Foucault Studies

REVIEW ESSAY

The Genealogy of Genealogy: Foucault's 1970-1971 Course on *The Will to Know*[1]

Michel Foucault, *Leçons sur la volonté de savoir. Cours au Collège de France (1970-1971),* **edited by François Ewald, Alessandro Fontana, and Daniel Defert (Paris: Gallimard/ Seuil, 2011)**

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As a thinker, Michel Foucault was fond of discontinuities and ruptures. He once joked that his entry in the *Petit Larousse* dictionary read: "Foucault: A philosopher who founds his theory of history on discontinuity."[2] Yet Foucault was not only a student of ruptures; he was also a practitioner. Indeed, his intellectual career is characterized by at least two major breaks, when he succumbed to new interests, retooled his methodology, and tackled a fresh set of theoretical questions. Between 1969 and 1975, Foucault traded in the philosophical project he called "archaeology"—which endeavors to trace the contours of possible knowledge at specific historical periods through an examination of shifting discourses and "historical a prioris"—for what he called "genealogy," which chronicles the ways in which successive power configurations govern bodies and populations, create forms of subjectivity, and weave themselves inextricably into systems of knowledge. Between 1977 and 1984—in the very middle of writing his history of sexuality—genealogy, in turn, gave way to an exploration of the historical construction of individuality, which he alternately dubbed "techniques of the self" or the "hermeneutics of the subject."[3] Shortly before his death, Foucault expressed no regrets about this penchant for philosophical self-reinvention: "There are times in life," he mused, "when the

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[1] Helpful insight on this article was provided by Kim Q. Hall, Bernard E Harcourt, Ralph Lentz II, Thomas Robinson, and James A. Winders.

[2] Michel Foucault, "Truth and Power" (interview with Alessandro Fontana and Pasquale Pasquino), in Foucault, *Power-Knowledge: Selected Interviews and Writings, 1972-1977,* ed. Colin Gordon (New York: Pantheon Books, 1980), 111. True, Foucault goes on to remark that his thought's association with discontinuity left him "flabbergasted." But this unease, he explains, results from the assumption that his position is "*Voilà,* long live discontinuity," whereas his real interest in discontinuity lies in the light that it sheds on the "problem of regime, the politics of the scientific statement." (112)

[3] One could also mention the earlier shift between Foucault's first published work, in the late fifties, which was still largely informed by phenomenology (and, to a lesser extent, Marxism), and his archaeological phase strictly defined, which is pioneered in *The Birth of the Clinic* (1963) and which comes into its own in *The Order of Things* (1966).

question of knowing if one can think differently than one thinks, and perceive differently than one sees, is absolutely necessary if one is to go on looking and reflecting at all."[4]

The recent publication of Foucault's 1970-1971 lecture course at the Collège de France is an event of foremost consequence for Foucault scholars because it offers us a better understanding of the earlier shift, the one occurring between 1969 and 1975. To read this course, which is entitled *Lessons on the Will to Know* (*Leçons sur la volonté de savoir*), is to witness the emergence of Foucault's genealogical project from its archaeological womb.[5] It compels us, I will argue, to revisit the claim, advanced by Hubert Dreyfus and Paul Rabinow in their path-breaking study, that Foucault conceptualized genealogy only once he had determined that archaeology faced insurmountable theoretical obstacles, most notably the problem of explaining how discourse can be self-regulating.[6] The 1971 course[7] suggests that Foucault's turn to archaeology was motivated by more complex imperatives than the necessity, emphasized by Dreyfus and Rabinow, of analyzing the external power relations that archaeology, in confining itself to discourse's internal dynamics, overlooks. In the 1971 course, Foucault contends that propositional truth, which is precisely the idea of truth that archaeology sought to challenge, is integrally related to the development of law, and, by extension, to the forms of power that have played a crucial role in modern history. In other words, Foucault came to see the critique of law, which is constitutive of genealogy, as implicit in the critique of propositional truth, which was definitive of archaeology. Similarly, genealogy, in its critique of the law's pretention to "purity"—i.e., to be unsullied by the blatant use of power—prolongs archaeology's assault on propositional truth, precisely because it is this paradigm of truth that informs law in its modern form. Given this convergence, it is not surprising that the 1971 course further suggests that archaeology and genealogy share a normative underpinning: the imperative of disclosing "power-knowledge." In launching his celebrated concept, Foucault sought not only to name a problem, but to expose an occlusion: the fact that both propositional truth and the law (at least in the form that became dominant in the West) refuse to own up to the role that power plays in their production. Power-knowledge is most insidious when it denies its own existence, professing the "purity" of truth, whether in logic or in law. *Lessons on the Will to Know* provides, in short, a more nuanced picture of the relationship between archaeology and genealogy. The shift from archaeology to genealogy no longer appears as an exclusively methodological development, in which Foucault undertook to iron out the theoretical kinks in his earlier system (notably the question: who regulates discourse?). Genealogy emerged (or, at least, received considerable impetus) when Foucault concluded that truth and law, in their most prevalent modern conceptualizations, are intimately related, in addition to sharing a common historical origin in ancient Greece. Archaeology deals mainly with truth and knowledge, while genealogy primarily analyzes knowledge and power. Yet both are directed against a

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[4] Foucault, *The Use of Pleasure,* trans. Robert Hurley (New York: Vintage Books, 1986 [1984]), 8.

[5] Foucault, *Leçons sur la volonté de savoir. Cours au Collège de France (1970-1971),* ed. François Ewald, Alessandro Fontana, and Daniel Defert (Paris: Gallimard/Seuil, 2011)

[6] Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1982).

[7] For brevity's sake, I will henceforth refer to *Leçons sur la volonté de savoir* as the "1971 course," as this was the year in which most of these lectures were delivered.

form of the "will to truth" in which truth is equated with the capacity of propositions to reflect objective reality. A reading of Foucault's 1971 course suggests that this is the critical insight upon which the transition from archaeology to genealogy depends.

The Will to Know and the Dreyfus-Rabinow Thesis

This latest addition to the now nearly complete transcriptions of Foucault's Collège de France teachings (four of thirteen courses are as of yet unpublished: 1971-1972, 1972-1973, 1979-1980, and 1980-1981) will fascinate Foucault's readers for any number of compelling reasons. First, none of the material in the new volume has previously been published and its subject matter overlaps relatively little with Foucault's essays or interviews from the same period. The course consists of twelve (mostly) weekly lectures delivered between December 9, 1970 and March 17, 1971. Two additional contemporary lectures have been included in the volume: one, named "Lesson on Nietzsche: How to Think the History of Truth with Nietzsche without Relying on the Truth" ("Leçon sur Nietzsche: Comment penser l'histoire de la vérité avec Nietzsche sans s'appuyer sur la vérité"), was delivered at McGill in April 1971, while the other, entitled "Oedipus' Knowledge" ("Le savoir d'Oedipe"), was given at the State University of New York at Buffalo in March 1972 and Cornell the following October.

Furthermore, the 1971 course is the first that Foucault gave, following his election—at age 43—to the chair in the "history of systems of thought" at the Collège de France, the summit of French academic life, in the spring of 1970 (his prior academic appointments included the École Normale Supérieure, the University of Clermont-Ferrand, and the University of Vincennes). The 1971 course is the immediate continuation of Foucault's inaugural lecture at the Collège, which has long been available as "The Order of Discourse."[8] The latter was delivered on December 2, 1970; the first lecture in the new volume was given exactly one week later, on December 9. The 1971 course is, additionally, the only one published so far that is based entirely on Foucault's (admittedly very thorough) handwritten notes. Contrary to most others in the series, there exists no complete audio recording of this course. More substantively, the name that Foucault gave to the 1971 course tantalizingly foreshadows the French title of the first volume of Foucault's history of sexuality: both contain the Nietzschean phrase "*la volonté de savoir*"—the "will to know." Finally, the volume's subject matter is also surprising. Much has been made of Foucault's turn to Greco-Roman Antiquity in the final act of his career, notably in his history of sexuality's second and third installments. Indeed, throughout both his archaeological and genealogical period, Foucault's interests usually fell comfortably within the early and late modern periods, to the point that, in 1974, he could speak with some derision of the "Heideggerian habit" (which he attributed to thinkers like Jacques Derrida) of tracing all important philosophical ideas back to ancient Greece. "It is true that I avoid speaking about Greece," Foucault explained, "because I do not want to fall into the trap of Hellenic archaism,

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[8] This lecture was originally published as *L'ordre du discours* (Paris: Gallimard, 1971). An English translation by Robert Swyer entitled "Orders of Discourse" appeared in *Social Science Information* 10:2 (1971): 7-30 and was included, under the title "The Discourse on Language," in the English translation of Foucault's *The Archaeology of Knowledge* (New York: Pantheon Books, 1972). A different (and by some counts, more accurate) translation by Ian McLeod in with the title "The Order of Discourse" *Untying the Text: a Poststructuralist Reader.* ed. Robert J. C. Young (Boston: Routledge and Kegan Paul, 1981), 48-78.

in which historians of thought have enclosed us for so long. We have a history, we have an ethnology, we have an archaeology that we can do almost in the present."[9] Yet despite these misgivings, ancient Greece was very much on the philosopher's mind only a few years earlier, as the 1971 course, which is completely devoted to ancient Greece, attests—not as a context for studying the "practices of the self" that fascinated him late in his career, but as the nexus for grasping, at its inception, the Western conception of truth.

Like much of Foucault's work, the new volume will fascinate a wide array of readers with an equally broad range of interests, but for Foucault scholars, it is the slow-motion picture of archaeology's metamorphosis into genealogy that makes this course particularly stimulating. As such, it requires us to revise our understanding of this decisive episode of Foucault's philosophical trajectory. In what remains one of the most cogent exegeses of Foucault's project, Hubert Dreyfus and Paul Rabinow argued that Foucault launched genealogy after archaeology foundered on a reef of theoretical obstacles. Two problems, they contend, proved archaeology's undoing. First, an ambiguity haunted Foucault's contention that the human sciences could be analyzed as a formal ensemble of discursive regularities. While protesting that archaeology's sole ambition was to describe the inner machinations of discourse itself—specifically, the objects, modalities, concepts, and strategies through which discourses are constituted—Foucault invariably hinted at, without adequately identifying, the existence of external forces that inflected the contours of discursive formations. Dreyfus and Rabinow observe: "The very claim that discourse is *governed* by rules contradicts the project of the archaeologist."[10] Second, Dreyfus and Rabinow assert that archaeology is premised on an "oscillation between description and prescription."[11] Foucault claims that he aspires to nothing more than a description of the rules which govern discursive practices. Yet his intellectual project remains incoherent if one does not understand him as contesting the very legitimacy of those rules. "Freeing oneself from the bureaucrats and the discursive police is surely exhilarating," Dreyfus and Rabinow write, "but until one finds a new position from which to speak, and a new seriousness for one's words, there is no place in archaeology for a discourse with social significance, no reason anyone should listen, and, in spite of Foucault's playful posturing, no reason anyone should write."[12] The hiatus between 1969 and 1975, during which Foucault, despite his enormous intellectual activity, published no major philosophical tome, allowed him, Dreyfus and Rabinow contend, to resolve archaeology's inadequacies by conceptualizing genealogy, a new philosophical methodology founded on a Nietzschean conception of power that seeks "to thematize the relationship between truth, theory, and values and the social institutions and practices in which they emerge."[13]

Lessons on the Will to Know confirms Dreyfus and Rabinow's basic insight that Foucault is "one of those rare thinkers, like Wittgenstein and Heidegger, whose works show both an

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[9] Foucault, "Prisons et asiles dans le mécanisme de pouvoir" (1974), interview with M. D'Eramo, trans. A. Ghizzardi, in *Dits et écrits*, vol. II, *1970-1975,* ed. Daniel Defert, François Ewald, and Jacques Lagrange (Paris: Gallimard, 1994), 521, 522.

[10] Dreyfus and Rabinow, *Beyond Structuralism and Hermeneutics*, 83.

[11] Ibid., 90.

[12] Ibid., 89.

[13] Ibid., xxi.

underlying continuity and an important reversal."[14] Yet the reasons for this continuity and reversal, in light of the 1971 course, have less to do with the essentially methodological issues that Dreyfus and Rabinow emphasize than with a number of discrete philosophical questions—the hinges, as it were, upon which the swing from archeology to genealogy occurred. First, the critique of the Western conception of truth as apophantic (i.e., propositional), a view that Foucault traces to Aristotle, proves to be the crucial link between the archaeological method and the genealogical notion of "power-knowledge." In particular, Foucault's analysis of the rhetorical practices of the sophists, which he considers a crucial alternative to the Aristotelian theory of truth, illustrates the modulation of his archeological interest in discursive strategies into a genealogical concern for knowledge as a form of power. Second, the Aristotelian notion of apophantic truth that ultimately came to dominate European philosophy is, Foucault demonstrates, intimately connected to Western ideas about law (and the understanding of truth that law advances). This suggests another link between archaeology and genealogy: the former is premised on a critique of apophantic truth (insofar as it brackets the meaning and truth of language in order to focus on discursive regularities), while the latter challenges the centrality of law to our understanding of power (because traditional representations of law occlude power's productive and creative, rather than merely repressive effects). Yet, as the 1971 course indicates, the conception of law born in ancient Greece was premised on the same principle as Aristotelian logic—namely, that truth consists in formulating propositions about states of affairs. In this way, archaeology and genealogy share a common foe. Finally, this critique of apophantic truth allows Foucault to launch—four years before he first invoked it in a major work[15]—his central concept of "power-knowledge," which, he argues, is at once the greatest enemy and the hidden secret of Western thought.

What are the consequences of these arguments—particularly for understanding the transition from archaeology to genealogy? They suggest, in the first place, that the different ways in which these philosophical projects conceive of power and social constraint cannot be reduced to an internal/external alternative, in which archaeology explicates discourse's internal or self-regulation, while genealogy introduces power as an external or in any case supplemental factor. Rather, in the 1971 course, Foucault suggests that both archaeology and genealogy converge on a specific point: the critique of what he, following Husserl and Heidegger, calls "apophantic" truth.[16] This conception of truth, Foucault believes, is launched in philosophy and epistemology by Aristotle's logic, in which truth becomes the science of making statements that objectively describe reality, and in the political realm by the legal revolution that occurred in Greece between the eighth and fifth century BCE—which gave birth to what I shall call "juridical law"—in which judicial decisions were first conceived as objective judgments handed down by magistrate. The archaeological outflanking of truth and knowledge and the genealogical critique of law overlap, in the 1971 course, in the challenge

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[14] Ibid., 100.

[15] Foucault's first reference to "power-knowledge" in a published book occurs in 1975's *Discipline and Punish*: *The Birth of the Prison*, trans. Alan Sheridan (New York, 1977 [1975]), 27.

[16] See, in particular, Edmund Husserl, *Formal and Transcendental Logic,* trans. Dorion Cairns (The Hague: Martinus Nijhoff, 1969) and Martin Heidegger, *Being and Time,* trans. John Macquarrie and Edward Robinson (New York and Evanston: Harper & Row, 1962), especially §7, 55-58.

they present to the propositional model of truth. Both, moreover, propose clear alternatives to this conception. Against the Aristotelian view of truth as a proposition, archaeology invites us to see truth as an event, a happening—specifically, through the epistemic eruptions that Foucault calls "discursive events." Against juridical law's claim to embody the objective judgments that constitute "justice," untainted by the exercise of power, genealogy invokes an earlier juridical model, that of the ordeal—in which truth was still an event, surging forth in the outcome of a highly contingent struggle to the death.

Lessons on the Will to Know: An Overview

Because its material is not widely known, even to Foucault specialists, I will first offer a brief overview of the 1971 course, before considering how it illuminates the complex relationship between archaeology and genealogy. In the opening lecture (December 9, 1970), Foucault begins by explaining the course's title. "The will to know" is, he suggests, arguably the central problem of Western philosophy itself. However, the idea depends on an act of conceptual legerdemain that Foucault warns us not to miss: in the philosophical tradition, knowledge is deemed so natural, so self-evident a human aspiration that the "will", which drives it, is taken for granted. The *locus classicus* of this assumption is Aristotle's claim in the *Metaphysics* that all men "have a desire to know." In this proposition, the "will to" or "desire for" knowledge is enveloped in the very notion of knowledge itself. Knowledge *qua* knowledge *is* a desire, a need. Applied to knowledge, "will," in the Western tradition, is essentially redundant. At best, the "will to know" is an analytic elaboration of the concept of "knowledge" itself. In a characteristic gesture, Foucault contends that this conception of knowledge is defined by what it excludes. The notion of a "will to know" can accommodate no concept that would upset the tautological relationship between "will" and "knowledge," one that, for instance, might situate the "will" in some force or power other than knowledge's own *telos*. The "will to know" elides, for instance, the problem of the human body—the idea that knowledge rests on vital processes that cannot simply be reduced to the concept of knowledge. It also excludes "tragic" knowledge, which is conceived as a transcendent or divine force; the teachings of the sophists, who maintain that knowledge can, like any other commodity, be bought and sold on the market; and Platonic memory. Through these exclusions, Greek philosophy achieves a "*bouclage* of the desire to know within knowledge itself." (19) "*Bouclage*"—literally, "buckling," in the sense of "buckling one's belt"—means both a circular completion, in which all the implications of a logical structure line up with its premises, and "fastening," in the sense that an argument becomes unassailable by virtue of its deductive soundness.

Foucault returns to Aristotle in the second lecture (December 16, 1970). Aristotle's account of knowledge achieves two tasks. First, it links knowledge to desire, by contending that knowledge is born with desire itself. From the moment that we desire, we seek to know. Second, the concept that Aristotle introduces to link knowledge to desire is "truth." The notion of truth plays a number of roles in Aristotle's thought. Truth is what transforms raw desire into knowledge. Moreover, construed as an innate human potential, truth places knowledge in an ontologically prior position to desire. Consequently, it is the notion of truth that constitutes the self as simultaneously a subject of desire and of knowledge. The *cogito* is—in the very same breath, as it were—a *volo*, an "I will." Thanks to Aristotle, Foucault argues, truth,

knowledge, and desire are tied together into the tight conceptual knot that will ultimately define Western philosophy itself, in which desire always needs to know and knowledge is always an object of longing. Desire and knowledge thus converge in their shared orientation towards truth. This is why, Foucault argues, Friedrich Nietzsche is so critical a modern thinker: the German philosopher's signal achievement was to unravel the Aristotelian knot of knowledge, desire, and truth. In *The Genealogy of Morals,* Nietzsche shows that will is not the inner inclination of knowledge, but rather a force that twists and distorts knowledge according to its own perverse whims and fancies. Nietzsche's ascetic priest learns to know only once he has subjected himself to his own punishing will. By emphasizing will, Nietzsche teaches us that behind all knowledge lurks the "struggle of instincts, of partial selves, of violence and desire" ("*la lutte des instincts, des moi partiels, des violences et des désirs"*). (26) His effort to explain knowledge from "outside"—i.e. in a way that does not take its naturalness for granted—quickly encounters, an objection, which Foucault dubs the "Kantian menace." (26) If knowledge is an expression of will, one of two skeptical consequences ensues. Either knowledge is "true," but solely on the basis of the truth criteria that knowledge itself defines, so that all knowledge ever encounters is itself; or there are things that exist beyond the scope of knowledge itself, only nothing guarantees that they are "true." Foucault, in this way, returns to some of the epistemological concerns he had articulated in his 1962 memoir on Kant's *Anthropology,* in which he explained the strange convergence of Kant's critical philosophy with Nietzsche's deconstruction of the philosophical tradition.[17]

In the third lecture (January 6, 1971), Foucault introduces a school of thought that he will champion for offering an alternative to the Aristotelian conflation of desire, truth, and knowledge: the sophists. Aristotle's conception of philosophy is predicated on the exclusion of sophistic reasoning. In his *Sophistical Refutations,*[18] Aristotle argues that the sophists only appear to reason. They exploit the limitations of language—the fact that there are far more things than there are words—to manipulate the meanings of words. Hence, the difference between syllogisms and sophisms, i.e. the characteristic forms of argumentation found among philosophers and sophists respectively. Syllogisms seek to persuade, to induce agreement through the force of reasoning—to achieve what Foucault calls an "effect of truth." (47) Sophisms, to the contrary, are essentially about one-upmanship. They are designed to trip up an adversary, to catch one's opponent off guard in a contradiction. Wielded in wars pursued by discursive means, sophisms are designed not for truth, but victory. As such, in Aristotle's view, they have no place in philosophy. Foucault contends that Aristotle's text sheds light on the significance of sophism. First, sophisms entail a kind of tactical utilization of language's "materiality" (47)—the relative paucity of words, the confusion of homonyms, and so on. Second, philosophy responds to the sophist's skillful manipulation of language through the introduction into discourse of difference, i.e. distinctions: the various ways in which qualifications can be made to avert the risk of confused meaning. In this way, philosophy

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[17] Foucault, *Introduction to Kant's Anthropology,* trans. Roberto Nigro and Kate Briggs (Los Angeles: Semiotext(e), 2008).

[18] Aristotle, *De Sophisticis Elenchis,* trans. W. A. Pickard-Cambridge, in *The Works of Aristotle* I, ed. W. D. Ross (London: Oxford University Press, 1966).

establishes an altogether different relationship to language: it aspires to be "apophantic"—to express truth in its ideality and conceptual necessity, in words that are perfectly adequate to the concept or state of affairs that they reference.[19] The sophists, however, never wish for apophantic truth. Rather, their arguments are "hyletic" (48): their goal is not to petition an interlocutor's assent, but to inflict a decisive victory on an enemy. Philosophers obey the "logic of the concept," where sophists make use of the "logic of discourse." (49)

Foucault develops his understanding of sophism in the fourth lecture (January 13, 1971). Through his discussion of sophism, one begins to detect some of the way in which archaeology will shade into genealogy. For the sophists, language is not a proposition—i.e. a discourse aspiring to the apophantic adequacy of words to things—but rather an *énoncé*—an utterance, a linguistic event that produces concrete effects. Consequently, in this form, language presents itself explicitly as an expression of power. Foucault observes that the sophists exploit "the fact that words have been pronounced and remain there, in the center of the discussion… a bit like those trophies that warriors, after a battle, place amidst themselves and that they award one another, though not without quarrels and disagreements" ("*le fait que des mots ont été pronouncés et qu'ils demeurent là, au centre de la discussion… un peu comme ces trophées que les guerriers, après la bataille mettent au milieu d'eux et qu'ils vont s'attribuer, non sans dispute et contestation*"). (59) What intrigues Foucault about sophisms is that they audaciously reject the apophantic idea that language can transparently convey being if it obeys certain logical procedures. Rather, sophisms are linguistic events that set the terms of their own validity. They are "not proven," but "won or lost." (60) As such, the sophists dismiss philosophy's apophantic tendencies, which see being as both signifying (insofar as it is meaningful) and significant (to the extent that it can be expressed through language). For the sophists, language is pure *énoncé*, the assertion of speech in its materiality, while being is nothing more than an *événement énonciatif* (65)—the "utterance-event," the temporal epiphany in which speech is put into play. In obviating the sophist menace, the Aristotelian form of philosophy aligns itself with four positions: the rejection of discourse's materiality (because it is sees discourse as an ideal representation of the real world); the apophantic as truth's and falsehood's mode of existence (insofar as propositions are based on an adequation of words with things); the priority of the signified-signifier relationship; and the privileged status of thought, as the locus of truth's appearance.

In the fifth lecture (January 27, 1971), Foucault shifts from logic to law. Law, he contends, proves critical to the emergence of a distinctive Western conception of truth. Greek juridical discourse will ultimately institutionalize philosophy's apophantic conception of truth, establishing a firm relationship between language, knowledge, and social practices such as oaths and punishment. Like logic, juridical discourse consists of propositions that purport to objectively assess states of affairs, albeit for the purpose of determining guilt or innocence, rather than the allure of truth as such. However, the forms into which Greek law ultimately

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[19] The apophantic conception of truth essentially resembles the episteme that Foucault calls "representation" in *The Order of Things:* both involve the notion of a well-ordered language (or, a "*mathesis universalis*") that expresses and presents in all its coherence a well-ordered reality, yet which can only appear as such to the extent that it is articulated *through* language itself.

coalesced, which Foucault calls the "terminal state," was preceded by an earlier legal frame-work, an "initial state" grounded in an entirely different conception of truth. (69) Even in this early period, which Foucault identifies with the Homeric Age, law and truth were closely interwoven; but at this stage, truth was less a proposition than an almost supernatural power—a "force that could unleash itself" against men. (72) Instead of a judicial pronounce-ment, truth was a contest between two parties—an "ordeal," or *épreuve.* (73) An important example cited by Foucault is the ordeal that pits Achilles against Hector in *The Illiad.* Though judges participate, their role is confined to orchestrating the contest. They have no special au-thority to pronounce a verdict. Moreover, both Achilles and Hector are supported by crowds, leading Foucault to suggest that this legal framework lacks the individualistic notion of a "legal subject" (*sujet de droit*). (77) In these circumstances, truth was less a procedure for resolving conflict than the conflict itself, or the outcome that emerged from a violent and unpredictable struggle. Foucault further claims that both kinds of juridical truth are en-meshed in a particular form of power or "sovereignty." Yet, where juridical law promotes the sovereignty of the judge, the Homeric ordeal places itself under the "savage and unlimited" sovereignty of the gods.

The nexus between truth, power, and law will be the focus of all the subsequent lec-tures. In lecture six (February 3, 1971), Foucault describes the circumstances that led to the emergence of a new legal paradigm (which he calls "the transformation"). The Homeric deter-mination of truth through a struggle to the death gives way to the ideal expressed in juridical law that truth can only be gleaned from testimony. The transition from one to another can be plotted around two legal concepts: διχάξειν (*dikázein*) and χϱίνειν (*krinein).* Foucault's ana-lysis of these terms spans lectures six and seven (February 10, 1971). Both refer to a type of oath, διχάξειν belonging to the Homeric age, χϱίνειν to a somewhat later period. διχάξειν is an oath taken by both parties in the legal dispute before they confront one another in an ordeal; χϱίνειν is an oath that is also taken by a third party who has no direct stake in the conflict—a judge. Foucault associates the emergence of χϱίνειν with Hesiod's *Work and Days* (written c. 700 BCE) and the Gortyn Code (a stone inscription from Crete that is dated 450 BCE, but which most likely incorporates much earlier legal traditions). Each system makes de-cisions according to dramatically different principles. In the former, the decision is made in the ordeal itself; a duel in which one party wins and is, consequently, vindicated. In the latter, however, the judge arrives at a neutral judgment based on an objective consideration of evidence. Foucault contends that the judge's "third-party" position in the χϱίνειν system plays a crucial role in launching the modern conception of truth. (98) Justice becomes closely tied to the judge's sovereignty. Furthermore, justice becomes linked to truth, insofar as the judge's decision rests on a particular way of describing the world. Finally, the idea of truth that χϱίνειν inaugurates differs considerably from its predecessors. In the Homeric world, truth is a gamble, a risk one incurs by taking an oath and boldly accepting an opponent's challenge; χϱίνειν's truth, however, is acquired through carefully crafted propositions and the meticulous measurement of evidence and testimony.

The remaining lectures consider the broader social implications of this new paradigm of truth and justice. Foucault sees this shift as occurring at a significant political juncture: the decline of the monarchical power and the institution of a relatively democratic *polis.* In lecture

eight (February 17, 1971), he claims that justice in the form of δίχαιον (*dikaion*—one of the implications of χϱίνειν) emerges specifically as a critique of the greed and arbitrary power of kings, as evidenced in the writings of Hesiod. The social and political changes that marked the demise of the archaic period—the emergence of written law, the foundation of the *polis*, and the rise of popular power expressed through the institution of tyranny—accelerated the development of the West's distinctive understanding of truth and power. The latter is founded on a rejection of two notions that Foucault associates respectively with archaic Greece and the ancient Orient: "truth-challenge" (*vérité-défi*)—the conception of truth as an event, which surges forth in struggle—and "knowledge-power" (*savoir-pouvoir*)—that is, the particular forms of knowledge bound up with the exercise of sovereignty. The West embraced the principle of the "truth-justice bond" (*le lien vérité-justice*), in which truth is the result of an objective investigation and judgments in propositional forms, and the "power-knowledge disjuncture" (*la coupure pouvoir-savoir),* which detaches truth from power, specifically in the form of political sovereignty. (115) At the risk of oversimplification, Foucault sees Western culture as resting on twin pillars: the myth of truth's incompatibility with power and the reality of a discreet, but highly effective form of power-knowledge wielded through the legal system. It is the very denial of power-knowledge in the West that explains the most characteristic form of power-knowledge, of which the judge is emblematic. In an intriguing passage, Foucault asserts that the prevalence of both the "truth-justice juncture" and the "power-knowledge disjuncture" in Western culture have spawned their own distinctive fantasies, based on an erasure of one of their constitutive principles. In the story of Saint Anthony, one sees the unraveling of truth and justice: Anthony's justice (or piety) is so extreme that truth—specifically, the distinction between truth and falsehood—is dissolved into the netherworld of illusion before the saint's very eyes. The legend of Faust, for its part, is the ultimate power-knowledge fantasy: a man of learning who acquires unlimited, arbitrary power, thanks to the supernatural assistance of Mephistopheles, "knowledge's faithful power" (*le fidèle pouvoir du savoir*). (115)

This new paradigm relied on and reinforced a number of trends in Greek society. The nexus between law, propositional truth, and the belief that time can be rationally measured was strengthened by the expansion of an agricultural economy, the development of hoplite armies, the industrial practices of the new artisan class, and the growing political influence of the artisan-peasant coalition. Lecture nine (February 24, 1971) examines how this nexus shaped the emerging role of currency in Greek city-states. Currency became a conduit of truth and power by discouraging excess and promoting social harmony, non-violence, and civic order. Similarly, lecture ten (March 3, 1971) considers the relationship between law, propositional truth, and calculable time and the transition to written law. The fact that, at a certain historical moment, law is written down rather than passed down orally is not, according to Foucault, the crucial point. What matters is that whereas law, at earlier periods, was ritually invoked in specific circumstances, its exercise becomes continuous and disseminated across the social space with the development of the idea of νόμος (*nomos*) in the seventh and sixth centuries BCE. Written law thus corresponds to the expansion and generalization of the form of power associated with juridical law. "Power," Foucault remarks, "is that which is permanently exercised through all citizens. The totality of a social body begins to be seen as a site

where power is applied to itself. Power is born from a social body on which it is then exercised." (154)

Most of the 1971 course deals with themes that run deep in Foucault's thought—truth, knowledge, power, law, and sovereignty—even if the effect of seeing them applied to ancient Greece is at times uncanny. In lecture eleven (March 10, 1971), however, Foucault addresses an issue that is at the heart of this course, yet which appears only rarely, if at all, in his other writings: conceptions of shame and ritual impurity. As a religious and moral category, the stain is, in the first place, closely connected to transformations in Greek law. In Homeric times, ritual ablution is practiced not to wash away an impurity, but to differentiate temporal moments—to mark off sacred from profane time. Consequently, criminals are no more in need of ablution than anyone else. With the onset of juridical law, however, everything changes. The development of cults like Orphism made ritual ablution accessible to all social ranks, but, in the process, changed its meaning: it now existed not as a marker of social time, but to cleanse individuals of their impurities. The stain became "primary": individuals practice ritual purification to cleanse themselves of it. Moreover, purity became a notion in which truth and law were deeply invested: the stain was deemed the mark or stigma of crime, and as such, something that could be known through investigation and hence regulated. Where law was previously and primarily concerned with correct procedures, it now aspires to know the individual. Knowledge of individuals becomes essential to the practice of law. The idea of impurity—through which individuals are tied to actions deemed transgressive—thus became one of the primary vectors for disseminating the practice of individuality in Western culture. Impurity is tied to law through the intermediary of knowledge: to state the law, one cannot be impure; to be pure, one must know the law.

All of the strands of the 1971 course ultimately come together in Foucault's analysis of *Oedipus Rex*. Oedipus, as portrayed in Sophocles' play, embodies the essential features and tensions of the will to know. Foucault sharply distinguishes the significance that he attaches to Oedipus from the role he plays in Freudian psychoanalysis: "It is very possible that… what Oedipus tells us is simply the history of our truth, not the destiny of our instincts." (189) Foucault discusses Oedipus in the twelfth and final lecture of the series (March 17, 1971), as well as in a contemporaneous and previously unpublished lecture entitled "Oedipus' Knowledge" ("Le savoir d'Oedipe"), which has been included in the volume. In the former, Foucault situates Oedipus at the crossroads of two major trends in Greek culture. First, he testifies to the emergence of a form of knowledge that transforms "events" into "observed facts" (*fait constaté*). Second, Oedipus is a bridge between power and knowledge, in which access to the "order of things" (the νόμος) requires purity and wisdom. Oedipus, in short, represents the advent of the kind of propositional knowledge that Foucault associates with Aristotelian logic and Greek law, as well as the nexus between knowledge, power, and purity, in which knowledge is "purified" of power's taint. In this respect, Oedipus both personifies these changes, in that his investigation into the causes of the Theban plague takes the form of a juridical investigation that generates "observed facts," and wrestles with them, insofar as it is his ignorance of the νόμος, of nature's laws, that ultimately condemns the form of power-knowledge he wields. In "Oedipus' Knowledge" (a partial reworking of the March 17 lecture) Foucault proposes a slightly different analysis. There is a tradition that presents Oedipus as an ironic

figure, as a man who knew everything about the world yet was ignorant about himself. Yet Foucault argues that the play is not about ignorance or the unconscious, but rather about the "multiplicity of knowledge, the diversity of procedures that produce them, and the power struggles that play out in their confrontation." (245) Foucault contends that Oedipus embodies three different and competing forms of knowledge. First, there is knowledge that takes the form of a "religious consultation" and that is essentially oracular or divinatory in nature. An example is when Oedipus consults the Delphic oracle. Secondly, there is the kind of knowledge that in the course itself Foucault called Homeric, and which he describes as that of the "purgatory oath," in which one swears one's innocence and submits oneself to an ordeal. This is the stake of Oedipus' confrontation with Creon (though, as Foucault points out, answering the Sphinx's riddle was itself a kind of ordeal). Finally, there is knowledge associated with investigations, which Foucault (consciously borrowing a medieval term despite the anachronism) an "investigation into the land" (*une enquête du pays*). (245) This is the rational, witness-seeking, fact-checking Oedipus, whose inquiry gives the play its basic narrative device. The tragedy's bitter irony resides, Foucault contends, in the fact that Oedipus rejects the oracular insights of the gods (represented by Tiresias) and conducts an investigation of his own—but only to learn that his own, rational inquiry yielded the same conclusion as the oracles. Oedipus used his power as sovereign to generate knowledge—specifically, the identity of the criminal for whom the gods are punishing the Thebans. However, the play's moral, Foucault suggests, is that between the realm of divine laws and the order of human laws, there is no place for a sovereign, for a single individual in whom the greatest power overlaps with the most complete knowledge. "The problem of political knowledge—of what one must know to govern and lift the city back up—(…) is born from the definitive effacement" of the Near Eastern paradigm that associates royal munificence with royal omniscience. "*Oedipus Rex* is… both the reappearance and a new effacement" of this figure in a tragic mode. (251) Oedipus' fate symbolizes the new power-knowledge regime in which irrelevance is the sovereign's fate. Oedipus thus inhabits a liminal space between two paradigms: he harks back to an older, non-European tradition of sovereignty in which knowledge and power are inextricably linked, while also anticipating modern forms of power-knowledge relations, in which sovereignty has lost its pride of place.

The Birth of Genealogy from the Spirit of Archaeology
The narrative that Foucault presents concerning the genesis of the "will to know" in ancient Greece is compelling and provocative on its own terms, but to grasp the birth of genealogy from the spirit of archaeology, it is instructive to consider three themes that Foucault discusses at length in the 1971 course: the rhetorical practices of the sophists, the evolution of ancient Greek law, and the emergent concept of power-knowledge. To these I will now turn.

Nowhere else in Foucault's *oeuvre* does he consider at length the sophists—those rhetoricians who taught young Athenian men, typically of wealthy families, the subtle art of manipulating public opinion, even as they incurred the contempt of a rival school of teachers who

called themselves "philosophers."[20]   However, in the 1971 course, he puts this reflection to good use: for it is through his analysis of the sophists that Foucault, merging archaeological and genealogical concerns, demonstrates how a conception of truth that shuns the apophantic model can by this very token embrace the view that truth is an effect of power. It is, in the first place, rather striking that, in the 1971 course, Foucault appears consciously to assimilate the sophists (specifically in lectures three, four, and five) with the philosophical position he had laid out less than two years earlier in *The Archaeology of Knowledge* (published in March 1969). Both discussions distinguish between two conceptions of the relationship between language and knowledge: the "proposition," a sentence that passes judgment on an objective state of affairs according to a recognized system of logical rules, and the "statement" (or "*énoncé*"), a linguistic event that creates, even as it is uttered, its own validity conditions. In the *Archae-ology,* Foucault writes: "The criteria that make it possible to define the identity of a pro-position, to distinguish several within the unity of a formulation, to characterize its autonomy or completion, are not valid for describing the singular unity of a statement."[21]   In the 1971 course, he observes: "Sophisms [i.e., the sophist's distinctive style of argumentation], for their part, lean not on the elementary structure of the proposition, but on the existence of a statement; on the fact that words have been uttered and that they remain there, in the middle of the discussion, as having been produced and capable of being repeated [and] recombined at the will of the [discussion] partners." (59) Furthermore, the sophists, like archaeology, stress discourse's "materiality"—the fact, as Foucault writes in the *Archaeology*, that "a statement must have a substance, a basis, a place, a date."[22]   The signature ploy of sophist rhetoric is its exploitation of discourse's materiality—specifically, the relative paucity of words compared to things.   "[I]t is a characteristic that is distinct to words—their rarity—that gives rise to so-phisms," Foucault observes. "The sophist is he who can use the same word, the same name, the same expression to say two different things, so that he says two different things while preserving the identity of the thing that is said." (43) Moreover, this emphasis on materiality means that, for the sophist as well as in Foucault's methodology, language's function is never simply that of "signification," in the sense of being a "signifier" that represents a "signified." Language is also something that *happens*—it is temporal eruption, a "discursive event." "A statement," Foucault remarks in the *Archaeology*, "is always an event that neither language nor meaning can completely exhaust."[23]   In the 1971 course, Foucault asserts that a sophism can be shared between discussants "not because of its general form," but because it is "produced as an event, that is to say that has been produced once and once and for all." (59)   For these reasons, both sophisms and Foucault's method reject signification's claim that words refer to or "mean" particular things. In the *Archaeology*, Foucault describes discourse not as a repre-sentation of things but as the conditions under which things can appear to us at all. One must "substitute the enigmatic treasure of 'things' existing prior to discourse with the regular formation of objects that can only be traced through it." This involves "de-presentifying

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[20] Foucault does, however, briefly mention them in "The Order of Discourse" when summarizing the up-coming course. Between Hesiod and Plato, he observes, the "sophist was banished." (*L'ordre du discours,* 18)

[21] Foucault, *L'Archéologie du savoir* (Paris: Gallimard, 1969), 108.

[22] Ibid., 133.

[23] Ibid., 40.

things."24 Similarly, the sophist recognizes that we cannot escape the prison-house of language. There can be "no resemblance between words and the things that they are supposed to be speaking of." Foucault adds: "As [words] do not signify things, one can thus not have access to things through discourse. Discourse is separated from that of which it speaks by the sole fact that it too is a thing, as that of which it speaks. The identity of the status of thing implies a rupture with the signifying relationship." (62)25

Thus the archaeological method and the sophists both offer, in Foucault's eyes, a challenge and an alternative to propositional knowledge. However, something happens between 1969 and 1971: for the first time, Foucault construes anti-propositional knowledge—founded on the material, temporally unique, and non-signifying *énoncé*—as an expression of power. The sophist's goal is the deft exploitation of words in all their materiality—as homonyms, or as susceptible to ambiguous sentence structure—to score points against an adversary. The sophist, in other words, makes no attempt to persuade his interlocutor of the truth of his own opinion; rather, the sophist performs a kind of discursive arm-twisting, turning his adversary's words against him. Contrasting this approach with Aristotelian logic, Foucault observes: "The syllogism produces an effect of truth (sanctioned by the agreement of the interlocutors). The sophism produces an effect of victory (sanctioned by the fact that the interlocutor can no longer speak without contradicting himself)." (47) The syllogism allows the philosopher to subsume particular propositions under universal truths; the sophism, indifferent to universal truths, exists only to be appropriated in the course of a struggle. The sophism is "a bit like those trophies that warriors places among themselves after battle and that they award themselves." (59) If sophistic exchanges are a struggle and sophistic discourse a kind of war machine—a strategy, at the very least—this is because the sophism rests on a non-apophantic theory of language and knowledge. Language's materiality has not yet been "spi-

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24 Ibid., 65.

25 Though this issue is beyond the scope of this essay, it is worth noting that Foucault's engagement with the problem of "apophantics" in the Western philosophical tradition may well be an implicit dialogue with one of the philosophers with whom he grappled during his early philosophical education: Edmund Husserl, and, in particular, his treatise *Formal and Transcendental Logic* (1929). In keeping with Husserl's late project of reacquainting European society with science's deeper cultural significance, this study undertakes both to defend the possibility of formal logic in the Aristotelian tradition, which Husserl specifically calls "apophantics," and to demonstrate that logic cannot be properly understood without understanding its subjective conditions, which only a transcendental phenomenology can reveal. In addition to characterizing logic in the Aristotelian as "apophantic," Husserl makes several additional claims that resonate with Foucault's own characterization of propositional truth: logic seeks to extract ideality from the materiality of language ("the actual spoken locution, taken as a sensuous, specifically an acoustic, phenomenon" [19-20]); in apophantics, truth and falsity are predicates of judgments or propositions, not of reality as such [65-66]; and logic—like scientific thinking in general—is essentially "*judicative* thinking," i.e., thinking in terms of judgments, but also, implicitly, a thinking that possesses a legal character [26]). In short, it would seem that Foucault's thinking about the question of logic and apophantics is profoundly influenced by Husserl's framing of the problem. But while both Husserl and Foucault are critical of apophantics, their ultimate philosophical agendas diverge considerably. Husserl's goal is to claim logic for consciousness, rather than the external world—to remind us, in other words, that "[e]verything that by itself is… objectively logical has, as its 'subjective' correlate, the intentionalities constituting it." (35) Foucault's aspiration is to jettison apophantics in favor of a Nietzschean vision of self- and truth-creation.

ritualized" or subsumed under abstract, universally valid concepts. Discursive events have not been dissolved into the equalizing sea of universal truth, cleansing them of their distinctive singularity. Language, consequently, has yet to be harnessed to signification: rather than adequately reporting on states of affairs, the sophists use words, in Nietzsche's apt phrase, as a "mobile army" with which to conquer his interlocutor-enemy. If the methodology laid out in the *Archaeology* is an effort, as Foucault indicates, to describe the philosophical approach that he was developing between *The Birth of the Clinic* and *The Order of Things*, and if a primary characteristic of this methodology was to offer an alternative to propositional (i.e., apophantic) knowledge (whether in positivistic or phenomenological forms), then the 1971 course is remarkable in that, through the discussion of the sophists, Foucault's quest for an alternative to propositional knowledge merges with his burgeoning interest in power (in at least two respects: the idea that power should be conceived primarily as a relationship between parties locked in a struggle rather than as a property or a right; and the notion that power produces truth effects—i.e., power-knowledge). In his analysis of the sophists, Foucault shows how a non-apophantic conception of truth accommodates a notion of truth as an expression of power. The archaeological critique of propositional truth dovetails with a genealogical reflection on power.

However, there is another and arguably more important way in which the critique of apophantic knowledge paves the way for genealogy: it is also the motivation for Foucault's budding interest in law. Western philosophy and Western law are, Foucault suggests, intimately linked, in part because both contributed to the dissemination of a particular understanding of truth. "There is no juridical discourse," Foucault observes, "where truth does not prowl" (*"Il n'y a pas de discours juridique où ne rôde la vérité"*). (82) If Aristotelian logic marks the triumph of apophantic knowledge in the philosophical realm, the diffusion of apophantic principles across Greek society occurred through the legal reforms that were undertaken from roughly the eighth to the fifth centuries BCE. Over this period, law established itself on the same principles that Aristotle would later systematize in his logic: it rejected discourse's materiality in favor of significance; it held propositions to be the mode in which truth and falsehood exist; it conceived of language as a corpus of signifiers referencing a world of signifieds; and it maintained that thought is the privileged site for the appearance of truth. There exists, in short, a continuum between truth and juridical discourse, Aristotle and Athenian law. Further evidence of this connection's growing importance to Foucault can be found in his teaching schedule: at the same time that he was lecturing to an overflowing lecture theater on the ancient Greek "will to know," he devoted his concurrent private research seminar to the advent of penal psychiatry in the early nineteenth century.[26]

Just as the sophists posited an alternative relationship between truth and language to the apophantic model endorsed by Aristotelian logic, Foucault sees an alternative to the relationship between law and truth that ultimately prevailed in the Western juridical thought: the Homeric ordeal. Here too, truth is on the prowl—yet it is an altogether different beast. In the Homeric ordeal, a dispute between two parties is settled by combat, but in this struggle there is no judge, nor does the struggle itself even fulfill a judicial function, in the sense of

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[26] David Macey, *The Lives of Michel Foucault* (New York: Pantheon Books, 1993), 248.

"settling" a dispute. Rather, an ordeal is an occasion in which the truth is summoned to make itself manifest in human affairs. The truth "is not a constraining force to which one submits like to a yoke. One is not morally or juridically required to submit to it." Rather, it "is a force to which one exposes oneself and which has its own power of intimidation. There is in it something that terrorizes. Truth is not so much a law to which men are leashed, but rather a force that can be unleashed against them." (72) The element of risk in an ordeal, Foucault implies, is not even exactly about whether one will win or lose; it is whether one can withstand the force of the truth itself. Oath-taking is an essential part of an ordeal, but the point of the oath is not to submit oneself to neutral arbitration. Rather, it is a kind of dare, in which one party challenges the other: "will you accept or not the ordeal of truth?" (73) Consequently, truth lies not so much in the struggle's outcome as in the struggle—the *agon*—itself. Finally, truth itself does not even have to appear in the course of the ordeal—it can remain "silent and in retreat." (73) The ordeal does not make the truth manifest; it effectuates a displacement: the oath-taker accepts that he is exposing himself to the will of the gods but even the gods do not act like judges who are bound to enforce the truth. It is up to the gods to do what they want. "The oath," Foucault observes, "is not an entry into the invisible realm in which the truth will explode into the light of day"; rather, "it displaces the struggle to a region where the risks are incommensurable with those of the struggle and the laws that it obeys are absolutely hidden from the human gaze." (74) The ordeal rests on a conception—even an experience—of truth that is radically different from that associated with juridical law—so different, in fact, that it is difficult, when using the categories of later periods, to recognize it as law at all. More than anything, the ordeal, as Foucault describes it, evokes Martin Heidegger's depiction of authentic *Dasein* in *Being and Time.* In an ordeal, time is experienced as an event (the Heideggerian *Ereignis*), a pure contingency that tears asunder the predictable, calculable experience of ordinary everydayness. The ordeal is steeped in truth, but not the kind of truth that arises from the verbal adequation of states of affairs: rather, it entails an "unveiling" (the root, in Heidegger's view, of the Greek word for truth, *aletheia*), an attentiveness to truth that unfolds itself in the flux of existence itself. The combatants' willingness to take oaths and to wager their existence on an uncertain outcome—to risk themselves for truth—recalls, finally, Heidegger's view that *Dasein* truly becomes authentic only when it assumes an attitude of "resoluteness" in the face of its own finitude.

Yet what the connection between philosophy and law—and particularly, between apophantic logic and the Athenian conception of justice associated with the term δίχαιον—ultimately suggests to Foucault is that power is intimately woven into the Western conception of truth. In the ordeal, of course, power and truth are also related. The ordeal is, after all, a struggle to the death, a bodily confrontation between individuals, in which the success of one in overpowering the other will determine the truth. However, in this instance, power conceived as struggle is correlated with truth conceived as a revelation or even as being's own self-disclosure. This changes when δίχαιον replaces the Homeric ordeal as the dominant juridical paradigm. First, δίχαιον is a form of judgment that is based on measurement. It seeks a precise determination and even calculation of the facts at issue in a legal dispute. Foucault argues that its onset is closely tied to the peasant debt crisis of the eighth and seventh centuries BCE. In this context, legal decisions could no longer be based simply on oaths, but assume an

investigative dimension. In this way, legal pronouncements about peasant debt resemble Aristotelian propositions about states of affairs. Secondly, δίχαιον brings into play a third-party judge, one who is independent of the disputants. Only when an individual assumes this position in relation to a dispute can the notion emerge that law is about the determination of truth—in the sense not of some kind of transcendent revelation, but of a meticulous investigation by a human subject. This highlighting of the judge's "third party" role in the February 3, 1971 lecture recalls a similar remark Foucault made in his well-known debate with French Maoists on "popular justice," which was held almost exactly a year later, on February 5, 1972. Foucault tried to persuade his interlocutors that they could only truly grasp the revolutionary character of the notion of popular justice then admired in far left circles if they understood how it broke with existing Western legal traditions, including the very idea of a court. What, Foucault asked, is the spatial "arrangement" of a court? He replied: "A table, and behind this table, which distances them from the two litigants, the 'third party,' that is, the judges. Their position indicates firstly that they are neutral with respect to each litigant, and secondly this implies that their decision is not already arrived at in advance, that it will be made after an aural investigation of the two parties, on the basis of a certain conception of truth and certain number of ideas concerning what is just and unjust, and thirdly that they have the authority to enforce their decision." In this context, Foucault was clearly applying the basic insights he had offered about Greek law (in the sense of δίχαιον) to the modern judicial system. Equally interesting is the fact that Foucault suggests that the Maoist notion of popular justice in many respects represents a return to the model of justice and truth implied in the Homeric ordeal. He remarks: "In the case of popular justice you do not have three elements, you have the masses and their enemies. Furthermore, the masses, when they perceive somebody to be an enemy, when they decide to punish this enemy—or to re-educate him—do not rely on an abstract idea of justice, they rely on their own experience, that of the injuries they have suffered, the way in which they have been wronged, in which they have been oppressed; and finally, their decision is not an authoritative one, that is, they are not backed up by a state apparatus which has the power to enforce their decisions, they purely and simply carry them out."[27] Though this account of popular justice is shorn of its Heideggerian overtones, it is consonant with the Homeric ordeal, insofar as it is a practice of truth generation that occurs through a conflict between two parties, in which none is in a position of exteriority—in which truth is, as it were, a stake in the conflict rather than a criterion by which its validity is assessed. Looking beyond this 1972 interview, it is clear that the basic scheme laid out here and in the 1971 course—the transition from the Homeric ordeal to δίχαιον as the paradigms of truth and justice—underpins the entire conception of 1975's *Discipline and Punish.* Here, the execution of Damiens appears as a kind of ordeal, in which the king, through his agents, is engaged in a struggle both with the regicide and the witnessing mob. By the same token, Bentham's Panopticon prison, with its all-seeing viewing tower (which the prisoners ultimately internalize) can be seen as an extreme form of a δίχαιον, founded as it is on a third-party position, an abstract schema of truth aimed at measurement (the prison cells are carefully arranged to make them observable), and a resultant sovereign authority. In this way,

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[27] Foucault, "On Popular Justice: A Discussion with the Maoists," in *Power-Knowledge,* 8-9.

Foucault's archaeological critique of the Western philosophical tradition's endorsement of the apophantic nature of truth carries over into his genealogical critique of law, by way of the structural similarities that Foucault identified between propositional knowledge and Greek law.

Oedipus and the Occlusion of Power-Knowledge

The deep connection in Western thought between truth and law that Foucault unmasks in the 1971 course has an important corollary: the disjuncture between power and knowledge. The narrative that Foucault traces in the 1971 course is one of the occlusion of the bond linking power and knowledge by the increasingly close connection between truth and law. Here lies the significance of the "Greek transformation": "Knowledge is disassociated from the state apparatus and the direct exercise of power; knowledge is detached from political sovereignty in its immediate application in order to become the correlative of the just, of δίχαιον as a natural, human, and divine order." (114) This passage evokes implicitly what Foucault refers to elsewhere and explicitly in the lecture course: his well-known concept of power-knowledge. What is remarkable, though, is that Foucault does not primarily present power-knowledge as a fundamental characteristic of power—as he would, say, in the opening chapter of *Discipline and Punish*—but as an ancient insight that has been marginalized and forgotten by the bond between truth and law that the ancient Greeks introduced into Western thought. Power-knowledge is, for Foucault, precisely what apophantic knowledge and rational law displace. Like a repressed childhood desire, power-knowledge continually resurfaces in Western culture, but generally speaking, European culture has sought a rigorous distinction between these concepts: "the Western fable would have it that the thread of desire and innocence ends the agreement between power and knowledge" (*"la fable occidentale veut qu'entre ce pouvoir et ce savoir, le fil du désir et de l'innocence rompe l'entente"*). (115)

Intriguingly, as we have seen, Foucault contends that a central figure in the profound but occluded link between power and knowledge in Western thought is Oedipus. At first glance it would appear striking that the occasion for Foucault's first attempt to formulate his central concept of power-knowledge was a lecture on a figure that modern thought has loaded with so many layers of cultural and symbolic significance. At least part of Foucault's interest can be explained by context: it was around the same time that Gilles Deleuze and Félix Guattari linked the radical thought and politics of the era to the Theban king in their seminal work, *The Anti-Oedipus.* In a lecture given in Brazil in May 1973, Foucault saluted the book, claiming that, thanks to Deleuze and Guattari, Oedipus (and, more specifically, the psychoanalytic theory of the Oedipus complex) need no longer be conceived as "the secret content of our unconscious," but as "an instrument of power." He added: "I confess that a problem like this one attracts me very much and that I, too, am tempted to seek, behind what it is claimed to be Oedipus' story, something that relates not to the indefinite, ever recommended story of our desire and our unconscious, but the story of power, of political power."[28] Though *The Anti-Oedipus* was published in March 1972, it is reasonable to assume that, given his personal

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[28] Foucault, "La vérité et les formes juridiques,"(1973) in *Dits et écrits*, vol. II, 554.

friendship with Deleuze, Foucault may have been aware of its major arguments while working on the 1971 course.

While Deleuze, Guattari, and Foucault agreed in seeing the Oedipus myth as a parable of power rather than desire, their interpretations soon parted ways. For Deleuze and Guattari, the Oedipus myth is a fascistic attempt to confine libido's circulation to the closed circuit of family relations. For Foucault, the tragedy illustrates the inextricable bonds that existed in Greek culture between truth and law. Specifically, he saw Sophocles' play as a battleground between the two judicial paradigms of the ordeal and the investigation, with the different forms of power-knowledge that each entailed. His March 17 analysis of the Oedipus myth was preceded by a lecture in which Foucault analyzed what he called the juridical-religious category of the "impure." Though ritual ablution exists and has a number of functions in the Homeric epics, it is not tied, Foucault contends, to the purification of a stain or a shameful action. The implementation of the category of the impure corresponds to the same series of transformations that mark the shift to δίχαιον in the realm of law and (later) the development of Aristotelian logic. The notion of the impure, insofar as it characterizes death as a stain, results in a political and religious emphasis on the importance of individuality, which becomes a vehicle for managing the social consequences of death (inheritance, funeral rites, etc.). It also has epistemic implications: if death is a stain, then it becomes imperative that actions causing death—i.e., crimes—be known if their socially disruptive effects are to be controlled. The category of the impure, in this way, becomes one of the crucial contexts for the development of the modern form of power-knowledge, oriented to the meticulous surveillance of individual actions and intentions. Hence the importance of Oedipus: power, knowledge, and purity are tightly connected in the personage of the Theban king. By solving the riddle of the Sphinx, Oedipus uses his knowledge to purify Thebes (lifting its curse) in a way that ultimately brings him power. Oedipus, Foucault says, "rectified, straightened up… the city" and did so "by resolving an enigma: thus with his thought, with his knowledge." (184) Yet Oedipus is fated to become, once again, impure because, despite his cleverness, he is ignorant of the νόμος, the order of the world, at its most fundamental level: specifically, he ignores the identity of his parents. "Purity," Foucault observes, "links knowledge to power. Impurity obscures knowledge and drives away power." (184) The tragedy of Oedipus is that he simultaneously represents (as both riddle-solver and parricide) both these dictums: the knowledge through which he secures power in Thebes is tied to a purification ritual, while the ignorance that leads him to lose his throne is tied to his own impurity. This concept of purification matters to Foucault—despite the fact that it is a notion that he made little use of in subsequent writings—because it refers to the process whereby the world is constituted as a measurable entity, one that can be viewed entirely in terms of "facts." "[T]he stain," he remarks, "is tied to the truth. The juridical and social practice of which the stain is a component implies, as an essential ingredient, the *establishment of fact* [*l'établissement d'un fait*—emphasis in original]: it must be known if a crime was committed and by whom." (179) *Oedipus Rex* is symptomatic of the entire process through which the "*event* is transformed into a *fact.*" (180) In this respect, Foucault's notion of "purity" functions as a kind of equivalent of Heidegger's notion of "enframing" as the essence of modern technology—the outlook according to which "all revealing will be consumed in ordering and… everything will present itself only in the unconcealment

of standing-reserve."[29] Even at this early date, Foucault implies that power-knowledge is axiomatic (i.e., both the ordeal and the factual investigations of modern law are forms of power-knowledge). Yet power-knowledge not only has a history; its ontological status changes over time, specifically in the crucial centuries Foucault considers in the 1971 course. In the case of the ordeal, power-knowledge is open and acknowledged; it refers less to a human activity than an eruption of transcendent forces (the gods? chance?) in which truth is disclosed in the abruptness of an event. With the juridical investigation, however, power-knowledge must hide its own nature: the all-too-human endeavor to constitute the world as a repository of facts (the careful identification of which becomes a purification ritual) entails the establishment of a new form of power, but one that refuses to own up to it: "truth-justice," as Foucault calls it, is founded on the occlusion of "power-knowledge."

On this basis, Foucault offers a radical reinterpretation of the Oedipus myth's significance for Western culture. "If we are submitted to an oedipal determination," he muses, "it is not at the level of our desire, but at the level of our discourse of truth (*discours vrai*). It is this determination that submits the lightning bolt of the event to the yoke of the established fact (*le fait constaté*); and which submits the requirement of distribution [of power][30] to purified knowledge—which purifies the law." (185) This claim indicates a remarkable continuity between Foucault's archaeological and genealogical projects, a fact that is confirmed by the remarks that immediately follow: "The system of the signifier, as that which marks the event in order to introduce it into the law of distribution, is indeed an important element of this oedipal constraint—and it is precisely it that must be overthrown." (185) The signifier is, of course, one of the critical elements of the system of apophantic knowledge that archaeology—continuing the work of the sophists—seeks to relativize and challenge. Foucault suggests that both apophantic logic and the modern conception of the law are simultaneously an expression of power-knowledge and an occlusion of the more "open" form for power-knowledge associated with the sophists and the ordeal. The 1971 course shows, in short, how the archaeological critique of knowledge is consonant with the genealogical critique of law, as well as how power-knowledge is both a methodological tool and, in Foucault's mind, a truth that we have learned to forget—and which it is incumbent upon us to remember.[31]

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[29] Martin Heidegger, "The Question Concerning Technology," in *Basic Writings,* ed. David Farrell Krell (San Francisco: HarperSanFrancisco, 1993), 339.

[30] This bracket is included in the original text.

[31] Foucault offers a somewhat different take on the Oedipus myth in the important lecture included in the volume entitled "Oedipus' Knowledge." ("Le savoir d'Oedipe") Here, Foucault specifically claims that Sophocles' play represents "a struggle between two forms of power-knowledge." Oedipus is torn between the "oracular knowledge" that determines his fate and the "investigative knowledge" that he seeks to embody. His power derives from the "ordeal" in which, making the most of his wits, he defeated the Sphinx and saved Thebes. Foucault observes: "This knowledge manifested in the ordeal is what permits Oedipus to govern; and each time that he appears, exercising his power, it is in the form of he who knows: I know, I saw. Oedipus is constantly demonstrating the solidarity of his knowledge and his power." (239) The tragedy of Oedipus, Foucault suggests, lies in the fact that the Theban king attempts to maintain his role as a tyrant even as he wields the kind of power-knowledge associated with the new (and later) legal order, which precisely does not rest on the person of a monarch. He both embodies this new, all-too-human form of investigative power-knowledge, while seeking to transcend it.

Conclusion

It is common—and tempting—to think of Foucault as a fragmented, decentered postmodern-ist, nowhere more at home than in the interstices between his multiple selves: the structuralist Foucault, the Nietzschean Foucault, the activist Foucault, the Californian Foucault, "Saint Foucault," the "final Foucault"—or even, simply, the "Foucault effect." What stands out from reading the 1971 course, however, is the fundamental coherence of his thought, despite the permutations it underwent and the wide range of topics with which it wrestles. The critique of propositional knowledge, the *Lessons on the Will to Know* reminds us, is a recurring theme in Foucault's work—from his analysis (and bracketing) in *The Order of Things* of "representation" as the characteristic feature of the early modern episteme, to his interest in the practice of con-fession in the early Christian church in the *History of Sexuality's* final, unpublished volume, by way of *The Will to Know*'s exploration of the "incitement to discourse" as the signal trait of modern sexuality. In the 1971 course, this critique is the hinge upon which archaeology swings to genealogy: the unmasking of apophantic knowledge proves as essential to concep-tualizing discursive events and epistemes as it is to challenging modern systems of power that draw legitimacy from their purported neutrality. In an important essay included in the new volume on the circumstances surrounding the composition of the 1971 course, Daniel Defert implicitly challenges Dreyfus and Rabinow when he comments: "Archaeology as a method… [is] a propaedeutic to genealogy. Genealogy as it is presented by Foucault is thus not the crisis of archaeology; they mutually reinforce one another."[32]

Perhaps what is most remarkable about *Lessons on the Will to Know*, is how deeply it is saturated with values and norms. Dreyfus and Rabinow found archaeology elusive and unsa-tisfying, since while it admitted to no grander ambition than a rigorous description of discur-sive regularities, it was nevertheless incipiently prescriptive—even as it refused to identify "a new position from which to speak." Jürgen Habermas has appraised Foucault's thought in si-milar terms, implying that Foucault's critique of modern society is premised on normative commitments that he refuses to divulge or even acknowledge.[33] Yet it would be difficult to argue that, in the 1971 course, Foucault keeps his cards close to his chest. He admires the sophists' gay science, which wields discourse, freed of apophantic strictures, to prevail in ver-bal (and perhaps political) jousting. He is moved by the Homeric ordeal, in which mortal combat opens the breach through which truth can disclose itself (a position that will surprise and perplex many a primary anti-Foucauldian). The course is both a lament and a protest a-gainst the Western experience of truth, which has, to paraphrase his remarks on *Oedipus Rex*, transformed events into facts. Foucault reiterated these view in 1975, when he observed: "It is possible to surmise in our civilization, running through the centuries, an entire technology of truth that scientific practice and philosophical discourse has little by little disqualified, co-vered up, and banished"—a technology in which truth is an event, not a fact; produced, not apophantic; a ritual, not an instrument; a strategy, not a method. "The transition from truth-as-ordeal [*vérité-épreuve*] to truth-as-established-fact [*vérité-constat*]," he adds, "is undoubtedly

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[32] Daniel Defert, "Situation de cours," in *Leçons sur la volonté de savoir*, 271.

[33] Jürgen Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick Lawrence (Cambridge, MA: The MIT Press, 1987).

one of the most important in the history of the truth."[34] Foucault leaves little doubt that it is not power-knowledge itself, which at its origins is intimately linked to truth-as-ordeal, but its surreptitious occlusion by the philosophical and legal practices that are invested in truth-as-established-fact, which lie at the root of many modern institutions. In this sense, the 1971 course is not just erudite history, and even less methodological exposition: rather, it is a reflection on the political, social, and philosophical consequences of the substitution of one paradigm of truth for another. This transition is the common concern of archaeology and genealogy, and was, arguably, the primary target of Foucault's critical energies. If this concern is normative, it no doubt is so in a distinctly Foucauldian way, but it is normative all the same.

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[34] Foucault, "La maison des fous" (1975) in *Dits et écrits*, vol. II, 694, 695. This essay was published in an Italian volume, but as the editors of in *Dits et écrits* point out, it is partially based on Foucault's summary of the 1974 Collège de France course on "psychiatric power." In this essay, Foucault makes the intriguing point that "truth-as-assessment" may ultimately be simply a "special case" of truth-as-ordeal. (695)