

## REVIEW ESSAY

### **Outside In, Inside Out, Again and Yet Again: Foucault's Game in *Wrong-Doing, Truth-Telling***

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This new collection of lectures, given at the Catholic University of Louvain in Belgium three years before Foucault's death, fills in more than we have generally had available to us of the history of transgressive and normative sexualities and criminal identities in their ironic production of individualized truth. It does so by means of its detailed discussions of Christianity's contribution to the complex process of creating and recreating the normal and the abnormal in Western culture over most of its 2500 years. This is the volume's primary importance to Foucault studies.

Along the way, and significantly at length in the Sixth Lecture, Foucault makes clear that for him this history, as he unfolds it, remains a rich puzzlement. In one long, more than a page, and closely spaced, paragraph, he speculates on what exactly "the function of avowal in justice" (subtitle of this volume) entails. He begins a bit oddly, to be sure, by referring to the use of a word he has not yet used but would naturally be expected to use, at this point in his lectures, especially given the features of the language of avowal he is now, as we see, attempting to address—that is, this language's other-than-literal yet still transformative power:

I am familiar, of course, with the resonance of the word "symbolic." And perhaps one might be tempted to say that avowal plays a symbolic role with regard to the penal system. But it seems to me that in fact something slightly different is taking place, because avowal [saying truthfully who one is, not just what one wrongfully did] does not refer to anything else than what effectively takes in that judicial scene. It exerts its effect on, within, through and in that judicial scene—and to that extent, I do not think it is a symbolic element. Should one then say that it is a performative element—that is to say, a verbal act constitutive of a modification defined in reality? I don't think this is exactly right either.<sup>1</sup>

What can this puzzling element of the judicial scene of avowal, when one says who one is, possibly be? Why is it not "symbolic?" Why not performative? It is not symbolic, it appears, because it modifies aspects of the scene's reality, not just an imagined representation of it in

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<sup>1</sup> Michel Foucault, *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*, edited by Fabienne Brion and Bernard E. Harcourt, translated by Stephen W. Sawyer. (Chicago and London: The University of Chicago Press, 2014), 209-210.

language and in one's mind. It counts for who one is, how one is to be treated, what one is allowed to do and not do, and so on. "I, Ted Bundy, am a serial killer." Such a statement, if it is uttered, would matter materially in all sorts of ways that are not merely symbolic. And yet, Foucault says here, it is not really performative, either. Here is what he says, more precisely:

There is indeed a performative element in the penal procedure, but it is, for example, when the court declares that the accused is guilty and constitutes him, from the point of view of the law and institutions, as effectively guilty. There is performativity when the court declares that someone is condemned, because indeed, after that moment, he is condemned. To the contrary, when the accused declares his guilt, it is more than symbolic, if you will, and it is not performative: the accused who declares his guilt does not thereby transform himself into the guilty party. And yet avowal is, I think, essential in this whole system.<sup>2</sup>

So the mystery, the puzzle, the conundrum or enigma, remains. What can its solution be? Foucault goes on to revise the usual meanings of both words "symbolic" and "performative," when he says, in his familiar pattern of negation, displacement, and redoubling upon and within the space of a new stage:

Neither performative nor symbolic, I would suggest instead, in changing the usual meaning slightly, that avowal is of the order of drama or dramaturgy. If one understands the "dramatic" not as a mere ornamental addition, but as every element in a scene that brings forth the foundation of legitimacy and the meaning of what is taking place, then I would say that avowal is part the judicial and penal drama. It is an essential element of its dramaturgy, in the full sense of the term.<sup>3</sup>

This slight tweaking of the usual meanings of symbolic and performative alike, however, ends up quickly enough, in what follows, at the grandest of claims, one that is Foucault's primary point in these lectures:

And if we accept that there cannot be degrees of the symbolic or the performative, while dramaturgy—the dramatic—is, on other hand, susceptible to various intensities, we could say that avowal is one of the most intense elements of the judicial drama and one of the most necessary. The appetite for avowal—the appetite for veridiction of the crime by its perpetrator—is central to our criminal jurisdiction. And you remember, perhaps, the anecdote with which I began, or that I evoked in any event, in the very first lecture that I presented to you: that story of a magistrate who, interrogating the culprit, asked him, "Well, in the end, who are you?" And since the accused did not respond, the tribunal, the presiding judge, asked him: "But how do you expect us to judge you if you will not say who you are?" This need for avowal, I believe, is absolutely fundamental to the penal system: one cannot judge—that is to say, the judicial dramaturgy cannot be fully realized—if the accused does not avow in some way.<sup>4</sup>

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<sup>2</sup> *Ibid.*, 210.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

For me, this long paragraph, that I have presented step by step, in the stages of its unfolding, with its various intensities, displays most—but not all—of what I am calling here “Foucault’s Game.” Let me unfold this formulation in what follows, along with, of course, a bit more in this history of avowal.

What does Foucault mean by “drama,” dramaturgy,” “the dramatic?” Certainly, he discusses drama in these Six Lectures (plus an Inaugural Lecture). In the Second Lecture, he mounts another analysis of *Oedipus Rex*, one of seven such in his career, the crown of which, for its virtuosity and length, appears now in *Lectures on the Will to Know* as “Oedipal Knowledge.” There the character and the play itself embody the *sumbolon* (the symbol or tesserà), the truth of halves, in every possible chiasmic and catachrestical manner imaginable, even as he pooh-poohs textuality and mere interpretation in favor of his histories of discursive events, practices, and dominations. Here, after he discusses Aristotle’s *Poetics*, Foucault has *Oedipus Rex* demonstrate the levels of truth-telling—that of the gods and their seers, that of the kings and aristocracy, that of the servants and slaves; the latter of which is, as Marx would have it, the final antithetical last act or ironic completion of the history of truth among the Greeks. As we know, too, Foucault uses spectacularly dramatic language throughout all his lectures collected since his death in 1984, and in his oeuvre generally, as has long been commented upon (first of all by himself); even most of his more modest and quieter language, virtually dead tropes, are also drawn from the theater and reanimated.<sup>5</sup>

In fact, in *Wrong-Doing, Truth-Telling*, Foucault coins, with flourishes, a term, “alethurgy,” to characterize the theatrical rituals of avowal. These rituals extend from the oath and ordeal (or test) common in warrior culture among the Greeks (as in Homer and Hesiod), where one accuses the other of wrong-doing and the other must risk swearing before the gods that he tells the truth about the matter (so truth would be the uncanny lightning strike at any time if one lies in making either accusation or self-defense); through the examination of conscience for a director of one’s soul (the emergent interiority of the Stoics, a couple along master/slave lines); to the monastic ascetic inventory of every conscious thought with its shadowy semi-or unconscious thought underlying it (as anatomized bit by bit by Cassian), so that the contest between God and Satan is played out within the psyche with the maximum of self-tormenting division.

This history, of course, comes up to and includes our own time of modernity, with supposedly more liberal and tolerant practices of confession and avowal of self, in sexuality and the law (psychiatry and criminal justice), and in our identity politics—all of which covers, as I mentioned previously, two and a half millennia of Western culture, a grand narrative if ever there can be one. I hasten to add that such a dramatic narrative does not homogenize each stage; rather than no differences, there are only differences. Each performance, in each

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<sup>5</sup> See, for instance, Michel Foucault, “Theatrum Philosophicum,” in James D. Faubion (ed.), and Donald F. Bouchard and Sherry Simon (Trans.), *The Essential Works of Michel Foucault: Aesthetics, Method, and Epistemology* (New York: New Press, 1998), 343-368. See my discussion of “radical parody” in Foucault and others following his lead, Daniel T. O’Hara, *Radical Parody: Culture and Critical Agency After Foucault* (New York: Columbia University Press, 1992).

phase, in this theater is different from every other, and the comparative evaluations, in, between, and among, the performances, then and now, are to be seen as different, too.

This story or drama has its ur-primal scene that is never really on stage at the beginning, or in the long middle, or certainly not “realized” in the so-called “end.” Instead, the ironically “unspeakable rites and practices” from which the heroic oath and ordeal emerges, is like the alter-ego of the history of the normative Western subject, always already excluded in the symbolic to return in the real as Lacan says about psychosis, as its pair of warriors gets supervised by a judge, then this contest gets further “civilized” in classical Greek practices for the interests of the middle and professional classes; then is internalized in and as conscience, even as then conscience gets divided and sub-divided into inquisitorial agencies, punitive faculties, and resistant nooks and crannies of spooks and sins, only to come together yet again as the deviant, the pervert, the criminal, or delinquent, under the immense umbrella of the essentially abnormal. This is a drama which once one crosses the spaces interwoven by Foucault’s discursive events and practices forming his texts and their intertextual cross-references inverts itself to disclose, as if a trap door springs open and a demonic tableau vivant pops up on this stage of Western history, the scene of a monstrous birth, a bringing forth of an endless final dance of what appears to be all the misshapen shapes of human existence. But to what end are all these dramatic conceits, formulas, and figures deployed over such a vast phantasmic extent?

I want to propose a potentially controversial or perhaps, for some, all-too-obvious and reductive answer. The key to that answer is to be discovered in *Lectures on the Will-to-Know*:

A whole history could be written of the relationships between truth and torture. [...]

*Masochism.* The masochist is not someone who gets his pleasure in suffering. Rather he is perhaps someone who accepts the test of truth [originating with the archaic Greek warrior culture] and submits his pleasure to it: If I bear the test of truth through to the end, then I will win out over your discourse and my assertion will be stronger than yours. And the imbalance between the masochist and his partner is due to the partner posing the question in apophantic [declarative, referential] terms. Tell me what your pleasure is, show it to me; pass it through the grid of questions I put to you; let me observe it. Use of paradox.

And the masochist replies in terms of ordeal: I will always bear more than you can do to me. And my pleasure is in this always displaced, never fulfilled excess. It is not in what you do, but in this empty shadow that each of your actions casts in front of it.

To the apophantic question of his partner, the masochist retorts, not with an answer, but through the ordeal challenge; or rather, he hears an ordeal challenge and answers it: “I affirm my pleasure on the far boundary of what you may imagine to be me.”<sup>6</sup>

For Foucault, I believe, his game is so to revise, via his dramaturgy, his alethurgy, so to stage, to produce, as in almost the material sense of the word, to bring forth, that is, to give birth to, as it were, whatever history of the West he is recounting, not as a Hegelian dialectic of histori-

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<sup>6</sup> Michel Foucault, *Lectures on the Will to Know: Lectures at the College De France, 1970-1971 and Oedipal Knowledge*, edited by Daniel Defert, translated by Graham Burchell (New York and London: Palgrave Macmillan, 2013), 85-86.

cal figures or shapes of the spirit but a more phantasmagoric ghost-play that must appear to be, has to manifest itself as, for him and his initiated reader, a radical parody of the games of truth and lie, love and sex, life and death, to be played out in S/M practices, from the softest and safest of them to those that court the ultimate transgressions. Thus, Western culture in its deep history is rewritten according to Michel Foucault's diabolically comic, albeit still malicious script. He is the norm, it is the deviation. Let the games begin—again!

As Foucault—and we—outlast the accusations of the discursive events and practices he lays before himself and us, in a kind of grand apocalyptic avowal to end all avowals, we end up, with him, pronouncing the words of our identities beyond all identity, the words that out messiah all messiahs, beyond desire and drive, beyond death itself—and life: "I affirm my pleasure on the far boundary of what you may imagine to be me."<sup>7</sup> He—and we his closest of readers—end up being if not masked philosophers than at the least masked phantom-lovers, on an analogy, for me, with the best scenes, so prophetic of its stars' subsequent breakup, in Stanley Kubrick's great last film, *Eyes Wide Shut*. The agon, the ordeal, repeatedly returns in different guises, outside in, inside out, yet again and again, in this history of avowal, as in each and every one of his histories. This is Foucault's game, rather fully self-disclosed in these lectures. Whether this revelation, this vision, is valuable to or for Foucault studies, of course, is now the—possibly ever open—question.

I will end where Foucault begins his Inaugural Lecture for this lecture series, with his summarized account of a nineteenth-century psychiatrist, Dr. Leuret, "treating" a patient, Mr. A., who suffers from "delirium of persecution and hallucinations."<sup>8</sup> As Leuret asks him repeatedly if any of the hallucinations were real, and he persistently at first answers in the affirmative, the good doctor subjects him to a cold and forceful shower, again and again, until at last the patient not only admits his delusions were such, but also confesses that he was a mad man: "'There were no women who insulted me, and no men who persecuted me. All of it is madness.'"<sup>9</sup>

Such is the "play," the game at the heart of Foucault's practice of critical reading, even as this scene of torment and self-torment, rehearses in its dramatic details and staging the games people truly play.

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<sup>7</sup> Foucault, *Wrong-Doing, Truth-Telling*, 87.

<sup>8</sup> *Ibid.*, 11.

<sup>9</sup> *Ibid.*, 11-12.