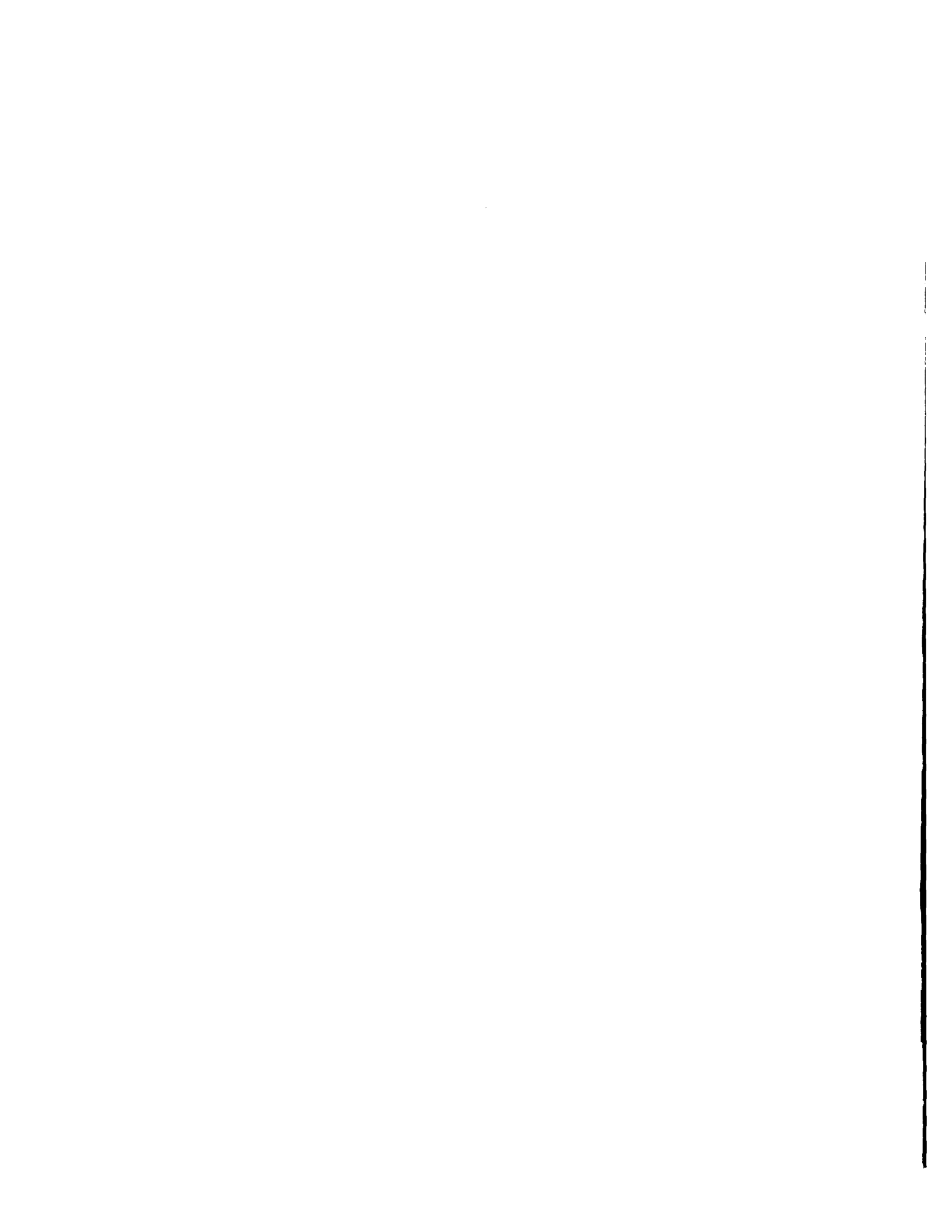FOUCAULT, HABERMAS, AND THE FOUNDATIONS OF POLITICS

POLITICS OUTSIDE THE "WE":

FOUCAULT, HABERMAS, AND THE FOUNDATIONS OF POLITICS

By

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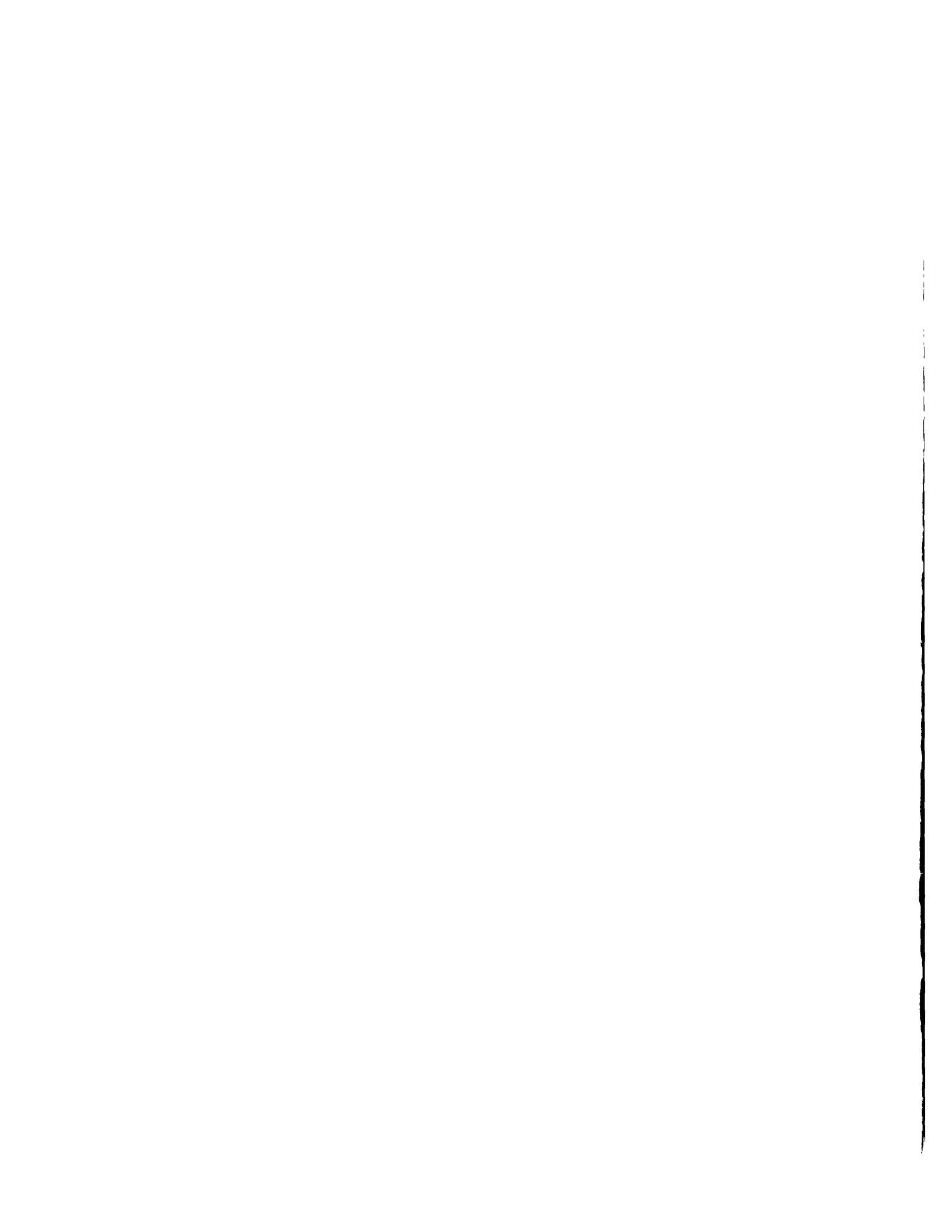(Philosophy)　　　　　　　　　　　　　　　　　　　Hamilton, Ontario

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ABSTRACT

In this thesis, I attempt to rectify certain misunderstandings which typically have characterized contributions to the so-called Habermas/Foucault debate, and I propose a resolution to that debate. First, I clarify what I call "the Habermasian challenge" to Foucault--that is, Habermas's contention that Foucault must provide an account of the "normative foundations" of his political criticism, but, at the same time, that no such account can be consistent with Foucault's genealogical work--and show why attempts to answer that challenge on Foucault's behalf are unsuccessful. Second, I elaborate Habermas's own purported normative foundations--his "discourse ethics"--and I show why they cannot function in the way that they must for his challenge to Foucault to retain its point. Third, I argue that Foucault must reject foundationalism because foundationalism is incompatible with his *ethics*: both with his philosophical ethic of "parrhesia", and with his political ethic as someone identifying with those outside what I call the "central 'we'" of the society of which he is a member.

ACKNOWLEDGEMENTS

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1. INTRODUCTION

Comparisons between the work of Michel Foucault and that of Jürgen Habermas have usually emphasized the differences between the two writers. Habermas is the heir to the German tradition of grand theory, while Foucault shares Nietzsche's distrust of systematic philosophy; Habermas upholds the ideals of the Enlightenment, while Foucault usually regards them with skepticism. But, as Michael Kelly recognizes, Habermas and Foucault "share a common problem: how to practice modern critique in a philosophical manner given its self-referentiality" (FHS 382)--given, in other words, that critique no longer can appeal to anything transcendent and absolute, that it no longer can be anchored in metaphysical foundations. At root, Habermas and Foucault both seek to answer the question how political philosophy can be done in the wake of the death of God--that is, after all metaphysical, theological and quasi-theological, normative foundations have been discredited (among academic philosophers, anyway). Their answers, of course, are sharply divergent: Foucault seems to take the failure of metaphysics to entail the failure of foundationalism. Habermas, meanwhile, has made one of the strongest recent attempts at doing foundationalist but still avowedly "postmetaphysical" political philosophy.[1] Habermas writes: "On the premises of postmetaphysical thought, philosophy cannot provide a substitute for the consolation whereby religion invests unavoidable suffering and unrecompensed injustice, the contingencies of need, loneliness, sickness, and death, with

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[1]Habermas has indicated that he does not take himself to be doing "political philosophy" at all, but rather "social theory" and "moral philosophy" (AS 203-204). However, the fact that the political motivations and implications of both Habermas's critique of instrumental reason and his revision of Kantian moral philosophy are clear and inescapable is sufficient, for my purposes, to call him a political philosopher.
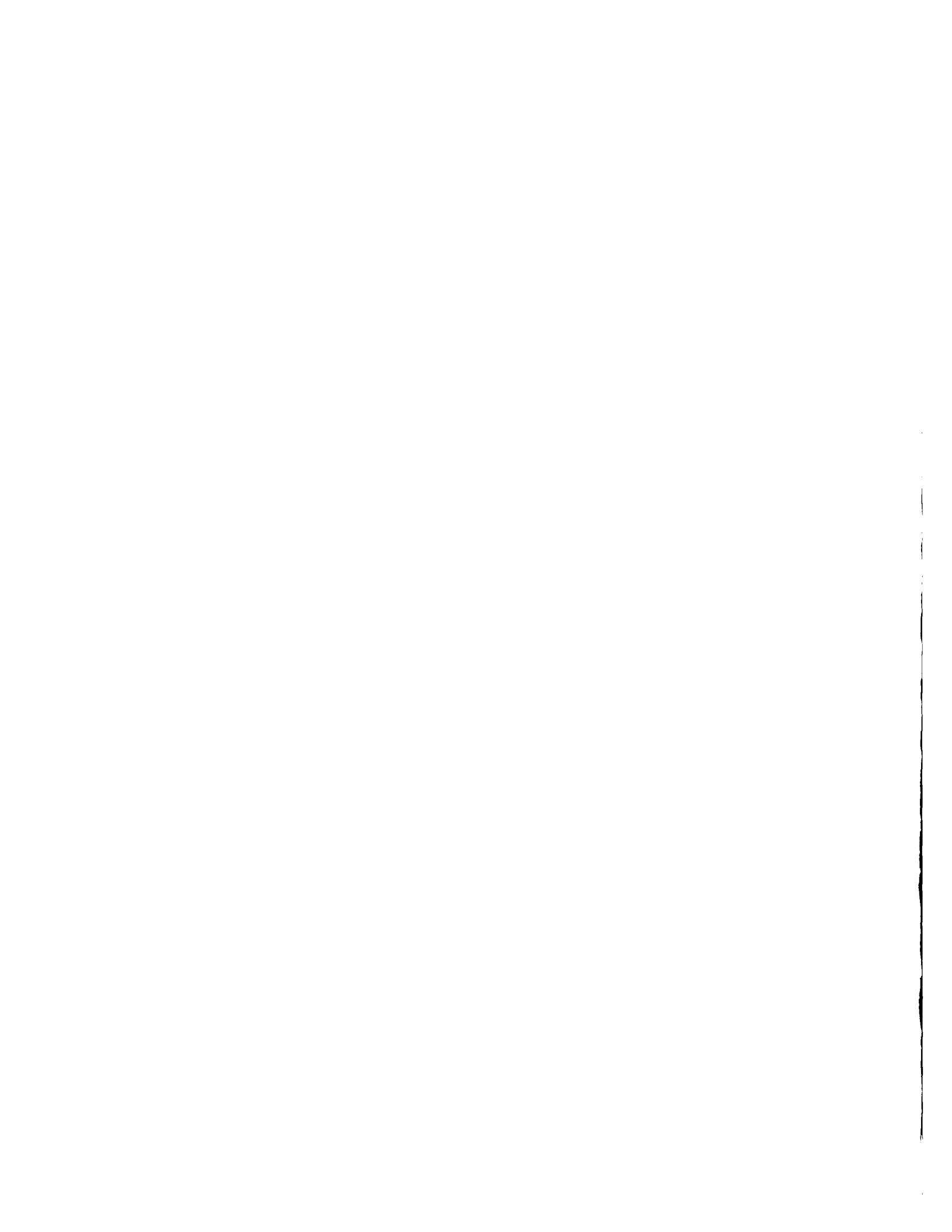
new significance and teaches us to bear them" (JA 146). To put it more strongly, Habermas shares with Foucault the assumption that philosophy cannot overcome what Camus called "the absurd". It cannot deliver to us the deep truths promised by Plato; it cannot go beyond making sense of life to demonstrating that life makes sense. But Habermas continues: "even today philosophy can explicate the moral point of view from which we can judge something impartially as just or unjust" (JA 146). While Habermas holds that "what *grounding* means, can be explained only in connection with the conditions for discursively redeeming validity claims" (TCA-I 39)--that is, there is nothing which Rorty might call "extra-conversational" in which any claim can be grounded--he also holds that "it is important to distinguish between the validity of a norm and its social currency" (JA 160).

The real difference between Habermas and Foucault I take to be neither philosophical, so to speak--for they share many of the same philosophical premises--nor even political--in their ambivalence toward both liberal democratic institutions and Marxism, as well as their simultaneous commitment to and suspicions of the "autonomous movements" which have risen to prominence since the 1960s, they are strikingly similar. The real difference I take to be an *ethical* one--ethical in a specific sense, one which is also shared by Habermas and Foucault but which, unfortunately, is usually lost in English-language moral and ethical philosophy: I mean "ethical" in the sense having to do with one's relationship to oneself as a situated subject, with the kind of person one takes oneself to be and the kind of person one wants to be, the kind of relationships one takes there to be between oneself and one's community and the kind of relationships one would like there to be. Indeed, if there is a philosophical difference between Habermas and Foucault, it lies in their differing conceptions of themselves as philosophers--their differing attitudes toward what it means to be a philosopher, what the *ethos* proper to philosophy is.
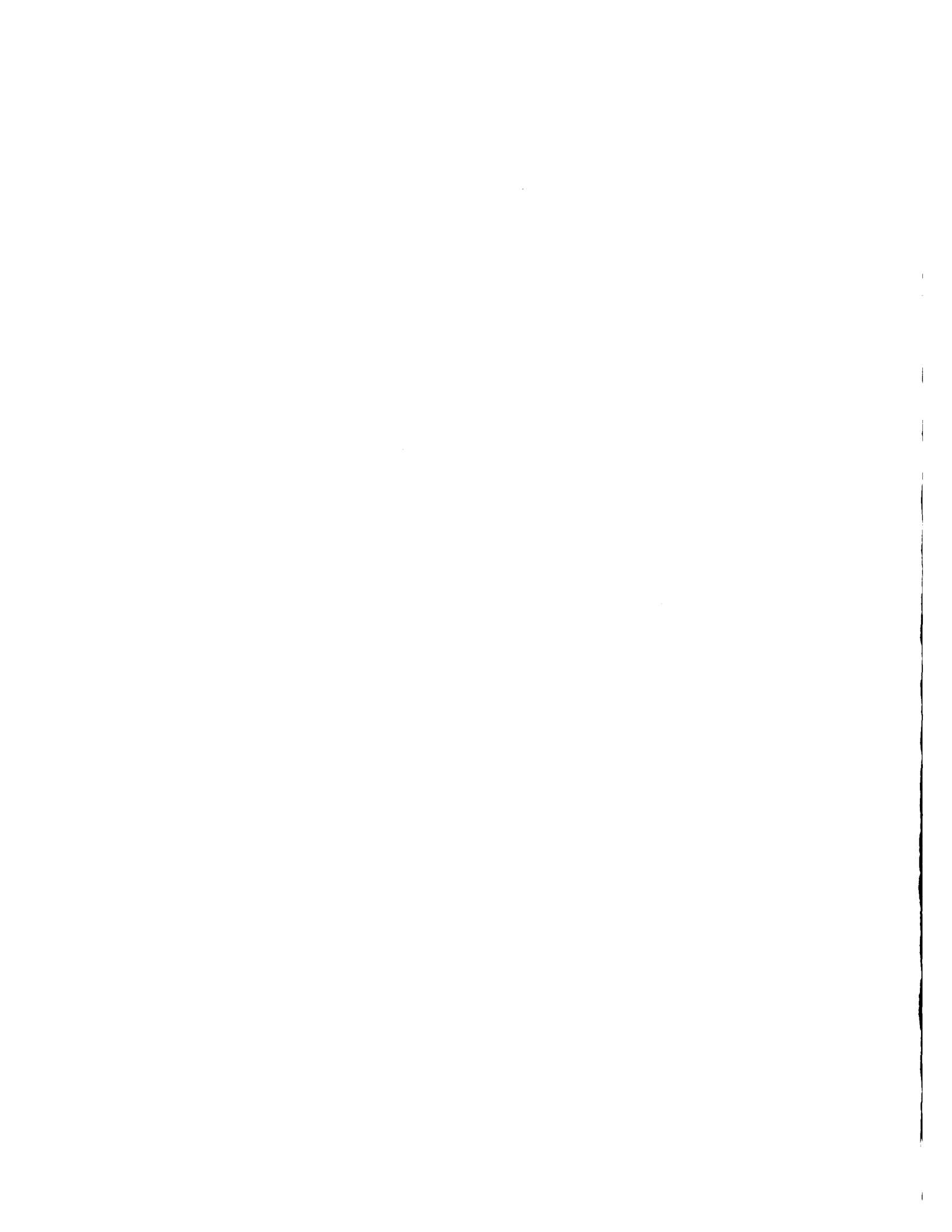
Habermas's view on this matter is conditioned by his perspective as an insider in the modern liberal democratic state, as a member of what I will call the "central 'we'" in the polities of which he is a citizen. Foucault's perspective, on the other hand, is that of an outsider--of one who does not identify with the central "we" of the polities in which he finds himself. It is this difference in perspective which I think gives Foucault a special insight into the idea of foundationalism--one which entails not only the rejection of foundationalism, but of a certain conception of politics on which foundationalism rests.

There has been a certain one-sidedness to the so-called Foucault/Habermas debate: that is, to the proxy war carried on by representatives of the two main figures, neither of whom has been a party to the debate since it was opened by Habermas with his critique of Foucault in *The Philosophical Discourse of Modernity*. For one thing, interventions in the debate have usually been made in defense of Foucault; rebuttals from the Habermasian side are scarce if not non-existent. This may not be surprising. What is surprising, however, is the fact that defenses of Foucault against the Habermasian challenge typically accede to Habermas's terms of debate. While many commentators have tried to show that, contrary to Habermas's charge, there are viable "normative foundations" at least implicit in Foucault's work, to my knowledge, none of the contributors to the debate have turned to scrutinize Habermas's notion of normative foundations itself.[2] As a result, as I shall argue, many commentators misunderstand the challenge Habermas presents to Foucault.

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[2]See, for instance, the volume edited by Michael Kelly titled *Critique and Power: Recasting the Habermas/Foucault Debate*--in which are collected many of the most important contributions to the debate to date--which essentially is a book about Foucault, having very little to say about Habermas. Joseph Margolis appears to be the only major commentator to defend Foucault by attacking Habermas, but he does not subject the nature of Habermas's challenge to close scrutiny, and, as I will argue in Section 7, he appears to misinterpret it.
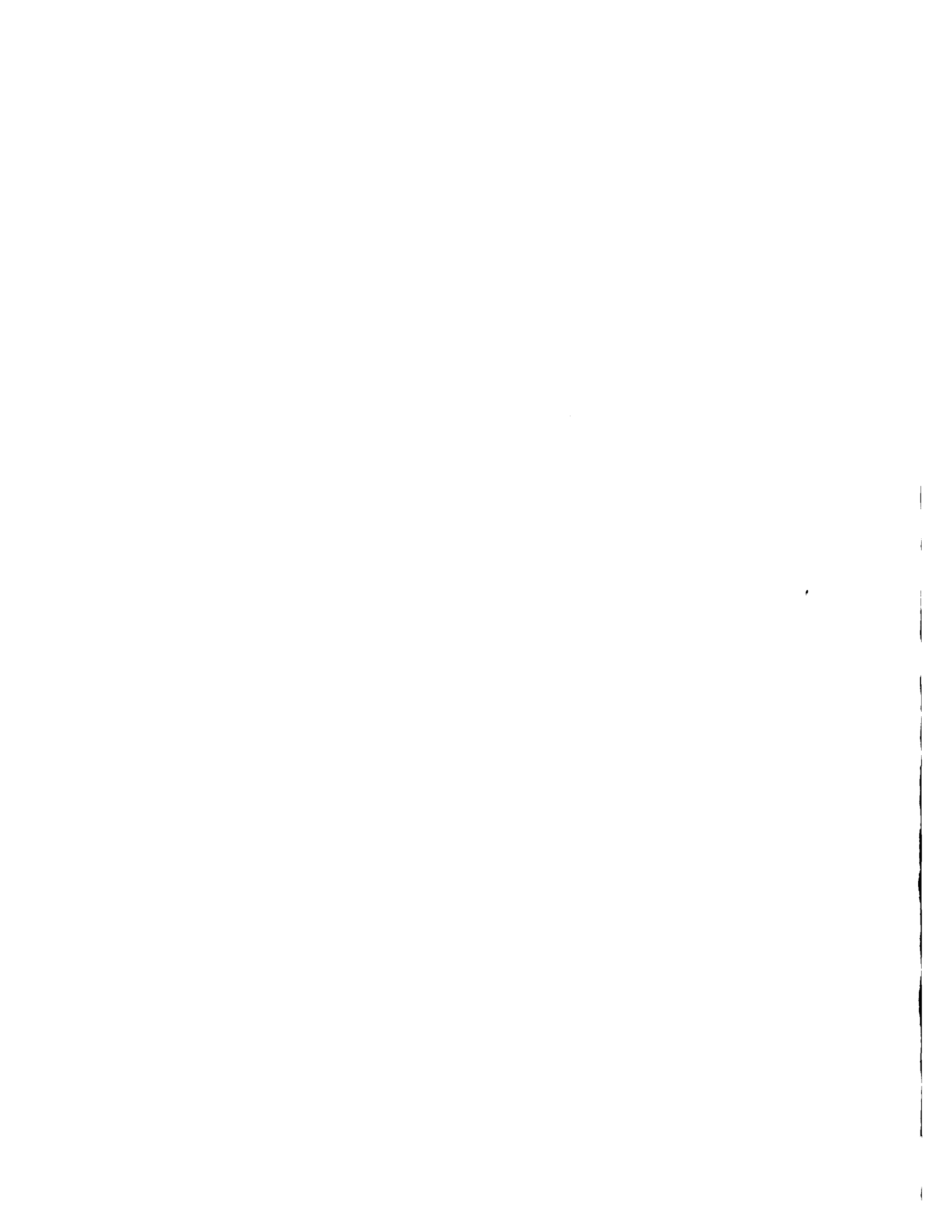
More importantly, they also fail to appreciate why Foucault must reject Habermas's kind of foundationalism--and what this rejection implies about political thought, and political action, in general.

This, then, is the thesis which I shall be arguing here: that the particular way in which Foucault rejects foundationalism implies a way of thinking about politics which, if it is not new, at least is radically different from Habermas's and from that of most political thinkers: it is a way of thinking about politics which dispenses with the idea that politics need be concerned with the exercise of control over "society as a whole", that what one necessarily does when one engages in political activity is seek to effect some change in the way the relevant polity, as a whole, is governed.[3] In order to demonstrate this, it will be necessary to carry out the following exercises:

In Section 2, I will set out what, broadly speaking, the tasks of political philosophy might be, and which of those tasks are carried out in Foucault's work.

In Section 3, I will explicate what I call "the Habermasian challenge" to Foucault and make clear why certain commentators think that Foucault's political critique must be given some sort of "normative foundations" if it is to be of any real use.

In Section 4, I will spell out Foucault's prima facie case against foundationalism and give some reasons why it might cast the utility of Foucault's political criticism into doubt.

In Section 5, I will discuss two attempts--those made by Todd May and Barry Allen--to argue that Foucault in fact does have adequate normative foundations, and show why I think those two attempts are inconsistent with Foucault's work.

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[3]It should be noted that the rejection of foundationalism per se is not the important thing--Richard Rorty also rejects foundationalism, but thinks of politics in much the same way that Habermas does.
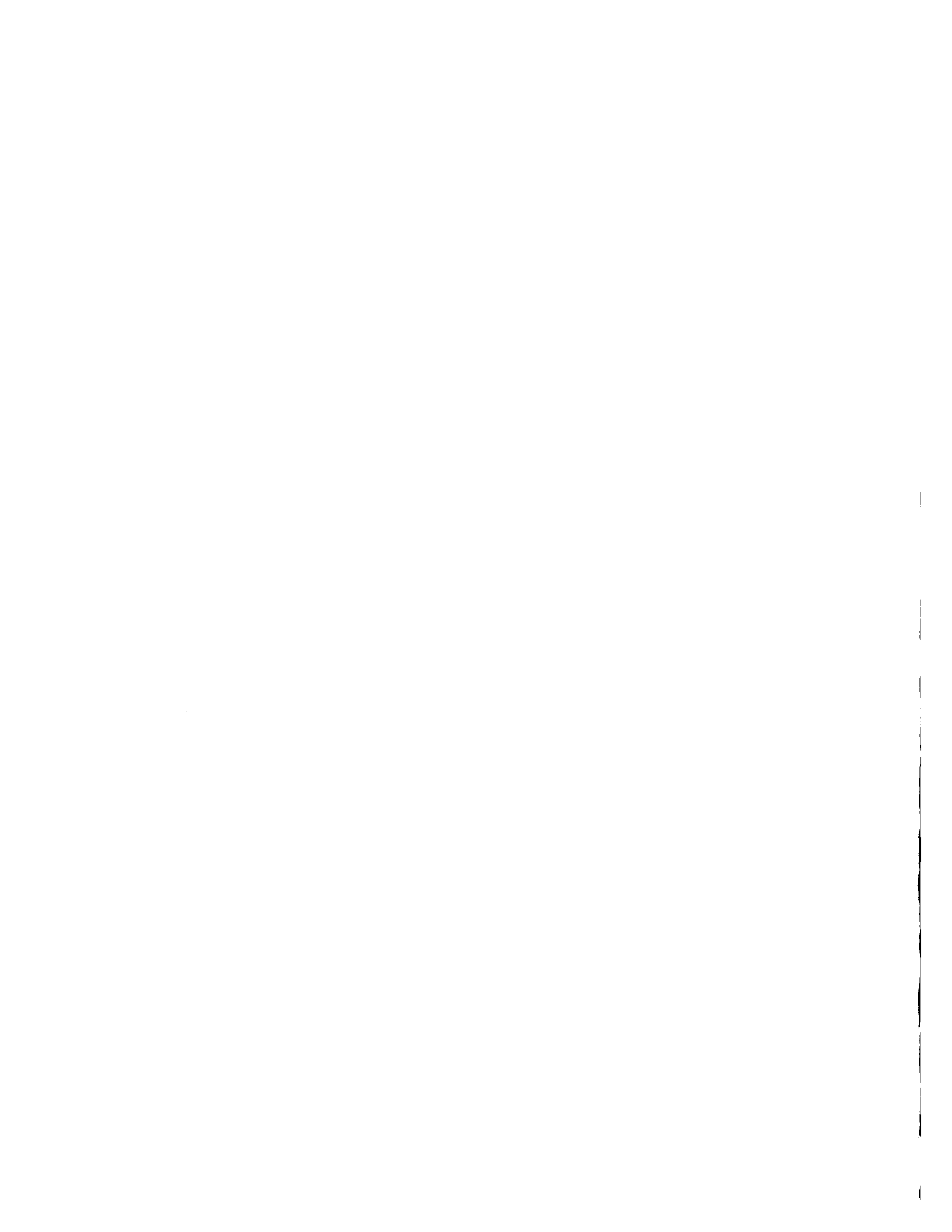
In Section 6, I will explain exactly what Habermas takes a proper normative foundation to be, showing how the distinction between the moral and the ethical is crucial to understanding Habermas's conception of normative foundations (and making evident how May's and Allen's attempts to answer the Habermasian challenge suffer for failing to take that distinction into account).

In Section 7, I will elaborate Habermas's own purported normative foundations--that is, his "discourse ethics"--and discuss Margolis's (in my view mistaken) attempt to defend Foucault by attacking discourse ethics itself; in addition, I will take up the view that Foucault evades the Habermasian challenge by making his writings out to be works of art rather than works of argumentation.

In Section 8, I will discuss certain gestures of Foucault's which might be construed as attempts to provide a normative foundation for his critique--particularly those concerning the idea that "freedom is the ontological condition of ethics"--and explain why I do not think that those gestures could be worked out into an account that would satisfy both Habermas and Foucault.

In Section 9, I will elaborate the philosophical ethics of Foucault and Habermas, emphasizing the importance of the ethic of parrhesia or truth-telling to Foucault's conception of philosophy (and the fact that it is therefore a mistake to imagine Foucault to be producing works of art rather than argumentation) as well as Foucault's conception of the philosopher as someone on the margins of the society in which s/he lives; I will also explain the distinction made by both Foucault and Habermas between the role of the philosopher and that of the citizen.

In Section 10, I will show how Habermas's foundationalist project unravels--how it turns out that the normative judgments for which discourse ethics is supposed to serve as
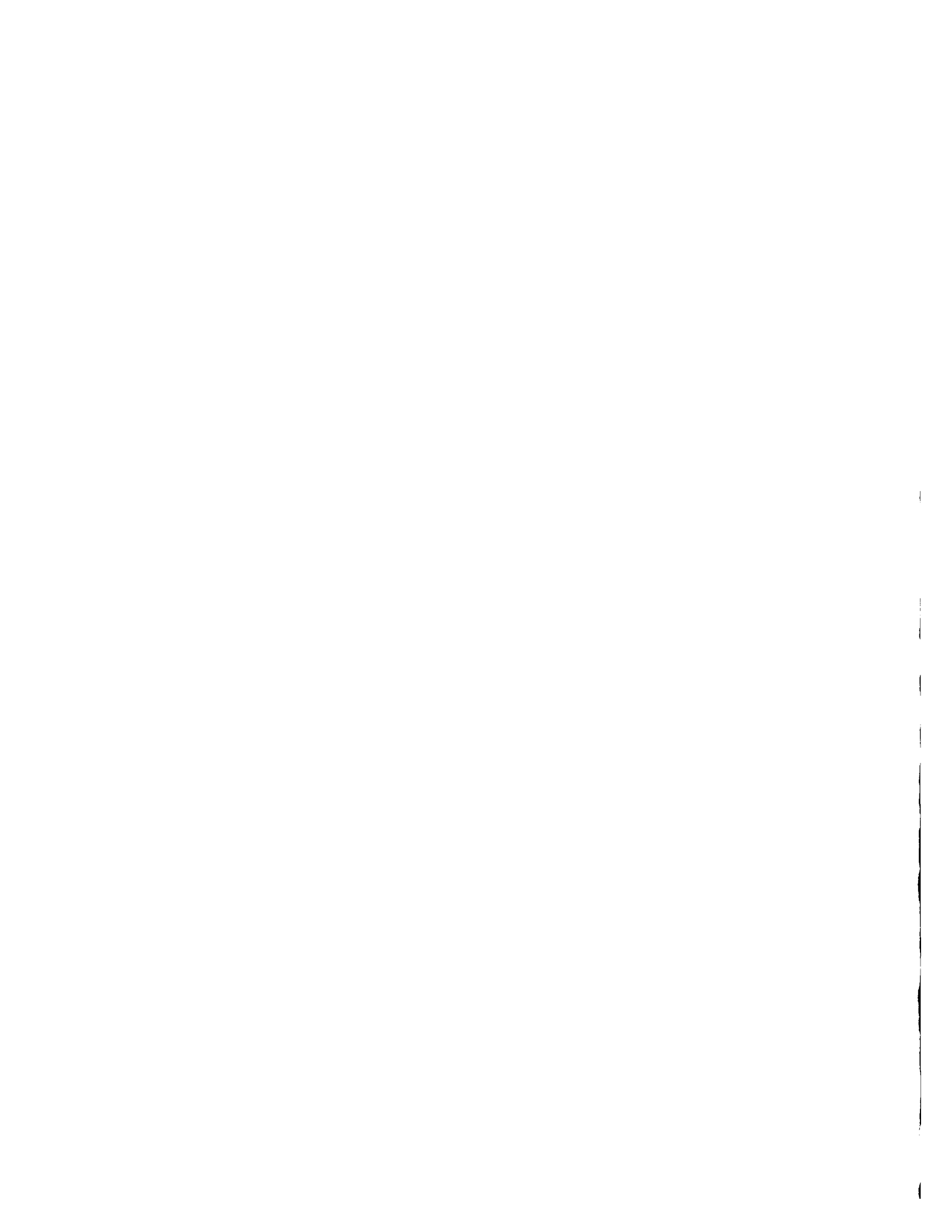
a foundation need to be assumed in order for discourse ethics to support them as Habermas wants them to.

Finally, in Section 11, I will argue that what is implied by the particular way in which Foucault contributes to showing how Habermas's (and any) foundationalism fails is a kind of politics which does not concern itself with "society as a whole", with the political projects undertaken in common by the "we" (as Rorty calls it) taking itself to be representative of "society as a whole"--with which foundationalist thought (though not *only* foundationalist thought) necessarily assumes politics to be concerned.
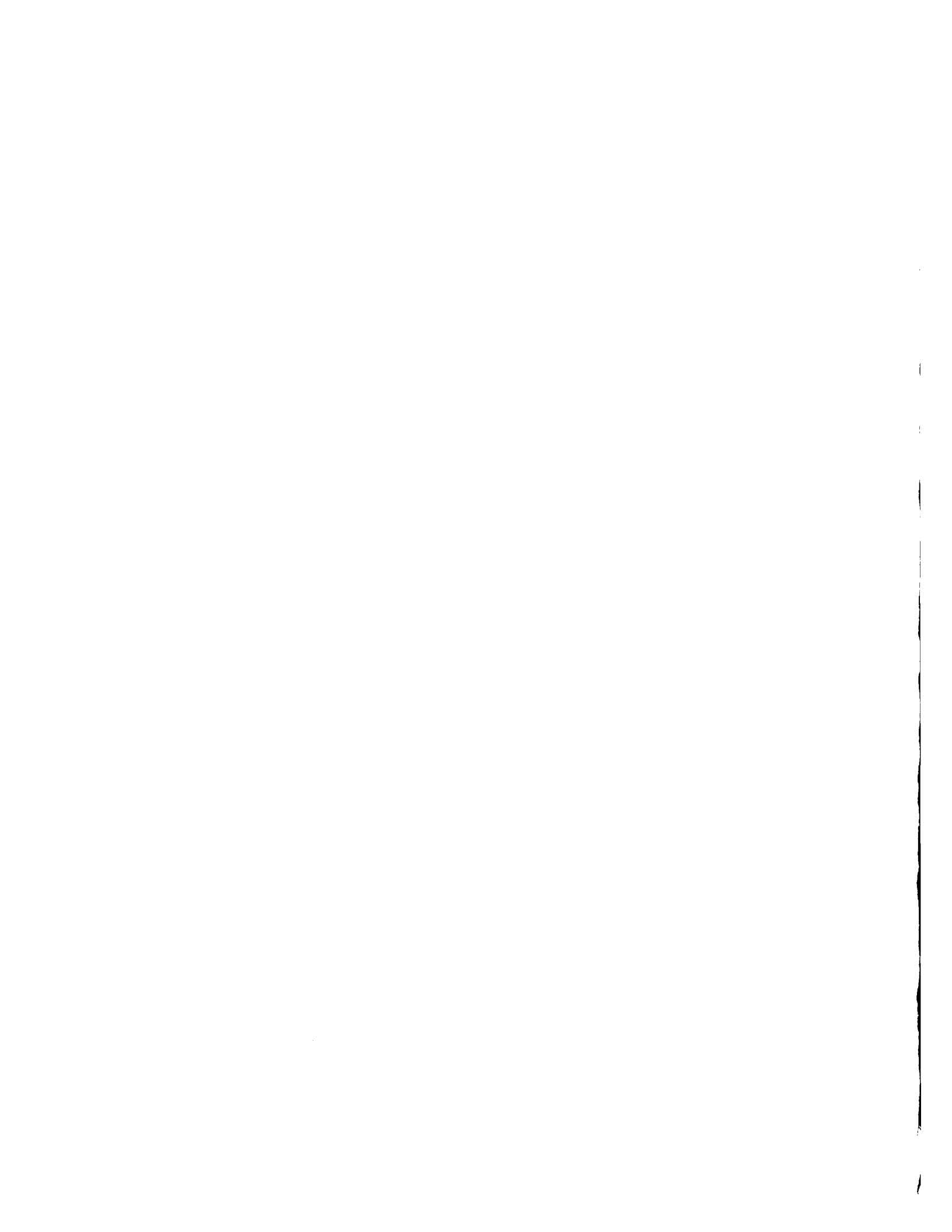
2. THE TASKS OF POLITICAL PHILOSOPHY

For the sake of argument, let us say that, broadly speaking, there are three tasks which might be performed by political philosophy: a descriptive one, a critical one, and a prescriptive one. The first task is aptly characterized by Michael Oakeshott (for whom it is the only task of political philosophy per se) as "the assimilation of political experience to an experience of the world in general" (IL liii): it is the task of discerning the forms taken by, and locating the limits of, politics in a given time and place. It is the task of showing how people are governed (and how they escape governance), of showing the ways in which power operates (and the ways in which resistances arise). The critical task, meanwhile, is that of saying what is wrong with the political order as it is described, how some are made to suffer (and why their suffering is our moral responsibility), how some dominate and others are dominated (and why we should feel moved to do something about it). The prescriptive task, finally, is that of saying what should be done: what kind of institutions and practices ought to take the place of the ones currently in place, and, perhaps, how the change should be achieved.

It is the third, prescriptive task which political philosophers are most commonly called upon by non-philosophers to perform. Indeed, among non-philosophers, a common source of aggravation with philosophers is reluctance on the part of the latter to issue political prescriptions. Many laypeople would impatiently demand of those reluctant philosophers, "Given that the political situation is as you say it is, and given your criticism of it, what do you want us to do about it? What *alternatives* do you propose?" Failing to provide an answer to this question, one's right to criticize often is called into question; it is

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often thought that one is only entitled to criticize current arrangements as long as one can suggest a reasonable and practical alternative.

To this attitude, Foucault retorts: "Under no circumstances should one pay attention to those who tell one: 'Don't criticize, since you're not capable of carrying out a reform.' That's ministerial cabinet talk. Critique doesn't have to be the premise of a deduction which concludes: this is what needs to be done. It should be an instrument for those who fight, those who resist and refuse what is" (IP 284). On the other hand, Foucault also proclaimed that he was "irritated by an attitude ... which consists in saying: our problem is to denounce and to criticize; let them get on with their legislation and their reforms" (CPP 209). This much is certain: neither Foucault nor Habermas provides us with an alternative social arrangement, an ideal society, a concrete utopia, to strive toward. In fact, both are opposed on principle to doing so, at least in their roles as philosophers. Foucault's pronouncement, echoing the warning against revolution issued by Camus in *The Rebel* (TR 177), that "to imagine another system is to extend our participation in the current system" (LCP 230) is well known. Habermas, meanwhile, declares that it is not up to philosophers to tell the citizens of a state how they should live and what their society should look like; it is rather up to the citizens themselves to decide in the to-and-fro of free and open public discourse. But Habermas, unlike Foucault, thinks that philosophy can and should perform the task of providing guidelines against which societies--or at least the institutions comprised by them--may be morally evaluated. While Habermas does not presume, in the manner of Plato or the more fanatical Leninists, to design an ideal society in all its facets, he does offer prescriptions in broad outline, which many different kinds of societies might fulfill equally well. As Habermas puts it, "the normative part of [political] theory should be only procedural, while everything else that matters for practical purposes should be learned from science, from social theory and not

from moral philosophy" (AS 207). If Platonic notions about the normative consequences of human nature and Hegelian notions about the imperatives of history are given up, questions about what goals (if any) a society should try to achieve always remain open. Such questions are always empirical questions at least in part, rather than simply a priori ones, since they cannot be separated from questions about what goals particular societies actually want and are able to achieve.

The question whether, or to what extent, Foucault shares Habermas's minimally prescriptive attitude is also an open one, not easily decided by reference to Foucault's work. The Habermas/Foucault "debate" is predicated on the assumption that Foucault is doing political philosophy that is normative in at least some sense--that Foucault's attitude is critical, if not prescriptive. Oddly, however, not all commentators on Foucault share this assumption. While Nancy Fraser finds Foucault's books making "normative political judgments ... all the time" (MFY 195), Richard Rorty sees Foucault as "a dispassionate observer of the present social order, rather than its concerned critic" (EHO 173). Charles Taylor also perceives in Foucault an air of objectivity and detachment rather than one of critical engagement (FFT 98). Taylor is distressed by a paradox which he finds in Foucault's work: "Foucault's analyses seem to bring *evils* to light; and yet he wants to distance himself from the suggestion which would seem inescapably to follow, that the negation or overcoming of these evils promotes a good" (FFT 69). Taylor is led to wonder whether Foucault regards, or how he could regard, the things he brings to light as evils at all.

As Michael Oakeshott writes, "on the occasions when [the descriptive and normative] attitudes have been mixed [in a single work of political philosophy], ... the result has been an unhappy but often significant muddle" (MPM 9). Indeed Foucault's work is something of a muddle in this sense; Foucault often slips nearly imperceptibly
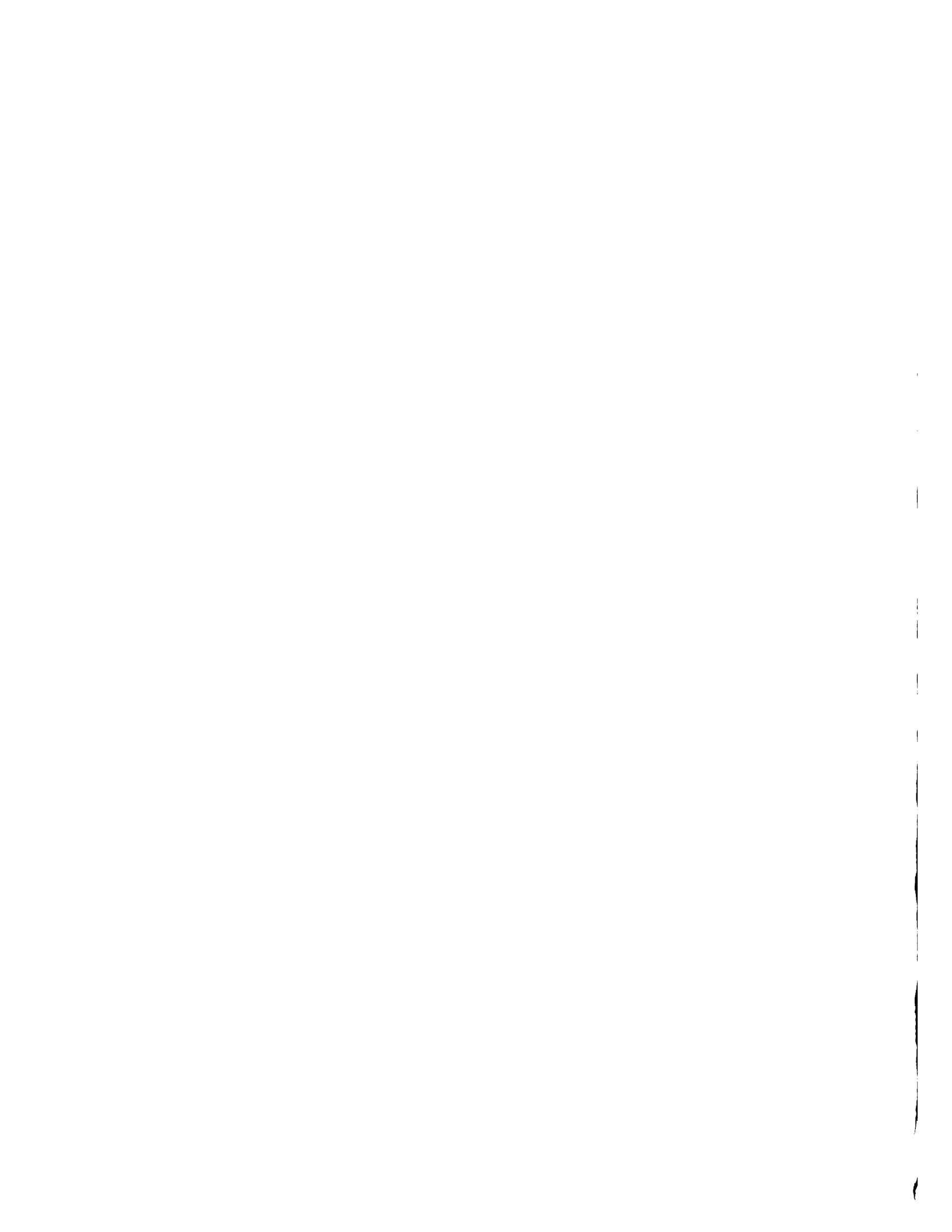
between descriptive and normatively loaded uses of words like "power", "domination", "discipline", and "coercion". This slippage is responsible for some of the more flagrant misreadings of Foucault, among which Rorty's and Taylor's must be counted; it is all too easy to pick up on one sense of a term such as "power" and miss the shift to a different sense.[4]

One of the normative judgments which Fraser finds Foucault making all the time is that "'discipline' is a bad thing" (MFY 195). This is not as clear as it might seem, however. Reading *Discipline and Punish*, one could easily get the impression that discipline is being attacked as, for instance, Foucault often uses variations of the word "coercion" to refer to the effects of disciplinary power. But "coercion", like "power", need not be a negatively loaded term, and Foucault does not always use it that way. When he writes that disciplinary power "implies an uninterrupted, constant coercion" (DP 137), he does not mean that disciplinary power leaves no room for choice, for resistance, or for the "malfunction" of discipline; nor does he mean that disciplinary power operates against the will of its objects. Quite the contrary. But then Foucault also claims that "in the course of the seventeenth and eighteenth centuries the disciplines become general formulas of domination" (DP 137). To illustrate this, Foucault paints a seemingly dystopic picture of the functions of disciplinary power:

> A "political anatomy", which was also a "mechanics of power", was being
> born; it defined how one may have a hold over others' bodies, not only so that

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[4]For instance, Foucault often talks of resistance *to* power, abetting Rorty's and Taylor's readings which assume that "power" must be a negatively loaded term (and that Foucault is merely describing, without criticizing, the operations of oppressive power), whereas the reconception of power formulated by Foucault in the first volume of *The History of Sexuality* implies that power is not a *thing* which could be resisted. I think that Carlos Prado is correct when he writes that "resistance is never to Foucauldian power as such; resistance is always to particular constraints that enable some comportments and inhibit others. Thus resistance, in balancing constraints, completes relations of power" (SWF 72).
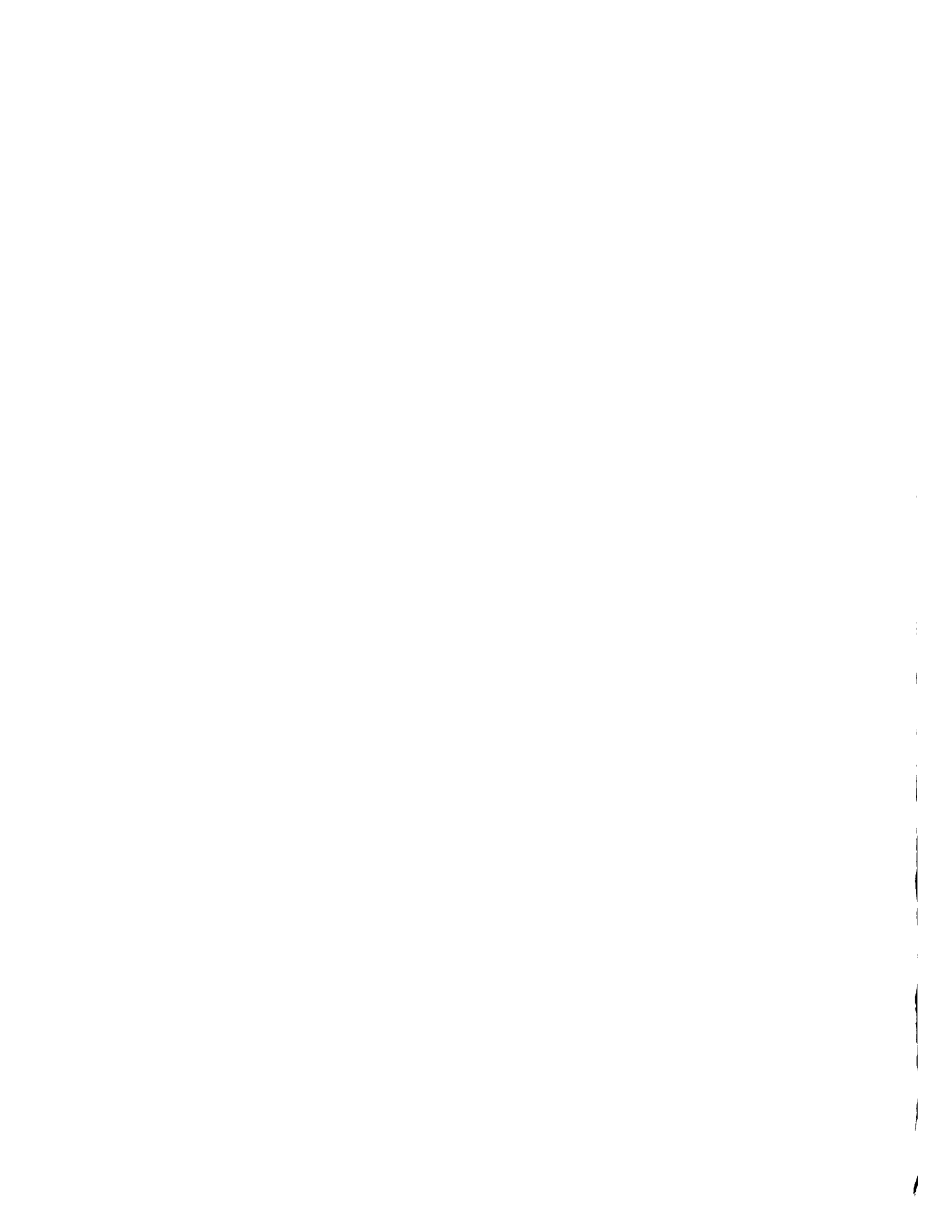
they may do what one wishes, but so that they may operate as one wishes, with the techniques, the speed and the efficiency that one determines. Thus discipline produces subjected and practiced bodies, "docile" bodies (in economic terms of utility) and diminishes the same forces (in political terms of obedience).... If economic exploitation separates the force and the product of labour, let us say that disciplinary coercion establishes in the body the constricting link between an increased aptitude and an increased domination. (DP 138)

Later, describing the "normalizing" effects of disciplinary power, Foucault asserts that ours has become a *judging society*: "Borne along by the omnipresence of the mechanisms of discipline, basing itself on all the carceral apparatuses, [judging] has become one of the major functions of our society. The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the 'social-worker'-judge" (DP 304). One could argue that Foucault is merely describing the workings of modern power--but one might as easily argue that Engels was merely describing the condition of the English working class. It is hard not to read passages such as these as complaints against a situation which the author finds intolerable.

But it is possible. Beyond the slippage between descriptive and normative uses of terms, there are two more fundamental reasons that it is possible to read Foucault as Rorty and Taylor do--as a disinterested observer. Firstly, Foucault proposes no alternative to the disciplinary regime. This is what troubles Rorty in particular about Foucault's work; in Section 8, I will discuss Rorty's objection as well as Foucault's reasons for abstaining from prescription. Secondly, Foucault provides no *argument* for the viciousness of the effects of disciplinary power, no reasons that we ought to find them vicious. The point of the Habermasian challenge to Foucault--which I will elaborate in the next section--is that Foucault both needs to and is unable to provide such an argument.

3. THE HABERMASIAN CHALLENGE

Though the foundationalist critique of Foucault--what I will call the Habermasian challenge--is most closely associated with Habermas's *The Philosophical Discourse of Modernity*, Habermas there takes his cue in large part from three papers by Nancy Fraser (EIN, FBL, and MFY).[5] It is in those papers that the charge which Habermas calls "cryptonormativism" is first pressed against Foucault; that is, the charge that Foucault's political criticism is incoherent and self-defeating because it surreptitiously invokes normative concepts whose validity it simultaneously calls into question. As Fraser puts it, "[Foucault] continues to make tacit use of the very humanist rhetoric he claims to be rejecting and delegitimating" (FBL 58).

In her paper "Foucault's Body Language", Fraser explores the possibility that Foucault has forged a new "posthumanist political rhetoric" which has its own set of foundations, radically distinct from the familiar more-or-less Kantian ones. Fraser (rightly) rejects that possibility, concluding that complaints against "the modern power regime" unavoidably appeal to two objections: "that 1) it objectifies people and negates [their] autonomy ..., and 2) it is premised upon hierarchical and asymmetrical relations and negates the reciprocity and mutuality usually valued in human relations" (FBL 67). Foucault would have no problem at all with the second objection (and in fact explicitly states that it is asymmetricality and non-reciprocity--domination, in other words--which is the evil to be avoided in any power relation (ECS 19-20)), and he would concur with a

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[5]Those three papers of Fraser's are largely informed by a Habermasian perspective; the latter, in fact, is a response to Habermas's charge that Foucault is a "young conservative". But Fraser's papers gave the Foucault/Habermas debate its first sharp definition of the issues to be dealt with.
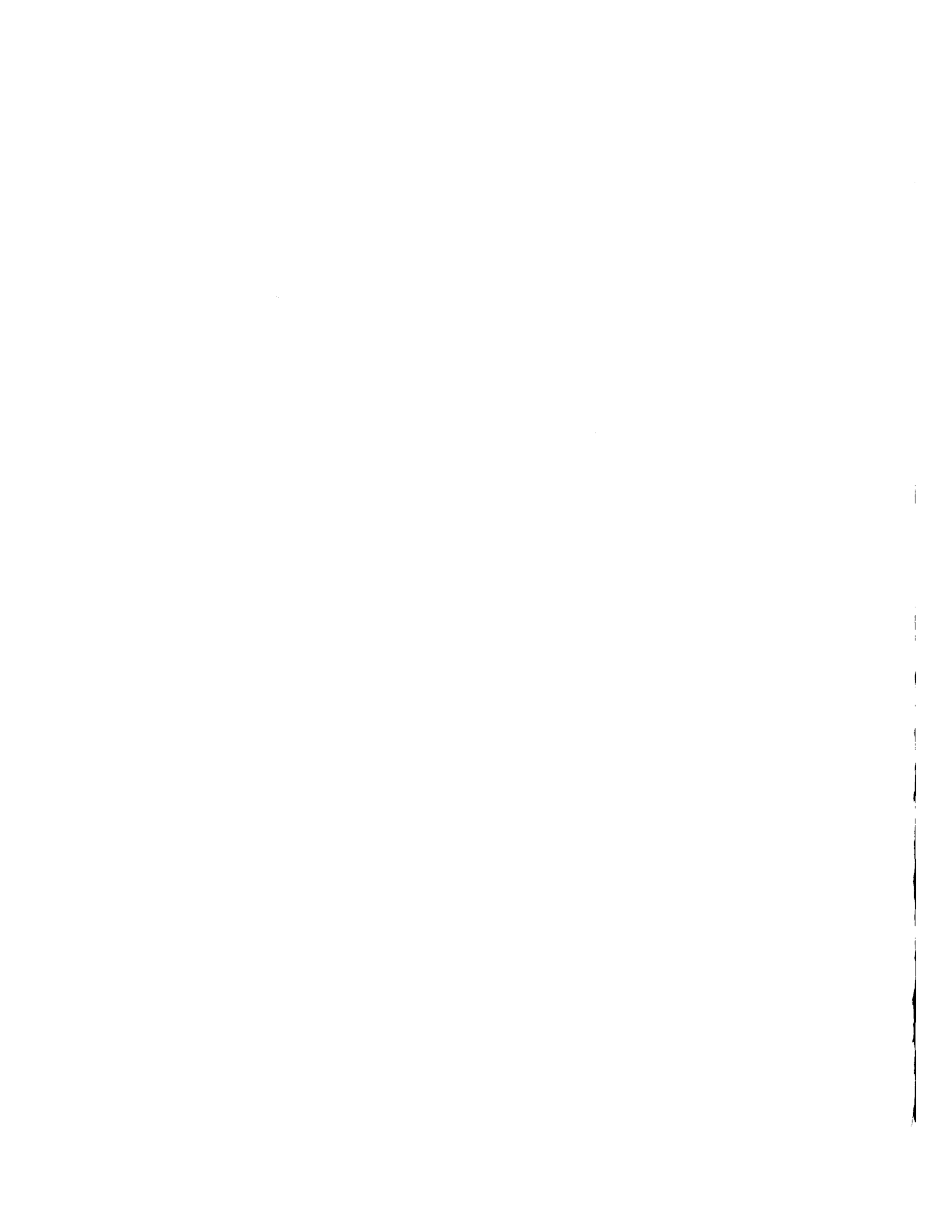
naturalized, de-Kantianized version of the first. But the way Fraser phrases the second objection is heavily loaded, which becomes clear as she continues: "to put matters thus is to suggest that there may after all be some emancipatory potential extant in humanism" (FBL 67). To appeal to Fraser's two grounds indicates that there is emancipatory (though this is still a loaded term) potential extant in *rhetoric* derived from humanism, perhaps-- with this, Foucault certainly also agrees. "Discourses," according to Foucault, "are not once and for all subservient to power or raised up against it" (HS 100-101); the use (for good or ill) to which a discourse can be put is not something inherent in it but depends on the historical and cultural circumstances in which the discourse is put to use. In The *History of Sexuality*, Foucault provides an example of humanist rhetoric on sexuality being put to what might be called emancipatory use:

> The appearance ... of a whole series of discourses on the species and subspecies of homosexuality ... made possible the formation of a 'reverse' discourse: homosexuality began to speak in its own behalf, to demand that its legitimacy or 'naturality' be acknowledged, often in the same vocabulary, using the same categories by which it was medically disqualified (HS 100-102).

Even the appeal to notions of "human rights" is approved by Foucault as "a *tactical* recourse."[6] Thus Habermas misses the mark when he writes:

> If one tries to glean the standards implicitly appealed to in [Foucault's] indictments of disciplinary power, one encounters familiar determinations from the normativistic language games that he has explicitly rejected. The asymmetric relationship between powerholders and those subject to power, as well as the reifying effect of technologies of power, which violate the moral and bodily integrity of subjects capable of speech and action, are objectionable for Foucault" (PDM 284).

Of course, Foucault does not reject *language games* involving familiar humanist values like freedom, "moral and bodily integrity", and so on, any more than he rejects language games involving concepts like knowledge and truth. What he does reject are philosophical

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[6]Quoted at Miller, PMF 452n.

notions about the "foundations" on which those language games are supposed to rest. From the fact that "what is called humanism has been forced to lean on certain conceptions of man borrowed from religion, science, or politics, we must not conclude that everything that has ever been linked with humanism is to be rejected" (WIE 44).

As far as Fraser and Habermas are concerned, however, Foucault is not entitled to play those language games if he rejects their traditional foundations. As Fraser writes, in Foucault's work "there is no foundation for critique oriented around the notions of autonomy, reciprocity, recognition, dignity and human rights" (FBL 56). According to Fraser, "Foucault rejects these humanist ideals as instruments of domination" (FBL 56). This may overstate the case, but at any rate Foucault, with his assault on the idea of radically free, originary subjectivity, does cut the Kantian underpinnings out from under those ideals--another point which is phrased perhaps a little too strongly by Fraser when she writes that "for Foucault, the subject is merely a derivative product of a certain contingent, historically specific set of linguistically infused social practices which inscribe power relations upon bodies" (FBL 56).[7]

Fraser finds (although this, as I showed in the last section, is another overstatement) that "Foucault calls in no uncertain terms for resistance to domination" (EIN 29). But Fraser is disturbed by the fact that Foucault offers no reasons to support his call for resistance, nor any criteria for discerning practices which involve domination and ought to be resisted from those that do not. In a passage which Habermas cites with approval, Fraser asks of Foucault: "Why is struggle preferable to submission? Why ought

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[7]This certainly would be an overstatement in light of Foucault's late work on ethics, which had not been published at the time of Fraser's writing. Nevertheless, to call the subject "merely a derivative product" is to imply that there is something ontologically prior to it--and Foucault, despite dismissive interpretations (of which Baudrillard's *Forget Foucault* is the prime example) of his work as a metaphysics of power, consistently opposed all accounts of ontological priority.

domination to be resisted? Only with the introduction of normative notions of some kind could Foucault begin to answer such questions" (EIN 29). But it is not just normative *notions* that Fraser wants, for, as she herself notes, Foucault has those. The problem is that he cannot provide an account of them which is at once foundational and consistent with his genealogical work. Fraser writes: "Given that no other normative framework is 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 ... tends to treat that framework as simply an instrument of domination" (EIN 30).

Again, this is an overstatement, one which echoes Fraser's claim that Foucault "often" presents "rationality [as] an instrument of domination *tout court*" (EIN 25). Fraser is by no means the only commentator to interpret Foucault as an outright enemy of Enlightenment rationality; a similar interpretation of Foucault leads Habermas to classify Foucault as an anti-modernist "young conservative".[8] I will return to consider this (mis)interpretation of Foucault in the next section; for now, it will suffice to concede that there is at least enough truth in it to provide prima facie support for Habermas's charge that Foucault's critique succumbs to a self-defeating relativism.[9]

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[8]I think that Fraser's rebuttal to Habermas in MFY misses this point (though perhaps intentionally): for Habermas, the rationalist attitude is constitutive of modernity, and so it is Foucault's alleged anti-rationalism which makes him an anti-modernist.

[9]It should also be noted, though, that for Foucault, nothing--or nothing short of the (practically impossible) limit-case of total slavery--is "an instrument of domination *tout court*"; as Foucault says, "I do not think that it is possible to say that one thing is of the order of 'liberation' and another is of the order of 'oppression'" (SKP 245). "Liberty is a *practice*," continues Foucault, which nothing can either guarantee or categorically proscribe. Note also that, given this, Simons is wrong when he claims that "in Foucault's terms, the possibilities for strategic engagements that stave off systems of domination are held open when practices of liberty are institutionalized" (FP 122).

In Habermas's view, Foucault's failure to ground his critique in humanist principles makes him guilty of the "arbitrary *partisanship* of a criticism that cannot account for its normative foundations" (PDM 276). For Habermas, the "basic assumption of [Foucault's] theory of power"--namely, that "truth claims [are] confined to the discourse within which they arise"--"is self-referential; if it is correct, it must destroy the foundations of the research inspired by it as well" (PDM 279). Hence "Foucault only gains [his] basis [for making normative claims] by not thinking genealogically when it comes to his *own* genealogical historiography" (PDM 269): a consistently genealogical attitude would proscribe any grounds for adopting such an attitude, since it would call into question any grounds for holding any position.[10] Unable to provide an argument for the justification either of the genealogical activity itself or of the political positions into whose service it is pressed, for the consistent genealogist the choice to adopt any position--including that of the genealogist--must be arbitrary.

What then is the use of genealogy? Habermas writes: "if the truth claims that Foucault himself raises for his genealogy of knowledge were in fact illusory and amounted to no more than the effects that this theory is capable of releasing within the circle of its adherents, then the entire undertaking of a critical unmasking of the human sciences would lose its point" (PDM 279). Genealogy cannot *convince* anyone to adopt a position s/he does not already hold. It may *persuade*, but only by sleight-of-hand, by keeping its

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[10]Prado also recognizes this, but does not share Habermas's sense--inherent in Habermas's conception of the philosophical ethos--that the self-problematizing nature of the genealogical attitude entails the failure of genealogy as a form of critique: "Genealogy would fail," writes Prado, "if it succeeded in displacing established philosophical principles and methods and became codified and established itself as the dominant truth of an era. Genealogy cannot cease to be marginal and oppositional and still be genealogy" (SWF 151).
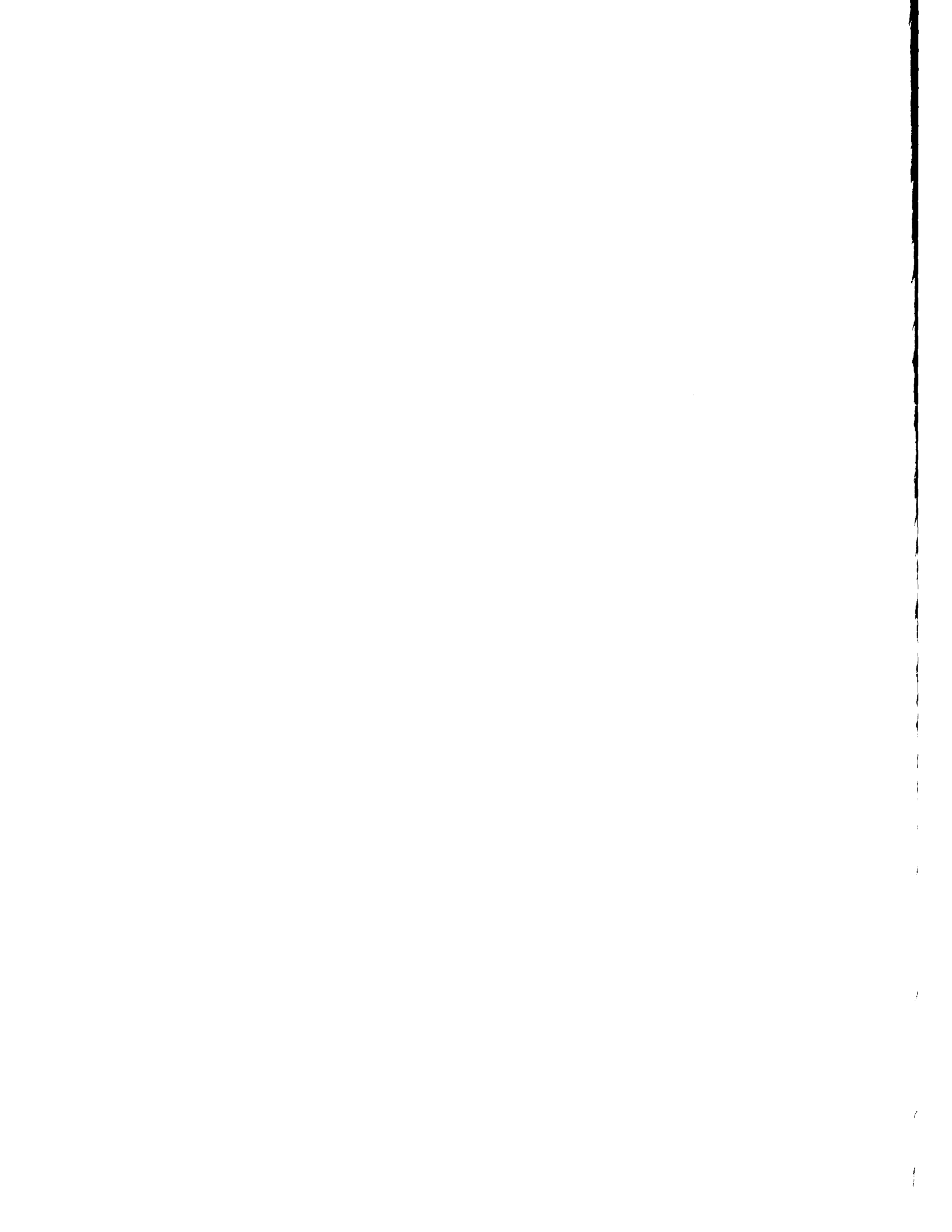
assumptions hidden.[11] As Habermas has it, Foucault's genealogical history of the present "is narcissistically oriented toward the standpoint of the historian and instrumentalizes the contemplation of the past for the needs of the present" (PDM 278). That is, the genealogist takes up what Habermas would call an attitude oriented toward success rather than one oriented toward understanding; his or her primary intention is to *use* rather than *understand* the past. Habermas holds this attitude to be self-defeating: "genealogy only confirms that the validity claims of counterdiscourses count no more and no less than those of the discourses in power--they, too, are nothing else than the effects of power they unleash" (PDM 281). Habermas considers and rejects Foucault's suggestion (in IP) that "genealogical critique [may be conceived] no longer as critique, but as a tactic and a tool for waging a battle against a normatively unassailable formation of power." Responds Habermas: "if it is just a matter of mobilizing counter-power, of strategic battles and wily confrontations, why should we muster any resistance at all against this all-pervasive power circulating in the bloodstream of the body of modern society, instead of just adapting ourselves to it?" (PDM 283-284). Habermas concedes that "a value-free analysis of the strengths and weaknesses of the opponent is of use to one who wants to take up the fight", but, repeating Fraser's question, asks, "why fight at all?" (PDM 284).

This is hardly a question of only academic importance. Rorty writes, uncharacteristically echoing Habermas, that "because the rhetoric of emancipation--the notion of a kind of truth which is *not* one more production of power--is absent from [Foucault's] work, he can easily be thought of as reinventing American 'functionalist' sociology" (EHO 173). By that, Rorty means that Foucault can be thought of as advocating a purely empirical attitude toward politics, the attitude of the disinterested

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[11]For Habermas's distinction between "convincing" and "persuading", see MCC 90-91.

observer who attempts no intervention because s/he can imagine nothing in the name of which to intervene. Not only can Foucault be thought of that way: he can be, and fact sometimes is, *experienced* that way.[12] Christopher Norris puts a sharp point on the Habermasian challenge when he writes that there is an "odd disjunction ... between Foucault's highly effective practice as a critical intellectual and the way that he persistently ... deploys every means, in his more speculative writings, to render such a practice untenable. For those writings could be seen to undermine the very ground ... on which he nonetheless and necessarily claimed to stand" (WIE 177). Just as reading Nietzsche may have contributed to the very nihilism he warned would rise in the wake of the "death of God", so reading Foucault may contribute to political quietism, contrary to his intentions and his protest that "[his] position leads not to apathy but to a hyper- and pessimistic activism" (OGE 232). As Nietzsche recognized, nihilism is the result not only of disbelief, but a felt *lack* of belief where there was belief before. If Western civilization crumbled, Nietzsche held, it would not be because it had no foundations, but because the foundations it was thought to have were undermined. Foucault's assault on the foundations of political thought, which is also to say on the foundations of political action, might have (or at least it might contribute to) a similar result--and for Foucault there is no *Übermensch* waiting in the wings.

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[12]In his debate with Chomsky, Foucault puts to him the following question: "Are you committing th[ese] act[s of civil disobedience] in virtue of an ideal justice, or because the class struggle makes it useful and necessary?" (Elders, RW 177-178). Foucault expects the answer to be the latter, but Chomsky maintains that he could not be motivated to resist except in the name of some "better justice". See also the discussion titled "The Impossible Prison", where the following charge is put to Foucault: "if one talks to social workers in the prisons, one finds that the arrival of *Discipline and Punish* had an absolutely sterilizing, or rather anaesthetizing effect on them, because they felt your critique had an implacable logic which left them no possible room for initiative" (IP 283). The political quiescence of the "Foucauldian left" is a recurring theme in Rorty's commentary on Foucault, as well.

The practical point behind the Habermasian challenge is brought out by Rorty when he writes that Foucault "concludes ... that every social institution is equally unjustifiable, that all of them are on a par. All of them exert 'normalizing power.' From the failure of the Platonic attempt to find something deep within us which will let us answer Thrasymachus, he comes close to concluding that there is no interesting difference between Pericles and Critias" (EHO 197). If this were the case, of course, then we would be left with no reason to prefer the rule of Pericles to that of Critias--nor, as is Rorty's particular concern, to prefer liberal democracy to despotism. This--the fact that "Foucault provides no principled distinction ... between the Gulag and the carceral archipelago"--is also Michael Walzer's main point of contention with Foucault (PMF 62). "For neither Hobbes nor Foucault," writes Walzer, "does the constitution or the law or even the actual working of the political system make any difference" (PMF 83). For Hobbes, nothing matters so long as there is power; for Foucault, nothing matters because there is always power--or so Walzer has it.

The Oakeshottian muddle in which Foucault finds himself is, as Habermas has it, a result of the fact that "genealogy is overtaken by a fate similar to that which Foucault had seen in the human sciences: To the extent that it retreats into the reflectionless objectivity of a nonparticipatory, ascetic description of kaleidoscopically changing practices of power"--that is, to the extent to which the Foucault's equivocations are resolved as Rorty, Taylor, and Walzer resolve them--"genealogical historiography emerges from its cocoon as precisely the *presentistic, relativistic, cryptonormative* illusory science that it does not want to be" (PDM 275-276). Foucault's genealogical work cannot be purely descriptive, since one of the points running throughout that work is that every description, every truth-claim about how things are, is normatively informed. Yet Foucault is forced into assuming

the descriptive attitude, prevented from writing in the mode of straightforward critique, because he can provide no *arguments* in support of his critical claims.

So it is that, according to Fraser, the "normative rejection of humanism" represented by Foucault's genealogical work "will require appeal to some alternative, posthumanist, ethical paradigm capable of identifying objectionable features of a fully realized autonomous society" (MFY 204-205). For Foucault, or for those who wish to build upon Foucault's work, legitimately to continue invoking normative notions like "freedom" in their political critique--and for their critique to have the power to convince through argument rather than merely persuade through rhetoric--they must provide some alternative foundation on which those normative notions can stand.[13]

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[13]Fraser and Ladelle McWhorter pick up the vague invocation of "a different economy of bodies and pleasures" at the end of a the first volume of the History of Sexuality and turn it into the basis--the sturdiness of which Fraser is not at all optimistic about--of "a new paradigm of freedom", one which takes the body and its pleasures, rather than the subject and its desire, as the locus of liberty (see Fraser, FBL; McWhorter, FAS). This seems to me the product of little more than a misreading: given that he muses about a *different* economy of bodies and pleasures (one must assume that the absence of a comma after "economy" is intentional), Foucault clearly holds the current economy of sex and desire to be *one kind* of economy of bodies and pleasures. Along the same lines, I think that too much has been made of Foucault's comments concerning the "ethics of pleasure", which have primarily to do with the attitude Foucault thinks we should take toward sex--that is, Foucault urges that we get over our hang-ups about "the deep truth of the reality of our sex life" and approach sex as a pleasure like any other (EP 380)--and which I think do not represent a more general ethical attitude.

4. FOUCAULT'S CRITIQUE OF FOUNDATIONALISM

Foucault's critique of foundationalism is not usually explicit. In only one text--the debate with Chomsky (and even there, in only a tentative, guarded manner)--does Foucault directly criticize the idea that political critique ought to be rooted in a certain conception of "ideal justice". When Chomsky suggests that one needs to believe in some principles of justice in order to engage in acts of resistance, that one must in the first place believe that one is in the right, that one's struggle is justified because what one is fighting is unjust, that things really will be better if one succeeds, Foucault replies: "the proletariat doesn't wage war against the ruling class because it considers such a war to be just. The proletariat makes war with the ruling class because, for the first time in history, it wants to take power. And because it will overthrow the power of the ruling class it considers such a war to be just.... One makes war to win, not because it is just" (Elders, RW 182). Foucault's response to Chomsky is the ringing echo of Thrasymachus's rejoinder to Socrates. The justification of the proletariat's struggle, Foucault says, is contingent on the outcome of that struggle: "because [the proletariat] will overthrow the power of the ruling class it considers such a war to be just" (Elders, RW 182). One might say, recalling Foucault's comments on Mendel in "The Discourse on Language" (AK 224), that for Foucault the proletariat is the agent of a justice whose time is yet to come, that the struggle of the proletariat is "just" only in the sense that, in the future, there will be an economy of justice within which its value may be affirmed. Foucault's stance might be described as a naturalized Hegelianism: the position which emerges victorious at the end of struggle is, by virtue of doing so, the just position. It is just not because there is a

moral force inherent in history, but because there are no ahistorical standards of justice which could refute it.[14]

The last point--that there are no ahistorical standards of justice--is not one for which Foucault argues directly. Indeed, it is hard to see how one *could* argue directly for that point. It is akin to arguing against the existence of God, in that the best one can hope to do is to undermine every affirmative argument; the entities in question are defined such that their existence cannot be decisively *disproved*.[15] They can, however, be *discredited*

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[14]There is always something a bit jarring about Foucault's easy use of Marxist terms and class-struggle rhetoric during the several years following 1968 (see also, for instance, OPJ and IP). But I think it is a mistake to dismiss this, in the manner of Rorty, as "radical chic" (FE 47). James Miller reports that, in 1968, Foucault "blithely declar[ed], tongue only partially in cheek, that he was a Trotskyist" (PMF 171). According to Miller, the events of that year, both in France and in Tunisia, gave Foucault "his first inkling that politics, like art and eroticism, could occasion a kind of 'limit-experience'" (PMF 171). Rather than a trifling, accidental case of radical chic, Foucault's association with the militant but conventional Marxist left, like his later enthusiasm for the Iranian revolution, seems to me essential to understanding something which formed one crucial aspect of the background of Foucault's political thought: the quasi-existentialist valourization of engagement in struggle and the Dionysian proclivity, derived from Foucault's readings of Artaud and Bataille and evidenced especially in Foucault's comments on Tunisia, Iran and S/M, toward *frenzy*, toward unrestrainedly immersing oneself in violent upheavals out of which new subjectivities and new forms of social arrangements might arise. On Tunisia, Foucault comments: "everyone was drawn into Marxism with radical violence and intensity and with a staggeringly powerful thrust. For these young people, Marxism did not represent merely a way of analyzing reality; it was also a kind of moral force, an existential act that left one stupfied" (RM 135). For Foucault, who speaks with respectful admiration of the Iranians who "[took] to the streets, ... in their millions, and face[d] the machine-guns bare-chested" (ISW 217), this is not just a matter of "infantile leftist" excitement: there is, rather, something irreducibly *noble* (in the sense that Camus's Sisyphus is noble) about it.

[15]If God is defined such that He is omnipotent, then He must have the power to hide His existence from us; if, in addition, God is defined such that His word constitutes justice, then the existence of ahistorical standards of justice cannot be disproven either. Nor can the existence of the radically autonomous Kantian subject be directly disproven, since in order for an examination of subjectivity to produce a definitive answer as to its nature, one must first know the nature of the subject which does the examining. To accept something

beyond all practical redemption. As Paul Rabinow writes, "Foucault doesn't refute [claims to universal or ahistorical truth]; instead, his consistent response is to historicize grand abstractions" (IFR 4). For instance, continues Rabinow, "Foucault avoids the abstract question: Does human nature exist?, and asks instead: How has the concept of human nature functioned in our society?" Similarly with the concept of justice: Foucault, invoking Nietzsche, tells Chomsky that "the idea of justice itself is an idea which in effect has been invented and put to work in different types of societies as an instrument of a certain political and economic power or as a weapon against that power" (RW 184-185).[16] As Gadamer illustrates, it is only possible to begin to take a historical attitude of this kind toward a set of beliefs if one no longer holds those beliefs, if one feels a certain distance from them (PH 46-47). But conversely, engaging in a historical discourse about beliefs--or being engaged by such a discourse, as may be the case when reading work like Foucault's--induces an attitude of distance which makes it difficult to continue holding them. While Foucault offers no conventionally philosophical arguments against ahistorical standards of justice or ahistorical truths about things like sexuality, his work often has the performative effect of making it difficult to continue believing in those things.

As to the practical question whether it is possible to go on resisting if one finds that there is no foundational principle in the name of which to resist, Foucault seems to advise a brutal honesty: one has to face up to the fact that "if justice is at stake in a struggle, then it is as an instrument of power.... Rather than thinking of the social struggle in terms of

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like a Foucauldian account of subjectivity is to accept it as a best explanation, where criteria for what counts as a better or worse explanation probably cannot easily be given.

[16]Elsewhere, Foucault offers this even more dire formulation: "Right should be viewed, I believe, not in terms of a legitimacy to be established, but in terms of the method of subjugation that it instigates" (TL 96).

'justice', one has to emphasize justice in terms of the social struggle" (RW 180). One must realize, in other words, that conceptions of justice are effects, and not only causes, of social struggle. Perhaps the best one can hope for is the attitude of Sartre:

> Tomorrow, after my death, some men may decide to establish Fascism, and the others may be so cowardly or so slack as to let them do so. If so, Fascism will then be the truth of man, and so much the worse for us. In reality, things will be much as men have decided they shall be. Does that mean that I ought to abandon myself to quietism? No. First I ought to commit myself and then act my commitment, according to the time-honoured formula that "one need not hope in order to undertake one's work." (EH 40)

Asked in the name of what, having renounced absolute moral foundations, one can reply "no" to the question whether one ought to abandon oneself to quietism, one might answer: one does not need something absolute in the name of which to live in order to go on living. As Camus writes, "we get into the habit of living before acquiring the habit of thinking" (MS 7). To live, to rebel against outrage--these are "habits" to which the habit of foundationalist theorizing may not make much difference.

But it is not only a matter of facing up to hard truths. Foundationalism has its own practical perils. For one thing, it brings with it the danger of what William Connolly calls "transcendental narcissism"--the danger, that is, of imagining that what we find to be common to *our* political problems is common to *everyone's* problems, and that the principle(s) we find fundamental to identifying what is wrong about and overcoming the problems we face are the principles which are fundamental to indentifying what is wrong about and overcoming any problem anyone could ever face. For another thing, there is the danger which Foucault believes is inherent in the political rationalism of which foundationalism is a species. We must, Foucault urges, get over "the idea ... that if we live in the world of reason, we can get rid of violence. This is quite wrong. Between violence and rationality there is no incompatibility" (TF 299). As the modern experience of

ideological terror has shown all too painfully, it is possible to perpetrate unspeakable violence in the name of any rational ideal. Not only is rationality no guarantee against violence; it can actually serve as a cover for violence by providing the reassurance of rational justification.[17]

It would be wrong to conclude from this that Foucault is a foe of reason itself, and hence a foe of the project of modernity, though this is exactly what Habermas does. Habermas sees in Foucault a continuation of the Weberian critique of modernity based on an identification of reason with instrumental reason, to which is "juxtapose[d] in Manichean fashion a principle only accessible through evocation [as opposed to reason]" (MVP 13). Writing in *The Philosophical Discourse of Modernity* of two other alleged anti-modernists, Habermas makes the following remark which he might just as well have directed at Foucault: "what is unexplained throughout [Horkheimer and Adorno's work] is their certain lack of concern in dealing with the ... achievements of Occidental rationalism. How can these men of the Enlightenment ... be so unappreciative of the rational content of cultural modernity that all they perceive everywhere is a binding of reason and domination?" (PDM 121).

Rorty echoes this complaint when he writes: "You would never guess, from Foucault's account of the changes in European social institutions during the last three hundred years, that during that period suffering had decreased considerably, nor that people's chances of choosing their own styles of life increased considerably" (EHO 195). But on both of these points Rorty begs the question against Foucault. It is precisely this liberal assumption--that modernization brings with it a reduction in suffering and an increase in autonomy--that Foucault calls into question. While Foucault does not directly

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[17]Habermas might retort that this begs the question: in the name of what can one identify violence as violence--or at least as violation--if one gives up the project of rational justification?

address the issue of suffering, one comes away from *Discipline and Punish*, for instance, with an appreciation for the way in which a reduction in physical suffering, inflicted upon one's body for what one has *done*, may have been paid for with an increase in emotional suffering, inflicted upon one's psyche for what one *is*. Does the medieval object of torture suffer more than the modern object of the penal sciences? It is too easy to say that most of us would choose to be the latter rather than the former; we are often inclined to choose a greater but familiar suffering over a lesser but more dramatic one. On the issue of autonomy, Foucault is more explicit. Indeed it probably is the case that, as Rorty suggests, there are more different kinds of subjectivities available for one to be today than there were four hundred years ago, and one is much less likely, today, to be subjected to a coercive power (like the medieval priest or lord) telling one what one must be, what role one must play in life.[18] But Foucault's account of the production of subjectivities by power relations shows the inadequacy of the liberal ideal of autonomy. We may be more free, in the negative sense of the word which runs from Hobbes to Isaiah Berlin, than people have ever been before, though this is certainly debatable. We at any rate do have more legal rights against the arbitrary exercise of state power than people have ever had before. But the modern "autonomous" subject is no more capable of original self-rule, of sovereignty over its own subjectivity, than any subject ever has been--because subjects never *could* be capable of such a thing.

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[18]I think that there is a strong argument to be made, however, that the variations open to one as to how one might live one's life within those kind of constraints are just as real, just as significant, as the variations open to us within the looser constraints with which we are confronted today (and at any rate, as Jon Simons points out, Foucault, like Kant, shows us that constraints are enabling as well as prohibitive, that there is freedom only within limits (FP 13-18)). In both cases, the potential for variation is infinite, just as the number of potential divisions of a line is infinite no matter what the length of the line.

Casting Foucault as a critic of modernity, in the manner of the Frankfurt School, is not utterly without warrant. In the final section of the first volume of *The History of Sexuality*, for instance, one might get the impression that Foucault identifies the history of modernity as the history of the ever-tightening grip of biopower, and that he calls for a wholesale rejection of both. But there is more to modern rationality, for Foucault, than the discourse of biopower. Indeed, Foucault contends against Weber and the Frankfurt School that there is no one thing which "modern rationality" is. Foucault signals his distance from the wholesale critique of modernity when he writes: "I think that the word *rationalization* is dangerous. What we have to do is analyze specific rationalities rather than always invoking the progress of rationalization in general" (SP 210). Thus Foucault explains that "[his] problem is not to put reason on trial, but to know what is this rationality so compatible with violence" (TF 299)--not to take an attitude for or against reason, but to "write a rational criticism of rationality, ... a contingent history of rationality" (HMD 353). Far from a rejection of modernity, for Foucault this project is of a piece with what he takes to be the fundamental ethos of modernity: "a philosophical ethos," writes Foucault, "that could be described as a permanent critique of our historical era" (WIE 42). The ethos of modernity--the legacy of the Enlightenment--is that of a critique from which nothing is immune. On this view, what is arbitrary is not a criticism which cannot account for its normative foundations, but a criticism which abstains from criticizing its own suppositions.

Connolly poses the question, "Must the quest for legitimacy itself be expunged [for Foucault] because *any* answer given to it must tyrannize and subjugate?" And he answers, on Foucault's behalf, in the negative because for Foucault "order is unavoidable for social life.... Thus to oppose in principle the quest for legitimacy is to deny one postulate of the Foucauldian problematic" (PA 92-93). But this clearly is a non-sequitur: the point to be

taken from Foucault's work is not that not every order is illegitimate (and therefore some order is legitimate), but that order *as such* cannot be illegitimate. This does not imply that order as such is legitimate; the existence of order is just a fact of social life, which can be neither legitimate nor illegitimate. There is no question of the legitimacy of order as such, because there is no alternative to it. Nor does the necessity of order imply that some orders must be more legitimate than others.[19] Foucault refuses to affirm, except as a tactical manoeuver, any principle of legitimation, asking, "what ideological basis can be given to dissidence in general? But as soon as one tries to give it an ideology, don't you think that one is already preventing it from being truly dissidence?" (CPP 193). To affirm any principle as the unquestionable foundation of critique, to allow any principle to form the basis of a critical ideology--to deploy a principle in justification of a *strategy* rather

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[19]Hacking makes a similar point when he writes: "Foucault is no anarchist, partly because anarchism is impossible. To have a regime for saying true and false things about ourselves is to enter a regime of power and it is unclear that any detaching from that power can succeed" (TAF 39). The question whether Foucault is an anarchist is as hopeless--and of as little consequence--as the question whether he is a "postmodernist". Commentators hostile to both anarchism and Foucault, like Rorty (who seems to think that Foucault *is* opposed to order as such), charge Foucault with being an anarchist; commentators hostile to anarchism but friendly to Foucault, like Hacking, defend him against that charge; some traditional anarchists charge Foucault with *not* being an anarchist; and some commentators less dogmatically inclined toward anarchism, like May and Schürmann, attempt to claim him as an anarchist. Whether Foucault is or is not an anarchist depends on what is meant by "anarchist", and there is notoriously little agreement on that point. However, while Hacking is right that Foucault cannot be the kind of anarchist who wants to achieve a total absence of government, this does not mean that Foucault is obliged to prefer (and to provide reasons for preferring) some kinds of government over others. Rejection of the idea of resistance to government *as such* does not entail rejection of resistance to every *particular* form of government (and people affecting the latter stance often refer to themselves as "anarchists").

than as a *tactical* instrument[20]--is to depart from the critical attitude which, for Foucault, is constitutive of the modern philosophical ethos.

As Connolly writes, "the exclusion of political affirmation emerges as the Foucauldian denial." But, he continues, "the need remains to establish a stance, even if it is an ambiguous one, toward those limits most deserving of allegiance" (PA 93-94). Since we cannot live without limits, we must decide what kind of limits we prefer. Fraser writes: "because Foucault has no basis for distinguishing ... forms of power that involve domination from those that do not, he appears to endorse a one-sided, wholesale rejection of modernity as such" (EIN 32-33). Not "modernity as such", as I have shown--but perhaps the political and institutional products of modernity. Foucault's refusal to sanction a preference for some limits rather than others--his lack of a normative basis for preferring modern to medieval life--leads Rorty to cast the following barb at Foucault: "I don't think he has any arguments against [bourgeois liberalism] or anything better to suggest. So, I'm inclined to think that his opposition to liberalism ... was merely a contingent French fashion" (APP 201).[21] On the face of it, it seems like this remark can only be disingenuous. On the other hand, it is difficult to say how it could be refuted by appealing to anything in Foucault's work. And if it can't be refuted, then one may well wonder why anyone not already in political sympathy (or, perhaps more to the point, in ethical sympathy) with Foucault should take him seriously as a political thinker.

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[20]For Foucault's distinction between tactics and strategy, see IUR 9. This distinction is elaborated in May, PPP.

[21]Walzer, like Rorty, demands of Foucault "some positive evaluation of the liberal state" (PMF 62)--as if a pledge of allegiance to liberalism would lend credibility to his criticism of it, just as intellectuals were expected in decades past to pledge allegiance to Marxism if they wished to criticize the Soviet Union, and in centuries past to be good Christians if they wished to criticize the church. In his paper "Power/Knowledge", Allen issues a similar demand to Foucault for a pledge of allegiance, not to liberalism, but to knowledge (PK 8-9).

It seems that for Foucault the question which side one should be on in any particular political struggle does not come up. It is as if sides are determined in advance; one finds oneself always already in a certain political position, with certain allies and enemies, and the only question left is not whether or why or whither one should proceed, but only *how* to proceed. A theory, as Foucault famously proclaimed, should be seen as a toolkit; the question how the tools should be used seems to be none of Foucault's concern.

Of course, Foucault expects that those tools should be used to resist *domination*, which is the word he uses to describe power relations which have become perniciously asymmetrical. But he provides no answer to the question what makes a relation of power one of domination. Foucault seems to expect that one will recognize the moment when relations of power slide into relations of domination when one sees it, and, recognizing domination for what it is, one will move against it. Of the power relationship between teacher and student, for instance, Foucault comments:

> I don't see where the evil is in the practice of someone who, in a given game of truth, knowing more than another, tells him what he must do, teaches him, transmits knowledge to him, communicates skills to him. The problem is rather to know how you are to avoid in these practices ... the effects of domination which will make a child subject to the arbitrary and useless authority of a teacher, or put a student under the power of an abusively authoritarian professor, and so forth. (ECS 18)

What separates the abusively authoritarian professor from the acceptably magisterial one? What decides whether an exercise of authority or relation of domination is arbitrary and useless? These are questions Foucault does not answer. Perhaps they ought not to be answered; perhaps the attempt to answer questions like these is symptomatic of a kind of philosophical disease. Perhaps to sit back and wonder why it is that an exercise of power one finds viscerally revolting is wrong, or what it is that makes it wrong, is the kind of paralyzing philosophical pursuit which ought to be given up. But if one takes this attitude,

what has one left to say to those who do not share one's visceral reactions? What is one to do, how is one to know what to think, if one doesn't have any visceral reactions, or if one's reactions tear one in different directions? Isn't it the most crucial task of political philosophy to provide grounds on which one might convince one's opponents rather than crushing or conning them, and on which one might decide for oneself between competing options?

Todd May offers this characterization of the kind of "specific intellectual" of which Foucault approves: "They cite, analyze, and engage in struggles not in the name of those who are oppressed, but alongside them, in solidarity with them, in part because others' oppression is often inseparable from their own" (BGE 6-7). But what of those who don't feel particularly "oppressed" by the forms of power described by Foucault? What of those who don't feel any particular sense of empathy or solidarity with those who suffer from the effects of our psychiatric, penal, or sexual practices? What of those who don't feel naturally allied to one side or another in a particular political situation, and who look to philosophers to help them decide? Is it not one of the essential functions of philosophy to have something to say to such people, to be able rationally to persuade them that they should choose one side over another? If philosophy cannot do that, what is it good for, at least as far as it concerns those--who comprise the majority of any society, and to whom philosophers are always answerable for their livelihood--to whom it (perfectly reasonably) makes no sense to take "thinking differently" as an end in itself? Is there not something of an abdication of responsibility in Foucault's pronouncement that "the role of an intellectual is not to tell others what they must do" (CT 462)? Foucault's attitude seems to be that of Félix Guattari, who, when asked what kind of political position he and Deleuze advocated, responded: "be where you want to be! In a Hippie Commune, in the *Ligue communiste*, with the Maoists, in a given undertaking" (INT 41). But then what of those who just don't

know where they want to be? What, moreover, of those who want to be in the neoconservative movement, or in a neo-Nazi group?

I think that Foucault and Guattari are right to reject the notion that philosophers ought to tell people what to do. This, perhaps, is where the distinction--to which I will return in Section 8--between the role of philosopher and that of citizen should come into play. There may well be good reasons for one to refuse to take up the mantle of the philosopher in order to tell others what they should do. Maybe there is not only "something ludicrous", as Foucault writes, but also something *dangerous*, something ethically undesirable, "in philosophical discourse when it tries, from the outside, to dictate to others, to tell them where their truth is and how to find it" (UP 9). Perhaps this should be seen not as the responsibility of the philosopher, but rather as that of the citizen, engaged in a discourse of equals with his or her peers.

Confronted with demands like those of Habermas and Fraser, it is tempting to simply appeal to Foucault's retort: "Is there or is there not a reason to revolt? Let's leave the question open. There are revolts and that is a fact" (IUR 8). This certainly is not good enough to satisfy Habermas, or anyone else who looks to philosophy for guidance. Maybe, however, we should learn from Foucault that the kind of satisfaction they are looking for should not be sought in philosophy--that such satisfaction can only be achieved by arbitrarily arresting the critical impulse, which is something that philosophers ought not to do. Maybe this passage of Foucault's is the last word on political justification:

> A delinquent puts his life into the balance against absurd punishments; a madman can no longer accept confinement and the forfeiture of his rights; a people refuses the regime which oppresses it. This does not make the rebel in the first case innocent, nor does it cure in the second, and it does not assure the third rebel of the promised tomorrow. One does not have to be in solidarity with them. One does not have to maintain that those confused voices sound better than the others and express the ultimate truth. For there to be a sense in listening to them and in searching for what they want to say, it

is sufficient that they exist and that they have against them so much which is
set up to silence them. (IUR 8)

An ostensive definition of injustice may be the best that one ultimately can hope for.[22]

Is Foucault, then, one of those intellectuals, against whom Habermas rails, who
"would like to banish arguments grounded in categories of morality ... from politics
altogether, because they can recognize such arguments as the rationalistic masquerade of
sheer, existential self-assertion" (PF 21)? Perhaps things are not so dire as that. It is
possible to construe Foucault such that he is capable of coherent normative arguments
starting from first principles. Attempts have been made to do so--some, however halting,
by Foucault himself.

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[22]Wittgenstein captures this point brilliantly in the following passage: "Describe the
aroma of coffee.--Why can't it be done? Do we lack the words? And for what are words
lacking?--But how do we get the idea that such a description must after all be possible?... I
should like to say: 'These notes say something glorious, but I do not know what.' These
notes are a powerful gesture, but I cannot put anything side by side with it that will serve
as an explanation. [There is something irreducibly noble about the Iranians.] James: 'Our
vocabulary is inadequate.' Then why don't we introduce a new one? What would have to
be the case for us to be able to?" (PI §610).

5. SUPPLYING FOUCAULT WITH FOUNDATIONS

As Barry Allen notes, a number of writers have responded to the Habermasian challenge by "suggest[ing] that the missing normative premise has been there all along" (FMP 1). In addition to Allen's own suggestion, three others--those put forward by Todd May, Michael Kelly, and James Johnson--are particularly noteworthy for my purposes. But they are, for the most part, noteworthy in their failure, for of these four responses to the demand for normative foundations, none seems to me entirely warranted by Foucault's texts, and each fails in some way to grasp either the real point or the full extent of the Habermasian challenge. In this section, I will outline May's contribution before turning to Allen's rather more nuanced treatment. The responses offered by Johnson and Kelly I will take up in Section 6; in the meantime, I will lay the groundwork necessary to show why they are more to the point than May's or Allen's.

May: Foucault as Poststructuralist

May argues that Foucault's critique is founded on two principles which he identifies as the characteristic features of a novel "poststructuralist" ethics, which Foucault shares with Deleuze and Lyotard. The first of these principles is that "practices of representing others to themselves ... ought, as much as possible, to be avoided" (PPP 130); the second, that "alternative practices, all things being equal, ought to be allowed to flourish and even to be promoted" (PPP 133). From Foucault's critique of the power wielded by the human sciences in their function of telling people the truth about themselves, as well as from Foucault's refusal to take up the mantle of the "general intellectual" who speaks the

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people's truth on its behalf, May distills an ethic of anti-representationalism. From Foucault's critique of the disciplinary forces of normalization, May distills an ethic of difference: if what is wrong with modern political mechanisms is that they impose certain norms of behaviour on everyone and work on people so as to make them the same, then the right thing to do must be to allow people to be different and even to promote difference.

There are at least two things wrong with this answer to the Habermasian challenge, the first being that it is not borne out well by Foucault's texts. Foucault is not against representation per se; there is nothing in his work to support the notion that he is, on principle, against representative democracy, for instance.[23] What he is against, at most, is the notion, characteristic of modernity, that the agents of certain privileged bodies of knowledge--medicine and psychology in particular--know more about people than they know about themselves, and the power subsequently exercised in the name of those privileged knowledges. "At most", because one ought always to keep in mind Foucault's admonition that "[his] point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad" (OGE 231).[24] It could hardly be clear, to say the least, to anyone but the most devout Luddite that there is something wrong with a doctor's

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[23]Foucault's attitude toward the representative democracy in which he lived softened over the course of his career, as the revolutionary energy of 1968 dissipated. In the debate with Chomsky, Foucault says: "It is only too clear that we are living under a regime of a dictatorship of class, of a power of class which imposes itself by violence, even when the instruments of this violence are institutional and constitutional; and to that degree, there isn't any question of democracy for us" (Elders, RW 170). A decade later, Foucault expressed a certain optimism about the newly-elected Socialist government of François Mitterand (see PC), and even participated in a commission on reform of sex-related laws (CPP 200).

[24]It might be noted that a failure to keep this in mind is what leads Habermas to classify Foucault as a "young conservative".

claim to know more about you than you know about yourself when s/he correctly diagnoses you with a life-threatening illness (even if there is nevertheless something dangerous about such authority).

May's second principle is even more incongruous with Foucault's texts. Foucault takes pains to show that the forces of normalization do not in fact work to make everyone the same; rather, the very mechanisms designed to produce subjects of a certain kind also open up possibilities for being otherwise (as, for instance, the penal mechanisms putatively designed to combat delinquency at the same time open up the possibility of being a delinquent). To take away those mechanisms would be to close off certain possibilities for difference: difference (rather obviously) only has meaning by contrast to sameness; to be different is to be different from some norm. To re-cast May's difference principle as a typically liberal plea for toleration for the "victims" of normalization might be somewhat more promising, but (as I will demonstrate in Section 8) it would also be to seriously misread the ethical standpoint of Foucault's critique.

The second and more serious problem with May's answer to Habermas becomes evident when May writes that Foucault's first purported principle is itself justified by two things. These are, first, the fact that "practices of telling people who they are and what they want erect a barrier between them and who (or what) they can create themselves to be"; and second, that "representing people to themselves helps to reinforce other oppressive social conditions" (PPP 131). It should be obvious, at this point, that something has gone wrong. How can a normative foundation itself admit of justification? The level of normative foundations is supposed to be the level where further justification is neither possible nor required. May writes that "what poststructuralists [including Foucault] have tried to show is that the effect of marginalizing these [two] principles is more

damaging than has generally been thought" (PPP 137)--and the question which demands then to be asked is: "damaging" according to what criteria?

Allen: Foucault as Individualist

Allen's suggestion is that "[Foucault's] 'normative assumption' ... is one which, with qualification, he shares with an entire tradition of modern political philosophers, from Locke and Adam Smith to Bentham and Isaiah Berlin" (FMP 2). Foucault's foundational commitment, according to Allen, is to "the modern ethos of individuality and its affiliated conception of political government" (FMP 4). Allen follows the scheme, proposed by Oakeshott, according to which "the history of modern European morals displays to us two distinct and opposed moral dispositions or moralities; the morality of individualism and the morality of collectivism" (MPM 27). This scheme, according to Oakeshott, constitutes "an exceedingly revealing context, more important than any other" (MPM 28) in which to situate modern political theories. Of course, whenever anyone claims that one classificatory scheme is "more important" (or any other variaton on "better") than others, one always might ask, "more important for what?" In the case of Oakeshott's scheme, it seems that Oakeshott thinks it is more important than any other for understanding the historical roots of the ideological divide manifested by the Cold War. Its importance even for that purpose seems to me questionable; at any rate, that purpose is not Foucault's.

One must question the philosophical importance of any scheme quite so obvious as Oakeshott's, which seems little more than a confirmation of right-libertarian Cold War platitudes.[25] It is a virtue of both Foucault and Habermas that each, in his own way,

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[25]It seems especially that way since Oakeshott is given to such flights of rhetoric as this: "it was appropriate that the morality of the 'anti-individual' should be radically equalitarian: how should the 'mass-man', whose sole distinction was his resemblance to his

contributes to the dismantling of the opposition between individualism and collectivism by undermining the presuppositions on which it stands. Foucault, in particular, is not at all easily assimilated to the individualist tradition of Locke and Berlin.[26] Firstly, the political problematic with which that tradition is concerned--namely, that concerning the freedom of the individual from the coercive power of the state--is not a theoretical concern of Foucault's (though it is for him as for all of us a practical one), except insofar as he urges that that problematic be de-emphasized (SP 212-213). It is crucial to realize that, contra

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fellows and whose sole escape from frustration lay in the recognition of others as merely replicas of himself, approve of any divergence from exact uniformity? All must be equal and anonymous units in a 'collectivity'" (MPM 26-27).

[26]One would do well, at the outset, to heed Foucault's warning about "this 'individualism' that is so frequently invoked, in different epochs, to exlain very diverse phenomena. Quite often with such categories, entirely different realities are lumped together" (CS 42). We need, writes Foucault, to distinguish between "the individualistic attitude"--typical of the modern individualist tradition--"characterized by the absolute value attributed to the individual in his singularity" and the rather different attitude which concerns "the intensity of the relations to self, that is, of the forms in which one is called upon to take oneself as an object of knowledge and a field of action, so as to transform, correct, and purify oneself" (CS 42). See also Foucault's preface to Deleuze and Guattari's *Anti-Oedipus*, where Foucault commends the following "principle" which he identifies in that work: "Do not demand of politics that it restore the 'rights' of the individual, as philosophy has defined them. The individual is the product of power. What is needed is to 'de-individualize' by means of multiplication and displacement, diverse combinations. The group must ... be ... a constant generator of de-individualization" (PAO xiv). As evidence that there is at least as much Foucault as Deleuze and Guattari in this passage, it might be noted that Deleuze and Guattari would say that the individual is an assemblage of desire rather than a product of power (ATP 531). Finally, Foucault writes that the political movements with which he identifies "question the status of the individual: on the one hand, they assert the right to be different and they underline everything which makes individuals truly individual. On the other hand, they attack everything which separates the individual, breaks his links with others, splits up community life, forces the individual back on himself and ties him to his own identity in a constraining way" (SP 211-212). Allen supports his assimilation of Foucault to the individualist tradition by citing only the first half of this disjunction.
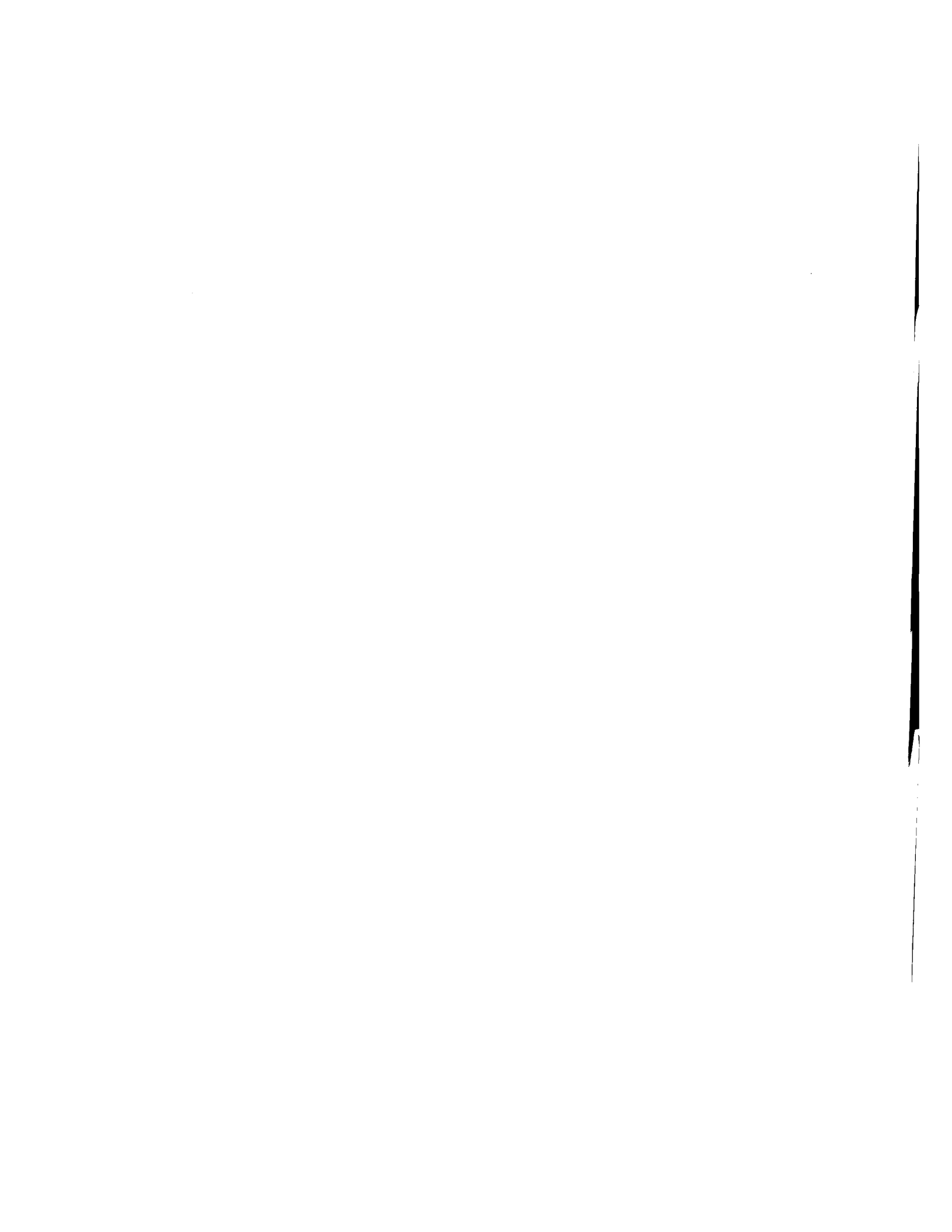
Rorty, Foucault does *not* "see his ... work ... as exposing the subtlety of the repressive mechanisms which the ruling classes have installed" (FE 47). Foucault's theoretical concern (as a cursory glance at the first volume of *The History of Sexuality* would reveal) is neither with repression nor with anything like a ruling class (or the state).

Secondly, the view represented by Allen's proposition that "under the description of 'arts of the self' and 'aesthetics of existence,' [Foucault] reaffirms the ethos of individuality that has been the mainstay of [the individualist] understanding of government" (FMP 4) rests on a misplacement of emphasis, one common to interpreters of Foucault's ethical work.[27] The emphasis in the phrase "care of the self" should be placed not on *self* but on *care*: care of the self does not mean lavishing care *on* oneself, but rather being careful *with* one's self.[28] One might say that care of the self involves living up to the responsibility that comes with having a self, the responsibility of looking after it properly: a responsibility which is owed not only, or even primarily, to oneself. I will return to this point later; for now, it is enough to note that, as Arnold Davidson appreciates, Foucault means "care of the self" in an ascetic sense which has nothing to do with dandyism (EA 122ff)—and nothing much to do with the ethos of Locke and Berlin. Reiner Schürmann puts this point in a way which not only shows why Foucault resists assimilation to the individualist tradition, but also identifies one of the fatal flaws, which Foucault's work helps to expose, in the assumptions forming the background of that tradition: "Self-constitution cannot mean enhanced individualism. This is already apparent on the cultural level: there is no safer formula for social isomorphism than to appeal to everyone's particularity. In claiming one's unique personality, feelings, tastes, lifestyle, and beliefs,

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[27]See also Pierre Hadot, RNC.

[28]Similarly with the phrase "cultivation of the self": the self must be cultivated, tended to, so that it does not grow wild, as a noxious weed.

one does exactly what everyone else does and so promotes uniformity in the very act of denying it" (OCO 305-306).

Foucault writes that the "autonomous" political movements (those associated with feminism, anti-racism, gay rights, etc.) with which he sympathizes are engaged in "struggles ... not exactly for or against the individual, but rather ... against the 'government of individualization'" (SP 212). They are struggles against particular mechanisms by which subjects are constituted as subjects of a certain kind, disposed to experience themselves and to behave in certain ways. They are struggles not against the power of the prince or priest to tell one what role one must play in life, but against the power of discourses on and practices of (*dispositifs*, in Foucault's term) race, sex and sexuality, psychiatry, medicine, law, and economics to define the possibilities of one's existence. Hence Foucault writes: "Maybe the target [of those movements] is not to discover what we are [so that it may be liberated], but to refuse what we are" (SP 216), to refuse what we have been made into. "The political, ethical, social, philosophical problem of our day," according to Foucault, "is not to try to liberate the individual from the state, ... but to liberate us both from the state and from the type of individualization which is linked to the state"--linked to the state in the sense that the agents of individualizing *dispositifs* are usually sanctioned or regulated, if not directly employed, by the state, rather than in the sense that the individualizing power of those *dispositifs* is reducible to coercive state power (which, for Foucault, it is not).[29]

Allen writes that "we must not be misled by trendy cliches and suppose that since it is fashionable to refer to Foucault as a 'post-modern' thinker, his work must have little or

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[29]In some cases, it seems rather more the case that state power is reducible to the power of the *dispositifs*: see, for instance, Foucault, DI, where he shows how psychiatric *dispositifs* have colonized the penal system.
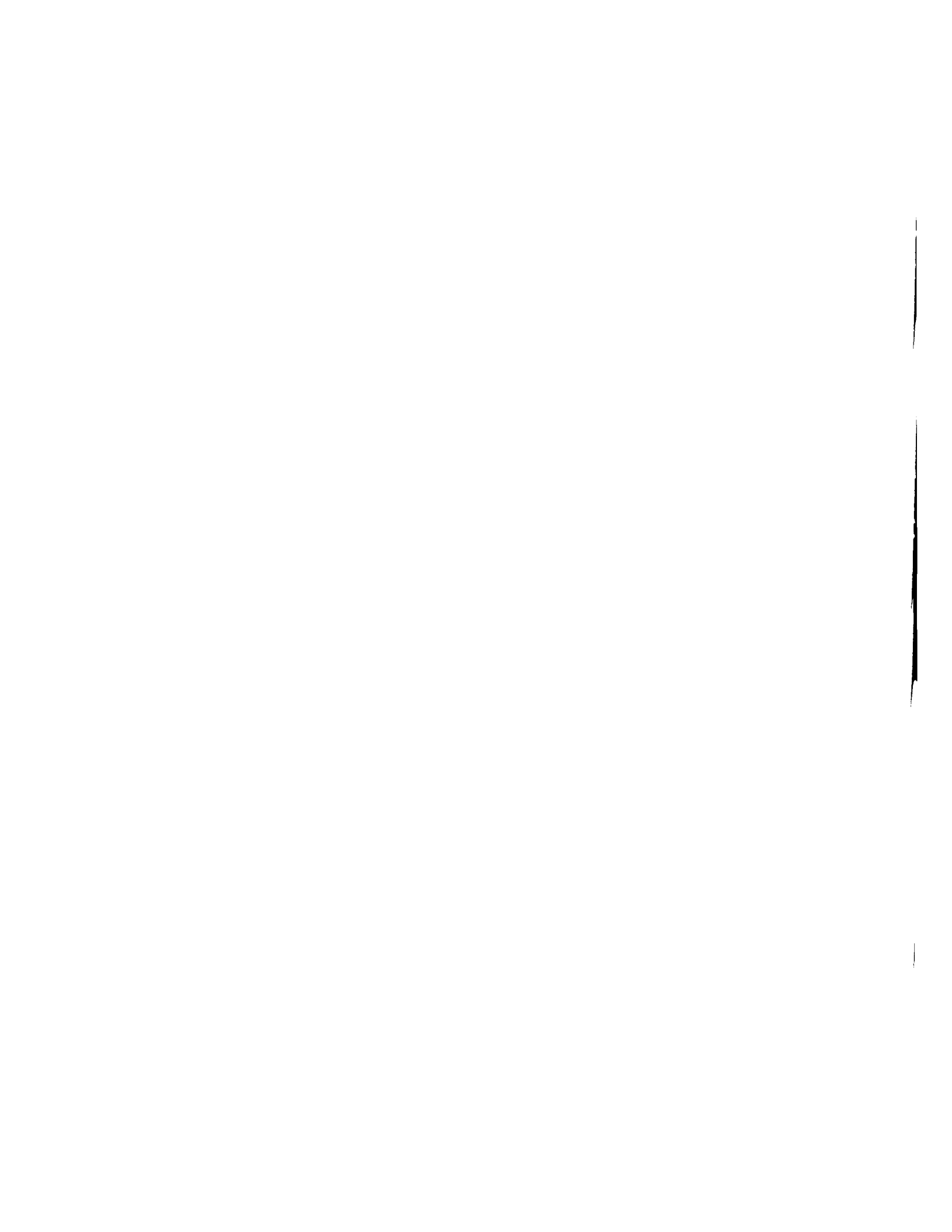
nothing in common with [the individualist] (or any other) modern tradition" (FMP 2). Indeed, there are fruitful comparison to be made between Foucault and writers of the individualist tradition. Broadly speaking, Foucault shares with the traditional individualists a critical concern with the pernicious effects of government on individuals. But that is as far as it goes.[30] Whether or not Foucault qualifies under whatever definition of "postmodern" one prefers--a question which is, no doubt, of very little interest--he is decidedly post-liberal as well as post-Marxist: which is enough to say that he escapes the grasp of Oakeshott's scheme.[31]

I will end this section with one final note having to do both with the charge that the ethics of care of the self is an ethics of dandyism, and, more importantly, with the difference between the ethical and the moral, which will be one of the subjects of the next section. When asked by an interviewer whether he thought that "man can become better", Foucault responds: "I would say, perhaps not becom[e] better. He must be able to be happier. He must be able to increase the amount of pleasure he is capable of in his life" (TS 144). However, Foucault muses elsewhere that "the problem of humanism" might be reducible to "a much more simple problem, that of happiness."[32] The problem with

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[30]At least, that is as far as it went, Foucault's late interest, aborted by his death, in neo-liberals like Hayek notwithstanding.

[31]Another thing--the most obvious thing--which makes Foucault so incongrous with the individualist tradition is that his political sympathies are completely at odds with those of traditional individualists: Foucault's sympathies, as evidenced by books like *Madness and Civilization* and *Discipline and Punish* as well as his political activity in the *Groupe d'Information sur les Prisons*, lie with the misfits of modernity constituting one aspect of those "unable or indisposed to make choices for [themselves]" whom Oakeshott (MPM 27) identifies as the enemies of individualism.

[32]Quoted at Miller, PMF 173.
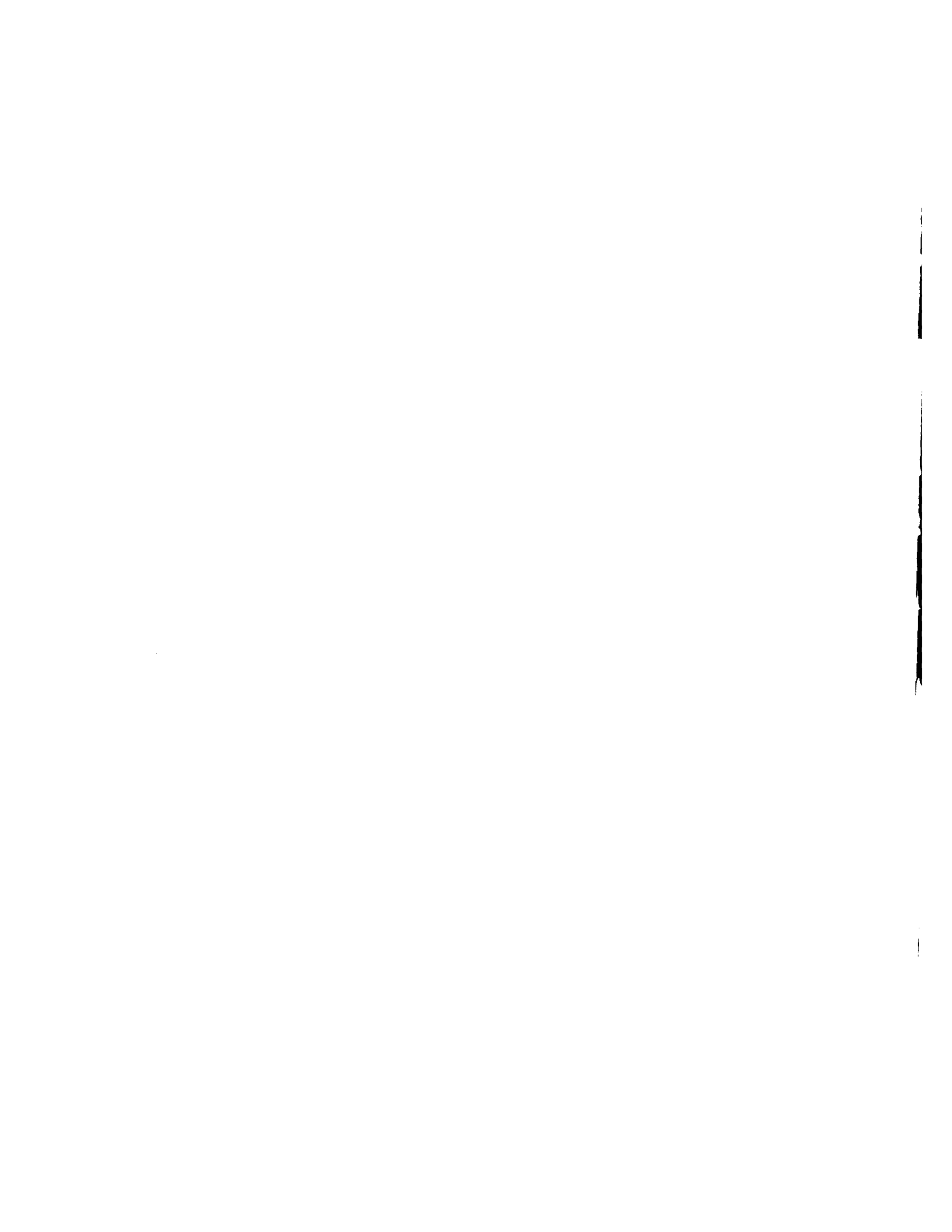
political humanism, according to Foucault, is that it "considers the aim of politics to be the production of happiness."[33] But, continues Foucault, "happiness does not exist--and the happiness of men still less."

I think that, paradoxically, Foucault means to make similar points on these two occasions. By deflecting the question whether "man can become better" and answering that what is needed instead is to increase the amount of pleasure one is capable of, Foucault exhibits his resistance to the urge to universalize ethics, to confuse ethics with morality, to imagine that there is some good which, having been achieved, would make us all better off. Pleasure and happiness, after all, are inherently idiosyncratic, defying projects aiming at their universal achievement. Not everyone has the same pleasures; not everyone can be made happy in precisely the same way. And this, I think, is exactly what Foucault means when he says that "happiness does not exist": happiness is not one thing, achieved and experienced in the same way for all people at all times. Foucault holds it to be the fault of liberal humanism that, while affecting a stance of neutrality, it imposes (or allows for the imposition of) social arrangements which encourage some particular version of human happiness.

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[33]This may seem a drastic oversimplification, but the point is that to the extent that religious values can no longer constitute social goals, human values take their place. It is arguable whether those values--which need have nothing to do with sensual or other purely egotistical pleasures--ought to be called "pleasures" and their achievement "happiness", but I see no compelling reason that they ought not to be so called. Further, it might be argued that it is characteristic of liberalism not to be concerned with the "production" of anything as a social goal, that social goals are excluded by liberalism in favour of allowing citizens to pursue their individual goals. But I think that that--fostering the conditions under which citizens may pursue their individual goals--may well be called the social goal common to liberal societies--and, as Stanley Fish points out, that goal cannot but have some impact on the goals that are pursued by individuals (see Fish, TNS 134-138). Thus, as Nikolas Rose argues, neoliberal governments govern by "not governing" (GAL). When Margaret Thatcher announced that there was no such thing as society, what she was announcing was a program for changing British society which that society was supposed to achieve--she was imposing on it a certain social goal.
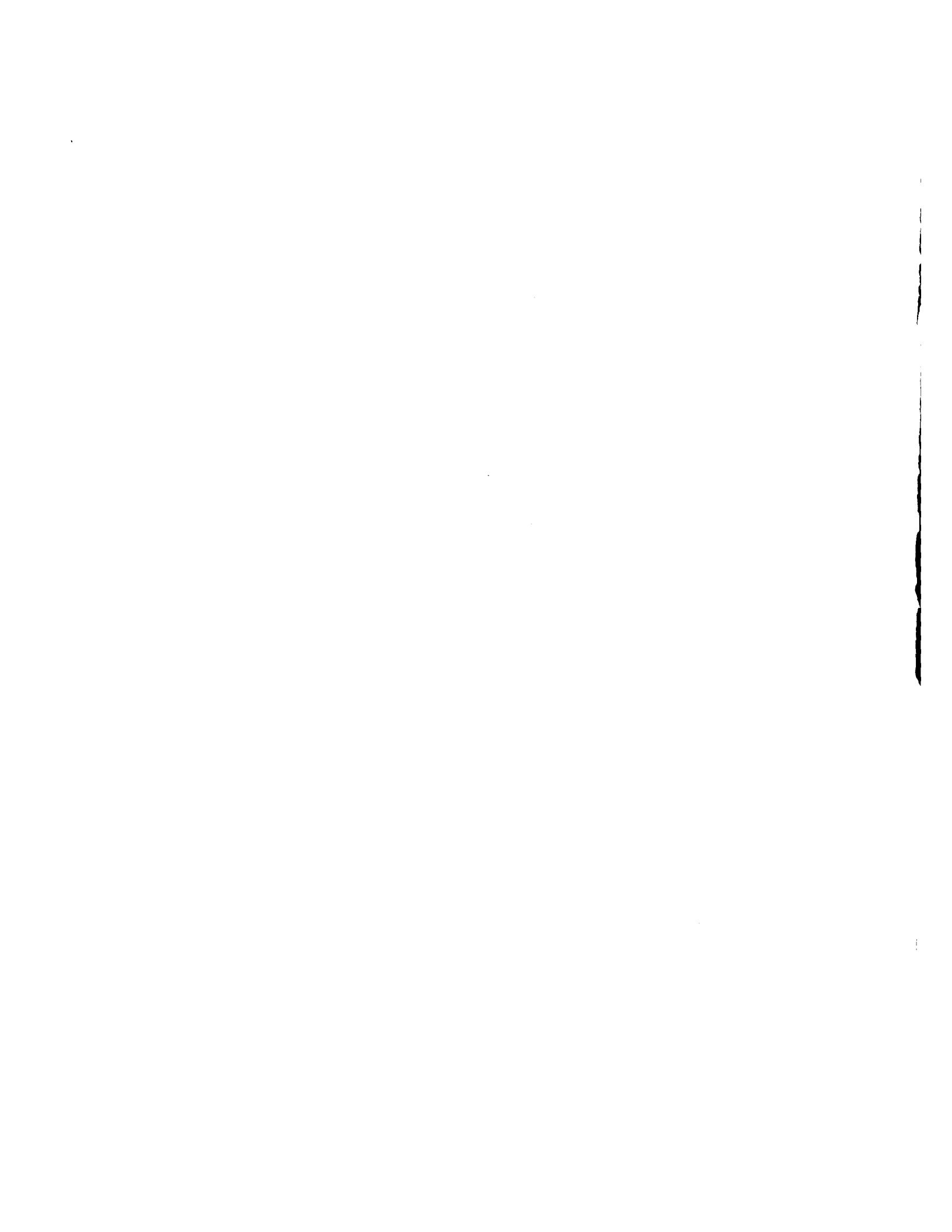
6. WHAT IS A NORMATIVE FOUNDATION?

Curiously, among the contributions to the ongoing Habermas-Foucault "debate", and even among those who claim to have ferreted out a supposedly hidden normative foundation in Foucault's work, there is very little discussion about the idea of "normative foundations" itself. Questions concerning the definition of "normative foundation"--what Habermas means by the term--and the role normative foundations are supposed to play in political philosophy usually are not raised. Consequently, attempts to defeat the charge that Foucault's critique lacks a normative foundation, however valuable those attempts might be in their elucidation of Foucault's ethical attitude, usually fail to appreciate the nature of the charge. For the charge is not exactly that Foucault has no "normative assumption" (in Allen's phrase); clearly, Foucault has more than one of those, though they sometimes seem to conflict and change. The charge is rather that he has no normative assumption which he takes as, or which is capable of being taken as, *foundational*, in a very specific sense.

The Ethical vs. The Moral

Ultimately, this confusion over the issue of Foucault's (lack of) normative foundations may be pinned on a failure to consider Habermas's differentiation between ethics and morality.[34] In charging that Foucault's critique lacks a normative foundation,

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[34]Indeed one of the main tasks of postmetaphysical philosophy, according to Habermas, is to "prevent [conceptual] confusions; for example, it can insist that moral and ethical questions not be confused with one another" (JA 176).

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Habermas claims not that Foucault lacks *ethical* principles, but that he fails to assume a *moral* stance. This is the reason why May's and Allen's responses to the Habermasian challenge miss the mark. It is the reason why the principles May suggests as Foucault's normative foundations themselves turn out to need further justification. May makes the rather peculiar claim that Foucault's "avoidance [of ethical principles] is itself ... ethically motivated" (PPP 131): but what he means is that Foucault's avoidance of *moral* principles is ethically motivated.

Identifying the ethical with the moral is also the reason why Allen reiterates Habermas's demand for normative foundations--"before we can say whose life merits distinction as a work of art and why," writes Allen, "we have to know what makes life excellent" (FMP 34)--after claiming to have liquidated the problem of Foucault's normative foundations by assimilating Foucault to the ethos of traditional individualism. Allen inherits the identification of morality with ethics from Oakeshott, who describes the ethos of individuality and the ethos of authority as competing "moral dispositions" in modern political thought. But one cannot answer the Habermasian challenge on its own terms, as Allen purports to do, without taking into account the distinction Habermas makes between morality and ethics.

For Habermas, what distinguishes the moral from the ethical is that the moral sphere encompasses "procedural" or formal questions of justice, which admit of universal answers, whereas the ethical sphere encompasses substantive questions of good, the answers to which must be relative and particular.[35] Since, for Habermas, there is no metaphysical source of value which could be appealed to as *the* good, "ethical questions of the good life can be distinguished from moral questions by a certain self-referentiality.

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[35]Thus, for Habermas, as for Hobbes, moral absolutism and ethical relativism are both trivially true positions, while "moral relativism" and "ethical absolutism" are self-contradictons.

They refer to what is good *for me* or *for us*" (JA 126). Thus, as Habermas has it, there is an "internal relation between ethical questions and problems of self-understanding.... The question 'What is the best thing for me (or us) in this situation?' must be answered in the light of the underlying question: 'Who am I, and who would I like to be?' ('Who are we, and who would we like to be?')" (JA 127). Hence there can be no universally correct answers to ethical questions, and no universal agreement in the ethical sphere: "The fact that ethical questions are implicitly informed by the issues of identity and self-understanding may explain why they do not admit of an answer valid for everyone" (JA 127).[36]

On the other hand, the moral, for Habermas, is characterized by formalism (that is, the moral is the sphere of "law-testing reason" and not of substantive judgement about what is right or good in particular contexts), universalism, and impartiality. The moral is defined such that "from [the moral] point of view, what we seek is a way of regulating our communal life that is equally good for all" (JA 59). While ethical activity may involve consideration of one's relationships with only a particular group of people, moral activity requires that one give equal consideration to everyone who might be affected by one's actions. Moral theory is to be "restricted to the question of the *justification* of norms and actions", and to remain silent on "the question of how justified norms can be *applied* to specific situations" (AS 171). While actions can be *evaluated* from a purely moral point of view, no particular action can be *prescribed* (though particular actions can be *proscribed*, and hence, by implication, a range of morally appropriate actions can be prescribed) from

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[36]In light of this kind of distinction between the moral and the ethical, the classification of Foucault's later work on "the care of the self" as a kind of ethics is not as idiosyncratic as it appears to some.

that point of view: questions of the form, "What should be done?", always bring into play ethical rather than (only) moral considerations.

Consider Barry Allen's commentary on Foucault's late turn to ethics: "It seems clear that that attraction of Stoic ethics as Foucault interpreted or misinterpreted it was that it did not present a universal pattern that everyone was expected follow" (FMP 33). Foucault supposes the ethics of the ancient Greeks to be a kind of antidote to modern Western discourse on ethics and morality, in which ethics are "reduced to a universal pattern, a claim about how everyone ought to be but unfortunately is not" (FMP 33).[37] But what Allen (after Foucault) characterizes as a shift from ancient to modern ethics/morality is, in Habermas's terms, rather a displacement of ethics by morality.[38] Ever since Kant, Western philosophy (that is, academic philosophy; certainly not pop philosophy or the various self-help, spiritual, political, and journalistic discourses to which has fallen the conduct of ethical deliberation) has discounted the ethical or conflated it with the moral. Even the different varieties of utilitarianism, which often are said to be concerned with the good rather than the just, ordinarily are conceived in terms which are formalist as well as universalist. Utilitarians ordinarily shy away from attempting to define "the good" in formulae such as "the greatest good for the greatest number". We can accept Mill's claim that some pleasures are "higher" than others only as long as he refrains from telling us, as a matter of fact, what the higher pleasures are. We may recognize that

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[37]Foucault does not, however, counsel a *return* to ancient Greek ethics (ROM 466).

[38]Foucault describes the shift this way: "From Antiquity to Christianity one passes from a morality that was essentially a search for a personal ethics to a morality as obedience to a system of rules" (AE 451). Speaking in this manner of ethics as a subset of morality dispenses with the difficulty, encountered in Habermas's scheme, of what to call the set of activities comprising both what Habermas calls "morality" and what he calls "ethics". Still, I think that Habermas's scheme better captures the divide between ancient ethics and modern morality, and is at any rate more useful in elucidating the problem of normative foundations.

in fact we inevitably do, in the course of our everyday lives, differentiate higher from lower pleasures, but at the same time, to most people it would seem horribly presumptuous for philosophers to perform that differentiation on behalf of everyone.

Hence it is not, as Allen claims, "a mistake to confuse the admirable idea that people should be free to take up [the] aesthetic attitude [proposed by Foucault] toward their lives, with *ethics*" (FMP 33), though it is a mistake to confuse that idea with *morality*. Allen writes that "few who think carefully would want to live in a world where the only 'ethical' constraints were those freely chosen by devotees of self-cultivation" (FMP 33). This may or may not be true, but what it amounts to is this: few would want to live in a world where there were no *moral* constraints on ethical activity, where the ideal of self-cultivation was pursued in such a manner that ethics turned into a purely self-regarding, solipsistic activity.

At any rate, this kind of bohemian free-for-all is not the necessary result of an unconstrained ethic of self-cultivation. Foucault writes that ethics for the ancient Greeks "was a question of knowing how to govern one's own life in order to give it the most beautiful possible form (in the eyes of others, of oneself, and of the future generations for which one might serve as an example)" (CT 259). According to Foucault, Greek ethics was not a matter of cultivating oneself according to one's own standards of cultivation, but (also) according to those of one's community. "Care of the self ... was a precondition that had to be met before one was qualified to attend to the affairs of others" (UP 73). Ethical activity was in the first place a matter of making a good person of oneself, the kind of person who, among other things, would behave well toward others. In fact, according to Foucault, those ancient doctrines which were most concerned with the care of the self "were also those which insisted the most on the need to fulfill one's obligations to mankind, to one's fellow-citizens, and to one's family, and which were quickest to

denounce an attitude of laxity and self-satisfaction in practices of social withdrawal" (CS 42). An attitude of the latter kind is, in fact, evidence of a failure to take care of oneself properly.

As Connolly recognizes, "when ... Foucault commend[s] the self as a work of art acting modestly and artfully upon its own entrenched contingencies, the aim is not self-narcissism.... *The point is to ward off the violence of transcendental narcissism*" (BGE 373). Far from an activity of self-love, ethical self-cultivation is an activity of self-discipline: "The goal is to modify an already contingent self ... so that you are better able to ward off the demand to confirm transcendentally what you are contingently" (BGE 373). In other words, the goal (or at least one of the goals) is to avoid the mistake against which Foucault warns Chomksy; namely, that of postulating one's own nature as *human* nature and consequently postulating the ethics one inherits from one's community as a universal morality (Elders, RW 173-174).

Contrary to Allen's claim, Foucault does not "descri[be] a world without ethics" (FMP 33). As Connolly writes, "to reach 'beyond' the politics of good and evil"--which is how Connolly describes Foucault's anti-universalist inclination--"is not to liquidate ethics but to become ashamed of the transcendentalization of conventional morality" (BGE 366).[39] At most, Foucault describes a world without morality--but perhaps not even that. It is true that in the last interview he gave before his death, Foucault says: "The search for a form of morality acceptable to everybody in the sense that everyone should submit to it, strikes me as catastrophic" (ROM 253-254). But again, what Foucault is referring to here as "morality" is what Habermas calls "ethics": Foucault is here concerned with "styles of existence" rather than rules of justice; what is "catastrophic" is privileging a particular

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[39]In Habermas's terms: to become ashamed of the urge to make a morality out of an ethics.

concrete form of life and attempting to impose it on everyone. The catastrophe lies in forcing everyone to be a certain kind of person. The consistent adherence to a certain morality (in Habermas's sense of the word), on the other hand, seems to be regarded by Foucault as more of a limitation and an encumbrance than a disaster. Foucault is not always unambiguously hostile to the idea that political critique might rest upon a moral principle; in fact, in some late texts he even suggests that this might be desirable, and he makes some gestures toward working out what might be construed as the moral foundations of his own political critique. The clearest indication of Foucault's openness to the idea that critique ought to be underwritten by moral foundations comes when he writes that "recent liberation movements suffer from the fact that they cannot find any principle on which to base the elaboration of a new ethics" (OGE 231). The problem, according to Foucault, is that those liberation movements are unable to find such a principle which is not dervied from "so-called scientific knowledge of what the self is, what desire is, what the unconscious is" (OGE 231).

If Foucault does not always "dismiss the preoccupation with 'foundational' thinking," as Allen claims he does, it is because normative foundations need not "invariably [be] deduce[d] ... from some putative insight into non-political reality, [from] something about God or reason or nature," as Allen claims they are (FMP 10). Habermas, of course, is similarly opposed to metaphysical foundationalisms which appeal to God or nature, as well as to the "philosophy of consciousness" which seeks to ground everything from epistemology to politics in some view about the nature of the mind. Unlike Foucault, however, Habermas thinks that he recognizes in the background of the "autonomous movements" that have arisen since the 1960s--together with insights gained from linguistic philosophy--the possibility for a new conception of morality, which he seeks to formalize

and elaborate. The result, which Habermas calls "discourse ethics", serves as the foundation for his own political critique.

Before turning back to consider the possibility that Foucault's critique might, after all, be underwritten by moral foundations, it will be useful to see just how Habermas answers his own challenge: to examine, in Habermas's discourse ethics, a prototype against which any answer to the Habermasian challenge might be measured.

7. DISCOURSE ETHICS AND COMMUNICATIVE ACTION

Discourse Ethics

Habermas reformulates the Kantian categorical imperative--which, in its emphasis on impartiality and reciprocity, Habermas holds to contain the essence of any valid moral principle--to produce his so-called condition (U): For a norm to be valid, it must be the case that "*all* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities for regulation)" (MCC 65). From this "bridging principle"--"bridging" in the sense that its function is to tie particular moral principles to what is essential to the moral point of view--Habermas derives the fundamental principle of his discourse ethics, which he calls principle (D): "Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity *as participants in practical discourse*" (MCC 66).[40]

The reasons that Habermas formulates principle (D) as he does have to do with his discursive theory of rationality. Unlike Kant, Habermas does not suppose that one can be a rational subject on one's own, and so he does not assume that the validity of a norm is something that one can determine "monologically". For Habermas, rationality inheres in discourse, and so the validity of a norm can only be determined in discourse. The merits

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[40]It should be noted that, on Habermas's terms, discourse ethics is not an ethics at all but rather a morality; Habermas points out that "it would be more accurate to speak of a 'discourse theory of morality,' but [he] retain[s] the term 'discourse ethics,' which has become established usage" (JA vii).

of this modification of Kantian moral philosophy are peripheral to my concern for the moment. The crucial issue in the challenge to Foucault is Habermas's defense of principle (U)--his defense of the very idea of what he calls the moral point of view, or the idea that there is in fact a place from which the normative foundations of critique can be elaborated.

In defense of principle (U), Habermas cites Karl-Otto Apel's argument against "moral fallibilism" (that is, the position that there can be no ultimately successful justification of any moral principle).[41] Apel notes that moral principles typically "founder on the fact that any rational final justification leads into a logical trilemma: either (1) into an *infinite justification regression*, insofar as each principle of justification must itself again be justified"--this is the fate of the principles with which Foucault is supplied by May--"or (2) into a *logical circle* (*petitio principii*), in that the principle that is to be justified is already presupposed in its justification"--this, according to Habermas, is the fate that befalls Kant's moral philosophy (MCC 78)--"or (3) into a dogmatization of a principle (axiom) that one is not prepared to justify any further" (IEI 42)--and this, as I will show in Section 7, seems applicable to what Kelly identifies as Foucault's foundational principle. If condition (U) succeeds in evading this trilemma, Habermas reasons, its validity is assured.

It is the second horn of the trilemma which appears to pose a problem for Habermas, as it does for Kant. Condition (U), purporting to be the standard against which all norms (including moral principles) are to be measured, is straightforwardly self-referential. But, according to Apel, the circularity of the justification for condition (U) is not vicious. The reason for this, according to Apel, is that it--like the principle of non-contradiction--is "necessarily presupposed in all argumentation". Argument can only take place between

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[41] I assume throughout this section that Habermas's position is identical to Apel's, at least as far as the defense of condition (U) is concerned.

discursive partners who share an understanding that contradiction indicates a logical error; similarly, moral argument can only take place between discursive partners who share an understanding that everyone is to be treated impartially: one would not enter into argumentation except under those conditions. As Apel puts it,

> the fact that the normative principle which is necessarily presupposed in all argumentation cannot be *logically proven* without a *logical circle* ... in this case takes on a completely new and unusual significance. It is no longer interesting merely as an indication of the failure of a logical proof but rather as an indication of the fact that the principle which is presupposed ... is unavoidable. For the unavoidability of the logical circle in a logical proof *follows* in this case from the ... necessity of the presupposition of the principle in question. In short, what is decisive in this case is not the ... impossibility of a *noncircular final proof*, but rather the fact that the principle in question *cannot*, without the *pragmatic self-contradiction* of those who are participating in arguing, be disputed as such a principle (*i.e., not without inconsistency between the act of assertion* and the asserted *propositions*). (IEI 43)

It is the last point which is essential to discourse ethics, and therefore to Habermas's whole foundationalist project: Condition (U) cannot be argued against--it is a necessary and unassailable moral foundation--because its negation cannot even be asserted without committing a performative contradiction. Given the premises of postmetaphysical philosophy--and today it seems that we have no choice but to accept them--principle (D) follows naturally from condition (U). So (as far as Habermas and Apel are concerned) the normative foundation of discourse ethics is securely in place.

Principle (D) is the foundation of the critical analyses Habermas carries out in the *Theory of Communicative Action*. These include the analysis of "the colonization of the lifeworld"--the world in which our individual and collective identities are formed--by the forces of instrumental rationality: in other words, the analysis of the displacement of speech belonging to the category of "communicative action" by speech belonging to the category of "strategic action". The pathologies of modern society, according to
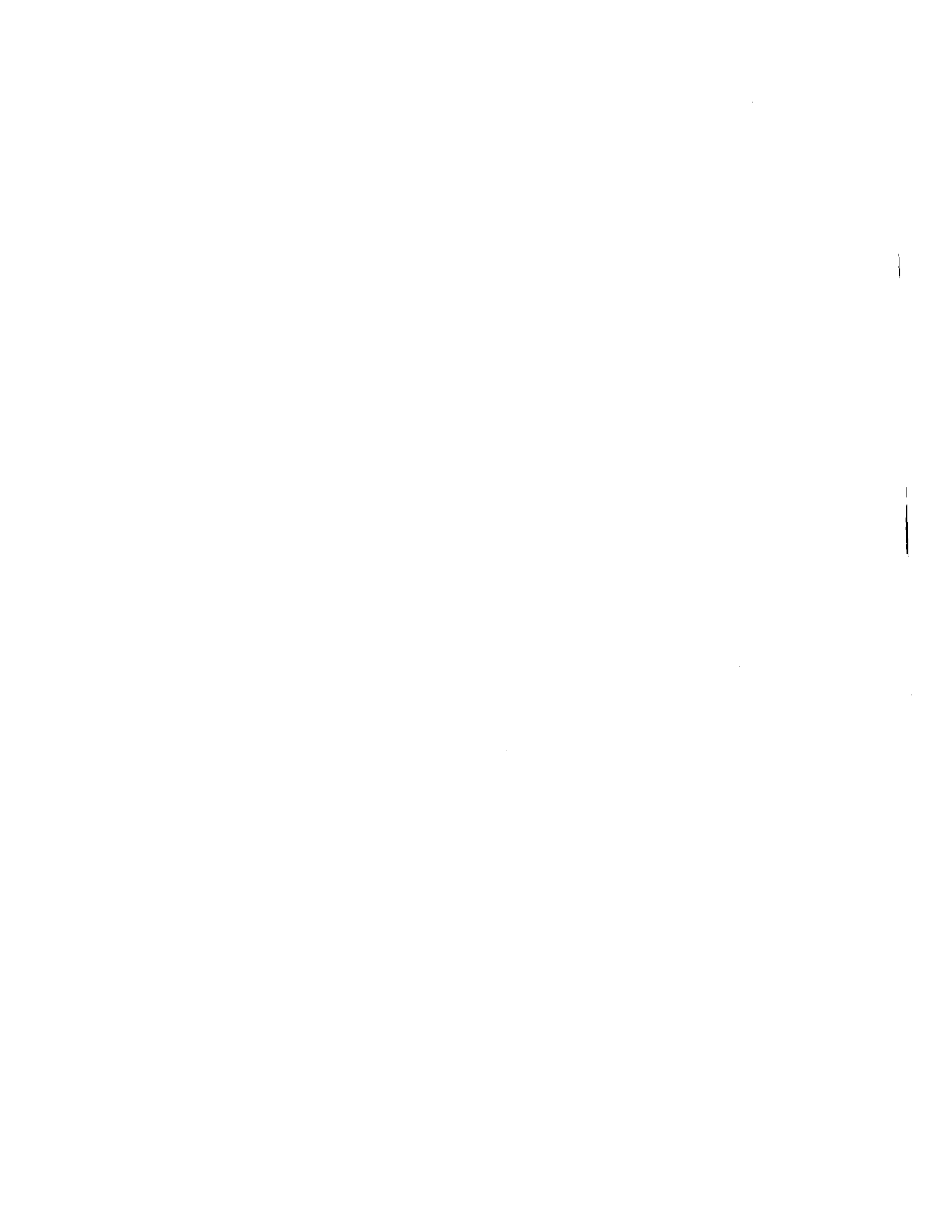
Habermas, stem from a failure of communicative action; the call for the restoration of communicative action is justified by appealing to principle (D).[42]

Habermas writes: "In identifying strategic action and communicative action as types, I am assuming that concrete actions can be classified from these points of view.... Social actions can be distinguished according to whether the participants adopt either a success-oriented attitude [in which case the action engaged in is strategic] or one oriented to reaching understanding [in which case the action engaged in is communicative]" (TCA-I 286). Communicative action, according to Habermas, obtains when "all participants [in speech] pursue illocutionary aims, and *only* illocutionary aims, with their mediating acts of communication" (TCA-1 295). One acts communicatively to the extent that one's foremost goal, in speaking, is to reach an understanding with one's interlocutors. Strategic action, meanwhile, obtains when, and to the extent that, participants in speech pursue perlocutionary rather than illocutionary aims: when their foremost goal in speaking is to have a certain pragmatic effect on their interlocutors, to get their interlocutors to do something.[43]   Hence Habermas writes: "Participants in argumentation have to presuppose in general that the structure of their communication ... excludes all force ... except the force of the better argument (and thus that it also excludes, on their part, all motives except that of a cooperative search for the truth)" (TCA-I 25).

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[42]I will discuss the nature of the pathologies identified by Habermas in Section 9.

[43]Whether Habermas properly employs Austin's distinction between the illocutionary and perlocutionary functions of language is a contested matter. But I think this issue is inessential to Habermas's project; whether or not Habermas misrepresents Austin, the distinction Habermas makes between illocution and perlocution is clear and useful.
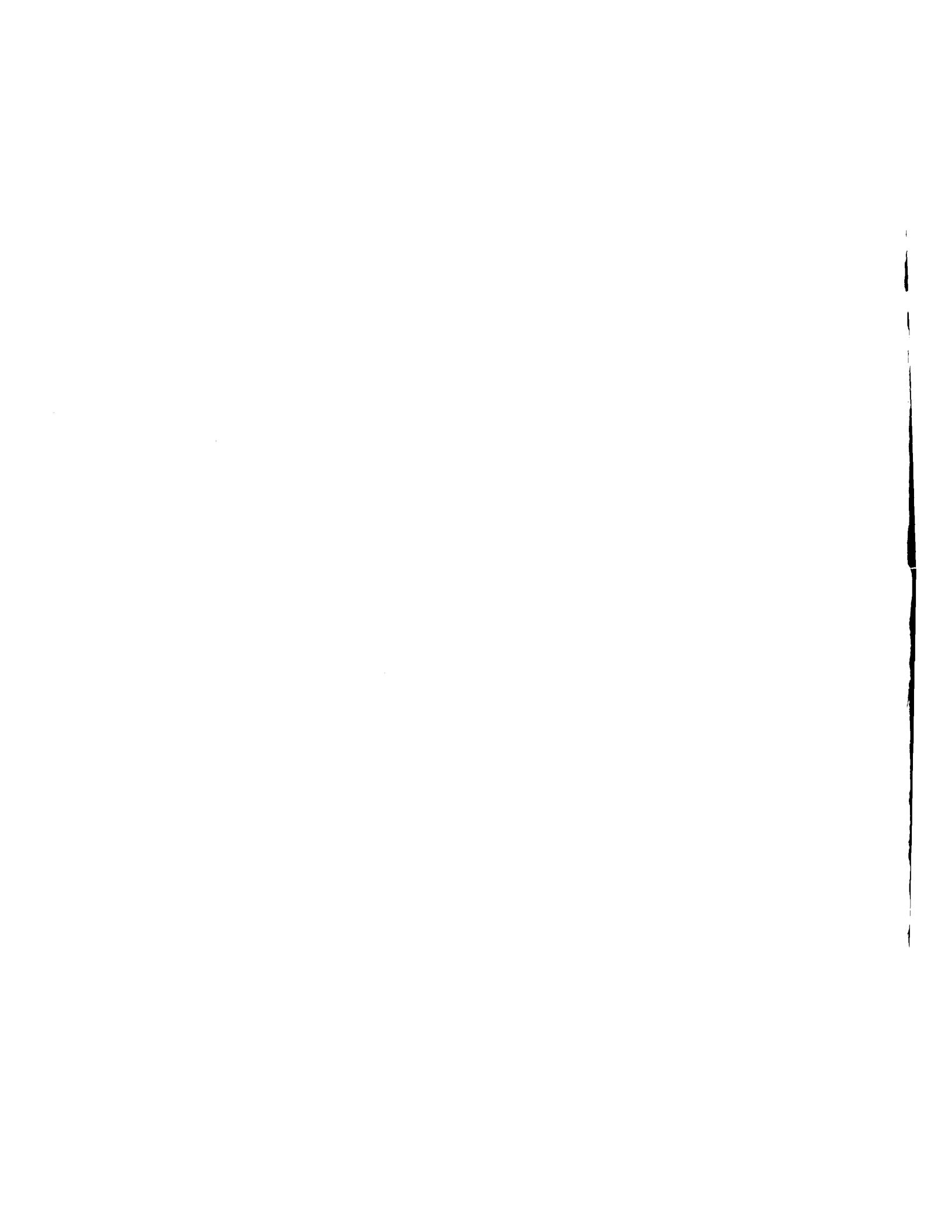
Margolis: Defending Foucault by Attacking Habermas

Joseph Margolis is one of the few contributors to the Habermas/Foucault debate who adopts the strategy of attacking Habermas's foundationalist project at its roots. Though Margolis's criticism of Habermas misses the mark in important respects, it does point the way toward what I take to be the fundamental problem with Habermas's project. Margolis charges that "Habermas's project cannot but be an utter failure" since "[Habermas] never demonstrates *when* an 'uncoerced consensus' actually occurs, or how we should even know that a particular opposition to 'institutional concretization of the common will' successfully escapes the more subtle forms of bias and self-deception" (RF 49). Margolis shares with Foucault the misconception that Habermas seeks a utopia (in the strong sense) of radically free speech, considering it to be a point against Habermas that "communicants can never *know* that the would-be universal rules [i.e. discourse ethics] they abide by actually function to lead them to that communicative reason in the sky they long to share" (RF 50).[44] There is no such teleology built into discourse ethics. For Habermas, adhering to principle (D) is not supposed to lead to a communicative utopia; rather, doing so simply is constitutive of communicative reason. On Habermas's terms, there is no epistemological issue how we can know that principle (D) is justified, or that the consequences of adherence to principle (D) are preferable to the consequences of not doing so.[45] The point is that though one could always *refuse* principle (D), one could

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[44]See, for instance, Foucault, ECS 18 for Foucault's misconstrual of Habermas's project.

[45]There is, however, an *ethical* question--which I will elaborate in Section 9--on the latter point.

not possibly *argue* against it, because one implicitly but unavoidably commits oneself to it in the act of entering into argumentation.[46] To refuse principle (D) is to refuse argument.

Margolis writes: "There is no reason in the world why 'the unforced force of the better argument' is anything more than a purely *local* appraisal, not transitive or universalizable over history, over conceptual discontinuity, over incommensurability, even over the least uncertainty" (RF 50-51). This could be interpreted in three ways, all of which miss Habermas's point. Firstly, if Margolis is arguing that endorsement of principle (D)--of the moral ideal that deliberation should be free from any force except that of the better argument--is historically and culturally contingent, he is right as far as that goes. For one thing, Habermas holds that the division of speech into communicative and strategic uses only occurs when "religious-metaphysical worldviews" break down with the onset of modernity--and Habermas does not suppose there to be some historical necessity to that shift. For another thing, as I noted, even we moderns can always just refuse principle (D). But the fact that that principle (D) cannot be argued against--and this is the crucial point--is not contingent; for Habermas, it is an analytic truth.

Secondly, if Margolis means that the appraisal of a particular argument as better or not is "purely local", again he is clearly right--so clearly as to make it apparent that he has

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[46]Thus it begs the question to complain, as Margolis does, that "[Habermas] believes we are rationally obliged to commit ourselves to [discourse ethics] in spite of ... the apparent success of discursive communication that neither knows nor subscribes to his universal rules" (RF 50). As a matter of semantics, one could point out that for Habermas the statement "x is an instance of discursive communication that does not subscribe to principle (D)" is analytically false; any use of language that fails to subscribe to principle (D) does not count as communication. More fundamentally, as far as Habermas is concerned, the "success" of non-communicative speech generally is only superficial; in the long run, the most important kinds of success in human activites depend upon communicative action. Whether this claim is true or not is partly an empirical question and partly an ethical question concerning the proper definition of "success", and Margolis offers neither evidence of the empirical falsehood of Habermas's claim nor an argument against Habermas's definition of "success".
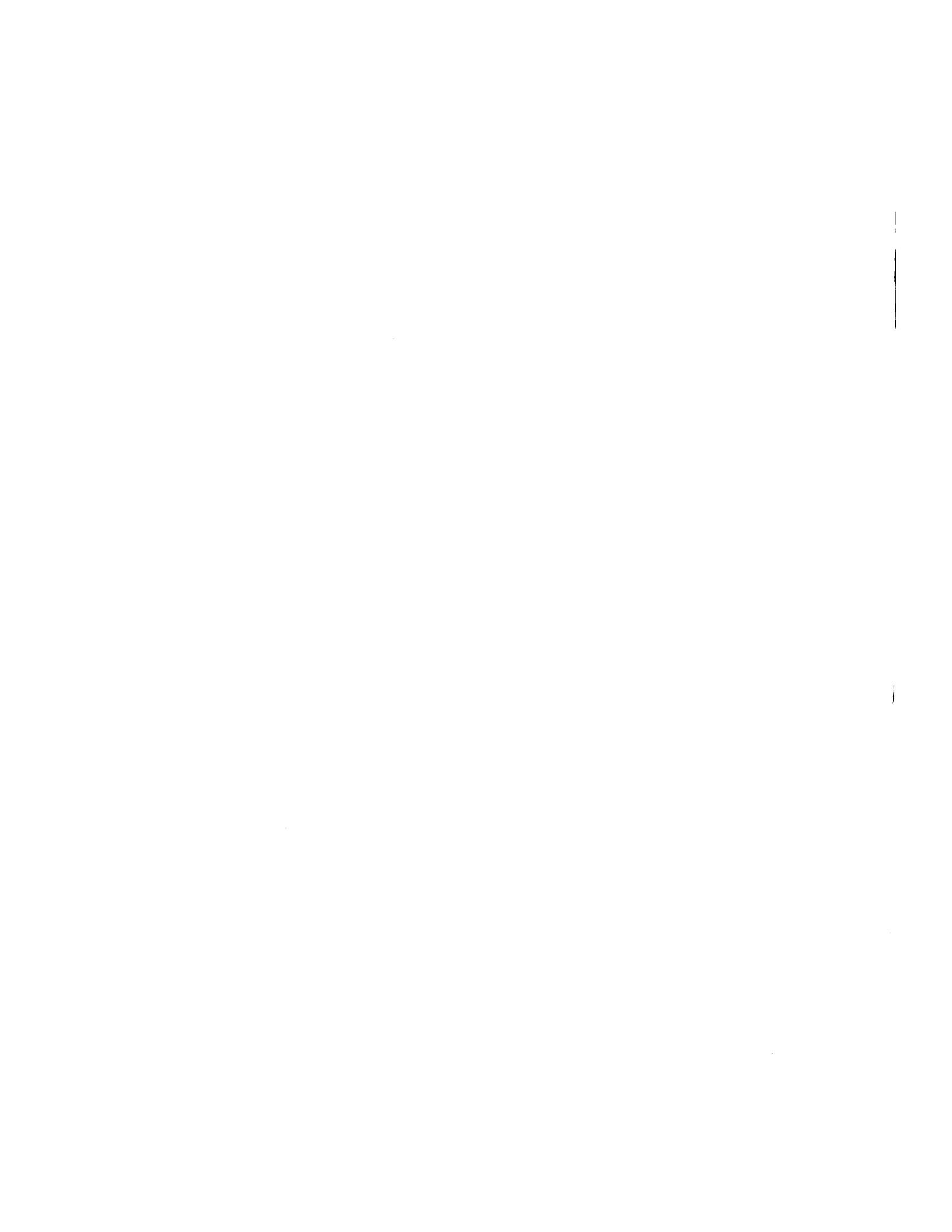
missed Habermas's point. Given a discursive (as opposed to metaphysical) conception of rationality, the standards against which arguments can rationally be measured as better or worse are always subject to the contingencies of culture and history. There is no hard and fast distinction, for Habermas, between what *is* a rational argument (or a *more* rational argument) and what people actually *take* to be a rational argument (TCA-I 18).

Finally, if Margolis means that the appraisal of particular bits of speech as communicative or strategic must be made locally, then once more he is all too obviously right. Although Habermas cautions that "[he] do[es] not want to use the terms 'strategic' and 'communicative' only to designate two analytic aspects under which the same action could be described" (TCA-I 286), the same words can be put to either strategic or communicative use: what is important is "whether the participants adopt either a success-oriented attitude or one oriented to reaching understanding" (TCA-I 286). The appraisal of interlocutors' attitudes is made on the basis of "the intuitive knowledge of the participants themselves" (TCA-I 286), and that intuitive knowledge is culturally and historically contingent. Habermas's moral formula is not supposed to tell one, in any particular circumstance, whether a particular action is sufficient to the criterion of the unforced force of the better argument. A moral principle, for Habermas, cannot be the sole normative standard against which an action is judged. In any judgment, ethical values must also come into play. As Habermas writes, "Moral philosophy does not have privileged access to particular moral truths" (MCC 211). The task of moral theory, according to Habermas, is simply "to clarify the universal core of our moral intuitions and thereby to refute value skepticism. What it cannot do is make any kind of substantive contribution. By singling out a procedure for decision making, it seeks to make room for

those involved, who must then find answers on their own"[47]--with the guidance of the ethical values they have inherited or elaborated for themselves--"to the moral-practical issues that come at them, or are imposed upon them" (MCC 211).

The principles of discourse ethics are no different in this respect from classic moral principles like Kant's categorical imperative or the principle of utility. To say that we should treat others as ends-in-themselves and not merely as means is to say nothing about what it *is* to treat someone as an end-in-him-or-herself in any particular situation; to say that we should act so as to achieve the greatest happiness of the greatest number is to say nothing about what happiness is or how to achieve it. But this is no argument against the validity of Kantian and utilitarian moral principles, any more than it would be an argument against the validity of a mathematical formula to point out that it cannot provide answers to particular mathematical problems unless the relevant values are substituted for its variables.[48]

Margolis writes: "It is hard to believe (but it is nevertheless true) that Habermas relies entirely on the sweet liberal optimism with which he views ordinary communicative intent" (RF 49). This reproach is predicated on a misapprehension of the nature of Habermas's project and the role played in it by the idea of communicative action. Margolis is concerned that even genuinely communicative action can fail to "escape the more subtle forms of bias and self-deception" (RF 49). Of course this is true, but what is

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[47]By "singling out a procedure" Habermas means merely that discourse ethics limits the choice of valid decision making procedures to those which take into account the wishes of everyone affected; the concrete form that such procedures take cannot be deduced from discourse ethics.

[48]An anecdote reported by Charles Babbage, inventor of the "analytic engine", is to the point here: "On two occasions I have been asked [by Members of Parliament], 'Pray, Mr. Babbage, if you put into the machine wrong figures, will the right answers come out?' I am not able rightly to apprehend the kind of confusion of ideas that could provoke such a question."

the alternative? In genuine communication we can attempt to work out our biases and overcome our self-deceptions; when we lapse into strategic uses of language, bias is taken for granted and deception is just another tool for persuasion. It is probably the case that art is more effective than communicative action for revealing particular hidden prejudices and jolting us out of particular false self-images--but these effects are achieved through a clash of perspectives rather than through the shared search for the truth, characterized by respect for every competing view and rejection of bias, which is the hallmark of communicative action. The perspective-altering effect of art allows us to overcome biases which we otherwise might not even have known we had--an effect which is amenable to Habermas's scheme--but only in communicative action can we make a conscious effort to overcome bias in general.[49]

There is one other faulty assumption which I think underlies Margolis's criticism of Habermas, and which is responsible for the unwarranted imputation of a certain kind of utopianism to Habermas's project. That assumption is that discourse ethics is supposed to fill exactly the role that Kant's categorical imperative is designed to play, that it is supposed to tell one what one must do at all times. If this were the case, then indeed Habermas's project would be a utopian one, seeking a state of affairs--one in which language was never used strategically--which could not possibly be achieved. But the

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[49]I think that Habermas is better able to accomodate the ethical force of art than, for instance, Rorty makes him out to be when he writes: "Habermas's classification leads him to take literature as a matter of 'adequacy of the expression of feeling' and literary criticism as a matter of 'judgments of taste.' These notions simply do not do justice to the role which novels, in particular, have come to play in the reform of social institutions, in the moral education of the young, and in forming the self-image of the intellectual" (CIS 142n). For Habermas, the "prototypical case" of "arguments that serve to justify standards of value" is that of "aesthetic criticism"--which includes the works of artists as well as those of critics: "a work [of art] validated through aesthetic experience can ... take the place of an argument and promote the acceptance of precisely those standards according to which it counts as an authentic work" (TCA-I 20).

strictures of discourse ethics, unlike those of the categorical imperative, are not supposed to be binding on every human action. One is only bound by discourse ethics when one is already involved in communicative action. Habermas does not demand that everyone maintain at all times a communicative rather than strategic attitude. There are certain activities--such as those of the artist and the psychotherapist--regarded by Habermas as legitimate, but for which strategic attitudes are necessary. Habermas does not long for the ideal society in which strategic attitudes are eradicated. He is aware that no such society could exist. As Habermas writes: "as individuals we can at any time decide to manipulate others, or to act in an openly strategic manner." The point is that "not everyone could behave in this way at any time" (PF 102).

Habermas appeals to the classic Kantian example of lying: it cannot become normal to lie, because it would then be impossible not only to communicate but even to pretend to communicate--to lie--at all. For Habermas, however, the implications of the example are different. To lie, or to otherwise speak strategically, differs from attempting at the same time to argue and to deny principle (D), in this respect: lying is self-*undermining* but not self-*defeating*, in the sense that "undermining" is something that happens over some period of time, whereas "defeat" is an instantaneous event. In the long run, persistent lying will destroy one's ability to lie, but that ability is not destroyed by the very act of lying. The fact that one could not will the maxim of one's action in speaking strategically to be a universal law does not entail, for Habermas, that one ought never to do so. What it does mean is that we ought to endeavour to make sure that strategic speech is not universalized, that limits are placed on strategic speech, and especially that strategic speech does not "colonize" those facets of human activity to which communicative speech is essential. Speaking strategically does not involve a performative contradiction, because only communicative speech acts admit of performative contradiction. To commit a

performative contradiction is to assert a proposition which is negated by the singular act of asserting it; one must mean what one says for the meaning of one's words to be contradicted by the very act of asserting them. Thus it is not the singular act but the established habit of speaking strategically which negates one's ability to do so. If one establishes (in one's practice and in the minds of those with whom one speaks) the habit of speaking with a strategic rather than communicative intent, one will defeat one's ability even to achieve strategic ends in speaking, because interlocutors will learn to examine one's speech acts not in order to *understand* them but in order to *explain* the strategic ends motivating them. The power of discourse, its ability to govern people's behaviour, is subordinate to its ability to be understood--which is in turn contingent on whether one is inclined to regard it as an object suitable for understanding rather than explanation.

One troublesome point against this argument is the fact that, in Western societies, politicians and advertisers (to name the two most obvious culprits) *have* established the habit of speaking with strategic rather than communicative intent, and their speech acts *are* ordinarily examined for strategic intent rather than accepted as sincere truth claims. Yet this has not undermined the ability of politicians and advertisers to achieve strategic purposes through speech. This seems to me a curious phenomenon which might be an interesting topic for social-psychological research. But the important thing as far as Habermas is concerned is the fact that, even though political discourse (that is, the discourse of politicians) does not break down, detrimental social consequences of another sort ensue. What marks those consequences as detrimental in Habermas's sight, however, is neither condition (U) nor principle (D) nor anything having directly to do with discourse ethics, with Habermas's morality: it is, rather, the specifically *ethical* values which Habermas holds.

This is the point at which Habermas's foundationalist project begins to unravel. But I wish to approach that point from another angle. For Apel, what is at stake in discourse ethics is the human "ab[ility] to think in a valid form" (IEI 46). But this--as Habermas himself recognizes--is true only so long as it is assumed that the "valid form" of thought is inextricably tied to argumentation and communication--and more basically, that it is essentially linguistic and propositional. As Habermas points out, Apel does not show that these conditions actually obtain. What Apel has shown, against the skeptic, is that anyone who enters into argumentation is thereby committed to certain principles. But "the fact remains," notes Habermas, "that what the skeptic is now forced to accept is no more than the notion that as a *participant* in a process of *argumentation* he has implicitly recognized a principle.... This argument does not go far enough to convince him in his capacity as an *actor* [in general] as well" (MCC 85). Apel's argument, in other words, maintains its force only over people engaged in argumentation; it does not show that people are under any kind of obligation to enter into or remain engaged in argumentation. Habermas continues: "Even if participants in an argumentation are forced to make substantive presuppositions ... they can still shake off this ... compulsion when they leave the field of argumentation" (MCC 86).

The Artist's Escape

This being the case, it might be argued that one line of criticism Habermas takes in the *The Philosophical Discourse of Modernity* against Foucault is off the mark. It might be argued that the charge that Foucault's critically oriented books are self-defeating and "cryptonormative" fails because Foucault does not mean to engage in argumentative discourse, and so it is a mistake to evaluate those books according to the standards of

discourse ethics. This position is in fact held by J.M. Bernstein, Dreyfus and Rabinow, and Allan Megill. Bernstein writes that "[Foucault's] books are meant to be *judged* as one would judge a work of art rather than raising a validity claim which could be vindicated by the force of better argument and outside the context of its inscription" (REL 166). As Bernstein notes, "the charge of cryptonormativism presupposes that normativity is the deriving of judgments from universal premises or procedures, and hence that the force of normative judgments is derived from the general (the Categorical Imperative, or the Utilitarian Calculus, or the Ideal Speech Situation)." However, according to Bernstein, "it is this subsumption model of the force of norms that Foucault's 'aesthetic' discourse is challenging" (REL 166). In Dreyfus and Rabinow's interpretation, "[Foucault] uses language to shift what we see as our social environment." Openly rejecting communicative action and affecting a strategic attitude, "[Foucault] positively embraces what Austin would call the perlocutionary effect of language as a means of moving us to concerted action" (WIM 115).[50] As Megill puts it, "[Foucault] wants his texts to go out into the world and, by the power of their rhetoric, to change it" (POE 184).

Habermas concedes that this route of escape exists--that Foucault's work eludes his criticism "if we change the frame of reference and no longer treat [Foucault's] discourse as philosophy or science, but as a piece of literature" (PDM 337). But this concession is tinged with bitterness. Writes Habermas: "That the self-referential critique of reason"-- that is, the critique of reason which excuses itself from the strictures of rational argument and takes cover in the refuge of art (and which therefore may not deserve the name "critique" at all)--"is located everywhere and nowhere, in discourses without a place, renders it almost immune to competing interpretations" (PDM 337). In other words, the

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[50]It is curious, then, that Dreyfus and Rabinow go on to repeat Habermas's challenge, writing that Foucault "owes us a criterion of what makes one kind of danger more dangerous than another" (MFB 264).

critique of reason preempts criticism of itself by declaring the illegitimacy of critical reason. "Such discourses unsettle the institutionalized standards of fallibilism; they always allow for a final word, even when the argument is already lost" (PDM 337). A work of art does not admit of rebuttal as does a philosophical text. As Habermas writes, "unlike literary texts, one of which can only parody another, repeat it while displacing it, or comment upon it, philosophical texts can criticize one another" (PT 225).

I do not, however, think that the escape into "art" or into naked strategic action actually is a manoeuver which Foucault would have wished to use to evade criticism. On the contrary, I think that, although the evidence in Foucault's texts is equivocal, such a manoeuver is anathema to the philosophical ethos which Foucault developed, however inconsistently, over the course of his career. I will turn to an exploration of that ethos in Section 8. But even if Foucault does take cover in the refuge of art, there is still a line of attack left open to Habermas, though quite a different one: it is an ethical one, namely, that there is something ethically pernicious about blurring the line between philosophy and literature, that the monological attitude which Habermas identifies as that proper to the artist is incompatible with the dialogical attitude proper to the philosopher, that to refuse to open one's work to the criticism of, and engage in real philosophical dialogue with, one's peers is to align oneself with the forces--to which Habermas assigns responsibility for the pathologies of modern society--amassed against communicative reason.[51]

This brings us again to the point at which Habermas's foundationalist project begins to unravel. But I wish to postpone that unravelling, in order to pursue the possibility that

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[51]It is for this reason that, even while I am persuaded by Rorty's argument that no hard and fast distinction between fact and fiction is possible, I think that a distinction (which, of course, can only be a contingent and shifting one) between factual and fictional discourse, between philosophy and literature, must be maintained: not for metaphysical reasons, but for ethical and political ones.

there are in Foucault's work the traces of a genuine morality which is sufficient to answer the Habermasian challenge on its own terms.

8. FOUCAULT'S MORAL GESTURES

James Miller relates that Habermas once put his challenge directly to Foucault, asking Foucault why he refused to give a philosophical account of the normative foundations of his critique--and that "[Habermas] was surprised at Foucault's response." According to Miller, Foucault replied to Habermas: "'Look, [the issue of normative foundations] is a question I'm thinking about just now. And you will have to decide, when I finish my History of Sexuality, how I will come out'" (PMF 339). The History of Sexuality, of course, was never finished. But in his final essays and interviews, Foucault does give some indication of the direction of his thoughts concerning the normative foundations--if, indeed, there were to be any--of his critique.

Foucault's concern with the foundations of his own critique did not arise only in his late work. In "Two Lectures", the text in which Foucault summarizes the political themes of his "genealogical" period, he writes: "when today one wants to object in some way to the disciplines and all the effects of power and knowledge that are linked to them, what ... one does [is] precisely [to] appeal to the canon of right" (TL 108). He calls this strategy a "blind alley": "If one wants to ... struggle against disciplines and disciplinary power, it is not towards the ancient right of sovereignty"--that is, the right of the individual to be free from the repressive power of the sovereign--"that one should turn, but towards the possibility of a new form of right, one which must indeed be anti-disciplinary, but at the same time liberated from the principle of sovereignty" (TL 108). What this "new form of right" might look like, Foucault in that text gives no indication.

On other occasions, he is somewhat less reticent. When asked in a late interview whether he sees any value in the Habermasian moral idea of consensus, Foucault's

response, despite his oft-stated reservations about Habermas's discourse ethics, is cautiously affirmative: "[consensuality] is perhaps a critical idea to maintain at all times: to ask oneself what proportion of nonconsensuality is implied in [a particular] power relation, and whether that degree of nonconsensuality is necessary or not.... The farthest I would go is to say that perhaps one must not be for consensuality, but one must be against nonconsensuality" (PEI 379). James Johnson, meanwhile, goes so far as to argue that, at least since *Discipline and Punish*, Foucault actually has been committed, however implicitly, to something very much like Habermas's discourse ethics: "What Foucault seems to argue [in *Discipline and Punish*] is that disciplinary power is *normatively objectionable* precisely *because* ... it obliterates the sorts of extant communicative relation that, potentially at least, could promote social relations characterized by equality, symmetry, and reciprocity" (CCP 572). According to Johnson, "Foucault portrays power relations as objectionable because they subvert relations of communication, relations of the sort that--if more fully specified--might sustain the vision of political agency that is implicit in ... dialogical ethics" (CCP 572).

Johnson calls his interpretation of Foucault "unfashionable", and, on the face of it, it appears to be a rather dubious one. It is much easier to read Foucault as if, for him, communicative action is just another kind of strategic action--a position which leaves no room for discourse ethics. But Foucault, commenting on Habermas's distinction between communicative and strategic action, says something which lends credibility to Johnson's argument (and which might surprise Habermas): "It is necessary to distinguish power relations from relationships of communication.... No doubt communicating is always a certain way of acting upon another person or persons. But the production and circulation of elements of meaning can have as their objective or as their consequence certain results in the realm of power; the latter are not simply an aspect of the former" (SP 217).

Thus Foucault does not--or anyway, he says he does not--reduce communication to power. But here the problem of cryptonormativism comes into play again, as Foucault continues: "Relationships of communication imply finalized activities ... and by virtue of the modifying [sic] the field of information between partners, produce effects of power" (SP 218). Elsewhere, but during the same period, Foucault tells another interviewer that "the idea of a consensual politics may indeed at a given moment serve either as a regulatory principle, or better yet as [a] critical principle with respect to other political forms; but I do not believe that that liquidates the problem of the power relation" (PEI 378). This is a direct rebuttal to Habermas, for whom "freely" achieved consensus and power are mutually exclusive. For Foucault, on the other hand, "the thought that there could be a state of communication which would be such that the games of truth could circulate freely, without obstacles, without constraint and without coercive effects, [is] Utopia" (ECS 18). No consensus can be achieved without the exercise of power; the field in which one can convince another to adopt one's position, or in which compromise can be achieved, is constituted by power relations which determine the currency of different kinds of discourse. Foucault writes: "in human relations, whatever they are--whether it be a question of communicating verbally ... or a question of a love relationship, an institutional or economic relationship--power is always present: I mean the relationships in which one wishes to direct the behavior of another" (ECS 11). Thus while the ideal of consensuality might serve as a principle for Foucault--a principle like those suggested by May, which is to say rather more a rule of thumb--it cannot serve as the normative foundation of Foucault's political critique.

The closest that Foucault comes to specifying a genuine normative foundation for critique is his identification of freedom as "the ontological condition of ethics" (ECS 4). Michael Kelly takes this to be a sufficient answer to the Habermasian challenge. Kelly,

noting Foucault's stipulation that "power is exercised only over free subjects and only insofar as they are free" (SP 221), writes:

> contrary to Habermas's claims, this presupposition of freedom is, first of all, not undermined by power, since power implies resistance which implies freedom; second, freedom is not "crypto" [i.e. Foucault is not guilty of "cryptonormativism"], for Foucault explicitly understands it as "the ontological condition of ethics"; third, it is justified, not merely as a mode of power, but as a constitutive feature of modernity [by which Kelly seems to mean that for Foucault, freedom is an inescapable ideal for us moderns]. (FHS 382)

None of these points (which Kelly does not expand upon) seem to me entirely satisfactory. While it is true that, for Foucault, the exercise of power implies the existence of freedom, Foucault never provides an account of the nature of freedom nor of its possibility. Freedom of the Kantian kind--the freedom of an originary subject unencumbered by external constraints--is a non-starter for Foucault.[52] As Gilles Deleuze puts it, there is for Foucault no *interiority* to subjectivity, no space inside it truly and wholly its own which could be the font of absolute autonomy; the subject is composed through the "enfolding" of the forces brought to bear upon the body (FOU 94-123).

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[52]Ian Hacking makes the intriguing suggestion that Foucault's conception of freedom in fact is much like Kant's, in that, for both, "freedom [is] something that is necessarily outside the province of knowledge"; for both, "there is nothing to be said about freedom, except that within its space we construct our ethics and our lives" (SI 239). The difference, however, is that Kant posits freedom as not only a necessary precondition to morality but a metaphysically necessary constituent of subjectivity. Hacking concludes (in a passage cited with approval by Kelly) that "those who criticize Foucault for not giving us a place to stand might start their critique with Kant"--which would be a devastating rebuttal to Habermas were it not for the fact that Habermas, following Apel, *does* start his critique with Kant, noting that "where he does not simply appeal to a 'fact of reason,' Kant bases his justification of the categorical imperative on the substantive normative concepts of autonomy and free will; by doing so he makes himself vulnerable to the objection that he has committed a *petitio principii*" (MCC 78). For his part, Apel contends that Kant's moral theory founders on the third horn of his trilemma. As far as Apel and Habermas are concerned, even Kant's normative foundations are suspect.

Indeed, the most emphatic conclusion of *Discipline and Punish* and the first volume of the *History of Sexuality* is that actions which appear to be and are experienced as free are in fact subject to the microphysics of power--because what we are, and hence the kind of action we are capable of, is determined by relations of power. Hence, even though Allen is right to dismiss the idea that this "make[s] [individuals'] circumstantially determined individuality less interesting to them or their unconsciously circumscribed choices less real" (FMP 4), for Foucault to invoke freedom as his foundational moral value would be, to say the least, problematic. Once again, one must keep in view the real point of Habermas's charge of "cryptonormatvism", which is not that Foucault's principles are hidden--for they certainly are not--but that, by virtue of his doctrines on power and subjectivation, he cannot support them with a coherent argument.

Foucault writes that "the important question ... is ... whether the system of constraints in which a society functions leaves individuals the liberty to transform the system" (SCS 294). Domination, he suggests, exists "when an individual or a social group manages to block a field of relations of power, to render them impassive and invariable and to prevent all reversibility of movement" (ECS 3). States of domination are defined by an absence of freedom.[53] But what, for Foucault, defines freedom? How is freedom possible for us? Foucault does not and cannot answer these questions; and so his invocation of freedom as a moral value is bound to remain cryptonormative, as far as Habermas is concerned.

There is another problem with positing freedom as the normative foundation of critique, a problem which is even more basic. Foucault asks: "what is morality, if not the

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[53]It should be noted, however, that states of domination--that is, asymmetrical power relationships--might be described in terms of inequality (as, for instance, Caputo and Yount do (IIN 10)) as easily as in terms of lack of freedom. Arguably this is another way in which Foucault subverts dichotomies like Oakeshott's.

... deliberate practice of liberty?" (ECS 4). But this, of course, does not go very far toward defining morality, nor does it show that liberty is valuable in itself, let alone that an imperative to preserve and enhance liberty could serve as the normative foundation of critique. Liberty is indeed a necessary precondition of moral action--morality only comes into play where one is faced with a free choice between different courses of action--but so are a lot of other things. To act morally is to make the *right choice*, and to act immorally, to make the wrong choice; the more choices one can make for oneself, the more opportunities one has to behave morally (or immorally). But there is nothing about the fact that freedom is the necessary *precondition* of morally valuable action to entail that freedom itself is unconditionally morally valuable: the freedom to be moral is also the freedom to be immoral. Freedom is only as good as the use to which it is put. Life itself is also a necessary precondition to morality, but that obviously does not make life unconditionally valuable. As long as the question "what makes freedom a good thing?" remains open--and it always is an open question--an imperative to preserve and enhance freedom cannot serve as the normative foundation of critique.

The imperative to freedom cannot be construed as a moral one for Foucault, but it is an ethical one--and it is indeed the fundamental ethical imperative in his thought. It is an imperative not to *achieve* freedom but to *exercise* it wherever and in whatever form one may find it; like power, freedom for Foucault is not a thing which one can possess: "The problem is not of trying to dissolve [power relations] in the utopia of a perfectly transparent communication"--or in any other version of the realm of freedom, where one just is free--"but to give one's self the rules of law, the techniques of management, and also the ethics, the *ethos*, the practice of self, which would allow ... games of power to be played with a minimum of domination" (ECS 18). Foucault does not demand, in the manner of Rousseau, that everyone be made free, that the normative reign of freedom be

imposed on everyone. Foucault's call to freedom is made not in the form of an imperative but in that of an invitation: Foucault invites us to strive as he does for freedom, whatever it may be. In the name of what? Paradoxically, in the name of truth--not the truth which Taylor insists is part of the "semantic field" of freedom (FFT 91), but a kind of truth which is nevertheless inextricably linked with freedom.

9. THE ETHICS OF FOUCAULT AND HABERMAS

The Ethics of Truth

> I believe too much in the truth not to assume that there are different truths and
> different ways of saying it. (Foucault, AE 453)

I wish to return now to the question whether Foucault escapes Habermas's criticism

by taking refuge under the cover of "literature". That question is whether Foucault means

his texts as contributions to genuinely argumentative discourse--in which one agrees to

submit oneself to the criticism of interlocutors in a shared pursuit of truth--or whether he

means to produce works of art which are immune from criticism in terms of truth and

falsehood. It is easy to take the latter view when one sees Foucault describing his works

as "experience books", suggesting that what is "essential" in them is not their possible

truth but rather "the experience which the book permits us to have" (RM 36). It is easy to

take that view when one reads Foucault's postscript to an interview stating that he has left

his responses largely unrevised, "so as to leave the propositions put forward their

problematic, intentionally uncertain character. What I have said here is not 'what I think',

but often rather what I wonder whether one couldn't think" (PAS 145). A remark like this

might be taken as an attempt to cut criticism off at the pass, announcing in advance that

one denies any responsibility to defend one's claims.

Nonetheless, I think that Norris is right when he writes that "there is nothing more

alien to Foucault's thought than the kind of ultra-relativist orthodoxy that erects its own

lack of critical and ethical resources into a quasi-universal 'postmodern condition,' [or] a

terminal indifference with regard to issues of truth and falsehood" (WIE 194). As Thomas

Flynn makes clear, if there was any overriding ethic in Foucault's later work, it was that of

the *parrhesiast*, the truth-teller. This point hardly could be more ironic given the portrait

of Foucault painted by Habermas, among many others, who imagine that Foucault finds no

value in truth per se, or that for him "the meaning of validity claims consists in the power

effects they have" (PDM 279). But I think that Flynn is right when he suggests that "if

Habermas failed to find in Foucault the unity of his theory and his practice, it is perhaps

because he overlooked the parrhesiast" (FAP 116).

Asked, in a late interview, why he does not "engage in polemics", Foucault responds

that "a whole morality is at stake, the morality that concerns the search for the truth and

the relation to the other" (PPP 381).[54] "The polemicist," according to Foucault,

> proceeds encased in a privilege that he possesses in advance and will never
> question. On principle, he possesses rights authorizing him to wage war and
> making that struggle a just undertaking; the person he confronts is not a
> partner in the search for the truth, but an adversary, an enemy who is wrong,
> who is harmful and whose very existence constitutes a threat. For him, then,
> the game does not consist of recognizing this person as a subject having the
> right to speak, but of abolishing him, as interlocutor, from any possible
> dialogue; and his final objective will be, not to come as close as possible to a
> difficult truth, but to bring about the triumpth of the just cause he has been
> manifestly upholding from the beginning. (PEI 382)

To the form of the polemic, Foucault counterposes "the serious play of questions

and answers", in which

> the rights of each person are in some sense immanent in the discussion. They
> depend only on the dialogue situation. The person asking the questions is
> merely exercising the right that has been given him: to remain unconvinced, to
> perceive a contradiction, to require more information, to emphasize different
> postulates, to point out fautly reasoning, etc. As for the person answering the

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[54]Some, no doubt, would find rather comical the proposition that Foucault does not
engage in polemics. But the consistency with which Foucault lives up to his own ethics is
not my concern here.

> questions, he too exercises a right that does not go beyond the discussion itself; by the logic of his own discourse he is tied to what he has said earlier, and by the acceptance of dialogue he is tied to the questioning of the other. Questions and answers depend on a game ... in which each of the two partners takes pains to use only the rights given him by the other and by the accepted form of dialogue. (PEI 381-382)

Polemic, Foucault continues, curiously echoing Habermas, is "a parasitic figure on discussion and an obstacle to the search for truth" (PEI 382). And the political consequences of a polemical intellectual stance--a stance from which one's linguistic engagements with others are strategic rather than communicative--are potentially disastrous: "Let us imagine," proposes Foucault, "that a magic wand is waved and one of the two adversaries in a polemic is given the ability to exercise all the power he likes over the other. One doesn't even have to imagine it: one has only to look what happened during the debates in the USSR over linguistics or genetics" (PPP 383).

Flynn reports that "the rhetorician, in Foucault's view, was the open contrary of the parrhesiast.... The characteristic link in his case was not with what he said but with the audience to whom he said it" (FAP 103). The link between the rhetorician and his or her audience is a strategic one; the rhetorician seeks to persuade rather than convince. But the parrhesiast does not achieve, nor does s/he intend to achieve, the effects (which I will elaborate below) Habermas expects to be achieved in communicative action; rather the opposite. For when understanding is achieved between parrhesiasts and their interlocutors, it does not inevitably serve to forge or maintain social solidarity, but may undermine (by exposing the truth about) the assumptions on which social solidarity is secured. Nor does that understanding foster the development and maintenance of healthy (in the sense of normal and well-adjusted) subjectivities; rather, by telling the truth about people, the parrhesiast forces them to call their self-images into question.

Foucault's late "ethical turn", including his turn to the subject of parrhesia, is taken by many commentators to mark the beginning of an entirely new project for Foucault, one which has little or nothing to do with his previous work. Leo Bersani, for one, despairs at the departure which he finds Foucault's later work to be from "Foucault's own erotically playful style as a teacher and the intellectual promises of his earlier work" (PP 19). Bersani sees the latter two volumes of *The History of Sexuality* as an abrupt and unhappy reversal:

> The move to antiquity, and the notion of history writing as an 'ascesis,' as the possibility of shedding the cultural conditions of possibility of one's own thought, are both aspects of a new kind of surrender to the very episteme which they presumably elude. The notion of history as an object of study, the view of the historian as distinct from his material, and finally, the image of the philosopher as someone capable of thinking himself out of thought: far from being premises which may allow us to move out of--or even to see critically and therefore to begin to resist--the field within which our culture diagrams our thinking, are themselves among the fundamental assumptions of Western humanistic culture. (PP 19-20)

But while Foucault only turned late in his career explicitly to study and write about parrhesia, I do not think that the ethic of the parrhesiast was something new to him at that point in his life. I think that it is a mistake to view Foucault's late "ethical" work as a radical departure from his earlier "archaeological" or "geneological" work. The introduction to *The Use of Pleasure* marks a change of direction, but it does not mark a wholesale change of philosophical attitude. To see this, one need only compare it to the introduction to *The Archaeology of Knowledge*. There Foucault writes: "Do you think that I would keep so persistently to my task, if I were not preparting ... a labyrinth into which I can venture, in which I can move my discourse, opening up underground passages, forcing it to go far from itself, finding overhangs that reduce and deform its itinerary, in which I can lose myself and appear at last to eyes that I will never have to meet again" (AK 17)? Foucault does not "turn" to the subject: his work has always been

concerned with the subject, with the ways in which subjects are constructed (which also means the way that the truth of subjectivity is told), and the possibilities that exist for escaping the self one has been made--by telling the truth about how one was made--and making something different of oneself.[55] When Foucault implores, "do not ask who I am and do not ask me to remain the same" (AK 17), one can see in embryonic form the ethic of the care of the self, the ethic which demands the refusal of what one is, the ethic of permanent skepticism which takes as its object not only the external but also the internal world.

Foucault's skeptical ethic, however, neither entails nor is motivated by a rejection of truth. To the contrary; as John Rajchman points out, "[Foucault] does not have a total skepticism because he is skeptical about totality. Thus he does not analyze knowledge, rationality, or subjectivity"--or truth--"in general. His skepticism proceeds case by case" (FFP 4). To hold the position that truths are the products of particular economies of truth, that truth is not something that simply exists on its own, is not to hold that there is no such thing as truth, nor that we ought to replace the idea of truth with some other idea. What this position does mean for Foucault, however, is that truth, like freedom, is something that must be exercised--and the exercise of truth and freedom is, for Foucault, one and the same activity--rather than achieved. "The task of speaking the truth," proclaims Foucault, "is an infinite labor" (CT 464). One can never arrive once and for all

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[55]Foucault's "reinterpretations" of his earlier work in light of his changing projects-- after *Discipline and Punish*, finding his previous work really to have been about power; around the time of the latter volumes of the History of Sexuality, finding the subject to have been his constant subject--are usually taken to be somewhat disingenuous, but I do not find them so. All of Foucault's works have a kind of grasping, searching quality; one could not say exactly what a work like *Madness and Civilization* is *about*--but indeed it seems perfectly reasonable to say that what Foucault was grasping toward in that book, though he did not yet know it, was an account of how subjects are constructed by discourses of truth and apparatuses of power relations.

at the truth about anything, because there is always truth yet to be told about that truth, the truth about the production of that truth. And so with freedom: the moment when freedom is thought to have been achieved is the moment when freedom vanishes, because at that moment one stops searching for the truth about the constraints which are the conditions of that freedom's possibility. Rorty's distinction between "truth" and "truthfulness" is to the point here: "Truth is eternal and enduring," writes Rorty, "but it is hard to be sure when you have it. Truthfulness, like freedom, is temporal, contingent, and fragile. But we can recognize both when we have them. Indeed, the freedom we prize most is the freedom to be honest with one another and not be punished for it" (PAF 205). On this, at least, Rorty and Foucault are in agreement.

According to Foucault, "the essential political problem for the intellectual is ... that of ascertaining the possibility of constituting a new politics of truth" (TP 133)--not a politics *divorced* from truth, but a politics based on a different relationship to truth, one which takes the telling of truth, including the truth about the production of truths, as a never-ending task. But why should the intellectual take this as his or her problem? Why should the philosopher "endeavor to know how and to what extent it might be possible to think differently"--which is, for Foucault, what it means to *exercise* the truth, to take truth-telling as a *never-ending* task rather than one with a Platonic teleology--"instead of legitimating what is already known" (UP 9)? For Habermas, after all, it is precisely legitimation--arriving at the truth (at least as far as morality is concerned) and nailing it down rather than exercising it--which is the task of the philosopher. The answer to this question has to do with Foucault's philosophical ethos--the conception of philosophical activity which he derives from his own experience as a situated subject.

Foucault's Philosophical Ethos

> To live alone one must be a beast or a god, says Aristotle. Leaving out the
> third case: one must be both--a philosopher. (Nietzsche, PN 467)

Foucault announces that "the intellectual no longer has to play the role of an advisor. The project, tactics and goals to be adopted are a matter for those who do the fighting" (BP 62). This attitude is the product of a certain time and place--that is, the France of the late '60s to mid-'70s, when it was possible to think that something like a revolutionary consciousness was developing among the variously subjugated elements of society. Indeed it did seem that way to Foucault, who lauded "the efficacy of dispersed and discontinuous offensives" undertaken, without benefit of "any systematic principles of coordination" that might be offered by general intellectuals, during that period (TL 80). In such a time, it may well be that the proper thing for the politically engaged intellectual to do is to step back and allow those in whose cause s/he is enlisted to chart their own course. When the difference is clear between justice and injustice, when one is faced with a confrontation between those whom one inescapably finds to be in the right and the forces by which they are wronged, to fail to act--to stop, to detach oneself and ask by what *standard* one is entitled to make the judgments one cannot help but make, seeking a foundation for the legitimacy of action against that which one cannot help but find reprehensible-- is surely symptomatic of some kind of intellectualist disease.

But is such a view appropriate to more ambiguous times, when people are less sure where injustice is and what to do about it, when people are immobolized by uncertainty? On the question of what should be *done* about prisons, for instance--a question on which there is much uncertainty among those uneasy with the prison system--Foucault is always evasive. In fact, he takes as a sign of the success of *Discipline and Punish* that it has a

"paralyzing" effect on people who work in and around prisons and who are in a position to do something about them. Foucault writes that those people "are not likely to find advice or instructions in my books that tell them 'what is to be done.' But my project is precisely to bring it about that they 'no longer know what to do,' so that the acts, gestures, discourses which up until then had seemed to go without saying become problematic, difficult, dangerous" (IP 284). How is this helpful to anyone?

It is not helpful to those responsible for the prisons--but this is what makes it all the more helpful to the prisoners. Foucault does not want to issue one more prescription for what to do about--or what to do to--the prisoners, one more scheme in which prisoners are the *object*. Foucault is not interested in reforming the prison, but that is not to say that he is not interested in prison reform. "If prisons and punitive mechanisms are transformed," he writes, "it won't be because a plan of reform has found its way into the heads of the social workers; it will be when those who have to do with that penal reality ... have come into collision with each other and with themselves, run into dead ends, problems and impossibilities, been through conflicts and confrontations" (IP 284-285).

Rorty claims that "[Foucault's] own efforts at social reform (e.g. of prisons) seem to have no connection with his exhibition of the way in which the 'humane' approach to penal reform tied in with the needs of the modern state" (EHO 173). This is far from Foucault's own view of the relation between his philosophical work and his political practice regarding prisons; more than once, he claims that prisoners read and were moved to certain kinds of action by *Discipline and Punish*. But it is understandable given the opposite attitudes taken by Rorty (as well as Habermas) and Foucault toward political activity and the role to be played by the philosopher in relation to that activity. For liberals like Rorty, politics is largely a matter of deciding what *we*--we liberals, we members of a liberal society--ought to do together. One of the decisions which *we* always

have to make is what to do about *them*. For Rorty, the liberal *intensions* of the "we" have been mostly decided and are no longer supposed to be open for debate. Rorty's ideal citizens "would feel no more need to answer the questions '*Why* are you a liberal? Why do you *care* about the humiliation of strangers?' than the average sixteenth-century Christian felt to answer the question 'Why are you a Christian?' or that most people nowadays feel to answer the question 'Are you saved?'" (CIS 87). What the defenders of liberalism ought to do, according to Rorty, is not to provide answers to questions whether liberalism is a good thing, but rather to make the questions themselves look absurd.[56] They ought to strive for a state of affairs where questions about the ethos of their society, about its self-conception and the goals it ought to seek, are no longer open. Rorty hopes for a perpetual increase in the *extension* of the liberal "we" (and a concomitant decrease in the extension of its opposite "them"), but prohibits that increase from effecting any change in the essential constitution of the "we". For a Foucauldian politics, on the other hand, it is precisely the constitution of the central "we" and its various "them"s that is at issue. The questions whether, or under what terms, one ought to situate oneself politically as a member of the central "we", or whether one ought to strive for the formation of a new, differently constituted "we" among those excluded from the central "we", are always open.[57] To Rorty's complaint that there is no "we"--which is to say, no consideration of the Rortyan liberal "we"--in his work, Foucault responds that

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[56]Indeed it may be the case that no thoughtful person would dispute the desirability of making the question "Why do you care about the humiliation of strangers?" look absurd. But Rorty fudges the issue by framing the point this way. To be a liberal, for Rorty, is not just to care about the humiliation of others--it is to take the humiliation of others as one's *only* political concern. To have any political goals other than avoiding the humiliation of others is to be something less than fully liberal; to value any goal more highly than that one is not to be a liberal at all.

[57]It should be kept in mind, when I oppose a "central 'we'" to groups of people excluded from that "we", that any individual may be situated on both sides of that divide,

the problem is, precisely, to decide if it is actually suitable to place oneself within a 'we' in order to assert the principles one recognizes and the values one accepts; or if it is not, rather, necessary to make the future formation of a 'we' possible.... Because it seems to me that the 'we' must not be previous to the question; it can only be the result--and the necessarily temporary result--of the question as it is posed in the new terms in which one formulates it. (PPP 385)[58]

In Rorty's utopia, everyone is to be included in the liberal "we". This, of course, is unachievable (which is not in itself to say that it is not a worthy goal). There will always be some who resist inclusion, among them the subjects of liberalism's two most basic exclusions: the psychiatric and the penal. For Rorty, these people who find themselves outside the liberal "we" have no political role to play. Politics is often about them-- political questions are often a questions of what we should do about them--but it does not involve them. Those whose voices Foucault endeavours to make heard, Rorty dismisses as being unable to speak: "victims of cruelty, people who are suffering, do not have much in the way of a language. That is why there is no such things as the 'voice of the oppressed' or the 'language of the victims.' The language the victims once used is not working anymore, and they are suffering too much to put new words together" (CIS 94). For Rorty, Foucauldian genealogy lacks an object; there are no such things as "subjugated knowledges" (CIS 65). So, as far as Rorty is concerned, "the job of putting [the] situation

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not only in different contexts pertaining to different political issues, but even in the same context. As Foucault writes: "Who fights against whom? We all fight each other. And there is always within each of us something that fights something else" (CF 208).

[58]To this, Rorty responds: "This [i.e. the question whether it is necessary to form a different 'we'] is, indeed, the problem. But I disagree with Foucault about whether in fact it is necessary to form a new 'we.' My principal disagreement with him is precisely over whether 'we liberals' is or is not good enough" (CIS 64). This disagreement seems to me to hinge on the fact that for Rorty the question is whether "we liberals" is or is not good enough for us liberals, for all of us (i.e. all of us who *count* in a liberal community), whereas for Foucault the question is whether it is good enough for those outside of that "we".

[of the oppressed] into language is going to have to be done for them by somebody else" (CIS 94). We have to do something about them because they can do nothing for themselves--at least, nothing which we will find acceptable.

For Rorty, what is of paramount political importance is that "we" all get along as much as possible, that a wide-based social solidarity is maintained. A Rortyan political thinker, therefore, must ask herself or himself: "What problems do we all face, and how can we go about confronting them together?" A Foucauldian political thinker, on the other hand, asks herself or himself: "What is it about the present political order that makes it intolerable to me, and what can I do about it?" For Rorty, one is first a member of a society, and the kind of political action one takes should fall out of the problems facing that society. Thus Rorty takes Foucault to task for "forbid[ding] himself the tone of the liberal sort of thinker who says to his fellow-citizens: '*We* know that there must be a better way to do things than this; let us look for it together'" (EHO 174).[59] Foucault introduces the possibility that one might conceive oneself first an ethical subject with a certain disposition to political action, and the kind of communities in which one finds oneself will be a consequence of the political actions in which one engages.

Obviously, this is not to say that Foucault should be lumped with those liberals whom Taylor labels "atomists". Nothing could be more foreign to Foucault than the idea that individual subjects are ontologically prior to the social forces in which they are immersed (or, as the case may be, from which they emerge). Nor, as is indicated by Foucault's comments on the principle of "de-individualization" which he finds in *Anti-Oedipus* (PAO xiv), does Foucault advocate anything like a methodological (as opposed

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[59]Walzer issues a similar complaint: "one can't ... be downcast, angry, grim, indignant, sullen, or embittered with reason unless one inhabits some social setting and adopts, however tentatively and critically, its codes and categories. Or unless ... one constructs a new setting and proposes new codes and categories" (PMF 67).

to ontological) individualism. Finally, as I argued in section 4, Foucault does not subscribe to a political individualism which takes as its first mandate the liberation of individuals from authority. If Foucault is an individualist at all, he is an *ethical* individualist, in a very narrow sense. Not in the sense of Oakeshott's traditional liberals, in which the ethos of individuality is also a "moral disposition"--a disposition manifested politically by the drive to impose a morality of individualism on everyone--but in the sense that Foucault's own self-conception--at least as a philosopher--is unavoidably individualist. Foucault sees himself as an individual, as someone detached from society: as someone who is, if not outside his own society, then at least at its outer limit.[60] And this, for Foucault, is the self-conception, the ethos, proper to philosophy.

As Graham Burchell comments, the "motivating experience" behind Foucault's work seems to be that "of not being a citizen of the community or republic of thought and action in which one nevertheless is unavoidably implicated or involved. It is the experience of being in a goldfish bowl in which one is obliged to live but in which it seems impossible to live" (LGT 30). This is what lies behind Foucault's claim that "the role of an intellectual is not to tell others what they must do" (CT 462). "By what right would he do so?" (CT 462) asks Foucault. As a response to a complaint like Rorty's, one could argue that this misses the point. Rorty requires the intellectual not to tell *others* what they must do but, as one of *us*, to help us decide what *we* should do. Rorty's assumption is that the intellectual is part of a society, that the society is not *other* to the intellectual. But that is

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[60]Foucault writes: "[The] philosophical ethos may be characterized as a limit-attitude. We are not talking about a gesture of rejection. We have to move beyond the outside-inside alternative; we have to be at the frontiers" (WIE 45). What he means here is that the philosopher cannot situate himself outside society in the sense that his or her projects do not engage the practical concerns of society.

not Foucault's attitude; that is not how he sees himself. To say that he *should* see himself that way is pointless.[61]

This is why, as Rajchman writes, "Foucault is the great skeptic of our times" (FFP 2). It is why "[Foucault's skepticism] has no end", why "it is a permanent questioning" (FFP 4). It is why Foucault is disinclined to affirm principles and foundations, averse to universalist grand theory. To Chomsky's proposal that philosophy ought to deduce better forms of political organization from a conception of human nature, Foucault responds with the following question: "doesn't one risk defining ... human nature ... in terms borrowed from our society, from our civilization, from our culture?" (RW 173-174). For Rorty, who happily avows his ethnocentricity, the only problem with this is the fact that it reifies the terms borrowed from our society as a thing called "human nature": deducing the proper form of political organization from those terms (which, as is Foucault's point to Chomsky, inevitably will resemble the one we already have) is exactly what Rorty thinks political philosophers must do. Foucault, however, does not situate himself in "our society". He recognizes that his terms are not everyone's. That is why Foucault refuses to prescribe solutions that will solve everyone's problems, to affirm principles which will identify the problems "we" face. He feels he has no right to do so, because he is not one of "us", and does not wish to do "us" the violence of subjecting "us" to his ethics--of positing moral imperatives to the effect that "we" ought to become more like him.

This is also why Foucault cannot subscribe to Habermas's discursive theory of rationality, which is presupposed by discourse ethics. Outlining that theory at the beginning of the *Theory of Communicative Action*, Habermas writes: "assertions and goal-directed actions are the more rational the better the claim (to propositional truth or to

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[61]This is what Taylor seems to do when he claims hyperbolically that Foucault affects to "take the outsider's perspective, the view from Sirius" (FFT 98).

efficiency) that is connected with them can be defended against criticism" (TCA-I 9). Defended to whom? Habermas continues: "An assertion can be called rational only if the speaker satisfies the conditions necessary to achieve the illocutionary goal of reaching an understanding about something in the world with at least one other participant in communication" (TCA-I 11). Perhaps this condition--that one need be able to defend one's claim to only one other participant in communication--does not seem overly restrictive. But a little further on, the conditions are tightened: "Anyone who is so privatistic in his attitudes and evaluations that they cannot be explained and rendered plausible by appeal to standards of evaluation is not behaving rationally" (TCA-I 17). *Whose* standards of evaluation? At this point, Habermas must revert to the Rortyan ethnocentric "we". Habermas writes: "If ... [actors] use evaluative standards in such a peculiar way that they can no longer count on a *culturally established* understanding, they are behaving idiosyncratically" [emphasis added]--that is, not rationally. For Habermas, rationality is contingent on access to the culturally established understandings the acceptance of which qualifies one as a member of the central "we" in a given polity. To place oneself outside that "we" is to risk irrationality.

Not all idiosyncratic, non-rational actions are vicious, according to Habermas: "among such private evaluations there may be some whcih have an innovative character. These are distinguished by their authentic expression (for example, by the conspicuous aesthetic form of a work of art)" (TCA-I 17). Still, most idiosyncratic expressions do not qualify as art: "their semantic content is not set free by the power of poetic speech or creative construction and thus has a merely privatistic character" (TCA-I 17). Such expressions, Habermas continues, can be "harmless whims"--or they can be "clinically noteworthy symptoms". One might wonder who is to decide which expressions should count as art, which as whims, which as symptoms of insanity; one might wonder all the

more when Habermas writes that "someone who explains his libidinous reaction to rotten apples by referring to the 'infatuating,' 'unfathomable,' 'vertigionous' smell, or who explains his panicked reaction to open spaces by their 'crippling,' 'leaden,' 'sucking' emptiness, will scarcely meet with understanding in the *everyday* contexts of most cultures" (TCA-I 17). One might suggest that Habermas's examples of the lover of rotten apples and the agoraphobic indicate nothing so much as Habermas's lack of imagination (and it might also be added that the agoraphobic will scarcely fail to meet with understanding when conversing with other agoraphobics, or perhaps even when conversing with many other kinds of individuals held to be importantly "idiosyncratic" by the central "we"). But the central "we" can never have an infinte resource of imagination--and for those who suffer for the necessary finitude of that resource, the Rortyan liberal exhortation to perpetually expand it is of little solace.

It is crucial to realize that Rorty's ethnocentric "we" is also Habermas's--that when Habermas formulates principle (D) such that valid norms must be capable of being approved by "all affected in their capacity *as participants in practical discourse*" (MCC 66), that "all" does not and cannot encompass every human being. Because not everyone can be a participant in practical discourse--because "we" cannot recognize everyone as having a perspective that can be considered rational within the limits of "our" discourse-- there always will be "idiosyncratic" individuals situated outside Habermas's moral universe, who cannot warrant consideration as moral agents and whose views must be considered politically irrelevant when it comes to deciding what "we" should do. Habermas writes: "We do not respect someone ... because he impresses or because he is worthy of esteem in some way or other--or even because he is a good person or lives a good life--but because he is, and by his conduct shows himself to be, fundamentally capable of being a 'member of a community,' that is, capable of observing norms of

communal life *as such*" (JA 45-46). This is true, no doubt, and necessarily so; it could not be argued that the central "we" should respect the views of people lacking that capability. It could not function otherwise. And it follows from this that for Habermas as for Rorty, "we" do not respect a political critic, either, unless s/he shows that s/he is committed to observing "our" norms of communal life as such--and "we" admire a critic to the extent that s/he is committed to improving "our" communal life.

It is no doubt true (in fact, nearly trivially so) that, as Colin Gordon suggests, "some degree of explicit adhesion to a more universal principle of collective identity (or equivalent set of collective values) may be a necessary precondition for some forms of effective political action within a democratic state" (FIB 268). Indeed, Foucault acknowledges that "it is necessary to clear the way for a transformation, a metamorphosis which isn't simply individual but which has a character accessible to others: that is, [one's own political] experience must be linkable, to a certain extent, to a collective practice" (ROM 38-39). But the difference between Foucault and liberals like Rorty and Habermas is that for Foucault that "collective practice" might develop outside and in opposition to the central "we", while Habermas and Rorty require the political critic to adhere to the collective identity of *"all of us"*--of just those citizens capable of recognition by their polity's central "we" as a moral agent with a politically important point of view.

The Philosopher vs. The Citizen

Connolly pursues something like Foucault's line of attack against a Chomskian deduction of politics from human nature when he writes that moral foundationalism "too often reflect[s] a transcendental egoism.... [It] is egoistic because it silently takes its own fundamental identity to be the source that must guide moral life in general; it is

transcendental because it insists that its identity is anchored in an intrinsic Purpose or Law or potential consensus that can be known to be true" (BGE 368). In Habermas's terms, this is what happens when one projects one's ethics into one's moral thinking, when one attempts to impose one's aspirations for oneself and one's community onto humanity as a whole. Habermas, of course, is just as opposed as Foucault to the kind of project proposed by Chomsky, which essentially is of a piece with what Habermas identifies as the outmoded philosophy of consciousness--and the problem of transcendental egoism is one reason why.[62] It is in an effort to ward off the temptation to transcendental egoism in philosophy that Habermas introduces his distinction between the role of the philosopher and that of the citizen.

For Habermas, the philosopher per se has no business pronouncing upon the content of ethical deliberations because, while philosophy (for Habermas) properly is concerned with the univeral, "values", including ethical ones, "can be made plausible only in the context of a particular form of life" (TCA-I 42). It is impossible to make universal pronouncements in the sphere of ethics, as we have seen, because the justifiability of ethical claims is always context-dependent, always contingent upon "a shared understanding among participants in [ethical] argument, a preunderstanding that is not at their disposal but constitutes and at the same time circumscribes the domain of thematized validity claims" (TCA-I 42).

What Habermas does think political philosophers should do is elaborate the moral conditions under which public discourse on ethical and political matters should take place: that is, the framework within which, and only within which, legitimate ethical and political

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[62]Indeed, Habermas's critique of Kantian monological moral reasoning is based on the fact that he holds it to represent an exercise of transcendental egoism, in that it assumes that one can, on one's own, put oneself in anyone's else's position, because one's *own* rationality is *everyone's* rationality. As should become clear below, however, I do not think that Habermas himself escapes this difficulty as completely as he appears to think.

judgments can be made. While the political philosopher (qua philosopher) may prescribe the procedural form that political deliberation should take, s/he must have nothing to say about the contents of those deliberations. Hence Habermas, commenting on Rawls, maintains that "when he tries to explain the moral point of view through the construct of the veil of ignorance, he is doing what he can do as a philosopher.... But as soon as he moves to his two principles, he is speaking as a citizen of the United States with a certain background" (AS 205). Because "there is nothing universal about [Rawls's] particular design for a just society", it does not not fall within the genre of philosophy, as far as Habermas is concerned. The "moral point of view" which it is the task of the philosopher to elaborate, abstracted as Habermas requires it to be from particular contexts of ethical and political judgment, must be universally applicable. Indeed, for Habermas, it is a preoccupation with the universal which is the essential feature of philosophy: "What philosophy should seek to do is to maintain its competence in those areas where it can defend universal statements" (AS 205).

Thus Habermas writes:

> philosophy cannot arrogate to itself the task of finding answers to substantive questions of justice ... for it properly belongs to the participants [to do so].... [W]hen [a philosophical work] offers material contributions to the theory of justice ... or if it becomes engaged in drawing up normative blueprints for an emancipated society ... then the philosophical author steps back into the role of an expert who makes proposals from the persepective of a citizen participating in the political process. (JA 176)

What to call this kind of "expert" if not a "philosopher" is not clear. Be that as it may, for Habermas, "philosophers are not teachers of the nation" (AS 204). According to Habermas, "philosophers should ... forget about their professional role" if they wish to engage in "the common business of political discourses among citizens," because that business "is not a philosophical enterprise." It is, rather, a matter of *ethical* deliberation.

"It is the attempt of participants to answer the question 'what now?'--in these circumstances, for us particular people, what are or would be the best insitutions?" (AS 204-205). The business of the philosopher, meanwhile, is to "develop arguments ... which are binding, not just for us here and now, being members of a particular community, but which claim to be true, simply true" (AS 205). It follows, then, that "if [philosophers] want to design just institutions for a certain type of society under given historical conditions, [they] can only join those who are involved in the democratic process as active citizens or serve as assistants with a certain expertise" (AS 205).

Though Foucault's conception of the philosophical ethos differs markedly from Habermas's, it is similar in this respect: for Foucault as for Habermas, a distinction must be maintained between the business of the philosopher and that of the citizen. Foucault, like Habermas, holds that "people have to build their own ethics.... I don't think that people who try to decipher the truth"--that is, philosophers--"should have to provide ethical principles or practical advice at the same moment.... All this prescriptive network has to be elaborated and transformed by people themselves" (EP 380). Keith Gandal suggests that "if Foucault remained fairly silent on the subjects of answers and principles, it was because he was acting ethically and strategically, it was because he believed that asserting principles would get in the way of an ethic of 'popular' participation" (IWP 278). One ought to be careful here, however. Contrary to the claims of such commentators as Connolly and May, there is nothing in Foucault's work from which the kind of participatory democracy favoured by Habermas might be deduced. "The work of an intellectual," according to Foucault,

> is ... to question over and over again what is postulated as self-evident, to
> disturb people's mental habits, the way they do and think things, to dissipate
> what is familiar and accepted, to reexamine rules and institutions and on the
> basis of this re-problematization (in which he carries out his specific task as an

intellectual) to participate in the formation of a political will (in which he has his role of citizen to play). (CT 265)

But Foucault's "citizen" is not the same as Habermas's: Foucault's is, as a matter of practical contingency, a citizen of a state, but that is all. Habermas's citizen is a member of a "we", a member of a society. For Habermas, the business of the philosopher is to produce the normative foundations to which the ethical activity of the citizens shall be answerable. For Foucault, the business of the philosopher is to call into question the political assumptions of the society inhabiting the state of which s/he is a citizen. Foucault's citizen is concerned with the formation of a *different* political will than the one common to the "we" of which s/he is not a part; Habermas's citizen is concerned with *maintaining*, with the help of the justification produced by the philosopher, the political will of the society to which s/he belongs.

At this point, we come to the question which Habermas never explicitly answers: the question of how this relationship between philosopher and citizen is supposed to work in Habermas's own system--how discourse ethics serves as the foundation of political legitimation, including the legitimation of Habermas's political critique. In coming to this question, we return to the point at which Habermas's foundationalist project begins to unravel.

10. UNRAVELLING HABERMAS

At the end of Section 6, a question was left open: the question why we are under any kind of obligation to submit ourselves to the conditions under which discourse ethics becomes binding--that is, the conditions of genuine argumentation. Literature, as we saw, escapes any such obligation. But why can't everyone take the escape route opened by the possibility of calling one's speech "literary" rather than argumentative? Why, when seeking to enlist others in the pursuit of our goals, or to resolve our differences with each other, should we do so by properly argumentative means rather than by resort to non-argumentative (whether physical or rhetorical) force? Why ought we to engage in communicative rather than strategic action? Why should we attempt to influence others by rationally convincing them rather than by strategically persuading them? Habermas's answer (indirect though it may be) to this question is to be found in his analyses of the pathologies of modern society and of the psychological, sociological, and political functions of communicative action.

Habermas writes that "a speaker can *rationally motivate*"--that is, convince rather than merely persuade--"a hearer to accept his speech act offer because ... he can assume the *warranty* for providing, if necessary, convincing reasons that would stand up to a hearer's criticism of the validity claim. Thus a speaker owes the binding (or bonding) force of his illocutionary act ... to the *coordinating effect of the warranty* that he offers" (TCA-I 302). Action which is coordinated communicatively involves a binding/bonding force, a *relationship* between those whose action is coordinated, which is absent from action which is coordinated strategically. As Habermas points out, "normatively authorized imperatives gain an autonomy that is missing from simple imperatives" (TCA-I

305); that is, they are autonomous in the sense that no threat of non-communicative sanctions is required for them to motivate the people to whom they are directed. The normative authorization of an imperative--the fact that it can rationally be defended in a way acceptable to interlocutors--has the effect of inducing in its objects (assuming that they are willing to adopt an attitude oriented toward understanding) the will to carry out the required action. In the case of imperatives which are not normatively authorized but which are backed by threat of coercive sanctions (be they physical or economic), no such will arises, and instead an attitude of resentment is induced in the people to whom the imperative is directed.

To put this in a political context, Habermas writes: "The motive for readiness [on the part of citizens] to conform to a decisionmaking power still indeterminate in content"--that is, what motivates citizens to be prepared, in general, to accept the rule of their governors--"is the expectation that this power will be exercised in accord wtih legitimate norms of action. The ultimate motive for readiness to follow is the citizen's conviction that he could be discursively convinced in case of doubt" (LC 43). When this condition does not obtain, when the imperatives to which people are subjected by their governors typically are not normatively authorized, there results what Habermas calls a "legitimation crisis". The legitimacy of government in general is, if not explicitly called into question, at least no longer taken for granted. This is what occurs, according to Habermas, in liberal capitalism, wherein "there occurs a peculiar transfer of socially integrative tasks to the separate, unpolitical steering system of the market in such a way that ... legitimation ... become[s] dependent on an ideology that is itself built into the economic basis--namely, the exchange of equivalents" (LC 24-25). The latter process is one aspect of what Habermas refers to as "the colonization of the lifeworld"; that is, the assumption of tasks of social integration by strategic rather than communicative media--in Habermas's scheme,

the twin steering media of money and (coercive) power. As Habermas puts it, "in modern societies, economic and bureaucratic spheres emerge in which social relations are regulated only via money and power. Norm-conformative attitudes and identity-forming social memberships are neither necessary nor possible in these spheres" (TCA-II 154). Thus citizens become *clients* of their governors, their loyalty contingent upon their feeling that they are receiving fair value, in economic terms, from that relationship.

The colonization of the lifeworld has deleterious consequences at three different levels: political, social, and psychological. At the political level, "disturbances of cultural reproduction" of the lifeworld, due to the displacement of communicative action, "get manifested in a loss of meaning and lead to corresponding legitimation and orientation crises" (TCA-II 140). To the extent that communicative action breaks down, people are left without the resources to recognize any political action as legitimate, and hence to take up any particular political direction. Pertaining to the social level, Habermas writes: "The social integration of the lifeworld [through communicative action] ensures that newly arising situations are connected up with existing conditions in the world in the dimension of social space: it takes care of coordinating actions by way of legitimately regulated interpersonal relations and stabilizes the identity of groups to an extent sufficient for everyday practice" (TCA-II 140). When communicative action is displaced, the social integration of the lifeworld is threatened, "and the resource 'social solidarity' becomes scarce" (TCA-II 141). Meanwhile, at the psychological level, "the socialization of the members of a lifeworld ... sees to it that *individual life histories are in harmony with collective forms of life*" (TCA-II 141). Through communicative action, one builds and maintains one's self-definition and sense of self-worth (or at least one comes to an understanding of how to achieve these things) as a member of a community. When

communicative action breaks down, the results "are manifested in psychopathologies and corresponding phenomena of alienation" (TCA-II 141).

The colonization of the lifeworld by economic steering media also has the effect of subjecting the lifeworld to the effects of economic crises. Writes Habermas: "In modernized societies disturbances in the material production of the lifeworld"--that is, in the economy--"take effect directly as *crises* or they call forth *pathologies* in the lifeworld" (TCA-II 385). Crises, continues Habermas, occur when "the performances of economy and state remain manifestly below an established level of aspiration and harm the symbolic reproduction of the life world by calling forth conflicts and reactions of resistance there"; pathologies occur when "steering crises--that is, perceived disturbances of material reproduction--are successfully intercepted by having recourse to lifeworld resources" (TCA-II 385). Pathologies thus arise when crises are not overcome but rather compensated for and institutionalized (as, in Habermas's example, crises of class conflict have been compensated for by the modern welfare state and institutionalized in bureaucratic mechanisms of social security and labour relations (TCA-II 348-349)). The price to be paid for this, according to Habermas, is that in those areas where crises arise, responsibility for processes of social integration and personality formation is shifted from lifeworld to systemic mechanisms which are inherently unsuitable for carrying out these tasks. In the contemporary capitalist welfare state, for instance, social cohesion is not maintained through processes of communicative action (which foster relations of genuine tolerance and solidarity, if not actual understanding and empathy), but rather through economic means: people are tied together by virtue of the relationships existing between their economic roles.

To summarize: for Habermas, "the point" of his enterprise in the *Theory of Communicative Action* "is to protect areas of life that are functionally dependent on social

integration through values, norms, and consensus formation, to preserve them from falling

prey to the systemic imperatives of economic and administrative subsystems ... and to

defend them from becoming converted over ... to a principle of sociation that is, for them,

dysfunctional" (TCA-II 372-373). It is dysfunctional because

> individuals acquire and sustain their identity by appropriating traditions,
> belonging to social groups, and taking part in socializing interactions. That is
> why they, as individuals, have a choice between communicative and strategic
> action only in an abstract sense, i.e., in individual cases. They do not have the
> option of a long-term absence from contexts of action oriented toward
> reaching an understanding. That would mean regressing to the monadic
> isolation of strategic action, or schizophrenia and suicide. In the long run such
> absence is self-destructive. (MCC 102)

Habermas concludes the first volume of the *Theory of Communicative Action* in the same

apolcalyptic tones: "If we assume that the human species maintains itself through the

socially coordinated activities of its members and that this coordination has to be

established through communication ... then the reproduction of the species also requires

satisfying the conditions of a rationality that is inherent in communicative action" (TCA-I

397).

This is undoubtedly true, though it could hardly be the case that the very survival of

the species is at stake: it is barely conceivable that the threats to communicative

rationality could become so overwhelming as to reach that point.[63] But even granting the

possibility of such a limit case, *there is no specifically moral reason to prefer the*

reproduction of the species to its demise. To reiterate a point I made above, that human

life is the necessary precondition to morality does not entail a moral imperative to maintain

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[63]I intend these remarks to apply to the foreseeable future of Western liberal
democracies, in which it is easy to imagine the pathological effects of the colonization of
the lifeworld worsening, but difficult indeed to imagine those pathologies threatening the
continued existence of the human race. Obviously, things may turn out differently in the
unforeseeable future.

human life. This does not mean that a preference to maintain the species is not *rational*: but that preference is an *ethical* one, not a moral one.

Certainly, a preference for maintaining the species cannot be deduced from principle (D). Nor can the viciousness of any of the less dire consequences--breakdowns in social solidarity, political purposefulness, and psychological well-adjustedness--of the failure of communicative rationality be deduced from principle (D). Principle (D) only gains its force under conditions of genuine argumentation, under conditions of communicative rather than strategic action. My point is that nothing compels us to submit to those conditions except the ethical assumption that the political, social, and psychological consequences of failing to do so are vicious. In other words, it turns out that the very judgments which the foundation provided by discourse ethics is supposed to support must be assumed in order for those foundations to have any force. The walls indeed hold up the foundations.

It seems to me that Rorty's comment that "for the [post-Marxist] tradition within which Habermas is working, it is as obvious that political philosophy is central to philosophy as, for the analytic tradition, that philosophy of language is central" (CIS 83)-- incongruous as it may be with Habermas's conception of his own project--is perceptive. I think that Rorty is right when he claims that "Habermas assumes that the task of philosophy is to supply some social glue which will replace religious belief"--even if admitting to this would, for Habermas, mean admitting the failure of his foundationalist project.

Perhaps "failure" is too strong a word. Habermas's attempt to ground his critique is as strong as any such attempt could be, and deserves attention even if it does not work quite as he intends. Nor does the insecurity of its purported foundations make his social critique any less compelling. But the fact is that even Habermas cannot provide an

account of his normative assumptions which does not rest, in the end, on a preference which is ethical rather than moral: even Habermas cannot provide an account of the normative foundations of his critique which is not ultimately dependent on a preference which is neither self-evident nor unassailable. This being the case, his demand that Foucault produce such an account of the normative foundations of his own critique loses its force.

11. POLITICS OUTSIDE THE "WE"

In Section 10, I showed that discourse ethics cannot serve as the unassailable foundation for the normative judgments from which Habermas's political criticism proceeds. I think that it is safe to conclude from the failure, in this sense, of Habermas's foundationalist project that any such project is bound to fail, because I do not see how any stronger attempt could be made. But this in itself does not resolve the practical question raised in Sections 2 and 3. It is the question Fraser phrased in these terms: "Why is struggle preferable to submission? Why ought domination to be resisted?" (EIN 29). It is the question taken up by Habermas when he asks how Foucault could expect his political criticism to convince anyone, why he should even expect to be taken seriously, if he cannot be construed as presenting arguments aiming at the truth--*the* truth, not just an exercise in truth. It is the question which Chomsky put to Foucault, wondering why one would, or how one could be persuaded to, engage in political action--or at least political action that is not directed toward one's own self-interest--if one could not believe that in so doing one was *really* in the right. Indeed, it is also one of the questions which Rorty wishes people would stop asking: namely, why should we *care* enough about the suffering of others to take political action to alleviate it?

I do not share Rorty's apparent optimism that that question might someday cease to be asked, if only professional philosophers would stop repeating it. Nor, however, do I share Habermas's pessimistic view that, unless that question can be given an answer with the ring of truth--unless it can be given a *philosophical* (in Habermas's sense of the word) answer--people might simply stop caring about the suffering of others--that, indeed, in giving up the attempt to give such answers to such question we risk sliding into a "young

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conservatism" which identifies might with right or a "neoconservatism" in which a society alienated from all cultural values succumbs to the rule of "efficiency" for its own sake. I think that Oakeshott is mostly right when he argues that philosophy follows culture, and not vice versa.[64] To questions such as the ones above, philosophers can only give answers that people are already prepared to hear--and then again, they can successfully proclaim that such questions have no answers only when people are prepared to hear that, too. As much is conceded in Habermas's assumption that there is no categorical difference between what *is* a good argument and what is *taken* to be a good argument.[65] If, as Habermas fears, Western societies are led to disaster by post-Nietzschean philosophy, it will be because the fertile ground for it to do so has been prepared by the contingencies of culture and history: it will not be an event born out of philosophy itself. And if, as Rorty hopes, Western citizens come to care about each other's suffering without ever wondering why they do, it will not be because philosophers like Rorty have demonstrated to each other the futility of asking such questions.

But, to repeat a question I posed earlier, what then is the use of Foucault's genealogies, or of political criticism in general? In the case of criticism like Habermas's, this question is not so insistent: regardless of whether Habermas's purported foundations hold up, when we encounter his description of the colonization of the lifeworld and the pathologies that ensue from that process, we may recognize our own uneasy but half-formed reactions to developments in the world around us. Habermas puts into precise

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[64]See especially Oakeshott, RP 119-120.

[65]In a deliberately circular manner, Habermas writes: "The 'strength' of any argument is measured in a given context by the soundness of the reasons; that can be seen in, among other things, whether or not an argument is able to convince the participants in a discourse" (TCA-I 18).

terms and striking images just what it is that we might anyway have found wrong with the course of modernization, but for which we might not have been able to find words that would allow us effectively to communicate our uneasiness to each other and collectively decide how to respond. Political criticism like Habermas's is more or less immune from questions why "we" ought to share its normative evaluations, because most members of the central "we" of any Western polity already *do* share them. The reason that political criticism like Habermas's is so little in need of foundation is also the reason that its purported foundations have a certain solidity. Foucauldian uneasiness with the strictures of Habermas's discursive rationality, and the resulting finitude of Habermas's moral universe, does not come naturally to the members of a polity's central "we". Without that uneasiness--without some people having the sense that they are in one way or another excluded from Habermas's moral universe and that it therefore makes no sense for them to submit their political activities to the conditions of discourse ethics--Habermas's foundations would be unassailable.

Perhaps, though, it is not a matter of those excluded from the Habermasian moral universe taking their political activity to be altogether exempt from the imperatives of discourse ethics, but rather a matter of their submitting to those imperatives within the appropriate moral universe--or, as Foucault suggests, seeking the formation of a new moral universe, distinct from but not necessarily seeking to take the place of that of the central "we". It is a matter not of giving up argumentation, but of giving up trying to argue with people who will not recognize one as rational moral agent with a point of view demanding consideration.

Habermas misapprehends Foucault's enterprise when he writes:

> If the truth claims that Foucault himself raises for his genealogy of knowledge ... amounted to no more than the effects that this theory is capable of releasing within the circle of its adherents, then the entire undertaking of a critical

unmasking of the human sciences would lose its point. Foucault pursues genealogical historiography with the serious intent of getting a science underway that is superior to the mismanaged human sciences. (PDM 279)

Dreyfus and Rabinow share Habermas's assumption that Foucault seeks a method that would replace the faulty ones of the human sciences (BSH xii), a method that everyone in the human sciences would profit from using in place of the ones they already use. But this assumption seems to me fundamentally in error. When, in *Discipline and Punish*, Foucault "unmasks" the penal apparatus as a means of creating delinquents to play a certain social role, or when, in *The History of Sexuality*, Foucault "unmasks" the apparatus of sexuality as a means of creating sexual deviants, he does not mean--he cannot mean--to convince *everyone* that those sciences and their social effects are pernicious. What Foucault's unmaskings reveal in showing how normalizing apparatuses have effects of power which produce subjectivities of certain kinds is that that production of subjectivities works to the benefit of some at the expense of others--and he cannot expect that having revealed those effects, their beneficiaries will be shamed into turning against the sciences that produce them. I think that Carlos Prado takes an overly optimistic view when he writes that "the subject must not be aware that he or she is being made to adopt or internalize certain norms" in order for those norms to be effective (SWF 91). The point of discipline, after all, is to produce subjects who don't just *think* their norm-conformative behaviours are natural, but to whom norm-conformative behaviours comes naturally no matter what they think about it. Thus even subjects to whose disadvantage a given norm works will not at all easily be able to free themselves from it if indeed it has been "internalized"--and certainly there is no reason to believe that those to whose advantage the norm works would be willing even to try.

I think it must be conceded to Habermas--though I do not think that the consequences of this concession are as fatal to Foucault's project as Habermas thinks they

are--that in some sense it is true that Foucault cannot convince anyone outside his "circle of adherents", outside the moral universe of those who suffer from the effects of normalizing apparatuses and of those who happen, through whatever contingency, to sympathize with those sufferers. To invoke once more the idea Foucault employs in his comments on Mendel, the normative assumptions behind criticism of the very idea of punishment, or behind the very idea of sexuality, are bound to fall outside any discourse of truth which could be operative in the central "we" of a modern polity. But while they may not be "within the true" as far as the members of the central "we" are concerned, they may yet be true--for they may be valid currency within a different economy of truth belonging to a different "we".

What I think Foucault hopes to do--what I think his work actually can do--is help those who suffer from the effects of the apparatuses of normalizing power to understand how those apparatuses work and hence to help them to avoid participating in their own subjugation. It is not a matter of taking over the normalizing apparatuses and making them somehow more benign, nor a matter of destroying them. There is no way to say that any normalizing apparatus could be more benign than any other, because any such apparatus will produce deviants who will be made to suffer for their deviance. Nor can it be concluded that all normalizing apparatuses must be destroyed, for in any complex society--any society in which one's family constitutes only a small part of the forces that make one who and what one is--they are simply unavoidable.

For Foucault, what one needs to do to combat the forms of domination imposed by normalizing apparatuses is to take (in the full sense of the word "take") care of one's self, to understand the forces that have made one what one is and to wrest control over one's own subjectivity (as much as one can) from them. But I think that it is a mistake to think that for Foucault everyone ought to do this, and it is certainly a mistake to think that

societies should be changed so as to make it easier to take care of oneself. In fact, nothing *could* be done to make it any easier, because whatever measures were taken to free people from some subjectivating forces would immediately instantiate other subjectivating forces which would bring with them new forms of domination. A society in which the norm is to create oneself as a work of art would be as unpleasant for those who are happier to live with themselves as they find themselves constituted, as our own society is for those who suffer from having to live with the subjectivities they are dealt. As Foucault comments with regard to his experience in Sweden, "a certain kind of freedom may have, not exactly the same effects, but as many restrictive effects as a directly restrictive society" (EP 372). Whenever the introduction of a freedom is accompanied by an imperative, be it explicit or in the form of a norm, to avail oneself of those freedoms (and it is hard to imagine this not being the case), it will not necessarily be experienced as something liberatory. For many, it will be experienced as oppressive. Simply put, the effects of normalizing power relations (obviously) cannot be mitigated by replacing our current norms with new ones: whatever the norms of a society are, they will produce certain kinds of abnormal subjects, and a relation of domination between the normal and the abnormal will result.

This is why Rorty's attribution to Foucault of a will to "total revolution"--and, along the same lines, Allan Megill's claim that "there is no group with which [Foucault] can 'identify' himself, for every group is part of the degraded order that he seeks to destroy" (POE 195)--seem to me simply preposterous. Foucault's assertion that politics for him is a matter of "the destruction of what we are, of the creation of something entirely different, of a total innovation" (RM 121-122) is undoubtedly one of the "many passages in Foucault" which Rorty takes to "exemplify what Bernard Yack has called the 'longing for total revolution,' and the 'demand that our autonomy be embodied in our institutions'" (CIS 65). Rorty is right when he writes that "the sort of autonomy which self-creating

ironists like ... Foucault seek is not the sort of thing that could ever be embodied in social institutions" (CIS 65)--but only an astounding misreading of Foucault could fail to appreciate that this point--that autonomy cannot be embodied in or guaranteed by social institutions or political arrangements--is central to Foucault's work.[66] Another of those "many passages" is this: "the whole of society is precisely that which should not be considered except as something to be destroyed" (LCP 233). Hyperbolic--perhaps unfortunately so--as this statement may be, I do not think it plausibly can be interpreted as a call for total revolution, for the actual destruction of society, in its entirety, *in the world*. I think it is rather of a piece with Foucault's famous dictum that "we need to cut off the King's head"--not in practice, but in theory (TP 121). Just as we "need ... a political philosophy that isn't erected around the problem of sovereignty" (TP 121), so also we (if not Rorty's "we") need a political philosophy which does not concern itself with "the whole of society".

One ought always to keep in mind that the "we" in Foucault's writing is not Rorty's or Habermas's "we"--the central "we" which, in its transcendental narcissism, assumes itself to be the whole of society. Foucault's "we", as when he calls for "the destruction of what we are", is self-consciously specific. Foucault does not wish the destruction of every kind of presently existing subjectivity. He does not hope that the human race as a whole will be overcome by *Übermenschen*, nor that every apparatus that currently makes subjects what they are will be smashed and replaced by apparatuses free from the pernicious effects of the normalizing ones we currently have. As I have said, the latter hope is strictly impossible on Foucault's terms.

The point might be put this way: there is no utopianism of the usual sort--the sort which is concerned with striving for an ideal society--in Foucault's political thought.

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[66]Foucault's most explicit expression of this point occurs at SKP 245.

According to Habermas, "utopian perspectives are constitutive of modern political thought" (AS 212). Foucault shares this notion, writing that "the question of the revolution"--i.e. the question of what the ideal society is and how to achieve it--"has dominated all modern thought" (PS 121). But while Habermas goes on to announce that he is "convinced that we still live in the modern epoch [and] not in some post-modern sequel to it" (AS 212)--convinced, that is, that the utopian attitude in political thought still can and should be maintained--Foucault is not so convinced. As Allen writes, "[Foucault] did not offer a shiny new ideal, or another excuse for believing in the revolutionary future.... His achievement in political philosophy is to have contributed to the concepts we have to use to elucidate the present, even if we cannot descry in it the obscure lineaments of a future we can believe in" (FMP 35).

To fully appreciate the import of Foucault's antiutopianism, however, it is crucial to understand what Foucault would mean--if not what Allen himself means--by the "we" in Allen's last sentence: Foucault indeed gives no hope for a future which Rorty and Habermas's "we" can believe in, because his work has nothing to do with reshaping society as a whole. Allen finds Foucault's antiutopianism thoroughly congenial, writing that "one reason his work resonates for us is because we are weary of the radical agenda" (FMP 35)--that is, the agenda of revolutionaries who would re-make the whole of society to achieve some utopian vision. Rorty, meanwhile, finds Foucault's antiutopianism to be his chief shortcoming, because, according to Rorty, the only thing that "can show that we should cease to work for" the utopian ideals standing behind liberal democracy is "another, more persuasive utopia" (ORT 220). As far as Rorty--for whom, as for Habermas, politics is a matter of how "we" should live together, what "our" society should be like--if Foucault is not willing to pledge allegiance to the liberal utopian vision, he owes us some

other vision in its place. He owes *us*--he owes Rorty's "we", which is also the "we" which Allen proclaims to be "weary of the radical agenda".

There are in Foucault's work the lineaments--more coarse (and by now rather dated) than obscure--of a future that *someone* could believe in, if not one that "we" could believe in. Foucault writes: "It is possible that the rough outlines of a future society is supplied by the recent [i.e. recent to the early 1970s] experiences with drugs, sex, communes, other forms of consciousness, and other forms of individuality" (LCP 231). I do not think it should be imagined that whatever "future society" might arise from the countercultural social experiments cited by Foucault is (or was) supposed to *replace* the current one, but that it might exist somewhere alongside or beneath the society of the central "we"--in contact with that society, perhaps in opposition to it, but not necessarily seeking to take its place. Foucault's claim, reported by Miller, that he "actually liked the [gay] scene before gay liberation, when [gay relationships and gay communities were] more covert" (PMF 254) is revealing. Before the de-stigmatization of homosexuality, the gay community for Foucault "was like an underground fraternity, exciting and a bit dangerous" (PMF 254). It was also something that Foucault saw as a laboratory for experimentation not only with sex but with all of our most basic notions about sexuality.[67] It provided an opportunity for "the destruction of what we are", the deconstruction of the sexual roles delimited by the apparatus of sexuality--an opportunity that is lost to the extent that gays are assimilated into the central "we".

I think that this is one of Foucault's most significant contributions to political thought: the notion that prescriptive political thought--not *everyone's* political thought, but *someone's* political thought--need not concern itself with what ought to be done for the good of each and/or all, or for the sake of a justice which might be everyone's. It is

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[67]See Foucault, FWL.

the notion that political thought need not accept David Shumway's contention that "to contribute to the discussion of politics is to offer opinions about who or what should be sovereign in a society" (MF 158)--not only because, as Foucault so exhaustively demonstrates, politics is about much more than sovereignty, but also because politics need not be about the government of *societies*--where a society is what comprises a Rortyan and Habermasian "we"--at all. Or at least it need not be about that for everyone (in the full sense of the word)--it should not be about that for people who find themselves outside that "we". I think that we ought to learn from Foucault that political action need not always be concerned with changing the whole of society.[68] At least, that need not be its primary concern, although, for Foucault, effecting a change in the central "we" might be a welcome side-effect of the kind of political action which I think he encourages. What is involved is not the separatist attitude typical of some elements of 1960s counterculture. The hippie commune, attempting a clean break from modern society, is not an ideal model, precisely because it aims to have no contact with the central "we" from which it breaks. In contrast, Deleuze and Guattari's notion of the "schizophrenic escape" captures effectively what I have in mind here: "the schizophrenic escape ... does not merely consist in withdrawing from the social, in living on the fringe." Rather, because that escape is "always coupled directly to" the society from which it proceeds, "it causes the social to take flight through the multiplicity of holes that eat away at it and penetrate it, ... everywhere setting the molecular charges that will explode what must explode" (AO 341). Deleuze and Guattari's "schizorevolutionary" is one who not only escapes from a society but "knows how to make what he is escaping escape" (AO 341). While the idea I want to draw out of Foucault's work is better off without Deleuze and Guattari's "revolutionary"

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[68]Of course, the "we" that ought to learn this is not Rorty's "we"--Rorty may be right when he claims that *that* "we" has nothing at all to learn, as far as politics is concerned, from Foucault (see for instance CIS 83).

baggage--as I have been arguing, for Foucault there can be no *imperative* to *transform* the society from which one escapes--these passages point toward the kind of relationship which *might* exist between the central "we" and groups comprising people excluded from it: a relationship where the very existence of those groups, to the extent that their experiments in overcoming particular normalizing influences are successful, could have the performative power to make those norms problematic for members of the central "we" as well. This clearly was Foucault's hope with regard to the issue of sexuality, that the experiments in breaking down sexual identities carried out in the gay community might have had the effect of causing a more widespread breakdown in the apparatus of sexuality.[69]

Commenting on his debate with Foucault, Chomsky writes: "A social struggle, in my view, can only be justified if it supported by an argument ... which purports to show that the consequences of this struggle will ... bring about a more decent society" (LR 80). But what I think we should learn from Foucault is that no argument could show that the expected outcome of a political struggle would amount to a more decent society for everyone. This is because, despite the wording of Habermas's principle (D), not *everyone's* point of view can be taken into consideration in any process of argumentation. Only those points of view capable of being deemed rational--only those points of view sufficiently within the true, whose assumptions are sufficiently recognizable as being within the discursive universe of possible truth-claims--are candidates for consideration in argumentation. This should not be construed as a criticism of the very idea of

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[69]For instance, Miller reports that, as a result of those experiments in the gay community, Foucault (rather too optimistically) found that "the term 'gay' has become obsolete..... The reason for this is the transformation of our understanding of sexuality. We see the extent to which our pursuit of pleasure has been limited in large part by a vocabulary foisted on us. People are neither this nor that, gay nor straight" (PMF 254).

argumentation. As I have said, I do not think that Foucault proposes to evade the strictures of argumentation; nor do I. Nor do I wish to argue that the conception of political thought and political action common to Habermas and Rorty--the conception where politics is a matter of what the central "we" ought to do, a matter of what should be done, by the people who are in a position to do something, about the institutions to which everyone (in the broad sense) is subject--is thoroughly flawed. What I do wish to argue is that argumentation, political thought, and political action are always situated within some particular moral universe, that no moral universe lives up to the Habermasian conceit of including any human being who might be included in any moral universe. Foundationalism of the Habermasian kind is bound to fall short of its presumption to show why the normative assumptions of a particular political critique "[do] not merely reflect the moral intuitions of the average, male, middle-class member of a modern Western society" (AS 160)--or at least the intuitions of whomever may be the constituents of the "we" which it concerns.

To be fair, this last comment of Habermas's was made with regard to the justification of discourse ethics itself, and not with regard to the function that discourse ethics is supposed to play in supporting the normative assumptions inherent in Habermas's political criticism. But I think that it must apply just as well to the latter case, if there is to be any point at all to Habermas's foundationalism: the point of working out the normative foundations of one's critique, after all, is supposed to be to show that, since *everyone* is compelled to accept those foundations, *everyone* is compelled either to accept that the normative judgments involved in the critique are compatible with (even if they do not follow directly from) those foundations and therefore valid, or to show why they are not. The point of attempting to show that one's judgments are grounded on universally valid foundations is to show that those judgments themselves are universally valid; the point of

Habermas's challenge to Foucault is that unless Foucault can provide for his political critique some foundations which can be recognized as universally valid, the judgments inherent in that critique cannot pretend to universal validity--and, therefore, no one who does not already share them need take them seriously.

As I have been arguing, I think that Habermas is right, as far as the last bit goes. But I think the same also applies to Habermas. No one who did not count as a high political priority the promotion of the kind of ethical values which motivate Habermas's political criticism--the maintenance of social solidarity and political purpose within the central "we", as well as the development of psychologically "undamaged" subjectivities (where what counts as "damaged" is measured by the standards belonging to the central "we")--would be obliged to enter into argumentation with the members of that "we".[70] And there is no reason for anyone who is excluded, in some significant way, from the central "we" to count the promotion of those values as high priorities.

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[70]This is not to say that such people would not *ever* be under any obligation to enter into, and accept the strictures of, argumentation with *anyone*. For Habermas's purposes, either one submits to argumentation with everyone or with no one--but this is only because Habermas does not admit the possibility of what might be called parallel moral universes. I do think that principle (D) is universally binding, but, unlike Habermas, I think there is always the open question: universally binding in which moral universe? In other words, I think that it is universally binding for every moral universe--one is bound to submit to its strictures within *some* moral universe--but it is not binding across different moral universes. In argumentation, one is bound to consider only those points of view which *count* within one's moral universe. Thus, Foucault's texts might be said to be written with both a performative and an argumentative intent: they might count as arguments within certain moral universes, but as something more like works of art outside those moral universes--that is, within the moral universe of the central "we".

12. CONCLUSION

What I have been arguing for is a different conception of political thought and political action than the one which is typical of most political discourse. I have been arguing for a conception of political thought and action which dispenses with two assumptions. First, it dispenses with the notion of universal validity--which is in fact no longer characteristic of most political discourse (and certainly not characteristic of Rorty, for instance) but which follows from the second assumption which I think ought to be dispensed with: namely, that politics is essentially about exercising control over a given polity (even if, as with Oakeshott's traditional individualists, that control is exercised in an effort to reduce the amount of control--of a certain kind--in the given polity)--that is, about the government (in whatever sense) of a given polity as a whole. Politics can be about that--but it can also be about responding to government in ways which do not themselves represent an aspiration to govern the whole polity differently.

I have argued that this reconception of political thought and activity is something that follows from the particular way that Foucault rejects foundationalist thinking. In order to do this, it has been necessary to show that Foucault does in fact reject it, or at least that foundationalist thinking is incompatible with some of the main features of his work.[71] To that end, I have taken up the so-called Foucault/Habermas debate, tried to elucidate the (often misunderstood) foundationalist challenge with which Habermas presents Foucault, and demonstrated how some typical responses made to that challenge

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[71]Whether Foucault might have recanted some of those main features in order to answer Habermas's challnege on its own terms--something which Miller suggests that he might have done--is a question which perhaps fortunately will never be answered.

on Foucault's behalf--responses arguing that Foucault's political critique does have adequate normative foundations--fail either to appreciate the nature of the challenge or to address it in a way which is consistent with Foucault's work. Meanwhile, I have shown why Foucault is not necessarily in any worse a position with regard to foundations than Habermas himself is, because Habermas's purported foundations require the support of the very judgments they are supposed to justify.

I have also argued against the idea that Foucault's critical texts should be seen as works of art rather than works of argumentation--which is to say Foucault's writing is not to be taken to consist of truth-claims, but rather of rhetorical manipulations designed to produce certain affective responses. I have argued that this view of Foucault ignores his parrhesiast ethic, his ethic of truth-telling which stands opposed to the attitude of rhetorical manipulation. At the same time, I have stressed the difference between Foucault's and Habermas's conceptions of truth: while Habermas views truth as something to be discovered and made sure of, Foucault holds that truth is not discovered but exercised. For Foucault one never *arrives* at *the* truth of any matter, but rather one must continually exercise the truth by exposing the contingent assumptions on which it stands--by "the infinite labor" of telling the truth about the truth.

Truth, for Foucault, does not exist apart from an economy of truth: to speak the truth is to speak "within the true", within an economy of truth; to speak the truth about the truth is to speak the truth about one economy of truth from within another economy of truth, perhaps from within a new economy of truth. Hence Foucault's rejection of foundationalism, with its assumption that truth is universal and timeless. Hence also the idea that different moral universes might have different economies of truth--that a normative judgment might be within the true in one moral universe while excluded from the moral universe of the central "we" as representing an irrational point of view, that the

expression of that judgment could be a valid move in a process of argumentation in *a* moral universe while not being one in that of the central "we". Hence, finally, the conclusion that political thought and political action need not concern themselves with that central "we"--that it is necessary neither to situate oneself within the central "we", nor to aspire to overthrow the central "we" and replace it with something else, in order to engage in political thought and political action.

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