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Philosophical Practice Following Foucault

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ABSTRACT. This paper develops a heuristic of different modes of philosophical engagement with Michel Foucault's work with the aim to aid self-reflection about contemporary uses of Foucault. Drawing on debates in the history of philosophy, I describe contextualism, appropriationism, and methodologism as three strands of Foucault scholarship. I then examine queer and feminist philosophical engagements with Foucault to explicate and illustrate the aims and strengths of each strand. I conclude by spelling out the larger implications for different uses of Foucault for philosophical practice and make the case for a methodological pluralism that draws on all available modes of inquiry.

Keywords: Contextualism; Appropriationism; Methodologism; queer theory; feminist philosophy.

INTRODUCTION

In a 1974 interview, asked about the audience for whom he wrote, Foucault famously answered that he intended for his books to be "machines ... instruments, utensils, weapons" that would be used as "a sort of *tool-box* through which others can rummage to find a tool with which they can do what seems good to them, in their domain."¹ A lot of rummaging has been done since. A 2007 study lists Foucault as the most cited author in the humanities,² and in 2016 *Discipline and Punish* ranked seventh among the 25 most cited books in the social sciences.³ A steady stream of posthumous publications, including Foucault's lectures at the *Collège de France* and the long-awaited and much-anticipated fourth volume of the History of Sexuality, *Les aveux de la chair* (*Confessions of*

¹ Michel Foucault, "Prisons et asiles dans le mécanisme du pouvoir" [1974], in *Dits et écrits II: 1970–1975*, ed. Daniel Defert and François Ewald (1994), 523; my translation.

² "Most Cited Authors of Books in the Humanities, 2007," Times Higher Education (2007).

³ Elliott Green, "What Are the Most-Cited Publications in the Social Sciences (According to Google Scholar)?" *Impact of Social Sciences* (2016).

the Flesh), have added new tools to the tool-box and ensure a continuously growing body of Foucault scholarship.

In light of the unabated excitement about Foucault's work, some scholars have begun to reflect on how his work and thought are taken up today. In his 2015 paper "Two Uses of Michel Foucault in Political Theory," for instance, Colin Koopman distinguishes between concept and method as two distinct ways of using Foucault's work in political theory.⁴ And in the recent volume *Foucault(s)*, a group of experts reflect on various uses of Foucault's work in disciplines like philosophy, history, sociology, law, and economics.⁵

This paper seeks to contribute to this emerging interest in systematic reflection on contemporary Foucault scholarship by examining different modes in which Foucault's work is engaged philosophically. In section 2, I draw on debates in the history of philosophy to distinguish three strands of Foucault scholarship: contextualism; appropriationism; and methodologism. These strands can be differentiated by their aims and methods and constitute distinct ways of doing philosophy following – that is, after, about, with, and according to – Foucault. Sections 3 to 5 examine queer and feminist philosophical engagements with Foucault to explicate and illustrate the aims and strengths of each strand. This thematic focus allows for a clearer comparison of contextualist, appropriationist, and methodologist uses of Foucault as well as the relationship between them. It also brings into view the different ways in which Foucault's work may contribute to addressing some tensions between (1) Foucault and feminist philosophy; (2) queer theory and feminist philosophy; and (3) Foucauldian analyses of sex and post-Foucauldian biopolitical theory. In section 6, I conclude by clarifying these contributions and spelling out the larger implications for different uses of Foucault for philosophical practice.

PHILOSOPHICAL USES OF FOUCAULT

Contextualism and Appropriationism

Insofar as the question of how to do philosophy following Foucault is a question about how to engage with a past philosopher, it is helpful to begin by situating different ways of taking up Foucault within larger debates about the relationship between philosophy and its history. According to Lærke, Smith, and Schliesser, this relationship is commonly understood in one of two ways, which differ in the perceived purpose of studying historical texts and figures and the appropriate methods for accomplishing their respective purpose. On the one hand, *contextualists* hold that "the history of philosophy is to be

⁴ Colin Koopman, "Two Uses of Michel Foucault in Political Theory: Concepts and Methods in Giorgio Agamben and Ian Hacking," *Constellations* 22:4 (2005), 671–685.

⁵ Jean-François Braunstein, Daniele Lorenzini, Ariane Revel, Judith Revel and Arianna Sforzini, eds., *Foucault(s)* (2017).

studied and understood for its own sake and on its own terms.”⁶ The aim is to provide “the correct historical account” of the meaning of a text or the intentions of a past philosopher.⁷ On the other hand, *appropriationists* regard the history of philosophy as “a source of ideas and arguments that may be of use in current philosophy.”⁸ Appropriationists are not interested in historical texts and figures for their own sake, but seek to reconstruct a past philosopher’s position in hopes that “these reconstructions yield conceptual results and address contemporary concerns in an interesting way.”⁹

The contrasting aims of contextualists and appropriationists correspond to different methodological orientations, which we might characterize in terms of empirical and speculative analysis.¹⁰ In their quest for achieving correct interpretations of a historical text of figure, contextualists tend to use empirical methods that are commonly likened to cultural anthropology,¹¹ archaeology,¹² or detective work.¹³ These methods involve “fieldwork”¹⁴ in the archive, immersion in the cultural context and controversies of the time, attention to inconsistencies between claims made in public and private, and consideration of the intellectual, political, cultural, religious, etc. milieu of the author under examination. Representatives of the appropriationist camp, by contrast, rely on forms of conceptual analysis that “transcend the empirical”¹⁵ and are aimed at facilitating philosophy’s task of “introducing, clarifying, articulating, or simply redirecting concepts.”¹⁶

The distinct aims and methods of contextualist and appropriationist scholarship map on to two strands of philosophical engagement with Foucault. Using the methods of contextualism, the first strand examines Foucault’s texts as well as his political and intellectual milieu to offer interpretations that are supported by textual evidence as well as by what Ursula Goldenbaum calls “the facts,” that is, “the surrounding reality of ... au-

⁶ Mogens Lærke, Justin E. H. Smith, and Eric Schliesser, “Introduction,” in *Philosophy and Its History: Aims and Methods in the Study of Early Modern Philosophy*, ed. Mogens Lærke, Justin E. H. Smith, and Eric Schliesser (2013), 1.

⁷ *Ibid.*, 2.

⁸ *Ibid.*, 1.

⁹ *Ibid.*, 2.

¹⁰ Readers interested in a more refined treatment of these questions may wish to consult Richard Rorty, Jerome B. Schneewind, and Quentin Skinner, *Philosophy in History: Essays in the Historiography of Philosophy* (1984); Mogens Lærke, Justin E. H. Smith, and Eric Schliesser, eds., *Philosophy and Its History* (2013).

¹¹ See Mogens Lærke, “The Anthropological Analogy and the Constitution of Historical Perspectivism,” in *Philosophy and Its History*, 27–29.

¹² Justin E. H. Smith, “The History of Philosophy as Past and as Process,” in *Philosophy and Its History*, 30–49.

¹³ Ursula Goldenbaum, “Understanding the Argument through Then-Current Public Debates or My Detective Method of History of Philosophy,” in *Philosophy and Its History*, 71–90.

¹⁴ Lærke, “The Anthropological Analogy,” 37.

¹⁵ José Amado Benardete, *Infinity: An Essay in Metaphysics* (1964), 285.

¹⁶ Eric Schliesser, “Philosophic Prophecy,” in *Philosophy and Its History*, 209.

thors, the rules of discourse at the time, opportunities for publication, censorship, prevailing theological demands, political conditions, etc.”¹⁷

An example of this first contextualist strand of Foucault scholarship is the long-standing debate over whether Foucault is a philosopher or historian.¹⁸ While some commentators defend the philosophical nature of Foucault’s project, for instance as an attempt to reinvigorate transcendental philosophy,¹⁹ others read (at least some of) Foucault’s inquiries as “primarily works of history, not philosophy in the traditional sense.”²⁰ For yet others, this debate fails to recognize Foucault’s crucial insight about the historicity of both philosophy and history – or, to be more precise, the modern concept of history as “continuous, dialectical, and, above all, progressive.”²¹ Despite differences in interpretation, these scholars have shared aims and methods: they seek to offer, if not the correct, at least the most plausible interpretation of Foucault’s work on the basis of his writings, which they situate in relation to the intellectual and political context of his time.

In contrast to contextualist efforts to understand Foucault’s project on its own terms, Foucault scholarship also features a plethora of appropriationist work that draws on his studies as a conceptual resource for contemporary analysis. Consider as an example a slew of publications that frame analyses of phenomena like security, development, disability, dignity, breast cancer, or feeling through Foucault’s concept of biopolitics.²² Here

¹⁷ Goldenbaum, “Understanding the Argument,” 75.

¹⁸ See Amy Allen, “‘Psychoanalysis and Ethnology’ Revisited: Foucault’s Historicization of History,” *The Southern Journal of Philosophy* 55 (2017), 31–46; Thomas R. Flynn, “The Philosopher-Historian as Cartographer: Mapping History with Michel Foucault,” *Research in Phenomenology* 29:1 (1999), 31–50; Gary Gutting, “Foucault, Hegel, and Philosophy,” in *Foucault and Philosophy*, ed. Timothy O’Leary and Christopher Falzon (2010), 17–35; Béatrice Han, *Foucault’s Critical Project: Between the Transcendental and the Historical* [1998] (2002); Béatrice Han-Pile, “Is Early Foucault a Historian? History, History and the Analytic of Finitude,” *Philosophy & Social Criticism* 31:5–6 (2005), 585–608; Clare O’Farrell, *Foucault – Historian or Philosopher?* (1989); Timothy O’Leary and Christopher Falzon, eds., *Foucault and Philosophy* (2010); Paul Veyne, “Foucault Revolutionizes History,” in *Foucault and His Interlocutors*, ed. Arnold I. Davidson (1997), 146–82.

¹⁹ Han, *Foucault’s Critical Project*.

²⁰ Gary Gutting, review of *Foucault’s Critical Project* (2003). This is not to suggest that Gutting does not regard Foucault as a philosopher. He clearly does, as is evident in Gary Gutting, *French Philosophy in the Twentieth Century* (2001); Gary Gutting, *Thinking the Impossible: French Philosophy Since 1960* (2011); Gary Gutting, “Michel Foucault,” *The Stanford Encyclopedia of Philosophy* (2014).

²¹ Allen, “‘Psychoanalysis and Ethnology’ Revisited,” 33.

²² See Michael Dillon, *Biopolitics of Security: A Political Analytic of Finitude* (2015); Susan Greenhalgh, “Weighty Subjects: The Biopolitics of the U.S. War on Fat,” *American Ethnologist* 39:3 (2012), 471–87; Maren Klawiter, *The Biopolitics of Breast Cancer* (2008); Sandro Mezzadra, Julian Reid, and Ranabir Samaddar, eds., *The Biopolitics of Development: Reading Michel Foucault in the Postcolonial Present* (2013); David T. Mitchell, *The Biopolitics of Disability: Neoliberalism, Ablenationalism, and Peripheral Embodiment* (2015); Stephen Morton and Stephen Bygrave, *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society* (2008); Julian Reid, *The Biopolitics of the War on Terror: Life Struggles, Liberal Modernity and the Defence of Logistical Societies* (2009); Camille Robcis, “The Biopolitics of Dignity,” *South Atlantic Quarterly* 115:2 (2016), 313–30; Kyla Schuller, *The Biopolitics of Feeling: Race, Sex, and Science in the Nineteenth Century* (2017).

Foucault's conceptual innovations are applied to problems and sites not studied by Foucault himself.

As Koopman notes, however, Foucault's concepts are the result of detailed empirical inquiry into particular problems in specific historical and geographic sites. Thus, their extension to other problems and sites risks jettisoning their explanatory force. As an example, Koopman discusses Agamben's appropriation of the notion of biopower,²³ which Foucault elaborates to capture a particular constellation of technologies of power and political rationalities that emerged in Western Europe in the 17th and 18th centuries. Agamben, by contrast, treats the concept *biopower* not as the product of empirical analysis, but as "categorical," that is, "as an ideational category that structures the very possibility of inquiry itself."²⁴ For Koopman, this mode of philosophical engagement with Foucault goes against the latter's characteristic commitments insofar as it results in a transcendentalization of what are, for Foucault, deeply historical concepts. Consequently, where Foucault uses the term *biopower* to refer to a historically specific constellation of power relations, Agamben uses it to describe an ontological condition of "the political" writ large. It appears, then, that whereas Agamben and Foucault use the same word, i.e., *biopower*, they do not refer to the same concept. They are, therefore, talking about different things.²⁵

Fidelity or Relevance: A Dilemma?

This discussion draws our attention to a more general dilemma that emerges from a contextualist commitment to correct understanding and fidelity to the intentions and concerns of a philosopher, on the one hand, and an appropriationist effort to use historical sources as inspiration for contemporary philosophical work, on the other. This dilemma can be described as follows: from the perspective of a contextualist commitment to fidelity, appropriationists commit misunderstanding, false attribution, and revisionism. From the point of view of appropriationist efforts to make historical sources relevant for current work, contextualists are engaged in historicism; they are intellectual historians rather than philosophers, who seek to advance the state of the discipline.²⁶

Lærke, Smith, and Schliesser suggest that a possible way out of this dilemma is offered by a tradition of philosophy that understands philosophy itself as a historical practice, the concepts generated by which practice are, accordingly, also historically specific.

²³ See in particular Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* [1995], trans. Daniel Heller-Roazen (1998); *State of Exception* [2003] (2005). For methodological reflections on Foucault see Agamben, *The Signature of All Things: On Method* [2008], trans. Luca D'Isanto and Kevin Attell (2009); *What Is an Apparatus?: And Other Essays* [2006], trans. David Kishik and Stefan Pedatella (2009).

²⁴ Koopman, "Two Uses of Foucault," 576.

²⁵ It might be argued that such equivocation not only violates principles of parsimony, clarity, and conceptual coherence commonly accepted by philosophers but also obscures and even erases important differences between heterogeneous techniques of power and political rationalities. For discussion of equivocation and conceptual sleights see Mary Beth Mader, *Sleights of Reason: Norm, Bisexuality, Development* (2011).

²⁶ For a more detailed discussion of these charges see Lærke, Smith, and Schliesser, "Introduction."

Taking seriously the historicity of concepts, they argue, historians can “build on the past in a way that is both attentive to it and, at the same time, seeking to overcome its historically conditioned limitations.”²⁷ On this view, it is possible to “inherit” a philosopher’s concepts, to use Amy Allen’s term, without overextending them to the point where they lose explanatory power.²⁸ Accordingly, we might suggest that even though some users of Foucault’s concepts might compromise their analytic grip by categorizing and transcending these concepts, this is not a necessary feature of appropriationist Foucault scholarship. Instead, it is a bug of some varieties of appropriationism whose insufficiently historicized use of Foucault’s work results in a kind of transcendental philosophy Foucault himself rejected.²⁹ Attention to the historical and contextual specificity of Foucauldian concepts, by contrast, allows for their strategic, rather than categorical, deployment as analytic tools “through which it is possible to interrogate the historically specific force relationships underpinning our political present.”³⁰

Nevertheless, contextualists might insist that insofar as all appropriation entails some degree of resignification of what is appropriated, any appropriationist use of concepts for anything other than their original purpose betrays, to some extent, the “actual concerns of the historical figure whose work has selectively been called into service.”³¹ On this account, any application of Foucault’s concepts to a question or problem about which he had nothing to say necessarily entails speculative (i.e., conceptual, not empirical) work that compromises the original and, thus, presumably true meaning and use of his words.

One way to respond to this charge is to deny that the dilemma between “getting it right” and “making it relevant” is a dilemma at all. In fact, it might be argued, contextualism and appropriationism are two distinct and incommensurable modes of engaging with historical material whose value or success depends on how well they achieve their respective aims. That is, the standard of evaluation is immanent to the particular mode of inquiry that is pursued. Thus, one might suggest that judging contextualists by appropriationist standards, and vice versa, is a category mistake: contextualists and ap-

²⁷ Ibid., 3.

²⁸ Amy Allen, *The End of Progress: Decolonizing the Normative Foundations of Critical Theory* (2016), xiii. By inheritance, Allen means the process of taking up a philosopher’s work while “simultaneously radically transforming it” (ibid.).

²⁹ There is, of course, some debate about whether or not Foucault rejected transcendental philosophy. For representative publications on both sides of the debate see Hubert L. Dreyfus and Paul Rabinow, eds., *Michel Foucault: Beyond Structuralism and Hermeneutics* (1983); Bernard Charles Flynn, “Michel Foucault and the Husserlian Problematic of a Transcendental Philosophy of History,” *Philosophy Today* 22:3 (1978), 224–38; Han, *Foucault’s Critical Project*; Colin Koopman, “Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages,” *Foucault Studies* 8 (2010): 100–121; Colin McQuillan, “Transcendental Philosophy and Critical Philosophy in Kant and Foucault: Response to Colin Koopman,” *Foucault Studies* 9 (2010), 145–155; Kevin Thompson, “Historicity and Transcendentality: Foucault, Cavaillès, and the Phenomenology of the Concept,” *History and Theory* 47:1 (2008), 1–18.

³⁰ Jemima Repo, *The Biopolitics of Gender* (2015), 7.

³¹ Lærke, Smith, and Schliesser, “Introduction,” 3.

appropriationists ought to be judged neither by contextualist nor by appropriationist standards but by objective meta-philosophical criteria regarding the purpose of philosophical practice as such. In absence of consensus on what this purpose is, however, the only standards of evaluation available are immanent ones. Philosophical practice effectively serves many purposes and must, accordingly, be judged by how well it achieves its respective goals.

Still, it seems fairly obvious that even if there is no agreement on the one true aim of philosophy, some standards of evaluation apply to any form of philosophical engagement with an author's work. Most importantly, perhaps, it matters whether a claim made about a particular figure is true or false, that is, whether they actually said or wrote what is attributed to them. To use the example of Agamben's appropriation of Foucault mentioned above, what is important is not whether Agamben's concept of biopower is the same as Foucault's concept of biopower. Instead, what counts is (1) whether Agamben makes false attributions (i.e., if what he says about Foucault is true or false); (2) if so, whether these false attributions are accidental or intentional (i.e., if what he says is a mistake or a willful misrepresentation); and (3) if they are intentional, whether they serve as cover for claims that would otherwise not gain traction (i.e., if why he says what he says is intellectually virtuous).³² This, however, strikes me not as a dilemma between contextualism and appropriationism but as a question of good or bad scholarship.³³

To be sure, denying the dilemma between contextualists and appropriationists does not settle their disagreement about the proper relationship between the contextualist value of fidelity and the appropriationist value of contemporary relevance. Rather, a deflationary approach appears to leave us with a choice between either faithful reconstruction of meaning and intention or subordination of contextualist accuracy to the advancement of philosophical inquiry. As Deleuze succinctly put it, "there's only one choice: doing the history of philosophy, or transplanting bits of Plato into problems that are no longer Platonic ones."³⁴

³² I take no position, here, on the veracity and virtuousness of Agamben's claims. For assessments of Agamben's reading of Foucault see Claire Blencowe, "Foucault's and Arendt's 'Insider View' of Biopolitics: A Critique of Agamben," *History of the Human Sciences* 23:5 (2010), 113–130; Jeffrey Bussolini, "Critical Encounter Between Giorgio Agamben and Michel Foucault: Review of Recent Works of Agamben," *Foucault Studies* 10 (2010), 108–143; Tom Frost, "Agamben's Sovereign Legalization of Foucault," *Oxford Journal of Legal Studies* 30:3 (2010), 545–77; Katia Genel, "The Question of Biopower: Foucault and Agamben," trans. Craig Carson, *Rethinking Marxism* 18:1 (2006): 43–62; Peter Gratton, "A 'Retro-version' of Power: Agamben via Foucault on Sovereignty," *Critical Review of International Social and Political Philosophy* 9:3 (2006): 445–459; Thomas Lemke, "'A Zone of Indistinction' – A Critique of Giorgio Agamben's Concept of Biopolitics," *Outlines. Critical Practice Studies* 7:1 (2005), 3–13; Mika Ojakangas, "Impossible Dialogue on Bio-Power: Agamben and Foucault," *Foucault Studies* 2 (2007), 5–28; Paul Patton, "Agamben and Foucault on Biopower and Biopolitics," in *Giorgio Agamben: Sovereignty and Life*, ed. Matthew Calarco and Steven DeCaroli (2007), 203–218; Anke Snoek, "Agamben's Foucault: An Overview," *Foucault Studies* 10 (2010), 44–67.

³³ Taking up this question is a task for another occasion.

³⁴ Gilles Deleuze, "On Philosophy" [1988], in *Negotiations, 1972-1990*, trans. Martin Joughin (1997), 148.

Methodologism

The ostensible impasse between fidelity and relevance obscures a third approach that offers a strategy for overcoming this apparent dilemma. As Koopman points out, it is possible to satisfy both the contextualist demand for accuracy and the appropriationist demand for currency by using a philosopher's methods, rather than appropriating their concepts.³⁵ For the sake of simplicity and distinction, I shall call this approach *methodologism*.³⁶ I will explicate this approach more fully in section 5, but for a first pass, we can identify its main features in distinction from contextualism and appropriationism. Ian Hacking, for instance, clearly distinguishes his work, which he describes as historical ontology, from contextualist Foucault scholarship when he notes, "I do not want to examine *his* [Foucault's] work, but to use it to combine history and philosophy in a way that may or may not owe a good deal to him."³⁷ Notice that even though Hacking explicitly borrows the label "historical ontology" from Foucault, he neither aims at "explicating Foucault" nor at using his concepts in an appropriationist fashion.³⁸ Rather, Hacking takes inspiration from Foucault's historico-empirical philosophical practice as a model for his own inquiries into how a diverse set of beings – ideas, institutions, people, things, classifications, etc. – were constituted. Hacking thus applies Foucauldian methodology to issues that, with the exception of madness, were not of interest to Foucault himself. Consequently, as Koopman points out, Hacking's mode of inquiry "requires substantial variation of his concepts, or perhaps even detachment from his concepts" despite its Foucauldian inheritance.³⁹ Methodologists, in other words, apply a philosopher's distinctive methods to problems and contexts that might not have been of concern to that philosopher and use, modify, or generate new concepts on the basis of this inquiry.

To summarize, I have distinguished three principal ways of doing philosophy following Foucault: (1) contextualism, which aims to understand Foucault's project on its own terms by way of textual exegesis, hermeneutic interpretation, and contextualization of his work; (2) appropriationism, which applies Foucault's concepts, with more or less attentiveness to their historical specificity, to a range of phenomena that may or may not have been of concern to Foucault himself; and (3) methodologism, which uses Foucault's methods to conduct archaeologies and genealogies of present issues and takes up, transforms, or abandons his concepts as necessary.

³⁵ See Colin Koopman, *Genealogy as Critique: Foucault and the Problems of Modernity* (2013); "Two Uses of Foucault."

³⁶ For a different use of this term see Pierre Bourdieu and Loïc J. D. Wacquant, *An Invitation to Reflexive Sociology* (1992).

³⁷ Ian Hacking, *Historical Ontology* (2004), 5.

³⁸ *Ibid.*, 2.

³⁹ "Two Uses of Foucault," 578.

Incommensurability, Interdependence, Non-Co-Determinacy

Before I offer a fuller elaboration of each approach in subsequent sections, a brief clarification is in order. My point is not to suggest that methodologism is the best or most legitimate way of taking up Foucault's work because it avoids or overcomes the dilemma of either getting lost in exegesis or overextending concepts beyond their intended purpose. Indeed, it is a mistake to frame the relationship between contextualism and appropriationism as a dilemma in the first place. This is not because they are distinct and incommensurable kinds of inquiry but because construing their relationship in this way assumes that contextualism and appropriationism are discrete and separate projects. But as Foucault points out, there is no strict dichotomy between creative discourse, on the one hand, and pure commentary or "simple recitation," on the other.⁴⁰ According to Foucault,

in what is generally called a commentary, the gap between primary and secondary text plays two roles that are interdependent. On the one hand, it allows to construct (and indefinitely) new discourses: the surplus of the primary text, its permanence, its status as a discourse that can always be re-actualized, the multiple or hidden meaning it is thought to hold, the essential reticence and richness attributed to it, all of that is the basis for an open possibility to speak. But, on the other hand, whatever techniques are put to work, the commentary's only role is to say *finally* what was articulated silently *underneath*. According to a paradox that it always displaces but never escapes, it must say for the first time that which nevertheless had already been said and repeat tirelessly that which, at the same time, had never been said.⁴¹

Foucault here draws our attention to the impossibility of a pure contextualism whose achievement "can only ever be play, utopia, or anguish."⁴² There is, in other words, an element of displacement, modification, and drift in any contextualist project. But this does not amount to a cancellation of contextualism or its dissolution into appropriationism. Rather, contextualism and appropriationism are in what Foucault describes as a complex relationship which "does not stop to transform itself over time; a relationship that takes multiple and divergent forms in a given epoch."⁴³

This complex relationship is also evident in the fact that even the most permissive appropriationist needs at least some contextualist understanding, however impure, of what they appropriate. In the same vein, methodologists not only need to know what the method is in order to design their inquiries, but also require knowledge of concepts to determine when a concept can usefully be deployed and when it should be revised or abandoned. Thus, contextualism is a condition of possibility of both appropriationism and methodologism, by which I do not mean more than that one needs to read an author's work to use their concepts or methods. Without some contextualist work, it does

⁴⁰ Michel Foucault, *L'ordre du discours: leçon inaugurale au Collège de France prononcée le 2 décembre 1970* (1971), 27; my translation.

⁴¹ Ibid., 26–27.

⁴² Ibid., 25.

⁴³ Ibid., 26.

not make sense to speak of using *their* concepts or *their* methods; rather, one would seem to be inventing new concepts and methods.

Notice, however, that the relationship between appropriationism and methodologism cannot be rendered in the same terms. Rather, as Koopman observes, they stand in a relationship of non-co-determinacy:

By this, I mean that one can, for example, employ a given set of methodological constraints (e.g., Foucault's genealogy) without thereby producing any particular set of concepts (e.g., discipline). And, to state again what should be obvious, but what is overlooked with surprising frequency in the literature, to make use of a given set of concepts (e.g., Foucault's discipline or biopower) is not by itself the use of those concepts according to any particular methodological procedure (e.g., genealogy).⁴⁴

That is to say, even though methodologists must have some contextualist understanding of a thinker's concepts, it is not necessary that they also appropriate and extend those concepts in order to use a philosopher's methods. And even though appropriationists must engage in some contextualist scholarship to know what the concept is they seek to appropriate, they need not apply the same methodology out of which the concept was initially developed.

This brief discussion suggests that while it is possible to analytically distinguish between contextualist, appropriationist, and methodologist uses of Foucault, there are significant overlaps and synergies in philosophical practice. The delineation of three strands of Foucault scholarship presented here is, thus, not intended as a technique of purification but as a heuristic that allows us to distinguish various aims for which scholars may take up Foucault's work. While these aims work doubly or triply in philosophical practice, there is value in separating them out analytically to confer intelligibility on Foucault scholarship.

To illustrate these claims and elucidate contextualist, appropriationist, and methodologist uses of Foucault, the following sections examine three particularly illuminating representatives of each strand. My intention is not to present them as pure exemplars or ideal types but as philosophical works that each have a strong center of gravity that helps clarify the analytic distinctions drawn above. The works under discussion are Lynne Huffer's reconstruction of Foucault's account of sexuality in his early work on madness; Penelope Deutscher's analysis of reproduction through a biopolitical conceptual frame; and Jemima Repo's genealogy of gender as a biopolitical apparatus that emerged in 1950s sexological research on intersex children. These are certainly not the only possible examples, but they lend themselves to the kind of survey I seek to offer here because their shared thematic interest in bringing to bear Foucault's work on questions surrounding gender and sexuality allows for a clearer explication of the different philosophical accounts to which contextualism, appropriationism, and methodologism give rise. Moreover, whereas each strand develops a distinct response to the widespread failure to read together Foucault's work on sex and his analysis of biopower, it is their

⁴⁴ "Two Uses of Foucault," 573.

joint mobilization that promises the most fruitful strategy for advancing philosophical scholarship on these issues. In short, the most productive approach for philosophers hoping to work with Foucault, beyond Foucault, lies in a methodological pluralism that draws on all available tools and modes of inquiry.

CLOSE ENCOUNTERS: CONTEXTUALISM IN HUFFER'S *MAD FOR FOUCAULT*

Recall that contextualists study historical material on its own terms to reconstruct the intentions of a philosopher or the meaning of a text by means of immersion in the archive, textual exegesis, and consideration of the relevant facts of a thinker's personal, intellectual, political, or cultural milieu. Here I consider Lynne Huffer's 2010 book *Mad for Foucault* as an exemplary work of contextualist Foucault scholarship that deploys its characteristic methods to offer a novel interpretation of Foucault's understudied and ill-understood *History of Madness*.⁴⁵ In contrast to readings of *History of Madness* that either praise or lambast its historical account of madness,⁴⁶ claim it as a foundational text of the anti-psychiatry movement,⁴⁷ take issue with its interpretation of Descartes,⁴⁸ or foreground its historicization of the modern notion of history,⁴⁹ Huffer seeks to reclaim the book as "one of the great unread texts of queer theory."⁵⁰

For Huffer, *History of Madness* offers an experiential account of sexuality that is thicker than Foucault's discussion of sexuality in the first volume of *The History of Sexuality*, *La Volonté de Savoir* (The Will to Know), to which queer theory owes much of its theoretical grounding. Her work thus also challenges queer theory's narrow focus on *The Will to Know*, which is further distorted by a misinterpretation of Foucault's work through the lens of a specifically American understanding of sexual identity.

Just as Foucault's *History of Madness* examines the moment of division between reason and its other, Huffer situates her project at a dividing event, namely, the emergence of queer theory through a split from feminist analyses of oppression framed in terms of the sex/gender system. Against the feminist emphasis on gender oppression, queer theorists mobilized Foucault to affirm sexuality, rather than gender, as the primary vector of subjectivation. As Huffer points out, queer theorists accomplished this by reading a specifi-

⁴⁵ In his introduction to the 2016 English translation of the unabridged version of the book, Jean Khalifa boldly claims that "Foucault's *History of Madness* has yet to be read" (xiii). Similarly, in "Rewriting the History of Misreading" (1992), Colin Gordon has argued that "*Histoire de la folie* has been a largely unread or misread book" (167). See also Colin Gordon, "Histoire de la folie: An Unknown Book by Michel Foucault," in *Rewriting the History of Madness: Studies in Foucault's 'Histoire de la folie'*, ed. Arthur Still and Irving Velody (1992), 19–42.

⁴⁶ For a good overview see Gary Gutting, "Foucault and the History of Madness," in *The Cambridge Companion to Foucault*, ed. Gary Gutting (2005), 49–73.

⁴⁷ R. D. Laing, "The Invention of Madness," in *Michel Foucault: Critical Assessments*, ed. Barry Smart (1995), 76–79.

⁴⁸ Jacques Derrida, "Cogito and the History of Madness" [1963], in *Writing and Difference*, trans. Alan Bass (1978), 31–63.

⁴⁹ Allen, *The End of Progress*.

⁵⁰ Lynne Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (2010), xi.

cally American understanding of sexual identity into Foucault's work and attributing to him a distinction between gender, sex, and sexuality that, as she demonstrates, is not warranted by the French terminology. The French term Foucault uses, *le sexe*, denotes all those elements that are captured by the English terms *sex* and *gender*. Thus, when Foucault says that *le sexe* is an "imaginary point fixed by the dispositif of sexuality,"⁵¹ he decidedly does not argue that either sex (understood as biological difference) or sexuality (understood as sexual identity) are prior to or the cause of gender. Rather, sexuality is a specifically biopolitical dispositif. That is, it is an ensemble of discourses and practices that responds to the need to make life knowable and manageable by naturalizing *le sexe* as a "causal principle" when in fact it is a "fictitious unity" of "anatomical elements, biological functions, conducts, sensations, pleasures."⁵² For Huffer, then, sex, gender, and sexuality are inextricably tied *both* to each other *and* to disciplinary and regulatory forms of biopower that deal in the administration of life and death – a link that is largely unacknowledged by feminist and queer theorists.

I will return to this erasure of Foucault's genealogy of biopower in his account of sexuality in subsequent sections. Here I want to focus on Huffer's central claim that Foucault's early work on madness is also an analysis of sexuality.⁵³ This claim finds *prima facie* evidential support in Foucault's 1961 preface to *History of Madness*, where he situates madness among a series of "limit-experiences" that define Western culture. Foucault describes the book as a story about how the exclusion of madness allowed for Western reason to be defined in distinction from its expelled other. On his view, madness is, therefore, one example of a more general structure of exclusion that facilitates the constitution of Western culture by distinguishing itself from and excluding what it is not. In addition to madness, Foucault cites "the Orient," dreams, and sexual prohibitions as such limit-experiences. He adds that as "a limit of our Occidental world and the origin of its morality," sexual prohibitions, in particular, reveal "the tragic division of the happy world of desire."⁵⁴

One way of reading Huffer's project is as a careful explication of Foucault's brief remark about the constitution of sexuality and sexual prohibitions as a limit-experience whose expulsion grounds Western morality. This is not to deny the novelty and importance of other aspects of her work, such as her attention to spatial figures and heterotopias in Foucault's account, her treatment of the methodological challenge of studying experiences in history, her reflections on the importance of literary style as a vector of meaning in Foucault, or her elaboration of archival work as an erotic, as it were, practice. Here I propose to read Huffer as expounding on Foucault's prefatory comment in order to foreground what I take to be her key contribution to contextualist Foucault scholarship, namely, her account of sexuality's constitutive role for Western morality in

⁵¹ Michel Foucault, *Histoire de la sexualité I: la volonté de savoir* (1976), 205; my translation.

⁵² *Ibid.*, 204.

⁵³ The only other scholar of Foucault's to emphasize the sexual dimension of *History of Madness* is Didier Eribon, *Insult and the Making of the Gay Self* [1999] (2004).

⁵⁴ Michel Foucault, *History of Madness* [1961], ed. Jean Khalifa (2006), xxx.

its function of excluding erotic desire from the realm of reason. Against the thin notion of sexuality which queer theory adopted via its narrow and Americanized reception of *The Will to Know*, Huffer argues that *History of Madness* yields a thick, experiential account of sexuality that can serve as the basis of a queer feminist ethics of erotic experience. Restoring to *History of Madness* its sexual dimension, Huffer shows that sexual deviance here emerges as a mode of subjectivity that is created by the very rationalist forms of moral exclusion that also produce madness. As the effect, rather than the cause of this exclusion, the “libertines, debauchers, prostitutes, sodomites, nymphomaniacs, and homosexuals” that populate the pages of Foucault’s book are, therefore, subjects whose sexual deviance positions them outside the realm of reason and thereby establishes them as mad. In other words, it is through a “specifically sexual logic” that modern rationalism ties erotic love to unreason and relegates sexual deviance to the sphere of madness.⁵⁵

Huffer shows that it is only against the background of this account of sexuality in *History of Madness* that we can fully appreciate Foucault’s analysis in *The Will to Know*. For the transformation of a pre-modern erotic experience “within which the juridical subject was the ‘author’ of his acts”⁵⁶ into an object of modern scientific reason recounted in the early book is the basis for Foucault’s later inquiry into how “the homosexual of the 19th century has become a character (*un personnage*).”⁵⁷ That is, in contrast to common readings of *The Will to Know* as identifying a decisive break between sexual acts and sexual identity in the second half of the 19th century, Foucault here actually adds to his account of the interrupted descent of modern sexuality whose continued emergence has its conditions of possibility in the formation of 17th-century rationalist philosophy, 18th and 19th-century psychiatry, and 20th-century psychoanalysis. On this view, Foucault’s entire work comes into view as a genealogy aimed at the problematization of modern sexuality: that is, showing *that* and *how* modern sexuality has contingently congealed into its current form as an object of a positivist science intended to know, administer, and regulate life.

Huffer’s analysis suggests that by taking up the very concept of sexuality Foucault’s genealogical critique seeks to problematize, queer theorists perpetuate the rationalist exclusion of desire, the subjectivation of the individual through scientific objectification, and disciplinary as well as biopolitical normalization of sexual experience emptied of all erotic life. They thereby foreclose an ethics of experience that enhances possibilities for free action by rescuing erotic love from its confinement to madness and unreason. A queer feminist ethics of eros thus requires the rehabilitation of a more expansive concept of sexuality Huffer excavates from *History of Madness*.

Even though this rather brief discussion certainly does not do justice to Huffer’s rich analysis, it draws attention to those aspects of *Mad for Foucault* that allow for its interpretation as an exemplary case of contextualist Foucault scholarship. From this perspective,

⁵⁵ Huffer, *Mad for Foucault*, 60.

⁵⁶ *Ibid.*, 73.

⁵⁷ Foucault, *Histoire de la sexualité I*, 59.

Huffer's primary aim is to offer a careful reconstruction of Foucault's experiential account of sexuality in *History of Madness* that provides a more complete picture of the philosopher's thought than a narrow focus on *The Will to Know*. The method she uses to accomplish this is a particular kind of reading practice she describes as a "close encounter." By this Huffer means a way of engaging with Foucault's text and context that "takes seriously the historical, conceptual, institutional *and* rhetorical dimensions of Foucault's writing."⁵⁸ Consider, for instance, her painstaking attention to the subtleties of the original French text, which is not a result of her desire to "be pedantic by indulging in obscure etymologies or hairsplitting differences of definition" but of the "considerable importance of the passage in question for an entire generation of thinking about sexuality."⁵⁹ Or take the importance of Foucault's marginal notes on unpublished manuscripts and the cadence of his "ghost voice," preserved on tape in the Normandy archive, which add layers of meaning to the written words of his corpus.⁶⁰ Similarly, Huffer emphasizes the "guilty pleasure" of reading Foucault's not publicly available letters to his lover, Jean Barraqué, which were not written for her and yet "are part of the fabric that forms *History of Madness* and part of the story of my own ... mad plunge into Foucault."⁶¹

It is precisely this immersion in the archive and her attention to text and context that allow Huffer to offer a novel and insightful interpretation of Foucault's early work which brings into view one of its previously overlooked aspects. As she puts it,

Reencountering Foucault, in *Sexuality One*, through the lens of a *Madness* that most of his queer readers have missed altogether allows me to resituate his thinking about sexuality as a consistent engagement, from start to finish, with ethics. The concepts and frames for thinking about sex that emerge out of that process of reengagement and revision challenge some of the most dogmatically reiterated *idées reçues* about sexuality in Foucault.⁶²

Even though it might be tempting to interpret Huffer's deployment of a fuller Foucauldian account of sexuality for a queer feminist ethics of eros as an appropriationist project, I believe her work can plausibly be understood as a corrective to the "nonreading"⁶³ of Foucault that gave rise to the queer-feminist split in the first place. On this view, *Mad for Foucault* is a great work of contextualist Foucault scholarship whose strength lies in its restoration of a notion of sexuality that extricates gender and sexuality from discourses of acts and identity and reveals them as effects of moral exclusion produced by reason.

⁵⁸ *Mad for Foucault*, 35.

⁵⁹ *Ibid.*, 70.

⁶⁰ *Ibid.*, 279.

⁶¹ *Ibid.*, 12.

⁶² *Ibid.*, 67.

⁶³ *Ibid.*, 254; 255.

SUSPENDED RESERVES: APPROPRIATIONISM IN DEUTSCHER'S *FOUCAULT'S FUTURES*

I now turn my attention to Penelope Deutscher's recent book, *Foucault's Futures: A Critique of Reproductive Reason*, to contrast Huffer's contextualist work with an appropriationist approach. Like Huffer, Deutscher observes "a strong separation between the fields engaging [Foucault's] work on sex (for example within sexuality studies and queer theory) and his work on biopolitics (for example, within post-Foucauldian Italian philosophy)."⁶⁴ Instead of bridging this gap through a faithful reconstruction of Foucault's genealogy of the emergence of sexuality as a biopolitical dispositif, however, Deutscher focuses on reproduction, a peripheral topic in his work, to bring the literatures on sex and biopolitics into conversation.

Deutscher's central claim concerns biopolitical and thanatopolitical varieties of reproduction that allow for the stimulation, fostering, and optimization of some reproductive conducts and the management and prevention of others through a complex layering of sovereign, disciplinary, and biopolitical powers of life and death. To develop this claim, she builds on Foucault's insight that in modern societies sovereign, disciplinary, and regulatory powers operate in conjunction. As Foucault repeatedly insists, the traditional sovereign right to kill does not disappear under conditions of bio-power but is deployed for new aims and justified by different rationalities.⁶⁵ Killing is no longer an act of war in defense of the sovereign but a biopolitical strategy intended to maximize the life of a population by eliminating internal and external threats to its health.

Following Foucault, Deutscher argues that this polyvalence of power provides an instructive matrix for illuminating the complex interplay of various political rationalities and techniques of power that underpin discourses and practices of reproduction. In biopolitical societies, reproductive subjects can variously be figures of life and individual and collective futurity, on the one hand, and a principle of death whose reproductive decisions threaten those futures, on the other. Under conditions of biopolitics, reproduction constitutes an "interchange" (*échangeur*), to use Foucault's emblematic term,⁶⁶ that facilitates the simultaneous circulation of sovereign powers of death, biopolitical powers of life, and biopolitical powers of death. Reproductive subjects are, thus, pseudo-sovereign⁶⁷ reproductive decision-makers at the same time as they are a biopolitical source of life and a threat to individual and collective futures.

⁶⁴ Penelope Deutscher, *Foucault's Futures: A Critique of Reproductive Reason* (2017), 2.

⁶⁵ Ibid., 89. See also Foucault, *Histoire de la sexualité I*, 143; "The Subject and Power" [1982], in *Power: Essential Works of Foucault, 1954-1984*, ed. James D. Faubion, trans. Robert Hurley, vol. 3 (2001), 326-48; "Society Must Be Defended": *Lectures at the Collège de France, 1975-1976* [1997], trans. David Macey (2004); *The Punitive Society. Lectures at the Collège de France, 1972-1973* [2013], ed. Bernard E. Harcourt, trans. Graham Burchell (2015).

⁶⁶ *Histoire de la sexualité I*, 143; see also *Les anormaux. Cours au Collège de France, 1974-1975* (1999).

⁶⁷ As Deutscher (122-26) shows, they are pseudo-sovereign, rather than sovereign, because their power to make reproductive decisions, for instance about abortion, is the result, not the cause, of the suspension of laws criminalizing abortion. For relevant discussion of the production of sovereignty with-

To illustrate this claim, Deutscher gives the example of “the aborting woman,” who exercises a sovereign power of death that endangers the future of the population, and contrasts her with “welfare” or “illegal immigrant” mothers, whose reproduction, rather than the termination of this reproduction, is said to threaten collective life.⁶⁸ She also highlights the coincidence of various forms of power in the peculiar legal status of abortion, which she describes as “inverted states of exception” in which the state negotiates its biopolitical interest in some but not other individual and collective lives by allowing certain abortions as sovereign exceptions from a general law that makes abortion as such illegal.⁶⁹

These examples demonstrate that discourses about reproduction, such as debates about reproductive rights, refract a plurality of powers as well as a plurality of lives and deaths that are at stake in reproduction and cannot be disaggregated. Moreover, Deutscher’s analysis reveals that insofar as reproduction constitutes a biopolitical technology that seeks to optimize the life and health of individuals and collectives, it cannot but also be a thanatopolitical technology of death that prevents and manages those forms of life that are cast as less valuable and as impediments to life.

A crucial ethical implication of the complex interplay of powers, lives, and deaths in the context of reproduction is, as Deutscher succinctly puts it, that “there is no ‘ethics’ proper...: there are contingent ethics in relation to concurrently coalescing objects for concurrently forming agents or microagencies or collective agents.”⁷⁰ Such contingent ethics demand that we grapple with what Deutscher calls “ontological tact,” that is, incompatible yet overlapping “medical and social protocols and conduct” through which lives are given or denied significance.⁷¹ Consider, for instance, a “fetus’s ambiguous status as ‘more’ or ‘less’ human, as grievable, disposable, waste, anticipated or desired,” depending on the concrete circumstances of a given pregnancy. A “tactful protocol” will allow for this ambiguity and enable a consensual making of fetal life between parents, families, and medical practitioners.⁷² In certain reproductive contexts, however, such tactful protocols will only be possible by unequal access to ontological tact in the making and unmaking of fetal life. Consider, for example, surrogacy, where the reproductive freedom of some is secured through a curtailment of the reproductive freedom of others – namely that of the surrogate – by excluding the latter from decisions about the fetus’s life, value, and significance. For Deutscher, ethical considerations of reproduction and reproductive lives, rights, and choices cannot simply engage in utilitarian calculation that weighs the surrogate’s costs against parents’ gain but require genealogical attention

in biopolitical regimes see also Judith Butler, “Indefinite Detention,” in *Precarious Life: The Powers of Mourning and Violence* (2004), 50–100.

⁶⁸ Deutscher, *Foucault’s Futures*, 65. For a detailed discussion of “illegal maternity” see Natalie Cisneros, “‘Alien’ Sexuality: Race, Maternity, and Citizenship,” *Hypatia* 28:2 (2013), 290–306.

⁶⁹ *Foucault’s Futures*, 122.

⁷⁰ *Ibid.*, 190.

⁷¹ *Ibid.*, 171.

⁷² *Ibid.*, 172.

to the concrete conditions under which certain reproductive conducts become possible and calculable in the first place.

As a critique of reproductive reason, *Foucault's Futures* leverages Foucault's conceptual framework to inquire into the conditions and limits of thinking about reproduction in biopolitical societies. To be sure, *Foucault's Futures* charts the contours of a genealogy of reproductive biopolitics and biopolitical reproduction – for instance in its discussion of the legal status of abortion in the United States, analysis of abortion in Romania under Ceausescu, or examination of the transactions of international surrogacy. But at the center of Deutscher's work lies a methodological strategy that creatively appropriates Foucault's work for contemporary analysis by bringing into conversation the omissions, reserves, and suspensions in the work of Foucault and a range of other thinkers. She explicitly mobilizes Foucault's gaps and silences – what she calls “suspended reserves”⁷³ – to interrogate how “absent concepts and problems can be given a shape in potentially transformative ways within philosophical frameworks which have omitted them.”⁷⁴ This focus on “what does not lie front and center..., what lies held in reserve”⁷⁵ is a deliberate effort to open up conceptual possibilities that are no less productive for being “jarring with the context in which [they emerge].” Instead of criticizing Foucault for what he did not do or defensively showing how his work can, after all, accommodate what others find missing, she foregrounds “the capacity of the negative contours corresponding to an absent problem to emerge within the work in question.”⁷⁶ Her aim is to show that and how “concepts can emerge through a process of mutual confrontation not just between texts, arguments, theorists, and philosophers but also, and more particularly, through the relationship between their capacities and incapacities.”⁷⁷ Omissions, in other words, are not failures but occasions for transformation that, in classic Foucauldian fashion, expand our freedom to think and act.

Crucially, this mode of engaging Foucault's work shows that an ostensibly absent phenomenon in his work is, in fact, at the heart of his genealogy of biopolitics. Through careful reconsideration of his analyses of both biopolitics and sex, Deutscher shows that his lack of explicit attention to reproduction actually obscures its central role in biopolitical societies as the link that ties biopower to sex. As becomes clear through her careful reconsideration of work on biopolitics and sex, Foucault's genealogy of biopolitics is simultaneously a genealogy of white supremacy that deploys eugenic practices which regulate sexuality to incite reproductive conducts that are deemed desirable and stymie those cast as threatening the race.⁷⁸ Thus Deutscher's extension of the Foucauldian conceptual framework of biopower to questions of reproduction is by no means accidental.

⁷³ Ibid., 6.

⁷⁴ Ibid., 5.

⁷⁵ Ibid., 11.

⁷⁶ Ibid., 10.

⁷⁷ Ibid., 11.

⁷⁸ Ibid., 68. See also Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (2009).

Rather, it is the result of and made possible by her nuanced contextualist knowledge of Foucault's work.

The more general lesson to be drawn from this discussion is that the perceived dilemma between contextualism and appropriationism rests on a misconception of their relationship. While we saw in the previous section that it is possible to engage in contextualist Foucault scholarship without also appropriating his concepts, Deutscher's work makes clear that the reverse is not true. Appropriationist uses of Foucault must engage in contextualist examination of the conceptual material that is appropriated. Without a minimum of contextualist understanding of the concepts to be taken up, it may be more accurate to speak of inspiration and innovation rather than appropriation. Contextualism should thus be understood as an enabling condition of appropriationist scholarship. In the next section, I examine how methodologism fits into this picture.

GENEALOGY: METHODOLOGISM IN REPO'S *THE BIOPOLITICS OF GENDER*

In the preceding sections, I examined contextualist and appropriationist attempts to address a rather widespread failure to recognize the cohesiveness of Foucault's accounts of biopower and sexuality. Where Huffer's contextualist project seeks to correct this failure by extracting a more comprehensive account of sexuality from Foucault's own work, Deutscher uses it as an occasion for a consideration of reproduction. In this section, I examine Jemima Repo's book *The Biopolitics of Gender* as a methodologist example of bringing into conversation Foucault's work on sexuality and biopower.⁷⁹ Repo's work is particularly instructive for my purposes because she develops her biopolitical genealogy of gender as an explicit response to the missed connection between biopower and sexuality in Foucault's work that also motivates Huffer's and Deutscher's inquiries.

Repo notes that even though gender has become ubiquitous in feminist theory as an analytic tool, it has not itself been subject to feminist analysis. Against the "foundational assumption about the ontological status of gender as the construction of sexual difference," Repo proposes to make it the object of analysis in order to reveal the forms of knowledge, relations of power, and political rationalities that make gender discourse possible in the first place.⁸⁰ This methodological approach clearly distinguishes Repo's work from contextualism and appropriationism. Instead of extracting a genealogy of gender from Foucault's own work or extending his conceptual apparatus to accommodate gender, she adopts his methods to trace a genealogy of gender from American sexological research in the 1950s to contemporary gender mainstreaming policies in Europe.

⁷⁹ Other philosophers who have explicitly or implicitly adopted Foucault's methods to examine formations of sex, gender, and sexuality include Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (1990); Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America* (2009); C. Riley Snorton, *Black on Both Sides: A Racial History of Trans Identity* (2017); Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (1995).

⁸⁰ Repo, *The Biopolitics of Gender*, 10.

Repo's genealogy aims to problematize the presumably obvious idea that gender is the cultural expression of biological sex. She follows Foucault's methodological injunction to analyze ostensibly universal phenomena as practices, that is, as a "'way of doing things' directed towards objectives and regulating itself by continuous reflection."⁸¹ Accordingly, Repo proposes that we do not take gender as a universal category but as a practice whose formation we can empirically describe. Her methodological premise, to use Foucault's words, is to suppose that gender does not exist and to ask, "what can history make of these different events and practices which are apparently organized around something that is supposed to be [gender]?"⁸² Drawing on archival material consisting of sexological research, early feminist gender theory, demographic analyses, and gender mainstreaming policies, Repo shows that gender is a historically specific construct, or *dispositif*, whose emergence was made possible by certain forms of power and knowledge from which gender cannot easily be extricated. Specifically, it is an apparatus of biopower deployed by post-war liberal forms of government in order to manage life by disciplining and regulating the bodies of individuals and collectives in accordance with particular white, middle-class values of (re)productivity.

Repo shows, for example, that gender was first articulated in the mid-1950s by John Money as part of a critique of traditional biological views of sex. While a person's sex had conventionally been regarded as determined by biological variables such as gonads, chromosomes, genitals, hormones, or reproductive structures, Money's research on intersex children led him to posit a notion of psychological sex, or gender, that was distinct from biology. Repo demonstrates that this new notion of gender made possible new protocols for the medical, surgical, and psychological treatment of intersex children. Moreover, under the influence of new functionalist theories that regarded behavior as the outcome of social control, Money's work facilitated the extension of medical and social authority into the family, which took on a crucial role in the socialization of children into a socially accepted gender. The "biomedical invention of gender" thus galvanized new means of population control intended to prop up a post-war social order based on nuclear families of different-sex desiring, reproductive adults.⁸³

Repo further demonstrates that gender's function as a mechanism of social control was solidified and extended in the 1960s, when Robert Stoller transformed Money's notion of gender as a psychological dimension of sex into a separate, cultural category altogether unmoored from biology. Informed by psychoanalysis and cultural anthropology, Stoller aligned sex with nature and gender with culture and sought to determine the precise relation between the two. His test case, quite literally, was "the male transsexual subject," whose "deviant gender identity" Stoller attributed to disturbances in psychosexual development caused by neurotic mothers.⁸⁴ Consequently, he argued that the prevention of social disorder and the creation of happy individuals required either that

⁸¹ Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979* [2004] (2010), 318.

⁸² *Ibid.*, 3.

⁸³ *The Biopolitics of Gender*, 29.

⁸⁴ *Ibid.*, 59.

normal psychosexual development was ensured by way of a policing of families, especially mothers, or that adult transsexuals be given access to surgical intervention to achieve individual liberation and self-improvement. Couched in a liberal discourse of happiness, Repo notes,

the gender apparatus ... not only enabled the production of an etiology of gender identity deviation rooted in the emotional economy of the family but also was party to the production of diagnostic requirements and categories that aimed to transform and liberate the transsexual into a happy, rational, self-examining, and socially productive subject.⁸⁵

Repo's close examination of early feminist gender theory, demographic research, and European Union policies reveals the profound implications of gender's birth as a biopolitical apparatus of liberal social engineering. Challenging the common view that gender is a feminist invention, she shows that feminist gender theory was able to contest scientific theories about sexual difference by taking up the very terms of those theories. Indeed, Repo argues that by explicitly drawing on Money and Stoller, feminist gender theorists inherited the

same sexological, sociological, and psychological theories that produced the split between sex and gender through which the technologies of power to govern sex, sexual behavior, and sexual subjectivities were consolidated precisely by undermining biological categories of sex in favor of gender through the production of sex/gender abnormality.⁸⁶

The emancipatory potential of feminist gender theory in its second-wave Anglo-American incarnation thus came at the price of dealing in the very forms of power it sought to oppose and reproducing the race and class biases that permitted and required the formation of gender to begin with.

Similarly, Repo shows that ostensibly progressive policies that claim to advance the liberal agenda by securing gender equality and women's rights are, in fact, forms of population control that facilitate the regulation of reproduction, sexual behavior, and life. For instance, she suggests that the expansion of recognition of diverse family forms is primarily driven by the threat of families whose institutional invisibility makes them ungovernable. Thus "the creation and inclusion of new subcategories in the definition of 'family nucleus' ... are part of the reterritorializing response to a perceived escape of intimate social life from the grips of normalization."⁸⁷ In the same vein, the reproductive labor of racialized populations whose reproduction is deemed undesirable is redirected towards care work, which allows for the application of gender equality policies to reproductively desirable populations.⁸⁸ In classical (neo)liberal fashion, gender has thus

⁸⁵ Ibid., 72.

⁸⁶ Ibid., 99.

⁸⁷ Ibid., 151.

⁸⁸ Ibid., 152–53.

become an “invisible hand” that directs individuals’ behavior by modulating their environment so as to incite or discourage certain conducts.⁸⁹

Repo’s genealogical critique of gender as an apparatus of biopower that has its conditions of possibility in a particular 20th-century liberal and neoliberal problematization of life and reproduction raises the difficult challenge of wrestling with the undeniable progressive potential of gender which comes at the cost of perpetuating some of gender’s oppressive dimensions. Instead of assessing her reflections on the possibility of a feminism without gender, however, I want to draw attention to the role of contextualism and appropriationism in Repo’s genealogy.

First, note that both a key premise of Repo’s work – namely that biopower is crucial for understanding Foucault’s genealogy of sexuality – and her understanding of genealogy as a method rely on contextualist engagement with Foucault. It is, thus, not surprising that the theoretically most ambitious parts of her book engage in careful contextualist Foucault scholarship to articulate his notion of genealogy and challenge what Repo sees as a misguided naturalization and universalization of gender indexed not to historically specific relations of biopower but to a “de-historicized realm of language.”⁹⁰

Second, we saw in section 2 that even though philosophical inquiry aims to generate concepts, any inquiry requires categories that “structure from the outset the conceptual range of the inquiry to be conducted.”⁹¹ Repo’s challenge is that her suspension of gender as an explanatory or analytic category creates a categorial void that must be filled for her analysis to have any structure at all. She resolves this difficulty by way of an appropriationist categorization of Foucault’s concept of biopower, which appears to open her up to Koopman’s objection against Agamben, namely, that of transcendentalization and equivocation. There is, however, a crucial difference between Agamben’s positing of biopower as a transcendental idea for speculative philosophical inquiry and Repo’s strategic deployment of biopower as a contextually limited category to illuminate the historically specific relations of power underpinning contemporary formations of gender. Insofar as Repo’s aim is to narrate the history of gender in our own biopolitical present, her categorization of biopower is not only permissible but crucial for critique. For as Foucault argued, the task of critique is to offer a “historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying.”

In that sense, this criticism is not transcendental, and its goal is not that of making a metaphysics possible: it is genealogical in its design and archaeological in its method. Archaeological – and not *transcendental* – in the sense that it will not seek to identify the universal structures of all knowledge or of all possible moral action, but will seek to treat the instances of discourse that articulate what we think, say, and do as so many historical events. And this critique will be genealogical in the sense that it will not deduce from the form of what we are what it is impossible for us to do and to

⁸⁹ Ibid., 155.

⁹⁰ Ibid., 7.

⁹¹ “Two Uses of Foucault,” 576.

know; but it will separate out, from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking what we are, do, or think.⁹²

In contrast to Agamben's stipulation of biopower as the universal structure of the political, Repo's genealogy offers a philosophical critique of a specifically Anglo-American idea of gender as it functions in Western biopolitical (neo)liberal societies. This analysis not only sharpens Huffer's criticism of an unreflective extension of American notions of gender and sexual identity to other contexts, but also brings into relief the neoliberal rationality that underpins biopolitical and thanatopolitical varieties of reproduction examined by Deutscher. Moreover, Repo's methodologist use of Foucault highlights the complex relationship between contextualism, appropriationism, and methodologism insofar as her particular genealogy depends on both a contextualist account of sex and biopolitics and an appropriationist use of Foucault's concept of biopower.

To be sure, Repo's particular genealogy is made possible by both contextualist and appropriationist work. Yet, while all methodologists must engage in contextualist scholarship to determine what the method is, it is not necessary that they also deploy Foucault's specific concepts. Depending on the particular site of inquiry, however, they might require contextualist knowledge of concepts to determine when a concept does work, when it must be modified, or when it should be abandoned in favor of a different or new concept. Thus, there is methodologist Foucault scholarship that (1) also deploys his concepts;⁹³ (2) supplements his concepts where archaeological or genealogical inquiry makes modified or new concepts necessary;⁹⁴ or (3) uses his methods without taking up his concepts.⁹⁵ What unites them is their use of empirical historical methods with the aim of providing a philosophical critique of present problematizations whose specificity determines the extent to which Foucault's concepts can also be utilized.

CONCLUSION

I have examined three philosophical engagements with Foucault's work on sex and biopower in order to distinguish three main ways of doing philosophy following Foucault. Each of these approaches pursues specific aims, uses distinct methods, and generates different kinds of philosophical inquiry. Huffer's contextualist project uses methods of archival research, textual exegesis, and attention to context in order to develop Foucault's account of sexuality on his own terms. Deutscher's appropriationist work, by contrast, brings to bear Foucault's analyses of sex and biopolitics to illuminate the different techniques of power as well as the multiple valences of life and death that coin-

⁹² Michel Foucault, "What Is Enlightenment?" [1984] in *The Politics of Truth* (2007), 113–114.

⁹³ In addition to Repo's work discussed here, another example of a use of Foucault's methods and concepts in the context of feminist scholarship is McWhorter, *Racism and Sexual Oppression in Anglo-America*.

⁹⁴ See for instance Arnold I. Davidson, *The Emergence of Sexuality Historical Epistemology and the Formation of Concepts* (2004).

⁹⁵ See Snorton, *Black on Both Sides*.

cide in reproduction. Finally, Repo's methodologist use of Foucault adopts his methods to challenge the ostensibly self-evident idea that gender is a feminist invention intended to contest power, showing instead that it was forged by sexological research as a mechanism of biopolitical population control.

This survey occasions reflection on some tensions in queer and feminist reception of Foucault's work on power, sex, gender, and sexuality. Despite Foucault's influential account of sexuality as well as his analytics of power, feminists remain critical of Foucault, some excellent interventions notwithstanding,⁹⁶ for his lack of attention to feminist concerns, his failure to consider women's oppression, and the inadequacy of his analytic framework for emancipatory politics. The three philosophers examined here offer different diagnoses of these tensions. For Huffer, feminist criticism is largely based on a misreading and mistranslation of Foucault, while Deutscher attributes it to a common attitude of "wanting what can't be supplied from a theory understood as having failed to provide it."⁹⁷ For Repo, it stems from a lack of distinction between gender as a historical formation, on the one hand, and an analytic category, on the other.

These different descriptions of the problem also give rise to distinct ways of addressing it, which might roughly be described in terms of resolution, transformation, and problematization. We saw that Huffer argues that queer theory's contestation of the feminist prioritization of gender over sexuality relied heavily on a distinction between sexual acts and sexual identities that was derived from Foucault's work. Huffer's aim is to show that both these distinctions, i.e. between gender and sexuality and between acts and identities, result from a narrow focus on *The Will to Know*, on the one hand, and, on the other, a misreading of Foucault through the lens of a specifically American notion of identity that is absent from the French text and context – a claim that is also supported by Repo's work, which shows that a notion of gender identity only emerged in the 1960s in US sexology. Accordingly, Huffer's goal is to establish what Foucault really said about sexuality. To this end, she subjects his early work on madness as well as a number of unpublished and marginal texts to textual exegesis and hermeneutical interpretation and supplements them with a consideration of his biographical and social context. The result is a more comprehensive and plausible account of Foucault's concept of sexuality that resolves the tensions in queer and feminist Foucault reception by highlighting the emergence of sexuality in the context of the ascendancy of Western rationalism that also gave rise to new forms of power and knowledge centered on the management and administration of life.

Like Huffer, Deutscher also notes the separation of Foucault's work on sex and biopower in contemporary queer and feminist scholarship and biopolitical theory. But

⁹⁶ See Linda Martín Alcoff, *Rape and Resistance* (2018); Amy Allen, *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory* (2008); Judith Butler, *The Psychic Life of Power: Theories in Subjection* (1997); Cressida J. Heyes, *Self Transformations: Foucault, Ethics, and Normalized Bodies* (2007); Lois McNay, *Foucault and Feminism: Power, Gender and the Self* (1992); Ladelle McWhorter, *Bodies and Pleasures: Foucault and the Politics of Sexual Normalization* (1999); Jana Sawicki, *Disciplining Foucault: Feminism, Power, and the Body* (1991); Shannon Winnubst, *Queering Freedom* (2006).

⁹⁷ *Foucault's Futures*, 6.

rather than showing that this separation is not actually present in Foucault's own work, Deutscher reads his analysis of sex and sexuality in conjunction with his account of biopolitics. Specifically, she thinks to its end Foucault's undeveloped claim that when sex and biopolitics intersect both are reproductive, to lay bare the complex interplay of different technologies of power and political rationalities that coincide in reproduction and whose targeting of individuals and collectives is gendered, raced, and classed. Deutscher's methodological strategy thus consists of exploiting the conceptual resources of Foucault's work so as to interrogate what remains untheorized – not as failure but as a suspended reserve to be mobilized. The guiding question is not so much what Foucault did say or might have said about reproduction but how we can creatively appropriate his work to develop accounts of reproductive agency that are useful for our own present. As Deutscher notes, however, any normative response to the differential targeting of reproductive agents depends on genealogical inquiry into the conditions that stimulate or occlude specific conducts depending on factors such as differences of gender, race, or class.

It is in Repo's work that we find such a genealogy of gender as a distinct third way of interrogating the relationship between sex, gender, and biopower. In contrast to reconstructing Foucault's actual account of sexuality or extending his conceptual framework to questions of reproduction, Repo asks what we can say about gender – a concept that is absent from Foucault's work, as we saw – if we conduct empirical inquiry into the conditions that made its formation possible. Her answer is that gender was invented by American sexologists in the 1950s and deployed as a mechanism of biopolitical control intended to create happy, reproductive individuals in accordance with post-war liberal ideology. Adding to Deutscher's analysis of reproduction, Repo's genealogy shows that gender functions as a biopolitical apparatus of social control through which reproductive behavior can be regulated – that is, stimulated or restrained – in accordance with racialized and class-based biases about what forms of reproduction are beneficial for the life of the population.

In conclusion, my aim was to draw on existing debates about the relationship between philosophy and its past in order to outline three strands of Foucault scholarship and explicate their respective strengths. It has not been my intention to provide criteria for discriminating between good and bad versions of each strand; provide a technique of purification that allows us to sort existing scholarship into neatly contained classifications; or endorse any one approach as the best or “most Foucauldian.” Instead I sought to affirm the valuable contributions each mode has to offer to Foucault scholarship and supply heuristic tools that aid self-reflection about various aims for which we might take up Foucault and how we can best pursue them. As I hope to have shown, different questions not only require different methods that generate different answers and solutions; the strands of Foucault scholarship outlined here also intersect with and enrich one another in ways that reveal the strategic importance of their joint deployment. The three uses of Foucault examined in this paper show that and how his work can be mobilized for philosophical investigation even when the issues under consideration appear to be

un- or undertheorized in his work. Instead of criticizing him for what he failed to consider, we should pause to reflect on our own aims for philosophical inquiry and adjust accordingly our mode of doing philosophy following Foucault.

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