

## REPLY TO REVIEW ESSAYS

### **Genealogy, Methodology, & Normativity beyond Transcendentality:**

#### **Replies to Amy Allen, Eduardo Mendieta, & Kevin Olson**

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One of the central aims of *Genealogy as Critique* is to specify in a methodological key the fecundity of Foucault's genealogical and archaeological investigations. This scholarly effort at the clarification of a critical methodology should not be taken as a substitute for the actual practice of genealogy itself. Nevertheless, an elucidation of methodology is independently useful in our contemporary context for a number of related reasons. First, the 'Foucault effect' is still in full swing—the French philosopher-historian continues to be one of the most widely-cited thinkers of the twentieth century. Second, there is now underway a clearly-observable, and no doubt related, 'genealogy effect'—more and more theorists, and especially those who recognize the importance of history for what they are doing, are beginning to describe their work as genealogical. For these two reasons, I thought it useful some years ago to undertake an inquiry into the methodological specificity of Foucault's *genealogy* (in response to the Foucault effect) as well as *Foucaultian* genealogy (in response to the genealogy effect). The book is one of the results of that inquiry.

There is at least one other current frame into which I hope the book fits. A methodological specification of genealogy is one way of responding to a crucial challenge facing the very practice and status of philosophy itself today. This challenge could be described in terms of the collapse of First Philosophy. By this I mean the collapse of metaphysics, ontology, and transcendentality. Though these three iterations of First Philosophy are by no means identical, they are nevertheless united in their shared impulse to accord special privilege to philosophy by assigning to it and it alone two signature qualities: authority over a certain subject matter (existence, reality, what is there anyway), and a correlative disposition of inquiry appropriate to such subject matter (absoluteness, certainty, and what is necessary for any rational thinking whatsoever).

Many would regard the collapse of this disposition and its authority as the very trajectory of philosophy from the early-nineteenth to late-twentieth centuries. In the face of this collapse we face a decisive option today.

We could, on the one hand, attempt a resuscitation of transcendental philosophy, primordial ontology, or even systematic metaphysics. This option has been prominently adver-

tised in recent years under such labels as new materialism, speculative realism, and a whole raft of ontological turns across the humanities and social sciences.<sup>1</sup> Any successful variant of this approach would surely require showing how we might detach our metaphysical, ontological, or transcendental inheritances from the dogmatism that has traditionally accompanied them as their haunting double. It is notable that the defeat of dogmatism was the very promise of Kantian transcendental philosophy at its high modern moment of the *Critique of Pure Reason*. And yet despite that promise, many have had the sense that Kant's first *Critique* remains in the space of First Philosophy, even if it was half-hearted about its status as such. Kant failed to undo First Philosophy just insofar as he positioned transcendental critique as philosophically obligatory. Since Kant, then, the recurring challenge for any future metaphysics, ontology, or transcendental critique has been to detach itself from the imposition of an obligation through which philosophy seeks not so much to gain a hearing as to mandate a listening. For that imposition belies the very attitude of dogmatism that all critique seeks to avoid.

There is, on the other hand, a second option for philosophy in the face of the collapse of its firstness. This option involves the work of articulating post-metaphysical, post-ontological, and post-transcendental contributions to philosophical critique. This is the path of developing philosophical trajectories oriented toward conceptions of critique that find anchors without having to sink anchor into any absolute bottom. On this approach, the idea of imposing philosophy as an obligation simply does not arise. For on this view, philosophical critique must undertake the work of inquiry in order to gain its voice. Its hearing therefore cannot be mandatory. Philosophy is left to be chancy, fragile, and possibly drowned out by the cacophonies of contemporary culture. Philosophers adopting this style of critique recognize that there is today no special privilege for our work in virtue of which we automatically deserve an audience. Our audience, our very hearing, must be gained.

Consider now a metaphor that helps parse these two philosophical options. Philosophy, on just about everybody's view, works to provide us with banisters for ascending and descending whatever staircases we find ourselves upon. The promise of metaphysics, ontology, and transcendentalism was that there would be some set of banisters that would function well for all of us and for all time. Those of us chastened by repeated failures to deliver those promised rails recognize in the task of philosophical methodology an alternative way of constructing banisters that are at once functional and yet also provisional. There is, of course, no ultimate test for when a merely methodological banister should be abandoned or rebuilt. The idea of such a test is precisely the promise that metaphysics makes. The metaphysician is the philosopher who wants that test, and all the glory that would flow from it. The methodologi-

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<sup>1</sup> The most interesting such attempt is Quentin Meillassoux, *After Finitude: An Essay on the Necessity of Contingency*, trans. Ray Brassier (New York: Continuum, 2008; orig. pub. 2006). A recent important critique of Meillassoux is presented by Catherine Malabou, "Can We Relinquish the Transcendental?", *Journal of Speculative Philosophy*, vol. 28, no. 3 (2014), 242-255. The reader will note that I share Malabou's worries about Meillassoux's project, and yet I do not necessarily endorse the alternative she proposes. For I am less concerned than both Meillassoux and Malabou with vouchsafing the status of the empirical hard sciences (e.g., mathematical, geological, and biological) and more engaged in a project of asking how philosophy can itself be enacted as an empirical inquiry into the contemporary condition (hence as a kind of social science).

cal philosopher is the one who sees in that want the drive of dogmatism, and all the ills that flow from that attunement.

One animating impulse of *Genealogy as Critique* is that Foucault's creative production of genealogical critique is today a fertile philosophical option for those of us attracted to the second of these two decisive paths for contemporary philosophy. A post-transcendental perspective inclines us to adopt a conception of philosophy that is resolutely methodological (the word is risky, I realize).<sup>2</sup> From such a perspective, genealogy is valuable above all as a method that we might continue to put to use in the face of contemporary problematizations.

It is important that I be clear at the outset that genealogy is by no means the only such option available to post-transcendental philosophers. I argue in the final chapter of the book that pragmatism and critical theory are two neighboring traditions that offer much in this vein (presumably there are many more neighbors to be found here once one goes looking with serious intent). The very bid of post-transcendental philosophy would, after all, suggest that no philosophical perspective has a unique claim upon us. This is no cause for disappointment. It is indeed a remarkable opportunity.

### **Left Kantianism**

My conception of philosophical critique in terms of post-transcendental methodologies is ably facilitated by what Eduardo Mendieta, in his reply to *Genealogy as Critique*, refers to as the critical perspective of the "Kantian Left". Mendieta writes that, "*Left Kantians are constructivist universalists.*"<sup>3</sup> This descriptor speaks to a crucial philosophical challenge that is central to the post-transcendental writings of pragmatists, critical theorists, and genealogists (which is not to say that all of the writings by all of these figures are post-transcendental all of the time). For these and many other philosophers it would be rather easy to abandon transcendentalism if we were willing to dispense with normative conceptions. Our challenge, however, is to relinquish the transcendental without thereby revoking one's warrant to normative material, particularly the robust normative material invoked by a notion such as universality.<sup>4</sup>

It is not my claim, nor is it Mendieta's as I read him, that all normativity needs exhibit universality. Rather the point is just that universality instantiates a particularly robust form of normativity that the post-transcendental philosopher ought not relinquish. This is why those of us on the Kantian Left must therefore aim to construct accounts of normative universality within the temporal orbit of historical contingency. This has two decisive consequences. The first is that universality is not fashioned from some supra-historical perspective that it would be the special privilege of philosophy to excavate. The second is that universality is nevertheless in play in such a way that philosophy can help to excavate it, though it has no automatic privilege to do so, and thus no license to impose its excavations as obligatory.

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<sup>2</sup> Other possible substitutes for "method" might include "analytic" (which would be useful except for its sociological significance in my home discipline of philosophy) or "design" (a term that is sufficiently strange in a philosophical context as to provoke the requisite reorientation).

<sup>3</sup> See Mendieta, *Foucault Studies* 18 (2014), 250.

<sup>4</sup> I develop this point vis-à-vis the work of Richard Rorty in Koopman, "Rorty's Linguistic Turn: Why (More Than) Language Matters to Philosophy", *Contemporary Pragmatism*, vol. 8, no. 1 (2011), 61-84.

In what follows, I take up these two aspects of Mendieta's offering of Left Kantianism in replying to questions concerning transcendentalism and methodology raised by Amy Allen and Kevin Olson in their replies to the book. After doing so, I will be in a position to turn in conclusion to the decisive issue of normativity raised by all three of my critics.

### **Methodology without Transcendentalism**

Allen in her reply raises two important challenges to my way of styling Foucaultian genealogy as post-transcendental. The first is that my reading leaves "Foucault embracing the empirical side of the empirical-transcendental doublet."<sup>5</sup> The second is that my "suggestion that Foucault would be willing to grant the legitimacy of transcendental critique" is not quite as accurate as saying that Foucault regarded transcendental critique as "historically superseded" by a form of historical-transcendental critique.<sup>6</sup> Allen is correct that on my reading Foucaultian genealogy is empirical and yet also peculiarly charitable concerning the potential status of the transcendental. Why do I see no tension here where she finds the two positions difficult to reconcile?

It is sometimes helpful to distinguish between empirical philosophy as a methodology of inquiry and empiricism as a philosophical epistemology. Using this terminological distinction, we can say that Foucault was empirical (or perhaps empiricist if we could tolerate an ugly neologism) without being empiricist. The empiricist epistemologist typically wishes to mount an argument against the transcendental philosopher. Most empiricists today continue this argument, though now they often like to call themselves 'naturalists' (as if there is something incontestably natural about the empirical). There is, however, no empirical way of showing out the transcendental. The only way to mount an argument against transcendental philosophy is to assume the transcendental mantle (just as the only way to finally rule out metaphysics is to adopt a metaphysics oneself). This is because the only way to undo any position is to place oneself inside of the assumptions motivating that position such that one becomes oneself a motor of the position's self-undoing. Any attempt to undo a position from a space wholly outside of that position is only going to fail to engage the position.

This problem has consistently dogged philosophical empiricism since the beginning. The most important classical empiricist who finally saw his way clear of it was David Hume. Once the empirically-inclined philosopher confronts the realization that their assault on transcendentalism only reinvents the work of the transcendental (as parts of Hume's *Treatise* invited Kant's *Critique*), they will be inclined to divert their attention from negative empiricist labor to productive empirical inquiry (as Hume's own attention was diverted in turning to his six-volume *History of England*). Thus it is that my own argument concerning post-transcendental philosophy is not so much a negative assault against the possibility of transcendental critique as it is a positive attempt to carve out space for empirical practices of philosophical critique that are not beholden to any transcendental perspective (Hume called this 'history' but today we have many disciplinary styles that operate in this way). I do not insist that nobody should

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<sup>5</sup> See Allen, *Foucault Studies* 18 (2014), 242.

<sup>6</sup> *Ibid.*, 243.

be allowed to try to resuscitate transcendental speculation. I only want to insist that some of us ought to be free to finally relinquish the transcendental perspective and yet still think of ourselves as part of the tradition of philosophy.

The empirical philosopher ought to be allowed to turn away from transcendentalism without being accused of defaulting on some intellectual debt we all supposedly have. What the empirical philosopher resists in turning away from transcendentalism is only what we might call transcendentalism, or the view that transcendental philosophy is obligatory (or what I above called dogmatism). The empirical philosopher finds that orientation particularly obtuse given that transcendental philosophy's basic promise has always been to deliver a set of incontestable philosophical categories whereas it has only ever managed to deliver a protracted philosophical contest instead. The empirical philosopher does not so much resent the contest (that is, the debate that is the history of transcendental philosophy) as they resent the spirit with which too many transcendental philosophers insist that empirical philosophers (not to mention everyone else too) are obliged to participate in the debate. Until some transcendental philosopher makes it clear why everyone must stake out a position in that debate, there will be empirical philosophers who shall reasonably wish to turn away (not to mention many non-philosophers who will effortlessly persist in their refusal to give the debate any hearing whatsoever).

Just as the natural next step after Hume's *Treatise* was his *History*, so too did the analysis of the empirical-transcendental doublet in *The Order of Things* appropriately give way to the philosophical short-circuit enacted by *Discipline and Punish*. The latter book in each case helps us see why the empirical philosopher today need feel no shame in pursuing empirical inquiry without having any strong views concerning the ongoing status of what we might more appropriately call the empiricism-transcendentalism doublet.

Allen claims by contrast that Foucault did not reject the Kantian transcendental so much as he transformed it, particularly with his notion of the historical *a priori*, a perspective that some have argued evinces a historical-transcendental perspective.<sup>7</sup> My view is that Foucault rigorously avoided the transcendental in all of his work.<sup>8</sup> This is because Foucault's ar-

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<sup>7</sup> See Allen, *Foucault Studies* 18 (2014), 238-244. Citing the work of a number of philosophers who would read Foucault as resonating with a certain strain of classical phenomenology. For my criticisms of this general interpretive strategy see Chapter 3 of *Genealogy as Critique* as well as my earlier argument vis-à-vis Kevin Thompson's work in my "Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages", *Foucault Studies* 8 (February 2010), 100-121.

<sup>8</sup> As I read Foucault, the decisive textual consideration in favor of my interpretation is found in the very same book relied upon by many of those disposed to a phenomenological reading of Foucault as a historical-transcendental philosopher, namely *The Archaeology of Knowledge*. Here Foucault criticizes those who would "treat archaeology as a search for the origin, for formal *a prioris*, for founding acts, in short as a sort of historical phenomenology (when, on the contrary, its aim is to free history from the grip of phenomenology)" (*The Archaeology of Knowledge*, trans. A.M. Sheridan Smith [New York: Pantheon, 1972; orig. pub. 1969], 203). In later writings, Foucault was even more pointed in his criticisms of historical phenomenology: "I wanted to see how these problems of constitution could be resolved within a historical framework, instead of referring them back to a constituent object... But this historical contextualization needed to be something more than the simple relativization of the phenomenological subject. I don't believe the problem can be solved by his-

chaeologies and genealogies hold no truck with necessity. And what could possibly be left of transcendentality if we drain it of necessity?

One possible suggestion is that what is left is a quasi-category such as ‘historical necessity’. But this is just not the right kind of necessity for the transcendental philosopher, who will rightly refuse the very possibility of the historical-transcendental. They will rightly object that the historically contingent production of local necessities is but the construction of particularly constrictive contingencies that are contingencies nonetheless. And wasn’t that exactly Foucault’s point? Archaeology and genealogy are methods for excavating the complex historical processes through which certain contingencies came to appear, but only appear, as necessary.<sup>9</sup>

But note that this is not equivalent to the claim that all necessities are in fact contingent. For that would be a dogmatic assertion that the empirical philosopher should not risk. Thus Foucault’s attempt to gain empirical grip on contingency should not be confused with metaphysical constructivisms according to which everything is always already contingent and constructed. Foucault nowhere makes the claim that all presumed necessities are contingent. Rather, he sought to, and in fact did, deftly evade the haunting shadows of transcendentality.

### **Meta-Critical Issues Concerning Methodology without Transcendentality**

Philosophy has traditionally earned its innings because of its special status in relation to a prerequisite domain and style of inquiry. Post-transcendental philosophy, therefore, needs to bid itself in on some other basis. My argument is that severity of methodology (rather than correctness of metaphysics, ontology, or transcendentality) represents a promising path forward for contemporary critique. *Genealogy as Critique* (especially Chapters 3 and 4) is meant to help excavate the methodological severity specific to the strictures of genealogy. As noted at the outset, my effort is primarily scholarly. The work of the book does not involve, for better or worse, the actual practice of genealogy.

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toricizing the subject as posited by the phenomenologists, fabricating a subject that evolves through the course of history. One has to dispense with the constituent subject, to get rid of the subject itself, that’s to say, to arrive at an analysis that can account for the constitution of the subject within a historical framework. And that is what I would call genealogy” (“Truth and Power” in Foucault, *Essential Works, Volume 3: Power*, eds. James Faubion and Paul Rabinow, [New York: New Press, 2000; orig. pub. 1977], 118).

<sup>9</sup> My argument here is based on distinguishing two elements in Kant’s philosophy. One is the project of an inquiry into conditions of possibility. A second is a particular inflection of that general project in terms of the specification of conditions whose scope is universal and modality is necessary. In *Genealogy as Critique*, I call the former *critique* and the latter *transcendental critique*. The thought that Foucault revises and retains the transcendental can only mean, I think, that Foucault’s thought is beholden to necessity in some form. Thus, either there is a terminological dispute at issue according to which Allen’s conception of transcendentality is equivalent to my conception of critique (in which case we would have to textually debate the history of the status of the transcendental), or her terminology matches mine such that her claim is that Foucault’s critical writings maintain as their focus necessity (in which case this would be the site of the needed textual resolution). In the argument in the main text, I leave the first possibility to the side, because on my view the important philosophical point concerns the status of necessity.

Kevin Olson raises a crucial question about this matter in focusing our attention on “what is actually involved in the practice of genealogy... how one *does* genealogy.”<sup>10</sup> Olson claims that what is needful is “not based on exegesis of Foucault, but taking genealogy more generally as a practice.”<sup>11</sup> A modest version of this claim would be that issues of methodology cannot be fully addressed on the basis of Foucault scholarship alone but must involve as well the actual practice of undertaking genealogical inquiry.<sup>12</sup> I am wholly sympathetic to this modest restatement of Olson’s point. It is to my mind a deficiency of contemporary philosophy not only that it has tended to sidestep matters of methodology in its enthusiastic reception of Foucault, but also that this move proceeds in lockstep with a tendency to eschew the actual practice of genealogy as itself a philosophical mode.

I would like to take Olson’s cautions as an occasion to situate the concerns I share with him in the context of the actual conditions of the practice of critical philosophy today. In other words, I shall respond to Olson by situating his concerns as I find them midst the conditions in which a philosopher such as myself might undertake Left Kantian critique today.

I have already emphasized the need to positively gain more breathing room for post-transcendental practices of philosophy. The relative lack of such space within the discipline of philosophy feeds into the danger that Olson diagnoses, namely a tendency to take up genealogy as an object of scholarly interest without a corollary deployment of genealogical method in an actual practice of inquiry. I am myself guilty of this tendency. What should somebody like me do with this recognition of our own shortcomings on this score? What is the post-transcendental philosopher to do with their philosophical disposition midst the conditions of our discipline at present?

It is clear that nobody is going to set up the space of post-transcendental philosophy for us. Those of us who wish to occupy it must press for such spaces. But such exploration is not terribly easy midst the confines of a disciplinary inheritance that often insists that we can know the most important things in advance of actual inquiry. For the mode and mood of empirical philosophy contrasts to the bravado that still too often characterizes our discipline today. Empirical explorations must be willing to be tentative, experimental, and fallibilistic. But philosophy has hardly ever been *that*. So what is the post-transcendental philosopher to do?

One way of starting out within philosophy and working to make more space for post-transcendental philosophy would be to excavate the work of other philosophers who have gone there first. Such excavations might be a way for philosophers to nudge themselves toward the actual practice of genealogy. Two considerations weigh in favor here. First, the project of excavating achievements found within the history of the discipline might help explain why more room ought to be granted to post-transcendental philosophy. Second, such excavations might also function as a means of leveraging oneself out of a certain set of received assumptions characteristic of transcendental philosophy.

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<sup>10</sup> Olson, *Foucault Studies* 18 (2014), 258.

<sup>11</sup> *Ibid.*

<sup>12</sup> Presumably Olson does not mean to imply that Foucault exegesis is an impediment to this project.

Thus I do not quite agree with Olson that, “The best study of how to formulate genealogy as critique... is to engage in genealogical research while thinking about that practice in a self-critical, self-reflexive way.”<sup>13</sup> Whether or not that rather strong claim is true depends, in part, on who we are taking about, such conditions of their critical work as their disciplinary emplacement, and the theoretical traditions they are writing themselves into (or have already been written into by such structuring forces as their mentors, their graduate departments, and their own self-conceptions and interests). A slight emendation of Olson’s claim according to which “one of the best” ways of specifying genealogical methodology is to engage in it self-reflexively sounds to me quite right. But, and this is the crucial point, for some philosophers, perhaps many of us, a more prudent approach might be to undertake respectable (that is to say, recognizable) work in the history of philosophy that involves studying figures such as Nietzsche and Foucault, perhaps comparing their works when possible to other contemporary philosophical genealogists such as Arnold Davidson (see *The Emergence of Sexuality*), or Ladelle McWhorter (see *Racism and Sexual Oppression in Anglo-America*), or Kevin Olson (read his forthcoming genealogical study of revolution).<sup>14</sup>

Genealogy as a task would demand much of us because it promises a reconfiguration of inherited modes of critique. Accordingly my suggestion is that there is much to gain, and for some of us especially, from methodological specification as a propaedeutic to actual genealogical inquiry. Nevertheless, I certainly agree with Olson that propaedeutics are no substitute for the studies they introduce.

### **Normativity without Transcendentality**

I turn now to the issue of normativity. As I noted above, a crucial challenge for Left Kantianism in our philosophical present is to construct a perspective according to which we can countenance normativity without repairing to a notion of the transcendental in virtue of which normative authority could be affirmed but only at the cost of philosophical authoritarianism.

In *Genealogy as Critique*, I present Foucaultian problematization as an analytic for getting a grip not so much on normative determinations as on abnormative indeterminacies.<sup>15</sup> This is a jargony way of saying that problematization helps specify the conditions according to which practices can be outside of the sway of normativity. Problematization thus contrasts with specifications of conditions of normative determination as adumbrated in the work of reconstructive philosophical traditions, such as Habermasian critical theory and Deweyan

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<sup>13</sup> Olson, *Foucault Studies* 18 (2014), 259.

<sup>14</sup> See Arnold Davidson, *The Emergence of Sexuality* (Cambridge: Harvard Univ. Press, 2004) and Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington: Indiana Univ. Press, 2009). Kevin Olson’s study is forthcoming. I am myself in the early stages of such a project, in which I detail the history of our ‘infopolitical’ present. See a summary statement in “The Age of ‘Infopolitics’”, *The New York Times* (Jan. 27, 2014) and an early foray in “Michel Foucault’s Critical Empiricism Today: Concepts and Analytics in the Critique of Biopower and Infopower” in James D. Faubion (ed.), *Foucault Now* (Cambridge: Polity, 2014).

<sup>15</sup> I thank Aaron Poser for suggestion the term ‘abnormative’ and emphasizing for me the importance of the philosophically underdeveloped ‘ab-’ prefix.



pragmatism. From my point of view, explications of abnormative indeterminacy are not incompatible with explications of the normative requirements of determination. The abnormative dimensions of a practice are best seen as a background against which there arises the possibility of achieving normative determination in that same practice. To put the point in a kind of Wittgensteinian vocabulary, we can say that Foucault is not a thinker of rules so much as he is a thinker of the rule-less background against which rules come to be contingently composed in the form of the resolution of problems.

Allen, Olson, and Mendieta all suggest in their replies that Foucault is more invested in the normative dimensions of practice than I would seem to accept. There are philosophical points at stake here as well as textual ones. And if my reading of Foucault were textually refuted, my philosophical view would still be that critique today stands in need of what we might call 'an analytics of the abnormative.' We need such a methodology whether we get it from Foucault or someone else. In the responses developed below, then, my hope is mainly to further elucidate our collective need for the function I see Foucault as helpfully fulfilling. But if it turns out that Foucault cannot help us fulfill this function, then we will all need to work to find someone else to help us fill it instead.

For me it is crucial to make a distinction between the problematicity associated with practical indeterminacy and the determination of practical wrong-ness or incorrect-ness. Allen claims, by contrast, that it "just seems conceptually confused to say that we can identify something as dangerous without implicitly making a normative judgment about it."<sup>16</sup> On my view, however, it is not only coherent but crucial that we be able to affirm that sexuality is dangerous or problematic without insisting that it is therefore bad or wrong. My view is that sexuality is staggeringly ambivalent: it is without determinacy, neither bad nor good, but a site somehow of anxiety and excitement.<sup>17</sup> Spaces of abnormativity, or what Foucault calls spaces of problematization, are spaces that are outside of the orbit of normative determination. Recognizing these spaces as such allows us to attend to the practical work of responding to deep problematizations without adopting at the outset an attitude of either rejection ("it's bad") or celebration ("it's good"). Such work is crucial for the future of any post-metaphysical critical strategy that would eschew the moralisms that still pervade contemporary philosophical ethics. Without a distinction between problematic indeterminacy and determinate wrongness we are bound to lapse into either moralism or relativism. Foucault helps us out of that trap.

Continuing this line of criticism Allen goes on to claim that, "Foucault made specific choices about which aspects of modernity to problematize" such that he wrote about sexuality, but not about, say, our quintessentially (post-?)modern problem of traffic.<sup>18</sup> For Allen, this is evidence that Foucault is committed to a normative specification of these problems as, deep

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<sup>16</sup> Allen, *Foucault Studies* 18 (2014), 240.

<sup>17</sup> Consider, as another example, disciplinary power. Discipline is dangerous in part because for us it is nearly omnipresent. Dismissing it as bad would be childish, and only someone who has never been around a child (and employed disciplinary technologies in their hyper moments) would think to do so. Discipline is neither bad nor good. It is rather a problematization characteristic of a number of our practices today that we find ourselves compelled to work through. In that, it is like sex, at least for us.

<sup>18</sup> Allen, *Foucault Studies* 18 (2014), 240.

down, something more than merely dangerous but as bad or “likely to lead to something bad.”<sup>19</sup> My view is that sexuality was a choiceworthy site for genealogy not only because it is likely to lead to something bad but also because it is likely to lead to much that is good too. Any supposed problem in which we can only see the bad (e.g., fascism, colonialism, or patriarchy) is not for us a problematization in the abnormative sense. These things are not problematic, but are rather already-determined sites of injustice, or evil, or wrong. Confronted with them, we ought to denounce them, just as Foucault plainly denounced the blatant violation of human rights on numerous occasions. What is ripe for genealogical problematization, by contrast, are practices in which we cannot but see both the bad and the good. This is why problematizations require not moralistic denunciation, but rather critical inquiry. Genealogy enables us to remain outside of the space of normativity. Genealogy facilitates a studied suspension of judgment with respect to the object of critical inquiry in order that we might help expose the conditions of our ambivalence in relation to it. Genealogy then aims to illuminate the conditions according to which a field has become an intensified site of ambiguity.<sup>20</sup>

Turning now to Olson, he argues that Foucault’s work is helpfully, and not pejoratively (as Habermas once argued), “cryptonormative” in the sense that “it shows us important things about our own practices even though we might be at a loss to explain exactly how it does so.”<sup>21</sup> Olson also says that Foucault’s criticism develops a standard that “embraces the ineffable richness of life itself.”<sup>22</sup> I disagree for the reason that I would insist that normativity sometimes needs more than this. Reading a genealogy may causally produce in us, say at the level of affect, certain changes of perception that remain ineffable. But this is not the same as a genealogy “showing us” anything normative about our practices. It is, I think, crucial to retain a sense of normativity that is not reducible to the level of affect, causal force, or the ineffable—for causes, affects, and other ineffable influences operate on different people in different ways and thus make for poor bases of normativity. And in some instances (but not all) normativity matters so much that we better not leave it ineffable. Foucault’s writings certainly travel along ineffable dimensions, to be sure. But there is no normativity to be found in those dimensions. Foucault did not say whether the practices he studied were good or bad, but that is not because he sought to do so cryptonormatively. It is rather because he thought that such practices were, in actual fact, neither good nor bad, but rather abnormative.

Whereas Allen reads Foucault as normative, and Olson as cryptonormative, Mendieta suggests that Foucault be read as concerned with what he calls “normativeness.” Distinguishing norm, normality, and normativeness, Mendieta proposes that Foucault’s concern is with the last term of this triad, which is “generated” by “the dialectic between norm

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<sup>19</sup> Allen, *Foucault Studies* 18 (2014), 240.

<sup>20</sup> Consider by contrast a moralistic stance with regard to, for example, the field of sexuality itself. What could it even mean to denounce sexuality? Not this or that instance of sexuality which we in fact delight in denouncing (pedophilia being the most obvious example in contemporary culture), but sexuality *as such*. The very idea of denouncing sexuality itself is deeply confused—and so too is the idea of celebrating sexuality in itself. Sexuality is just too ‘problematic’ to be a proper object of normative determination.

<sup>21</sup> Olson, *Foucault Studies* 18 (2014), 255.

<sup>22</sup> *Ibid.*, 254.

and [normality].”<sup>23</sup> This focus on normativeness, Mendieta suggests, is most explicit in Foucault in terms of the way in which “new orders of normativity” develop in response to “the failure, error, and violation of norms.”<sup>24</sup> I find this intriguing as a way of updating the legacy of Hegel in the present. But I also find it out of step with Foucault understood as a theorist of the abnormative who (along with Deleuze) departs from the Hegelian (or, to be more precise, Kojèvean) dialectics of contradiction. On Mendieta’s view, a critical interrogation of the historical conditions of normativity involves attention to the failures of, errors in, and violations of normative precedents. The picture is one of normative regimes being interrupted by decisive failures such that new normative orders take shape. This is a dialectical picture of determinate failures negating existing normative determinations. The motor of the whole operation is that of contradiction or opposition (at least that is the standard interpretation, though perhaps Mendieta has another motor in mind?). But what if, Foucault and Deleuze sharply asked, dialectical contradiction does not apply to many of the most interesting cases? Is contradiction really of use in all the important cases? What about cases characterized by abnormativity? How would determinate negation ever get itself going in cases where indeterminacy is what is most important about the situation? What Foucault found interesting about sexuality was precisely that it does not evince the characteristics of a stabilized normative order that might be subject to failure, error, or violation. There is, at least at this point in history, no possibility of a dialectical failure of sexuality. Rather, sexuality is a problematization in the sense of being itself outside of the orbit of normativity, saturated with indeterminacy, delicious and yet dreadful in its ambivalence. It is thus that problematization, in Foucault’s sense (and Deleuze’s too), is that which cannot be resolved by way of contradiction.

This last point also pertains to concerns raised by Allen and Olson about my proposed reconciliation of Foucault and Habermas. Allen claims that my project “requires significantly recasting Habermas’s own understanding of normativity” in light of his view that normativity is “necessary for human socio-cultural forms of life.”<sup>25</sup> Olson similarly claims that my conception of genealogy does not sit well with “Habermas’s primary interpretive supposition” that takes the form of “the logical and articulate consistency of practices, the extent to which they do not contradict themselves in a philosophical sense.”<sup>26</sup> Allen and Olson are right to emphasize the extent to which Habermas’s project remains wedded to conceptions of necessity and consistency. These are expressed not only in Habermas’s quasi-transcendental account of norms, as emphasized by Allen and Olson, but also in his progressivist philosophy of history, as discussed by Allen.<sup>27</sup> These elements of Habermas’s critical theory are rooted in just that

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<sup>23</sup> Mendieta, *Foucault Studies* 18 (2014), 251.

<sup>24</sup> Ibid.

<sup>25</sup> Allen, *Foucault Studies* 18 (2014), 243.

<sup>26</sup> Olson, *Foucault Studies* 18 (2014), 256.

<sup>27</sup> Allen, *Foucault Studies* 18 (2014), 238-244. Allen also develops this criticism in her review of my book on *Notre Dame Philosophical Reviews* (August, 29<sup>th</sup>, 2013): <http://ndpr.nd.edu/news/41851-genealogy-as-critique-foucault-and-the-problems-of-modernity/>. With respect to the latter issue of progressivism, I am largely sympathetic to Allen’s own critiques of Habermas on this score (as she develops them in her forthcoming book on the idea of progress in critical theory). I agree with her that Habermas’s progressivist

dialectical logic of contradiction raised by Mendieta's reply. Allen and Olson are thus quite right that we cannot square all aspects of Habermasian critical theory with Foucaultian genealogy. But, I wonder, do we need a wholesale squaring of all of Habermas's commitments with all of Foucault's? It is my hope that we can retain what is useful in Habermas without relying on those of his notions that he has used to make his theory more failsafe than any theory should aim to be.

The most controversial aspect of Habermas I hope to retain is his emphasis on context-transcending universality. Here the crucial question can be put as follows: does universality really require a dialectical conception of normativity and historiography as its failsafe backup? Universalization regarded as a temporal process, I argue in the book, can be made sense of without invoking the transcendental perspective of a dialectics of contradiction. Habermas, in other words, could get his universality elsewhere.<sup>28</sup> This can be achieved by playing up the pragmatist dimensions of Habermas's commitment to normative universality, dimensions that have become prominent in more recent writings. Playing up those dimensions, Allen and Olson are correct to caution, would require us to tone down some of Habermas's more boastful philosophical moments. I am not sure if what we are left with after such a toning-down is a critical theory that is Habermasian or one that is non-Habermasian. And here we confront a problematic that is central for any philosophical revisionist. How to be a part of the tradition and at the same time critically appropriate it?<sup>29</sup>

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historiography is both out of tune with Foucaultian genealogical historiography and philosophically misguided as pointed out by postcolonial criticisms. That said, my response to this weakness in Habermas is to seek to rescue other aspects of his work from their supposed reliance on a progressivist historiography. Most importantly, I think we can rescue the yearning for normativity (including, crucially, normative universality) in Habermas from his progressivist reconstruction of modernity.

<sup>28</sup> Seen this way, then, perhaps Habermas might end up being the last transcendental philosopher, or rather the last quasi-transcendental philosopher. Of course, every generation has had its promise of the last Kant, going back to Kant himself. But consider Mendieta's intriguing suggestion of the possibility of reading "Kant himself as moving away from transcendental critique to historical critique" (*Foucault Studies* 18 (2014), 249). If the future of philosophy is able to clear more space for post-transcendental critical theory, then perhaps Kant will one day be remembered less for the First Philosophy of the first *Critique* and more for his critical-empirical work in the *Anthropology*. Analogously, perhaps Habermas will one day be remembered more for *Postmetaphysical Thinking* than for *The Theory of Communicative Action*. He will become less a thinker of necessary presuppositions of communicative competence and more a critical philosopher reckoning with the problem of normativity amidst the collapse of metaphysics. These hypotheticals may seem incredulous, but if so that has more to do with the tight grip that transcendental philosophy still has on us today than it does with the actual offerings of these two critical philosophers.

<sup>29</sup> My approach to this issue is rooted in a metaphilosophical pluralism according to which I am, as Mendieta notes, "not engaged in a zero-sum calculus in which putting down a theory is the gain of another" (*Foucault Studies* 18 (2014), 246). I am trying to draw out what is best in both Habermas and Foucault. With respect to the former, I am thus braced by Mendieta's discussion of Habermas as being "caught in a theoretical skirmish" (*Foucault Studies* 18 (2014), 249) that we ourselves might attempt to think our way out of today. I aim to use aspects of Habermas's work in an attempt to get contemporary critical theory outside of the terms of that skirmish.

Leaving that larger question unanswered, one particular point on which I would insist is that a pragmatizing of critical theory need not require that we abandon the commitment to universality that is characteristic of Habermas's normatively-robust program in critical theory. Habermas can have his universality and Foucault his contingency—and we can have both of them together. Getting better philosophical grip on contingent universals will help us recognize not only the abnormative problematizations that form a background for our practices but also the potentialities for the ongoing normative reconstruction of those practices. This is the invitation extended by Mendieta's apt call for a Left Kantian inquiry into the conditions of the possibility of constructed universalities.

### **The Task of Critical Philosophy Today**

I am grateful to Amy Allen, Eduardo Mendieta, and Kevin Olson for their engaging replies to the work I have attempted in *Genealogy as Critique*. The book itself addresses a number of issues that are excellently represented (and in some cases paradigmatically so) in the writings of these three critical theorists. I have learned much from their work before mine. Perhaps what I have learned most from each of them (albeit in their different ways) has to do with the values of the patient labor of reflexively reworking the tasks of critical philosophical practice today.

That the forms of philosophical critique to which all four of us are committed may continue with force and verve in the near future is not inevitable. Each of us recognizes this and seeks to confront it in our work. We know that critical philosophy will become what we make of it and it will become only what we make of it. If the practice of critique offers a distinctive contribution to our cultural present (and we believe that it does), then it falls on our shoulders to undertake the severe labor of reworking critique to adjust it to contemporary transitions. I suspect that all four of us would agree that this is the best way of forwarding the legacy not only of Michel Foucault's critical genealogy, but also of critical philosophy itself.<sup>30</sup>

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