# GENEALOGY AS A PRACTICE OF FREEDOM

GENEALOGY AS A PRACTICE OF FREEDOM:
FOUCAULT'S HISTORICAL
CRITIQUE


By

MICHAEL GOODWIN



A Thesis

Submitted to the School of Graduate Studies

in Partial Fulfilment of the Requirements

for the Degree

Master of Arts



McMaster University

MASTER OF ARTS (1994)　　　　　　　McMASTER UNIVERSITY
(Philosophy)　　　　　　　　　　　　　Hamilton, Ontario


TITLE:　　　Genealogy as a Practice of Freedom:
　　　　　　Foucault's Historical Critique

AUTHOR:　　Michael Goodwin,　B.A. (Trent University)
　　　　　　　　　　　　　　　B.A. (McMaster University)

SUPERVISOR　　Professor S. Ajzenstat


NUMBER OF PAGES:　　v, 169

# ABSTRACT

Michel Foucault's philosophy took the form of a series of historically-grounded "genealogical" studies of the interconnections between knowledge and various social practices in contemporary society. This work is a reading of "the good"—to use Charles Taylor's term—in Foucault's genealogies.

According to the American social-historian David Rothman, "history is a *liberating* discipline for it reminds us that there is nothing inevitable about the institutions and procedures that surround us." In developing my reading of "the good" in Foucault's genealogies I have endeavoured to translate the spirit of this claim into the proposition that Foucault's genealogies were an expression of his desire to increase human freedom through historical critique; i.e., that Foucault's ethics were *embodied* in his philosophy which constitutes "a practice of freedom".

To
Constantin V. Boundas
and
Robert Carter
at Trent


In Memory of My Grandparents
William E. Goodwin
Mildred Goodwin
and
Eileen Smith

and to
Anthony Gismondi


"How green was my valley
and the valley of them that are gone"

# TABLE OF CONTENTS

# INTRODUCTION

Since the publication of his earliest work in 1954 Michel Foucault's project for a "political-economy of personal information" has influenced practitioners in a number of theoretical disciplines including sociology, political science, literary theory, and history.[1] But Foucault's influence has also been felt throughout the "professions" as well including education, library and information studies, anthropology, and social-work.[2]

In the 1990 introduction to his study of the origins of the asylum in Jacksonian America David Rothman described Foucault's own history of the

---

[1] Originally published by Presses Universitaires de France *Maladie mentale et personalite* was revised and republished under the new title, *Maladie mentale et psychologie* in 1962. The English version is entitled *Mental Illness and Psychology* Trans. Alan Sheridan (Berkeley: University of California Press. 1987) Foreword by Hubert Dreyfus.

[2] See, for instance, Ball, S.J. *Foucault and Education: Disciplines and Knowledge* (London: Routledge. 1990), Gandy, O.H. *The Panoptic Sort: A Political Economy of Personal Information* (San Francisco: Westview Press. 1993), Mudimbe, V.Y. *The Invention of Africa: Gnosis, Philosophy and The Order of Knowledge* (Bloomington: Indiana University Press. 1988) and Frohmann, B. 'Discourse Analysis as a Research Method in Library and Information Studies' *Library and Information Science Research* (16, 1994: pp.119-138).

modern European penitentiary system entitled, *Discipline and Punish: The Birth of The Prison* in this way:

> [it] helped move the asylum from the wings to centre stage
> and researchers in a variety of disciplines including not only
> history and sociology, but also literature and architecture,
> were inspired to follow his lead.[3]

Rothman believes Foucault's contribution to the history of penal studies (e.g. institutional history, sociology of deviance, criminology) is comparable to that of the great French sociologist, Emile Durkheim.[4] In this work I assume that the interdisciplinary impact and appeal of Foucault's work is largely uncontested.

What is far less certain, however, is the purpose or—to use Charles Taylor's term—"the good" of Foucault's work. In my thesis I argue the following: 1) Foucault's philosophy is a critique of the way modern social power restricts experience by imposing certain normative (i.e., objective) standards onto behaviour and identity; 2) Foucault's ethics (his conception of "the good") can be seen to be *embodied* in this critique which takes the form of several historically-grounded "genealogical" studies.

---

[3] Rothman, D.J. *The Discovery of The Asylum: Social Order and Disorder in The New Republic* (Boston: Little, Brown, and Co. 1971) p.xv

[4] ibid p.xv N.B. Foucault's history of the European penitentiary system was originally published under the title, *Surveiller et punir: Naissance de la prison* (Paris: Editions Gallimard. 1975) The 1978 English translation is by Alan Sheridan (New York: Random House).

In Chapter 1 I examine *Discipline and Punish: The Birth of The Prison* and show why Foucault considered the history of penality to be a rich source of general knowledge about society. In particular, I focus on Foucault's account of the formation of a type of power which he considered characteristic of modern political culture generally; i.e., "discipline".

In Chapter 2 I continue my examination of *Discipline and Punish* defining some of the central principles and assumptions which shape Foucault's historical critique as I see it. Here, I focus on Foucault's attempts to write what he called, "the history of the present."

In Chapter 3 I examine Foucault's unique attitude towards truth which I call (following John Rajchman) "normative skepticism." Here I show—among other things—why Charles Taylor's phrase, "truth ... subordinated to power" is a wholly inadequate depiction of Foucault's epistemology.

And finally, in Chapter 4, I explore two common—even orthodox—interpretations of Foucault. I show why Alan Sheridan's representation of Foucault as a kind of philosophical "champion" of the institutionalized and down-trodden naively and, therefore, incorrectly politicizes Foucault's genealogical studies. I also argue that Nancy Fraser's influential objections to Foucault constitute what Foucault once called, "Enlightenment blackmail." Through a discussion of Kant's indebtedness to Hume I amplify the spirit of Foucault's unabashedly polemical comment. I attempt to show that

Fraser works with a discriminatory conception of critique in general: one which

acts to marginalize otherwise valuable contributions to the history of philosophy.

In the remainder of this introduction I set a context for what follows by

introducing several problem-areas relating to my thesis.

**Foucault's Alleged Relativism**

As a social historian David Rothman's approach is animated by a

critical spirit not unlike Foucault's. Thus, his views can help us to better

understand Foucault. According to Rothman:

> [Foucault] was not by temperament, by training, or by
> practice an historian ... *he was a moral philosopher* whose
> own construction of the historical process became the text
> on which he grounded a series of discourses on the nature
> and exercise of power and authority in Western civilization.[5]
> (emphasis added)

It should be noted, however, that Foucault was not a "moral

philosopher" in any immediately recognizable sense. He did not develop a

moral "theory" and he showed little—if any—interest in promoting one "way of

life" over another.

A review of secondary literature on Foucault seems to suggest that it

was this aspect of his work *more than any other* which most frustrated his

readers. For example, although he reads Foucault in a generally supportive

---

[5] ibid p.xv

light David Shumway still finds it necessary to accuse Rothman's "moral

philosopher" of inaction. Thus, Shumway wrote:

> Foucault ... fails to respond in any but the vaguest
> conceivable terms to [our] demand to know what action or
> program he would recommend to solve the problems he so
> effectively illustrates.[6]

Although it may seem peculiar Foucault's *alleged* failure to

recommend any "action" or "program of reform" is consistent with his overall

views. Twenty months before his death he stated:

> ... [f]or a rather long period, people have asked me what will
> happen and to give them a program for the future ... My role
> (and that is too emphatic a word for it) is to show people
> that they are much freer than they feel, that people accept
> as truth, as evidence, some themes which have been built
> up at a certain moment during history, and that this so-
> called evidence can be criticized and destroyed.[7]

Charles Taylor has argued that Foucault's failure to philosophize

under the sign of the advocate befits the fact that, as Taylor puts it, Foucault

"knows no good he can affirm." By "good" here Taylor may be referring to the

possibility of establishing a justificatory ground for what we think and do. Taylor

says Foucault can't do this.

---

[6] Shumway, D.R. *Michel Foucault* (Charlottesville: University of Virginia Press. 1989) p.156

[7] 'Truth, Power, Self: An Interview' in Martin, L.H., Gutman, H. and P.H. Hutton (eds.) *Technologies of The Self: A Seminar with Michel Foucault* (Amherst: University of Massachusetts Press. 1988) p.10

As Michael Shapiro points, out Charles Taylor is well-known for promoting, "communitarianism over social atomism and the integrity of the human subject over what he sees as immoralist, Nietzsche-inspired views of a fragmented subject."[8] This alone might explain Taylor's antipathy towards Foucault. In any case, the dispute between Taylor and Foucault is *not* easily summarized.[9] "In the end", Taylor says:

> ... the final basis of Foucault's refusal of truth and liberation seems to be a Nietzschean one ... Foucault espouses both the relativistic thesis from this point of view, that one cannot judge between forms of life/thought/valuation, and also the notion that these different forms involve the imposition of power. The idea of 'regimes of truth', and of their close intrication with systems of dominance is profoundly Nietzschean. *In this relationship Foucault sees truth as subordinated to power.*[10] (emphasis added)

---

[8] Shapiro, M. 'Charles Taylor's Moral Subject' *Public Affairs* (14:3 Summer 1985) pp.311-323

[9] Taylor's essay is one in a series of powerful attacks against Foucault. In 'The Foucault Phenomenon: The Problematic of Style' a Foreword to his translation of Gilles Deleuze's work, *Foucault* (Minneapolis: University of Minnesota Press. 1988) Paul Bove writes: " ... Charles Taylor's extremely careful explication and critique ... follows the path taken recently by ... thinkers such as Habermas and Nancy Fraser in trying to oblige Foucault to answers questions about issues raised within the very systems of discourse that, as Foucault himself put it once, come from the very 'mind-set' he was trying to critique." In Chapter 4 I develop Bove's observation and attempt to show that Fraser's analysis of Foucault is inadequate.

[10] Taylor, C. 'Foucault on Freedom and Truth' *Political Theory* (May 1984) pp.152-183

In what follows I argue—contra Taylor—that while Foucault does not speak of "the good" directly, develop an action plan, or construct an ideal model of moral and political life, this cannot be represented as a failure since these are goals which Foucault explicitly eschews. I also argue that a distinct concept of "liberation" is in fact evident within Foucault's genealogies which assist us to see the present and, therefore, ourselves in "hitherto unseen ways".[11]

But there are other critics whose objections to Foucault appear to go beyond simply questioning whether he *can* advance a notion of "the good" or "recommend" any concrete action. This group argues that Foucault fails to effectively identify any *real* problems at all. Pointing to what they see as the reflexive, self-contradictory nature of Foucault's writing these critics question his attitude towards truth and knowledge in general. In this they raise doubts about

---

[11] Some readers may see in my formulation of liberation in Foucault—"the good" of his work—a notion similar to Heidegger's conception of freedom; i.e., "[freedom construed] not", as John Rajchman has written, "as will or as a fundamental choice as to who or what we are, but as the freeing or 'clearing' of the possibilities of an age ... " *Michel Foucault: The Freedom Of Philosophy* (New York: Columbia University Press. 1985) pp. 44-45 However, it should be seen that the sense of prophetic longing present in the later Heidegger ("Only a God can save us now") is entirely absent in Foucault. But again this does not mean that something similar to the existential *source* of Heidegger's desire does not find an alternative mode of expression in Foucault's own self-avowed "heterotopianism" (*Order of Things* p.xviii)—a critical strategy running throughout Foucault's work on the basis of which he seeks to "dissolve our myths" (to defamiliarize history) in order to render the social world more amenable to change.

the epistemological foundations of what David Rothman had called,

"[Foucault's] own construction of the historical process."

From Hilary Putnam, for instance, we hear the following common

report:

> I count Michel Foucault as a relativist because his insistence
> on the determination of beliefs by language is so
> overwhelming that it is an incoherence on his part not to
> apply his doctrine to his own language and thought.[12]

Here, what was for Taylor and Shumway of primary concern—the absence in

Foucault's work of any proposals for resolving the problems he identifies—is,

for Putnam, of secondary importance at best. Putnam's main line-of-attack

strikes at the genealogical form itself. Believing Foucault's work is "relativistic"

Putnam also thinks any attempt by Foucault to isolate troubling or problematic

features of modernity must always remain unjustified. For Putnam, Foucault's

alleged relativism implies that his work can play no "critical" role.

Putnam is correct, I think, to point out that Foucault thought language

played a significant role in the determination of beliefs: especially about such

things as "power", "subjectivity" and "truth." But this cannot *possibly* be

represented in Putnam's way as Foucault's "doctrine" (as Putnam puts it). This

is because what Putnam calls, "the determination of beliefs by language"

---

[12] Putnam, H. 'Why Reason Can't Be Naturalized' in Baynes, K.,
Bohman, J. and Thomas McCarthy (eds.) *After Philosophy: End or
Transformation?* (Cambridge: MIT Press. 1987) p.229

constitutes precisely one-half of Foucault's actual position in this area; i.e.,

Foucault never believed—nor did he ever expound the view that—beliefs are

determined by language *alone*. As a writer, he says:

> ... one's point of reference should not be to the great model
> of language (langue) and signs, but to that of war and
> battle. The history which bears and determines us has the
> form of a war rather than that of a language: relations of
> power not relations of meaning.[13]

So how might we respond to Putnam's allegations of relativism? It is

widely recognized that in his early works Foucault did not clearly define the

relationship between historical phenomena and what he later called "power";

i.e., "the problem of the discursive regime, of the effects of power peculiar to

the play of statements." "I confused this [i.e., history, power, knowledge] too

much," Foucault said, "with systematicity, theoretical form, or something like a

paradigm."[14]

In response to Putnam it could be said that some of Foucault's earlier

works may have displayed a certain lack of reflexive self-understanding. This

developmental perspective might also explain the lack—in Foucault's early

works—of the sort of vocabulary we might expect would accompany such

understanding: especially the lack of overt references to "power/knowledge."

---

[13] Gordon, C. (ed.) *Power/Knowledge: Selected Interviews and Other Writings (1972-1977)* (New York: Pantheon. 1980) p.114

[14] ibid p.113

But none of this means that Foucault ever "insisted"—as Putnam says he did—that "language determines beliefs."

## History of Social Practices not Language

There is a substantial body of evidence to suggest that Michel Foucault never believed language alone played a particularly determinative role in the formation of *anything*. From the very early work of *Madness and Civilization: A History of Insanity in The Age of Reason* right up through to Foucault's final publications one always finds there historical analyses of various *social practices* including institutional architecture, techniques of judicial torture, penal confinement, surveillance and observation, techniques of military dressage, the formation of "political arithmetics" (statistics), economics, correct means of handwriting, marriage etiquette, dietetics, and monasticism.

The list here is expansive. The emphasis in Foucault on the history of social practices and not just language reflected his considered opinion. Foucault argued that knowledge, belief, *and* truth are "constituted" at the point(s) where discourse (language and speech) and concrete social practice(s) overlap, cross, come into contact with or—in some other sense—co-determine one another.[15]

---

[15] Foucault viewed language's relation to ontology "analogically". This, I think, should count against the idea that he was a structuralist (see Foucault's rejection of language as a "model" in *Power/Knowledge* p.114).

Operating *between* the constitutive forces Foucault assigned to "the

social"—as he called our world—and those which he assigned to the realm of

discourse there is a reciprocity (i.e., a codetermination) which simply cannot, I

think, be ignored. So while critics like Putnam may choose to speak about

Foucault as if he had not written anything after *The Order of Things* (perhaps

Foucault's most linguistically-oriented study) this, as one commentator has said,

"is weak and unconvincing criticism".[16]

Nonetheless Putnam's objections to Foucault *are* important.  This is

because whatever it is that separates Putnam from Foucault there is, in fact

(though not "in truth" as Putnam might wish), something even more

fundamental which brings the two together.  When Putnam called Foucault a

"relativist" his words implied the existence of a bond—enigmatic certainly and

possibly shared only momentarily—through which Putnam experienced

Foucault's work as "an incoherence."  This moment of shared understanding

brought Foucault and Putnam together.

I will repeat Putnam's claim in full here so that we might see again

how his reference to what I think is fundamental to them both arose in the first

place.  Recall that Putnam charged Foucault as follows:

> I count Michel Foucault as a relativist because his insistence
> on the determination of beliefs by language is so

---

[16] Allen, B. 'Truth in Politics: Foucault on Truth and Power'
(unpublished material).

overwhelming that *it is an incoherence on his part* not to apply his doctrine to his own language and thought.

I have already attempted to show that the position expressed by Putnam according to which "language determines beliefs" is not Foucault's. Now my point is very different since Putnam's reference to an experience of "incoherence" reaches to the very core of the critical method to which Foucault is committed.

## Placing Oneself Outside The Normal

Consider these two things:

1) It may well be that Putnam believes "it is an incoherence on Foucault's part not to" do such and such (any belief or action can be substituted here). Nonetheless, this can only mean that what *Putnam* experiences upon reading Foucault is incoherence.

2) According to Miguel Morey:

"[t]he critique which Foucault carries out ... takes the form of a ... working process by means of which one places oneself outside the normal. In short, it takes the form of a strategy.

Instead of a picture of thought guided by the idea of *con-sensus*, Foucault tries to provoke *dis-sensus*; [that is] to exercise his right to take up a position elsewhere.[17]

---

[17] Morey, M. 'On Michel Foucault's Philosophical Style' in, *Michel Foucault: Philosopher* Trans. T.J. Armstrong (New York: Routledge. 1992) p. 121

By impinging upon our critical sensibilities or what Morey called, our "sensus"

(from the French verb "sentire" meaning—in part—"to feel together") Foucault's

work disrupts predetermined expectations about what sorts of objects, events,

*and* experiences can be taken as "normal", "real", "intelligible" or even (as in

Putnam's case) "coherent".

As I show throughout this work Foucault seeks to "defamiliarize" our

current stock of concepts by provoking what Morey called, "dis-senus". This

approach contrasts with the "consensus-building" characteristic of Western

rationality. Then again Foucault does not participate in the traditional

philosophical pursuit of "truth as agreement".

If Foucault intentionally sought to solicit incoherence from his readers

and if he embraced "a picture of thought guided by the idea of ... dis-sensus",

then he did these things—or so I believe—because he saw his work as a type

of critique; i.e., because he thought this approach was "good".

Here is a popular example showing Foucault's interest in the

possibility of placing oneself outside the normal categories and schemas of our

thinking. As I show later, Nietzsche credited the English moralist Paul Ree for

providing him with "the first impulse to publish [*On the Genealogy of Morals*]."

Similarly, in the opening lines of his 1966 anti-Sartrean tract entitled, *The Order

of Things: An Archaeology of The Human Sciences* Foucault wrote how the

work:

... first arose out of a passage in Borges, out of the laughter
that shattered, as I read the passage, all the familiar
landmarks of my thought—*our* thought, the thought that
bears the stamp of our age and our geography—breaking
up all the ordered surfaces and all the planes with which we
are accustomed to tame the wild profusion of existing
things, and continuing long afterwards to disturb and
threaten with collapse our age-old distinction between the
Same and the Other.

This passage quotes a 'certain Chinese encyclopedia' in which it is
written that 'animals are divided into:
(a) belonging to the Emperor, (b) embalmed, (c) tame,
(d) sucking pigs, (e) sirens, (f) fabulous, (g) stray dogs,
(h) included in the present classification, (i) frenzied,
(j) innumerable,(k) drawn with a very fine camel hair brush,
(l) et cetera, (m) having just broken the water pitcher,
(n) that from a long way off look like flies'.

In the wonderment of this taxonomy, the thing we
apprehend in one great leap, the thing that, by means of the
fable, is demonstrated as the exotic charm of another
system of thought, is the limitation of our own, the stark
impossibility of thinking *that*.[18]

We now seem to be far away from Putnam's original reference to an

experience—upon reading Foucault—of "incoherence." But is this so? In

seeking to place himself outside of current thought and in provoking dissensus

it was not Foucault's goal to resolve or erase contentious issues. Unlike

Putnam, Foucault's aim was not "[to] achieve a change of content (refutation of

old errors, recovery of old truths), nor ... a change of theoretical form."[19]

---

[18] Originally published as *Les Mots et les choses* (France: Editions
Gallimard. 1966) the English translation is sub-titled *An Archaeology of The
Human Science* (New York: Random House. 1973) p.xv

[19] *Power/Knowledge* p.112

James Miller has argued that Foucault conspired to interfere with our

well-worn sense of what's "true" (and what's not) by deploying a certain

"element of transcendence in language."[20] Foucault may have characterized

this same thing in a more direct manner:

> ... [my work] ... makes use of "true" documents, but in such
> a way that through them it is possible to effect not only a
> certification of the truth, but also an *experience* that
> authorizes an alteration, a transformation in the relationship
> that we have with ourselves and with our cultural universe:
> in a word, with our "knowledge".[21]

Perhaps this also explains why Foucault believed that the "essential political

problem for the intellectual is that of ascertaining the possibility of constituting a

new politics of truth."[22]


**Theory vs. Praxis**

I stated earlier that Foucault's influence has been felt across the

disciplines. And although it is wise to treat *any* account of the relations

between philosophical discourse and social practice with skepticism it would be

wrong to think that Foucault's impact has been confined to the so-called

academic or "theoretical" fields alone. Hence, I also stated earlier that

---

[20] Miller, J. *The Passion of Michel Foucault* New York: Simon and Schuster. 1993)

[21] *Colloqui con Foucault* (Salerno 1981). The English translation is entitled, *Remarks on Marx* Trans. Goldstein, R. and James Cascaito (New York: Columbia University Press/Semiotexte Foreign Agent Series. 1991) p.37

[22] *Power/Knowledge* p.133

Foucault's influence has been felt in various "practical" professions as well.[23]

Having said all this, however, it is ironic to find that by the end of his career—and probably earlier—Foucault showed no interest in opposing such terms as "theory" and "practice". One way to approach Foucault's rejection of this dichotomy is from within the context of his experience as a political activist taking into account the lessons he learned there.

"There is", Foucault said in 1971, "very little information published about prisons; it is one of the hidden regions of our social system, one of the dark compartments of our existence." In the hope of changing this situation Foucault joined hands "with magistrates, lawyers, journalists, doctors, and psychologists" to form 'The Group For Information on Prisons' or GIP. Didier Eribon—Foucault's biographer—has written that, "Foucault brought this movement into being".[24]

At the time of Foucault's initial involvement with GIP *Discipline and Punish* would not appear for another four years. However, the early 1970's were a formative period for Foucault. Thus, Michelle Perot has said:

> ... it is possible to measure here [in Foucault's involvement
> with the prison movement] the direct and concrete
> experience sustaining [*Discipline and Punish*].[25]

---

[23] See above at p.1

[24] Eribon, D. *Michel Foucault* Trans. Wing, B. (Cambridge: Harvard University Press. 1991) p.224

[25] ibid p.229

It is true, as Perot claims, that some of the basic postulates which

Foucault would later thematize in *Discipline and Punish* were present in GIP's

mission statement. For instance, we can read there that:

> GIP does not propose to speak in the name of the prisoners
> in various prisons: it proposes, on the contrary, to provide
> them with the possibility of speaking themselves and telling
> what goes on in prisons.[26]

It was also GIP policy that, "each investigation ... be a political act." This meant

that:

> [GIP] ... investigations are not made from the outside by a
> group of technicians. Here the investigators and the
> investigated are the same ... It is up to them to take charge
> of the struggle that will prevent the exercise of
> oppression.[27]

Foucault's involvement with 'The Group For Information on Prisons'

ended three years after it began. In a 1986 interview Gilles

Deleuze—Foucault's one time friend and ally—suggested that Foucault had

always judged GIP's activities to have been a failure.

But if the success of Foucault's direct political activities were in doubt,

then for Foucault "the writer" another type of terrain had indeed been cut-

afresh. For around the time of his association with GIP a unique and coherent

---

[26] ibid p.229

[27] ibid p.228

conception of philosophical-historical critique began to emerge; i.e.,

genealogy.[28]

Foucault believed that GIP had exemplified a model of intellectual

engagement altogether different from that reflected in another type of activist

whom Foucault disliked: the "universal intellectual". He spoke of this type of

activist in this way:

> for a long time, the left intellectual spoke and was
> acknowledged the right of speaking in the capacity of
> master of truth and justice. He was heard, or purported to
> make himself hear, as the spokesman of the universal. To
> be an intellectual meant something like being the
> consciousness [and] conscience *of us all*. I think we have
> here an idea transposed from Marxism, from a faded
> Marxism indeed. (emphasis added) [29]

Here Foucault refers specifically to the inadequacy of the dominant yet "faded"

Marxism of his time. But Foucault's objections to the universal intellectual

challenged the universalist aspirations underlying a "politic" like Marxism in

general.

Foucault disliked the fact that Marxist's usurped the right to speak for

others: a pernicious feature embodied—or so Foucault thought—in the very

idea of a mass "false consciousness". Foucault's objections to the "universal

---

[28] See *The History of Sexuality* (New York: Random House. 1980)
pp.92-102 and 'The Subject and Power' in Dreyfus, H. and P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press. 1983) pp.208-226 N.B. One good introduction to Foucault's later works is Shumway, D.R. *Michel Foucault* (Charlottesville: University Press of Virginia. 1989)

[29] *Power/Knowledge* p.126

intellectual" was an implicit rejection of the notion of "representation" transposed

into its practical (i.e., political) corollary. He believed that representation "in

theory" inevitably lead to the indignity of speaking for others "in practice".

Foucault suggested that the universal intellectual was symbolized in

figures like Jean-Paul Sartre, Herbert Marcuse, and Noam Chomsky, as well

as, in the French Communist Party in general. Against these voices Foucault

"fictioned" a counter-role for a hybrid philosophical-history based upon a new

type of critical engagement. This new model was represented in a character he

called, "the specific intellectual". Here:

> [t]he intellectual's role is no longer to place himself
> "somewhat ahead and to the side" in order to express the
> stifled truth of the collectivity; rather, it is to struggle against
> the forms of power that transform him into its object and
> instrument in the sphere of "knowledge", "truth",
> "consciousness", and "discourse".[30]

The role of the specific intellectual is to draw attention to the conditions of

existence without complying to the demands of "higher values": above all,

without reverting, a priori, to a universalist or representationalist concept of

"truth" as a way to establish a knowledge of what it is that constitutes "the

good" for others.[31]

---

[30] 'Intellectuals and Power: A Conversation Between Michel Foucault and Gilles Deleuze' in *Language, Counter-Memory, Practice* ed. D.F. Bouchard (New York: Cornell University Press. 1977) pp. 207-208

[31] Deleuze is quoted in Eribon p.234

This is an important point. For while Foucault did not forsake the values of criticism altogether—a claim made, as we will see, by Charles Taylor and Michael Walzer—protest, revolt, and critique in Foucault is not conducted *for* anyone or *on behalf of* any group (or way of living).

Rather the "specific intellectual" seeks to know how it is that objects, events, and experiences come to possess the attributes of "nature" and "necessity". This presents a critical interest since a counterpart of the power to *appear* natural and/or necessary is the ability to avoid scrutiny. The tendency to view complex social and political issues from within a "theory vs. praxis" perspective may be explained in part as an historical effect of the legacy of philosophical debate between proponents of a largely "empirical" philosophy and those who have favoured a more "idealistic" conception (Aristotle vs. Plato, Hume vs. Kant). Foucault embraced neither of these traditions. Instead, by attending to the historical factors associated with our having attributed to a tropism like "theory vs. praxis" the kinds of attributes discussed above Foucault straddled the celebrated chasm between empiricism and idealism.

This can be seen in his experience as a penitentiary activist: a practical foray which lead him to conclude that, "representation", as Deleuze said, "no longer exists". Instead, "there's only action—theoretical action and practical action which serve as relays and form networks.[32] As a specific

---

[32] ibid pp.206-207

intellectual, therefore, Foucault eventually discarded the "theory vs. praxis"

dichotomy. As Michael Mahon has noted:

> In his very last writings published shortly before his death ...
> Foucault drew the conclusion of all his preceding books by
> showing that 'the true is only given to knowledge through
> *problematizations*, and that the problematizations are made
> only from *practices*, practices of seeing and practices of
> saying.' Everything is practical ... and irreducible to
> practices of knowledge.[33]

So when I say—as I have already—that Foucault's influence has extended

*beyond* theoretical disciplines constituting a practical (i.e.,a critical) interest it

must be added that for Foucault himself such rigid distinctions as that between

"theory" and "praxis" do not apply.

## Labelling Foucault

Perhaps it is a result of Foucault's interdisciplinary impact and appeal

but considerable disagreement exists as to the nature of his contribution to the

history of philosophy. He is, for instance, often viewed as a member of that

broad current of structuralist-oriented analysis that dominated much of

European philosophy, linguistics and political theory throughout the second half

of this century.[34]

---

[33] Mahon, M. *Foucault's Nietzschean Genealogy: Truth, Power, and the Subject* (Albany: State University of New York. 1992) p.12

[34] In a work entitled, 'On Constituting Oneself an Anarchistic Subject' Reiner Schurmann refers to Foucault's works, *The Order of Things* and *The Archaeology of Knowledge* as "sheer structuralism" (Praxis International 4:2 1984). p.294

In their influential work *Michel Foucault: Beyond Structuralism and Hermeneutics* Hubert Dreyfus and Paul Rabinow argue that in the early stage of his career Foucault was firmly "under the influence of the structuralist enthusiasm sweeping Paris." According to them:

> [he]played down his interest in social institutions, and concentrated almost exclusively on discourse, its autonomy, and discontinuous transformations.[35]

Dreyfus and Rabinow believe that Foucault's early work was "an ultimately untenable attempt to discover the structural rules governing discourse alone."[36]

Like their division of Foucault's work into different "stages" Dreyfus and Rabinow's attempts to inscribe the early Foucault within the history of "structuralist" analyses has been effective. But as Rajchman has said:

> Foucault rejects the linguistic analogy, arguing that there is little formal resemblance between a demographic trend or a scientific problem and the formal characteristics of a language.[37]

I argued earlier that as a critic Foucault does not accept the determination of beliefs by language. As he sees it, history "has the form of a war rather than that of a language ..."

---

[35] Dreyfus and Rabinow pp.16-17

[36] ibid p.17

[37] Rajchman pp. 54-55

And given the emphasis in Foucault's work on the "reciprocity" between our social practices, "the effects of power peculiar to the play of statements", and the formal systems of thought (discourse) it may well be wrong to say Foucault was ever *only* a structuralist historian (less interested in identifying unconscious structures than real human dramas).

Foucault is also sometimes labelled "crypto-normativist" (Habermas), "neo-Nietzschean" (Allan Megill) and "anarchistic" (Schurmann).[38] To the suggestion that Foucault promotes Nietzscheanism I can do little more than defer to one critic's claim that, in fact, "neo-Nietzscheanism is a preposterous label and does not exist".[39]

In a more positive light, however, John Rajchman has argued that there *is* one philosophical tradition to which Foucault does properly belong. "Foucault", Rajchman writes, "is the great skeptic of our time".[40] Like all skeptics Foucault does not argue for any particular way of life or system of values. But this has more to do with a distrust of advocacy and his rejection of "representationalism" in the political sphere than with any crypto-normativism.[41]

---

[38] See Schurmann and McGowan, J. *Postmodernism and Its Critics* (Ithaca: Cornell University Press. 1991).

[39] Allen 'Truth in Politics: Foucault on Truth and Power' p.2

[40] Rajchman p.2

[41] I assume the meaning of this term is self-evident and suggests that Foucault is self-consciously "masking" his normative standards. I discuss this widespread impression in Chapter 4 where I examine an analysis of Foucault

And finally while Foucault *does* refer to anarchism in his work he seems to read it as an historical movement with little to offer in the way of guidance at the present juncture. This may not mean, of course, that Foucault's "anarchistic" reputation may not be deserved. It seems fairly clear that Foucault does not promote a way of life that manages—in a manner consistent with anarchism—to eliminate all social structure. And yet, as I argue here, his work is a critique that can initiate "moments of liberation from social order", as well as, "experiences of transgression or limit-experiences" around social practices and their conceptual underpinnings; i.e., notions of "subjectivity", "power" and "truth".[42]

This would mean that while Foucault's work are not explicitly political, they can still lead to "localized revolts".[43] In any event let me state that my thesis does not depend upon showing that any clear "political" options arise form Foucault's work.[44]

---

by Nancy Fraser.

[42] Ajzenstat, S. (Personal Correspondence)

[43] In this work I argue primarily—if not exclusively—that critical "revolt" in Foucault appears in the form of an historical analysis of the interconnections between forms of discourse and social practice: i.e., between the various forms of "power/knowledge". The direction of influence between Foucault's practical struggles—e.g., the GIP— and his critical theory seems to move from the former *to* the latter: that is, it seems "the good" of his work is embodied in the writing which, as I stated above, "is the form of action" itself.

[44] Stephen D. Ross states: "... in connection both with how we are to respond to a novel form of understanding and how we are to develop new forms of political activity ... [t]here is some irony ... in the fact that Foucault has become an important figure on the contemporary theoretical scene despite the

**Foucault's De-simulating Strategy**

Foucault can be viewed as a still current participant in a heterogenous—largely European—tradition of historically-grounded social inquiry. As I will show Foucault is akin to Durkheim, Ian Hacking, and Nietzsche. But if Foucault spoke and wrote in these ways then it was not his wish to speak to "us" but to "an other" which—and this may sound somewhat awkward—had *somehow* to do with "us". Foucault's goal was as much to "de-simulate" (defamilarize) as to "relate". But to de-simulate what, in what way, and to what end (good)?

Throughout his life Foucault appears to have been motivated by a desire to escape perceived disciplinary confines and by the need for personal anonymity. The period from 1969 to 1972 was an event-filled one for him. In 1972—twenty years after attaining his *Licence de Psychologie* and *Diplome de Psycho-Pathologie*—Foucault went to New York's Attica Prison.[45]

---

nearly universal conviction that despite his overtly radical political stance, *no political activities are compatible with his analyses* ... American writers who share this common view of Foucault's 'nihilism' fail to recognize his close affinities with writers in the classic American tradition—Dewey in particular—whose commitment to a political program is undeniable." (Praxis International 4:2. July 1984). pp.192-207. My thesis confirms Ross's observation.

[45] 'Michel Foucault: A Biographical Chronology' in Bernauer, J. and David Rassmussen (eds.) *The Final Foucault* (Cambridge: MIT Press. 1988) p.163 N.B. According to the Notes accompanying it the Bernauer-Rasmussen chronology is itself, "dependent upon Daniel Defert's notes 'Quelques reperes chronologiques' found in a work by him entitled, *Michel Foucault: Un histoire de la verité* (Paris: Syros. 1985).

The trip to Attica followed two years after Foucault's election to the

College de France: an appointment which would require Foucault to prepare an

Inaugural Lecture to be delivered at the College on December 2, 1970. The

lecture was entitled, "Orders of Discourse".[46] Viewed retrospectively both the

Attica trip and the introductory address reflect Foucault's long-standing

involvement with the themes of "discipline", "escape", and "anonymity". On the

former Foucault said:

> At Attica, what struck me perhaps first of all was the
> entrance, that kind of phoney fortress à la Disneyland, those
> observation posts disguised as medieval towers ... And
> behind this rather ridiculous scenery which dwarfs
> everything else, you discover it's an immense machine. And
> it's this notion of machinery that struck me most
> strongly—those very long, clean, heated corridors which
> prescribe, for those who pass through them, specific
> trajectories that are evidently calculated to be the most
> efficient possible and at the same time the easiest to
> oversee, and the most direct.[47]

And in 'Orders of Discourse' we find testimony to Foucault's need for

escape and anonymity: what Bernauer might have called—since his recent

book takes this phrase as it's title—"Foucault's force of flight". He began the

address this way:

> I would really like to have slipped imperceptibly into this
> lecture, as into all the others I shall be delivering, perhaps
> over the years ahead. I would have preferred to be

---

[46] ibid p.163

[47] Interview with John Simon entitled 'Michel Foucault on Attica' in
*Telos* (19: 1974) pp.155-156

enveloped in words, borne away beyond all possible
beginnings.  At the moment of speaking, I would like to have
perceived a nameless voice, long preceding me, leaving me
merely to enmesh myself in it, taking up its cadence, and to
lodge myself, when no one was looking, in its interstices as
if it had paused an instant, in suspense, to beckon me.
There would have been no beginnings: instead, speech
would proceed from me, while I stood in its path—a slender
gap—the point of its possible disappearance.[48]

Along with his interest in society's disciplinary "machines" and his

wish to be "borne away beyond all possible beginnings" Foucault was also

driven by a deeply felt philosophical commitment to "destroy", as he said,

"some themes which have been built up at a certain moment during history".

I stated that it was not Foucault's goal to write "for us" as we are *now*

but instead to reach—and possibly even to recreate—"an other" in us.  He

sought to achieve this goal by conducting an historically-grounded critique of

various social practices (in prisons, schools, hospitals, etc.):  one which was

guided throughout by his unwillingness to accept any fixed (i.e., ahistorical)

notion of "human nature".

In this way Foucault developed what Rajchman has called, "a modern

practical philosophy".  This was a critique which:

instead of attempting to determine what we should do on
the basis of what we essentially are, attempts, by analysing
who we have been constituted to be, to ask what we might
become.  It is the philosophy for a practice in which what

---

[48] 'The Orders of Discourse' in *Social Science Information* (10:2 April
1971) p.7

> one is capable of being is not rooted in prior knowledge of
> who one is.  Its principle is freedom, but a freedom which
> does not follow any postulation of our nature or essence.[49]

Committed to the abolition of "some themes that have been built up at a certain

moment in history" Foucault developed an historical practice whose principle of

interpretation is, as Rajchman says, "freedom ... a freedom which does not

follow any postulation of our nature or essence".

This historical practice is Foucault's "de-simulating" strategy.  To de-

simulate, therefore, is to seek ways of opening new possibilities for the

constitution of the subject in such a way that, "what one is capable of being is

not rooted in a prior knowledge of who one is."


## Genealogy as a Practice of Freedom: The Hermeneutics of Refusal

Foucault's philosophy is a critique of the historically concrete ways

individuals become "subject to" what he variously calls the "affectivity",

"normativity", or "power" of discourses and practices (i.e., forms of

"power/knowledge").  As my thesis indicates Foucault explored the many

different ways in which objectively-derived standards of conduct (i.e., norms)

are  enforced.  His genealogies also show the social origins of these norms and

how they are applied to the individual body.  But Foucault also sought to

---

[49] Rajchman is quoted in Mahon p.13

expose the limitations we impose upon "ourselves" through the identity-based politics reflective of modernity.

As I will show, Foucault follows Nietzsche by adopting a unique epistemological stance I call, "normative skepticism". According to Allen, "Ancient and modern mark no momentous difference in the philosophy of truth." "In all ... history", he states, "Classical truth was revised, transformed, but on a few key points never seriously questioned".

If Allen is right here, then Foucault's normative skepticism is directed against the stagnation in epistemology today. "[L]ess leery of correspondence *as a theoretical possibility* than of the dubious honour it would bestow upon a thought" Foucault questions "a moral theme" in what Allen calls, "the ontology of Classical truth"; i.e., the idea that, "it is good to have the truth—good just because that means knowing how things really are."[50]

In adopting this skeptical stance toward the *value* of truth Foucault raises the possibility of a liberation from constraints brought on by the current professionalization and institutionalization of knowledge. But this would not be a liberation for individuals conceived as "fixed essences" but as "points of becoming". As "a practice of freedom" Foucault's critique is offered as a libratory gesture for individuals with a "nature-that-is-not-a-Nature."

---

[50] Allen, B. 'Truth in Politics: Nietzsche, Foucault and Nominalist Critique' (unpublished paper) pp.3-4

To see how this can be we must first distinguish a practical or "nominalistic" concept of freedom from a more essentialist (i.e., idealistic) one. Freedom is often conceived as existing transcendentally to the plain of experience. Foucault did not believe in freedom as a theoretical "ideal" or momentary "event." Instead, he conceived of freedom as an ongoing "practice": one which could allow for individual participation in an ethos of liberty.[51]

We might say that, unlike Kant Foucault did not offer an ethical critique of the conditions for the possibility of "free" conduct. Foucault's works are themselves "free" to serve as practical demonstrations of the ways in which conduct, behaviour, and identity are governed within the realm of everyday experience.

Allen has said that for Foucault "freedom ... is nothing different from power".[52] Should we be surprised here? Let us try a thought experiment based on Allen's claim. Assume that Allen *is* right; i.e., that "freedom" and "power" *are* much the same for Foucault. This would then mean that we could substitute the word "freedom" for the word "power" *whenever it arises* in Foucault.

Of course, we could do the same with a work like Michael Mahon's which purports to *explain* Foucault. The results are interesting. Thus according

---

[51] Allen, B. 'Government in Foucault' (unpublished paper) p.18

[52] 'Government in Foucault' (unpublished paper) p.20

to Allen even though Mahon never did write the following he *could* have (and it

would still explain the way freedom figures in Foucault's philosophy):

> Deleuze draws attention to the significant role played by
> space and time in Foucault's understanding of [freedom].
> The most effective examples of what Foucault means by
> [freedom] appear in his discussion of spatial and temporal
> transformations. To exercise [freedom], Deleuze indicates,
> is 'to distribute in space ... to order in time ... to arrange in
> space-time ...' It is as if Foucault rethought the concepts of
> Kant's transcendental aesthetic in the context of his
> Nietzschean, concrete, and historical understanding of
> [freedom].[53]

Quoting Foucault Allen writes: "those who view liberation as an

unalloyed good 'are completely missing the moral problem freedom raises'".[54]

I interpret Foucault's histories as contributions to a life-long (i.e., "lived")

process of developing an "ethics" or "way of life". For Foucault "the moral

problem freedom raises" is precisely what to do with it. Thus "the good" which I

strive to see in Foucault's work is not "unalloyed" (i.e., universal).

Michael Mahon supports this cause. As he states:

> Critique, the attempt to reveal concrete practical, and
> historical conditions of existence, is prepatory for the critical
> second moment: to question the value of the entities ... and
> events of our experience.[55]

And again Mahon suggests that Foucault's criticism does not begin:

---

[53] Mahon p.8

[54] Foucault is quoted in Allen 'Government in Foucault' p.18

[55] Mahon p.8

... with the assumption that philosophy has articulated the ideals critical theory must make practical ... [but] with the assumption that ideals and norms are *always already* 'practical'; the point of critique is to analyze the practices in which those norms actually figure, and which determine particular kinds of experience.[56]

In the end, therefore, despite Foucault's Nietzschean influence the aim of his work was not to "enhance life" or to release an "overman" but—in a way which seems less Nietzschean and more Heideggerean—to question what appears "natural", "necessary", or "universal" in order to open other possibilities.

As Foucault said:

... my [aim is] to show people that a lot of things that are a part of their landscape—that people think are universal—are the result of some very precise historical changes. All my analyses are against the idea of universal necessities in human existence.[57]

In a recent essay opposing the central thesis of Dreyfus and Rabinow's 1982 study of Foucault John Caputo described Foucault's work like this:

Foucault's thought is best construed as a hermeneutics of who we are ... a hermeneutics that turns not on uncovering truth but on living with the ... truth that there is no capitalized 'Truth', no 'truth of truth'. It is thus a hermeneutics that confesses from the start that we do not know who we are, and it is a hermeneutics of who we are not ... Foucault's thought does not move 'beyond hermeneutics' [as Dreyfus and Rabinow argue] but beyond a certain 'tragic' hermeneutics

---

[56] ibid p.14

[57] 'Truth, Power, Self: An Interview' in Gutman.

towards what I will call a 'hermeneutics of refusal'—beyond a hermeneutics of 'identity' toward a hermeneutics of difference.[58]

Caputo's analysis may help us to see why it is that, having taken up a position outside the mainstream of philosophical activity (where the objective remains—arguably—the pursuit of truth) Foucault's works *do* solicit an experience of incoherence. Indeed, if I am correct, then Miguel Morey has seen this as well. As he wrote:

> [i]f we recognize ourselves in Foucault's discourse, this is because what today, for us is intolerable, is no longer so much that which does not allow us to be what we are, as that which causes us to be what we are.[59]

---

[58] Caputo, J.D. 'On Not Knowing Who We Are: Madness, Hermeneutics, and the Night of Truth in Foucault' in Caputo, J.D. and Mark Yount (eds.) *Foucault and The Critique of Institutions* (Buffalo: State University Press of New York) pp.233-262

[59] Morey p.125

# CHAPTER 1
# DISCIPLINE, PRISONS AND THE BIRTH OF MODERN POWER

In this chapter I explore one of Foucault's most studied genealogies:

*Discipline and Punish: The Birth of The Prison.* I show why Foucault judged the

history of penal practices to be a vital source of general information about

society. In particular, I focus upon Foucault's account of the rise of "discipline":

a "mode of the exercise of power" which he considered typical of political

modernity.

## History in Foucault

According to a recent work examining "the maze of contemporary

controversy regarding the end of philosophy", from the general theory of the

subject (e.g., hermeneutics, phenomenology) to an analytic philosophy of

language (e.g., semiotics, Wittgenstein) a shadow of uncertainty and self-

questioning hangs over Continental and Anglo-American philosophy today.[1]

For this reason it may be somewhat restorative to know that "in his

last years", as James Bernauer points out, "Foucault became more comfortable

---

[1] See Baynes, K., Bohman, J., and T. McCarthy (eds.) *After
Philosophy: End or Transformation?* (Cambridge, Massachusetts: MIT Press.
1987)

than he had been in the past with the profession of philosophy." As Bernauer

states:

> [Foucault] proposed that his entire work be approached in
> terms of its ambition to be a philosophical ethos, a
> philosophy-as-life, a way of acting in the contemporary world
> which manifests both a way of belonging to it, as well as, a
> task within it.[2]

And yet if Foucault finally placed himself within the philosophical community in

this way then it is important to emphasize, I believe, that from the very

beginning Foucault had *always* combined his philosophical beliefs with primary

*historical* research. History just *was* Foucault's "way of acting in the

contemporary world". Thus, when Thomas McCarthy said—in the introduction

to his 1987 text entitled, *After Philosophy: End or Transformation?*—that

Foucault considered "genealogy" to be the successor discipline to philosophy it

remained to be added—as McCarthy did—that for Foucault genealogy was "a

kind of philosophical history".[3]

Indeed it would be difficult, I think, to overemphasize the abiding

historical nature of Foucault's work. In reference to Michel Foucault's doctoral

thesis submitted to the University of Paris on May 21, 1961 the French

philosopher of science Georges Canguilhem had this to say:

---

[2] Bernauer, J. 'Foucault's Ecstatic Thinking' in Bernauer and
Rassmussen p.66

[3] Baynes (et al.) p.96

> M.Foucault has ... read and made use of many records for
> the first time ... there is no philosopher who could reproach
> M.Foucault for having given up autonomy of philosophical
> judgement by being submissive to the sources of historical
> information.
>
> The originality of this work consists ... in its taking up once
> again, on a higher level of philosophical reflection, material
> that up to now has been left by philosophers and historians
> of psychiatry to the sole discretion of ... psychiatrists
> interested in the history or prehistory of their specialty, most
> often for reasons of method or convention.[4]

Foucault's thesis was later issued by Librairie Plon under the French

title, *Histoire de la folie*.[5]  An abridged English version appeared shortly after

entitled, *Madness and Civilization: A History of Insanity in The Age of Reason*.[6]

What these early works attest to is the fact that Foucault's writing was marked

*throughout* by a close alliance between history and philosophy:  a dynamic

association aimed at exposing how "historically specific practices of separating,

dividing, and distinguishing the true from the false came to be established".[7]

History was significant for Foucault in at least two ways.  First, by adopting an

historical focus Foucault was able to study a range of social and political

phenomena and, in doing so, to establish their relevance for "philosophical"

---

[4] Canguilhem's remarks can be found in Eribon pp. 105-114.

[5] 1961

[6] Richard Howard (Trans.) London: Tavistock Publications. 1967

[7] Foucault, M. 'Questions of Method' in Baynes (et al.) p.97

reflection in particular. He moved easily amongst a wide variety of topics

including penal reform, clinical pathology, sexual perversion, classical

economics and aesthetic theory.[8]

But if we look beyond the wide ranging "content" of Foucault's writing

to consider the "form" of his works, then we can see that he was *also* engaged

in an extended meditation on many of the historiographical issues which shape

the craft of history-writing itself (truth, periodization, point of view, value

judgments, etc.). In Simon During's view:

> ... [for Foucault], to write history requires constant,
> theoretical attention to methodologies, purposes, and effects
> in the lived-in world. So the diversity of Foucault's work ...
> [is] a moment in the contemporary crisis of knowledge's
> reflection on itself.[9]

Thus, to approach Foucault fairly requires that we recognize the

reciprocity which exists between his historical method (or "anti-method" as

Shiner has called it) and his substantive philosophical views.[10] For as James

---

[8] I refer here to these works: *Discipline and Punish: The Birth of The Prison* (1975), *The Birth of The Clinic* (1963), *The History of Sexuality* (1976), and *The Order of Things: An Archaeology of The Human Sciences* (1966). N.B. Original publication dates by Editions Gallimard: Paris.

[9] During, S. *Foucault and Literature* (New York: Routledge. 1992) p.4

[10] Shiner, L. 'Reading Foucault: Anti-Method and The Genealogy of Power/Knowledge' (*History & Theory* 21: 1982) pp.382-398 N.B. Shiner gives "some directions for reading Foucault that will make it more difficult to assimilate (or dismiss) Foucault as a maverick methodologist and will force us to deal with the political question he puts to philosophy, history, and the human sciences."

Bernauer has written: "although [Foucault's] work investigated diverse issues, his project was a 'history of truth'".[11]

## History not Theory of Truth

From 1954 to 1984 Foucault studied "the political history of the production of 'truth'".[12] Thirty years worth of findings—and that may be the wrong word for it since, as I shall show, Foucault also "created" what he could not find—are presented in a series of detailed social and political analyses he called "genealogies".

Like Nietzsche Foucault sought to unsettle dearly held lay and philosophical assumptions. Rather than describe genealogy as a "method" or "theory", therefore, it might be best to characterize Foucault's historical approach as a kind of antagonistic "strategy". According to Kritzman:

> [Foucault's] 'experimental attitude'—which is one of testing
> out his ideas—is derived not only from the historical and
> critical analysis of the power/knowledge matrix, but from the
> Kantian problematic of the present in which philosophy, no
> longer an object of pure speculation, is regarded as
> integrally linked to the destiny of the political community.[13]

---

[11] Bernauer 'Foucault's Ecstatic Thinking' in Bernauer and Rasmussen p.72

[12] Foucault, M. 'Power and Sex' in Kritzmann, L.D. (ed.) *Michel Foucault: Politics, Philosophy, Culture (Interviews and Other Writings 1977-1984* (Routledge: New York. 1988) pp.110-124

[13] See Lawrence Kritzman's introduction entitled, 'Foucault and The Politics of Experience' in Kritzman pp.ix-xxv

This "Kantian problematic of the present" emerged shortly before

Foucault's death in his examination of Kant's 1784 essay, 'Was heisst

Aufklarung?'. Foucault believed Kant's piece marked:

> ... the first time a philosopher proposed as a philosophical
> task to investigate not only the metaphysical system or the
> foundations of scientific knowledge, but a historical event ...
> Compare this with the Cartesian question: Who Am I? I, as
> a unique but unhistorical universal subject? I, for Descartes
> is everyone, anywhere at any moment. But Kant asks
> something else: What are we? in a very precise moment of
> history Kant's question appears as an analysis of both us
> and our present.[14]

Foucault's reading of this particular Kantian text caused him to turn away from

the aspiration to theorize: instead, he said, "we have to know the historical

conditions which motivate our conceptualization. We need an historical

awareness of our present circumstance."[15]

So if Foucault's approach was one of experimenting and "testing

ideas"—as Kritzman contends—then this was not in order to develop a

theoretical understanding. "[A] theory assumes a prior objectification", Foucault

once said, "[thus] it cannot be asserted as the basis for analytical work".[16]

John Rajchman has argued that Foucault's genealogies "are not

histories of things but of the terms, categories and techniques through which

certain things become at certain times the focus of a whole configuration of

---

[14] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.216

[15] ibid p.209

[16] ibid p.209

discussion and procedure".[17] This points to the "nominalistic" nature of

Foucault's work helping to explain the absence there of any well-formed

"theory" of the different topics he discussed (subjectivity, power, truth, etc.). As

a "nominalist" Foucault was not inclined toward theoretical speculation. Rather,

his aim was to create in us a heightened "awareness" of the concrete (i.e.,

historical) origins of phenomena.[18]

Critics have noted that Foucault showed a tacit disregard for

traditional historiographical concepts and procedures. For instance, he seemed

to preserve no real (i.e., ontological) distinction between "the past" and "the

present".[19] But as Foucault conceived it genealogy was not about the past *at

all*.

Gilles Deleuze once remarked that genealogy was "like a box of

tools ... it must be useful".[20] What Foucault *used* his genealogical tools for

was, I believe, to write a series of ethically ambiguous but nonetheless practical

---

[17] Rajchman p.51

[18] In his introduction to *The Cambridge Companion to Foucault*
entitled, 'Michel Foucault: A User's Manual' Gary Gutting writes: "... Foucault's
work is at root ad hoc, fragmentary, and incomplete. Each of his books is
determined by concerns and approaches specific to it and should not be
understood as developing or deploying a theory or a method that is a general
instrument of intellectual progress. In Isaiah Berlin's adaptation of Archilochus's
metaphor, Foucault is not a hedgehog but a fox." (Cambridge: Cambridge
University Press. 1994) p.2

[19] Foucault *Discipline and Punish* pp.23-31

[20] Foucault 'Intellectuals and Power' in Bouchard p.208

accounts of something he called, "the history of the present".[21] What is "the

history of the present"?


## History as Diagnosis

Foucault's first explicitly genealogical study (*Discipline and Punish:*

*The Birth of The Prison*) chronicles in detail almost two-hundred and fifty years

of change in Western European and North American penal practices. James

Miller has recently suggested that:

> ... its aim on one level is clear enough: to describe in detail
> how the 'style' of punishment has changed in Europe
> between ... 1757 and the birth of the modern prison.[22]

As a "history of the present", however, *Discipline and Punish* cannot

be explained solely on the basis of what it says about the past history of

penality. Dreyfus and Rabinow have said that, in a manner reminiscent of

Wittgenstein's account of language, Foucault's work seeks to illuminate

processes which "literally and materially embody an historically constituted 'form

of life'... "[23] And as Foucault conceived it this 'form of life' was our own; i.e., it

*was* our present. As "history of the present", therefore, Foucault's genealogies

---

[21] ibid p.31 In this work Gilles Deleuze states: "... theory does not express, translate, or serve to apply practice: it is practice ... A theory is exactly like a box of tools. It has nothing to do with the signifier. It must be useful." p.208

[22] Miller p.210

[23] Dreyfus and Rabinow p.124

are intended to be "problematizations" or diagnoses of the current state of political culture in the industrialized Western democracies. Among other things Foucault's genealogical "histories of our present" were intended to expose the way(s) in which power is exercised today.

## Discipline and the Birth of The Prison

Foucault's account of "the birth of the prison" focuses on the rapid and *very* sudden migration—beginning around 1770—of corrective, therapeutic and rehabilitative functions into the penal domain. By examining the role of social-workers, psychiatrists, and psychologists in the determination and administration of modern penal justice Foucault believed he had discerned the outlines of a new form of social power he called, "discipline".

I will quote Foucault at length on this point since it is essential for what follows that we understand clearly the real breadth of his claim. "'Discipline'", Foucault wrote:

> ... may be identified neither with an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedure,levels of application, targets; it is a 'physics' or an 'anatomy' of power, a technology.

> And it may be taken over either by 'specialized' institutions (the penitentiaries or 'houses of correction' of the nineteenth century), or by institutions that use it as an essential instrument for a particular end (schools, hospitals), or by pre-existing authorities that find in it a means of reinforcing

or reorganizing their internal mechanisms of power (one day
we should show how intra-familial relations, essentially in
the parents-children cell, have become 'disciplined',
absorbing since the classical age schemata, first educational
and military, then medical, psychiatric, psychological, which
have made the family the privileged locus of emergence for
the disciplinary question of the normal and the abnormal); or
by apparatuses that have made discipline their principle of
internal functioning (the disciplinarization of the
administrative apparatus from the Napoleonic period), or
finally, by state apparatuses whose major, if not exclusive,
function is to assure that discipline reigns over society as a
whole (the police).[24]

As I will show Foucault argued that "discipline" served to assuage the

increasing unacceptability of "sovereign torture." But he did *not* consider

disciplinary power to be a more lenient (i.e., more Humane) form of penal

power.[25] What distinguishes *Discipline and Punish* from other related works is

Foucault's unique estimation of the costs that flowed from the Humanization of

penality. Foucault saw the prison as a kind of political laboratory into which the

basic elements (mechanisms) of "discipline" were imported—and then

refined—to produce "docile subjects" which the social-sciences could then

"work" upon (and vice versa).

---

[24] Foucault *Discipline and Punish* pp.215-216  N.B. Jacques Donzelot
has done the study Foucault suggests here in a work entitled, *The Policing of
Families* Trans. R.Hurley (New York: Pantheon Books. 1979).

[25] Fillingham, L.A. *Foucault for Beginners* (New York: Writers and
Readers Publishing, Inc. 1993) p.128

Foucault's account of the evolution of the modern prison is also distinguished by his claim that what goes on in penitentiaries (i.e., the production of docile "subjectivity") is but a compact example of what occurs in social institutions generally. Foucault does *not* explain the emergence of discipline as a moment in the evolution of penal legislation. Instead, discipline is linked to a massive diffusion throughout society of concrete practices or "technologies" of power.

Without immediately explaining this let me nonetheless introduce how it was that Foucault envisioned this historical-theoretical correspondence between "the production of subjectivity", "the birth of the prison", and modern power (i.e., discipline). Here are the closing words to Part III of *Discipline and Punish* entitled simply, 'Discipline':

> In the Middle Ages, the procedure of investigation gradually superseded the old accusatory justice, by a process initiated from above; the disciplinary technique, on the other hand, as if from below, has invaded a penal justice that is still, in principle, inquisitorial.
>
> All the great movements ... that characterize modern penality—the problematization of the criminal behind his crime, the concern with a punishment that is a correction, a therapy, a normalization, the division of the act of judgement between various authorities that are supposed to measure, assess, diagnose, cure, transform individuals—all this betrays the penetration of the disciplinary examination into the judicial inquisition.
>
> ... The ideal point of penality today would be an indefinite discipline: an interrogation without an end, an investigation

that would be extended without limit to a meticulous and ever more analytical observation, a judgement that would at the same time be the constitution of a file that was never closed, the calculated leniency of a penalty that would be interlaced with the ruthless curiosity of an examination, a procedure that would be at the same time the permanent measure of a gap in relation to an inaccessible norm and the asymptotic movement that strives to meet infinity.

The public execution was the culmination of a procedure governed by the Inquisition. The practice of placing individuals under 'observation' is a natural extension of a justice imbued with disciplinary methods and examination procedures. Is it surprising that ... the prison, with its regular chronologies, forced labour, its authorities of surveillance and registration, its experts in normality, who continue and multiply the functions of the judge, should have become the modern instrument of penality? Is it surprising that prisons resemble factories, schools, barracks, hospitals, which all resemble prisons?[26]

Coterminous with the seventeenth-century demographic explosion throughout the European continent—and partly as a result of it—"disciplinary power" developed from the ground up in the military institutions, schools, factories, workshops, monasteries and hospitals of the classical age.

In these domains a new "knowledge" of the normal individual was developed whilst a "political technology" of the body was constructed. Foucault writes:

... [disciplinary] technology is diffuse, rarely formulated in continuous, systematic discourse; it is made up of bits and pieces; it implements a disparate set of tools or methods. In

---

[26] Foucault *Discipline and Punish* pp.227-228

spite of the coherence of its results, it is generally no more than a multiform instrumentation.[27]

As a "political technology" disciplinary power was not simply repressive. Its primary aim was a "training in docility"; i.e., discipline assured the accumulation of productive capacities while simultaneously rendering the conduct of individuals more and more predictable.

The secret of the new disciplinary power was its simplicity. As Foucault put it: "hierarchical observation, normalizing judgement and their combination in a procedure that is specific to it 'the examination'" constitute the three basic dimensions of the disciplinary techniques.[28]

In *Discipline and Punish*, Foucault defines hierarchical observation in terms of an architectural problematic; i.e., a need to politicize the 'power to see'.[29] The eighteenth-century Prussian military camp provided the ideal model of the disciplinary 'gaze'. Thus:

> ... in the ... camp ... the old, traditional square plan was considerably refined ... the geometry of the paths, the number and the distribution of the tents, the orientation of their entrances, the disposition of file and ranks were exactly

---

[27] ibid p.26

[28] ibid p.170

[29] ibid p.172

defined ... the camp is the diagram of a power that acts by
means of a generalized visibility.[30]

The origins of disciplinary surveillance are not confined to the military

apparatus however. In Foucault's account eighteenth-century administrative

officials knew that, as a way to assure the optimum performance of *any*

group—children, students, labourers, inmates, the sick, the insane and

soldiers—"hierarchical observation" was key to the development and growth of

profitable "well-governed" environments everywhere.

---

[30] ibid p. 171 N.B. In *The Spectacle of Suffering: Executions and the Evolution of Repression from a Preindustrial Metropolis to the European Experience* Dutch historian Pieter Spierenburg states: "Foucault's ... theoretical frame of reference is essentially that of structuralist philosophy. He conveys the picture of a sudden transition from one penal system to another, without inquiring into that transition. Moreover, the changes ... are hardly explained at all, which could be done by showing their interdependencies with other societal developments." (Cambridge: Cambridge University Press. 1984) p.viii.

In *Discipline and Punish* Foucault provides a detailed account of the *diverse* social-historical origins of various "disciplinary techniques." Modern penality is a product of *their* concatenation. As such it is bound up with a wide range of social developments. Spierenburg, therefore, is not correct. As a corrective to what Spierenburg represents as defective in Foucault's work Spierenburg recommends that Foucault show more concern for such things as the role of urbanization in the transformation of penal practices.

Like other "long term processes", Spierenburg states, "[urbanization] played its role too" in determining current penal practices. (p.x) But Spierenburg's recommendation is clearly odd. Referring to what he calls, the "spatial 'nesting'" (i.e., the diffusion) of architectural techniques of disciplinary surveillance throughout the social body of the classical age Foucault wrote: "For a long time this model of the camp or at least its underlying principle was found in urban development, in the construction of working-class housing estates, hospitals, asylums, prisons, schools ... " (*Discipline and Punish* p.171)

In hospitals, for instance, the ability to exercise a constant and

continuous monitoring increased the quality of treatment and the health of

individuals. Thus:

> ... the hospital building was gradually organized as an
> instrument of medical action: it was to allow a better
> observation of patients, and, therefore, a better calibration of
> their treatment; the form of the buildings, by the careful
> separation of patients, was to prevent contagions; lastly, the
> ventilation and the air that circulated around each bed was
> to prevent the deleterious vapours from stagnating around
> the patient, breaking down his humours and spreading the
> disease by their immediate effects.[31]

Hierarchical observation transformed the very nature of the institutions it

invested: after it "the [modern] hospital ... was no longer simply the roof under

which penury and imminent death took shelter; it was, in its very materiality, a

*therapeutic* operator.[32]

And in schools sealed compartments, raised platforms, and the spatial

ordering of students in the classroom rationalized "an infinitely scrupulous

concern with surveillance" through the correct use of space.[33] In a

"disciplinary scheme" individuals are subjected to a range of "techniques that [in

---

[31] ibid p.172

[32] ibid p.172

[33] ibid p. 173

making] it possible to see, induce effects of power and in which, conversely, the

means of coercion make those on whom they are applied, clearly visible."[34]

"Normalizing judgement" is the second major technique of discipline.

It became the basis for intervention into a whole new range of conduct and

behaviour. As Foucault conceived it:

> ... the workshop, the school, the army were subject to a
> whole micro-penality of time (lateness, absences,
> interruptions of tasks), of activity (inattention, negligence,
> lack of zeal), of behaviour (impoliteness, disobedience), of
> speech (idle chatter, insolence), of the body ('incorrect'
> attitudes, irregular gestures, lack of cleanliness), of sexuality
> (impurity, indecency).[35]

Discipline did not simply to "enforce a law" or "punish" an individual

who had broken a "code". Through a process of normalizing judgements it

produced its *own* criteria to control conduct; i.e., the norm. "What is specific to

---

[34] ibid pp.170-171 N.B. As I suggested at the outset, *Discipline and Punish* is not just a history of the rise of the modern penitentiary system. It is also, "a genealogy of the modern soul" and of the various concepts imposed on it; subjectivity, personality, the psyche, etc. The work is very much a companion volume to an earlier work, *The Order of Things* (1966) sub-titled, "An Archaeology of The Human Sciences." *Discipline and Punish* could have been sub-titled, "A Genealogy of the Human Sciences." Locating the origins of the human sciences in the historical context of the development of techniques of "surveillance" and "hierarchical observation" Foucault wrote: "Side by side with the major technology of the telescope, the lens and the light beam, which were an integral part of the new physics and cosmology, there were the minor techniques of multiple and intersecting observations, of eyes that must see without being seen; using techniques of subjection and methods of exploitation, an obscure art of light and the visible was secretly preparing a new knowledge of man." (*Discipline and Punish* p.170)

[35] ibid p.178

the disciplinary penality", as Foucault put it, "is non-observance, that which

does not measure up to the rule. The whole indefinite domain of the non-

conforming is *punishable* ..."[36]

As a disciplinary "effect" normalizing judgement depends upon the

surveillatory and observational techniques described above. By subjecting

groups to a form of observation which made them "clearly visible" surveillance

acted as the information-gathering end of a power mechanism concerned both

with regulating the productivity of environments (the demands of capital) and

increasing its knowledge of individuals. In turn "normalization" (normalizing

judgement) used this understanding of individuals as a basis for "inter-

subjective" comparisons of all types of conduct and behaviour. Thus,

disciplinary power "enforced" a rule or "norm" which it also constructed. "In a

disciplinary regime", therefore, "punishment involves a double juridico-natural

reference."[37]

The third component of discipline is "the examination". This combined

with "surveillance" and "normalizing judgement" to complete the new hybrid

form of power. "Foucault regarded the examination as the main individualizing

---

[36] ibid p.179

[37] ibid p.179

technique" of discipline.[38] It was used in many of the medical and pedagogical

institutions of the early-modern period.[39]

In schools, for instance, as many as sixteen examinations each year

covering areas as diverse as mathematics, English, stone cutting and

architecture constituted "a perpetual comparison of each and all that made it

possible both to measure and to judge." [40] In the educational fields "the

examination" again played a double role acting as a pedagogical device and a

technique aimed at transforming "pupils ... into a whole field of knowledge."[41]

And in the hospitals too the introduction of a regulated schedule of

medical examinations "placed the patient in a situation of almost perpetual"

observation. By displacing the existing hierarchy of authority-expertise medical

"examinations" quickly became a necessary condition for the transformation of

medical "power" generally (away from the strictly administrative to the medical

function).[42] And as a provision for the "objectification" of illness and disease

---

[38] Jones, Richard. "Educational Practices and Scientific Knowledge: A Genealogical Reinterpretation of The Emergence of Physiology in Post-Revolutionary France" in Ball p.97

[39] Foucault *Discipline and Punish* pp.185-187

[40] This was the curriculum at the eighteenth-century 'Ecole des Ponts et Chausses', France.

[41] Foucault *Discipline and Punish* p.186

[42] ibid p.186

into "patient/cases" the examination also facilitated the subsequent theoretical

(i.e., epistemological) take-off within health-science itself.

Another reason Foucault regarded examination procedures as central

to the formation of "discipline" was that, while "the examination placed

individuals in a field of surveillance, [it] also situated them in a network of

writing; i.e., it engaged them in a mass of documents that captured and fixes

them." The examination of soldiers, patients, school children, and prisoners

was a description and analysis of individuals—their aptitudes, abilities,

personalities and skills—and assured the production of an "object-discourse."[43]

Thus if the "military camp" suggested the plan for a political

architecture, then "the examination" assured in a specific sense that "'a power

of writing' was constituted in the mechanisms of discipline."[44] As Foucault

said:

> The examination, surrounded by all its documentary
> techniques, makes each individual a 'case' ... which at one

---

[43] According to Foucault "the examination" lead to another
development as well: "the constitution of a comparative system that made
possible the measurement of overall phenomena, the description of groups, the
characterization of collective facts, the calculation of the gaps between
individuals, their distribution in a given 'population'." (*Discipline and Punish*
p.190) In an article entitled, "Governmentality" Foucault developed this theme
of the emergence of the category of "population" as a political technology in the
eighteenth-century. 'Governmentality' is included in the volume by Gordon, C.
(ed.) *The Foucault Effect: Studies in Governmentality* (Harvester Press. 1991).

[44] ibid p.189

and the same time constitutes an object for a branch of knowledge and a hold for a branch of power.[45]

## From the Discipline of Prisons to the Disciplinary Society

So much can be said about Foucault's claim to have identified a new "form" of power that it is difficult to know precisely where to begin. I am concerned here with understanding how Foucault's works served as contributions to what he called, "the history of our present." Therefore, I will start by simply underscoring the fact that Foucault did not think this new "technology of power" was confined to prisons *alone.*

On the contrary in his problematization of the present the modern penitentiary was more a diagnostic tool—a symbol, metaphor, or institutional "referent"—which he used to conduct an assessment of modernity in general. "On the whole", he said, "one *can* speak of the formation of a disciplinary society."[46]

But how and on what grounds did Foucault compare contemporary society to "the prison"? What does it mean to live in a state of Foucaultian "discipline"? Foucault's "genealogy of the prison" was meant to portray nothing less than a theoretical and technical "revolution" in the current field of behaviour

---

[45] ibid p.191

[46] ibid p.216

management: it outlines a paradigm shift (so to speak) in both our understanding of, as well as, our ability to "govern" the conduct of individuals in society. Thus, Foucault wrote:

> If the economic take-off of the West began with techniques that made possible the accumulation of capital, it might perhaps be said that the methods for administering the accumulation of men made possible the political take-off in relation to the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection.[47]

As I will gradually make clear Foucault believed that at present "power" has less to do with the really overt forms of state-sanctioned violence, domination, or repression than with governing—guiding and shaping—conduct through a process of "normalization." As Dreyfus and Rabinow say:

> In Discipline and Punish and in the part of The History of Sexuality devoted to bio-power, Foucault begins his diagnosis by pointing to the peculiar way modern norms work ... Among all the rich assortment of techniques, knowledges, practices and discourses Foucault has discussed, normalization is at the core.[48]

Foucault also believed that in a modern disciplinary regime—like ours—individuals are reconstructed (through the analytical practices described above): in this "objectifying" process "the subject" is the name (nomos) we eventually give to ones—like us—whose natures are such as to be able to support the most rigorous of social-scientific investigations.

---

[47] ibid pp. 220-221

[48] Dreyfus and Rabinow p. 258

By using a knowledge of the inner "subjective" life-experience of individuals (their will, desires, intentions, motivations, etc.) techniques of "normalization" give to those who exercise them a kind of disciplinary empowerment; i.e., the ability to govern conduct through a cross-comparative analysis of behaviour, performance, aptitudes, abilities, etc. For Foucault the separation of individuals into the categories "normal" and "abnormal" was a fundamental mechanism of the social-sciences.[49]

If it is true that in a disciplinary "society" normalizing technologies reconstruct and "reconstitute" individuals into subjects, then it is a reflection of the concrete (i.e., punitive) nature of the modern prison that it too came to produce a whole new "domain of criminological objects"; i.e., previously unknown identities. The "homicidal maniac", for instance, and "the dangerous individual" are just two examples.[50] They are "names" that have been with us for some time now. These names represent characters who appear with such frequency today their very existence has taken on a certain "naturalness".

In another study of the history of sexuality Foucault showed how a Victorian "preoccupation with sex" constituted (i.e., brought into the domain of legitimate experience) "four [other] privileged objects of knowledge": "the hysterical woman, the masturbating child, the Malthusian couple, and the

---

[49] Fillingham p.13

[50] Foucault 'The Dangerous Individual' in Kritzman pp.125-151

perverse adult".[51] While I speak about it throughout this work it is important to

know now that what makes the "normalizing" effect unique is its productive

nature: discipline "makes individuals subjects" just as it ensures that "no action

that counts as important or real falls outside the grid of normality."[52]

"Discipline", "normalization", forms of "power/knowledge", "political

technologies of the body" and "bio-power": in practice, *all* of these are but the

means—the "how"—of modern power. "'How'", as Foucault said, "not in the

sense of 'How does [power] manifest itself?' *but* 'By what means is it

exercised?' and 'What happens when individuals exert (as they say) power over

others?'"[53] Foucault wrote that his goal was "to create a history of the different

modes by which, in our culture, human beings are made subjects".[54] This

may help us see why it was that—again near the end of his career—Foucault

reflected on the capacious nature of the modern power he "discovered" and

whose effects he summarized as follows:

> In the second part of my work, the objectivizing of the
> subject is studied in what I shall call 'dividing practices.'
> The subject is either divided in himself or divided from
> others. This process objectivizes him. Examples are the

---

[51] Foucault, M. *The History of Sexuality: Volume 1 An Introduction*
(New York: Random House. 1980) p.105

[52] Dreyfus and Rabinow p.258

[53] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.217

[54] ibid p.208

> mad and the sane, the sick and the healthy, the criminals
> and the 'good boys'...

And then—in a way that must have influenced John Caputo's own

analysis—Foucault offered the following suggestion:

> Maybe the target nowadays is not to discover who we are,
> but to refuse what we are ... The conclusion would be that
> the political, ethical, social, philosophical problem of our day
> is not to try to liberate the individual from the state, and
> from the state's institutions, but to liberate us both from the
> state and from *the type of individualization* which is linked to
> the state. We have to promote new forms of
> subjectivity...[55]

By adopting principles and methods from the newly-emerging human

sciences the prison—in Foucault's account—became an institutional "host" (my

term) to the disciplinary techniques.  But as I have shown "observation",

"surveillance", "the examination", and "documentation" all have their dispersed

(i.e., nominalistic) historical "origins" outside the prison.  In Foucault's

genealogy of the prison, therefore, sixteenth and seventeenth-century factories,

schools, hospitals, and military establishments become the sites of a new

"micro-physics of power" for it was here—in these places—that a new science

of engineering individuals was gradually forming and taking hold.

Foucault is on record as saying that "discipline is not an institution" or

"an apparatus".  Rather—and he is clear about this—it is "a type of power".  It

could be objected, therefore, that these settings (the Prussian camps, the

---

[55] ibid pp.208-216

schools and hospitals etc.) *are* "institutions" ("apparatuses" even)!  How can

they be the source of the new disciplinary power?  The shortest possible

answer to this question seems to be that Foucault's interest in institutions was

not with their "rationale" or "purpose" but with their overall *functioning*: their

*way* of operating.

It was certainly the role of the hospitals, schools, prisons, and

workshops of the Ancien Regime to ensure a productive use of human labour in

order to achieve the larger "organizational" (i.e., social-political) objectives of

burgeoning capitalist economies.  Thus, clarifying his idea somewhat Foucault

remarked:

> What is to be understood by the disciplining of societies
> since the eighteenth century is not, of course, that the
> individuals who are part of them become more and more
> obedient, nor that they set about assembling in barracks,
> schools, or prisons; rather that an increasingly better
> invigilated process of adjustment has been sought
> after—more and more rational and economic—between
> productive activities, resources of communication, and the
> play of power relations.[56]

And yet, while Foucault may appear to share ground here with both

Marxist and Liberal political-economics—since both also discuss the institutional

---

[56] ibid p.219  "It is necessary", Foucault said, " ... to distinguish power
relationships from relationships of communication which transmit information by
means of a language, a system of signs, or any other symbolic medium  ...
Power relations, relationships of communication, objective [i.e., technical]
capacities should not therefore be confused." (ibid pp.217-218)

processes of "rationalization" and "commodification"—the differences between these perspectives and Foucault's critique of modern power are fundamental.

First, Foucault does not "theorize" his concept of the disciplinary society. And second, in his genealogies whether "the workers" ("citizens", "subjects" or whatever) give themselves freely and with a knowledge of their actions (i.e., justly) is besides the point. Either way—from the left and the right—such questions of institutional 'right' are entrenched in a tradition of political theory that is, Foucault said: "increasingly incapable of coding power [today] ... and of serving as its system of representation."

The "tradition" to which Foucault refers here—depicted in various ways from Hobbes to Marx and from to Rawls and C.B. McPherson—is Sovereignty. Here, "power" is conceived as the lawful (i.e., legitimate) application of supreme authority. According to Foucault:

> The great institutions of power that developed in the Middle Ages—monarchy, the state with its apparatus—rose up on the basis of a multiplicity of prior powers, and to a certain extent in opposition to them ... Faced with a myriad of clashing forces, these great forms of power functioned as a principle of right ... manifesting the triple distinction of forming a unitary regime, of identifying its will with the law, and of acting through the mechanisms of interdiction and sanction.

> Doubtless there was more to this development of great monarchic institutions than a pure and simple juridical edifice. But such was the language of power, the representation it gave of itself ... the entire theory of public law that was constructed in the Middle Ages or reconstructed from Roman law ... was not simply a weapon skilfully wielded by monarchs; it was the monarchic system's mode of manifestation and the form of its acceptability. In

Western societies since the middle ages the exercise of
power has always been formulated in terms of the law.[57]

Foucault saw this "entrenched" narrative of Sovereign power as
irrelevant today. In order to contest the way power functions in a "disciplinary"
culture "the image that we must break free of is the theoretical privilege of law
and sovereignty ... we still have not cut off the head of the king."

For Foucault the theory of Sovereignty was dependant upon "a
historical form ... characteristic of our societies: the juridical monarchy."
"Characteristic", as Foucault said, "yet transitory." After the economic and
political "paradigm-shift" or take-off in disciplinary mechanisms monarchical
society—and with it the efficacy and explanatory value of the "juridico-political"
concept of power which it grounded—was soon eclipsed by a technical,
normalizing project: "on the whole", Foucault said, " ... [today] one *can* speak of
the formation of a disciplinary society".

## The Humanization of Punishment and the Psychological Individual

In the remainder of this chapter I highlight some historical issues in
Foucault's account of the evolution of modern power.

In *Discipline and Punish* Foucault examined two related events: the
dovetailing of Liberal-Humanist sensibilities with what I call the "becoming-host"
of the legal and penal systems to the aspirations of the human sciences.

---

[57] Foucault *History of Sexuality* p.86-87

In order to explain the emergence of "discipline", therefore, Foucault conjoins the fact of morally-inspired eighteenth-century European social policy (on crime) with the growing Modernist "stake" in knowing all that could possibly flow from the application of scientific method to the diversity of the social world.[58]

Few historians would disagree with Foucault's assumption that the institutional (i.e., material) operations of the modern prison are inherited from the Classical period. But the rise of a therapeutic and educative-oriented punishment based on the rehabilitation model—and based too essentially upon a "science of subjects"—is *very* different. Penal sociology, criminology, psychology, psychiatry: these are parts of a quite recent event in the history of penality. Thus, Foucault wrote that *Discipline and Punish*:

> ... [was] intended as a history of the *modern* soul and of a
> *new* power to judge; a genealogy of the *present* scientific-
> legal complex from which the power to punish derives its
> bases.[59]

---

[58] Here is a point of departure for Foucault's later studies on "governmentality" and the rise of a bureaucratic culture of experts. In 'Expertise and the State' Terry Johnson writes: "Foucault's concept of governmentality rejects the notion of the state as a coherent, calculating subject whose political power grows in concert with its interventions into civil society. Rather, the state is viewed as an ensemble of institutions, techniques, procedures, tactics, calculations, knowledges and technologies, which together comprise the particular direction that government has taken; the residue or outcome of governing. One strand in the plethora of such outcomes has been the institutionalization of expertise in the form of the professions." See Gane,M. and Terry Johnson eds. *Foucault's New Domains* (New York: Routledge. 1993) pp.139-152

[59] Foucault *Discipline and Punish* p.23

The contemporaneity of Foucault's aims here implies that his work

was not just a history of the prison or its "colonization" by the human-sciences

within the localized environment it represented. Rather, *Discipline and*

*Punish*—as Foucault said—"must serve as an historical background to various

studies of the power of normalization and the formation of knowledge in modern

society."[60] In what could be called a "pre-Modern" penal regime severe crimes

were often punished through a public enactment of violence upon the body of

the condemned.[61] At the heart of such tortuous "spectacles" lay a vital

political ritual acted out in terms of reciprocal violence. Seen as "transgression"

of the King's own 'right' (i.e., law) criminality threatened to defile the absolute

nature of sovereign power. Thus, the "publicity element" of pre-Modern

punishments served to underwrite the exchange-value of a penal practice that

was both an awesome display of monarchic strength and a means of

reconstituting the authority of the State.

Beginning in the latter half of the eighteenth- century and continuing

through to the mid-point of the nineteenth a different regime began to emerge in

---

[60] ibid p.308 N.B. The basic analysis of normalizing judgement is in *Discipline and Punish* (pp.170-194) and *The History of Sexuality: Volume 1* (pp.77-131). See also, 'The Political Technology of Individuals' in Gutman (pp.16-49), 'Governmentality' in *Ideology and Consciousness* (6, Autumn 1979. pp. 5-21), and 'The Dangerous Individual' in Kritzman (pp.125-151).

[61] A description of "la supplice" (i.e., the execution) can be found in *Discipline and Punish* (pp.3-6) where Foucault recounts the final hours of the eighteenth-century French regicide 'Damiens'.

all the major European nations and in North America as well.[62] One

noticeable feature of this new "system" was the States' relinquishment of

"publicity" as a tactic in penal strategy. The "privatization" of punishment was

something Foucault fought against with GIP. As he said in 1971, "there is very

little information published about prisons; it is one of the hidden regions of our

social system, one of the dark compartments of our existence."

But the new penal system was also distinguished by a gradual

dissolution in publicly executed punishments generally. Thus, between 1770

and 1840 we find the historical origins of the so-called "Humanization" of

punishment. In this context "incarceration" becomes the paradigmatic mode of

punishment in every civilized nation.

This process was rapid—and thorough—despite the fact that many

opposed more lenient punishments (especially for crimes involving violence or

the use of weapons). But if public torture had been an effective way for a

Sovereign to avenge a 'right' and—in this way (or so the theory states)—to

reconstitute a just political order, then—between 1750 and 1830 generally—the

exemplary value of this practice was rapidly exhausted as Humanist reformers

objected to the morally offensive nature of such punishments.

Foucault pointed out that as a means of expressing the will of the

King violence, oppression, deduction—the defining characteristics of pre-

---

[62] Foucault *Discipline and Punish* p.7

Modern penality—were all one-dimensional (i.e., these were "negative"

mechanisms). Crude "levying" of fines and the infliction of pain may also have

hampered attempts to develop a system where punishments could reflect the

particular nature of the crime committed. In general, therefore, "torture" was

perceived as a liability to the development of a truly just and civil penal practice.

For these reasons—and more—Humanists called for the eradication of torture

as punishment:

> Let penalties be regulated and proportioned to the offenses,
> let the death sentence be passed only on those convicted of
> murder, and let the tortures that revolt humanity be
> abolished.[63]

In *Discipline and Punish* Foucault attempted to discern another level

of historical reality: one which he claimed has become covered-over by the

monumental "legacy of reform" left behind by Humanism.[64] Foucault argued

that transformations in penal practice were characteristic not so much of

changes in the collective sensibilities of the modern period but of a theoretical

and—above all—a technical revolution in our understanding of punitive

"mechanisms" generally. Thus, he wrote:

> For a long time [the reduction in penal severity] has been
> regarded ... as a quantitative phenomena: less cruelty, less
> pain, more kindness, more respect, more 'humanity'. In fact,

---

[63] ibid p.73

[64] The term is Rothman's. See *The Discovery of The Asylum: Social Order and Disorder in The New Republic* (pp.237-265).

these changes are accompanied by a displacement in the very object of the punitive operation.[65]

Foucault did not view the increased leniency of "mere" incarceration as the effect, a priori, of a more refined or enlightened moral Weltanschauung. Instead, the dissolution of torture and the elimination of pain from penal history are linked "from within" to a change in the constitutive element of the practice of punishment itself.[66]

Alongside the imputed increased leniency of the Modern regime, therefore, Foucault argued that "the quality, the nature, in a sense the substance of which the punishable element [was] made, rather than its formal definition" had changed. As he stated:

> Under cover of the relative stability of the law, a mass of subtle and rapid changes has occurred. Certainly the 'crimes' and 'offenses' on which judgement is passed are juridical objects defined by the code, but judgement is also passed on the passions, instincts, anomalies, infirmities, maladjustments, effects of environment or heredity; acts of aggression are punished, so also, through them, is aggressivity; rape, but at the same time perversions; murders, but also drives and desires.[67]

This change in the "style" of modern penality was not simply a reaction to corresponding changes in the legislative temper of modernity.

---

[65] Foucault *Discipline and Punish* pp.16-17

[66] ibid p.17

[67] ibid p.17

Characteristic of the new penality is the introduction—into the juridical

domain—of a new kind of "object."[68] In the pre-Modern system punishment

directly targeted (tortured) the body of the condemned because it was held that

in *it* social responsibility, individual obligation, and the legal 'right' to punish

intersected; i.e., in Monarchic society, Foucault argued, "the body" *was* the

juridical subject.

Under pressure from Humanist reform, however, punishment—and

therefore "the body"—are subjected to another image of power altogether.

Today "guilt" and "innocence" are shared between the old juridical subject (the

body) and a new non-juridical counter-part (literally a new "counter-subject");

i.e., the "psychological" individual.

Reform policy called for a heightened respect for individuals: for that

which was most 'humane' *in* them. Foucault thought that what made such a

formulation possible *in the first place* was a nascent change in the modern

understanding of "the body" itself. He argued that the humanization of

punishment had less to do with an increasing civility than with "truth" itself (the

truth of the body). By playing "host" to the psychological individual modern

penality showed that the body could—at a specific moment in history—be made

to support new forms of investigation, belief, inquiry, and analytical techniques:

---

[68] ibid pp.17-18

all of which take as their aim the formulation of "true" statements about individuals.

Thus, for Foucault modern penality involved what he called, "the political technology of the body." But again modern punishment was not "political" because it manifested the power of the "legal system" per se—though of course it did do this—but because the type of power it used was a disciplinary one that "made individuals subjects".

From an explanatory point of view—i.e., from the point of view of trying to explain Foucault's notion of "the history of the present"—the precise chronology of these events is difficult to capture.[69] For the judicial system itself acclimatization to the newly developing "interest" in the psychological dimension of criminality required more than just a new "procedural" concept of justice. As Foucault said it was not just a case of "the law absorbing, little by little, elements that are foreign to it."

The introduction into legal discourse/practice of the psychological individual required a new understanding of the criminals "soul": all those elements which made her/him a "subject" of desires, intentions, reasons, etc. Thus, what was needed was a knowledge of individuals not legal codes. As Foucault writes:

---

[69] I hope that any lack of clarity in my thesis to this point will be eliminated in Chapter 2 where I cover similar terrain though with a different aim.

Now a quite different question of truth is inscribed in the course of penal judgement. The question is no longer simply: 'Has the act been established and is it punishable?' but also: 'What *is* this act, what *is* this act of violence or this murder? To what level or to what field of reality does it belong? Is it a phantasy, a psychotic reaction, a delusional episode, a perverse action?'

It is no longer simply: 'Who committed it?' But: 'How can we assign the causal process that produced it? Where did it originate in the author himself? Instinct, unconscious, environment, heredity?'[70]

Slowly the demand for such knowledge lead to a "fragmentation" of the judicial apparatus (both in terms of its powers and its mode of functioning).[71] To respond to the changing imperatives of a "humane" legality—one which takes "the soul" of the accused as its' proper object—new types of penal officials were needed.

Modern penality thus became a source of encouragement to the social-sciences generally. Hence, Foucault wrote:

Psychiatric expertise, but also in a more general way criminal anthropology and the repetitive discourse of criminology, find one of their precise functions here: by solemnly inscribing offenses in the field of objects susceptible of scientific knowledge, they provide the mechanisms of legal punishment with a justifiable hold not only on offenses, but also on individuals: not only on what they do, but on what they are, will be, may be.[72]

---

[70] ibid p.19

[71] ibid p.21

[72] ibid p.18

These modern penal authorities formed—from the very beginning—a

kind of supplementary judiciary. Of course, the criminologists had no legal

powers. But this was not an obstacle to their penetrating the legal domain. For

they had a technical "skill-set" (evaluation, assessment, observation,

examination, etc.) which gave them a practical 'right'—scientific *not* juridical—to

participate in punishment; i.e., to consult on the nature, length, and degree of

sentences and to provide "reasons" (truths) when such penalties should be

lightened, increased or commuted altogether. On this Foucault said:

> ... another truth ... penetrated the truth that was required by
> the legal machinery; a truth which, entangled with the first ...
> turned the assertion of guilt into a strange scientifico-juridico
> complex.[73]

Within the disciplinary scheme that modern prisons came increasingly

to depend upon whoever worked upon the "soul"—psychiatrist, criminologist,

social worker, clergy—did not have to be "an expert in responsibility, but an

adviser on punishment; it [is up to them] to say whether the subject is

'dangerous', in what way one should be protected from him, how one should

intervene to alter him ..." In modern penality, therefore, it was no longer crimes

that were judged but *character.* And this judging was not done "to right a

wrong". As Foucault said:

---

[73] ibid p.19

> It is quite clear that for us it functions as a way of treating a
> criminal. We punish, but this is a way of saying that we wish
> to obtain a cure.[74]

This historical transition in penal regimes from the days of public

spectacles to a more civilized and "lenient" incarceration is a move from torture

and monarchic culture toward the "normalization" of individuals and the

"disciplinary society" referred to earlier.

Foucault's reason for talking about "technologies" of power (vs. legal

codes) is to connote the possibility of a general diffusion of forms of

"power/knowledge" throughout modernity. With this thesis on the diffusion of

mobile "techniques" of power Foucault attempted to counter the Humanist

narrative by showing that a new way of "exercising power"—and not just a new

morality—had been successfully introduced into the domain of law and penality.

---

[74] ibid p.22

# CHAPTER 2
## THE MONOTONOUS FINALITIES OF HISTORY

In this chapter I continue my analysis of *Discipline and Punish: The Birth of the Prison* in an effort to characterize some of the central interpretive principles which shape Foucault's historical outlook as I see it. In particular I explore Foucault's notion of the "history of the present" by comparing and contrasting it with works by Hacking, Butterfield, Nietzsche, and Dewey.

### Genealogy: Between Presentism and Objectivism

In a work entitled, *Logic: The Theory of Inquiry* John Dewey declared that:

> ... [a]ll history is necessarily written from the standpoint of the present, and is, in an inescapable sense, the history ... of that which is contemporaneously judged to be important in the present.[1]

If Dewey *was* correct here, then one wonders how Herbert Butterfield could have so thoroughly opposed such "pragmatic" insight when he declared that on the contrary:

---

[1] Dewey is quoted in 'Historical Judgments' an excerpt of *Logic: The Theory of Inquiry* in Meyerhoof, H. (ed.) *The Philosophy of History in Our Time* (New York: Doubleday. 1959) p.168. This text is quoted by William Dray in his work, *Philosophers and Philosophy of History* p.164.

... the study of the past with one eye, so to speak, upon the present is the source of all sins and sophistries in history ...[2]

The very existence of such a divergence of opinion is suggestive. Is it possible that a more moderate solution to the problem of "perspective" in history could be found outside of these two admittedly extreme positions?

In this direction Ian Hacking has argued that "the organization of our concepts, and the philosophical difficulties that arise from them, sometimes have to do with their historical origins."[3] On this basis he states:

> ... historians ... distinguish internal and external history. External history is a matter of politics, economics, the funding of institutes, the circulation of journals, and all the social circumstances that are exterior to knowledge itself.
>
> Internal history ... [on the other hand] ... is the history of individual items of knowledge, conjectures, experiments, refutations, perhaps.[4]

Hacking seeks to relate transformations in scientific theory to events in the wider social sphere.[5] For him, "conceptual incoherence ... is an

---

[2] Butterfield, H. *The Whig Interpretation of History* (London: Bell Press. 1951) p.31

[3] Hacking, I. 'How Should We Do The History of Statistics' in Burchell, G., Gordon, C. and Peter Miller (eds.) *Studies in Governmentality* (Chicago: University of Chicago Press. 1991) p.184

[4] ibid p.191

[5] Hacking has a number of works which follow this approach. His most Foucaultian work is a study of "historical styles of reasoning" entitled, *The Taming of Chance.* Hacking was largely responsible for introducing Canadian

*historical* incoherence between the prior conditions which made a concept

possible and the concept made possible by those prior conditions."[6]  Perhaps

something like this sort of "reciprocal" interplay between what Hacking calls our

"prior conditions" (i.e., our 'point of view' or social-historical perspective) and our

theoretical "concepts" could account for—by moderating—the differences

*between* Butterfield and Dewey.

Hacking's consolidation of the "historical" with the "conceptual" has

been a customary feature of European philosophy and history of science since

at least Canguilhem's time.  Foucault once wrote:

> In the history of science, such as it was practised in France,
> Georges Canguilhem brought about a significant shift.
>
> Broadly speaking, the history of science concerned itself by
> preference, if not exclusively, with disciplines which were
> 'noble' in terms of the antiquity of their foundation, their high
> degree of formalization, and their fitness for
> mathematization; in terms of the privileged position they
> occupied in the positivist hierarchy of the sciences ...
>
> Canguilhem ... focused almost all his work on the history of
> biology and medicine, knowing full well that the theoretical
> importance of the problems raised by the development of a
> science are not perforce in direct proportion to the degree of
> formalization reached by it ... [in this way] he brought the
> history of science down from the heights (mathematics,
> astronomy, Galilean mechanics, Newtonian physics,
> relativity theory) towards the middle regions where

---

philosophers to Foucault who lectured in Canada at the University of Toronto's,
'Summer Institute on Semiotics' in 1978.

[6] Hacking p.184

knowledge is much less deductive, much more dependant on *external processes* (economic stimulations or institutional supports) ...[7] (emphasis added)

While the inter-dependency between theoretical speculation and historical circumstance may be well-established in some areas of philosophy it is certainly not universally embraced. Referring to what he calls "the English tradition in analytic philosophy" (with its emphasis on ahistorical facts about ordinary language) Ian Hacking suggests that the possibility of a connection between what he called—above—"external" and "internal" history is rarely subject to sustained critical analysis.[8]

Yet it is, I think, precisely the possibility of such a *connection* which Michel Foucault attempted to discern in his studies of the "history of the present". Genealogy weds the two disparate views represented by Dewey and Butterfield; i.e., genealogy is between "presentism" and "objectivism" in historical analysis. As Dreyfus and Rabinow suggest:

Foucault is interested in how both scientific objectivity and subjective intentions emerge together in a space set up not by individuals but by social practice.[9]

---

[7] See Foucault's introduction to Canguilhem, G. *The Normal and The Pathological* (New York: Zone Books. 1991) p.13

[8] Hacking p.191

[9] Dreyfus and Rabinow p. 108

Foucault attempted to achieve this merger of "presentism" with

"objectivism" by combining an analysis of the sorts of objects appropriate to

what Hacking called, "external" historiography (i.e., politics, economics,

institutional analysis, etc.) with those appropriate to an "internal" historiography

(i.e., conjectures, refutations and other epistemic items). Thus Foucault wrote:

> Man is a thinking being. The way he thinks is related to
> society, politics, economics and history and ... to very
> general and universal categories and structures.
>
> But thought is something other than societal relations. The
> way people think is not adequately analyzed by the
> universal categories of logic.
>
> Between social history and formal analyses of thought there
> is a path, a lane—maybe very narrow—which is the path of
> the historian of thought.[10]

Foucault's genealogical "strategy" allowed him to explore a level of

historical "reality" situated midway *between* John Dewey's present-mindedness

and Butterfield's objective admonitions against "Whiggish" interpretations.

Referring to his work on prison, for instance, he announced:

> I would like to write the history of the prison ... Why? Simply
> because I am interested in the past? No, if one means by
> that writing a history of the past in terms of the present.
> Yes, if one means writing the history of the present.[11]

On first reading such a wish confounds: this is because Foucault has

evacuated the meaning from the kind of distinctions which had separated

---

[10] Foucault, M. 'Truth, Power, Self: An Interview with Michel Foucault'
in Gutman p.10

[11] Foucault *Discipline and Punish* p.23-31

Dewey and Butterfield; i.e., "past" and "present". John Murphy expressed this well. As he says, "for Foucault the present is neither an object nor a subject but a dimension that conflates the two."[12]

Again, therefore, Foucault's "history of the present" attempted to conjoin aims reflective of an external historiography with those reflective of an internal approach. The genealogical "encounter" on this middle ground between external and internal history is a critical one. In Chapter 4 I discuss Foucault's conviction that the distance which "separates" us from our past also provides an "opening" for a new type of critique.

## Nietzsche, Genealogy, and the History of the Present

In 1971 Foucault wrote an essay entitled, 'Nietzsche, Genealogy, History'. It first appeared in a collection of essays commemorating the late Hegelian Jean Hyppolite.[13] According to the English translator of this brief work "its importance, in terms of understanding Foucault's objectives, cannot be exaggerated".[14]

In this text Foucault referred to Nietzsche's sarcastic ruminations on another work by Paul Ree which Nietzsche considered a "shrewd and precious little book". According to Nietzsche the "upside-down and perverse species of

---

[12] Murphy, J.W. (Arkansas State University) 'Foucault's Ground of History' *International Philosophical Quarterly* (24, 189-194, Je 1984)

[13] An English translation of 'Nietzsche, Genealogy, History' is found in Bouchard pp.139-164.

[14] ibid p.139

genealogical hypothesis" of Ree's, *The Origin of The Moral Sensations*—and as

well Ree's own desire to see in the "altruistic mode of evaluation ... moral

evaluation *as such*" inspired him to conceive the problem of the origins of

morality in an altogether different light. As Nietzsche puts it Ree's analysis was

the source of his "first impulse to publish [*On The Genealogy of Morals*] ...[15]

I speak about Ree and Nietzsche here to illustrate an issue that is

both partly "theoretical" and "historical"; i.e., the influence one thinker can have

upon another. As far as Foucault's own writing is concerned any number of the

great eighteenth-century Humanist reform texts could—and indeed do—serve

as historical background for a work like *Discipline and Punish*. And yet no

single text could ever have inspired Foucault's "genealogy of the prison" in the

way Ree's work inspired Nietzsche's *Genealogy of Morals*.

One reason for this is that *Discipline and Punish* is not intended to be

simply a critique of "previous" theories (and practices) of punishment. Rather, it

is intended as a "history of the present": "a history", as Foucault wrote, "of a

new power to judge; a genealogy of the present scientific-legal complex from

which the power to punish derives its bases." In a manner that is both

prodigious and inventive *Discipline and Punish* (as history of the present) refers

---

[15] Nietzsche, F. *On The Genealogy of Morals* (Preface #4) in
Kaufmann, W. *Basic Writings Of Nietzsche* (New York: Modern Library. 1968)
p.453

largely—though not exclusively—to *itself* (and not just to an "other" historical interpretation).[16]

Here is an opportunity to distinguish what Foucault called the "archaeological" from the "genealogical" dimension of his analyses. As he conceives it a "genealogy of the prison" is not constructed on the basis of *other* texts (even his own prior works as Gutting argues). Instead, to realize a genealogical "history of the present" one must struggle to account for the current "regime of power and knowledge" in which—as one specific genealogical example—the prison now operates.

For Foucault the goal of "problematizing" or diagnosing modern power took the form of an inquiry into how—in the name of "truth" and the formation of a scientific knowledge (discourse) of individuals—"techniques" were developed which presented the historically unique opportunity (the epistemic 'right') to participate in defining subjective id-entities (my term). What this particular

---

[16] That Foucault's works refer to themselves and not to "other texts" should be distinguished from the popular Derridean dictum "il n'y a pas d'hors texte" [there is no "thing" (being) outside of books]. Foucault is far from this deconstructive stance. In his introduction to *The Cambridge Companion to Foucault* Gary Gutting appears to take up my point about the inventive nature of genealogy but develops it one step further. As Gutting says: "It is striking that Foucault's books hardly ever refer back to his previous works ... his analyses are effective precisely because they are specific to the particular terrain of the discipline he is challenging, not determined by some general theory or methodology ... each of Foucault's books has the air of a new beginning." (Gutting pp.3-4)

diagnosis revealed was the development of new ways of working a determining influence over the behaviour and conduct of individuals.

For this reason Foucault considered "the problem of power" to be more than merely theoretical. Power was also—and perhaps more importantly—a question of "government"; i.e., a question of "truth's" reputation for "successfully soliciting belief, penetrating practical reasoning, and thus to an infinitely variable degree modifying the subjective representation of options and necessities for belief and choice." "This", Allen writes, "is an example of the effect Foucault terms 'government'."[17]

## Histories of Truth not True History:  Foucault's New Terrain

Like many contemporary social historians Foucault's interest in changing "styles" of penality was sparked by an erosion—throughout the 1960's and 1970's—in the social and ethical legitimacy of institutions generally. Represented by such figures as Stanley Cohen and Andrew Scull in America, as well as, by Michael Ignatieff in Britain  Foucault operated within what is now seen as a well-established historical and sociological tradition of "social control" theory.[18]

---

[17] Allen, B. *Truth in Philosophy* (Cambridge: Harvard University Press. 1993) p.4

[18] These authors recent works are as follows: Scull, A. *Social Order and Mental Disorder*, Ignatieff, M. *A Just Measure of Pain: The Penitentiary in The Industrial Revolution (1750-1850)* and Cohen, S. and Andrew Scull, *Social Control and The State: Historical and Comparative Essays* (see especially David Rothman's essay on psychiatry and incarceration entitled, 'Social Control: The Uses and Abuses of the Concept in the History of Incarceration' pp.106-117).

But Foucault should not be too closely identified with the "control"

school since it offered little in the way of accounting for Foucault's own

understanding of how power works in a "disciplinary society". This is to say

that "power" in Foucault's sense (i.e., as an effect of government linked to truth)

is not a matter of "control".

If anything "discipline" succeeds through a power of encouragement:

an enticement to act, to choose, to try. "Power", Foucault said, "is a way of

acting upon the actions of others". Thus, he sates:

> The exercise of power can produce as much acceptance as
> may be wished for: it can pile up the dead and shelter itself
> behind whatever threats it can imagine. In itself the exercise
> of power is not violence; nor is it a consent which, implicitly,
> is renewable. It is a total structure of actions brought to bear
> upon possible actions; it incites, it induces, it seduces, it
> makes easier or more difficult; in the extreme it constrains
> or forbids absolutely; it is nevertheless always a way of
> acting upon an acting subject or acting subjects by virtue of
> their acting or being capable of action. A set of actions upon
> other actions.[19]

In Foucault's definition of power "to control"—the central notion for the tradition

to which Ignatieff, Scull, and Cohen all belong—would be more like "the general

form of the law" or the State: to "control" the actions and conduct of others

would be to put into play but one possible mode of the exercise of power.[20]

As a "history of the present", therefore, *Discipline and Punish* is

neither a theory of social "control" nor an "archaeology" of opinions and ideas

---

[19] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.220

[20] Foucault *Discipline and Punish* p.27

taken from the history of pre-Modern punishment. David Rothman nicely

separates Foucault's aims from others who also see penality as a rich source of

general knowledge about society. He states:

> ... it's not that historians [like Foucault] were in any simple
> sense serving or self-consciously encouraging reform
> movements that sought to reduce reliance on incarceration.
> Rather, the outbreak of prison riots in the early 1970's and
> the [accounts] of wretched institutional conditions (whether
> at New York's Attica prison or Alabama's Bryce State
> Mental Hospital), along with efforts of public interest law
> groups to litigate on behalf of prisoner's and mental patient's
> rights had the effect of rendering problematic those
> institutions and procedures that heretofore had appeared to
> be natural and logical within the landscape.[21]

To "render" the present "problematic": this is one way to describe

Foucault's aims in doing genealogy. He attempted to discern a possible

relationship—which was not necessarily one of opposition (i.e.,

negation)—between the "what was said" (the inherited historical archive) and

what he knew (i.e., believed) was intolerable at this time. As Dreyfus and

Rabinow say:

> [Foucault's] approach explicitly and self-reflectively begins
> with a diagnosis of the current situation. There is an
> unequivocal and unabashed contemporary orientation.[22]

Borrowing a phrase which Foucault first used in an unrelated context we could

say that Foucault exchanged the historical "ideal" of constructing a comfortable

---

[21] Rothman p.xvi

[22] Dreyfus and Rabinow p.119

(i.e, correspondent) image of the past with "the anxiety of judging".[23] This was

a methodological intrepidation about the "value" just ascribed (i.e., a concern as

to whether this aspect of the present really does warrant protest).

## Avoiding Previous Categories

In forming his interpretation, diagnosis, or "problematization" of our

present Foucault cannot appropriate existing social and historical categories

Thus, he states:

> That punishment in general and the prison in particular
> belong to a political technology of the body is a lesson that I
> have learnt not so much from history as from the
> present.[24]

What—again—is "a political technology of the body"?  To answer this question

(as I said earlier) is to discover the inventive "self-referential" style of Foucault's

"history of the present".

In *Discipline and Punish* the "political technology of the body"

functions as a general reference or name for a range of power techniques

instituted to meet the exigencies of penality in the "disciplinary society".  In this

---

[23] Taken from the title of an interview with Michel Foucault conducted by Jean Laplanche and Robert Badinter for *Le Nouvel Observateur* on May 30, 1997 entitled 'The Anxiety of Judging.'  The essay is reprinted in *Foucault Live* Trans. Johnson, J. (New York: Semiotext(e). 1989) pp.157-178.

[24] Foucault *Discipline and Punish* p.30

sense it constitutes the modern form of political "subjection".[25] In genealogy, "the technology of the body" functions as both signifier and signified; that is, it serves as an interpretive "category" or analytical "tool" fashioned—it should be emphasized—by Foucault to meet his own needs, as well as, a newly "discovered" mechanism of power.

The double operation performed by Foucault's concept of "a political technology of the body" can be explained in terms of Foucault's concept of power; that is, in terms of his concept of "power/knowledge". It bears repeating that while he may have occasionally spoken otherwise Foucault's stated "nominalist" objective is to not talk about power "in itself". As a genealogist he deciphered the way "discourse" (i.e., knowledge, utterances, claims to truth, information, etc.,) is used to "govern the conduct of individuals" and "to act upon their actions" (i.e., power).

The political technology of the body is one apparatus of this so-called "power/knowledge". Located somewhere between a straightforward scientific (i.e., bio-physiological) knowledge of the human body and an outright physical "oppression", "control", "domination" or "subjugation" Foucault's notion of "a political technology of the body" is unique to his analysis. This is a move similar to Foucault's claim to have "discovered" a new type of modern power; i.e., discipline. Thus, he asserts at the start of *Discipline and Punish* that:

> ... there may be a "knowledge" of the body that is not
> exactly the science of its functioning, and a mastery of its
> forces that is more than the ability to conquer them: this

---

[25] Dreyfus and Rabinow p.113

knowledge and this mastery constitute what might be called
a political technology of the body.[26]

The originality behind Foucault's thesis that modern penality works

punishments through "technologies of the body" supports, I believe, a claim

which I develop in Chapter 3; i.e., that the type of historical analysis one finds

in *Discipline and Punish* (i.e., genealogy) is not intended as a way of ruling-

out—because "false"—other attempts to explain changes within the history of

punishment.

The critical aims of Foucaultian "genealogy" operate in a field of

analysis that is not comprised by a propositional struggle over "true/false".

Instead, by emphasizing the human body's involvement in "power relations"

genealogy provides Foucault with a largely non-discursive (i.e., materialistic)

history of punishment.


## Power, the Body, and The Constitution of Subjectivity:
## Foucault's Incredulity Towards Humanism

In contrast to the Humanistic account of penal change based on the

idea of an evolving moral Weltanschauung Foucault sought to reveal a change

in the very purpose and effect of modern punishment. As he wrote:

---

[26] Foucault *Discipline and Punish* p.26  N.B. Foucault says something important when he states that the "knowledge" of the body used by modern penal officials "... is not ... exactly ... science" and that it provided "... more than the ability to conquer" the one subjected to it.  What Foucault is suggesting here is that "the political technology of the body", as an apparatus of "power/knowledge" is *not* simply an instance—à la the Frankfurt School—of repression or domination of individuals in the name of practical reason (i.e., human science).

... [reductions in penal severity] are accompanied by a
displacement in the very object of the punitive operation. Is
there a diminution of intensity? Perhaps. There is certainly
a change of objective.

If the penalty in its most severe forms no longer addresses
itself to the body, on what does it lay hold? The answer of
the theoreticians—those who, about 1760, opened up a new
period that is not yet at an end—is simple, almost obvious.
It seems to be contained in the question itself: since it is no
longer the body, it must be the soul.[27]

With the disappearance of public torture the history of barbarity and

violence concludes. But Foucault is sceptical about what this means. He

suggests that the self-portrayed benevolence of modern penal regimes cannot

be separated from what is also a new practice or "technique" of penal power.

This new practice, as Foucault saw it, was marked "by a displacement in the

very object" of punishment. What effected that "displacement" was the

introduction into Modern penality of the Humanist's "soul".

I suggested in Chapter 1 that the precise chronology (i.e., the

periodization) of Foucault's "history of the present" is not easily captured. And

while I wish that this suggestion had sounded less like an excuse for my own

recounting of Foucault I think that it bears repeating here. For with the

introduction of the "soul" into Modern penality Foucault's genealogy of the

prison begins to feed back into that portion of itself out of which emerged what I

called earlier, "the psychological individual".

---

[27] Foucault *Discipline and Punish* p.16

In a culture like our own—where most values can be traced

backwards to the Judaeo-Christian tradition—it may be difficult to see how the

Humanist's "soul" could be taken (i.e. interpreted) as anything other than a

supernatural entity. But Foucault does *not* interpret it this way! As he said in

his characteristically sanguine way:

> ... let there be no misunderstanding: it is not that a real
> man, the object of knowledge, philosophical reflection, or
> technical intervention, has been substituted for the soul, the
> illusion of the theologians. The man described for us [by
> Humanist reformers] whom we are invited to free, is *already*
> in himself the effect of a subjection much more profound
> than himself.
>
> A 'soul' inhabits him and brings him into existence, which is
> itself a factor in the mastery that power exercises over the
> body. The soul is the effect and instrument of a political
> anatomy ... the prison of the body.[28]

In Foucault's genealogy of modern penal power "the soul" becomes an

historical construct: less a metaphysical (universal) entity than a very special

achievement of modernity.[29]

Here something like Foucault's own version of what Lyotard called

"incredulity towards meta-narratives" serves to question the onto-anthropological

(i.e., foundationalist) tradition of Man as subjectivity (i.e., of individuals who—or

---

[28] ibid p.30

[29] Shumway p.124

so this tradition has it—possesses a discrete inward being or "soul").[30] In the

specific context of his genealogy of penal discipline (vs. his more holistic

account of the "disciplining of Western societies" at large) Foucault argued that:

> ... the soul ... is produced ... within the body by the
> functioning of a power that is exercised on those
> punished ...

He then concluded:

> On this reality-reference [i.e., on the soul] various concepts
> have been constructed and domains of analyses carved out:
> psyche, subjectivity, personality, consciousness, etc., on it
> have been built scientific techniques and the moral claims of
> humanism.[31]

As I said in Chapter 1 *Discipline and Punish* shows how—beginning

around 1770—the gradual discovery of "the soul" by law (i.e., that which could

only have been "power" then) leads to a revolution or "paradigm-shift" in both

the theory and practice of punishment. In the pre-Modern regime in order to

establish the "truth" of crime so to speak (i.e, guilt or innocence) one looked

outward in an effort to determine which "act" had been committed, what

"statute" transgressed, and by whom (the juridical subject).

---

[30] The phrase is, of course, Lyotard's. In the preface to his work, *The Post-Modern Condition: A Report on Knowledge* Jean Francois Lyotard states: "[this] ... report on knowledge in the most highly developed societies ... was presented to the Conseil des Universites of the Government of Quebec at the request of its president." (Trans. G.Bennington & B.Massumi Minneapolis: University of Minnesota. 1984 p.xxv)

[31] Foucault *Discipline and Punish* p.30

In a Modern regime, however, the penal system not only looks outward to these things but also—and no doubt more importantly—"inward" to the will, the inclinations, the motivations, the desires etc. And it does this, Foucault argued not only to see what "rules" have been broken but also by what *kind* of person and for what reasons (or lack thereof).

Thus, not only does Modern penal justice require jurists who can "read the codes" and apply the regulations it needs as well "extra-juridical" officials: members of a new class who are "knowledgable"—even "expert"—at looking inward. Modern penality needs experts who have the technical abilities and—on that basis—the "right" to interpret, analyze, and then finally to re-present (to the courts and to the penal system in general) the previously irrelevant but now all telling testimony of "souls".

In "practice" the introduction into the penal system of the category of human subjectivity through the Humanist's "soul" (and vis-a-vis a modern scientific psychology) created a fractious atmosphere for subsequent developments in jurisprudence. This was due to the fact that:

> ... a whole set of assessing, diagnostic, prognostic, normative judgments concerning the criminal ... became lodged in the framework of penal judgement.[32]

In turn this lead to changes in the professional profile of criminal law itself, as well as, to the evaluation and formation of sentences.

---

[32] ibid p.19

Regarding the formation of legal judgments and rulings magistrates were no longer the only ones to make decisions (if indeed they *ever* really were). Today it is clear that wardens, parole boards (and their community-based boards of directors), psychiatrists, psychologists, social workers and educators of various sorts all make their own assessments which are supplement the "purely" juridical pronouncements of guilt or innocence.[33]

It is important to emphasize that on the "disciplinary" (i.e., Modern) model judges are no longer the only ones who influence the way legal judgments and punishments are deployed in practice. In his *Complete Works on Legislation* Georges de Mably announced the founding principle of Humanistic punishment as follows: "Punishment", he said, "should strike the soul rather than the body".[34] Foucault's whole point—in a way—is that this wish did not leave the body unscathed. Under the Humanization of punishment "the body" clearly escaped the more overt and violent forms of torture. But in place of *this* it was (and still is) confined and made "subject to an assessment of normality and a technical prescription for a possible normalization".[35]

Foucault's genealogy of the modern soul can be read as introductory chapter in a much larger story: one that is now well-documented and which is

---

[33] Shumway p.123

[34] As quoted in *Discipline and Punish* p.21

[35] Foucault *Discipline and Punish* p.21

sometimes referred to as the "medicalization of society". As an historical study of the present, however, *Discipline and Punish* begins well before the discovery of "subjectivity" by penal mechanisms.

For again as I attempted to show in Chapter 1 Foucault argues that with the introduction of the category of human "subjectivity" into penal practices (and with it the use of the objectifying human sciences in the penal domain) the "normalization" of criminal conduct was only another logical step in a "disciplinary" process that was already well under way within the Classical world (in schools, factories, workhouses, and military establishments, etc.).

## The Constitution of Modern Subjectivity

By combining the normalizing techniques of "examination", "observation", and "documentation" (see pp. 12-17) with modern punishment previously unknown "entities" (e.g., the "homicidal maniac", "the sexual pervert", "the psychopath[ological]" etc.) are produced at the site of a new *kind* of ascription of legal responsibility. This is one instance of the sort of concrete historical process Foucault discussed under the heading: "the constitution of modern subjectivity".

"Genealogy", he said:

... is a form of history which can account for the constitution
of knowledge, discourse, domains of objects etc., without
having to make reference to a subject which is either

transcendental in relation to the field of events or runs in its empty sameness throughout the course of history.[36]

The genealogical critique of "the constitution of subjectivity" in the penal

environs can be read as one example of Foucault's attempts to question a

more traditional view where the "knowing subject" is related *a priori* to the

establishment of the sciences and to the development of social practice

generally.[37]

In Foucault's genealogy of the birth of the modern prison the

utilization of technical procedures associated with the emerging human sciences

reflected the rise of an increasingly intimate but still formal relation between the

law and a "knowledge of individuals" used by the power to punish.  In turn, this

made possible—through an "objectification" of individuals and then through a

---

[36] Foucault in *Power/Knowledge* p. 117

[37] In a manner that *may* mislead some have seen Foucault's genealogy as "relativistic".  Hence, characterizing Foucault's challenge to the notion of a transcendental subject we read:  "... the universals of our humanism are revealed as the result of the contingent emergence of imposed interpretations." (Dreyfus and Rabinow p.108).  As previously stated, Dreyfus and Rabinow may exceed what is justified here.  I argue that there is no "imposed contingency" in *Discipline and Punish* for the constitution of subjectivity described there is clearly explained in terms of the interaction of three basic phenomenon:  the coming-about—in the early eighteenth-century—of a society-wide shift in sensibilities, the gradual development of the "human sciences" (psychology, psychiatry, social statistics, social work, criminology, etc.) and the legislative domain which—in a relatively uncontestable sense—voluntarily acted as a "host" to these forms of understanding.

scientifically prescribed (i.e., legitimized) normalization of their behaviour—a

new form of penality.


## Objectification of Individuals

What does this new style of penal power imply for those who come

within its purview?  What is the "objectification" of individuals?  In fact this is a

question Foucault only began to explore in *Discipline and Punish*.  One

approach to answering the question, however, is suggested in a formula he

developed in a moment of attempted self-criticism.  Two years before his death

he wrote:

> My work has dealt with three modes of objectification which
> transform human beings into subjects. The first is the modes
> of inquiry which try to give themselves the status of
> sciences; for example, the objectivizing of the speaking
> subject in ... linguistics ... Or again, in the first mode, the
> objectivizing of the productive subject, the subject who
> labours, in the analysis of wealth and economics ...
>
> In the second part of my work, I have studied what I shall
> call "dividing practices."  *The subject is either divided in
> himself or divided from others.*  This process objectivizes
> him.  Examples are the mad and the sane, the sick and the
> healthy, the criminals and the "good boys."[38]

---

[38] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.208
N.B. The third mode of the "constitution of subjectivity" was introduced in
Foucault's last work entitled, *The History of Sexuality* where he examines ways
in which individuals engage in the "production" of a scientifically-managed
"confession" of the truth of their sexuality and—in doing this—turn themselves
into "subjects" of power/knowledge.   And Foucault explored the first mode of
the "constitution of subjectivity" in his 1966 "archaeology of the human

In the "mode of objectification" studied in *Discipline and Punish* the

primary effect for individuals was clear: the experience of modern punishment

was one of absolute separation (from society *and* from oneself). In Chapter 4

I argue that two different conceptions of "freedom" can be found in Foucault's

account of the "constitution of subjectivity" by the normalizing social-sciences

(Foucault called them "human-sciences").

The description above of the experience of "objectification" implied by

modern penal power is an etymological touch-point for seeing Foucault's two

notions of "freedom." Thus, reflecting on the second form of "the mode of

objectification" (where "the subject is either divided in himself or divided from

others") Foucault wrote that:

> ... there are two meanings of the word "subject": subject to
> someone else by control and dependence, and tied to
> [one's] own identity by a conscience or self-knowledge.
> Both meanings suggest a form of power which subjugates
> and makes subject to.[39]

What is important here is that the form or "technique" of power used

in Modern "dividing practices" (like the one which makes the contemporary

penitentiary function) effects (i.e., constitutes) a dual governance: an action

from "without" (for even with direct attacks on the body now abolished the

tradition of separation, division, and exclusion of the criminal from society still

---

sciences" entitled, *The Order of Things.*

[39] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.212

remains) *and* an action from "within" (a new form of punishment based upon the "model" of a prescriptive [i.e., normalizing] rehabilitation made possible through a scientific knowledge of the inner lives of the condemned [i.e., of their "souls", "psyches", "consciousnesses", "reason", and their "subjectivity" etc.]).

In Chapter 4 I attempt to show that from the point of view of "freedom" this "dual governance" presents two problems. First, Foucault questions the increasing erosion of the individual "right" (a non-formalizable liberty that cannot be legislatively guaranteed) to simply "be" different (i.e., to act in a way that is not objectively determined as "normal").

The dissolution today of the right "to be oneself" is linked, in Foucault's account, to the diffusion of "normalizing technologies" throughout society. In general, Foucault's concern here has to do with what he perceives to be our current preoccupation with the need to demonstrate—using all the veracity that can be brought to bear upon a single "object" by a scientific analysis—the "truth" of our being; i.e., the need to demonstrate an objective theory of human nature.

In some sense at the base of our "preoccupation" here lies the linguistic referents themselves; i.e., the concepts of "subject" and "object" gleaned from a quintessentially Modern "foundationalist" epistemology which continues to support the notion (the feeling) that, after all, "we" are individuals and that a science appropriate to "our kind" should be possible! But at what

costs? What are the risks involved in demonstrating (for our own edification) a truly "objective" account of human nature?

Foucault has personalized these seemingly "theoretical" issues in a manner that may well be unsurpassed in the history of philosophy. Tied in a corollary manner to Foucault's genealogical critique of the "objectification of individuals" is his "practico-theoretical" (i.e., personal) struggle against what he called, the "submission to forms of subjectivity." As he wrote:

> Maybe the target nowadays is not to discover what we are, but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political "double bind", which is the simultaneous individualization and totalization of modern power structures ...

> The conclusion would be that the political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state, and from the state's institutions, but to liberate us both from the state and from the type of individualization which is linked to the state.

> We have to promote new forms of subjectivity through the refusal of this kind of individuality which has been imposed on us for several centuries.[40]

---

[40] ibid p.216 N.B. In this late work Foucault argued: "since the sixteenth century, a new political form of power has been continuously developing ... the modern Western state" he says, "has integrated in a new political shape, an old power technique which originated in Christian institutions. We can call this power technique the pastoral power." (p.213) This statement is bolstered somewhat throughout Foucault's later works but finds its fullest elaboration in his study of the historical relation of Catholic confession and the constitution of the modern subject through the interview "techniques" of psychoanalysis. (See *The History of Sexuality: Volume 1 An Introduction*).

Unfortunately—as I have tried to suggest from the outset of this work—those anxious to find in Foucault "concrete programs" that would lead us to these new "forms of subjectivity" will be disappointed.

At one level the struggle around what Foucault called "the submission to forms of subjectivity" is a battle (fought in the field of knowledge and power) around the rights of "pluralism", "difference" , and "becoming" generally. In my interpretation of Foucault the need to "refuse", as he said, "the kind of individuality that has been imposed upon us for centuries" in order to foster a more pluralistic (Foucaultian) "philosophy-of-becoming-history" is far more important than his other stated objective (and here, finally, is the *second* problem of "freedom" in Foucault) to seek the direct political means to "liberate the individual from the state."

Rather than focus on that aspect of Foucault's work which was a critique of the various institutions linked to the state (schools, hospitals, prisons, the police etc.,) I will instead emphasize the exemplary (philosophical) role which I think Foucault's work can play in showing us how we might better "practice" what John Rajchman calls (nominalistically) our "real freedom." Hence the title of my thesis.

As I explain in Chapter 4 this "real freedom" was a "good" which Foucault—as I read him—believed in and to which he remained firmly committed throughout his career. And while many of Foucault's critics have not

chosen to highlight this in their accounts of his work—possibly because "to refuse the kind of individuality that has been imposed upon us for centuries" has a meaning which is *as yet* too obscure for those who do not wonder what a Nietzschean-type politics might look like—it is nonetheless a "good" which I think Foucault believed could ground an ethic of thought; i.e., a philosophy.

## History: Scratched Over and Recopied Many Times

As a dialectic between the day-to-day "discovery" of new criminological knowledge of individuals and its incorporation into penal judgement the "medico-legal" regime of the modern penitentiary can, in principle, constitute an infinite array of attributes of "criminality". At present what limits the construction of "psychological profiles" has little to do with those who are "objectified" within them. Instead, the limit of the constitutive power of the social-sciences has to do with the amount of time and energy (i.e., empirical issues) that can be spent in analysis (and upon the ingenuity of the analysts).

Today the pre-Modern yardsticks of illegality embodied in the simple question, "What law is deemed to have been broken and by whom?" is often eclipsed by a scientific investigation of the inner "mental" causes of crime. Similarly where in a pre-Modern regime crimes often "corresponded" to well-defined punishments (i.e., statutes) today what constitutes criminal behaviour is subject to no end of possibly "attenuating circumstance" such as the degree of

conscious intent involved in the commission of a crime, whether violence was used, and the evaluative "reports" (by social workers, physicians, psychiatrists, etc.,) as to the potential for a successful rehabilitation of the accused.

It is on this basis that Foucault questions the largely accepted view according to which Modern penal practice (i.e., incarceration) represents "a diminution in the power to punish and a reduction in its severity". But it is essential to note that in all this at no time does Foucault dispute the truth of "what was said" by Humanist reformers (i.e., their real intentions). Instead as a genealogist of "power/knowledge" Foucault questions how reform aspirations compare to present "practice".

In the essay on Nietzsche referred to earlier Foucault writes the following:

> Genealogy ... operates on a field of entangled and confused
> parchments, on documents that have been scratched over
> and recopied many time ... From these elements, however,
> genealogy retrieves an indispensable restraint: it must
> record the singularity of events outside of any monotonous
> finality ...[41]

I have already discussed Foucault's attempt to side-step the extremes of "presentism" and "objectivism." These historiographical "approaches" represent precisely the kind of "monotonous finality" genealogy seeks to avoid. As Dreyfus and Rabinow suggest:

---

[41] Foucault 'Nietzsche, Genealogy, History' in Bouchard p.139

> [Foucault] is not trying to capture the meaning or
> significance of a past epoch. He is not trying to get the
> whole picture of a past age, or person, or institution. He is
> not trying to find the underlying laws of history. Moreover,
> he is not reading present interests, institutions, and politics
> back into history, into other epochs, and claiming to discover
> that these institutions in earlier times had anything like their
> current significance.[42]

What Dreyfus and Rabinow list here are versions of the kind of interpretive

"closure" or "monotonous finality" Foucault rejected. We can read Foucault's

historical attempt at a "transvaluation" of Humanism *in this way.* Foucault

seems to speak of Humanism itself as a meta-narrative: *itself* a type of

"monotonous finality" to be left behind.

Foucault tells us that genealogy studies "documents that have been

scratched over and recopied many times". I interpret this to mean that no

"fixed" or "final" meaning can exist for a text conceived as the inherited

embodiment of "what was said" (i.e. of history "as it really was"): this kind of

"archaeology" of the past can yield only further interpretations. Foucault called

this turning "documents" into "monuments". It was an anti-libratory form of

scholarship.

As I stated at the outset of this work in his early writing Foucault did

not clearly define the nature of the relationship between historical phenomena

and what he would later call "power" or (more correctly) "power/knowledge".

---

[42] Dreyfus and Rabinow p.118

This led Foucault to say (well after the Nietzsche essay was written): " ... the problem of the discursive *regime*, of the effects of power peculiar to the play of statements ... [was something] I confused ... too much with systematicity, theoretical form, or something like a paradigm ..."[43]

Keeping this in mind and now reading with the understanding gained through hindsight we can interpret the phrase "genealogy studies documents that have been scratched over and recopied many times" as an admonition to go beyond. But beyond what? Beyond the endless repetitions that arise when we confine ourselves to a study of such ahistorical phenomena as "systems of thought", epistemes and paradigms. But why ahistorical? For Foucault, who tells us he is "interested in writing the history of the present" (and not simply in an historical critique of "truth" *today*) the answer is clear.

Let me put it thus: while Paul Ree (in crafting his history of the origins of morality) may have "ignored" as Foucault argued" the fact that the world of speech has known invasions, struggles, plundering, disguises, ploys" Foucault himself never did. For this reason his "genealogical history" of our present situation went beyond the merely "archaeological" by examining the way contemporary phenomena are situated (i.e., constituted) within a field of "power/knowledge" relations.

---

[43] See p.7 of the introduction to this thesis.

Genealogy, therefore, can take us beyond the limits of a merely comparative, linguistically ideal study of what *has been thought true* (i.e., of "what was said" to be true on the basis of a particular "episteme", "system of rationality", concept of "reason" or whatever). Genealogy does this by allowing us to see and, therefore, to question *the processes an events* that have lead to the very formation of *all and any* of these things: i.e., by allowing us to see and question the "effects peculiar to the play of statements" characteristic of "power/knowledge".

Foucault's study of the "constitution of subjectivity" within the medical and legal regimes of the modern penitentiary is one example of these "processes and events" he questions. Foucault is *not* alone here. William Connolly also sees "the subject" as a peculiar—though fully comprehensible—"achievement" of modernity. By allowing us to see the constitutive force of a discourse like modern "criminology" genealogical analysis renders "ahistorical" any approach which takes for granted the existence, a priori, of central political markers like "subjectivity." And by emphasizing what he called the "productive" power of a discourse Foucault rejected the possibility of an "impartial", "disinterested", or otherwise "objective" analysis. Thus, Foucault rejected any intimation to the effect that:

... knowledge ... [can] ... detach itself from its empirical
roots, the initial needs from which it arose, to become pure
speculation subject only to the demands of reason ...[44]

Of course nowhere in Foucault is the non-existence of Reason made

real (i.e., proven). Certain ideas guide and shape rather than "justify"

Foucault's investigations. This applies, for instance, to his claim that

"knowledge does not detach itself from its empirical roots ... to become pure

speculation" and that in the study of social and historical phenomenon "power"

and "knowledge" cannot be separated—à la Habermas—since they are always

already linked (hermeneutically) in a relationship of cooperative productivity.

We saw how this reciprocal relationship functioned earlier in terms of

the regime of "power/knowledge" that works in the modern prison environment

as a "mode of objectification" constituting individuals as "subjects" of scientific

investigation. Near the end of *Discipline and Punish* Foucault states:

We must cease once and for all to describe the effects of
power in negative terms: it 'excludes', it 'represses', it
'censors', it 'abstracts', it 'masks', it 'conceals'. In fact
power produces; it produces reality; it produces domains of
objects and rituals of truth. The individual and the
knowledge that may be gained of him belong to this
production.[45]

Belief in the intrication of "power/knowledge", the refusal to accept a notion of

"pure reason" (in contrast to a form of understanding based on interests that

---

[44] Foucault 'Nietzsche, Genealogy, History' in Bouchard p.163

[45] Foucault *Discipline and Punish* p.194

are "merely" instrumental): these are the characteristics that form Foucault's

"position", his starting point, his attempt to avoid in general "the monotonous

finalities of history".

Returning to our quotation from 'Nietzsche, Genealogy, History' we

could say that although the script of history may well have been (as Foucault

said) "scratched over and recopied many times" it is still all that *anyone* has

(including Foucault). It would be a mistake, therefore, to argue—as some

commentators do—that, having refused the standard devices for writing

"objective history" Foucault is tied to a repetition of the same, to

meaninglessness, or to an inescapable relativism.[46]

To this end Hubert Dreyfus and Paul Rabinow do Foucault a great

injustice when they attribute to him the following belief:

> In this [genealogical] discovery of groundlessness the
> inherent arbitrariness of interpretation is revealed. For if
> there is nothing to interpret, then everything is open to
> interpretation; the only limits are those arbitrarily
> imposed.[47]

That the past (our past) "has been scratched over and recopied many times"

*does not mean* that "there is nothing to interpret" nor that historians like

Foucault must create "limits ... arbitrarily imposed".

---

[46] On this point I would like to thank Professor G.B. Madison. In my
studies with him he *constantly* warned me about the improprieties of sliding into
relativism from an otherwise wholly  "justified" hermeneutical interpretation.

[47] Dreyfus and Rabinow p.107

As I have been trying to show genealogy is not an exercise of arbitrary imposition of meaning. Instead, the aim is to show how interpretations (discourse, truth, knowledge, accounts, statements, etc.) *produce* historical reality (i.e., the present) in specific and comprehensible ways. Having renounced an objective ground to history, as well as, the rationalist resource of a founding "transcendental" subjectivity Foucault plays upon our vulnerability to the idea that a certain contingency can infect the present. As Rajchman says: "he tries to make our situation seem less 'necessitated' by history, and more peculiar, unique ... in order to find alternatives to the present".[48] Again, however, it is incumbent upon me to repeat that Foucault frustrated us by remaining silent regarding these "alternatives" themselves.

---

[48] Rajchman p.58

# CHAPTER 3
## FOUCAULT'S ATTITUDE TOWARD TRUTH


In this chapter I explore aspects of Foucault's attitude towards truth.

Following John Rajchman I call this outlook, "normative skepticism." This is a

skepticism about the "value" of having truth *not* its theoretical possibility. In this

chapter I attempt to provide evidence showing, for instance, why Charles

Taylor's phrase "truth subordinated to power" may be an inadequate

characterisation of Foucault's views on truth.


### Truth, History, Power

Earlier I said that a reciprocal relationship existed between the "content" of

Foucault's historical accounts and the "form" of his meta-history or genealogical

strategy. For those who believe (i.e., require) that all discourse—"historical" or

otherwise—must submit to *some* prior notion of truth this suggestion may sound

odd. But Foucault never did elaborate any particular notion of what it is that

makes truths "true".[1]  But as David Shumway has said: "Foucault does not ask us to take him this way."[2]

Foucault's attitude toward truth is reflected in his struggle to resist the straight-jacket of "presentist" vs. "objectivist" debate (Dewey vs. Butterfield). Genealogy, I have argued, occupies a space *between* these two views:  by analogy it conducts a critique located between the idea of an "objective" past (history as it really was) and present experience (however defined).

Similarly, "truth" for Foucault occupies a space between traditional disciplines; i.e., between a sociological theory of power and a philosophical theory of knowledge" (i.e., epistemology).[3]  Some may object to this characterization of "truth" as lying between sociology and epistemology since these two areas contain principles and objectives so different as to render them seemingly incomparable and, therefore, incapable of admitting of any common ground.

---

[1] In his work, *Truth in Philosophy* Allen has said: "It is a mistake to think that truth 'itself' is a unit or principle of natural unity whose character (correspondence, coherence, assertability, or whatever) can be expected to enter into an explanation of why some statements are true and others are not." Foucault would certainly agree with Allen's claim that, "there is nothing more to the truth (the "being true") of the occasional truth than the historical fact that there is an economy of knowledge in what is said passes for true." pp.5-6

[2] Shumway p.156

[3] I am not saying here that Foucault's notion of power is consistent with a sociological "control theory."  "We must cease once and for all", Foucault says, "to describe the effects of power in negative terms ... in fact power produces ... reality[,] ... objects[,] ... [and] truth." *(Discipline and Punish* p.194)

However, genealogy can be understood as a hybrid historical-philosophy formed from these domains. It may be somewhat misleading to say—as Shumway does—that for Foucault "truth is a category of power." But it is certainly the case that—as I shall try to explain here—"truth" in Foucault is not just an epistemological notion either. Thus he wrote:

> Truth is linked in a circular *relation* with systems of power
> which produce and sustain it, and to effects of power which
> it induces and which extend it.[4]

As Foucault conceived it truth could be derived from the rules of a logic, in the context of a paradigm, or on the basis of a conceptual framework. Regardless, it was always his assumption that truth was—like the category of subjectivity—historically constituted; i.e., "... linked in a circular relation with systems of power".

Foucault may have believed that the only way to achieve a truly historical concept of truth was to link it with relations of power. This means that "the process of elimination and selection of statements, theories, objects, are made at each instance in terms of a certain norm." However, because "truth" is "linked in a circular relation with systems of power" this norm itself "cannot be identified with a theoretical structure or an actual paradigm because today's scientific truth is itself only an episode of it ..."[5]

---

[4] Foucault *Power/Knowledge* p.133

[5] See Foucault's introduction Canguilhem p.16

The assumption in genealogy is that the relationship between knowledge and power can be understood—hermeneutically—in terms of something Foucault chose to call the "affectivity" or "normativity" of a discourse: that is, in terms of the potential productive capacity inherent in all *claims* to truth.

This does not mean that all statements can be *made* to be true. Nor does it mean that truth, as Shumway said, "is a category of power" (simply a social contingency or mere product). It means that truth admits of an abiding historicality: "the historical fact that there is an economy of knowledge in which what is said passes for true."[6]

Truth's involvement with relations of power also attests to its historical nature which is, in turn, confirmed by our recognizing the reciprocity that exists between the capacity of a discourse to produce an "object" and the object "constituted" by it. Genealogy makes evident—by writing or tracing) the relations—the regime—of "power/knowledge" exposing the many ways in which particular concepts and the social practices they ground and make work come to possess attributes of the "given", "universal validity", "necessity", and of course, "normality". For this reason Rajchman has said:

---

[6] Allen *Truth in Philosophy* p.6

... [Foucault's] histories are ... nominalist ... They are not
histories of things, but of the terms, categories, and
techniques through which certain things become at certain
times the focus of ... discussion and procedure. One might
say he offers a *historical* answer to the philosophical
question as to how such things are "constituted" ... his aim
is not to "ground" the experience of things but to
denaturalize ... and distance us from it ...[7]

For Foucault truth was not a mere contingency though it *was*

contingent. This was an essential (i.e., an uncontroversial) feature of truth

generally, however, since knowledge not "at play"—not circulating or being

made to do work—cannot invest (or be invested by) relations of power. We

may say that "power" in Foucault is an effect of the contingency of a

discourses' specific—and always changing—"truth value".

What it is that truth is contingent to is "being in practice": knowledge

being made to work—all applied "truth"—creates a causal link (either directly or

indirectly) with the exercise of power. Thus, power is tied to the application of

"truth".

However, there were times when what looked like "universal" qualities

did appear in Foucault's more generalized efforts to define the regime (i.e,

economy) of "power/knowledge." These universal-like qualities are evident in

remarks such as this:

---

[7] Rajchman p.51

> Each society has its regime of truth, its 'general politics' of
> truth: that is, the types of discourse which it accepts and
> makes function as true; the mechanisms and instances
> which enable one to distinguish true and false statements ...
> the techniques and procedures accorded value in the
> production of truth; the status of those who are charged with
> saying what counts as true.[8]

Aside from the enticement offered by the epistemological series

"differentiation-production-expertise" this remark appears to contradict

Foucault's strictly localist and anti-totalizing (i.e., skeptical) aspirations.  As a

minimum there seems to be a fine line here between "nominal" social research

and "transcendental" speculation.  Had Foucault attempted to define

"power/knowledge" differently this potential for contradiction may not have

arisen.    For instance, if Foucault had said instead:

> Many societies have their regime of truth ... their 'general
> politics' of truth; that is ... the sorts of discourse which they
> individually accept and make function as true for them ...

Notice that I have increased the specificity of Foucault's adjectives (from "each"

to "many").  As well, I have heightened the personal reference in his pronouns

(from "its'" to "their" and "they").

My goal in doing this was to reduce the sense of "abstractness" in

Foucault's original formulation.  Foucault could have spent considerable time

purging his works like this.  But I believe that this would only have contributed

---

[8] Foucault *Power/Knowledge* p. 131

further to the confusion already felt by critics who see Foucault outright as "a relativist." For we are talking about "truth" here and—as I have already mentioned—Foucault had no elaborate opinion as to what caused it.

Although Foucault *can* be read as broaching the general (i.e, universalizable) rule according to which "each society has its 'general politics' of truth" (which differs little logically from the statement "every society has its general politics of truth") he never *in fact* produced—nor is there any signs that he ever began to produce—a genealogy of this global regime or "politics of truth". Foucault—to use Allen's formulation—had no single theoretical (i.e., a priori/transcendental) view of "what it is that makes truth true."

This might explain why Foucault's critique of modern social power needed always to be historically-grounded: a philosophical "practice" of studying particular periodizations within what he called —confusingly perhaps—the "general politics of truth".

## Truth, Fiction, and Changing Ourselves

If Foucault attempted to "defamiliarize" history and if as well he did not ask that we take his work as "true" in any absolute sense, then what purpose was there to the substantive—even ethical—claims which Foucault makes in his genealogies? Foucault asks himself precisely this question when he wonders:

... *what* historical knowledge is possible of a history that
itself produces the true/false distinction on which such
knowledge depends?[9]

Among other things this question speaks to the possibility of a form of
criticism which does not draw upon (i.e., seek justification in)
"universalist/representationalist" epistemology. But what motivated Foucault to
impose upon himself the conceptual austerity of a nominalistic attitude towards
historical knowledge in the first place?

Again Foucault can answer this question himself: he found inspiration
for historical nominalism in "the will to discover a different way of governing
oneself through a different way of dividing up true and false". According to
Foucault, what this nominal "will" issued in was "political spirituality".[10]

As I show in Chapter 4 this attitude towards truth and knowledge
appears to some—Nancy Fraser for example—to operate beyond the limits of
intelligibility. And yet, that Foucault's historical critique should solicit such
reactions is not surprising since, as I shall also argue, he questions the whole
notion of a "limit" to intelligibility. "I have never written anything but fictions", he
says.[11] Or again:

---

[9] Foucault 'Questions of Method' in Baynes p.111

[10] ibid p.112

[11] Foucault *Power/Knowledge* p.193

... it seems to me the possibility exists for fiction to function in truth, for a fictional discourse to induce effects of truth, and for bringing it about that a true discourse engenders or "manufactures" something that does not yet exist, that is, "fictions" it ... one "fictions" a politics not yet in existence on the basis of a historical truth.[12]

Formulations such as these express Foucault's unique genealogical intent. I read them "hermeneutically" not "paradoxically." How can one "fiction a politics not yet in existence on the basis of a historical truth" if one does not ask that one's work be taken as "true"? Can "fiction" serve social criticism? The answer is "yes".

Foucault's works should not be seen as "merely" fictional if by that we mean they are not "true" (i.e., false). A similar misnomer is contained in the oft' heard assumption—one which purports to discredit "relativisms" generally—that if a notion is "contingent", then it is *eo ipso* "arbitrary". But this is not correct.

Referring to *Discipline and Punish* and to what he calls *specifically* "the fictive part of the book" James Miller has suggested that Foucault's approach "is designed to evoke a kind of 'limit-experience' in the reader, triggering a change in ourselves, in our 'souls', and in our understanding of 'truth' all together."[13] To "trigger a change in ourselves, in our souls, and in our understanding of 'truth'" means, as Foucault believed, that "the possibility exists for fiction [i.e., genealogy] to function in truth [i.e., in our current critical juncture dominated—as it is—by foundationalist-oriented assumptions]". As

---

[12] ibid p.193

[13] Miller p.212

well, to "trigger a change in ourselves" means "... bringing it about that ... one

'fictions' a politics not yet in existence on the basis of a historical truth."


## Revisiting Putnam's Charge

There is another way to interpret Foucault's question:

... [w]hat historical knowledge is possible of a history that
itself produces the true/false distinction on which such
knowledge depends?

Besides speaking to the possibility of a form of critique that does not seek

justification in "universalist" or "representationalist" epistemology this question

seems to recognize the validity of Putnam's objections raised earlier.[14]

Thus, in the introduction to my thesis I quoted Putnam who said:

I count Michel Foucault as a relativist because his insistence
on the determination of beliefs by language is so
overwhelming that it is an incoherence on his part not to
apply his doctrine to his own language and thought.

I have already attempted to show why Putnam was wrong to say "the

determination of beliefs by language" was Foucault's "doctrine". I will not

repeat what I said here. Instead, I will emphasize an important comment

Foucault made in an attempt at self-criticism.

The question Foucault asks himself above does show similarities to

the charge raised by Putnam.[15] However, when Foucault asks himself this

---

[14] S. Ajzenstat (Personal Correspondence January 10, 1994)

[15] I would like to thank Professor S. Ajzenstat for pointing this out to
me.

question it constitutes a rhetorical challenge which he then meets *directly*.

"What knowledge is possible of a history that itself produces the true/false

distinction on which such knowledge depends?" Foucault's answer is a

"genealogical" form of knowledge. As I have said, in his earliest—so-called

"structuralist"—works Foucault did not clearly define the relations between

historical phenomenon and what he would later call "power": "the problem of

the discursive regime, of the effects of power peculiar to the play of

statements." Foucault said, "I confused this too much with systematicity,

theoretical form, or something like a paradigm."

What Foucault may have meant by this was that he had confused

historical (i.e., genealogical) "knowledge"—which is the type of knowledge made

possible by "a history that itself produces the true/false distinction"—with the

historically variable collection of "rules" that determines what does and does not

"pass" for truth at any given time.

I think Foucault did believe that he had fairly applied to his own

"language and thought"—as Putnam would demand—the idea (not "doctrine")

that genealogy must distinguish clearly between certain of the "effects"

associated with the "regime of power/knowledge" and those associated with

"theories of knowledge" (i.e., truth) and characteristic of the history of

epistemology.

Foucault did not believe that we are unable to make "true"

statements. Indeed, he knew we made them all the time. He also knew that

his genealogical strategy depended upon our continuing to do so. But given

what I will call his "normative skepticism" about truth and knowledge when

Foucault evaluated his own discourse did *he* think it was true? Again this

amounts to applying Putnam's challenge to Foucault. And again Foucault's

answer is "yes".

Foucault believed his work was "true" in the sense that it necessarily

registered in the mind as having the potential to be taken "as true" (or false).

This just is what a true statement "is" (or rather "does"). A statement is true

that is ensconced in a field of "truthfulness."[16] Admittedly this may *seem*

tautological. But we should not forget that Foucault has also imposed upon

himself—simultaneously—another (equally important) requirement. He also

considers his work as being not strictly "true": "I have never written anything but

fictions" he says. If there seems to be a contradiction here it may be due to our

own inability (unwillingness) to grant equal time to both the "fictional" element in

Foucault's genealogy, as well as, the more straightforward "truthful" elements.

## Constituting the Subject of Knowledge

Foucault's normative skepticism cannot simply be ignored. One

reason for this is its' linkage with the concept of power as "government."

Foucault held as a central interpretive principle the idea that "truth"—as an

action of the will engaged in a process of knowing (the object)—effects

(constitutes) a "subject" of knowledge. The one who is constituted in this

---

[16] In the context of such formulations as A. Tarski's, "Snow is white if and only if snow is white" the appearance of tautology in my description of truth here is, I think, nothing to apologize for.

engagement is the knowing subject. According to Foucault this "one" who

knows eventually bears the trace of that which it has re-thought, re-shaped, or

"governed" as Foucault would say. Here "knowing" (the pursuit of truth) is

always already tied to the constitution of a "knowing subject"; i.e., to the

exercise of a form of power capable of such a production. This may be difficult

to understand apart from the concrete historical analysis on which the

interpretive principle is based. Here is a concrete example.

In 1978 referring to the work English-speaking audiences read as

*Madness and Civilization* Foucault stated:

> It was a matter of understanding how, in the Western world,
> madness had become a precise object of analysis and
> scientific investigation only starting in the eighteenth century,
> even though there had previously been medical treatises
> concerning (in brief chapters) 'maladies of the spirit'.

> It could thus be verified that in the very moment that this
> object, "madness", took shape there was also constructed
> the subject judged capable of understanding madness. To
> the construction of the object madness, there corresponded
> a rational subject who "knew" about madness and
> understood it.

> In ... [my book] ... I tried to understand this kind of
> collective, plural experience which was defined between the
> sixteenth and nineteenth centuries and which was marked
> by the interaction of "rational" man who recognizes and
> "knows" madness, and madness itself as an object
> susceptible of being understood and determined.[17]

---

[17] Foucault 'The Subject, Knowledge, and the History of Truth' in
*Remarks on Marx: Conversations with Duccio Trombadori* Trans. Goldstein,
R.J. and J. Cascaito (New York: Semiotexte. 1991) pp. 64-65

In this reflection Foucault discusses his attempt to show how "truth" in madness was the effect of a co-determination—"defined between the sixteenth and nineteenth centuries"—between a system of scientific rationality and an "object" susceptible of being understood [i.e., the mad] ..."

Perhaps in the final analysis this is not exciting after all. Nevertheless I should be clear about what I think is being said here. Like *Discipline and Punish* the work *Madness and Civilization* shows how a system of rationality (i.e., a "regime of power/knowledge") can establish its own necessity in a domain of human experience previously untouched by it.

Foucault did not assume that "madness" was an ahistorical instantiation of a natural object whose "truth" (discovery) was simply hastened by changes within psychology and psychiatry. Instead he argued that what we consider to be the objective (i.e., scientific) "truth" of madness—and with it the knowing "subject"—is an important historical (i.e., contingent) transfer point in our forms of "power/knowledge."

But this was not just *any* transfer point for it was here that we began to constitute, as Caputo says, "a hermeneutics of the modern self or subject".

## Truth Outside of Any Monotonous Finality

Instead of adopting a "theory" of truth a priori in order to provide an epistemological ground, "foundation" or justification for his studies Foucault cautiously undertook a systematic examination of the kinds of statements which

claim the power of—and contend for the right to be taken as—"truth".[18] As

Foucault says:

> [i]t is a question of what governs statements, and the way in
> which they govern themselves so as to constitute a set of
> propositions which are scientifically acceptable, and hence
> capable of being verified or falsified by scientific procedures.
> In short there is a problem of the regime, the politics of the
> scientific statement.[19]

But for the genealogist "science" is not considered to be a unitary

body of naturalistic thought. And as my discussion of Hacking showed earlier

Foucault believed that the development of scientific concepts and

ideas—including what is seen as "scientifically acceptable" (or not) at any given

stage in the historical development of a discipline—does not occur

independently of the broader social circumstances. Should this warrant the

claim made by Taylor that Foucault has a covert "relativistic" theory of truth?[20]

---

[18] Foucault *Power/Knowledge* p.131

[19] ibid p.112

[20] According to Charles Taylor in 'Foucault on Freedom and Truth'
*Political Theory* (Vol.12 No.2, May 1984) "Foucault sees truth as subordinated
to power". This makes Foucault a "Nietzschean relativist" since "the truth
manufactured by power also turns out to be its 'masks' or disguises and hence
untruth." Taylor concludes: "the idea of manufactured or imposed truth
inescapably slips the word into inverted commas, and opens the space of a
truth outside quotes, the kind of truth, for instance, that the statements
unmasking power represent" (pp.175-176).
　　Surely Taylor cannot object to Foucault's idea of there being a range
of "effects" of truth—what Taylor mistakenly reifies as "kinds"—since Taylor
advocates something very similar in two starkly contrasting papers. In
'Interpretation and The Sciences of Man' Taylor articulates his trademark
position. He states: "scientific discourse cannot accommodate a self-reflective
subject and is thus inappropriate as a model for understanding in the human

One objective which appears throughout Foucault's work is to make apparent ways in which the development of discourses and knowledge inter-relate with other social processes. Foucault does not reject the notion of truth altogether therefore. Rather, what is "true" (or "false") for Foucault is viewed historically as an instance of the cooperative productivity between a statement (discourse) and "the truth power in practice" (power) which it may convey.

In Foucault we find no theory of truth as "correspondence" (to an external reality) or as "an agreement, adequation or sameness between what is said and what there is."[21] The genealogist's goal to "record the singularity of events outside of any monotonous finality" reflects an unwillingness to embrace the meta-narratives which—it is believed—should no longer hold us; i.e., the theological appeal to God, for instance, or a transcendental notion of Reason.

On this model "Foucault", as Murphy has said, "is ... not advancing [a] consensus theory of communication, where the commonness required for discourse is assumed to be based on rules that reflect Reason, or an ultimate

---

sciences." (Taylor is quoted in Shapiro, M.J. 'Charles Taylor's Moral Subject' *Political Theory* May 1986 p.316). And yet, in 'Rationality' Taylor argues we should accept a "naturalistic" (i.e., anti-hermeneutical) concept of "the subject" as appropriate to the physical sciences [Taylor's work appears in Hollis, M. and Steven Lukes (eds.) *Rationality and Relativism* (Cambridge, Massachusetts: MIT Press. 1982) pp.87-105].
      Taylor must answer to the charge that knowledge—whether in the social or natural sciences—is always knowledge "for us" and that this term "for us" must be construed in some *way* (Shapiro p.316).

[21] Allen 'Truth in Politics: Nietzsche, Foucault and Nominalist Critique' (unpublished paper) p.1

historical telos.[22] As Deleuze puts it: "the point of critique is not justification but a different way of feeling: another sensibility."

## Foucault and Nietzsche

Critics have noted an apparent lack of interest in Foucault for "traditional" philosophical issues. And yet, while questions such as "What is man?", "What is knowledge?" and "What is the world?" may not be dealt with frontally by him Foucault nonetheless believes that by exploring the ways in which "truth" (knowledge) is intricated with the desire to govern the action of "man" (the subject) in the "world" (history) he is continuing some of the central themes of Western philosophy. This leads him to remark:

> ... instead of trying to find out what truth, as opposed to
> error, is, it might be more interesting to take up the problem
> posed by Nietzsche: how is it that, in our societies, "the
> truth" has been given this value, [this power].[23]

As I attempt to show in the final chapter of my thesis this Nietzschean thematic entails certain consequences for critique. From Foucault's notion of the hermeneutical relations between "discourse" and "power" (i.e., "power/knowledge") it seems to follow that a genealogical critique cannot, for instance, bracket the "power" of its own discourse.

If genealogy sought to establish a direct "ethical" ground—which in Foucault it does not do—then it is clear that it could not stand "outside itself"

---

[22] Murphy p.20

[23] Foucault 'On Power' in Kritzman p.107

(i.e., escape reflexivity) to do this. But this should be seen as a starting point not an obstacle since in any event , as Foucault believed, "relations of power are not in a position of exteriority with respect to other types of relationships (economic processes, knowledge relationships, sexual relations) rather they are immanent in the latter.[24]

As discourse *all* criticism is necessarily ensconced in a field of values; that is, in a "regime of truth". Again this implies that the genealogist cannot step outside the analysis of "power/knowledge" into some impartial (i.e., transcendental) space where the critical requirements of the day could be freely and impartially addressed.

However, it is important to state clearly that Foucault's notion of "power/knowledge" does not imply—as is sometimes suggested—that "everything is power" or that a genealogy of power/knowledge "undermines the very possibility" of struggle. To say this, Foucault argued, "[is] ... to misunderstand the strictly relational character of power ..."[25]

Here is another example of Foucault's attempt to skirt the "monotonous finality" of more traditional histories.[26] For Foucault "power itself"—like "truth" and "subjectivity"—does not exist. This nominalist attitude can be translated into something *resembling* the political domain. Foucault warned us that "critique is not a matter of saying things are not right as they

---

[24] Foucault *The History of Sexuality* p.94

[25] ibid p.95

[26] Foucault *Discipline and Punish* p.194

are." Instead—as might now be expected—critique "is a matter of pointing out on what kinds of assumptions, what kinds of familiar, unchallenged, unconsidered modes of thought the practices that we accept rest."[27]


## Foucault's Normative Skepticism

In the last instance I follow John Rajchman's claim that "Foucault is the great skeptic of our time." Foucault's attempts to link the normative dimension of a discourse (i.e., its power) with a skeptical analysis of its nominal "truth" values. This is evident in *The History of Sexuality: Volume 1 (An Introduction)*. In statements like the following, for instance, we see the implications for conceiving "truth" nominalistically while at the same time glimpsing the consequences of what Foucault calls, "the strictly relational character of power":

> [Truth is] ... not in a position of exteriority with respect to
> other types of relationships (economic processes,
> knowledge relationships, sexual relations), but ... [is]
> immanent in the latter ... [it is] the immediate effects of the
> divisions, inequalities, disequilibriums which occur in the
> latter ... and conversely ... [it is] the internal conditions of the
> differentiations ...[28]

With this in mind when I say—following Rajchman—that Foucault's analyses are a form of "normative skepticism" I do not mean that he rejects the theoretical possibility of knowing "what makes truth 'true'" (although he certainly

---

[27] Foucault 'Practising Criticism' in Kritzman p.154

[28] ibid p.94

does not himself pursue this objective). I mean simply that Foucault sought to establish in us a critical awareness of the sorts of relations that can obtain between various claims to truth and the value(s) we choose to give them.

Foucault sees truth as a "nomos" which—in our culture—is often given to (and even praised outright as the highest form of) a specific type of historical-symbolic *value*. Genealogy was an interpretive "strategy" appropriate to this sort of value analysis: an analysis of a "value" which can licence *some* "knowers" (social scientists, prison wardens, philosophers and other knowledge "experts") in the governance of conduct of *certain* individuals (prisoners, the sick, students) by "modifying the field of practical possibilities in which [these] subjects situate their future"; i.e., by acting upon their actions or capacity for action (their freedom).[29]

Throughout this work I have focused on one rather overt instance of such a modification; i.e., "normalization" (the constitution of subjective identity through the pursuit of objective knowledge). And although Foucault never directly said so I think that we can expect the range of possible "claims-to-truth" (i.e., the government of conduct through) to widen as our culture tends increasingly towards a realignment of capital in the direction of information and knowledge technologies. Admittedly this is *not* a new thesis. As Allen explains: "knowers", "experts" and anyone else who can represent themselves as capable of differentiating "truth" from "error", "fact" from "myth", the so-called "normal" from the "abnormal", and even "the rational" from "the irrational"

---

[29] Allen 'Truth in Politics: Foucault on Truth and Power' p.8

possesses what is required to participate in the production and circulation of epistemic values. In turn, this means that a greater and greater number of actors—each proving themselves "knowledgeable" in some important area within the epistemic economy—can participate in "governing" the conduct of individuals today.

While the advent of a "knowledge" or "information society" may be the only logical (i.e., natural) outcome of the profound ecological conflict between scarce resources and the continued drive for wealth Foucault's notion of an "epistemic economy" in which "truth-vales" are made to circulate is *not* driven by any such "givens" (i.e., scarcity).

Nor could the "epistemic economy" ever yield a final "closure" which—since "truth" or knowledge and the ability to use it in the government of conduct are linked—would threaten *all* individual liberties. To argue, therefore, as Charles Taylor does that Foucault "makes truth subordinate to power" or that Foucault shows us why there is "no way out" of our current difficulties (Michael Walzer) is unhelpful.[30]

Foucault said:

> ... power is less a confrontation between two adversaries ...
> than a question of government ... when one defines the
> exercise of power as a mode of action upon the actions of
> others, when one characterizes these actions by the
> government of men by other men ... one includes an
> important element: freedom ...

---

[30] Taylor 'Foucault on Freedom and Truth' *Political Theory* (May 1984) pp.152-183

> Rather than speaking of an essential freedom it would be
> better to speak of an 'agonism'—of a relationship which is at
> the same time reciprocal incitation and struggle; less a face
> to face confrontation which paralyses both sides than a
> permanent provocation.[31]

This points to the fact that his critique of modern forms of power was aimed at

explicating the contingent, reciprocal, antagonistic linking of discourse

(language, dialogue, debate) with practices that carry—inherently—instrumental-

epistemologico force (e.g., the human sciences).

He believed that today the regime of "power/knowledge" creates a

field of contestation: a "political-economy" of signs ("utterances, formulas,

research proposals, textbooks") and symbols "whose position in the economy of

knowledge gives their judgement a certain truth-power in practice."[32] And it is

best, I think, that his genealogies be approached in this light; i.e., in the context

of his reticence to speak of "truth" alone.

While Foucault's works do appear "theoretical" he seemed always to

want to focus—for himself if for no one else—upon what could "intelligibly" be

said about "the search for normativity within different scientific activities, such

that they have been effectively brought into play". In this way Michel Foucault

sought to show how knowledge and power are *today* co-operative in our social

practices.[33]

---

[31] Foucault 'The Subject and Power' in Dreyfus and Rabinow pp.221-222

[32] Allen, B. 'Truth in Politics: Foucault on Truth and Power' p. 20

[33] See Foucault's introduction to Canguilhem p.17

# CHAPTER 4
## GENEALOGY AS A PRACTICE OF FREEDOM

In this chapter I explore to two common interpretations of what could

be called—following Charles Taylor—"the good" in Foucault. First, I examine

Nancy Fraser's claim that Foucault's writing reveals what she calls, "normative

confusion." I argue that Fraser's interpretation masks a diffident conservatism

and is only empowered by adopting of discriminatory conception of critique in

general.

Second, I examine Alan Sheridan's endorsement of Foucault as a

champion of the institutionalized and down-trodden. I argue that Sheridan's

interpretation incorrectly "politicizes" Foucault's philosophy.

## Foucault's Alleged Ethical Relativism

Foucault's "original" plan for the creation of a series of six volumes on

the history of sexuality was aborted—following the publication of the

introductory instalment—in 1976.[1]  The second and third volumes were

released in 1984. Many of Foucault's critics saw in the latter works evidence to

---

[1] Foucault *The History of Sexuality: Volume 1 An Introduction* (New York: Random House. 1978).  Originally published in France as *La Volente de savoir* (Paris: Editions Gallimard. 1976).

127

confirm long-standing suspicions regarding Foucault's alleged "refusal" to

formulate normative standards to guide his critical pronouncements.

After the release of Volumes II and III of *The History of Sexuality* it

was widely remarked, for instance, that the substantive content alone of these

works showed Michel Foucault had finally turned to the very thing he had

avoided for so long; i.e., moral philosophy.[2]

Charles Taylor's work on Foucault reflects this opinion.  In

1984—almost a decade after the release of *The History of Sexuality: An

Introduction* and while English-speaking audiences still awaited the long-

announced release of the next two volumes in the sex series—Taylor had this

to say:

> In his major works like *The Order of Things* and *Discipline
> and Punish*, Foucault *sounds* as though he believed that, as
> an historian, he could stand nowhere, identifying with none
> of the "epistemai" or structures of power whose coming and
> going he impartially surveys.  But there are signs that this is
> not his last word. It would appear that Foucault is going to
> elaborate in forthcoming publications his own conception of
> a good life.[3]

Unfortunately Taylor was wrong on *both* accounts here.  First,

Foucault would never seek to "elaborate"—as Taylor says—"his own conception

---

[2] *The Use of Pleasure: The History of Sexuality Volume II* (New York: Random House. 1985) and *The Care of The Self: The History of Sexuality Volume III* (New York: Random House. 1986).

[3] Taylor 'Foucault on Freedom and Truth'. *Political Theory* (Vol.12, No.2, May 1984) pp.152-183

of the good life." Having formed an historical critique grounded on "normative skepticism" Foucault did not propose or formulate *an ethics* per se. Second, it should be seen that readers like Taylor—who were concerned to discover where Foucault's own commitments "really" lay—need not have waited for Foucault's last works to appear in order to have those concerns relieved.

Even a cursory reading of Foucault's early "histories of the present" show that he *did* identify with the forms of "power/knowledge" he outlined there. But this may be besides the point for the argument from ethical relativism or—as Taylor calls it—"Nietzschean neutrality" existed long before debate on Foucault's last works even began.

For some time now Liberal, Communitarian, and neo-Kantian critics alike have been at one in their rejection of Foucault. As Michael Walzer has said, for instance, "[one] can hardly read Michel Foucault and doubt that he is a social critic". According to Walzer Foucault may be "one of the more important critics of recent times ..."[4] But Walzer's praise ends there. He states:

> ... [Foucault's] books can be read as calls to resistance—but resistance in the name of what? for the sake of whom? to what end? None of these questions, it seems to me, can be satisfactorily answered. Foucault's criticism is a mystery ...[5]

---

[4] Walzer, M. 'The Lonely Politics of Michel Foucault' in *The Company of Critics: Social Criticism and Political Commitment in The Twentieth Century* (New York: Basic Books. 1988) p.191.

[5] ibid p. 191

Walzer believes Foucault's works "deny the possibility of effective criticism."[6]

But what exactly is "effective criticism"? I return to this fundamental question

later in this chapter.


## 'Normative Confusion': Foucault's or Fraser's?

In an article entitled, 'Foucault on Modern Power: Empirical Insights

and Normative Confusions' neo-Frankfurt theorist Nancy Fraser developed an

influential form of argument against Foucault.[7] Fraser's line has enjoyed wide

circulation. Jurgen Habermas recapitulated her basic contention in a series of

essays: two of which appeared in his work, *The Philosophical Discourse of*

*Modernity.*[8]

According to Fraser Foucault's genealogies have proven fruitful.

Among Foucault's achievements Fraser cites his novel critique of the "juridico-

discursive" concept of power where political power is conceived in terms of the

rule of *law* while and authority to rule (i.e., to govern) is subsumed under the

---

[6] ibid p.191

[7] Fraser, N. 'Foucault on Modern Power: Empirical Insights and
Normative Confusions' *Praxis International* (1:3 1981) pp. 275-290.

[8] Habermas, J. *The Philosophical Discourse of Modernity: Twelve
Lectures* Trans. F.Lawrence (Cambridge, Massachusetts: MIT Press. 1987).
See especially, 'Some Questions Concerning The Theory of Power' (pp.266-
293).

strictly prohibitive (i.e., negative) image of a legitimately (i.e., legally) constituted

Sovereign right.[9]

As I stated in Chapter 1 Foucault saw this notion as reflective of an

historically contingent meta-narrative now firmly inscribed—though with little

work to do—in our "disciplinary society" (i.e., the theory of Sovereignty, see

p.23). Fraser believes that Foucault shows us the limitations of this outdated

"model" by demonstrating the fact that:

> ... modern power is 'productive' rather than [prohibitive] ...
> [and] that such power touches people's lives more
> fundamentally through their social practices than their beliefs
> ...[10]

Fraser states:

> Foucault enables us to understand power very broadly, and
> yet very finely, as anchored in the multiplicity of what he
> calls "micropractices", the social practices which comprise
> everyday life in modern society.[11]

Charles Taylor diagnosed Foucault's relativism as the result of a prior

"Nietzschean neutrality". For Walzer, on the other hand, Foucault's work

reflects an "infantile leftism": "less an endorsement than an outrunning of the

---

[9] For a detailed account of the historical origins of this "representation" of power see *The History of Sexuality: An Introduction* pp.81-102

[10] Fraser pp.275-276

[11] ibid p.275

most radical argument in any political struggle."[12]  For Nancy Fraser, however,

Foucault's discourse admits of what she calls, "normative confusion". I define

this shortly.

For now I want to point out that what recommends Fraser's article is

attempt at capturing both the illuminating, as well as, the mystifying aspects of

Foucault. I cite Fraser at length here since she believes that despite his

achievements "[Foucault's work] ... is likely to give rise to some grave

difficulties." "For example", she says:

> ... it has been or may be supposed that Foucault has given
> us a value-neutral account of modern power. *Or*
> alternatively, since this does not square with the obvious
> politically engaged character of his writing, that he has some
> alternative normative framework to the suspended one.
>
> *Or* since none is readily apparent, that he has found a way
> to do politically engaged critique without the use of any
> normative framework.
>
> *Or*, more generally, that Foucault has disposed altogether of
> the need for any normative framework to guide politics.
>
> Clearly a number of these suppositions are mutually
> incompatible. Yet Foucault's work seems simultaneously to
> invite them all.[13]  (emphasis added)

What is interesting about Fraser's analysis is just how close she

comes to uncovering Foucault's "dissensus provoking" strategy without actually

---

[12] Walzer 'The Lonely Politics of Michel Foucault' p.192

[13] Fraser 'Empirical Insights and Normative Confusions' p.276

doing so. As I argued in the introduction to this work Foucault seeks to

"transgress" current concepts and our well-worn boundaries between the

"intelligible" and the "unintelligible" (or between what is "coherent" and what is

not).

And while it cannot be an objection it is still true that what keeps

Fraser from seeing Foucault's attempts to effect this "transgression" and,

therefore, what also grants her analysis its persuasive force is the fact—I

think—that she never does "break role". Instead, she chooses to repeat what

Miguel Morey has called, "a normalized telling" which—in her analysis of

Foucault—"takes the place of thought".[14]

I will demonstrate this point by examining in detail the section of

Fraser's work cited above. It is my argument that with the exception of what

she finds unquestionably fruitful in Foucault (i.e., his genealogical suspension of

the problematic of Sovereignty) Fraser seems unsure about any *other* aspect of

his genealogies. And yet a careful rereading of Fraser's objections to Foucault

shows this to be *incorrect* for there is one *other* thing which Fraser claims to

know. Thus, she announces with confidence that:

> ... it has been or may be supposed that Foucault has given
> us a value-neutral account of modern power. Or
> alternatively, since *this does not square with the obvious
> politically engaged character of his writing*, that he has some

---

[14] Morey p.119

alternative normative framework to the suspended one ...[15]
(emphasis added)

Fraser's observations do not end here though. For along with the possibility

that Foucault's work is—as she says—"value-neutral" (a view promulgated by

Taylor as well) Fraser offers two other possible explanations for what Foucault

might be up to.

First we might see Foucault as having an alternative normative basis

to the so-called "suspended" one grounded (theoretically) in the norms which

animate Western Liberal democratic institutions and in the notion of political

Sovereignty generally. On the other hand we might read Foucault as having

invented a new way of being what Fraser calls, "politically engaged" without

recourse to any normative principles *at all*.

In the end, however, Fraser opts for none of these possibilities. This

is because, as she herself declares, "Foucault's works seems simultaneously to

invite them all."

So I will now repeat my question to Fraser for a *second* time. What

exactly is it that she actually takes Foucault to be doing? What *is* Fraser

certain of?

Surprisingly the answer to these questions turns out to have *nothing*

directly to do with what Nancy Fraser thinks Foucault may be up to in his own

genealogies. Instead, her answer has to do with what Fraser adamantly claims

Foucault cannot *possibly* be doing; that is, hold a value-neutral account of

---

[15] Fraser p.276

modern power—or any other of her preferred interpretations—and *still* be, as she confidently claims he is, "politically engaged."

And now notice that we are in receipt of *this* view only after Fraser has offered nothing concrete or new in return.

David Hiley has argued that we can read Nancy Fraser as "begging the question." The question she "begs" has to do with what constitutes the bounds of intelligible or, as Walzer calls it, "effective criticism".[16]

What Fraser seems not to illuminate are the possible criteria of political engagement in the first place! I believe Foucault's work is not "normatively confused". Nor is it "neutral". To the general principles discussed in Chapters 2 and 3 (i.e., that we need not take Foucault's work as "truth" and that we need not see "the past" (i.e., history) as objectively determined or "fixed") we can now add third axiom of Foucaultian interpretation: Foucault is skeptical about the possibility of, as well as, the need for providing *simultaneously* both a material (i.e., a functional) description of modern power and a moral standard for differentiating the so-called legitimate from illegitimate exercises of power.[17]

For Foucault "power" is not just control, repression, interdiction, or domination. And while he admits that there may be a provisional usefulness to the "good/bad" and "legitimate/illegitimate" distinctions he does believe they

---

[16] Hiley, D. 'Foucault and The Analysis of Modern Power: Political Engagement Without Liberal Hope or Comfort' *Praxis International* (4:2 July 1984) pp. 192-207

[17] ibid p.198

ultimately imply a form of "naturalism" (i.e., an essentialist, anti-nominalist position) which too serves a banal normativism. These provisional distinctions foster the questionable idea that, "underneath power with its acts of violence and its artifice we should be able to recuperate things themselves ... [on the basis of which we make] ... a certain aesthetic and moral choice: power is evil, it's ugly, poor, sterile, monotonous, dead; and what power is exercised upon is right, good, rich.[18]

It is important, I think, that among the several possible accounts of Foucault which Nancy Fraser develops she herself can decide upon *none*. And notice again that this is what she then markets as *Foucault's* confusion. Like many of Foucault's critics Nancy Fraser generates her own brand of the argument from ethical relativism by preserving (i.e., by re-telling as Morey said) the one part of Foucault that she believes she *does* understand and which she actually says is "obvious"; i.e., "the politically engaged character of his writing".

I am arguing, however, that Fraser can only accept and then tell us what it is that she is already pre-disposed to see. This is what I meant earlier when I suggested that she develops the persuasive force of her argument by refusing to "break role". To David Hiley's suggestion that Fraser "begs the question" against Foucault I would add the claim that Fraser's analysis is actually a diffident conservatism masquerading as logical analysis.

---

[18] Foucault 'End of The Monarchy of Sex' in *Foucault Live: Interviews (1966-1984)* Trans. J.Johnston, Ed. S.Lotringer (New York: Columbia University Press—Semiotexte Foreign Agents Series. 1989). p.149

Is it possible, for instance, that one reason Fraser cannot choose amongst the various interpretations of Foucault which she herself develops is that she is unable to find within herself—her thoughts, vocabulary, tradition, feelings, habits, etc.—an open-mindedness with which to *consent* (which has *nothing* to do with agreement) to Foucault's strange discourse and to decide, thereby, what it might mean ?[19]

As in the introduction to my thesis where I spoke of Foucault's desire to impinge upon our critical sensibilities generally the operative word here is from the French verb "sentire" meaning, in part, "to feel together". Foucault's writing is clearly designed to refuse the experience of collective understanding on epistemic grounds *alone*.

And yet for Fraser—as for Putnam (who thinks Foucault "overwhelmingly" believed that language determines belief)—the genealogists' unwillingness to participate in a philosophical grounding or "normalization" of extant moral practices can only be viewed (felt) as "incoherence": a chaotic dissension implying no critical interests whatsoever.

## Fraser's Discriminatory Conception of Critique

I think that, like Walzer, Fraser considers her own position as exclusively critical. However, by mounting a challenge "from without" her tradition (i.e., neo-Kantianism) Foucault can show that even Fraser's

---

[19] This is an instance of what might be called, "hermeneutic generosity."

sensibilities are subject to the same sort of "inertia" which, as Miguel Morey has said, "leads us to say what we are expected to say and repeat a normalized 'telling' which takes the place of thought."[20]

Perhaps this begins to explain why it is that Fraser sees no other option than to attempt to subvert Foucault "epistemologically"—on the grounds of a classical theory of truth—and in accordance with a conception of critique which cannot be "otherwise".

Does Fraser fail to establish the argument from ethical relativism or to show (as she says) that Foucault's work is "normatively confused"? In the last instance she is not at all sure what Foucault is even *trying* to do. Perhaps having failed to clearly expose the "normative confusion" in Foucault's work Nancy Fraser has left open the possibility that Foucault is, in David Rothman's words (the *very* words in fact with which I opened this thesis—see p.ix) a unique kind of "moral philosopher".

When I suggested Fraser subscribes to an exclusive notion of critique—one which could not be "otherwise"—I could also have included in this observation Charles Taylor and Hilary Putnam. What these critics share is a debilitating myopia. Foucault sought to widen their vision.[21] For Foucault

---

[20] Morey p.119

[21] In a work entitled, *Dimensions of Moral Education* (Toronto: University of Toronto Press. 1984) Robert Carter refers to what he calls "intellectual myopia" in order to define the *virtues* of falliblism and the intractability of partial analyses. "To borrow an image from optometry", Carter says, "critically philosophical teachers are myopic. They don't claim to see any issue clearly enough to pronounce an answer absolutely, or as self-evident. On

what is problematic about the argument from "normative confusion", "infantile leftism", "Nietzschean neutrality", "incoherence"—call it what you will—is what it says about the nature and especially about the requirements of critique in general.

It should come as no surprise that the substantive philosophical positions held by these critics run counter to Foucault's own emphasis on the incorporation of difference and the articulation of local or "subjugated knowledges".[22] What *is* surprising, however, is that implicit in their objections to Foucault is a remarkably discriminatory and, therefore, offensive conception of critique. Foucault once called what critics like Putnam, Taylor, and Fraser practice, "Enlightenment blackmail".[23] To suggest, for instance, that a purported relativism would disqualify *a priori* the very possibility of any critical intention (Putnam and Taylor) or that the "failure" to formulate explicit normative standards means that one can only be superficially "politically engaged" (Fraser and Habermas) is equal to the view that *all* critique must contain within itself the conditions for a possible resolution to the problems it reveals.

---

the other hand, they see well enough to know that the claims of certainty made by others are far too indistinct, blurred, and insecurely based to be left unchallenged." (p.3)  Unfortunately, the myopia effecting Nancy Fraser, Michael Walzer, and Charles Taylor appears not to be of this "critical" sort.

[22] Foucault 'Lecture One: January 1976' in Power/Knowledge p.81

[23] Foucault 'The Subject and Power' in Dreyfus and Rabinow PP.208-226

In turn this view seems to warrant another interpretation of the nature

and requirements of critique. It might best be summarized thus:

> If you are not a part of the solution, then you are a part of
> the problem.

But this is *clearly* discriminatory! I would add too that within philosophical

circles at least few have ever really believed this to be true.

There is, I think, another *equally plausible* orientation toward critique.

We can contrast this other direction with the one above through the following

alternate formula:

> Who defines the problem determines as well the range of
> possible solutions.

Among other things this formula connotes a general notion of critique which few

practising historians would deny. We can include Foucault here. It is simply a

logical feature of historically-oriented scholarship—one which needs *no*

apology—that historians are not in the business of solving pernicious social

issues. They do, however, spend much of their time and effort characterizing

them.[24]

One way to measure the value of historical studies is in terms of the

problems they define. What is valuable about such "problematizations", as

Foucault called them, is that they helps us to see the past "in hitherto unseen

---

[24] This is an informal "maxim" which I learned from Professor William
Dray with whom I completed my first post-undergraduate course in philosophy
at the University of Ottawa in 1987.

ways". Such activity provides new perspectives on the present. It could be said that from the point of view of an historically-grounded critique "who defines the problem determines, as well, the range of possible solutions"; i.e., holds sway over novel "ways of seeing".

I think that the analogy is fitting here. Unlike Enlightenment-inspired orientations Nietzschean-inspired genealogical (i.e., historical) critique does not *immediately* turn in upon itself to demand independent "normative" or moral self-justification. As such a genealogical analysis does *not* present itself as a critical "two for one" deal. It is not totalizing.

Reading Foucault we may come to feel that in his philosophy historical perspective itself is of intrinsic value (i.e., good). And yet since all historical "points of view" necessarily incorporate normative elements attempts to both describe the "levers" of power and to evaluate the moral motivations of those who "throw" them constitute—in Foucault's view—a sort of unnecessary methodological doubling.

## On Why Hume's 'Not Being a Part of The Solution' Didn't Mean He Was 'A Part of The Problem' and/or 'How Kant Solved the Problem Hume Identified'

This question of the requirements of critique is not just a parochial issue. In defence of Foucault against Fraser, Putnam, and Walzer it could be argued that there is a broad common pattern reflected in historical scholarship generally and in "genealogy" in particular. This common pattern is also evident throughout the history of critical discourse in general.

In the opening pages of the *Prolegomena To Any Future Metaphysics*, for instance, Kant confesses his debt to Hume who—having ventured the problem of "certainty" (i.e., truth) in knowledge—confirmed instead what he considered to be the intractability of skepticism. In doing this, however, Hume interrupted Kant's "dogmatic slumber" revealing to Kant what *he* took to be the conditions for the possibility of a renewal of metaphysics itself.

It surely cannot be overemphasized here that Hume's alleged "failure" *became* the very opening for Kant's own achievements. What this means is that simply by being "part of the problem" Hume was also a central "part of the solution". Even Kant saw this and he prominently noted the fact at the start of his great *Prolegomena*.

The point is, of course, that just as Hume failed to provide a "solution" to the difficulties he himself had raised so too Foucault is seen as having framed important and provocative questions which—in his own analyses—find no satisfying solutions.[25]

Contrary to Nancy Fraser the sheer fact that Foucault's own unanswered questions are shot through with normative assumptions (unlike Hume's?) should not be held against him.[26] And there is no pressing need to believe that Foucault's refusal to philosophize under the sign of the advocate or

---

[25] As I stated in the introduction to my thesis there are some who believe Foucault's alleged "relativism" prevents him from defining any "real" problems at all (e.g., Hilary Putnam).

[26] Can we even imagine anyone attacking Hume today with the kind of vociferous polemics set upon Foucault?

his reluctance to formulate solutions to the problems he identifies reflects a failure of critical nerve.

And in the end there is also, I think, no knock-down reason to believe that an alleged relativism proven correct *would* discount the critical force of Foucault's genealogies. Although as I have been trying to suggest it is not entirely clear that Foucault is a relativist after all.

What links the critics I have been discussing is their insistence on judging the coherence of Foucault's philosophy in terms of a conception of critique as "advocacy", "prescription", or—in one word—"moralism." Does this not have close ties to the Kantian view Foucault sought to skirt?

What Foucault's critics rally against him are many of the "monotonous finalities" which he explicitly attempted to avoid including an abstract (i.e., ahistorical concept of subjectivity upon which a "theory" of human nature can be constructed, an a priori "theory" of truth and a negative (i.e, juridical) concept power as the imposition of law. To this cluster of ideas Foucault opposes his own historically-grounded and nominalistically-oriented conception of philosophy as genealogy.

## Sheridan's Incorrect Politicization

Besides Enlightenment moralism, however, Foucault's work faces another challenge. Ironically this does not come from Foucault's detractors but from those who, like Alan Sheridan, endorse his views with no hesitation. In the end this challenge may be even more threatening to Foucault's overall

project than Enlightenment moralism since it seeks to impose onto his work a normative drive which, I believe, it does *not* have. In what follows I disassociate my own interpretation of genealogy "as a practice of freedom" from what I think is Alan Sheridan's incorrect "politicization" of Foucault.

Foucault is sometimes viewed as a contributor to the wave of "anti-psychiatric" sentiment which swept across Europe and North America in the 1950's, 60's and 70's. As the author of *Madness and Civilization*, for instance, Foucault may appear to be a brethren to figures like Thomas Szaz, R.D.Laing, and David Cooper.[27]

But when Foucault's social history of madness first appeared it attracted no political interest *at all*. Foucault suggested reasons for this.[28] More than anything, however—as Didier Eribon has recently argued—this was "a reflection of the fact that it had not been written from a political perspective."[29] Foucault can be seen to have endorsed Eribon's analysis in this statement:

> In 1968 ... psychiatrists were beginning to familiarize
> themselves with the ideas of anti-psychiatry [and] to
> denounce, quite openly, certain methods used in psychiatry.
> Suddenly, my book was seen as a work of "anti-psychiatry"
> and even today ... I know some people who regard its as an
> apologia for the positive values of madness against
> psychiatric knowledge ...

---

[27] For instance Szaz, T. *The Myth of Mental Illness* and Laing, R.D. and D. Cooper, *Violence and Humanism*.

[28] See *Power/Knowledge* p.110

[29] Eribon p.123

Of course, there is absolutely no question of that in *Histoire de la folie*—you only have to read the book to see that.[30]

By speaking of Foucault as a kind of "academic" champion of the down-trodden and oppressed Foucault's proponents cultivate a serious misreading of his works: imposing upon them a political role they were not designed to play.[31] Alan Sheridan, for instance, would have us believe:

> ... the whole conceptual basis of psychiatry ... is turned on its head, sabotaged from within, in the name of its victims. The real heroes are not the sober white-coated scientists ... but ... madmen.[32]

Since Foucault's death Foucault's long-time friend and co-worker the French sociologist Robert Castel has struggled to clarify the circumstances surrounding the publication of Foucault's earliest works. Recently, Castel wrote:

> ... the role of flag bearer that fell to M.Foucault in a movement protesting certain institutional practices ... had not been an immediate result of his work ... *Histoire de la folie* had an earlier fate ... that of an academic work asking academic questions ... inscribed within the framework of an epistemological questioning that bore all the markers of its contemporary intellectual arena.

Castel concluded:

---

[30] Foucault 'On Power' in Kritzmann p.99

[31] I am not deriding achievements made in community-based (i.e., deinstitutionalized) mental health-care. As someone who currently works in this field I strive daily to "enhance independence and ability to choose" by relieving the disabled—in whatever ways possible—of their medico-institutional tutelage.

[32] Sheridan, A. *Michel Foucault: The Will To Truth* (London: Tavistock. 1980) p.7

The tradition continued by Foucault (that of Brunschvig, Bachelard, Canguilhem) questioned scientific discourses' claim to truth and the conditions under which scientific discourse might exist ... [but] believing in the theses of the work did not imply any precise political option, or any project for practical change.[33]

For Foucault the problem with the Leftist-oriented politics of the anti-psychiatric movement was two-fold. First, he believed that at the centre of their "liberationist" programs lay a confused notion of power. Foucault questioned their implicit linking of mental-health practice, for example, to a form of institutional "repression". Instead, he countered with the idea that:

... [w]hat makes power's hold good, what makes it accepted, is simply the fact that it does not only weigh on us as a force that says no, but that it traverses and produces things ... [including] forms of knowledge ... [Power] needs to be considered as a productive network which runs through the social body, much more than as a negative instance whose function is repression.[34]

As I argued in Chapter 1 in Foucault's account "power" is dispersed throughout the social structures and it does much more than simply inhibit or prevent expression and forms of behaviour. Thus, he believed that "power" was not the kind of thing we needed to—or even could—"liberate" ourselves from. Instead of a force that inhibits or impedes conduct "power", as Foucault conceived it, is experienced directly as a professional "incitement" to speak (the truth), as well

---

[33] Castel is quoted in Eribon p.123

[34] Foucault 'Truth and Power' in *Power/Knowledge* p.119

as, an injunction to "recognize" in oneself a specific conscience, self-knowledge

or identity.

There is no clear "victim" or perpetrator of power here.  Contrary to

Sheridan's view Foucault's "genealogy"  of psychiatry chronicles the

development of what could be called an "a-consensual" regime of

power/knowledge:  one which—from the point of view of "the subject"

(patient/client)—offers " ... a law of truth ... which he must recognize and which

others have to recognize in him."[35]

In this obviously value-laden dialectic what it is that the psychiatric

profession exercises is "a form of power which makes individuals subjects."  But

again as Foucault viewed it:

> ... [t]here are two meanings of the word *subject*:  subject to
> someone else by control and dependence, and tied to his
> own identity by a conscience or self-knowledge.
>
> Both meanings suggest a form of power which subjugates
> and makes subject to.[36]

We cannot say, therefore, that the patient is ever wholly outside of (i.e., free

from) power or that the patient is ever wholly dominated by (i.e., subject to)

"techniques" of power that operate in a such a way as to constrain all possible

freedoms.

---

[35] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.212

[36] Foucault 'The Confession of The Flesh' in *Power/Knowledge* P.212

In Foucault's works patients, delinquents, and sexual perverts are all

at once a sort of product or "subject-object" of discourse and practice:

"subjectivity" in Foucault is alive and well; it is produced as an instrument and

point of application for mechanisms of power.[37]


## Power as Repression: Encouraging the Extension of Modern Power

But there is a second problem with the anti-psychiatry movement. At

the outset of *The History of Sexuality: An Introduction* Foucault refers to this

problem when he asks this rhetorical "historico-political" question:

> Did the critical discourse that addresses itself to repression
> [i.e., Laing, Szaz, Marcuse] come to act as a roadblock to a
> power mechanism that had operated unchallenged up to
> that point, or is it not in fact part of the same historical
> network as the thing it denounces (and doubtless
> misrepresents) by calling it "repression"?[38]

Foucault's answer is both "yes and no." There is more at stake in the anti-

psychiatric movement than a misguided attack on institutionalized authority. By

promoting a misleading representation of power as "repression" Foucault

believed that "anti-psychiatric" protest served (naively) to extend the networks

of modern power.

---

[37] Connolly, W. 'Taylor, Foucault and Otherness' in *Political Theory* (full citation forthcoming).

[38] Foucault *The History of Sexuality* p.10

The anti-psychiatric movement encouraged modern power by diverting

attention away from what Foucault considered particularly pernicious: the

"constitution" by medical powers of dependent forms of identity (subjectivity).

Compare this with Foucault's genealogy of the prison in which he also

raises doubts about well-meaning seventeenth and eighteenth-century penal

reformers. By focusing public awareness on the obligation of the State and

judiciary in transforming pre-Modern penal practices into the "gentler and

kinder" approach of penitentiary confinement Humanism—on Foucault's

account—facilitated the diffusion of new (and largely unrecognized) power

relations throughout the social body; i.e., discipline.[39]

Although Foucault's interpretation of Humanism is superseded by his

account of the "disciplinary society" it is not the product of a knee-jerk reaction.

*Discipline and Punish* is not an anti-Humanism nor is it a manual or "how-to"

book for throwing off a new arrangement of domination and repression. As we

saw earlier:

> ... [w]hat is to be understood by the disciplining of societies
> in Europe since the eighteenth century is ... that an
> increasingly better invigilated process of adjustment has
> been sought after—more and more rational and
> economic—between productive activities, resources of
> communication, and the play of power relations.[40]

---

[39] Foucault *Discipline and Punish* pp.293-308

[40] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.219

Even when Foucault believes he has identified problematic features of

modernity he casts no direct responsibility for such developments: "in theory",

his "normative skepticism" prevents him from doing so. Nonetheless, he

echoes a cautionary tone about the practical difficulties and the value of doing

this.

For example, Foucault does not criticize the ideology of psychiatry:

*Madness and Civilization* was never intended as "an apologia for the positive

values of madness against psychiatric knowledge." As well his point is not to

judge or bemoan the way power is distributed in the institutions he has studied.

His point was always to question the "type" of power. Thus, Foucault

concluded *Discipline and Punish* in this way:

> ... [i]f there is an overall political issue around the prison, it
> is not whether it is to be corrective or not; whether the
> judges, the psychiatrists or the sociologists are to exercise
> more power in it than the administrators or supervisors; it is
> not even whether we should have prison or something other
> than prison.
>
> At *present*, the problem lies rather in the steep rise in the
> use of these mechanisms of normalization and the wide-
> ranging powers which, through the proliferation of the new
> disciplines, they bring with them.[41]

From the point of view of a genealogy of disciplinary power "traditional" theories

of punishment (as with traditional anti-institutional protest) may only encourage

---

[41] Foucault *Discipline and Punish* p.306

the development of the disciplinary regimes:  Humanists and protestors garners

attention while the "disciplinary regimes" extend themselves throughout society.


## Genealogy as a Practice of Freedom

In Chapter 2 I argued that Foucault rejected the apparently

commonsensical idea of a "determinate past" apprehended "in truth".  But why

did Foucault reject such a benign notion?  Foucault saw "freedom" as a practice

comprised of an ongoing analysis (i.e., a critique) of the values and

assumptions which inform and give meaning to "the history of the present."  In

this way Foucault's "genealogical" approach served his critical aspirations and

was a *necessary* component in his overall ethical and political project of

increasing human freedom through historical criticism.

He believed that identities we regularly conceive as "natural" or

"universal" are the result of historically-specific practices of subjection.  In turn,

these practices are themselves bound up with such historical events as the rise

of the natural and human sciences, as well as, the development of the

economic, political, and cultural forms of modern State capitalism.  Foucault

recommended that we read his entire corpus as a history of the "different

modes by which, in our culture, individuals are made subjects."[42]  But we

---

[42] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.215

should not think that these "modes of subjection" are themselves ahistorical or fixed.

In terms of understanding Foucault's notion of critique this point is important. For he argued that if the ways in which we have "objectified" our own identities (through both regimes of discursive *and* material force) are historically contingent, then conceptions of individual and collective liberation must also be contingent upon those very same practices.

We might say that, for instance, the genealogy of "power/knowledge" assumes that for every exercise of power there exists a correlative concept (or practice) of "resistance to power" or "liberation". But again, by "resistance" or "liberation" here Foucault does not mean:

> ... the *idea* of liberation but the extant practice of liberties:
> actual choices and strategic positions from which
> occasionally to ... [contest] ... the effects of those who would
> govern others conduct.[43] (emphasis added)

As a unique type of critique of the social construction of identity genealogy *is* Foucault's means of contesting power (including the wider patterns of social organization we have developed on the basis of these self-understandings; i.e., history). But unlike some other social critics Foucault's concept of critique—and with it his understanding of "freedom" generally—is offered in an *exemplary* manner: Foucault construed genealogy as a concrete

---

[43] Allen 'Government in Foucault' (unpublished paper) p.17

practice aimed at revealing the contingency of identities whose "nature" might

otherwise be seen as existing outside the history of "power/knowledge"

machinations and, therefore, be taken as immutable (i.e., resistant to

change/being freed).

Reflecting on his own study of the asylum in Jackson's America David

Rothman characterized the interests motivating "critical" social history in this

way:

> The history of the ... [asylum and penitentiary system] is not
> without a relevance that may be more liberating than stifling
> for us. We still live with ... these institutions, accepting their
> presence as inevitable ... we think of them as having always
> been with us, and therefore as always to be with us. We
> tend to forget that [it] was the invention of one generation to
> serve very special needs, not the only possible reaction to
> social problems.
>
> In this sense the story of the origins of the [prison] is
> liberating. We need not remain trapped in inherited
> answers. An awareness of the causes and implications of
> past choices should encourage us to a greater
> experimentation with our own solutions.[44]

Foucault's genealogical strategy of rejecting a determinate concept of

"the past" reinforces his belief that historical analysis can also be an effective

critique of the present (i.e., an effective form of social criticism). Foucault

practised genealogy in the interests of liberation. In this way he may have seen

himself as providing alternative points of view on a present time—our own—that

---

[44] Rothman p.295

was composed of others' responses to specific (i.e., historically contingent) past problems.

Larry Shiner has suggested that "the most cogent interpretation of Foucault will see his work in terms of its political purpose ..." Accordingly he states:

> ... one must read [Foucault's] genealogies of the prison, sex, or of the human sciences ... as a political act rather than merely a history of their development or a philosophy of their foundations.[45]

In general I think Shiner is correct here though I do not see how Foucault's genealogies can be viewed as "political" in any easily recognized sense of the word. Perhaps part of what Shiner is saying is that Foucault's work *does* express a critical (i.e., a normative) dimension. This alone would place Shiner on the far side of most of Foucault's critics (Taylor, Walzer, Fraser).

There "ought" to be more ways of envisaging political activity than currently exist! This was what Foucault was on about. Foucault's way of envisaging political activity—which was not unlike Nietzsche's *and* Heidegger's—was to attempt to discern the "value" (i.e., the power) of truth in order to clear a new opening within norms currently informing "true" and "legitimate" political discourse and practice. I do not think that this required

---

[45] Shiner pp.382-398

Foucault to "advocate" on behalf of or advance any particular—explicitly

normative account—of social existence.

We know that Kant considered the *Critique of Pure Reason* to be a

philosophical counterpart to Copernicus' astronomical "revolution." Foucault

never suggested that his genealogical "strategy" had this kind of universal

applicability. In order to distance himself from the history of Enlightenment-

oriented "universalist" aspirations he called himself a "specific intellectual". In

characterising Foucault's work as "a practice of freedom" I am implying that

Foucault believed post-Enlightenment philosophy had an ethical obligation to *re-*

present the essential contingency and historicity of *all* human experience.


## Power and Freedom in Foucault

In his work entitled, *Michel Foucault: The Freedom of Philosophy*

John Rajchman argued that:

> ... the question of freedom is one Foucault constantly, if
> tacitly, poses. It does not figure prominently either in his
> own presentations of his work or in the secondary literature
> about it. Yet ... it is found in what he *does*.[46]

This is what I mean in my thesis that Foucault's ethics were *embodied* in his

genealogies. And if we look at what Foucault does, then there are at least two

---

[46] Rajchman p.121

different approaches in his work to what Rajchman calls, "the question of freedom".

Foucault's first approach to freedom has to do with what I will call—arbitrarily—a "negative" concept.[47] Negative freedom in Foucault is tied to his demonstration of the ways in which the really unique differences between individuals are effaced as modern power tends increasingly towards a process of "normalization". Foucault's genealogies attempt to resist this process of normalization by genealogically exposing the points where power works to absorb the "right" to be different (i.e, through the definition of subjective identity).

But there is a corollary dimension to Foucault's critique of "normalization". Foucault draws our attention to our eroding collective level of tolerance (i.e., sensibilities) toward previously legitimate differences between individuals. This decrease in the threshold of our taste for normal and abnormal conduct (and behaviour) is caused—Foucault argues—by the encroachment of "normalizing" powers and technologies into so many different areas of life today (sexuality, family relations, health care, diet, etc.,). In general, it is the nature of modern "disciplinary" power that interventions by it into *some* areas render interventions by it into *many* other—possibly, at that

---

[47] In using this term I do not mean to refer to any *existing* concept of freedom though I understand that one exists.

time, unrelated areas—appear less and less unacceptable (i.e, increasingly

normal).

The second approach to "freedom" in Foucault is—in a sense—a

more positive one: it is certainly a more important one as far as I am

concerned. It is the one I have been trying to get at since the start of this

thesis. Thus, Foucault's second approach to freedom is reflected in his

attempts to identify the concepts and categories we believe are determinative of

"truth" (the truth of ourselves, our social practices, and ways of being).

This second approach to freedom is more positive than the first

because it actively promotes what I will call an "ethic of thought". Foucault's

ethic of thought—a new way of thinking about the libratory capacity of

discourse—is not aimed at developing another justification. Instead its goal—as

Gilles Deleuze and William Connolly have both suggested—is to solicit "a

different way of feeling: another sensibility."[48]

But as I have already suggested this positive notion of freedom as an

ethic of thought must be distinguished from any theoretical or "regulative" ideal

of freedom. I began to make this distinction in the introduction to my thesis. I

continue it now. Having said that Foucault's positive approach to freedom

---

[48] Deleuze states: "The aim of critique is not the ends of man or of
reason ... the point of critique is not justification but a different way of feeling:
another sensibility." (Deleuze is quoted in Bove p.vii) and William E. Connoly
concurs in, 'An Exchange: Taylor, Foucault, Otherness' *Political Theory* (13,
365-376, Ag 1985).

needs to be distinguished from any "theoretical" ideal it should also be seen

that it is very often just such an abstract conception of freedom to which his

harshest critics subscribe.

Charles Taylor, for instance, defines freedom as: "the unimpeded

fulfilment of our desires."[49] Note the rather auspicious absence in Taylor's

formulation of any concrete practices. No actual "goods" or "freedoms" are

mentioned yet Taylor can still define "freedom." The reason for this is that

Taylor holds a broadly "transcendental" notion of freedom. He doesn't have to

mention its concrete embodiments since "freedom" has an essence which

extends to all its various forms and is good. On a different but still related topic

Allen states:

> ... Taylor assumes ... that control over conduct only first
> becomes political and ethically problematic when it
> represses initiative, and that "power" in the sense pertinent
> to Foucault's work means an imposition restraining
> individual freedom to choose and try.[50]

But Foucault argued that to conceive power as "domination", "violence",

"consensus"—or as having its essential being in the so-called political

"institutions" (i.e., the State, prisons, schools, etc.) was to conceive power in its

"terminal forms" only.[51]

---

[49] Taylor 'Foucault on Freedom and Truth' p.173

[50] Allen 'Government in Foucault' (unpublished paper) p.3

[51] Foucault 'The Subject and Power' in Dreyfus and Rabinow p.213

Similarly if we are to distinguish the second "positive" approach to freedom in Foucault from *its* terminal forms (including negative freedom), then we must contrast *it* with the different forms which—at various times and in accordance with different interests—freedom ideally might be said to have. To this end Rajchman writes:

> ... [i]n order to extract the central thesis of [Foucault's] philosophy, we must draw a distinction between real and nominal freedom. For every instituted conception of freedom we apply a nominalist reversal and attempt to define the larger practice within which it figures; that practice is then what involves our real freedom, something asocial which cannot be instituted or guaranteed.[52]

What Rajchman calls, "every instituted conception of freedom" is what I have called "negative" in Foucault. Just as "power" in Foucault's analysis was not necessarily the kind of thing we need to liberate ourselves from so too "freedom"—the second "positive" approach (an ethic of thought)—is not the kind of good that can be "instituted" or guaranteed.

This means that we cannot formulate—in advance—explicit normative standards by which to identify all the instances (exercises of power) where freedoms are unjustifiably transgressed. For Foucault—and this may be the single most important aspect of his thought—there was no essential "truth" of what it means to be an individual: "no truth of Truth" as Caputo put it earlier. As a result he also believed that the corresponding historical "reality" linked to

---

[52] Rajchman p.122

our subjection was open to interpretation:  freedom in history *exists* though it

cannot be defined since no fixed or knock-down interpretation about "identity"

exists.

This important aspect of what I call Foucault's "ethics"—"the good" in

Foucault which Taylor said he could *not* affirm—is often referred to as

"Foucault's Nietzsche problem."  Charles Taylor says it reflects a lesson

Foucault learned from *The Gay Science*; i.e., that there is no fixed or final way

of human being.  In any case for Foucault:

> ... real [i.e., positive] freedom does not consist either in
> telling our true stories ... or in accepting our existential
> limitations in authentic self-relation.  We are on the contrary
> "really" free because we can identify and change those
> procedures or forms through which our stories become true,
> because we can question and modify those systems which
> make (only) particular kinds of action possible, and because
> there is no "authentic" self-relation we must conform to.[53]

When we consider the formally guaranteed (i.e., negative)

freedoms—the right to "free association", for instance, or the right to "unfettered

speech"—we are, according to Foucault, conceiving only the "terminal" forms of

freedom within some larger practice.  This larger practice is—in Rajchman's

terms—"real freedom."

Foucault's genealogies can be viewed as contributions to the history

of our "real freedom" because they demonstrate (historically) ways in which we

---

[53] ibid p.122

have come to view ourselves as beings capable of action, as well as, beings

who are capable of determining the actions of others; i.e., beings capable of

exercising power over conduct.

Foucault's genealogies are directly liberating and constitute what I call

"a practice of freedom" because to show that what is taken as "truth" may be

less evident than had been supposed produces a kind of thoughtfulness

within—an inward effect that works upon what Morey called "our

sensus"—creating (potentially) a disposition to reconsider the meaning and

value of an "other" form of evidence now discarded, covered over, or still

unknown. Perhaps this explains why William Connolly likens Foucault's

genealogical "practice of freedom" to Nietzsche's own work since both implored

us "to listen to a different claim".[54]

---

[54] Connolly, W. 'Foucault, Taylor, and Otherness: An Exchange'
*Political Theory* (Spring 1988) p.12

# CONCLUSION

In my thesis I have attempted to put forth a general reading of Foucault: one that characterizes the abiding historical nature of his "genealogical" philosophy while depicting the theoretical import of his work.

In general I have tried to argue (against a powerful "block" of contemporary—largely neo-Kantian—critics) that Foucault's genealogies constitute an "effective" form of socio-historical criticism. As well I have tried to show that Foucault's genealogies offer a particular "nominal" liberation. On this basis I have argued that Foucault's work should be considered "a practice of freedom".

I have tried to show as well that doing "effective" criticism requires that we grapple with the very meaning of the term "effective". From this point of view Michel Foucault had one foot inside and one foot outside the "philosophical" tradition. He did not link his particular notion of critique with the need to elaborate a "theory" of truth in order to ground his critical pronouncements. Nonetheless Foucault's critical pronouncements—the troubling features of modernity which he identified—were grounded. But again his critique was not grounded in a normative or "moral" theory either.

162

Foucault was widely castigated for allegedly failing in these two areas: "truth" (he was widely considered to be a "linguistic relativist") and "the good" (if Hilary Putnam considered Foucault a "linguistic relativist" then this problem quickly spread for Foucault was also considered to have promulgated a form of "ethical relativism").

As I have shown this last charge is made against Foucault by Michael Walzer, Charles Taylor, Nancy Fraser, and Jurgen Habermas (although I did not deal with Habermas's claims here). In response to these critics I tried to show that Foucault's "genealogies" were an expression of his personal desire for anonymity and escape, as well as, his belief that critical discourse could be "a practice of freedom".

To be "a practice of freedom" a philosophy must be *above all* practical. It must also have a method (or an "anti-method" as in Foucault's case). It must also be able to clearly articulate it's "normative standards" or (if it is not directly interested in doing this as Foucault was not) it must still be open to others wanting to develop its *embodied* ethical precepts (as I attempted to do here with Foucault).

I have tried to demonstrate in my thesis that effective philosophical critique must always recognize a spirit of "inclusiveness" (not a desire to assimilate but rather an invitation to participate). Foucault was often chastised by those who—like Nancy Fraser—thought that he had succeeded in identifying

pernicious social issues (i.e., that he had empirical insight) yet failed to fulfil his "obligation" to advance solutions to the serious problems he identified or to recommend a program of concrete action which we could follow (i.e., that he was plagued by 'normative confusions').

But Fraser's whole conception of what is required of those who (like Foucault) seek to criticize is biased. It is, in fact, discriminatory (for the reasons I have given in my thesis). And as a discriminatory conception it is also "offensive". It is a true but glib generalization (to use a phrase from Ian Hacking) that Fraser's analysis "offends" only because she would wish for no more—apparently—than to entrap Foucault within the very conception of "critique" he sought so relentlessly to escape.

# BIBLIOGRAPHY

Allen, B. *Truth in Philosophy* (Cambridge, Massachusetts: Harvard University Press. 1993)

Allen, B. 'Truth in Politics: Foucault on Truth and Power' (unpublished paper)

Allen, B. 'Government in Foucault' (unpublished paper)

Allen, B. 'Truth in politics' (unpublished paper)

Armstrong, T.J. trans. *Michel Foucault: Philosopher* (New York: Routledge. 1992)

Ball, S.J. ed. *Foucault and Education: Disciplines and Knowledge* (New York: Routledge. 1990)

Baynes, K., Bohman, J., and Thomas McCarthy *After Philosophy: End or Transformation?* (Cambridge, Massachusetts: MIT Press 1987)

Burchell, G., Miller, P. and Colin Gordon *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press. 1991)

Canguilhem, G. *The Normal and the Pathological* (New York: Zone Books. 1991)

Caputo, J. 'On Not Knowing Who We Are: Madness, Hermeneutics, and the Night of Truth in Foucault' in Caputo, J. and Mark Yount (eds.) *Foucault and the Critique of Institutions* (Buffalo: State University of New York Press)

Carter, R.E. *Dimensions of Moral Education* (Toronto: University of Toronto Press. 1984)

Connolly, W.E. 'An Exchange: Taylor, Foucault, Otherness' (13, 365-376, Ag 1985)

Deleuze, Gilles. *Foucault* Trans./ed. Sean Hand. Foreword by Paul Bove
(Minneapolis: University of Minnesota Press. 1988)

During, S. *Foucault and Literature* (Routledge: New York. 1992)

Fillingham, L.A. *Foucault For Beginners* (New York: Writers and Readers
Publishing, Inc. 1993)

Foucault, M. *Mental Illness and Psychology* (Berkeley: University of California
Press. 1987) Foreword by H. Dreyfus

Foucault, M. *Madness and Civilization: A History of Insanity in the Age of
Reason.* Trans. R. Howard (Great Britain:  Tavistock. 1967)

Foucault, M. *The Archaeology of Knowledge* (Great Britain:  Tavistock. 1972)

Foucault, M. *Discipline and Punish: The Birth of the Prison*  (New York:
Random House. 1979)

Foucault, M. *Language, Counter-Memory, Practice: Selected Essays and
Interviews by Michel Foucault* ed. D.F. Bouchard Trans. D.F.
Bouchard and S. Simon (New York: Cornell University Press. 1977)

Foucault, M. 'Governmentality' in Burchell, G., Miller, P. and Colin Gordon
(eds.) *The Foucault Effect: Studies in Governmentality* (Chicago:
University of Chicago Press. 1991)

Foucault, M. *Power/Knowledge: Selected Interviews and Other Writings (1972-
1977)* ed. C. Gordon (New York: Pantheon. 1980)

Foucault, M. *The History of Sexuality: An Introduction Volume I* Trans. R.
Hurley (New York: Random House. 1978)

Foucault, M. *The Use of Pleasure: The :The History of Sexuality Volume II*
Trans. R. Hurley (New York: Random House. 1985)

Foucault, M. *Politics, Philosophy, Culture: Interviews and Other Writings (1977-
1984)* ed. Kritzman, L.D. (New York:  Routledge. 1988)

Foucault, M. 'Questions of Method: An Interview with Michel Foucault' in
Baynes (see above).

Foucault, M. *Remarks on Marx: Conversations with Duccio Trombadori* Trans. Goldstein, R.J. and James Cascaito (New York: Semiotexte. 1991)

Foucault, M. *Foucault Live.* Trans. John Johnston. ed. Sylvere Lotringer (New York: Semiotexte. 1989)

Foucault, M. 'Orders Of Discourse' *Social Science Information* (April 1971)

Foucault, M. *Technologies of the Self: A Seminar with Michel Foucault* (ed.) Martin, L.H., Gutman, H., and Patrick H. Hutton (Amherst: University of Massachusetts Press. 1988)

Foucault, M. *The Final Foucault* ed. Bernauer, J. and David Rassmussen (Cambridge, Massachusetts: MIT Press. 1988)

Fraser, N. 'Foucault on Modern Power: Empirical Insights and Normative Confusions' *Praxis International* (1:3 1981)

Dreyfus, H. and P. Rabinow ed. *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press. 1982)

Gandy, Jr., O.H. *The Panoptic Sort: A Political Economy of Personal Information* (Boulder, Co.: Westview Press. 1993)

Gutting, G. ed. *The Cambridge Companion to Foucault* (Cambridge: Cambridge University Press. 1994)

Habermas, J. *The Philosophical Discourse of Modernity* Trans. F. Lawrence (Cambridge, Massachusetts: MIT Press. 1987)

Hacking, I. 'How Should We Do the History of Statistics' in Burchell, G., Miller, P. and Colin Gordon (eds.) *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press. 1991)

Hiley, D. 'Foucault and the Analysis of Power: Political Engagement Without Liberal Hope or Comfort' *Praxis International* (4:2 July 1984)

Hoy, David Couzens, ed. *Foucault: A Critical Reader* (Oxford:  Basil Blackwell. 1986)

Mahon, M. *Foucault's Nietzschean Genealogy: Truth, Power, and the Subject* (Albany: State University of New York Press. 1992)

Miller, J. *The Passion of Michel Foucault* (New York: Simon and Schuster. 1993)

Mudimbe, V.Y. *The Invention of Africa: Gnosis, Philosophy, and The Order of Knowledge* (Bloomington: Indiana University Press. 1988)

Murphy, J.W. 'Foucault's Ground of History' *International Philosophical Quarterly* (24, 189-194, Je 1984)

Nietzsche, Friedrich. *Basic Writings of Nietzsche.* Trans., Ed. Walter Kaufmann. New York: Random House, 1966.

Rajchman, John. *Michel Foucault: The Freedom of Philosophy* (New York: Columbia University Press. 1985)

Ross, S.D. 'Foucault's Radical Politics' *Praxis International* (5:2 July 1985)

Roth, M. S. 'Foucault's History of The Present' *History and Theory* (20, 1981)

Rothman, David J. *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston: Little, Brown, and Co. 1971)

Schurmann, R. 'On Constituting Oneself An Anarchistic Subject' *Praxis International* (4:2 July 1984)

Shapiro, M.J. 'Charles Taylor's Moral Subject' *Political Theory* (May 1986)

Sheridan, Alan. *Michel Foucault: The Will to Truth* (London: Tavistock. 1980)

Shiner, L. 'Reading Foucault: Anti-Method and the Genealogy of Power/Knowledge' *History and Theory* (21, 1982)

Shumway, D.R. *Michel Foucault* (Charlottesville: University Press of Virginia. 1989)

Spierenburg, Pieter. *The Spectacle of Suffering: Executions and the Evolution of Repression From a Preindustrial Metropolis to the European Experience* (Cambridge: Cambridge University Press. 1984)

Taylor, C. 'Interpretation and the Science of Man' *The Review of Metaphysics* (25, No.1 September 1971)

Taylor, C. 'Foucault on Freedom and Truth' *Political Theory* (Vol.12, No.2, May 1984)

Taylor, Charles. 'Rationality' in *Rationality and Relativism* eds. Hollis, M. and Steven Lukes (Cambridge, Massachusetts: MIT Press. 1984)