matrix of an entire, let's say, utilitarian philosophy.⁶

By the middle of the eighteenth century, self-interest was seen as a natural law governing human action, which any good (or *reasonable*) government would seek to take into account. “Just as the physical world is ruled by the laws of motion,” Helvétius writes, “no less is the moral universe ruled by the laws of interest.”⁷ Similarly, James Steuart’s *An Inquiry into The Principles of Political Economy* (1767), which introduced the term “political economy” in the English language, defines self-interest as “the universal spring of human actions,” and draws the following conclusions for their government:

The principle of self-interest... is *the main spring, and only motive which a statesman should make use of*, to engage a free people to concur in the plans which he lays down for their government [...]

The best way to govern a society, and to engage everyone to conduct himself according to a plan, is for the statesman to form a system of administration, the most consistent possible with the interest of every individual, and never to flatter himself that his people will be brought to act in general, and in matters which purely regard the public, from any other principle than private interest.⁸

The principle of self-interest, Steuart goes on to say, is so firm and reliable that “were public spirit, instead of private utility, to become the spring of actions in the

⁶ M. Foucault, *Security, Territory, Population. Lectures at the Collège de France, 1977-1978*, trans. Graham Burchell (London: Palgrave Macmillan, 2009), 101-102. Emphasis mine.

⁷ Claude Adrien Helvétius, *De l'Esprit* (1758-9). Présentation de François Châtelet. Verviers : Gérard & Co. ; Paris : diffusion Inter-forum, 1973, 53.

⁸ James Steuart, *An Inquiry into The Principles of Political Economy: Being and Essay on the Science of Domestic Policy in Free Nations* (London, printed for A. Millar and T. Cadell, 1767, Vol. I., Book II, Introduction), 162-63. Emphasis mine.

individuals of a well-governed state, I apprehend it would spoil all” (164), and “were a people to become quite disinterested, there would be no possibility of governing them.”⁹ Every man, therefore, “is to act for his own interest in what regards the public... and it is the combination of every private interest which forms the public good...”

But the most striking and most famous formulation of that connection is to be found in Adam Smith, who gives us an extraordinary description and devastating critique of the bourgeois order and ideal, yet claims that the wealth and prosperity of a population depend on the free play of individual interests and desires. To be sure, he says in his *Theory of Moral Sentiments*, bourgeois desires are “insatiable” and “vain” – vain *because* insatiable; but it would be even vainer to try and govern individuals by saying no to their desires. More vain than the vain pursuit of wealth, power, riches, honour, more vain than ambition itself, which, Smith says, brings about anxiety, fear, and sorrow, is the attempt to curtail, diminish, and smother those desires. For they, and they alone, lead to the material wellbeing of individuals and of the population as a whole.

All of this to say that the “good” method of government now consists in knowing how to say yes to individual desires, to self-love and self-esteem. The question is no longer one of knowing what is legitimate or illegitimate to desire, but what can bring about the highest satisfaction possible from an *individual* perspective. The problem no longer has to do with the moral quality of the object that one desires, but with the manner in which we make choices in order to maximise individual and collective satisfaction. And that’s precisely what the new “science” of economics, and the newly defined space of the market, is meant to help us achieve.

⁹ *Ibid.*, 165, 164.

III. Desires and Sexual Instincts: the Birth of *Homo Sexualis*.

To this new problematic of governmentality, to this new question regarding the goals and means of government (how best to govern? What sort of subject does one govern? How much, how far, and with what aims does one need to govern?), and to its liberal answer, corresponds another question or problem, which is raised anew and transformed, and that is the delicate question of punishment: who or what does one punish, how does one ought to punish, and with what aim? It's that question, and the specific modality of power in which it's raised, that accounts for the emergence of forensic psychiatry which, very quickly, and as early as the 1840s, established itself as a science of sexuality. As we'll see, liberal governmentality found it necessary to supplement the distinction between licit and illicit *acts* with another distinction, namely, that between normal and abnormal *individuals*, and to introduce a new standard of discrimination, namely, that between normal and pathological desires, or *instincts*.¹⁰ In other words, and in addition to the rewriting of desire as interest, the bourgeois order found it necessary to reframe the old thematic of desire in terms of a natural and specifically *sexual* instinct. My claim, then, is that the understanding of desire in terms of sexual instinct and drive presupposes the emergence of psychiatry, but that the "psychiatric style of reasoning," and the concept of sexuality itself, were made possible by a crisis or tension internal to the liberal style of reasoning.¹¹ How exactly?

¹⁰ See M. Foucault, *Les anormaux. Cours au Collège de France. 1974-1975* (Paris: Gallimard/Le Seuil, 1994), 15 January 1975. *Abnormal: Lectures at the Collège de France, 1974-1975*, trans. Graham Burchell (New York: Picador, 2003). Henceforth *Abnormal*, followed by English and French pagination.

¹¹ I borrow the expression "psychiatric style of reasoning" from A. Davidson's *The Emergence of Sexuality* (Cambridge, MA: Harvard University Press, 2001). A version of the thesis I'm putting forward here is also developed by Patrick Singy, "Sexuality and Liberalism," in Miguel de Beistegui, Giuseppe Bianco and Marjorie Gracieuse, eds., *The*

In *Discipline and Punish*, as well as in his lecture at the Collège de France of 29 January 1975, Foucault emphasises the shift that took place between the classical age and the eighteenth century, or between sovereign power and disciplinary power, in what he calls “the economy of punitive power.”¹² In classical law, the crime affected not another person, or the interests of society as a whole, but the sovereign, its force and physical body. As a result, punishment was indistinguishable from the vengeance of the sovereign, and the return of force. The problem of the relation between crime and punishment wasn’t a problem of proportion and balance, of measurable equality or inequality. As Foucault puts it, if we can speak of an “economy” of punishment in such cases, it’s one that’s characterised not by measure and proportion, but by excess and the atrocious. Here, one only need recall the torture and agony of William of Orange’s assassin, which lasted 18 days, or the dreadful fate of Oliver Cromwell. If there’s anything that’s “monstrous,” it’s not the crime, or the criminal, but the punishment. Furthermore, the economy of power in question was such that the *nature* of the criminal was never in question, and the mechanics of the crime never became the object of a certain type of knowledge, least of all a science. All there is, in the case of such punishments, is a strategy of power, which unleashes and displays its might, wrath, and fury on the basis of the crime and around it.

Now it’s this type of power, and this disproportionate economy of punishment, which, towards the end of the eighteenth century, progressively gave way to a different economy of power. It’s a form of power that seeks to “maximise its effects,” and does so by adopting the rationality of interests.¹³ How did this new rationality of

Care of Life: Transdisciplinary Perspectives in Bioethics and Biopolitics (London: Rowman & Littlefield, 2014), 228-239; and Julie Mazaleigue-Labaste, *Les Déséquilibres de l’amour. La genèse du concept de perversion sexuelle de la Révolution française à Freud* (Montreuil-sous-Bois: Ithaque, 2014), 73-83.

¹² M. Foucault, *Abnormal*, 82/76.

¹³ *Ibid.*, 87/80.

power alter and affect the problem and economy of punishment? It did so in a way that resulted in a situation that's quite familiar to us, and continues to define how we understand the relation between crime and punishment, namely, in terms of efficiency and effectiveness, measure and proportion, both in economic and social terms. The problem is now one of knowing whether it is "interesting" for society to punish, and if it is, what kind of punishment will be most interesting. Is it more interesting to torture or to rehabilitate? Or is it better to prevent, through constant surveillance and monitoring, for example? How much does it cost, and how can it be made cost effective?

What preliminary conclusions can we draw from this development? To the extent that the problem of crime, and of punishment, now bears on the interest or "reason" of the crime, and on its nature, the main question concerns the nature of an interest that is such that it violates the interest of all the other members of society. The question concerns the nature of an interest that ignores that its true interest consists in accepting the free play of collective interests. It's a paradoxical interest, an interest that goes against the nature of interest, as understood in liberal rationality. The problem, then, from the point of view of disciplinary power, is that its specifically liberal form of rationality, and the way in which it constructs social mechanisms and agents, as self-interested individuals, is confronted with certain acts, carried out by certain subjects, which it finds very difficult to make sense of, that is, to integrate within its own rationality. It's confronted with certain acts that resist and challenge the rationality of desire as self-interest and motive, yet seem to express a *different* type of desire, and this means a different, yet equally *natural* impulse. What the liberal system, especially in its juridical and penal dimension, is confronted with, yet is initially unable to integrate or think, is the varied and often heterogeneous set of

acts which, confusedly and confusingly, but perhaps not surprisingly, it describes as “monstrous” or “evil” – acts that have in common the fact that they are without reason, and which it attributes to the type of the “moral monster.”

In order to illustrate this conflict internal to liberal governmentality, let me focus on famous legal case, that of the Sergeant Bertrand. Much has been written about it, right around the time of Bertrand’s trial in 1849, as well as by a number of eminent psychiatrists – including Krafft-Ebing, who used it as an example of sadism – in the years that followed. More recently, and following Foucault, scholars have also referred to it as a turning point within the history of psychiatry.¹⁴ Bertrand was accused of having desecrated corpses in a horrible fashion and of having had sex with some of them. In the middle of the trial the presiding officer, colonel Manselon, questions Bertrand about his “awful desires” (*désirs affreux*) and asks the following question: “Have you ever wondered what was the point of destroying corpses that were already dead?”¹⁵ This question echoes one that, a few years earlier, a magistrate had put to Louis-Auguste Papavoine, accused of stabbing two young children in the heart in their pram and in front of their mother: “The common cause of crimes is interest. What interest might there be in killing two children?”¹⁶ Such questions illustrate the limit and embarrassment of liberal penology, which presupposes the rational autonomy and free will of an agent, motivated by interests and utility. This absence of motive, often confirmed by the perpetrators themselves, is precisely what caused the confusion of the judicial system. In the absence of either a clear motive, by which the crime in question could be made intelligible and judged,

¹⁴ See M. Foucault, *Abnormal*, 283-87/267-71; Arnold Davidson, *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts*, 4-5; Patrick Singy, *op. cit.*; Julie Mazaleigue-Labaste, *op. cit.*, 127-163.

¹⁵ Cited by Dr. Henri Legrand Du Saulle in *La folie devant les tribunaux* (Paris: F. Savy, 1864), 527.

¹⁶ Cited by Dr. Étienne-Jean Georget in *Examen médical des procès criminels des nommés Léger, Feldtmann, Lecouffe, Jean-Pierre et Papavoine* (Paris: Migneret, 1825), 44.

or evidence of dementia, on the basis of which, up until the 1830s, it could be exonerated, the act could only be seen as the expression of a mysterious, blind and irresistible *force*. This, in substance, is what another famous case reveals. In 1824, Antoine Léger killed a young girl, opened up her body, drank her blood to satisfy his thirst, cut off her genital organs, and finally ripped out her heart and ate it. In his case, a magistrate spoke of an “awful mystery,” attributable, perhaps, to a “barbarous blood-thirstiness” and “diabolical disposition,” before concluding that such origins, precisely to the extent that they remain mysterious, are not a matter for the court, which was therefore justified in sentencing Léger to death.¹⁷ The *aliénistes* and psychiatrists of the nineteenth century were eventually called upon to elucidate the mysterious nature of such crimes that were precisely not crimes of passion. It should be noted, in passing, that the court sentenced Léger to death on the grounds that he had acted not from madness, but passions. It will thus be of the utmost importance for psychiatry to distinguish perversions from mere passions, however violent, and isolate types of desires irreducible to mere impulses. Speaking of Léger, for example, Georget concludes that “he was not pushed to crime by the *passions* that are its ordinary motives; his action does not have a motive that could be admitted by reason. He wanted *to drink blood! To eat human flesh!*”¹⁸ To be sure, his “desires” are “entirely foreign to the civilized man;” but they are the sign of a “moral accidental *perversion*, an obvious mental disorder [*aliénation*].”¹⁹

Within the rationality of crime and punishment of the nineteenth century, Manselon’s question to the Sergeant Bertrand, or the magistrate’s question to Léger, make sense. But for us, who are now used to the “psychiatric style of reasoning,” the

¹⁷ *Ibid.*, 45 and 46.

¹⁸ *Ibid.*, 11.

¹⁹ *Idem*. My emphasis.

question simply fails to account for the nature of the desires and acts of the accused. We cannot imagine that rational motives or “interests” – or passions, for that matter – can be behind repeated acts of mutilation and destruction of corpses. But we do not feel that they can be attributed to a purely momentary state of madness, or a return to an animal or savage state, either. Bertrand’s answer, on the other hand, seems to resonate with the way in which we have become accustomed to approaching such cases: “I had no goals; I felt this irresistible *urge* to destroy.” “When my disease started,” he also says, “I felt, without being aware of it, this *need* to destroy.”²⁰ But if this “urge to destroy,” this “awful desire” can be attributed to a “disease,” as Bertrand himself seems to recognise, rather than to sheer moral perversity, or to a total madness, the question is: a disease of what?

It’s only when psychiatry was finally able to attribute such comportments to, first of all, a disease that wasn’t simply the negation of health – in this instance, of reason – but a deviation from a norm, and thus an abnormality, and, secondly, a disease of a really odd natural phenomenon, disposition or faculty, namely, the *instinct*, that it was in a position to establish itself as this new discourse of authority on human nature, and insert itself within the legal discourse and the penal system. By turning the notion of instinct into a *scientific* concept – and focusing, relatively quickly, on one instinct in particular, that of sexuality – psychiatry was able to discover – in fact, create – new pathologies, which themselves required treatments and therapies of various kinds. The strictly *clinical* concept of instinct was precisely developed to make sense of what defied common – that is, liberal – sense, and designate a form of desire that escaped both its utilitarian framework and the bourgeois values that underpinned the type of the “moral monster.” It became a

²⁰ Legrand Du Saulle, *La folie devant les tribunaux*, *op. cit.*, 525, 527.

clinical concept precisely by being inscribed within the distinction between the normal and the pathological, and understood as a natural feature prone to deviations from its normal state, known as *perversions*.²¹ It's important to emphasise that, from the point of view of psychiatry, the emergence of that concept, and the manner in which it was progressively combined with that of perversion, constituted an epistemological break with the medicine of madness, exemplified by Pinel and Esquirol. But it also introduced a grid of interpretation that escaped the moral and legal category of perversity and monstrosity, and provided an alternative to the criminal anthropologies of people like Lombroso and Tarde. Its aim was to distinguish as unambiguously as possible between an evil passion and a form of abnormal condition characterized by a *diseased* instinct. Whilst, up until then, certain passions might have been seen as extenuating circumstances, and thus helped soften a verdict, they could not, unlike insanity, entirely exclude legal responsibility. This is why the magistrates and lawyers, who fought against the effort to legitimize mania without delirium, did so by stressing as much as possible the intimate relation between passion and insanity. It was therefore imperative for psychiatrists sharply to distinguish passion from mania without delirium: the fairness of justice as well as the legitimacy of forensic psychiatry rested on precisely this distinction.

At the time, Bertrand's actions were, like those of Cornier or Papavoine, seen as horrible beyond belief, so abominable that they could not possibly have been motivated by a mere quest for pleasure, or any other interest, especially since, as both the press and psychiatrists noted, he was a good-looking man who could have

²¹ For an in-depth discussion of the history and philosophical consequences of that distinction, see Canguilhem's seminal *The Normal and the Pathological* (1943), trans. Carolyn R. Fawcett and Robert S. Cohen (New York: Zone Books, 1998).

satisfied his sexual desire with living women.²² As a result, his depravity could not be integrated into the phrenological paradigm developed by Gall. Furthermore, he was, by all accounts, an intelligent and honest fellow, and a good non-commissioned officer. He was thus not an “innate pervert.” For those reasons he was, in the eyes of the public and the court, an enigma, and posed a real threat to the existing social order. This explains why the military court condemned him to one year in prison, the maximum sentence for the crime of desecration according to article 360 of the penal code of 1810. But the psychiatric experts who examined him, and those who commented on the case, were unanimous in diagnosing an “erotic monomania” caused by a “perversion of the genesis instinct,” or a “deviation of the venerian appetite.”²³ Michéa, for example, saw the sexual desire for human cadavers, soon known as necrophilia, as “the most extreme and rarest degree of deviation of the venerian instinct,” and thus as the maximum departure from the psychosexual norm.²⁴ Krafft-Ebing describes Bertrand’s acts as the most extreme form of sadism, and Épaulard the very model of “necrosadism.”²⁵ He was the dismemberer, the ripper, the eviscerator, and the necrophiliac. And yet, rather than being attributed to sheer wickedness, those traits were now seen as symptoms of a sexual disorder, a perversion of the most serious kind. Psychiatrists were now convinced that the insanity of perversion is only partial, to the point of being visible only in compartments that are morally and socially deviant. This is the reason why, in the eyes of the profane, who is incapable of distinguishing insanity from vice, nymphomania, for example, is indistinguishable from debauchery.

²² *Le siècle*, Wednesday 11 July 1849; see also Brierre de Boismont, “Remarques médico-légales sur la perversion de l’instinct génésique,” 559; Jules-Gabriel-François Baillarger, “Cas remarquable de maladie mentale,” *Annales médico-psychologiques* 4 (1858), 134.

²³ See Mazaleigue-Labaste, 134.

²⁴ Michéa, 1849, 339.

²⁵ Krafft-Ebing, *Psychopathia Sexualis*, op. cit., 69-70; Alexis Épaulard, *Vampirisme, nécrophilie, nécrosadisme, nécrophagie* (Lyon: A. Storck & Cie, 1901).

Despite their best and repeated efforts, however, psychiatrists were never able – in practice at least – to distinguish entirely between the clinical category of perversion and the theological, moral and juridical categories of perversity. Krafft-Ebing formulates clearly that crucial (yet highly unstable) distinction:

Perversion of the sexual instinct ... is not to be confounded with *perversity* in the sexual act; since the latter may be induced by conditions other than psychopathological. The concrete perverse act, monstrous as it may be, is clinically not decisive. In order to differentiate between disease (perversion) and vice (perversity), one must investigate the whole personality of the individual and the original motive leading to the perverse act. Therein will be found the key to the diagnosis.²⁶

This principle of axiological neutrality is one that psychiatry – forensic psychiatry especially – did its utmost to uphold. To this day, it operates like an ideal towards which psychiatry strives, with varying degrees of success. Yet, whilst acknowledging the need to distinguish between perversion and perversity, psychiatrists of this period quickly admitted that it often proved difficult to do so. Only minutely detailed examination could help to determine that a given patient was a genuine pervert, and not merely evil or wicked. Only the most rigorous diagnosis could distinguish a psychosexual pathology (a perversion) from a socially or morally deviant *act*. And yet, in many, if not most cases, the deviant conduct turned to be the condition of visibility, and thus of objectification, of the sexual perversion: as Mazaleigue-Labaste shows, the concept and clinic of fetishism were made possible by the fact that theft,

²⁶ Krafft-Ebing, *Psychopathia Sexualis* (seventh edition, 1895), 53/56-57.

and, to a lesser extent, masturbation in public on various objects, were considered deviant and, as such, suppressed.²⁷ This irreducible ambiguity, if not tension, I believe, can be attributed to the manner in which the old problematic of desire as *concupiscentia*, and of the flesh as a corrupt or corrupted form of desire, was integrated into the normal-pathological distinction, and subsumed under the concept of instinct, thus giving birth to the clinical category of sexual perversion and the type of the pervert. Consider the following claim from Dr. Laupt's (pseudonym of G. Saint-Paul), which illustrates this shift, as well as the fundamental ambiguity that underpins it: "Where our predecessors saw culprits [*des coupables*], we see patients [*des malades*]; where yesterday's philosophers discovered a fault, we diagnose a nervous failure or accident."²⁸ However, fearful of throwing bourgeois morality, religion, and right with the bathwater of obscurantism, Dr. Laupt immediately adds: "This is not tantamount to saying that sin has disappeared," and "perversity is a crime."²⁹ This ambiguity, I want to suggest, continued to shape psychiatry and psychiatric manuals for many years, and, I would argue, eventually triggered a decisive turn within psychoanalysis itself.²⁹ But it also, and to this day, continues to haunt and horrify our collective consciousness and imagination, despite the constant evolution of what, from a clinical point of view, counts as a perversion or "paraphilia."³⁰ The

²⁷ Julie Mazaleigue-Labaste, *Les Déséquilibres de l'amour*, 27.

²⁸ Dr. Laupt, *Perversion et perversité sexuelles* (1895; 2nd edition Paris, Vigot Frères, 1910), 280.

²⁹ It's by recognising that tension that Freud was eventually forced to posit the existence of a death drive beyond the restricted economy of the purely sexual drives, a destructive desire, oriented towards the self, or towards others, which signalled the limit of the rationality of the sexual instinct as itself a way of understanding the limits of the bourgeois rationality of self-interest. The problem of radical evil, and of a desire that Freud didn't hesitate to characterise as "demonic" in "Beyond the Pleasure Principle," continued to haunt psychiatry and psychoanalysis, precisely as the desire that exceeded the economy of sexual pleasure.

³⁰ In fact, the latest version of the DSM recognises a significant amount of new paraphilias, such as hebephilia, or the primary or exclusive adult sexual interest in pubescent individuals who are approximately 11-14 years old. And, troubling as this may be, they are still defined in terms of cultural abnormality and social deviance. In the face of such a phenomenon, some

figure of the sexual pervert is also the figure of perversity and evil, and even, in novels or films, the figure of physical monstrosity. “Sexual predators” and “monsters” continue to haunt the flow of daily news and popular fiction.³¹

With Bertrand, and psychiatry’s prolific response to the challenges it presented it with, a new field was opened up, that of psychosexual pathologies, or sexual aberrations. In addition to necrophilia, the phenomena of bestiality (later known as “zoophilia”), pornography, voyeurism, sadism, fetishism, and sexual inversion were all identified, most often under different names, and on the basis of examples borrowed from literature, history, or philosophy, as well as from empirical cases. In addition, they were loosely connected with one another. What matters, though, is that a new clinical field was delimited, that of the psychosexual, and a whole new set of pathologies, known as perversions of the sexual instinct, was “recognised.” Not only was sexual activity displaced from the sexual acts themselves to the desires that produced them, or failed to produce them (this move, you will recall, is one that Foucault attributes to the emergence of the epithumiac model in late Antiquity and early Christianity); sexual desires were clinically framed, that is, integrated into a strict distinction between a normal and deviant sexuality. Thus, “innate” homosexuality was seen as a morbid desire for someone of the same sex, necrophilia a morbid desire for an inert and partial subject, fetishism a morbid desire for a partial object, rather than a whole person, etc.

But this displacement, and the fact that the clinical gaze is now directed at the sexual desire, rather than the sexual act, has a further consequence. With the Bertrand

have advocated the removal of all paraphilias from the psychiatric classification of diseases. See Patrick Singy, “How to Be a Pervert: a Modest Philosophical Critique of the *Diagnostic and Statistical Manual of Mental Disorders*,” *Revista de Estudios Sociales* No 43, Bogotá, August 2012, 139-150.

³¹ The pedophile and serial killer of the first season of *True Detective* is, of course, a physical monster as well as a moral one, and the large scar on his face the visible sign of his moral depravation.

case in 1849, the perception of what is sexual, or what can be perceived as sexual, is altered dramatically: sexual perversions are no longer simply the (normative) result of the psychiatrisation of unusual erotic tastes, which already existed. Henceforth, psychiatrists will see sexuality where they previously didn't, and be able to detect the homosexual in the friend, the fetishist behind the specialised thief, the sadist behind the zealous or strict tutor. Many crimes of blood will become crimes of sex, many ill treatments will be attributed to a morbid eroticism; and in the face of a strange taste for fabrics, pigtailed, or nails, psychiatrists will do their utmost to detect the point, at times minuscule, that will enable them to confirm their intuition and wrap the individual as a whole around the cloak of sexuality.³² What was once thought to be a merely violent *act* is now seen as the manifestation of a sexual perversion, that is, as the result of a specific kind of *desire*. The clinical gaze has become sexualised, as well sexualising, and the *homo eroticus* has become *homo sexualis*.

As such, the “discovery” of the sexual instinct is the discovery of not just one instinct among many, but, potentially at least, the key to understanding all the other instincts, and psychological life as a whole: “The sexual instinct,” Heinrich Kaan writes in *Psychopathia sexualis*, “controls all mental and physical life.”³³ As such, it can even account for pathologies that are apparently entirely unrelated to sexuality. By the time Freud arrived on the scene, the following statement, which he formulated in 1905, reflected the view of many psychiatrists:

People whose behaviour is in other respects normal can, under the domination of the most unruly of all the instincts, put themselves in the category of sick

³² See M. Foucault, *History of Sexuality I. The Will to Know*; Mazaleigue-Labaste, *op. cit.*, 151-52.

³³ Cited by M. Foucault in *Abnormal*, 283.

persons in the single sphere of sexual life. On the other hand, manifest abnormality in the other relations of life can invariably be shown to have a background of abnormal sexual conduct.³⁴

As he puts it later on in the same essay, experience has shown him that a large number of physiological symptoms and pathologies amongst his patients were in fact expressions of their sexual life and constituted their sexual activity.³⁵ Equally, though, as Krafft-Ebing insisted before Freud himself, the sexual instinct is also the root of the noblest feelings, the highest values, and the most treasured accomplishments of civilization, such as art and poetry, ethics, and religion.³⁶ Hall summarises the state of psychiatry at the turn of the twentieth century when he writes: “Sex is the most potent and magic open sesame to the deepest mysteries of life, death, religion, and love.”³⁷ Sexual desire, in other words, explains just about everything.

IV. Conclusion:

The claim I have been making is that the conditions of possibility of the concepts of sexuality, sexual instinct and drive, as framing a new sense and experience of desire, lie not with some deep psychic or libidinal reality, the truth of which psychiatry and psychoanalysis would have finally discovered, but with a specific historical context, a specific construction of human nature, and a specific regime of power. If, today, who we are, our sense of identity, our experience as subjects, is so bound up with what, unproblematically, and as a matter of course, we refer to as our “sexuality;” if sexuality is so commonly thought to be one of the keys

³⁴ S. Freud, *Three Essays on Sexuality*, Penguin, volume 7: 75.

³⁵ *Ibid.*, 77.

³⁶ Krafft-Ebing, *Psychopathia Sexualis*, 1-10.

³⁷ G. Stanley Hall, *op. cit.*, vol. 2, 109.

to our innermost self, as opposed to a mere biological phenomenon, driven by necessity; if desire is so obviously “sexual” – it’s because, far from signalling a natural phenomenon that falls outside the domain of historical emergence, it is, in the words of A. Davidson, “the product of systems of knowledge and modalities of power” that emerged in the second half of the nineteenth century and “bear no claim to ineluctability.”³⁸ It is a product of a style of reasoning, and thus a rationality, which challenges and at the same time supplements the rationality of interest and motive of liberal governmentality.

Furthermore, I’ve tried to show how “sexuality” and “sexual desire” emerge as a result of a specific operation, or a specific graft: that of the newly conceived medical paradigm of the normal and the abnormal, or the pathological, onto the old concept and problematic of the flesh and concupiscence, inherited from Christian theology and pastorate. The graft gives birth to the idea of the sexual instinct or drive. We need to emphasise this from the start, not only for reasons of historical accuracy, but also to recognise the role of the medical discourse in our understanding of ourselves, of the sort of subject we are, and the manner in which an entire domain, which was once articulated around the distinction between the permitted and the prohibited, and within the discourse of the Law, was re-articulated around the distinction between the normal and the abnormal, or the pathological. As a result, if we’re going to use the concept of sexuality in any other way, outside the discourse of psychiatry and its intrinsic normativity, we need to know what we’re up against. We need to ask whether sexuality can be so easily wrested from that discourse; we need to ask about the conditions under which this could be done, and the reasons why one would want to twist free of that discourse. All of this to say that the simple

³⁸ Arnold Davidson, “Sex and the Emergence of Sexuality,” *op. cit.*, 32.

association of terms, namely, “sexual desire,” which is now often taken for granted, has a precise history, and, like the concept of interest, corresponds to a certain articulation between a type of discourse, a kind of experience, and a specific form in which power is exercised. It’s not, then, as if *sexual* desire were a special kind of desire, or even, as some psychiatrists – Freud most emphatically – have claimed, the source of all desires and the key to understanding “human nature.”

I’ve also tried to show how the emergence of *sexual* desire conflicts with, but also supplements, the construction of desire as interest, and as defined by the liberal paradigm and the discourse of political economy. This means that, starting in the middle of the nineteenth century, but especially in the years 1880-1890, the subject of desire is defined according to two different rationalities, that of the *scientia sexualis*, and that of political economy, or that of the sexual instinct and that of economic interest. Both rationalities claim to have discovered the fundamental mechanism of human subjectivity and action, or the key to solving the problem of human nature; both present themselves as the new *mathesis universalis*. Both are normative discourses, which signal the shift from sovereign, juridical power, to biopower, or from the subject of the law to the living subject. At the heart of biopower, we saw, is the naturalness of desire as interest. But we saw how biopower discovers this other, wilder side of desire: the world of instincts, the perversions of which can lead to the strangest and most disturbing pathologies.