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ARTICLE

Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages

Colin Koopman, University of Oregon

ABSTRACT: A growing body of interpretive literature concerning the work of Michel Foucault asserts that Foucault's critical project is best interpreted in light of various strands of philosophical phenomenology. In this article I dispute this interpretation on both textual and philosophical grounds. It is shown that a core theme of 'the phenomenological Foucault' having to do with transcendental inquiry cannot be sustained by a careful reading of Foucault's texts nor by a careful interpretation of Foucault's philosophical commitments. It is then shown that this debate in Foucault scholarship has wider ramifications for understanding 'the critical Foucault' and the relationship of Foucault's projects to Kantian critical philosophy. It is argued that Foucault's work is Kantian at its core insofar as it institutes a critical inquiry into conditions of possibility. But whereas critique for Kant was transcendental in orientation, in Foucault critique becomes historical, and is much the better for it.

Keywords: Michel Foucault, Critique, Immanuel Kant, Phenomenology, Transcendental Critique.

> "You seem to me Kantian or Husserlian. In all of my work I strive instead to avoid any reference to this transcendental as a condition of the possibility for any knowledge. When I say that I strive to avoid it, I don't mean that I am sure of succeeding… I try to historicize to the utmost to leave as little space as possible to the transcendental. I cannot exclude the possibility that one day I will have to confront an irreducible *residuum* which will be, in fact, the transcendental."[1]

The philosophical project of critique inaugurated by Immanuel Kant has led to many important developments over the winding pathways of nineteenth- and twentieth-century philosophy. One of these pathways has unfortunately overshadowed many of the others. Kant envisioned his critical project, in his seemingly most famous moments, as a transcendental inquiry. This transcendental inflection of the critical project was then taken up in his wake by a number of different philosophical traditions, including its notable appropriation and extension in the work of philosophical phenomenology as inaugurated by Edmund Husserl in the late nineteenth century and then radicalized by Martin Heidegger in the twentieth. One central issue for the phenomenological pathway in critical philosophy has been the attempt to integrate a transcendental inquiry into universal and necessary conditions of possibility with historical forms of inquiry that acknowledge the situated contexts within which all human thought apparently unfolds. Unfortunately this phenomenological pathway has obscured other possible directions of furtherance for the Kantian project of critique. But there are others who have attempted to develop the Kantian project of critique along different lines. These other philosophers do not preserve the vexing idea of critique as a transcendental form of inquiry. Among these I count Michel Foucault, who is as able a practitioner of Kantian critique as one should hope for, but who was not therefore a philosopher engaged in transcendental inquiry.

Foucault scholarship on the whole has, however, tended to miss this point. Many early interpreters of Foucault expressed relief that his work was finally directing philosophy away from Kantian transcendental philosophy. These interpreters were right to be relieved at the exhaustion of the transcendental problematic, but perhaps hasty in their broad dismissal of Kant. A more recent trend in Foucault scholarship that deserves our attention today involves reclaiming Foucault as part of the Kantian tradition, but precisely by interpreting his thought through the lens of transcendental phenomenology. This latter set of interpretations sometimes takes the strong

[1] Foucault to Giulio Preti in "A Historian of Culture," debate with Giulio Preti in Michel Foucault, *Foucault Live: Collected Interviews, 1961-1984*. Edited by Sylvère Lotringer (New York: Semiotext(e), 1972, 1996). References throughout contain, in many instances, two dates: in such cases the first date refers to the original year of publication in the original language and the second date refers to the year of publication of the translation and edition to which the page number citation refers.

form of an insistence that Foucault is himself something of a phenomenologist and at other times takes the weaker form of the claim that Foucault's thought must be read through its complex engagements with the phenomenological category of historical-transcendental critique even if these engagements resulted in Foucault's eventual departure from phenomenology. Both sets of interpretations, however, fail to detach the idea of Kantian critique from the idea of transcendental critique. Both sets of interpretations insist that Foucault was or was not undertaking Kantian transcendental critique. But both thereby fail to ask if perhaps Foucault was undertaking Kantian critique without implicating himself in transcendental critique.

In what follows I contest the weight of both sets of scholarly contributions by suggesting a quite different way of interpreting Foucault's historical analytics of genealogy and archaeology. I argue on textual grounds that Foucault rigorously avoided the transcendental as that which specifies the conditions of the possibility of our practices. I also argue that on philosophical grounds that this was a good move on Foucault's part for it enabled him to avoid certain conceptual difficulties implicated by any attempt at a transcendental historiography. For these reasons, I conclude, it is misleading to interpret Foucault through the lens of philosophical phenomenology, or at least any version of phenomenology associated with transcendental inquiry. But my point here is not merely a negative one. I also seek to establish the positive point that Foucault elaborated a viable alternative to phenomenological transcendental critique in appropriating the Kantian project of critique for quite different purposes. Recent commentators emphasizing Foucault's relation to phenomenology have been right to emphasize Foucault's relation to Kant. But in taking up Foucault's Kantianism through the lens of phenomenology, they have misleadingly reinterpreted archaeology and genealogy as transcendental forms of critique. Foucault's relation to Kant is much more direct and as a result constitutes a much more radical challenge to prevailing modes of philosophical, historical, and critical inquiry. For these reasons it deserves continued attention today, especially for those pursuing projects which aim to be simultaneously historical and critical.

Historical-Transcendental Critique in Phenomenology (and Foucault)

I shall assume some familiarity with the standard reception of Foucault (at least in North America) as both non-transcendental and non-critical philosopher. Against the background of this standard account of Foucault's reception, I want to draw attention to a rather recent trend of reinterpreting Foucault in light of some of the core themes informing transcendental phenomenology. Perhaps the most important of these phenomenological themes that commentators have sought to turn our attention to concerns the uniquely phenomenological inflection of the transcendental inquiry supposedly at the heart of Kant's critical project. The story can be told as follows. The phenomenologists reworked Kant's conception of the transcendental

such that historicity and transcendentality can be seen to be compatible with one another. Phenomenology thus opened up the possibility of what might be called historical transcendentality. (If the story so far is rather familiar then it is the following recent update to the tale that is provocative.) Foucault then aligned himself with the phenomenological tradition and sought to further that method of historical-transcendental inquiry.

Probably the most influential version of this Foucault-as-phenomenologist account is that developed by Béatrice Han (now Han-Pile) in her 1998 book *Ontologie manquée de Michel Foucault*, which was translated into English in 2002 as *Foucault's Critical Project* with the telling English subtitle *Between the Transcendental and the Historical*.[2] Han-Pile does not claim that Foucault was a transcendental-historical phenomenologist so much as she argues that Foucault was something of a failed, or as her French title has it a "missed," transcendental phenomenologist. On Han-Pile's view, Foucault's project remains at core an attempt to historicize the transcendental such that his thought is situated at "the tension between the historical and the *a priori*."[3] According to this interpretation, Foucault failed in this project and ultimately reverted to a practice of history that in spite of his own better intentions eventually reduced down to little more than "the study of prisons on a purely empirical base."[4] As Gary Gutting summarizes Han-Pile in his fairly sharp but surely fair review, her claim is that "all of Foucault's work can be read as the (failed) effort to revive the project of transcendental philosophy: to find the conditions of possibility for experience."[5] In response to Gutting, Han-Pile reiterates her reading of Foucault's archaeologies as "attempts to reinterpret the Kantian critical project by providing what might be called a "transcendental history" of the conditions of possibility of knowledge in the West."[6] The view is that Foucault's project is a failed attempt to locate the historical-transcendental of the Western present, and as such it is *a fortiori* precisely such an attempt. Indeed in her recent writings Han-Pile makes little noise about the failures of this project and instead devotes herself almost exclusively to emphasizing an interpretation of Foucault as undertaking such a project. (Perhaps she believes, following Hubert Dreyfus and others, that there remain other ways of more successfully carrying out this project.)

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[2] Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical*, translated by Edward Pile (Stanford, CA: Stanford University Press, 1998, 2002).

[3] Han, 196.

[4] Ibid., 69.

[5] Gary Gutting, "Foucault's Critical Project," *Notre Dame Philosophical Reviews* (May, 2003). <http://ndpr.nd.edu/review.cfm?id=1262>.

[6] Béatrice Han-Pile, "Is early Foucault a historian? History, history and the analytic of finitude," *Philosophy and Social Criticism*, 31, nos. 5-6 (2005): 586.

Kevin Thompson has very recently offered a compelling reinterpretation of Foucault as a historical-transcendental phenomenologist that departs in important ways from Han-Pile's efforts. Thompson begins with a helpful summary of Han-Pile:

> Foucault's aspirations for a truly transcendental foundation for his research, a project that would set out and maintain the integrity of the transcendental field, are ultimately left unfulfilled. The ontology required for a truly coherent account of the transcendental is missing, Han argues, and in its stead all that is left is an unacknowledged empiricism.[7]

Where Han-Pile sees a failed attempt at transcendental phenomenology in Foucault, Thompson discerns a rather more successful attempt at the same: "This, we can say, is the core concern of Foucault's critical history of thought. It seeks nothing less than to grasp the simultaneity of historicity and transcendentality."[8] And, pace Han-Pile, it does this successfully. Thompson locates this core concern of Foucault's through examinations of both his intellectual heritage and his thought. In terms of inheritance, Thompson's argument is that Foucault is properly interpreted through a phenomenological lineage that reaches back through Jean Cavaillès to Edmund Husserl. At the core of that lineage is precisely that viable conception of historical-transcendental critique that Han-Pile failed to locate in Foucault. Thompson cites Husserl's influence on Cavaillès and Foucault's claims regarding the importance of Cavaillès for his own archaeological and genealogical projects. We might rejoin at this point with the quip that influence is not necessarily complete and transitive: what Cavaillès took from Husserl may not have carried over into what Foucault took from Cavaillès. Fortunately, Thompson also offers an impressive rereading of portions of the *The Archaeology of Knowledge* that suggest the plausibility of an interpretation of the archaeological method in terms of historical-transcendental phenomenology. In the final pages of that book, Thompson shows, Foucault makes it obvious that he is aware of his proximity to this Husserlian-Heideggerean problematic. But this recognition, I shall suggest below, is far more ambivalent than Thompson's interpretation suggests.

Despite the obvious differences separating Thompson's and Han-Pile's interpretations of Foucault, there is a clear commonality that enables both to pose the same sets of questions to Foucault, even if they arrive at different answers to these questions. Both frame their interpretations of Foucault in terms of the problem of the relation between the transcendental and the empirical bequeathed to modern philosophy by Kant and taken up in his train by Hegel, Husserl, and Heidegger.

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[7] Kevin Thompson, "Historicity and Transcendentality: Foucault, Cavaillès, and the Phenomenology of the Concept," *History and Theory*, 47 (Feb., 2008): 4.

[8] Ibid., 2.

Han-Pile concludes that Foucault never solved the basic Kantian problem and unfortunately tended to retreat to versions of historical inquiry of a more purely empirical variety. Thompson concludes that Foucault took up the category of the transcendental-historical developed by Husserl and Cavaillès and in doing so was able to preserve a crucial transcendental thread within his archaeology (and possibly also his genealogy).

This general strategy of a reinterpretation of Foucault *through the lens* of phenomenological concepts like historico-transcendentality is gaining increasing attention amongst Foucault scholars today.[9] I find this interpretation both unsatisfying on textual grounds and unfortunate on philosophical grounds. More crucial are these latter philosophical reasons. For the interpretative strategy at issue helps to obscure one of Foucault's most crucial philosophical contributions: the development of a modality of inquiry that both preserves a link to the Kantian project of critique as inquiry into conditions of possibility and does not for that reason chain itself to a transcendental inflection of the critical project. To put the matter more simply,

[9] Other recent contributions to this interpretation include that of Johanna Oksala, *Foucault on Freedom* (Cambridge: Cambridge University Press, 2005), who argues that archaeology is "a historical description of the varying conditions of possibility of knowledge in different periods"(21) and that genealogy "shares with phenomenology the transcendental mode of questioning as opposed to a purely empirical study of the subject, but it does not share the methodological starting point in the subject."(104) See also work by Rudi Visker, *Genealogy as Critique*, translated by Chris Turner (NY: Verso, 1995) and Rudi Visker, *Truth and Singularity: Taking Foucault into Phenomenology* (Dordrecht, NL: Kluwer, 1999), Todd May, "Foucault's Relation to Phenomenology," in Gary Gutting (ed.), *The Cambridge Companion to Foucault*. Second edition. (Cambridge: Cambridge University Press, 2005), Timothy Rayner, *Foucault's Heidegger: Philosophy and Transformative Experience* (NY: Continuum, 2007), and many papers collected in the Foucault-Heidegger volume by Alan Milchman and Alan Rosenberg, (eds.), *Foucault and Heidegger*: *Critical Encounters* (Minneapolis, MN: University of Minnesota Press, 2003). See also Andrew Cutrofello, *Discipline and Critique: Kant, Poststructuralism, and the Problem of Resistance* (Albany, NY: SUNY Press, 1994), and Marc Djaballah, *Kant, Foucault, and Forms of Experience* (NY: Routledge, 2008), who read Foucault as practicing Kantian transcendental critique but directly through Kant rather than by way of phenomenology. Among earlier iterations of this interpretation are Hubert Dreyfus, "On the Ordering of Things: Being and Power in Heidegger and Foucault," in Timothy J. Armstrong (ed.), *Michel Foucault philosopher* (Hempstead: Harvester Wheatsheaf, 1989, 1992), an attempt to read Foucault alongside Heidegger, and Gerard Lebrun, "Notes on Phenomenology in *Les Mots et les Choses*," in Timothy J. Armstrong (ed.), *Michel Foucault Philosopher*, (Hempstead: Harvester Wheatsheaf, 1989, 1992), an attempt to situate Foucault in a general Husserlian problematic. As a matter of scholarly compunction it should be noted that Paul Rabinow, ("Modern and Countermodern: Ethos and Epoch in Heidegger and Foucault," in *The Cambridge Companion to Foucault)*, does not share Dreyfus's phenomenological interpretation of Foucault despite frequent mistaken references in the literature to Dreyfus and Rabinow as offering a reading of Foucault as a kind of hermeneutic phenomenologist.

Foucault is a Kantian but not a transcendental idealist in that Foucault took from Kant the project of critique but not the project of transcendental critique.

In what follows I shall both seed doubts about the phenomenological interpretations of archaeology and genealogy and also sketch the outlines of an alternative interpretation according to which archaeology and genealogy are neither empirical nor transcendental. I will argue for a view according to which Foucault fashioned a mode of inquiry that was, as he himself titled it, a "*Critical History of Thought*" that aimed to explicate the problematizations conditioning our historical present.[10]

Textual Problems for the Foucault-through-Phenomenology Interpretation

I begin by posing a small number of textual problems for the interpretive strategy under consideration. These problems do not definitively refute that strategy but they do help seed some serious doubts about its plausibility. My claim in this section is that Han-Pile's and Thompson's arguments must answer at least two difficult interpretive questions that Foucault's work poses to any attempt to situate that work within a phenomenological problematic of the relation between the transcendental and the empirical.

The first difficulty concerns Foucault's own attempts to situate himself in a philosophical lineage whose relation to phenomenology is ambiguous: namely the lineage of Bachelard, Cavaillès, and Canguilhem. Thompson reads this lineage, especially in the figure of Cavaillès, as preoccupied with phenomenological questions inherited from Husserl. But when Foucault situated his own thought in this lineage he seems to have done so precisely so as to contest that phenomenological lineage that ran forward from Husserl to Heidegger, Sartre, and Merleau-Ponty. In a piece originally written as an introduction for the 1978 English translation of Canguilhem's *The Normal and the Pathological* Foucault described "a dividing line" running through twentieth-century French thought that "separates a philosophy of experience, of meaning, of the subject, and a philosophy of knowledge, of rationality, and of the concept." He refers to Sartre and Merleau-Ponty on one side as phenomenologists of experience and meaning, while he takes Cavaillès, Koyré, Bachelard and Canguilhem on the other side as philosophers "of knowledge, of rationality, and of the concept."[11] In his introduction to a later English-language collection of Canguilhem's essays, Paul Rabinow points out that there is a certain

[10] Michel Foucault, "Foucault (by Maurice Florence)," a pseudonymous autobiography, in Gary Gutting (ed.), *The Cambridge Companion to Foucault*. First Edition (Cambridge: Cambridge University Press, 1984, 1994), 459.

[11] Michel Foucault, "Life: Experience and Science," in Michel Foucault, *Aesthetics, Method, and Epistemology: The Essential Works of Foucault, 1954-1984*, Volume 2, edited by Paul Rabinow and James Faubion (NY: New Press, 1985, 1998), 466.

"insider's humor" involved in this claim: Foucault was in fact aping Canguilhem himself who had much earlier offered a politicized version of this very distinction.[12] The crucial point of the distinction, as it appears in Foucault and Canguilhem, is to locate a philosophical project that does not situate itself as an inquiry into transcendentalized conceptions of subjectivity or experience as conditions of thought, life, action. Foucault's quip is that despite all of those promising contortions that enabled phenomenology to admit bodies, sexuality, and death into its analysis, "the *cogito* remained central to it."[13]

Now both sides of this divide, according to Foucault, articulated their projects as a radicalization of Husserl. Thompson ably shows how Husserlian historical-transcendental phenomenology informed aspects of Cavaillès's thought. Despite the presence of the historical-transcendental in Cavaillès, it is likely that Foucault's invocations of the philosophers of the concept was precisely designed as an attempt to contest the problematics of transcendental phenomenology in favor of the quite different problematics of historical epistemology. To the transcendental treatment of meaning and experience, Foucault and Canguilhem opposed the historical treatment of rationality and concepts. Canguilhem, for his part, wrote, some years after Foucault's death, that "Foucault disparaged questions with transcendental implications, preferring those with historical implications."[14] Canguilhem himself also shied away from the transcendental strains of phenomenology. To the extent that Foucault saw his own work in this lineage, then, it may have been on the basis of its explicit refusal of the transcendental.

In his 1978 lecture "What is Critique?" Foucault referred again to the Bachelard-Cavaillès-Canguilhem succession, describing it as a "phenomenology" to be sure and yet one that "belongs to another history altogether." The contrast is again to the transcendental phenomenology that dominated the intellectual context in which occurred his own philosophical maturation. Foucault's point in invoking Cavaillès and Canguilhem here was to show how work in the history of science can help us return to this question: "How is it that rationalization leads to the furor of power?"[15] No matter how one reads the works of the phenomenologists of the concept, Foucault locates in this tradition a set of concerns which really have very little to do with the problematics of the transcendental in Husserlian phenomenology. This

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[12] Paul Rabinow, "Introduction: A Vital Rationalist," in *Georges Canguilhem, A Vital Rationalist*, edited by François Delaporte, translated by Arthur Goldhammer (NY: Zone Books, 1994), 21.

[13] Foucault, "Life: Experience and Science," 477.

[14] Georges Canguilhem, "Introduction," in Timothy J. Armstrong (ed.), *Michel Foucault philosopher* (Hempstead: Harvester Wheatsheaf, 1989, 1992), xvi.

[15] Michel Foucault "What is Critique?" in *The Politics of Truth*, edited by Sylvère Lotringer (Los Angeles, CA: Semiotext(e), 1978, 2007), 54.

tradition may, however, have something to do with other questions provoked but unanswered by Husserl, such as those concerning the historicity of our sciences.

This brings me to a second, and I think more troubling, interpretive difficulty for Thompson's and Han-Pile's arguments. This difficulty is rooted in well-known claims by Foucault about phenomenology and transcendentality in *The Order of Things* and *The Archaeology of Knowledge*. In the section on the problematic of the transcendental and the empirical in *The Order of Things*, Foucault clearly situates the "phenomenology" of "actual experience" within this failing problematic and thereby urges that we now need to address ourselves to a somewhat different philosophical challenge. That something different requires taking up the question of the "existence" of "man" such that Foucault's infamous musings at the end of the book about faces being erased at edges of seas should be seen as decidedly operating against a transcendental phenomenology.[16]

Similarly, at the end of *The Archaeology of Knowledge* Foucault disparages phenomenology under the heading of "transcendental narcissism." The book closes with strong cautions against the transcendental:

> My aim was to cleanse it [this history] of all transcendental narcissism; it had to be freed from that circle of the lost origin, and rediscovered where it was imprisoned; it had to be shown that the history of thought could not have this role of revealing the transcendental moment that rational mechanisms has not possessed since Kant, mathematical idealities since Husserl, and the meanings of the perceived world since Merleau-Ponty – despite the efforts that had been made to find it here.[17]

Foucault continues for another few pages to disparage "that transcendental reflexion with which philosophy since Kant has identified itself" and which unfortunately "allows us to avoid an analysis of practice."[18] He then proceeds to identify his own inquiry with an analysis of "the set of conditions in accordance with which practice is exercised" by which he means immanent conditions and not transcendental conditions possessing universal scope and necessary modality.[19] If readers have detected only an implicit devotion to historical-transcendental practice in this book, then it is tough to know what to do when faced at the book's end with all these explicit rejections of those very ideas which some have tried to impute as implicit procedures. "It seemed to me that, for the moment, the essential task was to free the

[16] Michel Foucault, *The Order of Things* (NY: Vintage, 1966, 1973), 321-322.
[17] Michel Foucault, *The Archaeology of Knowledge*, translated by A.M. Sheridan Smith (NY: Pantheon, 1969, 1972), 203.
[18] Ibid., 204
[19] Ibid., 208.

history of thought from its subjection to transcendence," Foucault there wrote.[20] This all seems rather unequivocal. Foucault is not merely objecting to a "transcendental narcissism" that he hopes to purify for the sake of "transcendental inquiry proper," but he is rather objecting to the narcissism of the transcendental project itself.

Philosophical Problems in the Foucault-through-Phenomenology Interpretation

Thompson and Han-Pile might respond at this point that in calling Foucault a transcendental thinker they are not in fact imputing to him a form of inquiry whose yield would be conditions of possibility that are universal (in scope) and necessary (in modality) as these have been traditionally understood on the basis of Kantian philosophy. Rather, it might be replied, they only intend to impute to him a form of inquiry whose yield would be conditions of possibility that constrain thought and action in a somewhat different sense. These conditions of possibility are not, as they are for Kant, universal and necessary in the sense of ranging across every possible domain of rational human thought and moral human action. They are universal and necessary in a more limited sense by constraining thought and action only across a range of certain specifiable domains (i.e., a certain period in our intellectual history). Universal and necessary conditions of possibility are thereby relativized to determinable historical epochs or epistemes. Thus, Foucault's project is an analysis of a carefully qualified *historical a priori*. It is perhaps for these reasons that Thompson, but not Han-Pile, interprets Foucault as a phenomenologist of the concept but not as a phenomenologist of experience.

While the defense suggested may appear to rescue the historical-transcendental reading of Foucault from some of the interpretive difficulties raised above, it nevertheless raises some important philosophical difficulties that I now turn to. For on any interpretation of Foucaultian archaeology as historical-transcendental, there remain distinctive philosophical shortcomings in this method of inquiry. The crucial point is that these are the very shortcomings that Foucault himself sought a corrective to in directing his future work under the guidance of a genealogical method. To the extent that we can detect hints of a transcendental analytic in Foucault's archaeology, this turns out to be the very form of inquiry that generated many of the blockages in his work which Foucault sought to overcome in revising his historical-philosophical analytic. This suggests that we might refrain from regarding the methods and concepts that produced these difficulties as the abiding philosophical core at the heart of Foucault's thought. Foucault's own self-revision show that his most stable concerns seemed to have been elsewhere than in his early engagements with transcendentality influenced by his training in phenomenology. Genealogy would enable Foucault to overcome the shortcomings in archaeology.

[20] Ibid., 203.

But it would enable this not by forcing him to abdicate archaeology altogether, as Han-Pile and others have argued.[21] Genealogy is best construed not as *post-archaeology* but as *archaeology-plus*.[22]

To gain an appreciation of the philosophical problems at issue, it helps to situate Foucault's thought within the wider conceptual arc where it always traveled. This requires explication of a core notion that always informed Foucault's historiography and philosophy. That core notion is not transcendentality but rather problematization. If we are looking for a stable conceptual matrix that informs the full breadth of Foucault's thought here is where we should start: "The notion common to all the work that I have done since *History of Madness* is that of problematization."[23] Problematization, not transcendentality, is the core notion in Foucault's critical philosophy of history.[24]

What is problematization? Allow me to offer an all-too-brief explication of this idea. Critique as problematization can be specified as a form of inquiry with two core aspects: contingency and complexity. By focusing on the emergence of hybrid networks of problems we can come to recognize our problems as contingent complexes rather than necessary givens. By clarifying and intensifying the conditions structuring these hybrid networks of problems and solutions, archaeology and genealogy enable us to adopt a more reflective relation to the situations in which we already find ourselves, whether or consciously or not, enmeshed. Problematization in Foucault's work thus refers simultaneously to nominal objects of inquiry and verbal activity of inquiry. A problematization as a nominal object is a constitutive set of conditions that enable and motivate practices in the present. A problematization as a verbal activity is a form of inquiry that articulates and intensifies such nominal problematizations.

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[21] Han-Pile "Is early Foucault a Historian?" 73 ff..

[22] I develop this reading of the relationship between archaeology and genealogy at much greater length in Colin Koopman, "Foucault's Historiographical Expansion: Adding Genealogy to Archaeology," *Journal of the Philosophy of History* 2, no. 3 (2008): 338-362. Since the publication of that article my view of these matters has been greatly improved through conversations with Arnold Davidson.

[23] Michel Foucault "The Concern for Truth," an interview by François Ewald, in *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984*, edited by Lawrence Kritzman (NY: Routledge, 1984, 1988), 257.

[24] This is the central argument of my forthcoming book *Genealogy as Problematization*, where the concept of problematization is expounded at much greater length.

Problematization, as Foucault conceived it, draws simultaneously on both archaeology and genealogy.[25] Archaeology describes the static forms of problematizations, whereas genealogy engages the contingent historical emergence of these problematizations in the context of complex practices. Archaeology lays bare a field of practices whilst genealogy tracks the flow of these fields into the present practices that are their target. Archaeology analyzes logics of rules and genealogy analyzes dynamics of strategies. These two modes of inquiry fit together quite nicely. Many of Foucault's own studies embody this nice fit.

An interpretation of Foucault through the concept of problematization yields a different reading of the place in his thought held by his high-period archaeological works of the mid-sixties. This is relevant to the present discussion because this is the primary work to which any reading of Foucault through the lens of phenomenology must appeal. According to my preferred interpretation, the high-period archaeological work is in certain respects tangential to the wider arc of Foucault's attempts at an inquiry into the problematizations constitutive of our modernity.[26] That wider arc of inquiry begins in *History of Madness* and continues through *The History of Sexuality*. The high-period archaeological inquiry in *The Order of Things* is by no means irrelevant to this wider arc but it is nonetheless somewhat tangential in that it treats only of modern knowledge, while all of Foucault's other inquiries sought to understand modernity at the intersection of knowledge, power, ethics, and other domains of practice. Another way of putting this point is as follows: archaeology is not irrelevant to problematization but by itself it does not constitute a history of problematization, which form of history is inchoate in *History of Madness*, almost altogether missing in *The Order of Things*, and fully explicit by the end of *The History of Sexuality* project.

This interpretive reperiodization of Foucault's works help us make sense of the fact that Foucault in his later years would come to explicitly acknowledged the deficits of the philosophy of history offered in his high-archaeological period. He would at one point even offer the following confession about this period of his work: "*The Order of Things* is not a book that's truly mine; it's a marginal book in terms of the sort of passion that runs through the others."[27] I want to emphasize once again that this

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[25] Cf. Michel Foucault, "What is Enlightenment?" in Michel Foucault, *Essential Writings of Michel Foucault, Volume One: Ethics*, edited by Paul Rabinow (NY: New Press, 1984), 12.

[26] For a somewhat similar periodization see Arnold Davidson, *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts (*Cambridge, MA: Harvard University Press, 2001), 205.

[27] Michel Foucault, "Interview with Michel Foucault," by Duccio Trombadori, in *Power: The Essential Works of Foucault, 1954-1984*, Volume 3, edited by Paul Rabinow and James Faubion, (NY: State University of New York Press, 1980, 2000), 267.

seeming disavowal need not be read as indicating a rupture in Foucault's thought such that his later genealogical works altogether abandon his earlier archaeological analytic. The point need not be that archaeology was somehow overcome by genealogy, but can rather be stated in terms of archaeology having been incomplete for Foucault's purposes of a critique of modernity while the combined analytic involving both archaeology and genealogy proved more suitable for these purposes.

We should regard genealogy as an *expansion* rather than an *abdication* of archaeology. Foucault's genealogical works are not investigations of the conditions of the possibility of the rules structuring given forms of knowledge alone, as is offered by archaeology, but are rather investigations of the conditions of the possibility of a complex intersection of multiple such rules interacting along multiple vectors including knowledge, power, and ethics. The archaeological analytic thus forms one strand or element that feeds into a broader genealogical analytic. This does not imply that archaeology is reducible to genealogy insofar as the single archaeological strand can always be detached from the wider genealogical environment in a way that yields a different modality of inquiry. The difference is one of complexity such that genealogy constitutes an expansion of archaeology even if the archaeological neutralization of just one element can indeed remain useful for certain purposes. An archaeology excavates or neutralizes constraints as they are composed along a single vector or pathway of practice (i.e., knowledge, or power, or ethics), whilst a genealogy traces these constraints as they are contingently formed at the complex intersection of multiple vectors or pathways of practice (i.e., knowledge, and power, and ethics).

In order to accomplish the critical purposes which he had first adopted in *History of Madness* and which persisted in his work through *The History of Sexuality*, Foucault would require the expanded historiographical analytic. What he required, in other words, was a shift from his erstwhile single-vector analysis of archaeology perfected in *The Order of Things* to the wider multi-vector analysis of genealogy initiated in *Discipline and Punish* and yet only inchoate in *History of Madness*. Picture an image of the evolution of Foucault's thought not as a line with a distinctive break but rather as an hourglass—at the bottom is a complex analysis of multiple kinds of constraints on the emergence of practices but in a rather inchoate fashion, in the middle is realized a procedure for isolating just one of these kinds of constraint, and at the top is evidenced an analytic in which multiple kinds of constraint are treated in their interaction precisely because it is possible to neutralize them by invoking the procedure made available by the middle of the hourglass but not yet present in the bottom half. The image may be somewhat unwieldy, but at least it has the virtue of not being misleading, as most representations of the relation between archaeology and genealogy unfortunately are.

The upshot of the preceding few pages is that an expanded genealogical analytic would enable Foucault to comprehend the contingent and complex intersections of multiple vectors of practice. These intersections form what Foucault eventually came to call in 1982 "problematizations" following Canguilhem's similar usage in 1943 and then Deleuze's reuse in 1968.[28] Like their earlier archeological counterparts these genealogical problematizations function as conditions of possibility. But there is no question of their being universal and necessary. They are historical through and through. It follows that they cannot properly be grasped in terms of the concept of transcendentality, at least not as that concept was conceived by Kant. Genealogy is thus best seen not as a transcendental analytic but as what Paul Rabinow and Hubert Dreyfus usefully labeled, so long as one does not hear any residue of hermeneutics in the label, an "interpretive analytic."[29]

From a philosophical perspective, we get a better version of Foucault for the purposes of critical historiography when we focus on Foucault's later histories of problematization (which invoke both genealogy and archaeology in complementary fashion) rather than on a limited subset of his earlier archaeological histories (namely those two books from the mid-1960s that narrowly invoked only archaeology). Regarding the archaeological and genealogical periods as deploying two historiographical analytics of varying breadth in the way I have suggested helps make vivid the philosophical defects in the narrowed conception of archaeology which Foucault himself came to recognize. For it helps us see that archaeology as an analytic fails to bring historical change into view. Many of Foucault's early critics were skeptical on precisely this point. To them archaeology did not seem to countenance basic historical categories like development, evolution, continuity, and (hear now the gasps) progress. Sartre noted this best: "Certainly Foucault's perspective remains historical. He distinguishes different periods, a before and an after. But he replaces the cinema with the magic lantern, movement by a succession of immobilities."[30] The archaeologist first describes conditions that constrain one pe-

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[28] See Gilles Deleuze, *Bergsonism,* translated by Hugh Tomlinson and Barbara Habberjam (NY: Zone Books, 1966, 1991), Gilles Deleuze, *Difference and Repetition*, translated by Paul Patton (NY: Columbia University Press, 1968, 1994), Gilles Deleuze, *The Logic of Sense*, translated by Mark Lester (NY: Columbia University Press, 1969, 1990), and Georges Canguilhem, *The Normal and the Pathological*, translated by Carolyn R. Fawcett (NY: Zone Books, 1943, 1991), 35. (Cf. Georges Canguilhem, "L'Objet de l'histoire des sciences," in *A Vital Rationalist: Selected Writings from Georges Canguilhem*, edited by François Delaporte, translated by Arthur Goldhammer (NY: Zone Books, 1968, 1994), 30).

[29] Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, second edition (Chicago, IL: University of Chicago Press, 1982, 1983), 122 ff..

[30] Jean-Paul Sartre, "Jean-Paul Sartre répond." *L'Arc,* 30 (1966): 87.

riod of thought; they next describe the quite different conditions constraining another period of thought; finally, they infer historical difference on the basis of an underlying incommensurability between the two sets of conditions. This procedure indeed demonstrates difference but it does not explicate difference historically. Archaeology only offers up incommensurable historical conditions and an inexplicable gap between them. This is history in that it concerns the past but it is not historical history in that it does not engage change, mobility, and transition. But what of those gaps so famously caught by archaeology? What of the period of transition from one historical period to another? Do limiting conditions inexplicably dip in and out of the historical field of experience? If so, then we are left with an unexplained assumption that conditions of possibility are at one moment present in experience and in the next moment absent. But do the fleeting periods of transition, however confused they may be, possess a historical a priori? If not, then it follows that there are historical periods which an archaeological analytic cannot engage. If so, then it follows that the historian needs another analytic in addition to (or perhaps instead of) archaeology in order to wield a more complete historiographical toolkit. This is precisely the analytical role that genealogy would come to play in Foucault's better-developed historiography.

To do whatever it was that he had set out to do, Foucault realized that he needed to change his tack from what he had adopted in the high-period archaeological works. This suggests that perhaps Foucault had never set out to develop a form of historical-transcendental inquiry. If his work in a brief period in the mid-sixties resembled historical-transcendental phenomenology or invoked quasi-transcendental categories, Foucault would come to reject precisely those features that made it recognizable as such. Foucault may have stumbled his way for a time into something resembling historical-transcendental inquiry, but once he recognized that he was there he headed elsewhere almost immediately, indeed even before *The Archaeology of Knowledge* was finished. Only a few years later Foucault had already gained quite a distance from such a view: "Thus for me *episteme* has nothing to do with the Kantian categories… I strive instead to avoid any reference to this transcendental as a condition of the possibility for any knowledge."[31] To search Foucault's works for a solution to the well-known puzzles of critical-transcendental Kantianism or of historical-transcendental Husserliana is not only to search his works for something which he never sought to put there, but it is also to search them for something that is itself riddled with philosophical difficulties according to Foucault's own matured philosophical sensibilities.

In sum, Foucault's philosophical-historical practice should not be read in terms of the Kantian category of transcendentality, even in those of its phenomenological

[31] Foucault, *The Archaeology of Knowledge*, 97-98.

inflections that seem to invest it with an appreciation for historicity. In the previous section I showed that such a reading does not square with Foucault's own statements about phenomenology and transcendentality. In the present section I showed how a reading of Foucault along these lines generates philosophical perplexities which Foucault himself seemed to be wary of.

Foucault's work possesses enormous facility and range for philosophers and historians alike. If we want a viable historiography and philosophy, why not take advantage of what is clearly featured in Foucault's work rather than imposing on it certain demands that are only obscurely available within that work? Why not free up that work so that we can more effectively do what Foucault set out to do? Why not take up Foucault in light of Foucault's problems and leave Husserl's problems to Husserl (and Heidegger's problems to Heidegger, and so on)?

Critique in Foucault and in Kant

It remains undeniable that Kant's problems were of central concern for Foucault just as they were for Hegel, Husserl and Heidegger. But were the Kantian problems that motivated Foucault the same Kantian problems that motivated these others? Kant is a rich seam and one that Foucault and Husserl both mined. My view is that they were digging there for quite different treasures. Husserl chased Kant into the hills hoping for the gold of transcendentality. Foucault patiently observed Kant excavating humble nuggets of critical conditions of possibility and thereby learned to do the same himself.

One way of understanding Foucault's historiographical analytics (both archaeology and genealogy) is as an investigation of how historical conditions of possibility constrain thought and action in the present. These conditions are not taken by Foucault as universal and necessary, not even in the rather limited sense of universal across and necessary to a determinate domain or epoch of experience. Conditions as bounds or limits—yes. Conditions as necessary and universal limits across a domain of thought and action—no. I said above that the core of Foucault's historiography is an inquiry into the problematizations that condition our historical present. According to this interpretation, Foucaultian historiography is certainly a *critical* project insofar as it constitutes an inquiry into the conditions of the possibility of the present. But it is not therefore a *transcendental critique* whose aim is to reveal universal and necessary conditions of possibility.[32]

[32] Foucault thus belongs in a different Kantian lineage than that traced by phenomenology. I would claim, though I cannot defend it here, that two Kantian traditions of thought to which Foucault was much closer are critical theory and pragmatism. As to the former, I refer the reader once again to Amy Allen *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory* (New York: Columbia University Press, 2008). As to the latter, I argue for a basic

This interpretation implies a crucial distinction between *critical conditions-of-possibility* (or limits or bounds) on the one hand and *transcendental conditions-of-possibility* (or limits or bounds) on the other. Transcendental conditions are a subset of critical conditions—they can be distinguished from other forms of critical conditions by their modality (necessity), scope (universality), and appropriate cognitive object (aprioricity). Where conditions of possibility are not explicated as universal and necessary conditions of aprioricity, there we find critique proceeding in a vein that is not transcendental in its construction.

This distinction between critique and transcendental critique is, fortunately, not my own invention.[33] It also seems to have figured in Kant's work, albeit not with utmost clarity. It is notable that much of Kant's historical and anthropological writings make sense only on the assumption that there are viable forms of critique that are not transcendental in orientation. Even more to the point is that there is nowhere in Kant's writings where it is made clear that he thought that critique *must* always be transcendental in orientation even if it is abundantly clear that he was himself mostly interested in transcendental critique in the context of his epistemological

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compatibility, and potential mutual enrichment, between genealogy and pragmatism in the final chapter of Koopman, *Pragmatism as Transition: Historicity and Hope in James, Dewey, and Rorty* (New York: Columbia University Press, 2009). I am also guest-editing a forthcoming special issue of *Foucault Studies* that will address in further detail the potentialities of a dialogue between Foucault's work and various strands of pragmatism.

[33] Some such distinction is needed within the context of Kant's philosophy in order for his later more anthropological writings to have a place within his critical system, which he insisted they did as shown by Holly Wilson, *Kant's Pragmatic Anthropology: Its Origin, Meaning, And Critical Significance* (Albany, NY: State University of New York Press, 2006). My interpretation of Kant also accords with that offered by a young Foucault in Michel Foucault, "Introduction to Kant's Anthropology," translated by Roberto Nigro and Kate Briggs (Los Angeles: Semiotext(e), 2008). Also available online as Foucault, "Introduction to Kant's Anthropology from a pragmatic point of view", translated by Arianna Bove, at <http://www.generation-online.org/p/fpfoucault1.htm>, Feb., 2008. It also possesses the distinctive advantage of being in line with that of well-regarded Kant scholars ranging from Tom Rockmore, *Kant and Idealism*, (New Haven, CT: Yale University Press, 2007) to P. F. Strawson, *The Bounds of Sense* (London: Methuen Publishing Ltd., 1966), (Concerning the latter it is worth mentioning that I was told by Foucault scholar Arnold Davidson that there is evidence that Foucault read Strawson, among other analytic philosophers, with great interest during his time in Tunisia in the late sixties.) Finally, my reading happily sits well with Habermas's recent reinterpretation of a detranscendentalized critical Kantianism as developed in Habermas, *Truth and Justification*. Translated by Barbara Fultner (Cambridge, MA: MIT, 1999, 2003) and recently discussed by Amy Allen, "'Having One's Cake and Eating It Too': Habermas's Genealogy of Post-Secular Reason." Ms. on file with the author. Forthcoming. An interpretation of Foucault as deploying detranscendentalized Kantian critique takes us a long way toward a reconciliation between Foucaultian and Habermasian strains in critical theory and this, to my mind, ought to be welcomed by critical theorists of both stripes.

inquiry into the conditions of possibility of synthetic judgment a priori. More important for present purposes is the fact that a distinction between critique and transcendental critique was also central for Foucault as elaborated in an essay which takes Kant as its starting and ending points: "criticism is not transcendental, and its goal is not that of making a metaphysics possible: it is genealogical in its design and archaeological in its method."[34] I leave it an open question whether or not my distinction fits the third party to my argument, namely the phenomenologists—I will somewhat hesitatingly assert that the distinction I am urging is not as clearly perceived in that tradition as we may wish and that in any event the phenomenologists do not distinguish critique and transcendentality with nearly as much clarity as we find in Foucault.[35]

Employing this distinction between the genus of critique and transcendental critique as one species therein enables a view about how Foucault's project is Kantian without being Kantian all the way down. Foucault's project is Kantian in its emphasis on critique without being uncritically Kantian in accepting Kant's own conception of what a critique ought to be. Foucault was a Kantian in that his work, in Amy Allen's apt description, "constitutes a critique of critique itself, a conti-

[34] Foucault, "What is Enlightenment," 315.

[35] Husserl, for example, appears to have been largely uninterested in the possibility of non-transcendental critique (that is, critique into conditions not universal and necessary). In the *Crisis* he explicitly champions the transcendental in terms of its capacities as a "universal philosophy" 1937, §16, §26) inaugurated by Descartes and then reinvented by Kant, though I confess that I find Husserl's attempted "definition" of "transcendental philosophy" (§27) out of keeping with my usual understanding of that word. (See Edmund Husserl, *Crisis of European Sciences and Transcendental Phenomenology: An Introduction to Phenomenological Philosophy*, translated by David Carr (Chicago: Northwestern University, 1937, 1970). Going forward from Husserl one can discern in the career of phenomenology a gradual softening of the attachment to a strong conception of transcendentality in, say, Heidegger, then Merleau-Ponty, and finally Derrida. Foucault should not be situated at the end of such a sequence. His project has little to do with Derrida's just as it has little do with Husserl's. A better endpoint for that sequence, if I had to suggest one, would be the work of Giorgio Agamben who wrote in his *Infancy and History: The Destruction of Experience*, translated by Liz Heron (NY: Verso, 1978, 2007) of "a *transcendental history*, which in a sense constitutes the *a priori* limit and structure of all historical knowledge." (Agamben, 57) From this suggestion it follows that I do not find Agamben a helpful guide to Foucault, an implication I happily endorse though I cannot defend it here except to say that Agamben is profoundly un-Foucauldian in method. (I would like to thank Christoph Durt for helpful conversations about Husserl during my time at the University of California, Santa Cruz and Elena Cuffari and Christy Reynolds at the University of Oregon for a few intensive discussions of Agamben's work.)

nuation-through-transformation of that project."[36] Foucault allowed himself to experiment with practices of critique other than transcendental critique.

My point is not that Kant was wrong to undertake transcendental critique and Foucault right to undertake historical critique. My claim is rather that Kant and Foucault undertook two very different kinds of critique of two very different kinds of objects of inquiry. Kant was right to insist that synthetic a priori judgments would require a transcendental critique. But this leaves open the possibility that Foucault may have been right to suggest that the quarry of his inquiries might be conditioned by limits which are not transcendental at all but rather historical and yet no less constraining for that reason. Foucault thus appropriated from Kant the idea of critique and its attendant conceptual apparatus of limiting conditions of possibility. Kant at least in his more transcendental moods insisted that we could specify in advance how these conditions are constituted, namely by the means of a cognitive apparatus as described by a faculty psychology that many have since abandoned.[37] Foucault left it an open question how conditions of possibility get constituted. There is no need to see Foucault as departing altogether from Kant in this respect. He simply labored in different fields, toiling with other plows, and perhaps in doing so carrying on an important aspect of the Kantian legacy to reap a harvest that Kant himself never dreamt of.

I am suggesting that we see Foucault as having worked with the following question: May the determinants of our thought and action be limited by nothing greater than contingency, nothing more profound than historical luck, nothing but unholy chance itself? In considering this question it pays to remember that Foucault is in good company in asking it: Hume, Darwin, Nietzsche and, more recently, Bernard Williams and Ian Hacking, have all taken the idea of contingency quite seriously in their profound searches for constraining historical conditions. But does this mean that Foucault is just a straightforward classical empiricist in a Humean mold? Not quite.

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[36] Allen, *The Politics of Our Selves,* 24; on the importance of Kant for Foucault see also Ian Hacking, "Self-Improvement" in David Hoy (ed.), *Foucault: A Critical Reader* (New York, Blackwell, 1984) and, in a somewhat different vein, Cutrofello, *Discipline and Critique*, and Djaballah, *Kant, Foucault, and Forms of Experi*ence.

[37] The psychological overtones of constructivism in Kant were severely rebuked by Strawson, *The Bounds of Sense*, whose major contribution was to show that Kant's critique of the bounds of experience did not require that version of faculty psychology on which Kant seems to have based it. Many commentators since, including Onora O'Neill, *Constructions of Reason: Explorations of Kant's Practical Philosophy* (Cambridge: Cambridge University Press, 1989) and Tom Rockmore, *Kant and Idealism* (New Haven, CT: Yale University Press, 2007) have emphasized the importance of reinterpreting constructivism as a variable cultural rather than invariable psychological process. This places Kant more in line with Foucault.

Foucault, like some of those others on my list, is better thought of as something like a Kantian critical empiricist. Foucault's work was an inquiry into conditions of possibility. This is itself already well beyond the minimal (some would say naïve) empiricism that inquires into conditions of actuality, that is, merely causal conditions or mere conditions of connection. Behind whatever it is that makes the stuff of our practices actual, there are background conditions that make these very actualities possible. Sometimes we may want to know why a prison was built, by whom, for what purposes, and with what rationale. Other times we may want to know how it came to be that it ever became possible to build such a thing as a prison. The classical empiricist asks "why this prison?" whilst the critical empiricist asks "how this prison?"— two very different, yet not incompatible, questions.

A central point of Foucault's histories of problematization, in nearly all of their diverse forms, was to show that the conditions which limit the present are contingently formed by extraordinarily complex historical processes. While this was probably a central point in his high-archaeology phase too, we ought to admit that Foucault in these years never quite found the right way of putting the point. It took the expansionist move of adding genealogy to archaeology to get things right. On the more developed view, not only do genealogy and archaeology together show us that the limits of the present are contingent constraints of complex composition, but they also provide us with the specific materials that form these constraints. As such, they provide the materials we would need to experimentally transform the limits of our present. Foucaultian histories of problematizations do not merely show us *that* the present is contingently formed – they also show us *how* the present has been contingently formed. This difference between the factual *that* of contingency and an inquiry into *how* things are contingently composed is in my view absolutely crucial for a proper understanding of Foucault's critical project. For if this project explicates the *how* and not just the *that* of contingency, then one of the richest yields of Foucaultian history is that it offers a clarification of the tools we would need to (re)constitute and yet of course (re)constrain ourselves in the present.[38]

Critical Historian as Critical Philosopher

In order to produce the specific materials needed to experimentally test the limits of ourselves, Foucault engaged in patient historical research. Many philosophers have had concerns about the historical erudition featured in Foucault's work even if they are also clearly attracted to it. For example, Han-Pile denies the claims of Gary Gutting and others that Foucault is "a historian in the empirical sense" because she

[38] This distinction between *the fact that* some practice is contingent and *the history of how* some practice is contingent is yet one more point I further develop in Koopman (forthcoming); I apologize for all the promissory notes issued in this article.

reads this as implying that Foucault is a *mere* empiricist.[39] When Gutting asserts that "Foucault is concerned with forging a new approach to historical analysis," she interprets this as asserting that Foucault was *merely* a historian.[40] The thought is that if Foucault is not something of a phenomenologist whose work is informed by something of the historical-transcendental, then it is not clear that he offers us anything more than just one more way of writing history, just one more way of doing social science, just one more method for *merely* empirical description. But this familiar complaint misses the crucial difference between classical (or naïve) empiricism and critical empiricism (or, even better, between Humean empiricism and that combination of Humean empiricism and Kantian critique which I detect in Foucault). Foucault always insisted that we must combine history in a straight-forward empirical sense with a critical inquiry that asks deeper historico-theoretical and historico-political questions. This is just one way in which his work undermines our cozy disciplinary distinctions, such as that between a supposedly empirically pure history and a supposedly theoretically pure philosophy. Consider, as just one example of this almost constant theme in Foucault's work, the three registers on which Foucault situates his critique of the repressive hypothesis in the first volume of *The History of Sexuality*: Foucault refers to "properly historical," "historico-theoretical," and "historic-political" doubts. The crucial point is that Foucault simultaneously works on all three registers and once. It is from this simultaneous employment of the empirical and the critical that his work derives its particular strength and provocation. One undervalued and neglected facet of the way in which Foucault's work thus functioned concerns the specifically empirical or "properly historical" quality of much of his research. It is unquestionable that for Foucault empirical history played a unique function as part of a broader project of critical inquiry. We can learn much from his example.

We philosophers often pride ourselves on rising above the *merely* historical, the *merely* empirical, or the *merely* social scientific. But why should we think that that all social scientific inquiry is deserving of that derisive and disarming epithet, "*mere*"? Why should philosophy have to rise above the empirical into the transcendental in order to be capable of what we expect from it? When philosophers begin to more fully appreciate the philosophical rigor that informs the most sophisticated inquiries in the social sciences, then we might just learn to stop being anxious when one of our guild sneaks past the disciplinary watchtowers and starts laboring in those other fields where philosophical thought and empirical inquiry are integral to one another. This is precisely what Foucault did (though it remains an open question to what extent the gatekeepers were policing disciplinary borders in French academia in the fifties and sixties). When we come to understand that Foucault was no less a philo-

[39] Han-Pile, "Is early Foucault a historian?" 602.

[40] Gutting, "Foucault's Critical Project."

sopher for being a philosopher-historian, then we might just begin taking his project seriously in the very terms in which he proposed it. When that happens, then we might begin to understand why Foucault understood his own work as a critical inquiry into the conditions of the possibility of the present and yet at the same time as an inquiry that was not transcendental in orientation. It is in this sense that Foucault deserves to be taken seriously as a philosopher and as a historian precisely because of his refusal of the category of transcendentality.[41]

Colin Koopman
Department of Philosophy
University of Oregon
USA
koopman@uoregon.edu

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