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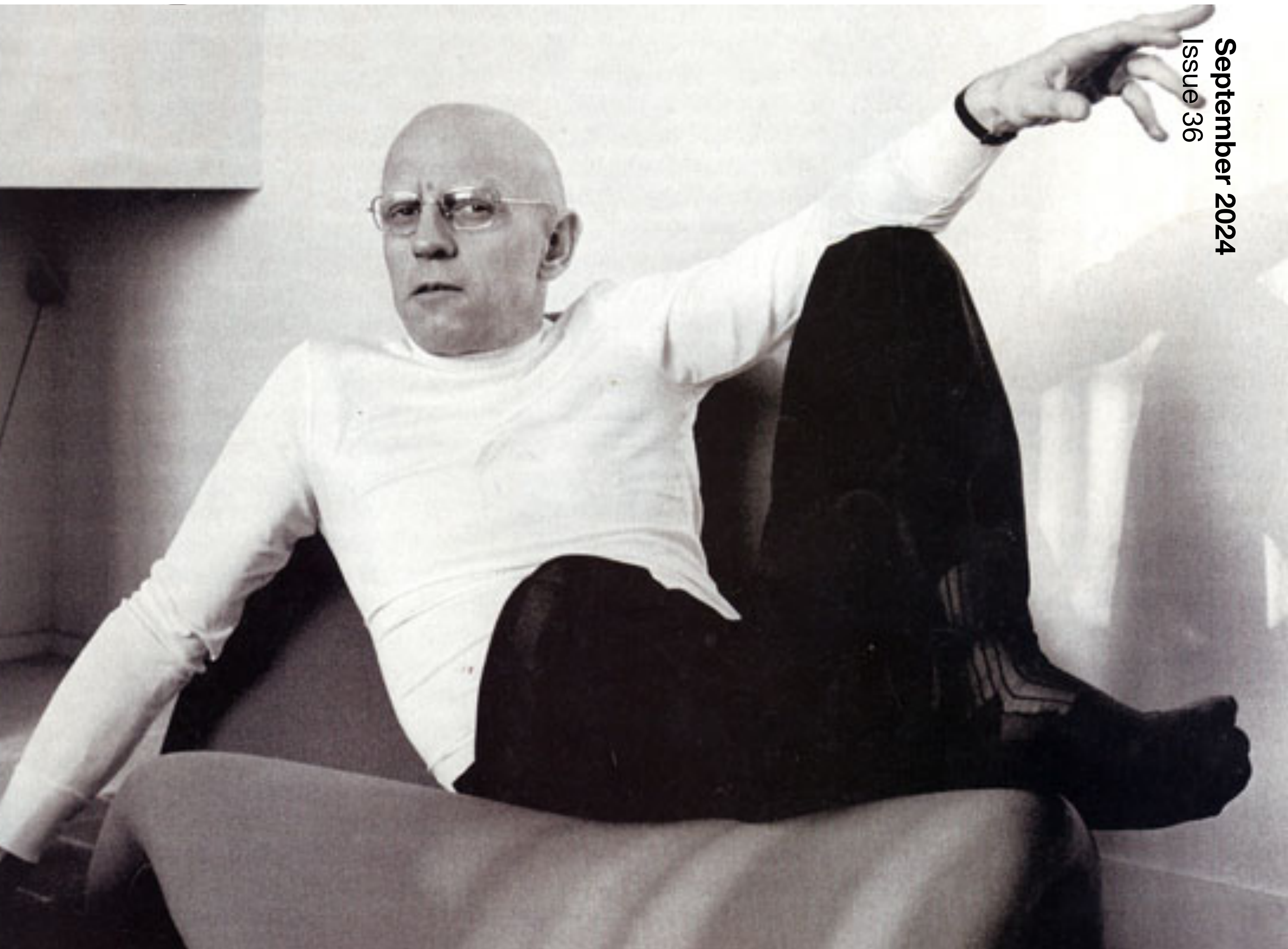

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SPECIAL ISSUE — *Foucault's Legacy in Contemporary Thinking: Forty Years Later (1984-2024)* — **Special issue editors** *Valentina Antoniol and Stefano Marino*

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EDITORIAL

Sverre Raffnsøe & Daniele Lorenzini, Alain Beaulieu, Niki Kasumi Clements, Bregham Dalgliesh, Knut Ove Eliassen, Verena Erlenbusch-Anderson, Alex Feldman, Marius Gudmand-Høyer, Thomas Götselius, Robert Harvey, Robin Holt, Leonard Richard Lawlor, Hernan Camilo Pulido Martinez, Giovanni Mascaretti, Edward McGushin, Richard Niesche, Clare O'Farrell, Johanna Oksala, Mark Olssen, Rodrigo Castro Orellana, Eva Bendix Petersen, Alan Rosenberg, Annika Skoglund, Dianna Taylor, Thomas Lin, Mathias Mollerup Jørgensen & Rachel Raffnsøe 2024.

The editorial team is most pleased to publish this extensive issue of *Foucault Studies* in the year that marks the fortieth anniversary of Foucault's death. The issue contains a special issue entitled *Foucault's Legacy in Contemporary Thinking: Forty Years Later (1984-2024)*, which comprises an introduction and eighteen articles, as well as two original articles.

SPECIAL ISSUE: FOUCAULT'S LEGACY IN CONTEMPORARY THINKING

Edited by Valentina Antoniol (University of Bari Aldo Moro, Italy) and Stefano Marino (University of Bologna, Italy), the special issue contains an introduction and the following articles ordered in two main parts.

The articles published in part one of the special issue are: André Duarte & Maria Rita De Assis César (both Federal University of Paraná, Brazil): "On Foucault's Legacy: Governmentality, Critique and Subjectivation as Conceptual Tools for Understanding Neoliberalism"; Martin Saar (Institut für Sozialforschung, Germany) & Frieder Vogelmann (University of Freiburg, Germany): "Thinking and Unthinking the Present: Philosophy after Foucault"; Orazio Irrera (Université Paris VIII Vincennes – Saint-Denis): "The *Actualité* of Philosophy and its History: Michel Foucault's Legacy on a Philosophy of the Present"; Didier Bigo (SciencesPo Paris, France): "The Future Perfect of Suspicion and Prediction as a Dispositive of Security Today? The Legacy of Foucault (1977)"; Valentina Antoniol (University of Bari Aldo Moro, Italy): "Who, in Our Present, Might the Pierre Rivières Be? Political Subjectivation and the Construction of a Collective 'We'"; Manlio Iofrida (University of Bologna, Italy): "Foucault and Ecology"; Richard Shusterman (Florida Atlantic University): "Foucault and Somaesthetics: Variations on the Art of Living"; Stefano Marino (University of Bologna, Italy):

"Overcoming 'the Penetration Model': Rethinking Sexuality with Foucault, Shusterman, and Contemporary Feminism"; Adam Geczy (University of Sydney, Australia) & Vicki Karaminas (Massey University, New Zealand): "Power + Fashion".

The articles published in part two are: Silvia Capodivacca & Gabriele Giacomini (both University of Udine, Italy): "Discipline and Power in the Digital Age: Critical Reflections from Foucault's Thought"; Attasit Sittidumrong (Walailak University, Thailand): "Untruth as the New Democratic Ethos: Reading Michel Foucault's Interpretation of Diogenes of Sinope's True Life in the Time of Post-Truth Politics"; Dušan Marinković & Dušan Ristić (both University of Novi Sad, Serbia): "Gaze and Norm: Foucault's Legacy in Sociology"; Kaspar Villadsen (Copenhagen Business School, Denmark): "'The Subject and Power' – Four Decades Later: Tracing Foucault's Evolving Concept of Subjectivation"; Lucile Richard (University of Basel, Switzerland): "Pastoral Power, Sovereign Carelessness, and the Social Divisions of Care Work or: What Foucault Can Teach Us about the 'Crisis of Care'"; Alessandro Volpi (University of Salerno, Italy) & Alessio Porrino (University Vita-Salute San Raffaele, Italy): "History, Markets and Revolutions: Reviewing Foucault's Contribution to the Analysis of Political Temporality"; Rodolpho Venturini (The Federal University of Minas Gerais, Brazil): "A Critic on the Other Side of the Rhine? On the Appropriations of Foucault's Political Thought by the Heirs of the Frankfurt School"; Enrico Redaelli (University of Verona, Italy): "Genealogy as an Ethic of Self-Determination: Husserl and Foucault"; Lotar Rasiński (University of Lower Silesia, Poland): "Foucault and Wittgenstein: Practical Critique and Democratic Politics".

Delighted to publish these articles, the editors of *Foucault Studies* are most grateful to Valentina Antoniol and Stefano Marino for editing this important special issue in the most timely and thorough way. The focus of the special issue as well as the content of the individual contributions to the special issue are described in the introduction to the special issue, written by its editors.

ORIGINAL ARTICLES

Oliver Roberts-Garratt (University of Exeter, United Kingdom) is the author of the first original article: "Foucault's Hegel Thesis: The 'Tragic Destiny' of Life and the 'Being-There' of Consciousness". The article offers a reading of Foucault's recently published master's thesis on Hegel in its intellectual and historical context. Its aim, however, is to discern, articulate and discuss the philosophical content of Foucault's thesis on its own terms, rather than reducing it to its context or comparing it with the development in Foucault's subsequent work. The author argues that Foucault's phenomenological and Husserlian reading of Hegel and Hegelianism leads to a conception of language as the *être-là* of consciousness that entails a new kind of scepticism regarding the reality of history and minds since language proves incapable of transcending its own being-there. This scepticism may also extend into a doubt concerning history itself. Yet, Foucault never fully confirms this kind of scepticism to the extent that he allows it to inform his understanding of history as the place where the actuality of the world of experience begins and in which reflection is deployed.

Samuel Lindholm (University of Jyväskylä, Finland) and Andrea Di Carlo (University College Cork, Ireland) are the authors of the second original article: "Luther and Biopower: Rethinking the Reformation with Foucault". The article presents a Foucauldian reading of Martin Luther's

thought and early Lutheranism. Foucault mostly mentioned the Reformation in passing to indicate that he regarded it as an amplification of pastoral power and an intensification of the government of people's everyday lives. The authors aim to fill the gap in Foucault's analysis by outlining the disciplinary and biopolitical aspects in Luther and early Lutheranism, and by offering evidence supporting the claim that the birth of biopolitics predates Foucault's periodisation in the first volume of *The History of Sexuality* and Foucault's contemporaneous lectures at the Collège de France from 1975-1976 entitled *'Society Must Be Defended'.* The article further develops and adjusts Foucault's concept of biopower in such a manner that it includes and applies to germane early modern instances of governmentality that aim at optimising life, and in particular early Lutheran pastoral power. Luther and early Lutheranism employed both strata of biopower, discipline and biopolitical regulation, in noteworthy ways. The article opens up avenues for future research that might investigate the biopolitical elements in Lutheranism as part of a wider dissemination of biopolitics, including Melanchthon, Calvinism and other Reformist churches, such as the Church of England.

GUIDELINES FOR AUTHORS

Since 2020, *Foucault Studies* has updated and clarified guidelines for footnote references and bibliography. Most important to note in this respect is that the journal articles have all text references in running footnotes with most of the bibliographical information about the source, while the list of references ending each article provides all bibliographical information about the source as well as the DOI of the given piece (if there is one).

As a result, *Foucault Studies* kindly asks authors of future submissions to follow the updated guidelines before they submit articles. Complying with these guidelines makes the submission and review process, as well as copyediting, a lot easier and more expedient. The details of the updated guidelines can be found here: https://rauli.cbs.dk/index.php/foucault-studies/about/submissions.

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ACKNOWLEDGEMENTS

Foucault Studies is most grateful to managing editors Rachel Raffnsøe and Mathias Mollerup Jørgensen for their professional, reliable and highly competent assistance in running the journal. With this issue, Mathias Mollerup steps down as managing editor to assume responsibility for other tasks. The editorial team would like to extend a warm thanks for his work and commitment. In addition to thanking Rachel Raffnsøe for taking care of the journal in the very best way since 2021, we would also like to thank Stuart Pethick for copyediting this issue of *Foucault Studies* with great care and meticulousness. Likewise, we would like to offer our thanks to Rachel Raffnsøe for her great work in designing the cover of this issue of *Foucault Studies*. The photograph is taken by Jacques Haillot and is used by courtesy of *L'Express*, Camera Press London.

The journal is sponsored by *The Danish Council for Independent Research|Humanities* as well as by *The Joint Committee for Nordic Research Councils for the Humanities and the Social Sciences*. The editorial team is most grateful that these bodies have awarded funding to *Foucault Studies* over the years. Likewise, the editorial team is deeply grateful to *The Danish Council for Independent Research|Humanities* for granting funding in the years to come. Continuous funding is an essential prerequisite for running the journal according to a diamond open access model, and has made it possible for the editorial team to look and plan ahead.

The editorial team is delighted to announce that, beginning in 2025, *Foucault Studies* will be published by the University of Pennsylvania Press: https://www.pennpress.org/blog/penn-press-announces-2025-journal-program-updates-new-acquisitions-new-open-access-initiatives-and-2025-pricing/. The journal will retain its full intellectual independence and will keep publishing according to a diamond open access model under the guidance of an editorial collective composed of Knut Ove Eliassen, Robert Harvey, Daniele Lorenzini, Clare O'Farrell, Sverre Raffnsøe and Dianna Taylor. The editorial team is deeply grateful to Mary C. Francis, Director of Penn Press, and Jocelyn Dawson, Director of Journals at Penn Press, for enthusiastically welcoming *Foucault Studies* among their titles.

Foucault Studies is also participating in the Open Access Community Investment Program (OACIP), a library-based crowdsourcing model to fund diamond open access journals. The editorial team is most grateful to Sharla Lair, Senior Strategist, Open Access & Scholarly Communication Initiatives at Lyrasis, for her firm and enthusiastic support in raising funds for the journal. Please consider asking your institution's library to contribute to the program to help the journal to continue to publish according to a diamond open access model: https://www.lyrasis.org/content/Pages/product-details.aspx?pid=C5B823A6-61B9-EE11-8112-00155DCF5744

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SPECIAL ISSUE INTRODUCTION

Foucault's Legacy in Contemporary Thinking: Forty Years Later (1984-2024)

SPECIAL ISSUE EDITORS
Valentina Antoniol, University of Bari
Stefano Marino, University of Bologna

Michel Foucault was undoubtedly one of the most important and influential philosophers and intellectuals of the twentieth century. He is the author of seminal works that are now considered veritable classics of contemporary thought, including: *Histoire de la folie à l'âge classique* (1961), *Naissance de la clinique* (1963), *Les mots et les choses* (1966), *L'archéologie du savoir* (1969), *Surveiller et punir* (1975), and *Histoire de la sexualité* (vol. 1, 1976; vol. 2, 1984; vol. 3, 1984). But that is not all. In addition to the texts published during Foucault's lifetime, many other works of Foucault have become essential over the past forty years. These works have, in fact, made it possible to take a new look at his work; a perspective that, in many respects, is not merely different but also renewed. This perspective leads to a reinterpretation, reworking, and, in some cases, even correction of many analyses of Foucault's *oeuvre* developed in the previous years.

Already in 1994, with the publication of the volumes of the collection *Dits et écrits*—which grouped, in chronological order, almost all the texts that had appeared during Foucault's life (interviews, articles, conferences, etc.) and also some confidentially disseminated writings—it was possible to begin examining, with greater precision, the state and development of his intellectual work. Subsequently, in 2015, a new fundamental stage was reached: the completion, after 25 years, of the publication of all the thirteen courses taught by Foucault at the Collège de France (from 1970 to 1984, with the sole exception of 1977), which convey and in a certain sense capture the distinctly in-progress nature of Foucauldian research. Finally, the most recent step. This path of "emergence" of Foucauldian thought—which, preliminarily, we can define as a path of "reconstruction"—is accompanied indeed by another novelty that, until about a decade ago, seemed absolutely unthinkable. Today we have at our disposal Foucault's

manuscripts (for the most part still unpublished), some drafted during his formative years, others in preparation for published texts, conferences, lectures, and courses. More precisely, the archives of the "Fonds Michel Foucault," preserved since 2013 at the Bibliothèque nationale de France (BnF), consist of 117 boxes totaling approximately 37,000 sheets. It is especially from a thorough analysis of these materials that, in recent years, not only the texts of many of Foucault's courses have been edited and published (including some of those held at the Collège de France) but new, extremely significant editorial projects have also taken shape. Among these: *Les aveux de la chair*, the fourth volume of the *Histoire de la sexualité*; *La sexualité. Cours donné à l'université de Clermont-Ferrand* in 1964 *suivi* de *Le Discours de la sexualité. Cours donné à l'université de Vincennes* in 1969; *Binswanger et l'analyse existentielle*; *Phénomenologie et Psychologie* of 1953-1954; *La Question anthropologique. Cours* of 1954-1955; *Le discours philosophique*; *La constitution d'un transcendental historique dans la Phénoménologie de l'esprit de Hegel. Mémoire du diplôme d'études supérieures de philosophie* of 1949; and finally, the latest arrival, *Nietzsche*, which collects Foucault's courses, conferences, and texts dedicated to the German philosopher.

The almost incredible fact that requires consideration here is that the plan for the publication of Foucauldian texts and materials is not yet complete but will continue to accompany and guide us in the coming years as well. For this reason, rather than a "reconstruction" of Foucault's thought, we can—not improperly—speak of a true process of its discovery and rediscovery. By this, we mean exactly that the forty years that separate us from June 25, 1984—the exact date of Foucault's death—witness an extreme vitality of his thought with which different generations of scholars are confronted; in this regard the numerous conferences, events, centers (one among all: the Centre Michel Foucault) and publications dedicated to it are countless. Foucault's philosophy is indeed a thought that does not cease to question us, not only with specific reference to the political and intellectual *actualité* of Foucault himself but also, more precisely, about our own *actualité*. In this sense, "discovering" here also means "actualizing." Therefore, when we talk about the Foucauldian toolbox (*boîte à outils*), we must first of all refer to what Foucault still allows us to think and say today. Even and especially today, he is in fact one of the main reference authors for many studies, researches, and analyses dealing with a wide variety of concepts and themes. More precisely, we can underline that Foucault is one of the most cited authors—if not the most cited, at least with reference to the field of humanities and social sciences—and that the translation of many of his works is now available almost globally.

In light of what has been stated so far, it is not surprising that in 2024, on the fortieth anniversary of Foucault's death, an abundance of tributes paid to the thought and work of this author has emerged (consider, for example, the "World Congress: Foucault 40 Years After"). Among these, the tribute of the journal *Foucault Studies*, one of the main international "places" for analysis and reflection on the French philosopher, could not be missing. The journal indeed aims to celebrate Foucault with a special issue focused not only on his life and work as such but also on his legacy and *Wirkungsgeschichte* (freely

using here the famous concept of "history of effects," which we borrow from the tradition of philosophical hermeneutics): that is, on the enduring relevance and impact of his thought. This special issue—the title of which, "Foucault's Legacy in Contemporary Thinking: Forty Years Later (1984-2024)," is precisely aimed at evoking the stakes that have guided its design—includes a wide selection of original contributions. To be precise, the present volume—that we are pleased and honored to present here to the readers of *Foucault Studies*—consists of eighteen articles, which (in alphabetical order) are authored by: Valentina Antoniol, Didier Bigo, Silvia Capodivacca and Gabriele Giacomini, André Duarte and Maria Rita De Assis César, Adam Geczi and Viki Karaminas, Manlio Iofrida, Orazio Irrera, Dušan Marinković and Dušan Ristić, Stefano Marino, Lotar Rasiński, Enrico Redaelli, Lucile Richard, Martin Saar and Frieder Vogelmann, Richard Shusterman, Attasit Sittidumrong, Rodolpho Venturini, Kaspar Villadsen, Alessandro Volpi and Alessio Porrino.

As guest editors of this special issue, we have thus chosen to welcome the contributions of various scholars from different disciplines and with different backgrounds—many of whom are outstanding and well-known authors in the international field of Foucault studies (and not only)—who have presented essays addressing diverse aspects of Foucault's philosophy and covering a wide range of themes. Among these, to name just a few: the questions of language, reason, madness, discourse, archaeology, genealogy, knowledge, society, prison, the dangerous individual, space, war, disciplinary power, biopolitics, pastoral power, security, governmentality, neoliberalism, critical attitude, enlightenment, revolt and revolution, temporality, ethics, care of the self, existence, subjection and subjectivation, sexuality, Greek, Roman, and Christian culture, *parrhesia*, *actualité*, and many others. Furthermore, the collected essays aim not only to offer accurate interpretations of multifaceted Foucauldian research but also to provide original reconstructions of the relationship between Foucault's thought and other prominent thinkers from various contemporary philosophical traditions (such as Marxism, pragmatism, analytic philosophy, somaesthetics, phenomenology, Frankfurt critical theory, and, more generally, other forms of so-called continental philosophy, etc.). Finally, we deemed it essential to dedicate significant space to essays aimed at assessing the importance of Foucault's work in the context of current debates on topics such as feminism, ecology, social justice, the digital society, security, post-truth, fashion semiology, etc., also starting from a critical comparison with the conceptions of other authors who have addressed similar or at least comparable problems, albeit with different approaches and conceptual tools.

In conclusion, we believe that our guest-edited special issue of *Foucault Studies* is capable not only of confirming the fundamental influence of Foucault's thought on today's intellectual debates but also of testifying to its unprecedented ability to offer fruitful, penetrating, and original conceptual tools which can help us decipher the physiognomy of our time in its diversity and complexity. Forty years after Foucault's death, we can thus say: Michel Foucault is dead, long live Michel Foucault!

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Valentina Antoniol is a Junior Assistant Professor in Political Philosophy at the University of Bari Aldo Moro and an associate at the Institute for the Humanities at Simon Fraser University. For three years, she was a postdoctoral researcher at the University of Bologna, in the Departments of Political Science, of History, Cultures and Civilizations and of Architecture. She was a Visiting Research Fellow at Brown University and CUNY, and she held her PhD in Political Theory from the University of Bologna, in joint supervision with the École des Hautes Études en Sciences Sociales (EHESS) in Paris. She serves on the scientific and editorial boards of several journals, including *materiali foucaultiani* (as co-editor). Her recent research aims to explore the theories of war in Western political thought from the ancient world to the present day. She is also actively working on a project related to Cyber Social Security (SERICS), taking a critical interest in aspects related to social control and user profiling with digital technologies. Valentina Antoniol is the author of various essays and two books: *Foucault critico di Schmitt. Genealogie e guerra* (Rubbettino, 2024) (Foucault as a Critic of Schmitt. Genealogies and War), and *Foucault et la guerre. À partir de Schmitt, contre Schmitt* (Les Éditions Mimésis, 2023), (*Foucault and War. From Schmitt, Against Schmitt*).

Stefano Marino is Associate Professor of Aesthetics at the University of Bologna. His main research interests and research fields are philosophical hermeneutics, critical theory of society, neo-pragmatism and somaesthetics, philosophy of music, and aesthetics of fashion. He is the author of the books *Verità e non-verità del popular. Saggio su Adorno, dimensione estetica e critica della società* (2021), *La filosofia dei Radiohead* (2021), *Le verità del non-vero. Tre studi su Adorno, teoria critica ed estetica* (2019), *Aesthetics, Metaphysics, Language: Essays on Heidegger and Gadamer* (2015), *La filosofia di Frank Zappa* (2014), and *Gadamer and the Limits of the Modern Techno-Scientific Civilization* (2011). He has translated from German into Italian two books of Hans-Georg Gadamer and a book of Theodor W. Adorno, and has translated from English into

Italian a book of Richard Shusterman and a book of Carolyn Korsmeyer. He has co-edited several volumes and special issues of philosophical journals: *Foucault's Aesthetics of Existence and Shusterman's Somaesthetics* (2024), *Perspectives on Nancy Fraser's Thought* (2023), *Varieties of the Lifeworld* (2022), *Popular Culture and Feminism* (2022), *Pearl Jam and Philosophy* (2021), *The "Aging" of Adorno's Aesthetic Theory* (2021), *Popular Culture and Social Criticism* (2021), *Aesthetics and Affectivity* (2021), *Romanticism and Popular Music* (2021), *Kant's "Critique of Aesthetic Judgment" in the 20th Century* (2020), *"Be Cool!" Aesthetic Imperatives and Social Practices* (2020), *Adorno and Popular Music* (2019), *Philosophical Perspectives on Fashion* (2017), *Theodor W. Adorno*: *Truth and Dialectical Experience* (2016), *Nietzsche nella Rivoluzione Conservatrice* (2015), *Domandare con Gadamer* (2011), and *I sentieri di Zarathustra* (2009).

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ARTICLE

On Foucault's Legacy: Governmentality, Critique and Subjectivation as Conceptual Tools for Understanding Neoliberalism

ANDRÉ DUARTE & MARIA RITA DE ASSIS CÉSAR
Federal University of Paraná, Brazil

ABSTRACT. The text addresses Foucault's critical understanding of neoliberalism as a new contemporary governmentality strategy for the conduction of people's lives. A major aspect of Foucault's analysis of neoliberalism relies on his understanding of the neoliberal *homo oeconomicus* as dependent on subjectivation processes related to self-assumed values and standards oriented by the competitive economic market. Our hypothesis is that governmentality, critique and subjectivation are the core notions that shaped Foucault's understanding of neoliberalism and form the legacy of his seminal analysis. Contrary to critics who affirm that Foucault flirted or even became fascinated with neoliberalism, we argue that he offered critical tools for its understanding in a critique that is not to be confused with denunciation, however. Accordingly, we discuss Foucault's conception of critique and relate his analysis of neoliberalism to his notions of governmentality and subjectivation. Finally, we briefly point out how some contemporary critics of the neoliberal order have appropriated and developed Foucault's conceptual tools in their own understanding of it. We conclude that although Foucault did not propose a comprehensive theory of neoliberalism, he offered important critical insights for the understanding of it in our times.

Keywords: Foucault, neoliberalism, governmentality, critique, subjectivation

INTRODUCTION

The grandeur of a thinker relies on his/her work's capacity to endure in time and inspire generations to come. While Foucault had already been acclaimed while alive, his thinking has, 40 years after his death, undeniably produced lasting effects on many other contemporary thinkers. This is the case with his seminal analysis of neoliberalism, understood as a contemporary governmentality strategy for conducting the life of people. Published

under the title of *Naissance de la biopolitique*,[1] this 1978-1979 lecture course delivered at the *Collège de France* has become a major source for many contemporary intellectuals concerned with the task of critically addressing neoliberalism as it has evolved, such as Pierre Dardot, Christian Laval, Wendy Brown and Judith Butler, to name only a few. Of course, none of these should be considered Foucauldians – an awkward denomination if we remember that Foucault did not intend to establish a school. Rather, they have discussed contemporary neoliberalism by appropriating and enlarging Foucault's conceptual tools.

The purpose of this text is to highlight Foucault's conceptual insights and methods to understand neoliberalism, briefly pointing out how such ideas have been borrowed and transformed by some acute contemporary interpreters of the present global neoliberal order. To do so, we start by addressing the critique according to which Foucault flirted, embraced or even became fascinated with neoliberalism. To confront those critics, we argue that Foucault's analysis of neoliberalism should be related to his investigations on governmentality, critique and his genealogical analysis of different historic forms of becoming a subject.[2] In fact, those are the crucial subject-matters he was addressing precisely around the time he delivered the lectures where he addressed neoliberalism. In other words, to uncover the originality of Foucault's analysis of neoliberalism, one should relate them to his investigations of different forms of governing the lives of people, as well as to his discussions about different forms of becoming a subject, which in turn are also connected to his discussions on pastoral power and the meaning of critique. More specifically, Foucault thought of neoliberalism as a way of governing people's lives through new forms of subjectivation driven by the standards of the competitive market. Thus, the critical aspect of his analysis of neoliberalism derives from his understanding that neoliberal governmentality engages the subject in a set of practices, beliefs and truth discourses that produce their own self-subjugation. This is the hallmark that distinguishes Foucault's critical analysis of neoliberalism and the theoretical feature that has inspired so many contemporary analysts of it.

FOUCAULT'S INFATUATION WITH NEOLIBERALISM?

We start by addressing Michael Behrent's article where he argues that Foucault embraced neoliberalism as a more suitable governing practice since it prescinded of any sort of humanistic grounds.[3] Being a historian, Behrent seeks to historically contextualize Foucault's lectures at the *Collège de France* between 1976-1979, and he aptly provides a rich depiction of the French political and economic debates at the time. According to him, Foucault's "fascination"[4] with neoliberalism came at a moment when many French intellectuals were

[1] Michel Foucault, *The Birth of Biopolitics* (2008).

[2] Michel Foucault, *Security, Territory, Population* (2009); *What is Critique?* and *The Culture of the Self.* (2024), Kindle Edition.

[3] Michael Behrent, "Liberalism without humanism: Michel Foucault and the free-market creed, 1976-1979," *Modern Intellectual History* 6:3 (2009), 539.

[4] Behrent, "Liberalism without humanism," 539.

questioning their previous leftist standpoints and denouncing the French Marxist left as being too bureaucratic and too related to the orthodoxy of properly reading Marxist texts, as well as lacking adequate governing practices and being rather uncritical of the mass murders committed by the Soviet Communist Party. Behrent argues that a "broader rehabilitation of economic liberalism" was rising during the late 1970s in France and suggests that Foucault would have become part of that intellectual and political movement. He offers as proof the fact that Foucault dedicated two entire lectures at the *Collège de France*, those from 1977-1978, *Sécurité, Territoire, Population*, and from 1978-1979, *Naissance de la biopolitique*, to address liberalism and neoliberalism. According to him, in those lecture courses, "Foucault did not critique" liberalism and neoliberalism but rather "strategically endorsed" them.[5]

Behrent considers that American audiences had become so eager to praise Foucault's radical stances that they missed the fact that in the late 1970s he "flirted with an outlook anchored on the political right: the free-market creed known as neoliberalism."[6] In other words, American audiences had been prevented from acknowledging and understanding "*what* he actually said about liberalism, and *how* his pronouncements on liberalism were a response to a very particular political moment."[7] According to him, the 1973 world economic crisis caused the state and the welfare state to start to crumble in France, opening the path for the defenders of economic liberalism. He suggests that, "Spurred by these events, Foucault seems to have recognized the affinity between his theoretical objection to state-based conceptions of power and the economic liberalism that was the subject of contemporary debates."[8] According to him, both Foucault and neoliberals shared the same "suspicion of the state", although his "antistatism was, in the first instance, theoretical."[9]

It is known that Foucault questioned traditional concepts of political power by arguing that the state should not be viewed as the primal source of power relations, i.e., as a political pinnacle from which power descends from the top down to the ground and underground of civil society. It is also beyond doubt that Foucault criticized the French *gauchisme* of the late 1970s and even earlier. Furthermore, Foucault's work was going through important theoretical changes around that time, as we shall clarify. However, by stating that Foucault's political and theoretical standpoints at the end of the 1970s should be viewed as grounded in those French historical debates, Behrent runs the risk of overdetermining Foucault's analysis of liberalism and neoliberalism. Without questioning the importance of historically contextualizing Foucault's thinking, one should avoid the risk of oversimplifying the complexity of Foucault's theoretical premises. In other words, to adequately analyze the reasons that led to important theoretical shifts in Foucault's

[5] "Liberalism without humanism", 539.

[6] Ibid.

[7] Ibid., 545.

[8] Ibid.

[9] Ibid.

thinking in the late 1970s, one should engage in a more detailed internal analysis of his notions of critique, subjectivation and governmentality; topics which would interest Foucault subsequently and which are simply absent from Behrent's interpretation.

From a more internal reading standpoint, Behrent argues that Foucault's shift to the right was related to his previous anti-humanistic stances: "The theoretical condition of possibility of Foucault's neoliberal moment was his insight that economic liberalism is, essentially, a liberalism without humanism."[10] This is a more credible argument since it is true that Foucault favored an interpretation of liberalism which did not base it on metaphysical assumptions about human freedom or human rights as a political way to limit absolute power. In fact, Foucault understood liberalism as a set of governing practices through which state power would be restrained under the justification of economic efficiency. Behrent aptly argues that by refusing to stress the political side of liberalism, Foucault disentangled it from the rights of man, thus fostering an understanding of liberalism which could easily accommodate his own previous antihumanism: "Thus, his exploration of economic liberalism … ended up revealing how deep his antihumanism ran."[11]

There is a well-known passage in *The Birth of Biopolitics* in which Foucault mentions that the Chicago School did not need to vilify wrongdoers, since they were seen as people who decided to run the risks of committing a felony: "the subject as *homo economicus* does not imply an anthropological identification of any behavior whatsoever with economic behavior. It simply means that economic behavior is the grid of intelligibility one will adopt on the behavior of a new individual."[12] However, is this quote strong enough to justify the claim that Foucault would have adhered to neoliberalism because of his own previous anti-humanistic stances?

Finally, Behrent argues that Foucault's endorsement of neoliberalism was related to his critical reevaluation of *Discipline and Punish,*[13] a work in which, so he claims, the French philosopher had advanced the radical thesis that disciplinary power is "power's most contemporary form."[14] According to Behrent, "A close reading of his *Collège de France* lecture courses of the late 1970's leaves little doubt that he believed his views on discipline were in need of significant qualification. Ultimately, this enterprise would dovetail with his exploration of economic liberalism."[15] To begin with, it is quite debatable whether Foucault stated that disciplinary power was the hallmark of power in modernity. At the very end of that work, he declared that he had hoped that his book could "serve as a historical background to various studies of the power of normalization and the formation of knowledge in modem society",[16] thereby making no explicit ontological claim that disciplinary power was the most important form of power in modernity.

[10] Ibid., 546.
[11] Ibid., 546-547.
[12] Foucault, *Birth of Biopolitics*, 252.
[13] Michel Foucault, *Discipline and Punishment*. *The Birth of the Prison* (2012).
[14] "Liberalism without humanism," 555.
[15] Ibid.
[16] Foucault, *Discipline and Punishment*, 308.

Behrent correctly hints at the target but misses the shot by wrongly interpreting some important Foucauldian conceptual changes at that time. He is correct when he points out that Foucault revised some of his ideas from *Discipline and Punish* in his lecture course on *Security, Territory, Population* by distinguishing how discipline and security apparatuses produced their specific power effects.[17] In fact, when Foucault proposed the notion of "bio-politics"[18] in the last chapter of the first volume of his *History of Sexuality*, he already introduced relevant additions and nuances to his previous analysis on the disciplinary power in modernity. However, none of this led Foucault to abandon his previous work nor to consider that disciplinary power would have been confined "to the seventeenth and eighteenth centuries" instead of "making it coterminous with modernity itself."[19] Much to the contrary, in *Security, Territory, Population*, Foucault stated that

> discipline was never more important or more valued than when the attempt was made to manage the population: managing the population does not mean just managing the collective mass of phenomena or managing them simply at the level of their overall results; managing the population means managing it in depth, in all its fine points and details.[20]

Behrent also confuses the issue by misinterpreting "bio-power"[21] or "the organization of power over life",[22] since Foucault understood it as the coupling of biopolitics and disciplinary power. In a rather famous passage, Foucault declared that, "The disciplines of the body and the regulations of the population constituted the two poles around which the organization of power over life was deployed."[23] In other words, the "anatomo-politics of the human body", centered on the disciplines, and the "bio-politics of the population", centered on the regulation of the "species body",[24] were not "antithetical", since "they constituted rather two poles of development linked together by a whole intermediary cluster of relations."[25] Even more problematic is Behrent's understanding of biopolitics, which he exclusively relates to Foucault's analysis on liberalism and thus forgets that such a notion had been designed to address an important historical change concerning the grounds upon which the state justified its interventions in the life of the population in modernity.

Foucault's main argument was that, under biopolitics, the modern state managed to administrate the living conditions of the population in accordance with a new historic motto: "to *foster* life or *disallow* it to the point of death."[26] Thus, by defining biopolitics as

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[17] Foucault, *Security, Territory, Population*, 57-58.
[18] Foucault, *History of Sexuality, An Introduction* (1990), 124.
[19] "Liberalism without humanism", 556.
[20] Foucault, *Security, Territory, Population*, 107.
[21] Foucault, *History of Sexuality*, 125.
[22] Ibid., 124.
[23] Ibid.
[24] Ibid.
[25] Ibid. 123.
[26] Foucault, *History of Sexuality*, 123.

a set of political governing investments on the life of the population, Foucault argued that the state's sovereign power ceased to be exerted upon its subjects exclusively as a "right of seizure"[27] since it also and mostly started "working to incite, reinforce, control, monitor, optimize, and organize the forces under it: a power bent on generating forces, making them grow, and ordering them." [28] A major political consequence related to such a historic shift was the fact that the state's legitimate right to kill their subjects was no longer asserted on the prerogative of protecting the life of the Sovereign but was placed under the need to safeguard and improve the living conditions of the population.

Behrent's questionable understanding of biopolitics as being mainly related to liberalism also dismisses the fact that when Foucault devised it, he immediately associated it with 19th century state "racism".[29] Briefly put, Foucault understood racism as a modern state mechanism with which to produce the killing of masses of people for the sake of reinforcing certain forms of social life deemed as more respectful and normalized: "the death of the other, the death of the bad race, of the inferior race (or the degenerate, the abnormal) is something that will make life in general healthier: healthier and purer."[30] Nazism was then seen by Foucault as the epitome of biopower since it encompassed the most radicalized forms of disciplinary power and biopolitics. [31]

In other words, with the notion of biopolitics, Foucault discovered that many state interventions to encourage, protect, stimulate and administer the living conditions of the population could also end up having a bloody counterpart: "If the population is watched over by the state in its own interest, of course the state can massacre the population when necessary. Thanato-politics is the reverse side of bio-politics."[32] Thus, it is rather biased to affirm that, "At the very moment when free-market ideas were influencing economic debates … Foucault came to the conclusion that many of the biopower's most exemplary traits were exhibited by economic liberalism."[33] Foucault did not reduce or equate biopolitics with economic liberalism, nor did he take it as the new hallmark of "modern forms of power", one which "must give ample room to freedom."[34] It is true that Foucault started to revise and amplify the scope of his previous investigations about the many historic forms of becoming a subject in *Security, Territory, Population*. However, he did not abandon his previous ideas about disciplinary power, as Beherent claims. Instead, he reframed some aspects of his previous ideas and stated that biopolitics, discipline and sovereign power, although different and independent from each other, had coexisted with each other:

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[27] Ibid., 121.
[28] Ibid.
[29] Michel Foucault, *Society Must Be Defended* (2003), 254.
[30] Foucault, *Society Must Be Defended*, 255.
[31] *Society Must Be Defended*, 283.
[32] Michel Foucault, *Dits et Écrits*, vol. IV (1994), 826. My translation.
[33] Behrent, *Liberalism Without Humanism*, 557.
[34] Ibid., 558.

> we should not see things as the replacement of a society of sovereignty by a society of discipline, and then of a society of discipline by a society, say, of government. In fact we have a triangle: sovereignty, discipline, and governmental management, which has population as its main target and apparatuses of security as its essential mechanism.[35]

Although it makes sense to claim that Foucault did not understand freedom under liberalism as a metaphysical property of human beings *per se*, Behrent leaves aside the fact that Foucault did not conceive of freedom under liberalism exclusively in terms of strict economic rules or laws to be obeyed by those who govern. Of course, Foucault did assert that, under liberalism, "Failing to respect freedom is not only an abuse of rights with regard to the law, it is above all ignorance of how to govern properly."[36] Yet, he also conceived that, under liberalism, freedom had to be politically produced by many sorts of state interventions for it to appear in an open milieu and exert its effects: "freedom is nothing else but the correlative of the deployment of apparatuses of security."[37] Thus, liberalism does not simply rely on economic freedom but must create, organize and consume freedom in different ways, including acts of coercion, threats and even the destruction of freedom itself:

> Liberalism formulates simply the following: I am going to produce what you need to be free. (…) And so, if that liberalism is not so much the imperative of freedom as the management and organization of the conditions in which one can be free, it is clear that at the heart of this liberal practice is an always different and mobile problematic relationship between the production of freedom and that which in the production of freedom risks limiting and destroying it. (…) Liberalism must produce freedom, but this very act entails the establishment of limitations, controls, forms of coercion, and obligations relying on threats, etcetera.[38]

Let us now briefly turn to Zamora's critique of Foucault as having been "seduced" by neoliberalism in the late 1970s.[39] To the same extent as Behrent, he contextualizes Foucault's discussion of neoliberalism by situating it "in the conflict between old and new lefts, in the post-1968 left's increasing opposition to the post-war left."[40] Since Foucault was critical of French Marxism, Zamora claims that he was also contrary to the socialist revolution and thus eventually became sympathetic to neoliberalism in the context of the

[35] Foucault, *Security, Territory, Population*, 107-108.
[36] *Security, Territory, Population*, 353.
[37] *Security, Territory, Population*, 48.
[38] Foucault, *Birth of Biopolitics*, 63-64.
[39] Daniel Zamora and Michael C. Behrent, *Foucault and Neoliberalism* (2016), Kindle edition, position 312. In the Preface to that work, Zamora is more cautious when he states that "Our intention is thus not to attempt to answer the wrong question: namely, whether Foucault became neoliberal at the end of his life." Ibid., position 348. However, this careful standpoint will radically shift after the publication of the book, as we shall see.
[40] See Edges Blog: CSC interviews Daniel Zamora (2016) in http://culturalstudies.gmu.edu/articles/9276, 1.

French political and economic debates of the late 1970s. According to Zamora, this is the historical context to "understand one of the aims of his lectures on the birth of biopolitics."[41] Zamora tries to document such a claim by analyzing Foucault's views on healthcare security issues, which he considers to have been influenced by neoliberal theoreticians such as Friedman and Hayek.[42] However, it seems difficult to give credit to such a claim while Zamora is not able to clearly trace such influences back to Foucault's lecture course on neoliberalism. To give an air of plausibility to his historically contextualized argument, Zamora affirms that "(…) Foucault did legitimize in many ways, the idea that there was no alternative to the market."[43] However, once again, he did not substantiate this claim with any Foucauldian quotation.

One may grant Zamora's argument that Foucault's question was not specifically about "'exploitation' or 'inequality' but about 'micropowers' and 'diffuse systems of domination', more about being 'less governed' than 'taking' power."[44] Thus, he concludes that "identity politics and 'revolts of conduct' bolstered a deeply humanitarian struggle for 'respect,' 'integration,' and a 'life of dignity,' yet at the expense of a much less 'moral' struggle for redistributing wealth."[45] Zamora also claims that Foucault is responsible for what has been called a "turn to *ethics* on the French left"; a shift characterized by a concern with "issues of domination and discrimination"[46] culminating in the "substitution of 'human rights' for 'class struggle'", which is a move "perfectly compatible with capitalism."[47] From such arguments, Zamora derives the conclusion that "Foucault's focus on forms of normalization produced by the state and oppressive institutions will also be a reason for Foucault's interest in neoliberalism."[48] By associating Foucault's interest in neoliberalism with his rejection of the state, Zamora tries to associate him with "state phobia".[49] Yet, although Foucault refused to elaborate a general theory of the state, he was deeply concerned with studying state actions and interventions. In fact, what mattered to him was discussing the state's activity under the notion of its governmentalization: "What is important for our modernity, that is to say, for our present, is not then the state's takeover (*étatisation*) of society, so much as what I would call the 'governmentalization' of the state."[50]

Zamora also affirms that Foucault discovered hidden forms of power effects in modernity at the price of covering up the sources of capitalist exploitation.[51] By qualifying the specific struggles that interested Foucault as "moral" and identitarian ones, thus implying

[41] CSC interviews Daniel Zamora, 2.
[42] *Foucault and Neoliberalism,* position 2002.
[43] Ibid., 2.
[44] CSC interviews Daniel Zamora, 3.
[45] *Foucault and Neoliberalism*, position 2128.
[46] CSC interviews Daniel Zamora, 3.
[47] Ibid.
[48] Ibid.
[49] Foucault, *Security, Territory, Population*, 76.
[50] Ibid., 109.
[51] CSC interviews Daniel Zamora, 4.

that they would be depoliticized, Zamora constructs the fallacious argument according to which "far from drawing a theoretical perspective that examined the relationship between exclusion and exploitation, Foucault gradually saw the two as opposed, even contradictory, principles."[52] Yet, Foucault thought that different forms of social struggles had their interconnections. Thus, in a 1972 dialogue with Deleuze, Foucault stated that specific struggles against particularized forms of power and their "constraints and controls" remained "linked to the revolutionary movement of the proletariat to the extent that they fight against the controls and constraints which serve the same system of power", that is, that of "capitalist exploitation." [53] It is known that Foucault would gradually distance himself from this political position. However, his views on the connections between different forms of struggles and political movements remained unaltered. Accordingly, in a 1982 text, "The subject and power",[54] Foucault argued that throughout history

> there are three types of struggles: either against forms of domination (ethnic, social and religious); against forms of exploitation which separate individuals from what they produce; or against that which ties the individual to himself and submits him to others in this way (struggles against subjection, against forms of subjectivity and submission.)[55]

Although he pointed out that in the contemporary world "the struggle against the forms of subjection – against the submission of subjectivity – is becoming more and more important," he did not fail to notice that "the struggles against the forms of domination and exploitation have not disappeared. Quite the contrary."[56] And he then concluded that "the mechanisms of subjection cannot be studied outside their relation to mechanisms of exploitation and domination."[57] In other words, Foucault wanted to avoid the traditional leftist idea that sees the struggles against subjection as derivative in relation to the struggles against domination and exploitation, since for him each of them "entertain complex and circular relations with other forms."[58]

Both Zamora and Behrent are right when they claim that Foucault conceived of neoliberalism as not being disciplinary and thus as not reproducing the distinction between normal and abnormal subjects, but that does not mean he uncritically embraced its market creed as a better pattern to the conduction of people's conducts. Rather, he analytically depicted how, under the neoliberal order, subjects tend to engage their lives with market related standards and then start conducting themselves by the market's competitive arrangements. However, to reach such a conclusion, it is necessary to address Foucault's

[52] Ibid., 3.
[53] Michel Foucault, *Language, Counter-Memory, Practice* (1977), 216.
[54] Michel Foucault, "The Subject and Power," in *Beyond Structuralism and Hermeneutics*, ed. Hubert Dreyfus and Paul Rabinow (1983).
[55] Foucault, "Subject and Power," 212.
[56] Ibid. 213.
[57] Ibid.
[58] Ibid.

analysis of neoliberalism under the conceptual framework of critique, governmentality and subjectivation – the core of his theoretical interests from the late 1970s until his death in 1984.

CRITICAL TOOLS TO UNDERSTAND FOUCAULT'S ANALYSIS OF NEOLIBERALISM

Although the notions of governmentality, subjectivation and critique may be discussed independently, and while they are not specifically addressed in *The Birth of Biopolitics*, we consider these to be the core notions that compose the conceptual framework within which Foucault developed his understanding of neoliberalism. We also think that many contemporary critics of neoliberalism have adopted and developed precisely those notions in their critical analysis of it.

Let us first turn to Foucault's notion of governmentality, which suddenly appeared in *Security, Territory, Population*.[59] This is also the lecture course where Foucault first addressed pastoral power as a major historic process which traversed Christianity and thus helped in fashioning historic institutions that produced modern individuality and subjectivity. Foucault's investigations into pastoral power did not lead him to abandon his previous ideas concerning discipline as a "subtle, calculated technology of subjection"[60] or that "discipline 'makes' individuals."[61] However, he revised and enlarged them by introducing a new dimension according to which the subject actively engages in his/her own subjection by submitting to certain truth discourses; a discovery that led him to introduce another term to his lexicon, namely, that of "subjectivation".[62] Pastoral power was seen by Foucault as constituting a "prelude"[63] to modern forms of governmentality which are more specifically operated through state political technologies and apparatuses. However, as Arnold Davidson has pointed out, "one should not overlook the fact that pastoral power and governmentality are historically and philosophically contiguous in that they take as the object of their techniques and practices the *conduct* of human beings."[64] In fact, the notion of government as conduction of conducts opened the path to Foucault's last and utmost research interests concerning the government of others and self-government. Actually, the broad understanding of government as "the activity of conducting (*conduire*), of conduction (*la conduction*)" allowed Foucault to investigate "the way in which one conducts oneself (*se conduit*), lets oneself be conducted (*se laisse conduire*), and finally, in which one behaves (*se comporter*) under the influence of a conduct as the action of conducting or of conduction (*conduction*)."[65] Finally, this was also the lecture course where

[59] Foucault, *Security, Territory, Population*, 108.
[60] Foucault, *Discipline and Punishment*, 121.
[61] *Discipline and Punishment*, 170.
[62] *Security, Territory, Population*, 184.
[63] Ibid.
[64] Arnold Davidson, "Introduction," in *Security, Territory, Population*, xviii-xix.
[65] *Security, Territory, Population*, 193.

Foucault introduced the notion of "counter-conducts",[66] a topic which he immediately related to his reflections on the meaning of critique.

To what theoretical needs was Foucault responding when he invented the notion of governmentality, and what were the theoretical gains it provided him? How did Foucault think of the relationship between the governmentality techniques proper to pastoral power and the constitution of modern subjectivity and individuality? How did Foucault relate his understanding of critique to the struggles of counter-conduct that confronted and still antagonize modern prevalent forms of subjectivity? We believe that these are the questions that should be asked before one comes to interpret Foucault's understanding of neoliberalism since they constitute the major theoretical topics that preceded and succeeded his interpretation of that contemporary governing technique.

After having associated biopolitics with Nazism and Socialism as its most extreme cases,[67] Foucault's research underwent important shifts in *Security, Territory, Population* under the notion of "governmentality" (*gouvernamentalité*).[68] Foucault conceived of governmentality as reuniting in itself at least three complementary political functions. First, governmentality encompassed "the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics" that granted the exercise of a specific set of power relations which had "the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument."[69] Second, governmentality designed the historic "tendency" that assured the "pre-eminence" of "government" over other sorts of power relations such as "sovereignty, discipline, and so on."[70] Finally, governmentality was also understood as "the result of the process by which the state of justice of the Middle Ages became the administrative state in the fifteenth and sixteenth centuries and was gradually 'governmentalized.'"[71]

In *Security, Territory, Population*, Foucault proposed a historical analysis of the emergence and development of governmentality, understanding it as the varied substrate of multiple government technologies which gave consistency and concrete reality to the modern state. Accordingly, Michel Sennelart noticed that "The problematic of 'governmentality' therefore marks the entry of the question of the state into the field of analysis of micro-powers."[72] With the notion of governmentality, Foucault could finally discuss state administrative policies, strategies and power technologies while refusing the figure of an omnipotent and omnipresent state power – the supposedly "cold monster"[73] capable of controlling every corner of social life. Sennelart also observed that while Foucault first introduced the notion of governmentality to specify certain historic "governmental

[66] *Security, Territory, Population*, 201.
[67] *Society Must Be Defended*, 260-261.
[68] *Security, Territory, Population*, 108.
[69] Ibid.
[70] Ibid.
[71] Ibid.
[72] Michel Sennelart, "Course Context," in *Security, Territory, Population*, 381.
[73] *Security, Territory, Population*, 248.

practices" which would be "constitutive of a particular regime of power" such as liberalism, he also gradually came to use it under a more general and "abstract meaning"[74] to describe "the way in which one conducts the conduct of men",[75] as Foucault stated in *The Birth of Biopolitics*. Of course, since his previous lecture course, he had already specified that "one never governs a state, a territory, or a political structure. Those whom one governs are people, individuals, or groups."[76]

Foucault defined liberalism as a "rationalization of the exercise of government" whose specificity is to maximize "its effects while diminishing, as far as possible, its cost (understood in the political as well as in the economic sense) (...)."[77] Of course, to see liberalism as a way of governing people did not imply understanding government as if it was "an institution (…), but as the activity that consists in governing people's conduct within the framework of, and using the instruments of, a state (…)."[78] If to govern is to exert power so as to conduct the conducts of the population, then one should understand Foucault's discussion of liberalism and neoliberalism as a set of specific power strategies and truth discourses whose aim is to induce or produce certain behaviors in the population, as well as to control, surveil or eradicate others deemed as socially dangerous or undesirable. In Foucault's analysis of both liberalism and neoliberalism, the individuum and his/her freedom were thought of as effects and products of governmental actions produced by state interventions or by the economic market as a site for the conduction of people's behavior.

Let us now approach Foucault's other theoretical discoveries while he addressed pastoral power. To sum it up, he understood pastoral power as a long-lasting religious technology destined to conduct the conducts of people within Christianity and even before Christianity. Pastoral power is a religious technology for the governing of individuals and their souls, and it extends its reach to entire communities since it relates to "everyday conduct (*conduite*), in the management of lives, as well as in goods, wealth, and things."[79] Although pastoral power should not be viewed as some sort of permanent or unaltered power structure throughout Western history, Foucault conceded that "in its typology, organization, and mode of functioning, pastoral power … is doubtless something from which we have still not freed ourselves."[80]

Foucault considered that one of the most fundamental consequences of pastoral power was that it gave rise to an "immense institutional network",[81] thus helping to shape a specific notion of individuality and subjectivity. According to his views, pastoral power produced an "individualization" that was linked to a "game of dissection" through which

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[74] Ibid., 387.
[75] *Birth of Biopolitics*, 186.
[76] *Security, Territory, Population*, 122.
[77] *Birth of Biopolitics*, 318.
[78] Ibid.
[79] *Security, Territory, Population*, 154.
[80] Ibid., 148.
[81] Ibid., 164.

people were led to scrutinize their own actions, thoughts, dreams and desires by evaluating their "merits and faults at each moment"; a sort of individualization through "analytical identification".[82] Such a form of individualization was also independent from the position occupied by someone in the social structure, while the result of someone's "self's mastery of self" was dependent on a "whole network of servitude that involves the general servitude of everyone with regard to everyone", besides the "exclusion of the self, of the ego, and of egoism as the central, nuclear form of the individual."[83] This second aspect of the individualization process boosted by pastoral power was thus designed by Foucault under the title of "individualization by subjection (*assujettissement*)."[84] Finally, this new form of individualization was also conquered "through the production of an internal, secret, and hidden truth," a process for which Foucault invented a new terminology, that of "subjectivation (*subjectivation*)".[85] Thus, he concluded that the "history of the pastorate" and its many Christian institutions was coetaneous to the "entire history of procedures of human individualization in the West", therefore involving a whole "history of the subject."[86]

By complexifying the history of the subject and its individualization process through the notion of "subjectivation", Foucault stressed the importance of truth discourses in the constitution of subjectivity. After having discussed how different sorts of scientific knowledge had been central to the constitution of modern subjects, he then emphasized the importance of the active adhesion of the subject to truth discourses in general in the process of his/her own fashioning. In the case of pastoral power, subjectivation implied the active and positive engagement of the subject in the annulation of the self by means of the production and extraction of a hidden, internal truth through a continuous conscience examination under the guidance of a religious leader, namely, the pastor. However, Foucault did not restrict his understanding of subjectivation exclusively to his discussion of the pastorate. As Frédéric Gros has observed, the notion of subjectivation allowed Foucault to emphasize the connections between the study of "discourses of truth" and their "effect on the government of self and others". [87] In a word, the notion of forms of subjectivation helped him to fully articulate his analyses of power structures with his discussions of truth discourses in the process of the constitution of historic subjects. Correspondingly, the notion of "subjectivation" opened the path to Foucault's investigation of historic ways of becoming a subject through one's own active engagement with truth discourses, whether scientific or unscientific.

It was also during that lecture course that Foucault introduced the notion of counter-conduct, with which he complexified his previous genealogic understanding about the

[82] Ibid.
[83] Ibid.
[84] Ibid.
[85] Ibid.
[86] Ibid.
[87] Frédéric Gros, "Course Context," in Michel Foucault, *The Courage of the Truth. The Government of Self and Others* (2011), 346.

intrinsic relation between power and resistance. In fact, once power strategies begun to be conceived of as within the reach of the notion of governmentality, Foucault also started thinking of resistance in terms of counter-conducts. After examining some terminological possibilities such as "revolt," "disobedience," "insubordination" and "dissidence,"[88] Foucault chose "counter-conduct" as the best option since it had the "advantage of allowing reference to the active sense of the word "conduct"—counter-conduct in the sense of struggle against the processes implemented for conducting others".[89] According to him, "by using the word counter-conduct (…) we can no doubt analyze the components in the way in which someone actually acts in the very general field of politics or in the very general field of power relations".[90]

Until then, Foucault used to think about power relations according to a military model, relying on "the multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization; as the process which, through ceaseless struggles and confrontations, transforms, strengthens, or reverses them". [91] Accordingly, resistance was also understood exclusively in confrontational terms and as never extrinsic to power: "Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power."[92] The notion of government as conduction of conducts, including counter-conducts as its correlative, allowed Foucault to refine and deepen his previous thinking about the relationship between power and resistance, opening the gate for important transformations in his thinking. Thus, in 1982, Foucault affirmed that

> The exercise of power consists in guiding the possibility of conduct and putting in order the possible outcome. Basically power is less a confrontation between two adversaries or the linking of one to the other than a question of government. (…) To govern (…) is to structure the possible field of actions of others."[93]

A most interesting and innovative corollary to this new way of conceiving the relations between power and resistance was the introduction of freedom; a notion that was not explicitly addressed by Foucault during his published works from the 1970s. Accordingly, he then affirmed that, "Power is exercised only over free subjects, and only in so far as they are free." [94] In other words, power is exerted over "individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments may be realized", [95] while other ones will be subjected to interdictions or disallowed. Of course, Foucault did not think of the relation

[88] *Security, Territory, Population*, 195-201.
[89] Ibid., 201.
[90] Ibid., 202.
[91] *History of Sexuality. An Introduction*, 83.
[92] Ibid., 86.
[93] Foucault, "Subject and Power," 220-221.
[94] Ibid., 221.
[95] Ibid.

between freedom and power as if they were "mutually exclusive", since he believed that they entertained a much more complex interaction:

> In this game freedom may well appear as the condition for the exercise of power (at the same time its precondition, since freedom must exist for power to be exerted, and also its permanent support, since without the possibility of recalcitrance, power would be equivalent to a physical determination.) The relationship between power and freedom's refusal to submit cannot therefore be separated.[96]

According to our interpretation, Foucault was only able to arrive at this late conception, which allowed him to affirm the freedom of those subjects who resist power relations, after having reflected on the importance of critique. In a 1978 conference, *Qu'est-ce que la critique?,* Foucault famously defined it as a "certain way of thinking, saying, and acting, a certain relationship to what exists, to what we know, and to what we do, a relationship to society and culture, a relationship to others as well, that we could call, let's say, a critical attitude."[97] It was through this broad and general definition of critique that Foucault disentangled it from the theoretical framework according to which it should offer epistemological or moral criteria to prevent the risks and mistakes that haunt political engagement. This Foucauldian refusal of a strictly epistemological and/or moral understanding of critique was manifested in his definition of the critical attitude as the "art"[98] by which one confronts the processes of governmentalization by which modern subjects have become subjected. Thus, critique was seen by Foucault as a "political and moral attitude (…). I would call this quite simply the art of not being governed, or again the art of not being governed like this and at this price", or "the art of not being governed quite so much."[99]

A central topic of his thinking from then on, Foucault conceived of critique as a reflected way of conducting oneself – as a willful attitude that confronts the present reality in the broadest possible sense. If critique is an attitude and an art through which governmentalization techniques and truth discourses that seek to guide the conduct of populations are called into question, then it makes sense to understand counter-conduct movements as inscribed within the tradition of popular struggles that contest and criticize political authoritarianism and violent, exclusive hegemonic social norms. The critical attitude that characterizes counter-conducts does not imply an absolute refusal of all forms of government but the rejection of certain specific ways of being led and governed, putting into question the historical ways through which the subject has been subjected by governing powers and their correlative truth discourses:

> If governmentalization is a movement that subjugates individuals through the reality of a social practice with mechanisms of power that claim to be based on truth, well, I would say that critique is the movement that enables the subject to

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[96] Ibid.
[97] Michel Foucault, *"What is Critique?"*, Kindle edition, 20.
[98] Ibid., 24.
[99] Ibid.

> take up the right to question truth on its effects of power and to question power about its discourses of truth.[100]

Foucault did not formulate a general theory of critique with which to ascribe it to certain social movements while rejecting it for others. It was more important to affirm that critique should be understood as an attitude of "voluntary insubordination (*l'inservitude volontaire*), of considered indocility (*l'indocilité réfléchie*)."[101] It is worth observing that insubordination and indocility are the very opposite to what might be called an uncritical acceptance of power relations and truth discourses that have fashioned modern subjectivity through disciplinary individualizing process, as well as by means of the modern state's processes of individualization through totalization.[102] Note, also, Foucault's use of two important words, rather new to his lexicon so far: "voluntary" and "considered". If the critical attitude tries to suspend certain "combined effects of power and truth", then it is also necessary that the critical subject deliberately assumes it as a personal "decision", [103] one that should not be arbitrary or merely circumstantial, since it implies a "permanent and definitive will" encompassing "an experience in the full sense of the word."[104] Under the scope of modern governmentalization processes that produced modern subjects on the basis of statal and non-statal governing strategies, Foucault considered critique to embrace "the function of desubjectification in the play of what might, in a word, be called the politics of truth."[105]

Foucault never explained in detail what he meant by such a process of critical desubjectification, but it can be argued that he had in mind the many historic ways through which modern subjects have engaged in the work of reframing themselves by questioning the power relations and the truth discourses that bind us to specific identities and subjectivities. Thus, critique operates processes of "desubjectification" by means of which individuals or collectivities interrogate, question and confront truth discourses and governmentality practices that have associated us with pre-formed individualities or certain specific social identities. In other words, critique is inherent to ethical-political struggles which aim to transform oneself and others while addressing and confronting the fissures of the reality in which we live. The introduction of critique in Foucault's thought opened a space of reflexivity previously non-existent in his thinking, and it also

[100] *"What is Critique?,"* 26.
[101] Ibid.
[102] "Subject and power," 214.
[103] *"What is Critique?,"* 195.
[104] Ibid.
[105] *"What is Critique?,"* 26. In their comprehensive approach to the notion of critique throughout Foucault's work, Daniele Lorenzini and Tuomo Tiisala have pointed out that "the politics of truth is not, for him, a way of getting rid of truth and truth-telling altogether." In fact, they argue that "parrhesia illustrates how truth-telling can openly challenge the authority of a given rationality of governing." See, "The architectonic of Foucault's critique," *European Journal of Philosophy* 1-16 (2023), 7. According to their interpretation of the complex role of critique in Foucault's work, "truth-telling can play two contrastive roles—exemplified by avowal and parrhesia—which map onto critique's double movement: in the first case, truth-telling (as avowal) is a target of critique, whereas in the second case, truth-telling (as parrhesia) is one of the methods that critique uses, one of the forms it takes." Ibid., 3.

framed the way he reflected on ethical-political movements of the 1970s and 1980s, such as the gay and feminist movements, among others. Of course, critique as the instance that opens a reflective movement through which the self becomes the focus of self-questioning, self-transformation and self-government is not yet clearly established in that 1978 conference. However, such a reflexive turn to oneself is already evident when Foucault, while interrogating Kant's text on the Enlightenment, proposed a question that would pervade his thinking right to the end:

> What am I, this I, who belongs to this humanity, perhaps to this fringe, to this moment, to this instance of humanity that is subject to the power of truth in general and truths in particular? The primary characteristic of this historico-philosophical practice, if you like, involves desubjectifying the philosophical question by calling on historical content and liberating historical content by examining the effects of power as it affects the truth from which it is supposed to arise.[106]

Foucault's conception of critique as a "virtue in general"[107] or as the art of reflected disobedience and considered indocility requires that the subject actively puts oneself at the vortex of one's historic existence with others. The critical attitude requires that one interrogates the present situation in which one belongs together with others and demands the courage not to blindly obey and abide to hegemonic power relations and their correlative truth discourses. As argued by Philippe Sabot, "Foucault points towards another type of relationship between power, truth and the subject insofar as it involves placing in the subject a disposition to act and criticize" in order to "change the conditions in which power is led to produce discourses of truth and truth is led to become authority."[108] When associated with the notion of critique, resistance or counter-conduct movements should be understood as a set of voluntary and reflected practices of freedom – as exercises and critical experiences devoted to self-transformation and the transformation of others. Such a claim was clearly posited in 1982 when Foucault famously stated that

> Maybe the target nowadays is not to discover what we are, but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political 'double bind', which is the simultaneous individualization and totalization of modern power structures. The conclusion would be that the political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state, and from the state's institutions, but to liberate us both from the state and the type of individualization that is linked to the state. We have to promote new forms of subjectivity through the refusal of this kind of individuality which has been imposed on us for several centuries.[109]

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[106] *"What is Critique?,"* 37.
[107] *"What is Critique?,"* 21.
[108] Philippe Sabot, "Avec Foucault, penser la 'critique'," (2012). Accessed January 18, 2024. My translation.
[109] "Subject and Power," 216.

At this point, we could question once again whether Foucault can be labeled a neoliberal simply because he did not decry it. Such a claim is tantamount to misconceiving Foucault's understanding of the way critique operates. He did not think that critique was "about saying that things are not good the way they are. It consists of seeing on what types of evidence, familiarities, acquired and unreflected (*non réfléchis*) modes of thought the practices that we accept are based upon."[110]

THE LEGACY OF FOUCAULT'S ANALYSIS OF NEOLIBERALISM

To close this text, we briefly take into consideration Foucault's analysis of crucial neoliberal tenets such as "*homo oeconomicus*," the ordoliberal notion of "enterprise society" (*societé d'entreprise*), the Chicago School's theory of "human capital" and its assumption of competitive behaviors, oriented by the economic market, as the intelligibility grid to non-economic social conducts. Those notions help to explain why neoliberalism has become successful in obtaining its governmental subjectification effects on the lives of the population worldwide. Those are the Foucauldian insights that have been adopted and developed by many contemporary critics of the present neoliberal order, together with the very notion of governmentality.[111] In fact, although Foucault could not have anticipated neoliberalism's major political and economic damages, he was able to foresee many of its social features that have now become globally widespread, such as the forwarding of the "enterprise" as a generalized social form and the generalization of the market's economic rationality as *the* rationality subjacent to many non-economic social behaviors, fostering productivity and competitiveness as their intelligibility grid.

A major aspect of Foucault's analysis of ordo-neoliberalism stresses that this is a governing practice characterized by deep state interventions in society to grant the social, political and economic conditions under which "competitive mechanisms can play a regulatory role at every moment" so that the "market" becomes not only "possible" but assumes its role "of general regulator, of principle of political rationality".[112] According to this, a society fully regulated by the market rationality is not specifically oriented towards the uniformity of the production of commodities to be consumed, and this is why Foucault considered a neoliberal society to be not so much a society of consumers or a spectacle society but, more importantly, a society driven by "mechanisms of competition".[113] In other words, "an enterprise society" is that in which the economic agent, the *homo oeconomicus*, is seen as "the man of enterprise and production." [114] Thus, what characterizes

[110] Michel Foucault, "Est-il donc important de penser?," in *Dits et Écrits*, vol. IV (1994), 180. My translation.
[111] Regarding the importance of Foucault's notion of governmentality in the work of contemporary critics of neoliberalism, see Pierre Dardot and Christian Laval, *The New Way of the World: On Neoliberal Society* (2013) and Wendy Brown, *Edgework. Critical Essays on Knowledge and Politics* (2005). According to Brown, Foucault's notion of governmentality is "useful" because "it apprehends the extent to which rationality governs without recourse to overt rule—or, more precisely, the manner in which it governs through norms and rules rather than rule." Ibid., 145.
[112] *Birth of Biopolitics*, 146.
[113] Ibid., 147.
[114] Ibid.

the neoliberal governing strategy that has now become prevalent in all "capitalist countries"[115] is the "multiplication of the 'enterprise' form within the social body".[116] In this sense, Foucault conceived that what effectively matters under neoliberal governmentality is to render "the market, competition, and so the enterprise, into what could be called the formative power of society."[117]

In agreement with classic liberals, neoliberal theoreticians understood human beings as *homo oeconomicus*, that is, as economic agents who respond to the stimulus of the exchange market. The novelty and specificity of neoliberal governmentality lies in the articulation of the liberal understanding of human beings as *homo oeconomicus* with the economic theory of human capital. In the context of an enterprise society, neoliberals conceive of *homo oeconomicus* as a self-entrepreneur in the sense that he/she becomes responsible for producing his/her own income and capital, "a capital that we will call human capital inasmuch as the ability-machine of which it is the income cannot be separated from the human individual who is its bearer."[118] Under such economic conditions, Foucault came to the point of speculating about the political and economic roles that biogenetics is about to assume "as soon as a society poses itself the problem of the improvement of its human capital in general (…)."[119] According to him, it was "inevitable that the problem of control, screening, and the improvement of the human capital of individuals" should become an urgent issue worldwide. Foucault also pointed out that under the neoliberal demand for people to constantly find ways to acquire and refine human capital during their lives, education would be transformed into "educational investments",[120] thus fostering its commodification.

Thus, under neoliberalism, human beings are understood as economic agents who need to continually improve and add value to their own professional skills, abilities and lifestyles to remain competitive and thus worthy of existing. This is precisely why and how they become neoliberal subjects, that is, subjected to competitive patterns of conduct in their everyday life. Foucault noticed that when the specific economic behavior of *homo oeconomicus* is socially taken as the "grid of intelligibility" that gives meaning to other sorts of non-economic, social behavior, "we reach the point at which maybe the object of economic analysis should be identified with any purposeful conduct which involves (…) a strategic choice of means, ways, and instruments (…)."[121] Foucault then acutely pointed out the political risks implied by this "generalization of the economic object to any conduct which employs limited means to one end among others".[122] By following this train of thought, Foucault concluded that when the "economic behavior" of *homo oeconomicus* becomes the "grid of intelligibility" to all sorts of non-economic behaviors, the major political consequence is that "the individual becomes governmentalizable, that power gets a

[115] Ibid., 149.
[116] Ibid., 148.
[117] Ibid.
[118] Ibid., 226.
[119] Ibid., 228.
[120] Ibid., 230.
[121] Ibid., 268-269.
[122] Ibid., 268.

hold on him".[123] In other words, by invading "domains that are not immediately and directly economic",[124] neoliberalism reaches its major political effects since "the person who accepts reality or who responds systematically to modifications in the variables of the environment appears precisely as someone manageable".[125] In short, "*Homo oeconomicus* is someone who is eminently governable"[126] from the moment they commit their own non-economic behaviors to an economic normativity that becomes more and more expanded to the whole of social life.

By investigating the Chicago neoliberal school, Foucault understood how the economic market had finally become an instrument of governmentalization and regulation of the lives of the population. By proposing such a thesis, Foucault offered important clues as to how life, politics and economics have become intertwined in the contemporary world, thus providing a substantial theoretical basis for many contemporary analysts of neoliberalism. In fact, neoliberal impacts on everyday life have become massive since its competitive patterns, oriented by the logic of the economic market, have been assumed as a socially formative power to which people voluntarily surrender in flexible subjectification processes, thereby freely submitting themselves to the principles and practices of self-entrepreneurship. Thus, Foucault helps us to consider how neoliberal governmentality strategies are agile, decentered and subtle in the sense that they engage those upon whom they are exerted. In other words, they produce their power effects by taking into consideration the subject's adherence to a framework of economic patterns which encourage conducts and behaviors guided by competition, productivity, and the transformation of oneself into an enterprise whose survival depends on one continuously improving one's own qualities and abilities. By further developing Foucault's notion of governmentality as a "political rationality",[127] Dardot and Laval have asserted that neoliberalism currently informs "the way we live, feel and think," being "nothing more, nor less, than the *form of our existence*, the way in which we are led to conduct ourselves, to relate to others and to ourselves."[128]

Although Foucault's analysis of neoliberalism did not explore the connections between neoliberal governing strategies and new forms of democratic impotence, we consider him to have established the basic assumptions upon which contemporary political thinkers have addressed precisely that issue. In fact, Foucault's understanding of neoliberal tenets such as the conception of the economic agent as self-entrepreneurial, as well as his understanding of the neoliberal market as a decisive site for subjectification processes, illuminate why neoliberalism has become a transnational axis that further contributes to the weakening of contemporary democracy. Accordingly, many contemporary critics have stressed that under neoliberalism, a wide-ranging administrative mutation has been introduced across the world, affecting the rules of public management and the meaning of private individual behaviors. In fact, to continuously add value to one's own human

[123] Ibid., 252.
[124] Ibid., 268.
[125] Ibid., 270.
[126] Ibid.
[127] Dardot and Laval, *New Way of the World*, 9.
[128] *New Way of the World*, 8.

capital, one needs to adapt to and adopt competitiveness and performance as key behavioral patterns if one does not want to become disposable or socially irrelevant. As Dardot and Laval have pointed out, "The internalization of performance norms, constant self-monitoring to comply with the indicators, and competition with others – such are the ingredients of the 'revolution in mentalities' that the 'modernizers' want to effect."[129] This is a social and political process summarized by Wendy Brown as follows: "Economization replaces a political lexicon with a market lexicon. Governance replaces a political lexicon with a management lexicon."[130]

Furthermore, based on Foucault's analysis of neoliberalism, one could ask: what happens to those who refuse to conduct themselves according to parameters of competition and performance? Even more, what happens to all those who are not even capable of becoming self-entrepreneurs due to infrastructural deficits provoked precisely by neoliberal deregulations of their rights and the weakening of their political associations? In fact, those social groups who do not match the market's competitive criteria end up having their lives made superfluous and meaningless, a condition that further exposes them to the risks of precariousness and death.[131] Neoliberalism is a set of governmentality strategies that disqualify, segregate and deplete all those who oppose or who fail to adapt to its competitive precepts. Following the idea that under neoliberalism *homo oeconomicus* is responsible for his/her own earnings, many contemporary analysts have stressed that individuals are deemed responsible for their own social destinies. This, in turn, opens the gate to processes of de-politicization and isolation complemented by a tendency to moralize and individualize what in fact is a matter of political analysis and collective political struggles. Thus, the economic effects of neoliberalism upon the lives of people also have important political and psychological consequences. According to Judith Butler,

> the more one complies with the demand for 'responsibility' to become self-reliant, the more socially isolated one becomes and the more precarious one feels; and the more supporting social structures fall away for 'economic' reasons, the more isolated one feels in one's sense of heightened anxiety and 'moral failure'."[132]

Or, in Wendy Brown's formulation, the political rationality of neoliberalism tends to "produce citizens as individual entrepreneurs and consumers whose moral autonomy is measured by their capacity for 'self-care' (…)."[133] This subjective and psychological change is accompanied by a radical depoliticizing which affects the status of the political citizen, who is then transformed into a mere consumer of public and private services – a process described by Brown as the "vanquishing of *homo politicus* by *homo oeconomicus*, with its hostility towards politics, with its economization of the terms of liberal democracy, and with its displacement of liberal democracy legal values and public deliberation

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[129] *New Way of the World*, 272.

[130] Wendy Brown, *Undoing the Demos. Neoliberalism Stealth Revolution* (2015), 207.

[131] These ideas are further developed in André Duarte, *Pandemic and Crisis of Democracy: Biopolitics, Neoliberalism, and Necropolitics in Bolsonaro's Brazil* (2023).

[132] Judith Butler, *Notes Toward a Performative Theory of Assembly* (2015), 15.

[133] Wendy Brown, "American nightmare: neoliberalism, neoconservatism, and de-democratization," *Political Theory* 34:6 (2006), 694.

with governance and new management."[134] Dardot and Laval follow the same path when they argue that "the priority given to the dimension of efficiency and financial return eliminates any conception of justice from the public space other than that of the equivalence between what tax-payers have personally paid and what they have personally received."[135]

In other words, the neoliberal subject disregards collective political responsibility for the common world and only demands goods for which they have paid. At the same time, the entrepreneurial subject is someone who readily submits to aggressive conditions of competitiveness, uncertainty, risk and fear to maintain his/her own social status. While no one is forced to become a neoliberal self-entrepreneurial subject, this supposedly free adhesion to neoliberalism happens in a social context of constant fear and uncertainty regarding the near future, increasing de-politicization and generalized de-democratization processes.

CONCLUSION

In conclusion, it seems rather misleading to suppose that Foucault would have favored neoliberalism simply because he did not anticipate and condemn its major political and economic consequences. Besides, as we have seen, in Foucauldian terms, to propose a critique is not tantamount to a plain and loud denunciation of any sort of power relation. What interested Foucault was problematizing different forms of governmentality and not sponsoring any sort of political or economic project, much less to teach people how to act or think to resist certain power relations and their correlative truth discourses. Besides, Foucault never intended to present *the* truth about neoliberalism. In fact, in 1977 he suggested that people should not "use thought to ground a political practice in Truth; nor political action to discredit, as mere speculation, a line of thought." [136] Much to the contrary, he urged people to "use political practice as an intensifier of thought, and analysis as a multiplier of the forms and domains for the intervention of political action."[137]

Thus, when he affirmed that under liberalism the economic market becomes a new "site of veridiction",[138] he was performing a political critique that consisted in "determining under what conditions and with what effects a veridiction is exercised."[139] Therefore, it makes no sense to affirm that Foucault had enforced the neoliberal creed according to which there could be no alternative to the market, as Zamora stated.[140] What Foucault did was to understand the constitution of a certain regime of truth associated with a specific

[134] Brown, *Undoing the Demos*, 207.
[135] Dardot and Laval, *New Way of the World*, 275.
[136] Michel Foucault, "Preface," to *Anti-Oedipus. Capitalism and Schizophrenia,* Gilles Deleuze and Felix Guattari (1983), xiv.
[137] Ibid.
[138] *Birth of Biopolitics*, 32.
[139] Ibid., 36.
[140] CSC interviews Daniel Zamora, 2.

"governmental practice",[141] exposing its preconditions and thus its specific forms of operation. In this sense, by analytically presenting neoliberalism as a new form of governmentality based on certain economic truth discourses, Foucault offered conceptual instruments to its critique, both in the sense of elucidating its basic pre-conditions and presuppositions, as well as in the sense of giving people some hints as to how not to become easy prey to such a governing strategy. Foucault was a critical thinker in the sense that he consciously engaged in the "task of analyzing, elucidating, making visible, and thereby intensifying the struggles that take place around power, the strategies of adversaries within relations of power, the tactics employed, and the sources of resistance (…)."[142]

Those who consider that Foucault proposed an uncritical account of neoliberalism, or even a veiled eulogy of it, should ask themselves why is it that most of the best contemporary critical analysts of neoliberalism have borrowed so much from his own theoretical intuitions? In fact, had Foucault embraced neoliberalism, he would have been a rather strange neoliberal given that in his last seminar at the *Collège de France* he came to discuss certain trans-historic actualizations of Antique cynicism, establishing parallels between them and many rebellious attitudes against hegemonic powers and social conventions in modernity.[143] Would it not be more suitable to describe Foucault's intellectual and political attitude as committed to "an art of living" that confronts "all forms of fascism, whether already present or impending"; one that incites people not to become "enamored of power"?[144]

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[141] Ibid., 37.

[142] Michel Foucault, "La philosophie analitique du pouvoir," in *Dits et Écrits*, vol. III (1994), 540. My translation.

[143] Foucault, *Courage of Truth*, 183.

[144] Foucault, "Preface" to *Anti-Oedipus*, xiv.

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ARTICLE

Thinking and Unthinking the Present: Philosophy after Foucault

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ABSTRACT. What might a contemporary philosophical practice after and following Foucault look like? After briefly analyzing Foucault's rather ambiguous stance towards academic philosophy in his posthumously published *Le discours philosophique*, we argue for continuing his historico-philosophical practice of diagnosing the present. This means taking up his analytic heuristic (with its three dimensions of power, knowledge and subjectivity) rather than his more concrete diagnostic concepts and the specific historical results they yield. We argue that the common methodological operation on each of the three axis is to shift the perspective from the given legitimacies, norms, identities and selves to their historical, conflict-ridden emergence. Practicing philosophy in this way allows developing Foucauldian contributions in two contemporary philosophical debates: critical ontology and political epistemology. While ontology and epistemology might seem surprising fields to work in for philosophers inspired by and critically loyal to Foucault, we attempt to dispel these reservations and illustrate the stakes in both debates, pointing to the urgent issues of ecological questions and of the problematization of untruths in politics respectively.

Keywords: (political) epistemology, knowledge, meta-philosophy, (critical) ontology, politics of truth, power, subjectivity

INTRODUCTION

It is unclear whether Michel Foucault himself cared about being called a philosopher or about being read by philosophers; his time was, after all, an epoch in which the "end of philosophy" was called out more than once. It is evident, however, that speaking in disciplinary and academic terms, Foucault invented and even more so inspired a whole range of projects in the humanities and social sciences that have openly left behind the traditional forms and methodologies of philosophy. In our contribution to assessing the

legacy of his work, we want to ask what a contemporary philosophical practice after and following Foucault might look like and what could distinguish it from other receptions.

We will first consider the recently edited manuscript on "the philosophical discourse" from 1966 to bring out Foucault's own early, rather undecided stance towards philosophy as a discourse and tradition at the time. We will then outline a methodological continuation of Foucault's historical-philosophical practice and discuss two strong candidates within current philosophical discussions that invite a specific Foucauldian elaboration, namely, the debates on a critical and historical ontology on the one hand, and on a new critical and political epistemology on the other. We sketch the rather diverging stakes for both cases and gesture towards the two contemporary material themes whose analysis might be supported by such perspectives and that were far from Foucault's own themes, i.e., a critical ecology and a contribution to the study of untruth in politics, respectively. In doing so, we intend to acknowledge different possible ways of doing philosophy after Foucault and remaining faithful to Foucault, but we insist on the self-critical relation to contemporaneity of any such attempt.

PHILOSOPHY AS DISCOURSE

In the post-war French academic culture and environment in which the young Foucault was growing up, philosophy as a discipline and way of thinking was a surprisingly plural referent. Of course, Foucault grew up reading and interpreting the classical texts and authors. He is said to have considered Hegel's *Phenomenology of Spirit*, the object of his master's thesis, to be the quintessential work of philosophy and asserted that even "that which permits us to think against Hegel" might be something that "remains Hegelian".[1] A thorough knowledge in the history of philosophy from the ancients to the 19th century on the one hand, and a keen interest in the philosophical debates of the moment on the other hand are well-documented, ranging from the aftermath of existentialism, the influence of Husserl and Heidegger on French philosophy, the inclusion of Nietzsche, Kierkegaard and Freud as decisive voices in the emergence of modern philosophy to the debate among Marxists about how to overcome idealist and bourgeois thinking.

But philosophy was also always seen as one strand of academic or scientific activity among and in the context of others, be it the natural sciences and their epistemic history, anthropology and the empirical knowledge of other cultures, or concerns in psychology, psychiatry, psychoanalysis or literature (in the broadest sense). Being trained as a philosopher and a psychologist, but also participating in or reflecting on general scientific, political and cultural tendencies, provided Foucault with a variety of options for how to practice philosophy. His first teaching jobs in psychology, and his interest in the history of the medical sciences and their intersection with psychiatry and psychology that led to

[1] Michel Foucault, "The Discourse on Language" [1969/70], in *The Archaeology of Knowledge and The Discourse on Language* (2010), 235; *La constitution d'un transcendantal historique dans la Phénoménologie de l'esprit de Hegel: Mémoire du diplôme d'études supérieures de philosophie* (2024); see Didier Eribon, *Michel Foucault* (1991), ch. 2.

his first academic publications, moved him away from the very classical choices of a traditional philosophical career.

However, even the first sympathetic readers of Foucault's dissertation on madness and unreason, such as Canguilhem and Althusser, had no doubt that this was a philosophical event of the first rank.[2] The objections that *The Order of Things* provoked and which helped make the book instantly famous were undeniably philosophical attacks on a new and presumably dangerous philosophy, although the main bulk of the book treats authors and texts far removed from the traditional zones of academic philosophy.[3] Classical philosophical authors and texts appear but are not treated systematically in the main publications of the early stages of Foucault's *œuvre*. The recent publication of the lecture notes and manuscripts from that time changes the picture only slightly.

The 'early' Foucault, therefore, is definitely a practitioner of some sort of philosophy but not a commentator of *how* or in which way he is, and he is definitely not a critic of other philosophers in the strict sense. Given this fact, it is easy to understand why the virtually completed but abandoned manuscript on the "philosophical discourse" from the summer of 1966, which was waiting in the archive to be found, has attracted so much attention. The theme and title could rightfully raise the expectation that one could here find and read 'Foucault's philosophy', a topos that was frequently used in the first press reaction to the book.[4] However, on this point, the text disappoints.

Foucault's tentative analysis of the "philosophical discourse" follows the theoretical and methodological premises he had developed in the years before and that had led to the magisterial *The Order of Things*. The project of an 'archaeology of the human sciences' was meant to counter the traditional and authoritative versions of intellectual history or *Geistesgeschichte* in that it treated the thinking of an epoch not as the expression of a deeper meaning or cognitive learning process but as a series of discursive events to be accounted for in formal terms, i.e., in terms of the very rules and parameters constitutive of this very discourse. One of the polemical stakes of this book is that it illustrates the intellectual profile of entire epochs without even referencing the dominant philosophical systems of the time. When Foucault was analyzing the thinking of the Renaissance, the "classical" and the "modern age, this did correspond roughly to the traditional epochalizations—but not quite. And what he took to be the internal grammar of the thinking or domains of knowledge of these times is not explained with reference to any overarching philosophical concepts but rather to formal criteria, ordering the very objects to know in respective scientific fields.

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[2] See the documents in François Bert, ed., *Histoire de la folie à l'âge classique de Michel Foucault: Regards critiques 1961-2011* (2011).

[3] See the documents in Philippe Artières and Jean-François Bert, eds., *Les mots et les choses de Michel Foucault: Regards critiques 1966-1968* (2009); Stuart Elden, *The Archaeology of Foucault* (2023), 81-91.

[4] See David Zerbib, "Unpublished works shed new light on Michel Foucault: Several experts explain how the treasures found in the philosopher's archives at the National Library of France elucidate Foucault's 'definition of philosophy,'," *Le Monde online* (English), May 11, 2023, https://www.lemonde.fr/en/opinion/article/2023/05/11/unpublished-works-shed-new-light-on-michel-foucault_6026351_23.html

"Similitude", "representation", and "man" are therefore not mainly concepts but classificatory operators, and philosophy is not the one main locus where they are generated and then applied to empirical fields but just one more field in which these operators work. Accordingly, when the "counter-sciences" of psychoanalysis and ethnology (or anthropology) are invoked in the famous final chapter,[5] they clearly somehow represent non-standard forms of theoretical thinking that relate to the dominant philosophies at the time but should not be counted as such in the strict sense themselves. Rather, they constitute promising instances of a future form of theoretical inquiry no longer bound to the formal and logical constraints of the humanistic doctrines that lie at the heart of the Western philosophical tradition, from Kant to Husserl, as it were.

Le discours philosophique, written partly under the impression of the first reactions to *The Order of Things*, compensates this absence that appeared as a strategic or polemic choice in the former book. It is a work almost entirely on philosophy and its history. Yet again, philosophy has no future and no freedom but appears as the expression of certain formal necessities. Philosophy after Nietzsche, Foucault declares on the opening pages of the manuscript, has gained its identity as an "enterprise of diagnosis", and its interpretations amount to attempts to intervene into the present by understanding and grasping it.[6] The philosopher is a sign-reader attempting to "recognize the today that is his own".[7] This relation to one's own time, situation and culture—we might say: this reflexivity—marks philosophy from the beginning and gives it a practical function that exceeds the merely theoretical and ties it essentially to the "today".[8]

However, interestingly, Foucault in this text neither emphasizes nor affirms this contextuality and situatedness of philosophy, and he does not bring it close to a notion of critique or critical activity, as he will do in later texts and even in the very last lectures at the Collège de France that return to the question of philosophy.[9] Here, in 1966, philosophy's boundedness to the today and place and context of the philosopher is fate, not promise. Western culture, the historical argument roughly goes, has "in the first half of the 17th century",[10] i.e., in the age of Francis Bacon, Galileo Galilei and Miguel de Cervantes, invented and differentiated cultural forms or discourses that have centered themselves around a specific form of textuality and a certain discursive logic that have led to stable cultural institutions. Out of a more undifferentiated unity between ethics, wisdom and the arts, the much more sharply differentiated unities of philosophy, science and literature have emerged as the very sites for philosophical, scientific and literary discourse,

[5] Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* [1966] (1970), ch. 10.V, 407-420.
[6] Michel Foucault, *Le discours philosophique* (2023), 14, our transl.; see Martin Saar, "After the Endgames: What was and what is Philosophy?," *Philosophy, Politics and Critique* 1:1 (2024).
[7] Foucault, *Le discours philosophique*, 17.
[8] *Le discours philosophique*, ch. 2, 21-28.
[9] Martin Saar, *Genealogie als Kritik. Geschichte und Theorie des Subjekts nach Nietzsche und Foucault* (2007), 275-286; Frieder Vogelmann, "Foucaults parrhesia – Philosophie als Politik der Wahrheit," in *Parrhesia. Foucaults letzte Vorlesungen – philosophisch, philologisch, politisch*, eds. Petra Gehring and Andreas Gelhard (2012).
[10] *Le discours philosophique*, 75.

respectively. All of them constitute fields of experience and knowledge, but of different forms and internal logics, realized in specific texts and genres. Philosophy ever after, and to illustrate this is Foucault's main goal in *Le discours philosophique*, remains tied to this constellation and this need to draw its boundaries towards and against the other two discourses, as they all need to seal themselves off against the prior authoritative discourse, theology.

Philosophy's creative operation in this era consists (unsurprisingly) in inventing one instance grounding and securing knowledge, namely, the *cogito* or subject.[11] And philosophy remains tied to an ever changing explication and elaboration of what it means to be a subject and to know—from Descartes to Kant to Hegel to Husserl and until the very end of modern philosophy proper—that Foucault claims to see ending or running aground at exactly this time, in the mid-1960s. This gives rise to a stream of different philosophical systems and finally to anti-systematic philosophies, but they all remain within the confines of the early modern inauguration of philosophy: "All philosophies after Descartes obey the legality of this discourse."[12]

The more detailed and complicated analysis Foucault gives in the main bulk of his manuscript is not of interest in this context. Let us just note that he turns his attention mainly towards methodological issues near the end. His treatment of the historical emergence and subsequent development of the modern "philosophical discourse" does not follow the interest of traditional intellectual history nor of systematic reflection on past conceptual options and achievements. Rather, a sort of "functional description [description fonctionelle]" is meant to trace this history on a meta-level.[13] In the last three chapters, the terms "archive" and "archaeology", introduced but not fully elaborated on in *The Order of Things*, are central, and they refer to this methodological or meta-theoretical level on which what can be thought and experienced is accounted for in terms of the very discourse in which it is made to appear. This makes "discursivity the general form of what can be given to and in experience [la forme générale de ce qui peut être donné à l'experience]".[14] The work presented and announced in *Archaeology of Knowledge* in 1969, we might contend, might be considered the methodological program following from such premises, and some of the material studies from around these years might be considered their realization—before the genealogical re-orientation in the 1970s again changes the methodological picture immensely.[15]

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[11] *Le discours philosophique*, 87.

[12] *Le discours philosophique*, 109.

[13] *Le discours philosophique*, 147. In their commentaries to these passages, the editors helpfully relate this program to Foucault's engagement with the works of Martial Guéroult and Jules Vuillemin, eminent philosophers and commentators of classical works in Foucault's youth, both of whom also attacked the traditional history of ideas, see *Le discours philosophique*, 167.

[14] *Le discours philosophique*, 247.

[15] For our own takes on this issue, see Martin Saar, "Understanding Genealogy: History, Power, and the Self," *Journal for the Philosophy of History* 2:2 (2008); Frieder Vogelmann, *Foucault lesen* (2016).

Yet, the reflection on philosophy, as an object of study in 1966, provided Foucault with one important case in point to develop this program, and philosophy itself became a strange and unfamiliar object under this lens: not a history of more or less successful attempts to reveal the truth but a series of discursive events that can be traced back to the inner logic of a specific discourse trapped in its own self-referentiality. This 'formalist' and historicist approach, as we might call it, characterizes the early Foucault's relation to the very discipline he was inhabiting partly as an outsider—as someone also teaching psychology and engaging in the history of science. Yet, he also acted partly as an insider—as someone translating some proto-structuralist and epistemological insights from Dumézil, Bachelard and Canguilhem into historical-philosophical practice. In the years 1966-1969, Foucault meditates on the beginning and on the end of philosophy (as we know it), and he was inventing the tools not to continue or save it but to analyze it and turn it into an object of study in a perspective that is not in itself philosophical in the traditional sense but something else.

PHILOSOPHY AFTER AND FOLLOWING FOUCAULT

However one judges Foucault's ambivalent relation to philosophy, which is on full display in *Le discours philosophique*, philosophy after Foucault is different, and any philosophy interested in its present will bear his mark. In the following, we argue that one of the most crucial points of his legacy is of a methodological nature: it implies understanding philosophy as a "politics of truth".[16] Such a politics intervenes into currents issues and struggles via a transformative diagnosis of the present. This mobilizes an idea that, as we have seen in the previous section, the early Foucault associated with modern philosophy as such. Using it to imagine a current and future philosophy might open up two important possible ways of philosophizing with and after Foucault.

It is commonplace to recognize that Foucault after the late 1960s frequently described his own work as diagnosing the present, sometimes with reference to Nietzsche, as we saw above, and sometimes with reference to Kant.[17] Yet, how do we build on this idea? While it is tempting to use Foucault's own concepts to come to terms with our present—

[16] Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977–1978* [2004] (2007), 3. It is worth giving the full quote: "But what I am doing […] is not history, sociology, or economics. […] what I am doing is something that concerns philosophy, that is to say, the politics of truth, for I do not see many other definitions of the word 'philosophy' apart from this."

[17] For Nietzsche, see already Michel Foucault, "Who are you, Professor Foucault?" [1967], in *Religion and Culture*, ed. Jeremy R. Carrette (1999), 91; for Kant, see Michel Foucault, "Structuralism and Post-Structuralism" [1983], in *Essential Works of Michel Foucault 1954–1984. Vol. 2: Aesthetics, Method, and Epistemology*, ed. James Faubion (1998), 449 f.; Michel Foucault, "What is Enlightenment?" [1984], in *Essential Works of Michel Foucault 1954–1984. Vol. 1: Ethics: Subjectivity and Truth*, ed. Paul Rabinow (1997), 303–305, 309, and for discussion, see Sophie Fuggle, Yari Lanci, and Martina Tazzioli, eds., *Foucault and the History of Our Present* (2015).

the panopticon, biopower, governmentality or *parrhesia* come to mind[18]—we think the broader question of how to philosophize after and following Foucault demands a different approach. Not least because of Foucault's conceptual promiscuity, we should be very careful to start from his own diagnostic descriptions.[19] Any philosophy that is able to think our present (instead of his) must proceed differently in order to think in and against the world as it is today.[20] If Foucault's way of doing philosophy is still useful for us, it is not because of any specific concept that elucidates our present but because we can learn from his method of building relevant concepts. This requires us to sketch our understanding of his way of practicing the form of non-standard, historico-conceptual inquiry he himself chose from the early 1970s on, both in his lectures and in the condensed, carefully constructed monographs.

Generally speaking, Foucault uses different methodological concepts, such as discourse, dispositif or problematization, at different times to analyze social practices in a manner that frees us from our usual normative, conceptual and historical assessments and assumptions.[21] Let us briefly indicate how this works on the three axes of his analyses: power, knowledge and subjectivity.

In his analysis of power, Foucault carefully articulates a methodological concept of power as relational, strategic and productive to circumvent questions of legitimacy in favor of questions about functioning.[22] He thereby tries to free us from a "juridico-discursive"[23] understanding of power that reduces all exercises of power to the same—legal—model of prohibition. Attending to the historical development of this impoverished conception of power, Foucault demonstrates that it perpetuates a style of political analysis that is still bound to monarchy and the phantasm of the one centralized site of power. Hence his famous verdict that in "political thought and analysis, we still have not cut off the head of the king".[24] Yet, the argument extends further: we must also rid ourselves of the tendency to interpret power relations by presupposing alleged universals such as the state, civil society or the distinction between politics and economics.[25] This reinforces the

[18] See respectively David Lyons, ed., *Theorizing Surveillance: The Panopticon and Beyond* (2006); Vernon W. Cisney and Nicolae Morar, eds., *Biopower: Foucault and Beyond* (2015); Ulrich Bröckling, Susanne Krasmann, and Thomas Lemke, eds., *Governmentality: Current Issues and Future Challenges* (2010); Petra Gehring and Andreas Gelhard, eds., *Parrhesia. Foucaults letzte Vorlesungen – philosophisch, philologisch, politisch* (2012).

[19] See Verena Erlenbusch-Anderson, "Philosophical Practice Following Foucault," *Foucault Studies* 25 (2018). In her terminology, we side with "methodologism", although for slightly different reasons than those debated between "contextualism" and "appropriationism".

[20] Martin Saar, "Philosophie in ihrer (und gegen ihre) Zeit," *Deutsche Zeitschrift für Philosophie* 67:1 (2019); Frieder Vogelmann, "Der Weisheit Freund und aller Welt Feind? Philosophie mit, in und gegen die Welt," *Deutsche Zeitschrift für Philosophie* 71:2 (2023).

[21] See Michel Foucault, *The Archaeology of Knowledge and The Discourse on Language* [1969] (2010); Michel Foucault, *The History of Sexuality. Volume I: An Introduction* [1976] (1978); Michel Foucault, *The Use of Pleasure. Volume 2 of the History of Sexuality* [1984] (1990).

[22] See Saar, *Genealogie als Kritik*, 204–224.

[23] Foucault, *The History of Sexuality I*, 82.

[24] *The History of Sexuality I*, 88 f.

[25] See Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978–1979* [2004] (2008), 3.

point we made earlier: If we follow Foucault in diagnosing power relations from their minute and cruel everyday exercise in all their strategic complexity, surprising productivity and historical malleability, then we cannot begin to philosophize by taking up the concrete and specific diagnoses of *his* present half a century ago.

Similarly, Foucault's analyses of knowledge—from scientific discourses such as psychiatry or criminology to individual practices of veridiction such as *parrhesisa*—circumvent the immediate assessment of statements as true or false. Instead, he shifts the focus to the socio-material conditions for statements to be truth-apt, i.e., to have truth-values at all. In the center lies what we can call, using Foucault's own favorite formulations, the *conditions of alethic existence* (instead of epistemic conditions of possibility).[26] This methodological shift is important for Foucault, as he insists that it gives his critique its specific form. Instead of showing certain fields of knowledge to be erroneous (wrong/false), illusionary or ideological, he aims to uncover the set of social practices and the particular conditions of alethic existence established by them and that enabled these forms of knowledge to exist in the first place. As he explains at length in *The Birth of Biopolitics*, this is a constant methodological premise underlying his work:

> The question here [concerning the dichotomy of politics and economy; MS & FV] is the same as the question I addressed with regard to madness, disease, delinquency, and sexuality. In all of these cases, it was not a question of showing how these objects were for a long time hidden before finally being discovered, nor of showing how all these objects are only wicked illusions or ideological products to be dispelled in the light of reason finally having reached its zenith. It was a matter of showing by what conjunctions a whole set of practices—from the moment they become coordinated with a regime of truth—was able to make what does not exist (madness, disease, delinquency, sexuality, etcetera), nonetheless become something, something however that continues not to exist. That is to say, what I would like to show is not how an error […] or how an illusion could be born, but how a particular regime of truth […] makes something that does not exist able to become something. It is not an illusion since it is precisely a set of practices, real practices, which established it and thus imperiously marks it out in reality.[27]

These sets of practices did not come about peacefully. Uncovering the conditions of alethic existence for a specific field of knowledge demonstrates the power struggles and epistemic and social conflicts implied in the establishment of that knowledge. Thus, Foucault's

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[26] This formulation of course evokes the difficult question of whether such a program still follows a transcendental form of reflection or rather breaks with it. The question also touches on Foucault's relation to Kant and Husserl, respectively. These issues have been treated extensively in the pages of this journal. Let us just refer to the fundamental contribution by Beatrice Han-Pile, *Foucault's Critical Project: Between the Transcendental and the Historical* (2002) and the contrasting view articulated by Garry Gutting, "Review of Beatrice Han: Foucault's Critical Projekt," *Notre Dame Philosophical Reviews*, https://ndpr.nd.edu/reviews/foucault-s-critical-project/ (accessed February 16, 2024); see also Gary Gutting, *Thinking the Impossible. French Philosophy since 1960* (2011), 145–147.

[27] Foucault, *The Birth of Biopolitics*, 19, see also 35 f.

critique works by vividly showing us which conflicts had to be fought and won and whose submission needed to be ensured before we got the serene and stable knowledge(s) so familiar to us. He already pointed out this constant methodological operation in his first lecture series at the Collège de France in 1970:

> Then […] we will have put the game of truth back in the network of constraints and dominations. Truth, I should say rather, the system of truth and falsity, will have revealed the face it turned away from us for so long and which is that of its violence.[28]

When it comes to the third axis of analysis, subjectivity, we encounter the same method: Foucault replaces substantial notions of subjectivity—e.g., of individuals being imbued with an interiority that requires guidance and demands to be expressed truthfully—with a methodological, even praxeological concept of the subject as the site of a practical relation to self. Instead of assessing subjectivity in terms of authenticity or autonomy, he proposes a hermeneutical grid of four elements to better analyze the different forms such a practical relation to self can take: what part of the self is worked on (ontology), why (deontology), how (ascetics) and to what end (teleology).[29] Foucault introduces this analytic grid in *The Use of Pleasure* specifically for his history of sexuality in order to get an analytic handle on moral conduct and ethical self-understanding related to sexual acts in late antiquity. Yet, it can be used fruitfully for processes of subjectivation in general, as a remarkable number of studies have shown.[30] Once again, our point is that philosophizing after Foucault should not start from any of the concrete historical forms of subjectivity he diagnosed (e.g., the Greek care of the self; or the objectified, self-reflective ego the modern human sciences have invented). We should rather take inspiration from the methodological shift that circumvents foundational or substantive concepts of subjectivity in order to show, for example, how and why we are so obsessed with becoming authentic or autonomous subjects in the first place.

Talking about the "politics of truth" behind and below the specific truths or specific legitimacies, norms, identities and selves that there are refers to a rather abstract common denominator of much of Foucault's work. Yet, it indicates why Foucault himself suspected that philosophy as a discipline and discourse is unable to take this perspective: Philosophy (as we know it) is too much in awe before and in love with truth to look behind and beneath it. It tends to take given truths, legitimacies, norms, identities and selves as the legitimate objects of thinking and as the practical realities to cope with. The shift in perspective away from the many truths to the politics of truth is critical, even destructive of this immersion in and complicity with the given realities. It does not deny their relevance,

[28] Michel Foucault, *Lectures on the Will to Know: Lectures at the College de France 1970–1971 and Oedipal Knowledge* [2011] (2014), 4.

[29] Foucault, *The Use of Pleasure*, 26–29 and 39.

[30] James D. Faubion, *An Anthropology of Ethics* (2011); see also for a recent overview Paolo Heywood, "The Two Faces of Michel Foucault", in *The Cambridge Handbook for the Anthropology of Ethics*, ed. James Laidlaw (2023), 130-154.

weight or robustness. On the contrary, much of Foucault's analyses try to account for the fact that all these truths, facts, natures and realities "really" came into being and acquired validity—and how hard it is to even imagine them otherwise. Revealing these emergences as specific, historical and empirical, as it were, means depriving them of any appearance of naturalness or necessity they might surround themselves with. "Politics" here means: contingency, power relations, struggles, complications and non-linearity, but also the potentiality of transformation.

Taking up Foucault's work from this methodological side and paying attention to his manner of doing philosophy rather than to his specific historical results allows us to argue for two entries into contemporary philosophical debates. Both aim to continue and develop specific aspects of Foucault's philosophizing; they are inspired by—and critically loyal to—his method. Yet, both are equally animated by the strong conviction that we should not remain committed to simply commenting on his work in his own time but to working on our problems of our time with Foucauldian or Post-Foucauldian tools.

CRITICAL ONTOLOGY

It sounds wrong to attribute to Foucault the program of actualizing traditional ontology in the classical sense, i.e., an encompassing theory of all beings in their unity and coherence—a *metaphysica generalis*. Foucault's methodological anti-dogmatism and anti-universalism seem to undermine any attempts in this direction. Despite all differences, Foucault seems to faithfully follow the Kantian revolution that turns away from the classical metaphysical urge to talk dogmatically about things as they are and to embark on a critical, reflexive project of elucidating the conditions under which we can know and experience anything at all. While it is certainly possible to construe Foucault as a radicalized Kantian who took this reflexive self-critique even further, one must keep in mind that he certainly does not ground this project in a philosophy of the subject. Unsurprisingly, one can also read his work from the other side—from the side of the objects themselves. In this sense, Foucault (also) seems to ask how those came about and how they came into view as possible objects of knowledge and experience in the first place. This does not undo the Kantian turn of perspective completely, but it opens a path to question the very nature, status and reality of those objects (many of which turn out to be not unrelated to subjects—in plural ways). In this way, he reopens the space for ontological questions.[31]

In the case of many French philosophers of Foucault's and the previous generation, matters get even more complicated because of the incessant influence of the early Heidegger and his "existential" or "fundamental ontology" that had already left its mark

[31] Johanna Oksala, "Foucault's Politicization of Ontology," *Continental Philosophy Review* 43 (2010), 445-466; Martin Saar and Frieder Vogelmann, "Foucault und die Ontologie. Eine Debatte," in *Leben Regieren. Biotechnologien, Natur und Gesellschaft im 21. Jahrhundert*, eds. Katharina Hoppe, Jonas Rüppel, Torsten H. Voigt and Franziska von Verschuer (2023). In the latter text, we have focused on the systematic differences between critical ontology and political epistemology; here, we attempt to bring out the substantial methodological agreement on which they both rest.

on the works of Sartre, Lévinas, Merleau-Ponty and others in the 1930s and 1940s.[32] Texts from the later Heidegger, like the famous "Letter on Humanism", published in German and in French in 1947, or the lectures on Nietzsche, were immensely formative in the 1960s and influenced Derrida, Lacan and even Althusser to a degree. The early Foucault was definitely affected by this influence, too, as is well documented.[33] However, the terms "ontology" and "ontological" in the Heideggerian lexicon have become so overdetermined and even turned against their former, classically metaphysical meaning that they have changed their meaning drastically.

It is in the more classical sense of the term when Foucault implies that he has no interest in constructing "a metaphysics or an ontology of power" but in the question "how is power exercised?"[34] Yet, in a small number of crucial passages, Foucault himself uses the formulas "critical ontology" or "historical ontology of ourselves", often referring to the genealogical scrutiny of the emergence of self-understandings and identifications and the critical work of dissolving certainties and naturalizations. The most prominent formulations occur in Foucault's late commentary on Kant's "What is Enlightenment?", where he credits Kant with asking all the right questions:

> It seems to me that Kant's reflection is even a way of philosophizing that has not been without its importance or effectiveness during the last two centuries. The critical ontology of ourselves has to be considered not, certainly, as a theory, a doctrine, nor even as a permanent body of knowledge that is accumulating; it has to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them.[35]

This is not only a negative, destructive task: "we must obviously give a more positive content to what may be a philosophical *êthos* consisting in a critique of what we are saying, thinking and doing, through a historical ontology of ourselves".[36] Foucault's program is no general theory but highly contextual and contemporary: "I mean that this work done at the limits of ourselves must, on the one hand, open up a realm of historical inquiry and, on the other, put itself to the test of reality, of contemporary reality, both to grasp the points where change is possible and desirable, and to determine the precise form this change should take."[37] This aspiration realizes itself in the three major domains of problematizations defined by Foucault's work that we have briefly discussed in the previous section:

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[32] Dominique Janicaud, *Heidegger en France* (2001).

[33] Alan Milchman and Alan Rosenberg, ed., *Foucault and Heidegger: Critical Encounters* (2003); Martin Saar, "Heidegger und Michel Foucault. Prägung ohne Zentrum," in *Heidegger-Handbuch*, ed. Dieter Thomä (2013).

[34] Michel Foucault, "The Subject and Power" [1980], in *Essential Works of Foucault 1954-1984. Vol. 3: Power* (2000), 337.

[35] Foucault, "What is Enlightenment?", 319.

[36] "What is Enlightenment?", 315.

[37] "What is Enlightenment?," 316.

> […] we have three axes whose specificity and whose interconnections have to be analyzed: the axis of knowledge, the axis of power, the axis of ethics. In other terms, the historical ontology of ourselves has to answer an open series of questions; it has to make an indefinite number of inquiries which may be multiplied and specified as much as we like, but which will all address the questions systematized as follows: How are we constituted as subjects of our own knowledge? How are we constituted as subjects who exercise or submit to power relations? How are we constituted as moral subjects of our own actions?[38]

This line of thought stresses that philosophical critique does not restrict itself to the cognitive or discursive realm but actually affects what we "are" in our being. It has been accepted and taken up by many philosophers working in the wake of Foucault or with interests similar to his. Judith Butler might be the most prominent among them, having projected elements of a "relational social ontology" in the last two decades that elaborates and further develops Foucault's formulation.[39] However, we want to highlight that from this point of departure it is easy to enter into a dialogue with a plethora of current developments in the humanities that claim a "return to ontology" or an "ontological turn". Instances of such claims can be found most prominently in anthropology but also in feminist theory, critical social theory, analytic metaphysics, post-Marxist political theory and Cultural Studies. Sometimes they are connected to an emphasis on materiality and objecthood and have some overlap with the—again: rather heterogeneous—theoretical movement now known as New Materialism.[40] While some of the proponents of these debates signal their distance from Foucault and his alleged exclusive focus on discourse and meaning, others credit him as a forerunner of a differently ontological and/or materialist thinking.[41]

It would be a challenging but worthwhile task to map these various debates and analyze the shifting meanings the reference to Foucault has and has had in them, but this would be the task for another paper (and other authors). Nevertheless, let us flag these discussions and the stakes for philosophy they contain: Foucault can be read and used as an entry into the debate on how to rethink ontology as a theoretical enterprise under current conditions and how to think "our" being and its emergence and transformation. While this has been taken up by many other disciplines, as just mentioned, it does remain a profoundly philosophical question, and it also involves contemporary philosophy's relation to its own metaphysical past, the Kantian revolution, the Heidegger moment, and the future of post-dogmatic, post-foundationalist and post-metaphysical or maybe neo-metaphysical thinking.

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[38] "What is Enlightenment?," 318.

[39] Judith Butler, *Frames of War: When Is Life Grievable?* (2009), 184; see Arto Charpentier, "On Judith Butler's 'Ontological Turn'," *Raisons politiques* 76:4 (2019).

[40] For an introduction see *New Materialisms: Ontology, Agency, and Politics*, eds. Diana Coole and Samantha Frost (2010).

[41] For this discussion, see Thomas Lemke, *The Government of Things: Foucault and the New Materialisms* (2021).

Let us just name some conceptual essentials that a Foucauldian inspiration might bring to this discussion: Such an ontology will be essentially historical and will leave behind the aspiration to provide a perspective on eternal, unchanging essences. On the contrary, a Foucauldian or Post-Foucauldian historical ontology will place all emphasis on the emergence of entities and their historical transformation. Given that all of its objects, namely all the things, subjects and institutions in our social world are inherently dynamic, this ontology will have to be dynamic or processual too.[42] It will not be anthropocentric, in that it will not omit the non-human, non-organic factors, but it will be especially concerned with the feedback loops and recursive ontological effects that occur when human beings (expressing their status as "human kinds", to use Hacking's phrase) change their nature and that of others by actively transforming their own being.[43] This is also congenial to the idea of a "weak ontology" that bids farewell to all strong metaphysical aspirations.[44] Such an ontology will still be a strict and formal philosophical exercise, but it will not claim an ultra-objective, metaphysical point of view. Instead, it will allow for plural and perspectival insights that never lose sight of the social and political conditions of ontological description and theorizing itself. In so doing, it will remain "post-foundationalist" in the sense given to the word by the discussions on Left-Heideggerianism and "political ontology" after Laclau.[45] These philosophical reflections remain within the orbit of the ontological but conceive it as intricately linked with the empirical and political. They still try to account for the reality and materiality, i.e., the very being, of ourselves and of the world around us.

It may come as no surprise that many current theories invested in a certain kind of ontological vocabulary do this in view of environmental or ecological questions, since the perspective of an impending ecological disaster is nothing less than a question of being (and of nothingness). It seems as if nature has returned as an ultra-reality escaping all too-easy theoretical and practical capture. This is a topic only marginally present on the Foucauldian archipelago, the fascinating remarks on "environmentality" being the evident exception, marginal and underdeveloped as they are.[46]

However, the whole ecological complex might be approached most fruitfully from a Post-Foucauldian, ontological point of view. For it is exactly the historicist interest in processes of emergence, stabilization and deconstitution that are the preferred objects for such a kind of inquiry. And it is with the tool of a three-dimensional form of analysis

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[42] Emmanuel Renault, "Critical Theory and Processual Social Ontology," *Journal of Social Ontology* 2:1 (2016.).
[43] Ian Hacking, *Historical Ontology* (2002); Arnold I. Davidson, *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts* (2002).
[44] Stephen K. White, *Sustaining Affirmation: The Strengths of Weak Ontology in Political Theory* (2000).
[45] Martin Saar, "What is Political Ontology? Review of: Oliver Marchart: Die politische Differenz. Zum Denken des Politischen bei Nancy, Lefort, Badiou, Laclau und Agamben. Berlin 2010: Suhrkamp," *Krisis: Journal for Contemporary Philosophy* 12:1 (2012).
[46] *The Birth of Biopolitics*, 261 (the translation has "environmentalism" for environmentalité); see Timothy W. Luke, "On Environmentality: Geo-Power and Eco-Knowledge in the Discourses of Contemporary Environmentalism," *Cultural Critique* 31 (1995); Lemke, *The Government of Things*, ch. 8, 168–190.

(pertaining to: knowledge/science; power/politics; subjectivity/ethics) that these issues might be approached in a way that can help us understand, first, the deep cognitive-discursive causes of a crisis; second, the social dynamics and power-struggles that structure its handling; and third, the deep-rooted mentalities and dispositions on an ethico-political plane that are unable to transform despite the urgent necessity to do so. Critically understanding eco-knowledge, eco-power and eco-subjects is an ontological enterprise because it tries to understand "our" being, today, in all its constraints and potentialities.

POLITICAL EPISTEMOLOGY

As in the case of ontology, engaging in epistemology might seem an unlikely choice for Foucauldian or Post-Foucauldian philosophers. After all, Foucault frequently sets aside epistemological questions if not criticizes the "analytics of truth".[47] Yet again, the verdict against epistemology holds true only for a traditional conception of it, narrowly defined as the attempt to analyze forms of knowledge, justification and reason tied to the cognitive capacities of generic and a-social, perhaps even transcendental subjects. The rise of "social epistemology" since the 1990s has at least partly broadened the scope of mainstream epistemology, although it remains torn between programs merely expanding traditional epistemology's assumptions and analyses on the one hand and programs seeking to criticize and revise those assumptions on the other.[48] As the name "social epistemology" therefore remains ambiguous, we prefer to use "political epistemology", which includes critical approaches in social epistemology but is even wider. It starts from the fact that reason, truth and knowledge are social phenomena. Yet, it insists on the politically significant further insight that epistemic phenomena do not just exist in social practices ridden with conflicts but are constituted by those conflictual practices which they in turn shape.

Understood in this broad sense as intertwining epistemology with social and political theory, political epistemology is nothing new. All critical theories have, in some way or other, engaged in it to criticize traditional epistemologies that idealize away the socio-material conditions of epistemic phenomena. In Frankfurt School critical theory, political epistemology became necessary to distinguish the specific form of critical from traditional theory and to account for central concepts such as ideology that describe a particular combination of knowledge and domination.[49] In feminist theory, the epistemic success of feminist interventions into the natural and social sciences gave rise to feminist epistemology, a whole research field that tries to better understand the gendered nature of reason and

[47] See, e.g., Michel Foucault, *The Government of Self and Others: Lectures at the Collège de France 1982–1983* [2008] (2010), 20; Michel Foucault, *Discourse & Truth and Parrēsia* [2016] (2019), 224.
[48] For an overview with sympathies for the second program, see Martin Kusch, "Social Epistemology," in *The Routledge Companion to Epistemology*, ed. Sven Bernecker and Duncan Pritchard (2011).
[49] Max Horkheimer, "Traditional and Critical Theory" [1937], in *Critical Theory. Selected Essays* (2002); Theodor W. Adorno, "Ideology" [1954], in *Aspects of Sociology*, ed. Frankfurt Institute for Social Research (1973).

knowledge[50] and to give a realistic account of the productive role of non-epistemic values in scientific practices.[51] Post- and decolonial theory has, for a long time, been analyzing the unequal creation, distribution and acceptance of knowledge according to its concrete location to uncover the highly unjust "geopolitics of knowledge".[52] Belatedly, analytic philosophy discovered political epistemology in different forms too.[53]

A Foucauldian perspective in political epistemology starts, of course, from the familiar concept of "power-knowledge", that is, from the premise that power, knowledge and subjectivity are internally related:

> We should admit rather that power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations. These 'power-knowledge relations' are to be analysed, therefore, not on the basis of a subject of knowledge who is or is not free in relation to the power system, but, on the contrary, the subject who knows, the objects to be known and the modalities of knowledge must be regarded as so many effects of these fundamental implications of power-knowledge and their historical transformations.[54]

However, political epistemology after and following Foucault will have to do more than just restate this premise or show once again that it does not reduce reason or knowledge to power or politics.[55] It must also address the epistemological questions that Foucault mostly relegated to the side and that Foucauldians have not often been willing to engage with:[56] How do we build a "non-sovereign" epistemology that can explicate the concept of truth as a standard of epistemic validity in a way compatible with its historicization

[50] See Donna J. Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective," *Feminist Studies* 14:3 (1988); Alison Wylie, "Feminist Philosophy of Science: Standpoint Matters," *Proceedings and Addresses of the American Philosophical Association* 86:2 (2012).

[51] See Sandra Harding, *Whose Science? Whose Knowledge? Thinking from Women's Lives* (1991); Helen E. Longino, *Science as Social Knowledge: Values and Objectivity in Scientific Inquiry* (1990).

[52] Walter D. Mignolo, "The Geopolitics of Knowledge and the Colonial Difference," *South Atlantic Quarterly* 101:1 (2002), 67. See already Enrique Dussel, *Philosophy of Liberation* [1980] (1985).

[53] See Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* [2007] (2010); Michael Hannon and Jeroen De Ridder, eds., *The Routledge Handbook of Political Epistemology* (2021).

[54] Michel Foucault, *Discipline and Punish: The Birth of the Prison* [1975] (1977), 27 f.

[55] For recent and convincingly argued accounts see, e.g., Amy Allen, "Power/Knowledge/Resistance: Foucault and Epistemic Injustice," in *The Routledge Handbook of Epistemic Injustice*, eds. Ian James Kidd, José Medina, and Gaile Pohlhaus, Jr. (2017); Daniele Lorenzini, *The Force of Truth: Critique, Genealogy, and Truth-Telling in Michel Foucault* (2023).

[56] Of course, there are exceptions: see, e.g., the (very different) accounts by Linda Martín Alcoff, "Foucault as Epistemologist," *Philosophical Forum* 25:2 (1993); Joseph Rouse, "Foucault and the Natural Sciences," in *Foucault and the Critique of Institutions*, eds. John Caputo and Mark Yount (1993); C. G. Prado, *Searle and Foucault on Truth* (2006).

and intertwinement with power?[57] How do we conceptualize knowledge as distinct from mere beliefs and opinions yet bound to changing historical constellations? How do we defend scientific practices and results against today's science deniers without immunizing the sciences from criticism and without idealizing knowledge away from its socio-material conditions of existence? Foucault's proposal that epistemic validity is socially and materially situated and that we should recognize the socio-material conditions of alethic existence is an important first step—but it is only a first step. To answer the questions just listed, which concern political epistemology's basic concepts (and could be easily multiplied), we must go beyond Foucault's refusal to engage with epistemology proper.[58]

Yet, there are further important research questions for political epistemology after and following Foucault. While we only want to mention the necessity to engage with self-reflexive, meta-philosophical questions that turn on the socio-material conditions of alethic existence of philosophical knowledge, including the knowledge produced in political epistemology itself, we want to emphasize that there are "first-order" questions too. After all, political epistemology is called for, in the first place, because we want to address contemporary debates such as the current problematization of untruths in politics, unfolding awkwardly and confused under the terms "post-truth" or "fake news".[59] It calls for a clarification on multiple fronts, but two seem especially important: First, instead of lumping together all untruths, we should reconsider, from the perspective of Foucauldian or Post-Foucauldian political epistemology, the many kinds of untruths in politics that we already know: ideologies, propaganda, political lies or bullshit. Some of these concepts might need serious re-interpretation; for example, ideology has often been taken to be incompatible with Foucault's conceptualization of power-knowledge. Yet, we think that it is time to move past his (often not very convincing) rejections of the concept to instead find a conceptualization of ideology that is compatible with a non-sovereign political epistemology.[60] The general idea is to distinguish two levels of analysis. On the first level, we find the socio-economic conditions of alethic existence, which, as Foucault's historical studies demonstrate, for the most part change very slowly. They form a relatively stable foundation of wide-ranging regimes of truth by determining which statements are truth-apt. Yet, there is also a second level of analysis that attends to what happens within those regimes of truth. And here, we argue, it does make sense to introduce the concepts of ideology, propaganda, political lies etc. For not every departure from the agreed-upon

[57] Joseph Rouse, "Beyond Epistemic Sovereignty," in *The Disunity of Science: Boundaries, Contexts, Power*, ed. Peter Galison and David Stump (1996).

[58] See Frieder Vogelmann, *Die Wirksamkeit des Wissens. Eine politische Epistemologie* (2022).

[59] See, e.g., Lee McIntyre, *Post-Truth* (2018); Vincent F. Hendricks and Mads Vestergaard, *Reality Lost: Markets of Attention, Misinformation and Manipulation* (2018); Steve Fuller, *Post-Truth: Knowledge as a Power Game* (2018). For a critique and a constructive reconceptualization of this debate, see Frieder Vogelmann, "The Problem of Post-Truth: Rethinking the Relationship between Truth and Politics," *Behemoth: A Journal on Civilisation* 11:2 (2018).

[60] As does, for example, Christian Schmidt, "'Ein Grundbegriff, den man nicht verwenden kann, ohne Vorkehrungen zu treffen'. Michel Foucaults Beitrag zur Analyse und Kritik von Ideologien," in *Die Rückkehr der Ideologie. Zur Gegenwart eines Schlüsselbegriffs*, eds. Heiko Beyer and Alexandra Schauer (2021).

consensus should be considered as an attempt to establish an alternative regime of truth. Obviously false statements, in particular, often serve to exert and display power by forcing others to accept publicly what they know to be false. Using untruths in this manner does not challenge the current regime of truth but exploits it.[61] Similarly, ideologies operate within regimes of truth and are bound to their conditions of alethic existence. While we cannot pursue the complex philosophical questions raised by such a proposal here, it does open a conceptual space to work on urgent political and epistemological issues without falling behind Foucault's insights or merely repeating them.

Second, folded into the current problematization of untruth in politics is a debate about the role of scientific practices in democracy. This debate seems stuck in the false alternative between a wholesale rejection or denial of scientific results and practices on the one hand and a blind idealization of "science" on the other hand that neither cares for actual scientific practices nor allows their nuanced and critical interrogation. Interestingly, the baseless attacks on the sciences as well as the naïve defense of them often rely on an oversimplified understanding of scientific practices searching for timeless truths free from social and political conflicts.[62] Whereas its defenders seem to think that this idealization is necessary for preserving the epistemic authority of scientific knowledge, the attackers use that very idealization against actual existing scientific practices, which, messy social practices that they are, can never live up to it.

Political epistemology after and following Foucault offers a way out of this dilemma because it starts from the realization that "truth is a thing of this world"[63] and does not reside in some noumenal realm. Hence it makes little sense to defend scientific practices by trying to purify them from all non-epistemic interests, values and conflicts that they invariably include. Instead, a political epistemology after and following Foucault, as well as many of the contributions in philosophy of science that do take history and power relations seriously, attempt to explain how scientific practices can achieve knowledge because of their impurity.[64] What remains specific to Foucauldian and Post-Foucauldian political epistemology, however, is its critical perspective on the sciences. This critique takes off by employing the three-pronged analytic framework of knowledge, power and subjectivities in order to historicize and de-naturalize scientific practices and results without simply denying their importance or validity. Science, as it were, is as much a part of our

[61] See Frieder Vogelmann, "Should Critique be Tamed by Realism? A Defense of Radical Critiques of Reason," *Genealogy+Critique* 5:1 (2019), 23–25. Cf. Susanne Krasmann, "Secrecy and the Force of Truth: Countering Post-Truth Regimes," *Cultural Studies* 33:4 (2019) for a different opinion.

[62] On this (slightly polemical) diagnosis, see Frieder Vogelmann, *Umkämpfte Wissenschaften – zwischen Idealisierung und Verachtung* (2023).

[63] Michel Foucault, "Truth and Power" [1977], in *Essential Works of Michel Foucault 1954–1984. Vol. 3: Power*, ed. James Faubion (1998), 131.

[64] For recent non-idealizing perspectives from philosophy of science, see, for example, Hasok Chang, *Realism for Realistic People: A New Pragmatist Philosophy of Science* (2022); Nancy Cartwright et al., *The Tangle of Science: Reliability Beyond Method, Rigour, and Objectivity* (2022). Contributions from feminists and Foucauldians include Longino, *Science as Social Knowledge*; Joseph Rouse, *Knowledge and Power: Toward a Political Philosophy of Science* (1987).

contemporary politics of truth as its contestation, but this does not make it a weak or contingent institution. On the contrary, in the contemporary regime of truth, it has acquired an unparalleled epistemic authority, and some of the sciences—e.g., the natural sciences, of course, but also economics, medicine or jurisprudence—do indeed have the kind of superiority over other epistemic practices that warrants critical attention and interventions targeting the very form of knowledge they produce, the institutions they inhabit and the specific subjects they form.

CONCLUSION

We started from Foucault's ambivalent relation to philosophy as an object of study and a practice he was engaged in, as best seen from his discussion in *Le discours philosophique*. To address the question of what philosophizing after and following Foucault might mean today, we have argued for a methodological approach. Rather than building on one of his many diagnoses, we have sought to argue for continuing his analytic heuristic with its three dimensions of power, knowledge and subjectivity. On each of them, Foucault shifts the perspective from the given legitimacies, norms, identities and selves to their historical, conflict-ridden genesis.

This "politics of truth" may disturb philosophical business as usual, but it allows the development of something like Foucauldian or Post-Foucauldian programs of critical ontology and political epistemology that remain in contact and debate with current philosophy in the academic, disciplinary sense but also extend the range of arguments and materials usually deployed there. Using the examples of ecological questions and of the problematization of untruths in politics, we have outlined why pursuing these paths might be worthwhile or even urgent. At the heart of philosophizing after and following Foucault lies the shift from beginning with the given norms, institutions, identities or selves to a critical diagnosis of the "politics of truth" involved in their conflict-ridden emergence to open up alternative ways of thinking, acting and being. Foucault might have toyed with the idea of leaving philosophy behind for good, but following him need not imply that. He has perhaps only interpreted philosophy in a specific way; the point, however, is to change it.

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ARTICLE

The *Actualité* of Philosophy and its History: Michel Foucault's Legacy on a Philosophy of the Present

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ABSTRACT. From the late 1970s, and particularly in the last years of his life, Michel Foucault repeatedly returned to the status of philosophical reflection as an ontology of the present, of *actualité*, or an ontology of ourselves. However, the impact of these famous theoretical syntagms around a philosophy of the present or of actualité – one of Foucault's most precious legacies 40 years after his death – is not fully intelligible without considering that they were already at the heart of Foucault's reflections on the status of philosophy from the mid-1960s onwards.

Today, with the recent publication of the essay *Le Discours philosophique*, we can better understand how the concept of actualité shaped, within an archaeological framework of analysis, the highly complex elaboration of the status of philosophy as a discourse aimed at providing a diagnosis of our *actualité*. The theoretical density of this latter term reveals a rich panorama of philosophical references (sometimes explicit, sometimes more implicit) that are essential for grasping both the historical-conceptual stakes of this term and the way in which it is, for the first time, inscribed at the heart of the status of philosophy, giving rise also to the very possibility of making it an object of historicization that at the time was still only archaeological.

The aim of this contribution is to show how *Le Discours philosophique* broadens our understanding of what Foucault would later take up in a wider horizon of analysis, in which *actualité* would mark a renewed space of historical analysis of the contingent relationship between philosophy and its present, by redefining philosophical reflection as a practico-reflexive mode that Foucault will designate as "attitude" (and "critical attitude").

Keywords: *Actualité*, philosophy, discourse, diagnosis, archaeology

INTRODUCTION

Forty years after Michel Foucault's death, we are entitled to ask ourselves what he left us, in order to determine, even partially, his legacy for "us" "today". Inevitably, this goal is difficult

to achieve insofar as Foucault's thought was constructed with reference to issues that today we could probably neither formulate in the same way nor address with the same attention. While, on the other hand, our current situation poses new problems that could well be circumscribed thanks to Foucault's toolbox, we are nevertheless always faced with the risk of making this toolbox too flexible, too plastic, too 'ready-made', thus losing sight of the very specific circumstances and conjunctures in which Foucault's historical-conceptual tools were forged. These tools have sometimes been hastily applied to issues that would call for more caution and consequent adjustments of the hypotheses and concepts that were once created to approach this or that other object that Foucault dealt with during his life.

Foucault was someone who was committed to reflecting not only on the actuality (*actualité*) of his time, on what was raging and problematic in it, but also on the very idea of *actualité* and the way in which it constantly shapes and reshapes our thinking so that new objects of thought can finally emerge within it. For him, these objects of thought have always been the product of the impact of current events on our thinking. Therefore, this impact becomes the very thing that makes it possible to historicise what, in a given historical and political conjuncture, it has been possible to think and say; the limits of the "*dicible*" and the "*indicible*" that determined the *actualité* of a specific period.

Questioning Foucault's legacy and what is still timely in his thought undoubtedly calls for a preliminary questioning that goes beyond both the situated nature of his thought and our own. Not only did Foucault's thought have *actualité* as its object; it also – and perhaps above all – engaged with *the form of the relationship* we maintain with an *actualité* that is always in flux, that of a present that is always at a distance from itself (*à l'écart de lui-même*). Such a present is shaped by a difference that determines – as Foucault repeated right up to his last writings on the *Aufklärung* – "what we are, what we think and what we do today".[1] However, this also means, in a reversed sense, what is to be understood by "critique", i.e., asking what we can and must say, think and do to become other than what we are and to transform the present in which we find ourselves (a "practical critique that takes the form of a possible transgression (*franchissement*)".[2] And yet what Foucault called "this permanent critique of ourselves" in his later writings referred to a "mode of reflective relation to the present" that had been "at the basis of an entire form of philosophical reflection".[3]

Today, forty years after his death, to say that philosophy is a reflection on the present and starting from the present may seem like a truism or something that goes without saying. However, in the sentences I quoted, Foucault claims something more, namely that the fundamental relationship that philosophical reflection has with its present can take, and effectively and historically has taken, place in several ways and in different forms. Thus, when we take up a question that is as old as it is still open to us today ("what does it mean to philosophize?"), we should not only consider the relationship with a specific time. We should also and above all consider *the form of this relationship* and its historical mode of constitution – that is, the way in which philosophy has constituted itself in relation to what its *actualité* was. It is perhaps this question concerning the reflexive form that philosophy has maintained with its present at

[1] Michel Foucault, "What is Enlightenment?" [1984], in *The Foucault Reader*, ed. Paul Rabinow (1984), 32.

[2] Ibid., 45.

[3] Ibid., 43-44.

each moment in its history, which in fact made it actual or real in its material and historical existence, that constitutes an open problem. It is a question that never ceases to be posed to "us" and "today", insofar as “us” and “today” are contingent and therefore changeable. This question appears as one of the legacies that Foucault's thought has left us and forces us to renew and shift the approach to our way of looking at philosophy.

As already mentioned, the writings on the *Aufklärung* of the 1980s place the reflective relationship to the present under the sign of an *attitude* and, more precisely, as *practical attitude* that defines what 'critique' means as a 'historical ontology of ourselves'. Several studies have already been devoted to the meaning of this famous philosophical syntagm, but until now it has been impossible to highlight that Foucault grappled with this question from at least the mid-1960s, as can be seen from the recent publication of the essay *Le Discours philosophique.*[4]

If today we wish to question the legacy of Foucault's thought in the study of the relationship that philosophy has or has had with its *actualité*, we must return to this essay, where this question is crucial and is addressed more directly than in the 1980s. The theoretical shift in thinking about philosophy as a critical attitude that Foucault proposed towards the end of his life does not seem fully intelligible without taking into account the way in which Foucault deals with this fundamental question in this essay written in 1966, a few months after the publication of *Les Mots et les chose*s, which Foucault eventually decided not to publish despite the relatively well-written state of most of its fifteen chapters.

The goal of the essay is to apply the archaeological method to philosophy, understood by Foucault in a theoretical conjuncture marked by several forms of anti-humanism, including those of structuralism, then at its height, which had already called into question the human sciences of which Foucault had made his archaeology in his famous book proclaiming the death of man. It was a question of pushing philosophy into the same space of questioning opened by what Foucault had designated as *counter-sciences* (linguistics, psychoanalysis, and ethnology) in *Les mots et les choses*.

Yet, even if the references to philosophy in this book are abundant and complex, to approach philosophy directly as an object of the archaeological method, and thereby test this very method through this object, it was necessary to interrogate it through the lens of actuality (*actualité*). This relationship with the *actualité* enables the archaeological method to posit philosophy, or better still, the philosophical discourse, as its object. In *Le Discours philosophique*, this historicization is twofold, insofar as it takes place on two levels: on the one hand, the archaeological history of philosophy from the mid-seventeenth century to the present day, and, on the other hand, the archaeological historicization of the history of philosophy as it had been conceived until then.

With this dense term of *actualité*, which is conceptually charged, we identify from the outset at least three intertwined areas of questioning concerning: first, "philosophy" as an object of archaeological investigation and its status as a *discourse*; second, the archaeological method as it allows us both to construct this object and at the same time to be put to the test by it, with all the difficulties and stumbling blocks that the application of this method implies; and

[4] Michel Foucault, *Le Discours philosophique*, ed. Orazio Irrera and Daniele Lorenzini (2023).

finally, the focus of problematization concerning the historicization process imposed by this object and by this method.

In an attempt to restore the full philosophic thickness of the term 'actualité', and at the same time to restore this essay on philosophical discourse to the *actualité* that is its own, it is necessary to begin by situating it within the broader project of an 'Archaeology of Thought' ("*Archéologie de la pensée*") that Foucault sketches out and outlines in one of the notes in his *Cahiers* – notes that precede and accompany the writing of *Le Discours philosophique* annexed to the edition of this volume. In one of these notes, dated 15 July 1966, Foucault presents a tripartition of what he calls an "Archaeology of Thought" (*L'archéologie de la pensée*).[5] This project should have set itself the task of liberating thought from that which has long organised and enclosed it: Man, whose disappearance Nietzsche had shown. Nevertheless, according to him, it was still necessary to get rid of everything "that made it possible, accompanies it and still obscurely maintains it: knowledge, writing, reflection". In this tripartition, we see that Foucault had carried out the project of the Archaeology of the human sciences already in *Les mots et les choses*, that of an archaeology of fiction and literature touched on in certain lectures and texts of the 1960s, and finally we can see an archaeology of reflection that corresponds to what Foucault was going to deal with by writing the *Discours philosophique*.

The first difference marks the object of the archaeological method: when this method addresses itself neither to *savoir* nor knowledge, as in *Les Mots et les choses*, but to philosophy. Philosophy is considered less insofar as it participates in the description of the ranges of order and coherence of positive knowledge that are *epistemes*. According to Foucault, philosophy is rather to be conceived in terms of an *activity*, which is not knowledge, but *reflection* (philosophy as reflection's activity). This reflection, then, is an activity whose historical conditions of possibility still rest obscurely on Man, and more precisely on the vertical relationship to the Truth (which is much older than he is) that he has made possible, and of which, for Foucault at the time, Man was still the latest avatar.

Nevertheless, the interest of this Archaeology of thought concerns not only the anti-humanist quarrel about the death of Man (which is known well enough) but also another aspect. When Foucault describes philosophy as an undertaking to diagnose the *actualité*, or when he shows how this relationship to the *actualité* inflects a process of the archaeological historicization of philosophy, he is not only taking up this anti-humanist instance that had already made him famous at that time with the publication of *Les mots et les choses*. Indeed, he also distances himself from other anti-humanist perspectives, equally committed to getting rid of Man, whether that of a certain structuralism (such as that of the counter-sciences), or of Heideggerian ontology, or of the history of philosophical systems of Martial Gueroult and Jules Vuillemin.[6] The archaeological history of philosophy sketched out in this essay on the basis of this quite crucial term, i.e., *actualité*, tells us something interesting about the way in which Foucault sought to take up a position in relation to the various attempts to consider philosophy (or philosophical reflection) from an anti-humanist and anti-existentialist prism.

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[5] Foucault, *Le Discours philosophique*, 252, my translation.

[6] See Chapter 10 "Description de la philosophie," in *Le Discours philosophique*, ed. Orazio Irrera and Daniele Lorenzini (2023), 147-167.

On the other hand, if we stay with this question of reflection and its age-old relationship to truth, we need to consider two points: first, such a relationship to truth is much older than Man. As Foucault writes in another note in his Notebooks (dated 17 July 1966), "Man as a fundamental category of Western thought and culture [appeared] in the nineteenth century".[7] Secondly, as it is clear in the very first chapter of *Le Discours philosophique*, entitled "The Diagnosis" (*Le diagnostic*), this vertical relationship to truth already marked "from the depths of the Greek age" the task of philosophy as diagnosis, and since then it has made the philosophy (and the philosophical diagnosis) exercised under the double injunction to "interpret and heal" an "allegory of depth". As Foucault puts it:

> For Western philosophy to exist as it did, it took this contamination of the body and the word, this entanglement of the evil visible and hidden in the body with the meaning (*le sens*) hidden and manifested by the word (*par la parole*).[8]

In other words, in this mode of diagnosis as being an allegory of depth, philosophical reflection could only direct thought within itself, where it was supposed from the outset to rediscover its necessary and essential co-partnership, of nature if you like, with truth and being. Reflection was, therefore, an activity aimed at bringing to light the inseparable link between thought, truth and being. But there is more in this proximity of the philosopher's diagnosis to that of the prophet and the healer. Reflection as diagnosis presupposes that it is exercised on a process that is still in progress, something that is in the process of becoming, in the process of being made: it is a diagnosis of *actualité*. Diagnosis intervenes and is exercised in relation to current events, to what is happening, to what is becoming, but not without all the threats and fears that this becoming brings and that diagnosis was supposed to ward off. Hence the need to make reflection an activity which, by making thought turn in on itself, enables it both to reach a stable and original ground where it could ceaselessly renew this rightful belonging to being and, consequently, to manifest its reassuring presence in relation to the *actualité*, in relation to what is happening. This is done precisely through the truth of philosophical discourse, of the philosopher's word, as "a faceless truth which envelops space and dominates time".[9] In this kind of relationship with truth, the contingency of the philosopher's word is indeed deleted and disabled.

To place the reflection of which philosophy consists in a confrontation with the present and its radical contingency, which demands to be thought out to say what is happening, means not only returning to Nietzsche and his way of destroying with a hammer this thousand-year-old modality under which philosophical reflection has been exercised. The relationship between philosophy and *actualité* is also what allows Foucault to oppose Nietzsche to Heidegger, and more precisely to what the latter had to say about the "Withdrawal of Being" in *Was heißt denken?* – one of the Heideggerian texts that Foucault was undoubtedly targeting in this first

[7] *Le Discours philosophique*, 253, my translation.
[8] Ibid., 15, my translation.
[9] Ibid., 94, my translation.

chapter of the *Discours philosophique*) – i.e., the acknowledgement that "What must be thought about, turns away from man. It withdraws from him".[10]

Although Nietzsche, by getting rid of the allegory of depth, dismissed once and for all the old cultural function of the diagnosis and even the corresponding mode of philosophical reflection, this does not imply that this *actualité* as the new object of philosophical diagnosis – the ontological difference that the present introduces in relation to what is past – can be addressed as Heidegger does, both as a "a lack of thought"[11] and as the destined return of philosophy to its archaic vocation, that of setting out towards its pre-Socratic origin where being inexorably gives itself in its retreat. It is not a question of targeting *actualité* as a somehow defective horizon that only poetry could intermittently restore to the fullness of being in language, in the sparkling of *Dichtung*, as we read in chapter 12, "Thinking after Nietzsche" (*Penser après Nietzsche*).[12] Even if Heideggerian ontology and its relation to language were indeed charged with an anti-humanist instance (as Foucault would acknowledge a while later in the course he gave at the University of Tunis), this would not be the path Foucault blazed in this essay.

The way Foucault uses Nietzsche to counter Heidegger relies on one point: by considering the philosophy of the second half of the nineteenth century exclusively in terms of a "crisis", of a "dissolution", or of the "death" of philosophy, means only to remain within the old habits acquired under a now irremediably outdated form of philosophical reflection, i.e., the "allegory of depth". The archaeological discontinuity affecting the historical conditions under which philosophical reflection is possible, as Nietzsche points out, does not simply place philosophy in a dimension of crisis, of loss, of retreat from being. On the contrary, it indicates that where philosophy may appear to be lost, no longer having the same style of reflection or the same objects or major domains as before, in fact "a whole wealth is being born" for this new mode of philosophical reflection.[13]

The diagnosis of Nietzsche's *actualité* is presented as a radical questioning of philosophy's inward relationship with truth, that is, the assumption from the outset that there is a universal truth, valid for all time, already constituted but not yet fully wrested from its secret that precisely philosophy would be able to bring to light by manifesting this truth in and by its discourse. However, under the hammer blows of Nietzsche's thought, philosophy ceases to be a form of reflection corresponding to the very movement of this truth; this truth which philosophy would therefore endeavour to follow and reveal in the major domains and in relation to the objects that were hitherto proper to it: those of a subject, of an original ground, of a practice aimed at transforming the world, or again of the sensible manifestation of a rationality that

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[10] Martin Heidegger, *What is Called Thinking?* [1954], ed. J. Glenn Gray (1968), 8. See also p. 9: "Withdrawal is an event. In fact, what withdraws may even concern and claim man more essentially than anything present that strikes and touches him. Being struck by *actuality* is what we like to regard as constitutive *of the actuality of the actual*. However, in being struck by what is *actual*, man may be debarred precisely from what concerns and touches him – touches him in the surely mysterious way of escaping him by its withdrawal. The event of withdrawal could be what is most present in all our present, and so infinitely exceed *the actuality of everything actual*" (emphasis added).

[11] Heidegger, *What is Called Thinking?*, 29.

[12] *Le Discours philosophique*, 199.

[13] Ibid., 181, my translation.

runs through the world and history. According to Foucault, Nietzsche applies to it (i.e., to this configuration of the philosophical discourse) a radical game of dissociations (*jeu des dissociations*)[14] aimed at showing that these great objects or domains, hitherto invested by philosophical reflection, can no longer restore a single, universal truth.

What Foucault calls Nietzsche's "great pluralism" (*le grand pluralisme*) indicates that beneath the unique subject to whom truth manifests itself in all its evidence, we instead find several *selves* (which constitute him, tear him apart, and put his certainties in crisis). In the same way, there are several gods or several meanings (and therefore plurality of grounds), several forces (multiple practices each targeting a different transformation of the world), several masks or faces (hence a host of discourses all stating different reasons that manifest themselves in the world and in history). This 'great pluralism' highlights that, where philosophy has believed it could manifest truth in the certainty and self-evidence it has always claimed for its discourse, this truth always turns out to be constituted and emerges through the conflicting interplay between multiplicities that are perpetually in the process of becoming and each asserting a different and historically changing truth.

In Nietzsche's wake, then, a new path is opened up for reflection – that of the *exteriority* of philosophy and truth. This entails that philosophical reflection can no longer have access to truth by right; instead, it must show, from outside all truth, its new conditions of possibility: firstly, how truth is constituted in its very claim to be a discourse of truth in the face of contingent and threatening *actualité*. Secondly, how it can be exercised after Nietzsche without the comfort of a stable, universal and eternal ground as before, and on objects that are no longer the same. Thirdly, what its own task will be once philosophical reflection has freed itself from this *de jure* common partnership with truth. At the time of this essay, according to Foucault, tackling this exteriority implies a double approach or, in other words, an approach that articulates two ways of considering it.

The first way of approaching philosophy's relationship of exteriority to truth has to do precisely with philosophy's discursive status, that is, with philosophy as *discourse*. If philosophy no longer has this direct and privileged right of access the truth, its claim to get to the bottom of things can only be considered retrospectively and from the outside. This entails putting the philosophical reflection in relation to the linguistic medium that conveyed it, namely as a discourse with its own internal functioning and regularities. By looking at itself from its own exteriority through this new style of reflection, philosophy will then be seen as 'simply a way of speaking', that is, as a discourse whose functioning can only be grasped in correlation with other types of discourse, as suggested by 'Nietzsche the philologist',[15] to use a formulation used in *Les Mots et les choses*.

It is then a question of placing the old modality of philosophical reflection within the set of discourses that were produced within a culture at a historically given time and that have come down to us in their enunciative materiality, according to the regularities (nevertheless also historically changeable), that presided over the selection, circulation and conservation of the statements (*énoncés*) and discourses that are proper to the "archive" of a culture. What Foucault calls here the "discourse-archive" is indeed a new archaeological order of philosophy's

[14] *Le Discours philosophique*, 182, my translation.

[15] Michel Foucault, *The Order of Things. An Archaeology of the Human Sciences* [1966] (1971), 304.

historical conditions of possibility, where two types of regularities and constraints (regularities internal to each discourse and regularities that emerge from their overall comparison) fit together. And this new archaeological order is also lodged in the wake of Nietzsche's thought because of its exteriority to truth and of its linguistic material and historical consistence (*les choses dites*). For Foucault, this is one of the points of connection between Nietzsche and a certain structuralism of this period, at a historical conjuncture when several theorists – as Lacan, Barthes, Althusser, and a little later the *Cahiers pour l'Analyse* group – were cementing their own theory of discourse, without however inscribing it in a Nietzschean horizon as Foucault does.

However, to assert only that, after Nietzsche, philosophy is a discourse among other discourses is not enough since, according to Foucault, philosophical discourse still retains an element of singularity that he once again draws from Nietzsche, thus engaging with the most recent achievements of structural linguistics and the philosophy of language of his time (notably Jakobson, Benveniste, Prieto, and Austin). This element relates to the second way of considering exteriority, and it is an exteriority that is, so to speak, external to the discursive exteriority of philosophy itself. What is at stake here is an "extralinguistic" element, namely the idea that all philosophical discourse is actualised by the exigence to take up the very present of its discourse, its situation of enunciation; indeed, its *actualité* or what Foucault in this essay calls its "now" (*maintenant*).

This "*maintenant*", that is, the reference to the subject who speaks as well as to the space and moment in which he speaks – the famous triad "I-here-now" (*je-ici-à présent*) – is something that is always external to the structure of language. Yet, without referring to this exteriority, language cannot function and actualise in effective and concrete discourses the virtuality of its system, its structures or its functions. With this analogy with the theories of enunciation, Foucault aims to show that while, for ordinary language, this exteriority is in fact always pointed to by its everyday functioning, it nevertheless remains mute or unreflected. On the contrary, for philosophy the internal regularities that preside over its discursive functioning are defined, in their historical singularity, on the basis of the way in which this *maintenant* is reflexively taken up by and within its discourse.

The new modality of philosophical reflection inaugurated by Nietzsche, at least according to Foucault, redefines the task of philosophy as that of diagnosing the *actualité* – this actualité that philosophical reflection must take up, in one way or another, in and through its discourse, by putting it into words. Nonetheless, having lost its right of access to truth, this enterprise of diagnosing the *actualité* can no longer be restored under the sign of a truth that reveals itself teleologically and cumulatively in a movement that brings thought ever closer to truth.

On the contrary, after Nietzsche, this diagnosis of what philosophy entails can only be limited to the task of establishing "what there is" or "what is happening" in the present, what is being done in it, and what makes philosophy *real*. Consequently, this diagnosis of the *actualité* aims to grasp the functioning or actualisation of the internal regularities of philosophical discourse (the production of philosophical *énoncés*) as a function of the relationship it maintains with its present at a given moment, and in relation to a whole multiplicity of objects that were previously classified in the domain of non-philosophy.

Actualité, then, is the moment when philosophy is made, becomes real or becomes effective. In this regard, it is noteworthy to recall that one of Foucault's mentors, Jean Hyppolite, in his famous French translation of *The Phenomenology of Spirit*, rendered the German adjective *'wirklich'* as *'actuel'* (actual). However, the *actualité* cannot be read with Hegel but rather in the ever-renewed form and dispersion of multiple beginnings (which reject both teleology and cumulative totalisation under an abstract universality), with reference to Nietzsche.

To make this framework more complete, we must also consider that if philosophy after Nietzsche is no longer a discourse of truth but a discourse among other discourses, then its reflection will be exercised rather at the edges, in the interstices between one discourse and another, and in the space that ensures their correlation within a culture. Once the diagnosis has freed itself from its old cultural function, which Foucault sums up as 'interpreting and healing', that is to say, uncovering the hidden meaning of things and/or healing bodies of the ills that afflict them – such diagnosis will be an activity that crosses and distinguishes between one discourse and another in order to say what is being done, what becomes effective, and what becomes real and problematic in the overall functioning of a culture, with all its multiplicity of discourses, practices and institutions, where it relates to the *contingency* of its *actualité*.

It is precisely by crossing this historical space of correlation between one discourse and another that diagnosis distinguishes what is happening in its *actualité*, precisely by identifying new objects, which are no longer those through which philosophy before Nietzsche sought an original truth (God, the Soul, the World) but rather those which show how philosophical reflection has been able to establish itself within our culture as a discourse of truth. In this interstitial space, philosophy will be committed to answering two major questions. Firstly, how a set of discourses communicate; discourses that were previously foreign to it and that were part of non-philosophy.[16] Secondly, how philosophy will be expected to account for these new objects (madness, illness, criminality, sexuality etc.) that its *actualité* now imposes on philosophical reflection. From a Nietzschean point of view, according to Foucault, this entails questioning the historical appearance (*émergence*) of these new objects of reflection by detecting their multiple beginnings, so that their historical appearance will be intelligible only from the tangle of multiple temporalities – or, said in the manner of Nietzsche, of multiple origins. It is by identifying, or perhaps also by fabricating, these new objects that reflection, consisting of a diagnostic of *actualité*, assigns philosophy its object, i.e., what it must think about in the

[16] Foucault takes up the Hegelian question of the "non-philosophy" again from Hyppolite but to approach it in a completely different way, a Nietzschean way. See "Jean Hyppolite. 1907-1968" [1969], in *Dits et écrits, tome I, 1954-1975*, ed. Daniel Defert and François Ewald (2001), 807-813, in part. 811-812: "With Hegel, philosophy which, since Descartes at least, had been in an ineffaceable relationship, with non-philosophy, became not only aware of this relationship, but the actual discourse of this relationship: the serious implementation of the interplay of philosophy and non-philosophy. While others saw in Hegelian thought the withdrawal of philosophy into itself, and the moment when it moves on to the narrative of its own history, Mr. Hyppolite recognised in it the moment when it crosses its own limits to become the philosophy of non-philosophy, or perhaps the non-philosophy of philosophy itself" (my translation). About the relationship between philosophy and non-philosophy in Jasper's interpretation of Nietzsche's philosophy, see also *La question anthropologique. Cours, 1954-1955*, ed. Arianna Sforzini (2022), 205.

immanence of its own present, which is always in difference – in an historical and ontological difference from itself.

The diagnosis of the *actualité* makes the new Nietzschean modality of philosophical reflection almost coincide with the archaeological method, insofar as the aim is now to describe the regularities around which everything that is thought and stated is ordered in relation to its *actualité*. Finally, the task of an archaeology of philosophy will be to question, while there is still only mobility and emptiness, "the space in which thought unfolds, as well as the conditions of this thought, its mode of constitution", as Foucault put it in an interview from the same period, in order to "say what we are today and what it means, today, to say what we say".[17]

According to Foucault, if we can still speak of philosophy as a "discourse of discourses", it is only by grasping in it a shift from the subjective genitive to the objective genitive. Philosophy is no longer a discourse overhanging and encompassing the other discourses under the sign of truth, but it is the discourse that situates itself in the multiple interstices between one discourse and another. So, it is this shift that allows one to grasp the difference that constitutes us in relation to our *actualité*, to our present reality, within the ordered historical space of the correlation of a culture.

The thickness of the term *actualité*, as well as the historical-philosophical background of the debates that it discreetly and somewhat subtly evokes, be it Heidegger or Hyppolite, cannot be erased when we confront the way in which Foucault himself, between the end of the 1970s and the 1980s, took up the question of philosophy and its *actualité* in a more complex framework, speaking for example of the "ontology of actuality" or the "historical ontology of ourselves".

Firstly, we have seen that in the project of an archaeology of thought, Foucault refers to the activity of reflection that produces philosophical statements (*énoncés*). Secondly, the object on which this reflection is exercised is the *actualité*; philosophy is therefore an activity of reflection on the *actualité*, on what is happening, on what is in the process of being made, of becoming within a culture. The conceptual depth of the notion of *actualité* is derived from an analogy with the theories of enunciation, which explain that an *énoncé* makes sense and actualises the system of virtuality of a language only insofar as it points to an extralinguistic that takes up within itself its *situation* of enunciation, which is made up of a subject who speaks and a place and a moment in which he or she speaks – the famous "I-here-now" triad that defines what Foucault refers to as the *maintenant* of everyday discourse. Yet, in relation to this analogy with the *maintenant*, which is nevertheless resorbed by everyday discourse in an unreflective or mute manner, philosophical discourse shows its singularity and its constitutive difference, which is that of putting into words, in a reflexive and explicit mode, the relationship to its now. And we have seen that the *maintenant* of philosophical discourse is nothing other than the very *actualité* in relation to which philosophical discourse itself is formulated and that actualises its statements in a way that makes them philosophical.

Thirdly, through the new mutation of philosophical discourse inaugurated by Nietzsche's thought, which becomes a diagnosis of culture, we have understood that it is associated with

[17] Michel Foucault, "Qu'est-ce qu'un philosophe?" [1966], in *Dits et écrits, vol 1*, 580-582, here p. 581.

a deep rupture in the way in which philosophical discourse points to and takes back into itself its present, its *actualité*. This rupture turns reflection no longer towards its *de jure* partnership with being and truth but towards its *outside*, as being an exteriority that corresponds to the historical space of correlation between several types of discourse that before this rupture were foreign to philosophy (non-philosophy) but which, after Nietzsche, have become indispensable in enabling the new modality of philosophical reflection to operate its diagnosis of *actualité*. Looking at Nietzsche, we also noticed that the interpretation of his thought and the relationship between being and language, between being and discourse, which Foucault's diagnosis puts forward plays a twofold (at least) role. On the one hand, it works against the anti-humanism of Heideggerian ontology, and on the other, it allows us to return to the issue of the *actualité* that requires us to reflect on a new philosophy's domain. This domain is a space where the boundaries between philosophy and non-philosophy are blurred in a way that is different from what Hyppolite showed in relation to Hegel and its gap between logic and existence.[18]

Fourth, the specific relationship that philosophical discourse has with its present, with its *actualité*, becomes a criterion for the archaeological historicisation of this discourse and of its very history. If, according to Foucault, philosophy has always been a discourse that is made and becomes real in relation to its *actualité*, this can be done, and historically has been done, in several ways. And it is precisely the *form* or *mode* of this relationship to the *actualité* that makes it possible to identify internal mutations or ruptures in the history of the philosophical discourse. In *Le Discours philosophique*, this produces a historicisation of the modes of philosophical discourse from the seventeenth century onwards, which in some way recalls or adds to the succession of epistemes in *Les Mots et les choses*. Before the great mutation of philosophical discourse embodied by Nietzsche, after Descartes, in the classical age, we have a "metaphysics of representation" that assumes an ontological power of language capable of reaching through the order of representation to ascertain the order of reality. Then, with Kant, through a kind of "internal mutation" which, for Foucault, marks the "gravitational point" in the history of philosophical discourse, the order of the real depends on the establishment of the dimension of subject and object, in which the representation of the classical age becomes a phenomenon internal to Man. From this point onwards, philosophical discourse takes the form of an "anthropology", and – as Foucault puts it – begins to yield "to the psychological temptation", introducing at the same time "the necessity of the transcendental".[19]

This archaeological historicisation of philosophical discourse, of its coherent regularities, its orders and its internal functions through which it takes up this *actualité* that haunts it from the outside, becomes twofold insofar as it is not limited to proposing this succession of modes of philosophical discourse just mentioned very schematically but also includes an

[18] See "Jean Hyppolite. 1907-1968," 810-811: "Mr. Hyppolite's work has always consisted of, from the outset, naming and revealing – in a discourse that is both philosophical and historical – the point at which the tragedy of life takes on meaning in a Logos, where the genesis of a thought becomes the structure of a system, where the existence itself is articulated in a Logic. Between a phenomenology of prediscursive experience – in the manner of Merleau-Ponty – and an epistemology of philosophical systems – as it appears in Mr Gueroult – the work of Mr. Hyppolite can be read as a phenomenology of philosophical rigour, or as an epistemology of philosophically reflected existence" (my translation).

[19] *Le Discours philosophique*, 253, my translation.

archaeological historicisation of the different ways of practising the history of philosophy. So, in a sense, the archaeological historicisation of philosophical discourse is doubled or rather resorbs in itself even the history of philosophy by becoming an archaeological historicisation of the history of philosophy.

Therefore, this idea of *actualité* will ultimately be the operator of the inscription of this archaeology of thought (which Foucault then set out to achieve) in what, a few years later, will constitute the still Nietzschean hypothesis of the will to know (*la volonté de savoir*). Within this framework, philosophical discourse can best be brought back to its *actualité* – to that *actualité* in relation to which this discourse becomes real, actual, *wirklich*, showing what role and what functions it has concretely played in what, more precisely, in the 1970s Foucault would designate as a political history of truth, and likewise how this history restores philosophy to an *actualité* that is our own.

This is why the *form* of the relation with the *actualité* is a key notion around which the archaeological description of philosophy and its history is structured, as well as being a crucial philosophical core of reflection that Foucault subsequently takes up and develops. Such is the case with the functioning of philosophical discourse and its "anthropological-humanist structure" in nineteenth-century Western culture, which is at the heart of Foucault's public lecture at the University of Tunis.[20] It is also in the light of the form of the relationship with the *actualité* that we can grasp the importance of the methodological-logical distance that makes it possible to describe, in all its complexity, the regime of discontinuities at work in the historical transformations of thought as it manifests itself within the discursive materiality of the "things said" (*les choses dites*). This methodological distance opens the way, different from that of the history of mentalities and the history of ideas, that Foucault will explore, particularly in *The Archaeology of Knowledge*.

By analysing the "internal functions" of discourse as so many "discursive practices", Foucault placed *Le Discours philosophique* on a horizon that would soon be the scene of a confrontation with Althusser and his students.[21] We can also read his inaugural lecture at the Collège de France in 1970 as an extension of this effort to lodge discourse in its *actualité*: Foucault then

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[20] See unpublished manuscript on the Tunis Lectures (1966-68), entitled "La place de l'homme dans la pensée occidentale moderne" (The Place of Man in the Western Modern Thought), Bibliothèque nationale de France, NAF 28730, boîte 58, dossier 2.

[21] In October 1966, after the publication of "*Lire Le Capital*", Louis Althusser sent his disciples three notes "relating to the theory of discourse, the occasion for which is provided by a reflection on the status of unconscious discourse, and its articulation with ideological discourse" ("Trois notes sur la théorie des discourses," in *Écrits sur la psychanalyse. Freud et Lacan,* ed. Olivier Corpet and François Matheron (1993), 111-170). Étienne Balibar reacts to these notes a few months later ("Note sur la théorie du discours," *Décalages* 2:1 (2016), 1-37). The lively debates between Althusser and his followers on these issues, particularly in the conjuncture of May 1968, would accompany Foucault's reflections around the relationship between the discursive and the non-discursive in the years to come. Another significant moment of confrontation with Althusser's disciples occurred when Foucault was invited to contribute to an issue of *Cahiers pour l'analyse* – the journal of the *Cercle d'épistémologie* founded in January 1966 by Jacques-Alain Miller and François Régnault – devoted to the "Genealogy of Science" and published in the summer of 1968. See also D. Defert, "Chronologie," in *Dits et écrits, vol. I*, 36 and 41; Michel Foucault, "Sur l'archéologie des sciences. Réponse au Cercle d'épistémologie" [1968], in *Dits et écrits* I, 724-759.

examined the "internal" and "external" procedures by which "in every society the production of discourse is at once controlled, selected, organised and redistributed".[22]

Finally, in the lecture on Nietzsche given in 1969-1970 at the *Centre universitaire expérimental de Vincennes*, the diagnosis of ourselves and our *actualité* was extended from a description of the cultural constraints of the archive to an analysis of the "forces [that] have played and are still playing a part in our being here": this was one of the crucial ways in which archaeology became part of genealogy. For Nietzsche, as for Foucault, the point now is to grasp in our physiology the "multiple origins" that unfold there as instincts, valuations and contradictory elements struggle with one another.[23] Thus, in 1971, the diagnosis indicates the genealogist's "need for history" starting from his present, where philosophy itself is supposed to take up residence if it wants to "diagnose the illnesses of the body, its conditions of weakness and strength, its breakdown and resistances, to be in a position to judge philosophical discourse. History is the concrete body of a development, with its moments of intensity, its lapses, its extended periods of feverish agitation, its fainting spells…".[24]

In the inscription of this idea of *actualité* (implied in the archaeological method) in a horizon that is henceforth that of the genealogy of the *actualité*, and more precisely the *actualité* of philosophy and its history, Foucault makes explicit that under this term we must find a singular and constitutive redoubling. And maybe it is more an intertwining that constitutes one of the most precious legacies that Foucault has left us. This is the *actualité* with which the genealogist such as Foucault, with his limitations and the means at his disposal, situates himself, with the problems and urgencies he finds in 'what is happening' in his present day, in replacing the discourse of philosophy in the history of its functioning within a culture and of what was the *actualité* of this culture when philosophical statements were formulated. In the latter case, it is a question of a 'past' *actualité* (to be historicised), but one that can only appear in our present, and by allowing for the politically and strategically established distance between this past *actualité* and the 'present' and problematic 'actuality' of the genealogist. It is in this *décalage* that the genealogist can thus strategically traverse this distance according to the demands and conflicts of his *actualité* and his present, in which, in one way or another, he decides to engage against what a social, political and normative order excludes or marginalises.

This explains how, within this genealogical framework, the *actualité* in relation to which Hobbes's or Rousseau's philosophy of the social pact and civil war has made some of their discourses function within a broader and more complex *dispositif* of power. Such a *dispositif* makes intelligible the division whereby the philosophical idea of the political subject and the norm-compliant citizen has been inseparable from the establishment of a juridico-political functioning supposed to identify internal enemies.[25] In this context, philosophical discourse

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[22] Michel Foucault, "The discourse on Language" ("L'ordre du discours") [1970], in *The Archaeology of Knowledge and the Discourse on Language*, ed. A. M. Sheridan Smith (1972), 216.

[23] See unpublished manuscript on Lectures on Nietzsche at the *Centre universitaire expérimental de Vincennes* (1969-1970), Bibliothèque nationale de France, NAF 28730, boîte 65, forthcoming in Michel Foucault, *Nietzsche. Cours, conferénces, travaux*, ed. Bernard E. Harcourt (2024).

[24] Michel Foucault, "Nietzsche, Genealogy, History" [1971], in *Language, Counter-Memory and Practice: Selected Essays and Interviews*, ed. D. F. Bouchard (1977), 145.

[25] See 10 January 1973 Lesson in Michel Foucault, *Punitive Society. Lectures at the Collège de France, 1972-1973*, ed. Bernard E. Harcourt (2015), 21-36.

has been involved in establishing a process of criminalisation and imprisonment of 'delinquents' linked to the needs of the expansion of industrial capitalism since the end of the eighteenth century, when the bourgeoisie was taking hold. Yet, philosophical discourse is not seen as an ideology at the service of a class but as part of a power mechanism designed to produce effects that are not only repressive but above all productive for society.

In the same period, Foucault proposes to study the history of morality by relating the Kantian perspective of the *Foundations of the Metaphysics of Morals* to the invention of a morality linked to the creation of the police. The latter, with its strategies of surveillance, was invented to protect bourgeois wealth in the London docks from the 'illegal acts of depredation' to which the impoverished working classes of the major industrial and commercial cities resorted;[26] or the way in which, in eighteenth-century political and moral philosophy, the formulation and corresponding transformations of the concept of 'habit' were articulated in a political rationality aimed at moralizing the proletariat to fix the body and life of workers to the apparatus of capitalist production;[27] or, finally, how the constitution of a transcendental subject and its empirical doublet played a fundamental role in the way scientific and medical discourse ensured a medico-legal grasp to target and treat what had to be objectified as pathologies of the instincts threatening the degeneration of capitalist and bourgeois society.[28] There are many other examples.

Nonetheless, if the *actualité* in relation to which philosophical statements were formulated appears in a historicising genealogical approach, it is because objects of reflection such as madness, illness, delinquency and sexuality (and the normative order threatened by them) continue to pose a problem for and in Foucault's *actualité* and are at the heart of the conflicts and exclusions still raging in his present. The articulation between these two actualities (that of the genealogist and that in relation to which philosophical statements have been historically retained in the archive of our culture) henceforth constitute the two fires around which the space of philosophical reflection is delimited, as well as its 'need for history', of which the former is henceforth indissociable.

And yet, as the reflection on the *actualité* and the genealogical approaches it commands continue to unfold around a political history of the truth that supports (grounding and legitimising) knowledge and norms as well as their procedures of subjugation, a new object of reflection appears for Foucault: the practical-reflexive relationship of the subject who constitutes himself as a subject of will and moral conduct in relation to the knowledge and norms that play in his *actualité* to subjugate and govern him by fixing his identity. This constitutive experience (but always historically rooted in the present) that the subject has of norms (as well as of the knowledge that justifies them and the conflicts that result in their imposition by establishing the set of practices and institutions that ensure them) become a new domain of philosophical reflection. Such a domain opens up the space of culture as a space shared with other

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[26] See 7 February 1973 Lesson in *Punitive Society*, p. 99-116.

[27] See 28 March 1973 Lesson in *Punitive Society*, p. 237-241.

[28] See 23 January 1974 Lesson in Michel Foucault, *Psychiatric Power. Lectures at the Collège de France, 1973-1974*, ed. Jacques Lagrange (2006), 233-254. See also "La verité et les formes juridiques" [1974], in *Dits et écrits I*, in part. 1406-1421.

subjects who are submitted, in different forms and modalities, to the same norms and by the same obedience that they require.

It is this experience of common obedience to these norms that circumscribes a "we", and the relationship to the present in which this experience is rooted, and constitutes what philosophical reflection is henceforth called upon to focus on. Foucault's later writings on Kant's text on the *Aufklärung*, and notably the lecture on 5 January 1983 in his lecture *The Government of Self and Others*, show how the form of the relationship to the *actualité* constitutes the constitutive stake of the philosophical discourse of a modernity to which, from this angle, we continue in some way to belong:

> […] if we wish to consider philosophy as a form of discursive practice with its own history […], it seems to me that we see philosophy — [maybe] for the first time— becoming the surface of emergence of its own present discursive reality; a present reality (*actualité*) which it questions as an event whose philosophical meaning, value, and singularity it has to express, and as an event in which it has to find both its own *raison d'être* and the foundation of what it says. And for this reason, we see that philosophical practice, or rather the philosopher presenting his philosophical discourse cannot avoid the question of him being part of this present. That is to say, the question will [be] a question about […] his membership of a particular "we" if you like, which is linked […] to a cultural ensemble characteristic of his contemporary reality. This "we" has to become, or is in the process of becoming, the object of the philosopher's own reflection […]. It seems to me that philosophy as the surface of emergence of a present reality, as a questioning of the philosophical meaning of the present reality of which it is a part, and philosophy as the philosopher's questioning of this "we" to which he belongs and in relation to which he has to situate himself, is a distinctive feature of philosophy as a discourse of modernity and on modernity.[29]

This "philosophical discourse of modernity" is clearly referred (and opposed) to what Habermas had argued in his Parisian lessons in 1983 about the so called "Enlightenment project",[30] which we cannot deal with here. But what is more noteworthy is that this passage seems to echo one of the notes in the 1966 *Cahiers* on the diagnosis of the *actualité* that accompanied the writing of the *Discours philosophique*, and makes us understand that the reflections of the later Foucault benefited from a longer breathing space for elaboration than has hitherto been supposed:

> Since Kant, philosophical discourse has had a relationship with its present discourse that did not exist for Descartes or Leibniz [...]. From Kant onwards,

[29] See 5 January 1983 Lesson in Michel Foucault, *The Government of Self and Others. Lectures at the Collège de France, 1982-1983* (2010), 12-13. See also Michel Foucault "What is Enlightenment?" [1984] cit; and the slightly different French version "Qu'est-ce que Les Lumières?" [1984], in *Dits et écrits II*, 1498-1507.
[30] Jurgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures* [1985] (1987).

> philosophy is linked to a certain *actualité* that compels it to denounce illusions, to state the present, to make a future possible.[31]

Nonetheless, what is different about Foucault's latest work and his reading of Kant's text on the *Aufklärung* is the way in which he conceives of this relationship to *actualité*, which is constitutive for philosophy. He defines belonging to the present as a normative horizon that binds us to others and opens up the need, essential for philosophical discourse, to think of a space of freedom, that is, a space of possible transformation of these relationships to the norms that constitute us as subjects – both subjects of moral conduct and political subjects. This is the question of the *critical* attitude as a mode of pratico-reflexive relationship to ourselves and to others. Thus, the genealogy of the critical attitude and of the Western subject poses a new object for philosophy and invokes another process of historicisation (to be articulated with the previous ones) that leads Foucault to re-examine the ethical-political relationship to a truth that requires us to transform ourselves in order to become a subject of moral conduct and to take a position in the normative horizon that links us to others.

The problem of obedience to norms and the possibility of not adhering to them by adopting a critical attitude will need to be studied, starting from Greco-Roman antiquity, in order to grasp the transformations that have led us to be, think and do what we are, think and say today. It is for this reason that the text on Kant's Enlightenment, which appears in the first lesson of the 1983 Lectures at the Collège de France, even if it is presented as an 'excursus', retains an essential link with what Foucault will be dealing with in the other lessons: the relationship between the government of the self and the government of others, its transformations, and its ethical-political stakes. The Kantian "*sapere aude*" urges the *courage* to use one's own intellect by positing oneself in relation to the present and the *actualité*, where the normative order is constantly being enacted and re-enacted, and can therefore also be challenged (for example, through the complex relationship with the revolutionary event established by Kant). The mode of relation that links the governing of ourselves to that of the governing of others becomes what must be subjected to critique because its ethico-political constitution and its transformations become an indispensable element in thinking about how we situate ourselves in our *actualité* and in the present to which "we" belong and exist: "an ontology of the present, of present reality, an ontology of modernity, an ontology of ourselves".[32]

Indeed, the genealogical historicisation of this relationship has configured the way in which the self is ethico-politically related to others as an object of government so that we can restore to our present all its contingency and inevitability and open it up to all its possible transformations – to the invention of new relationships that challenge our belonging to our present and to our *actualité*. The way we relate to the (past) *actualité* of Antiquity, to what threatened its existence and haunted its salvation, is still a matter of diagnosing the *actualité* with which we are confronted today. It is once again in this intertwining of a (past) *actualité* and a (present) *actualité* that philosophy must find its object and renew its critical claim to diagnose its *actualité* as well as its irreducibly open need for historicisation.

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[31] *Le Discours philosophique*, 252, my translation.

[32] *The Government of Self and Others*, 21.

Nevertheless, this does not mean closing this "us"; on the contrary, it means challenging (by subjecting it to criticism) this bond of belonging in relation to an *actualité* whose situated and contingent reality always needs to be grasped to make it an ethico-political site of transformation and experimentation in relation to our own *actualité*, which may, in some important points, differ from Foucault's own. The open nature of this ever-changing and different *actualité*, and the critical and transformative relationship with it, constitute the unfinished task that Foucault left as a legacy and what, for us and today, philosophy should be as an exercise in diagnosing but also transforming ourselves in the light of what is going on today in our *actualité*. It is this task, which from *Le Discours philosophique* to his final research kept Foucault constantly engaged, that constitutes perhaps one of the most precious legacies of a thought that has not ceased to produce its effects even forty years after his death.

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ARTICLE

The Future Perfect of Suspicion and Prediction as a Dispositive of Security Today? The Legacy of Foucault (1977)

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ABSTRACT. This article discusses the current legacy of Michel Foucault in relation to the current political situation. It is articulated in three parts. The first insists on the fact that Michel Foucault has been and still is significant for discussions concerning political sciences and international relations by the way he has discussed them and by his own academic politics. The second part highlights the key role of his attempt to define a dispositif of security in the 1977-78 lecture course 'Security, Territory, Population' and the various interpretations given after his death. The third part introduces my own research on the subject and its development. Twenty years ago, I called this dispositif of security surveillance a ban-opticon dispositif. This is only partly relevant since the violence of the effects on individuals has been intensified by a multifocal construction of "suspects" by various transnational guilds of security professionals who systematise profiling and weak correlations as an alternative method of seeking the truth about causalities and facts attributed to an individual. Because of this systematicity of "suspicion first", which jeopardises the principle of innocence, I call this dispositif of security a transnational dispositif of suspicion-prediction, which is organised both as a rearticulation of the modern episteme with suspicion back at its core and as a "legitimate" one, thus allowing a "preventive" violence to be re-enacted in the name of scientific predictions of a future so deadly that it is necessary to act violently now in order to prevent even more violence. This question of inverted temporality, in which the imagined future dominates the present, leads to the belief that the future can already be known under a grammar of the future perfect. Combined with the strategic orientation of right-wing parties to abandon the celebration of the past in order to mobilise the fear of apocalyptic futures, this characteristic of the 'future-perfect' explains a series of contemporary developments in security and surveillance, reframing the attachment of the population to a new form of conservatism that captures the imagination of the future, including some contemporary discourses of war. Resisting this attraction to the future-perfect is possible by reinventing hope.

Keywords: dispositif, securityf surveillance, catastrophic future, algorithmic prediction, preventive punition

INTRODUCTION

Competition between future disasters?

2024 is said to be the year of geopolitics: the return of wars with Ukraine against Russia, Palestine versus Israel and perhaps a new cold war between the US and China over Taiwan. This is also the so-called year of cyber threats, ranging from political manipulation and foreign influence to spyware against activists and journalists, the banalisation of surveillance and technoviolence against migrants and refugees at borders. The present is bleak, and the future will be even worse.

The feeling that one predicted catastrophic event hides another one is something we all experience every morning via the 24-hour news channels and social networks. It is up to us to choose our favourite disaster scenario! The destruction of life through the use of nuclear weapons, which has been with us for a long time; the destruction of life in all its forms with the entry into the critical zone due to the inconsistent management of resources since the Anthropocene or Capitalocene, which scientists around the world are warning us about, but which politicians, given the changes in behaviour it would imply, are constantly putting off; or more recently, the end of human supremacy with the possible advent of artificial intelligences supplanting their human designers.

Is there an audience appetite for this kind of information, capturing its attention? In any case, there is plenty on offer. Some of these scenarios are particularly serious and well-founded, based on risk analyses and scientific consensus that modify and refine the simulation models that bring them to life. The environment and nuclear energy have each created epistemic communities, which clash with each other over certain solutions but set agendas based on estimates, projections of structural trends and long-term views that call for profound changes in the way we are governed right now. Artificial intelligence, with its ability to simulate reality and destabilise beliefs in an objective reality, coupled with the maintenance of business secrecy on algorithms and the aim of maximum profit, which reinforces inequalities, are also the subject of debate.

Other catastrophic threats, on the other hand, whether they involve the irruption of artificial intelligence seen as a replacement for the human species or rhetoric of a global civil war filled with hybrid cyber threats, are much more based on forgetting about structural changes and propose instead a continuation of the same practices of power and even their exacerbation. This is the case when public policies insist on the priority of preparing for conventional wars, reviving the defence industry and arms sales, while maintaining austerity due to debts, thus foregoing social and ecological changes in favour of defence

and internal order.[1] These policies of fear and unease are therefore rooted much less in an enlightened fear of future social and political phenomena than in a reconsideration of humanity and freedom through systematic suspicion, or more accurately, a suspicion of the 'wrongdoing' of specific categories of individuals, the list of which is growing to include everyone.[2] The specificity of these latter forms of fear is that they lead not to indicators of dangerous changes but to the creation of "lists of persons of interest", as they are quoted in official language.[3] Fear is turned towards individuals, and the search for structural risks is transformed into the search for intentional threats and sometimes turn into the manufacture of scapegoats. Prevention is no longer about structural change but about arresting potential troublemakers. The result of this suspicion, which is intended to be legitimate in the face of global social disorder and the risk of global civil war, is the coupling of suspicion with surveillance organised along first the drawing up of lists to sort the good from the bad, second the prediction of future behaviour, and third a punitive prevention. It is these specific catastrophic scenarios, which are essentially drawn up by security professionals, that we will analyse in our final section, because they seem to update the lines of flight that Foucault did not develop but which make him once again essential to read and reread.[4]

2024 is also the 40th anniversary of the death of Michel Foucault. Some might think: why bother with him? He was, like others, an old white man. Perhaps because I now fall into this category myself, I would like to cast doubt on this lack of interest in his work. Michel Foucault had to fight the same kind of conservative politicians in the seventies, and he faced the same hostility from both the mainstream media and the geopoliticians

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[1] This paper is part of an ongoing research on "The predictive power of risk: Implications for democracy and governance", which brings together an informal group based on the work of Benoit Pelopidas, Jutta Weldes and myself, (project registered under the name Wisdem) - as well as part of a series of seminars in the journals *Cultures et Conflits* and *PARISS* regarding the role of prediction in politics. I would like to thank all of the participants for their comments on a first version of this text, which was presented at Louvain la Neuve during my honorary doctorate on 25th April 2024.

[2] Michel Foucault, Fabienne Brion and Bernard Harcourt, ed., *Mal faire, dire vrai: Fonction de l'aveu en justice-cours de Louvain, 1981* (2012). Translated in English as *Wrong-doing, Truth-telling: the Function of Avowal in Justice* (2014).

[3] This specific technology of "watch lists" or lists of exceptions for the "bona fide" is crucial in distinguishing the practices of the world of security (police, secret services) from those of other circles, even though they all use the politics of fear. By focusing on threats, on the categories of good and evil, on the need to sort things out, they are fundamentally based on beliefs rather than scientific doubt.

[4] Didier Bigo, "Security and immigration: Towards a critique of the governmentality of malaise," *Alternatives* 27:1 (2002); Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU* (2006); Laurent Bonelli, *La France a peur. A Social History of Insecurity* (2008). See also Fabienne Brion, "Cellules avec vue sur la démocratie?," *Cultures & Conflits* 95:96 (2014); E. P. Guittet and Brion Fabienne "The New Age of Suspicion," in *Politics of Anxiety*, ed. Emmy Eklundh, Andreja Zevnik, and Emmanuel-Pierre Guittet (2017); Juliet Stumpf, "The Process is the Punishment in Crimmigration Law," in *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*, ed. Katja Franko Aas and Mary Bosworth (2013); Emma McCluskey, *From Righteousness to Far Right: An Anthropological Rethinking of Critical Security Studies* 2 (2019).

and political scientists of his time.[5] Wisely, he refused to argue directly with them and instead proposed to examine all their issues with his own intellectual tools and, for very good reasons, has been quoted more than any of them in explaining the politics of his time. It may therefore be useful today to listen to his critique of the categories of geopolitics and political science. And of all these critiques, the most powerful ones concern their understanding of power, sovereignty and security. His analysis of security, territory and population, as well as his analysis of government, have proved to be powerful tools for thought. For me, this is part of his legacy in terms of methods and in redefining politics away from essentialism. As a political sociologist, I may disagree with the books in which his predilection for genealogical inquiry rather than sociogenetic historical practices leads him to minimise the power struggles within fields of power led by mimesis rivalries and strategies of distinction, but, in my view, he is still a leading writer on understanding contemporary politics, security, sovereignty, modern racism and surveillance in relation to freedom, circulation, flows, transformations, disruptions and multiple futures.

This is what I want to emphasise in this paper. In the first part, I will present my reading of his conception of politics, how it differs from the traditional understanding of international politics of so-called state actors, as well as his analysis that downplays the role of politicians for an analysis of the mechanisms of governing. In particular, I insist firstly on how, for Foucault, sovereignty and discipline are articulated with security, and secondly on what he said and did not say about security in his 1977-78 lecture on security, territory and population. In a second part, I try to clarify what Foucault meant (or not) by security and the various interpretations that have been given after his death about security, biopolitics, technologies and war, focusing on the genealogy of the different forms of in-securit(ies). In a final section, I present my own work on policing at a distance as well as my understanding of the relations between prevention and prediction through suspicion (reasonable, legitimate). I insist on some specific modalities of the present situation concerning the transnational practices of power of the different guilds of security professionals, the articulation of the different fields of practice between military personnel, policemen, secret services, anti-terrorist experts and border guards, and the societal effects of their different forms of (in)securitisation practices, including what is at stake for all travellers suspected of being illegal migrants or asylum seekers.[6] I had called these effects

[5] It was not until his death that many people began to claim his legacy, and not so much in France as abroad. Previously, students were advised against attending the Collège de France to hear him lecture. Normal sup was careful not to claim him as one of its own. It was the American and English interpretations that brought him renewed interest. On this evolution of fashion for Michel Foucault, see the recent issue of the magazine *Sciences Humaines* 16 (2024) devoted to his work and his biography.

[6] It is impossible to discuss here the different strategic uses of the dispositif by the actors and their differential effects. Each profession or "guild", based on a certain know-how, may have access to some technologies of surveillance or databases in common (for example, Transatlantic or European data bases of security, such as

the result of a ban-opticon, but with the recent transformations of the last ten years, it is preferable to speak of a transnational security-surveillance dispositif whose effects generate a ban for large groups of populations beyond foreigners while normalising all those who see themselves as 'good' citizens and do not feel under control but rather protected. This dispositif, which results in a ban for some, nevertheless affects everyone insofar as it leads to a governmentality of unease, in which the role of the digital in our lives is mobilised and legitimised to extend surveillance in a neo-despotic [7] form that verticalises social relations by creating an infinite hierarchy of degrees of surveillance and punishment. It is, therefore, neither a panopticon nor a banopticon but a specific dispositif combining on the one hand the ability to transform suspicion into a principle of systematic action, justified by the desire to prevent the worst before it happens, and on the other hand by the shared belief in the scientificity of prediction and the highly probable knowledge of the future actions of those suspected of wrongdoing.

I will give an overview of this argument here, trying to answer the question of how this dispositif of **s**ecurity-**s**uspicion-**s**urveillance (3S) is organised both as a re-articulation of a modern episteme in which suspicion is central and in terms of how it allows violence to be reiterated in the name of more or less scientific **p**redictions that claim to **p**revent even more violence (2P). This question of temporality leads to the belief that the future can already be known under a grammar of the future perfect. The uncertainty of risk is then replaced by a 'faith' in the knowledge of a controllable future. This faith is particularly strong when associated with the strategic orientation of those neo-despotic parties that seek to control the sovereignty-security nexus for their exclusive benefit (often on the right, but not exclusively), which consists of abandoning the celebration of the past in favour of mobilising the fear of apocalyptic futures. This characteristic of the future perfect explains a series of contemporary developments in security and surveillance, reinforcing the population's attachment to a new form of conservatism which captures the imagination of the future, including certain contemporary discourses of war. Hopefully,

SIS, VIS…) but the selectors are often different because they have different profiles and priorities in mind and their suspicions affect different categories depending on if they are looking for criminals, political violence, regularity of travels, cross border attempts and so on. This diversity of suspicions (sometimes discriminations forbidden by human-rights law, but not always), whether based on class, race, gender, nationality, money or bureaucratical and political status, applies also to the groups for whom they would say they maintain a principle of innocence or regularity, which is often de facto a way to have an exceptional status for privileged groups avoiding the rigor of administrative and penal justice. These guilds have also asymmetric access and possibilities of combining different selectors to access what they call a "granularity" of the search to avoid collateral damage. See section 3 for more details. For my own take on the case of border controls, see Didier Bigo, "The (in) securitization practices of the three universes of EU border control: Military/Navy–border guards/police–database analysts," *Security Dialogue* 45:3 (2014), 209-225.

[7] This terminology of neo-despotism aims to understand the power acquired by leaders who appropriate popular and representative sovereignty for the benefit of governmental or presidential positions, as well as the one that develops in authoritarian movements that excuse everything from their leaders.

its deconstruction can act as a counter-conduct to the geopolitical doxa. But before entering this discussion, a preliminary task is to relate Foucault's work to the question of international politics, since many authors fail to see the connection.[8]

FOUCAULT AND THE INTERNATIONAL: CANNIBAL RELATIONS

As I tried to explain in a previous article, when Michel Foucault envisioned the book *Discipline and Punish*, he entered the territory of political sciences with the discussion of power, war, sovereignty, territory, security, freedom and reason of State.[9] He could have started a discussion with the French political scientists of the time, such as Maurice Duverger and Marcel Merle at the Sorbonne or with the National Foundation of Political Sciences, but, after some preliminary reflections, he thought it was better to ignore them. If the subject of international politics, covered by all these concepts, was absolutely central to his own research, these authors and their various assumptions about, firstly, the existence of the state as a natural element, secondly, the existence of a great divide between inside and outside, reversing the norms of war and peace, and thirdly, their reliance on the naturalness of oppression and its legitimation by the philosophical debate between Hobbes and Rousseau as a description of historical facts, were too normative and ideologically conservative. They sought only to justify a certain kind of social and political order. This is why he preferred to engage in a historical and geographical debate with Yves Lacoste and, through him, with Clausewitz in order to understand the logic of what he would later call a dispositif or governmentality that organises the relations of war, sovereignty, discipline and biopower.[10]

Students going back and forth between the Sorbonne and his course at the College de France asked him why he ignored political science instead of fighting it. He replied briefly about his indifference and lack of dialogue: “Political science looks like a school to produce politicians, not to study politics. If you are interested in the latter, then remember that war is too important to be left to military studies, the same goes for politics... Engage

[8] The recent issue of the magazine *Sciences Humaines* devoted to the forty-year legacy of Michel Foucault has nevertheless included a short article by Philippe Bonditti on the subject.

[9] Didier Bigo, “Michel Foucault and International Relations: Cannibal Relations,” in *Foucault and the Modern International: Silences and Legacies for the Study of World Politics*, ed. Philippe Bonditti, Didier Bigo and Frédéric Gros (2017), 33-55.

[10] As Michel Foucault insists in his lesson of January 11, 1978, “mechanisms of power are not a general theory of power, power is not a substance. It is a series of procedures which have the role to establish, maintaining, transforming the mechanisms of power. So, these relations are not “autogenetics’. They are not self-grounded.” Michel Foucault, *Sécurité, territoire, population : Cours au Collège de France*, ed. François Ewald, Alessandro Fontana, and Michel Senellart (2004), 4-6.

with the issues, with the texts, not with today's commentators; engage with politics in practice, with its effects, instead of generalising to find an essence of politics".[11]

As for the international, despite the many criticisms that he did not deal with it, which were later developed by some postcolonial scholars who looked at an issue with an international dimension, he also had an answer to this objection from the very beginning.

> When you analyse the death penalty, you are dealing with the international; when you discuss prisons, that is also the case, but some people don't recognise that. They look for comparative politics and other states' behaviour, but I do not do that. ... [The] History of Europe is full of mechanisms of struggles and subjugation. For example, the narratives of the invasion and colonisation of this part of "Roman Gaul" by the "Germanic tribes" [analysed in the 1975-76 lectures on "Society Must Be Defended"] say more about the effective power struggles than the stories about the birth of the social contract you learn.[12]

As we know, in defending his line of thought, he will ask scholars to move away from the juridical-Weberian (legitimacy) debate of contract versus repression and, on the contrary, to look at the effective war of invasion and the protracted struggles they imply. Although he will not agree with the Clausewitzian formula, also adopted by Lenin, that war is the continuation of politics by other means; he will reverse it by saying that "politics is the continuation of war by other means", in which power, far from being punitive or repressive, is productive and works through mechanisms of struggles and subjectivation.[13] As Alessandro Fontana and Mauro Bertani rightly pointed out in their presentation of the series of lectures at the College de France, the text of these 1977-78 lectures must be read with an awareness of the constant back and forth between the writing and the existence of the international conflicts of the time (Vietnam, Palestine, Chile and Northern Ireland) and the social struggles in France after 1968 because the implicit references permeate the tone and explain many of the metaphors used. Foucault was interested in a philosophy with a politics of truth at its core, and he was inspired by the movements of what Nietzsche called 'the great politics'. Fontana and Bertani continue their explanation by showing that his interest in the rise of fascisms throughout the world, in civil wars, in the establishment of military dictatorships, in the oppressive geopolitical aims of the great powers (the USSR but also and above all the United States in Vietnam) was constant and decisive for his argumentation since these events are, to a large extent, the reason why he invented terminologies or intellectual tools such as dispositif, governmentality and

[11] Conversation with a group of students, including the author on 1st of February 1978. See note 1.

[12] Ibid.

[13] Michel Foucault, "Two Lectures," in *Power/Knowledge: Selected Interviews and Other Writings*, 1972-1977, ed. Colin Gordon (180), 78-92.

diagram of power, which are used today by so many scholars.[14] So, as surprising as it may be for some, I contend that Michel Foucault was a "politest" and an "internationalist", and also a postcolonial scholar, but of a different kind.[15] He should even be read today as being more decolonial than many current political scientists, despite their best efforts to reclaim colonisation, because the crucial advantage of Michel Foucault is that he does not get lost in an essentialist politics of truth based on self-identity (which in itself has led to forms of racism) due to his detailed analysis of the limits of an analysis of power that derives power only from economics and capitalism and is often based on a poor version of Marxism. For this reason alone, he deserves to be seriously re-read, because his devastating critique of conceptions of power derived from traditional political science or neo-Marxism is still valid, and invalidates many recent essays that essentialise power in a grand theory that they try to apply to the world through binary logics, a new Cold War or the global North versus the global South.

Michel Foucault's work thus creates, among many other lines of flight in his books, an alternative way of thinking about world politics and the geopolitics of war, including in spaces outside Europe. His thinking tools have helped Edward Saïd, Arjun Appadurai, Vivienne Jabri, Mick Dillon, Achille Mbembe and many others to think through contemporary liberal ways of making war and security that pretend to secure and protect all the societies in which they intervene.[16] But the travels of their terminologies (especially when loaded with a different Anglo-American transcription that modifies their meanings and the politics they contain) have destabilised their initial theoretical purposes – sometimes for the best, sometimes for the worst. This is why the discussion around the notion of security that he developed in the lectures of 1977-78 is illustrative and can be important for analysing the present.

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[14] Fontana and Bertani situate the lectures in Michel Foucault, *Dits et écrits : 1954-1988* (1994), 284.

[15] This may be considered provocative, but if Chakrabarty and Spivak are right in saying that Foucault never wrote about spaces other than Europe, apart from his experience in Tunisia, could we say that he never discussed colonisation and colonial wars? Some followers of subaltern and decolonial studies sometimes overstep the boundary. This is wrong. In my view, when Foucault talks about French history and the two competing narratives of history in *Society Must Be Defended*, quoted earlier, he says more about the nexus of slavery, racism, colonialism and expansionism than some of the current scholars who derive everything from capitalism or the Anthropocene and look only to a so-called global South as the spatial location of truth. For a discussion of Michel Foucault and postcolonialism, see Sandro Mezzadra, "En voyage Michel Foucault et la critique postcoloniale," *Cahiers de l'Herne 95: Foucault*, ed. Philippe Artières, Jean-François Bert, Frédéric Gros and Judith Revel (2011), 352-357. See also Ann L. Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (1995).

[16] Edward W. Said, "Michel Foucault as an Intellectual Imagination," *Boundary 2* 1:1 (1972), 1–36; Arjun Appadurai, "Deep democracy: urban governmentality and the horizon of politics," *Environment and Urbanization* 13:2 (2001), 23-43; Vivienne Jabri, *The Postcolonial Subject: Claiming Politics/Governing Others in Late Modernity* (2012); Michael Dillon and Luis Lobo-Guerrero, "Biopolitics of Security in the 21st Century," *International Studies* 34 (2008), 2; Achille Mbembe, "Necropolitics," in *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society* (2008), 152-182.

SECURITY, TERRITORY, POPULATION IN 1977. A STILLBORN TRYPTIC PROJECT FROM WHICH THE BIRTH OF GOVERNMENTALITY EMERGES AS AN ALTERNATIVE APPROACH TO POLITICS

In Foucault's work, the question of the relations between security and a series of related concepts such as war, violence, sovereignty, suspicion, punishment, confession, racism, otherness, protection, guarantees, circulation and freedom is recurrent. He has always avoided giving an essentialist transhistorical definition of security, related to identity, preferring to shape it along the series of relations that engage security with other terminologies and with the historical practices embedded in a specific episteme.[17] The sabbatical year of 1976-1977, with the first lectures of the 1977-78 course, was the moment in which he tried the most to set up a coherent approach and to have a series of three concepts, sovereignty, discipline and security, in order to organise a triptych of strategic configurations that disrupted the so-called essence of the state as sovereign and transhistorical. In agreement with Paul Veyne, he rejected the nominalism and essentialism of the state and wanted to look at the fabric of the "knick-knacks" that each period puts under the name of statehood; security being, in that case, the name for the procedures organising a change in the practices of power related to sovereignty and discipline, although distinct from them since security encompassed a new art of governance based on risk, probability, prediction and normalisation (which he distinguished from normation).[18]

However, despite his efforts on security, Foucault was unable to provide an explanation of the discourses (knowledge, episteme) and practices (strategies, positivities) specific to this third configuration, which led to liberalism as a modern mode of governing. Security as originally conceived by Foucault is too heterogeneous, dispersed and scattered in different sets of meanings and practices to be another security dispositif because the dispositif is neither coherent nor effective.[19] If we look at the factors of change that led to liberal security, its organisation was linked to freedom of movement, to risk or to protection and, therefore, to the older form of configuration of pastoral power. This went back to Roman times, as noted by his friend Paul Veyne. Moreover, security was still based on punishment, suspicion and violence. It was certainly important to show that liberal security was not exempt from violence, but, at the same time, security was not specific enough

[17] This is a central difference with almost all the authors who try to speak of an ontological security and end up with essentialism and/or nominalism. Anthony Giddens, *Modernity and Self-Identity* (1991). See also Jennifer Mitzen, "Ontological security in world politics: State identity and the security dilemma," *European Journal of International Relations* 12:3 (2006), 341-370.

[18] Paul Veyne, *Foucault, Sa Pensée, Sa Personne* (2010); Paul Veyne, *Comment on écrit l'histoire (*1978), 355.

[19] On the definition of the dispositif, in particular its need to be coherent and effective, see Foucault, "Le jeu de Michel Foucault," in *Dits et Ecrits, tome II, 1976-1988*, 299. See also Deleuze's interpretation in his work *Foucault* (2004) and Giorgio Agamben's little book *Qu'est ce qu'un dispositif* (2014), which relax the conditions of the dispositif and evoke elsewhere the terms assemblage or ligne de fuite.

in regard to sovereignty, insofar as both contained a specific recourse to violence, confession and suspicion. Security could not be seen as the pacification of war through regulated struggles; or an alternative to sovereignty by organizing freedom under risk. The diagram (effective practices) was not the program (knowledge); the figure (or matrix) of the panopticon did not fit at all with that of security as a risk, a chance or the pacification of war. It was untenable.

As I explained in more detail in my chapter "Security, a Field Left Fallow",[20] Michel Foucault was still trying, during the first three lectures of the 1977 academic year, to find this series of transformations affecting what he had placed first under the triptych of security, population and territory in the abstract of the course, but the description of the different transformations of security were almost incomprehensible, at least for his audience. He spoke of security as a way in which politics continues to wage war by policing the 'abnormal', the 'poor', the 'workers' and the 'foreigners' along the lines of the resurgence of 'enemies within' or 'natural criminals' and, on other occasions, as a form of extension of the practices of control that minimise struggles through a series of conducts of conducts that organise security as the limits of different forms of freedom. This contradiction or incoherence was 'irritating', including for himself, especially as the colleagues around him were developing studies on this basis on the 'police of families', insurance mechanisms and the birth of the welfare state, the management of flows of certain populations and their framework in terms of protection, etc.[21]

In response, he multiplies the questions. In a first attempt, he considers that security is reconfiguring the meaning it had in Prussia with the notion of (état de police) or police of despotism. The dispositif of security, territory and population therefore departs from police state, and its interventionism is a different way of managing the population by a "laissez-faire" approach. In this sense, then, the liberal understanding of security has a different relationship to territory than the last word of the sovereign and/or the disciplinary techniques of drawing closed borders. Liberal security exerts control through territory and open borders as it brings into effect the control of populations through the articulation of security and freedom or, more precisely, the articulation of security as the external limits of freedom of circulation. Security operates by planning a 'milieu' in terms of events or a series of events. It refers to time and uncertainty within a given space. This security

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[20] Didier Bigo, "Security: A Field Left Fallow," in *Foucault on Politics, Security and War*, ed. Michael Dillon and Andrew W. Neal (2011) and in French as "La sécurité en jachère," in *Cahiers de l'Herne 95: Foucault,* ed. Philippe Artières, Jean-François Bert, Frédéric Gros and Judith Revel (2011), 326-341.

[21] Jacques Donelot and Gilles Deleuze, *La police des familles* (1977) ; François Ewald, *L''état providence* (1996); Pierre Lascoumes, "La Gouvernementalité : de la critique de l'État aux technologies du pouvoir" *Le Portique* 13-14 (2004) ; Pascale Laborier and Pierre Lascoumes, "L'action Publique Comprise Comme Gouvernementalisation de l'État'," in *Travailler avec Foucault. Retours sur le politique* (2005), 37–60.

dispositif is also linked to an order of probability calculation, statistical regularity, and the institution of prevention, since the key procedure is to statistically predict the number of thefts or crimes at a given time, in a given society, in a given city. So, finally, the security dispositif is related to limits, to standard deviation and to averages.[22] If discipline is centripetal, as it concentrates, focuses and encloses, the 'dispositif of security' is centrifugal, and non-interventionist, as it lets things happen and has a constant tendency to expand. It does not prohibit but produces a framework with certain limits to its extension. In a powerful formula, Foucault says: "Law forbids, discipline prescribes, security regulates"; regulation may use some instruments of prescription and prohibition, but security centrally imagines limits, controls, regulations".[23] In that sense, freedom is nothing other than the correlative of the use of the security dispositif, and security is nothing other than the correlative of the limits of the use of the capacity for free movement.

It is only when the enthusiasm of this response has passed away that he realises that security is then dissociated from police violence, repression and techniques of coercion, as well as from war in his analysis, whereas in practice this is false, as he pointed out in *Discipline and Punish*. In a very final attempt to propose a synthesis, Foucault poses no fewer than 13 questions that would trace the specificity of a transversal "dispositif of security" not linked to a specific form of governing. But he abandons them one by one.

The next lecture begins with this "confession" of failure, but he immediately offers an alternative to understand the mechanisms of power. It is necessary, he says, to change the focus of the course and to discuss liberalism as a different art of governing, implying the use of a new thinking tool: governmentality. Security is no longer the subject of the course.

Any thoughtful researcher has to acknowledge these tensions and even contradictions between what Foucault said about the "*archaeology of knowledge*", "*the abnormals*", "*society must be defended*", and what interests him after the fourth lesson on "*security, territory, population*" and "*the birth of biopolitics*". The last lectures even contradict the then recently published book *Surveiller et Punir*, which was much more linear and straightforward in its will to discover specific mechanisms of power that transcend institutions, regimes and even epistemes.[24] Reality is more complex; the study of the art of governing (others and the self) becomes the possible way to understand the change of episteme and strategies instead of following them in historical sequences.[25]

Of course, everyone still remembers the sequence of sovereignty in the classical age, which he "paints" with the ordeal of Damien to show the stark contrast with the

[22] Foucault, *Sécurité, territoire et population* (2004), 8.
[23] Foucault, *Sécurité, territoire et population* (2004), 48.
[24] Unfortunately, the book was translated into *Discipline and Punish*, which has created a lot of confusion between surveillance and discipline in Anglo-American literature.
[25] Lecture of 25th of January 1978 in Foucault, *Sécurité, territoire, population* (2004), 57-89.

disciplining of bodies, which reframes sovereignty into a more complex way of doing the art of governing by producing different techniques to make people docile through the embrace of their bodies in all their interactions with others within the army, factory, school and hospital, which he will call discipline when they concern individual bodies and security when they affect the "milieu", the circulation of flows and the risks that occur for some populations. Nevertheless, the book *Discipline and Punish*, which is about this form of subjectivation, cannot render the development of the series of knowledge about macroeconomics and statistics, which transforms norms and values into normativity of standard distinction and average calculations of statistical populations. They do not fill the gap for the birth of biopolitics. We therefore need to engage with this dispositif of security and its recent transformations in order to understand the current governmentality at work in the change of security.

As Michael Dillon and Andrew Neal rightly said in their introduction to the edited volume *Foucault on Politics, Security and War*, “Foucault is fallible... but a thinker, a fortiori Michel Foucault, is not there to tell you what to think. He is there to provoke you to think... he forces you to think a little more for yourself”.[26] This is what we have tried to do with colleagues from the journal *Cultures et Conflits* by delving into a socio genesis of practices and some elements of the genealogy of contemporary (in)securitisation practices.[27]

UPDATING MICHEL FOUCAULT'S INTUITIONS: THE CONTEMPORARY DISPOSITIF OF SECURITY-SURVEILLANCE VIA SUSPICION-PREDICTION

Apart from the writings of Frédéric Gros in political theory and a few authors inspired by international political sociology, many contemporary writers on security, policing, war and border violence have preferred not to take up the challenge of this plurality of foci of meaning (foyer de sens).[28] They have just picked up a fragment of Foucault's discussion, without evoking its contradictions and renunciations, to justify a theoretical allegiance on one side and on the other to have a simple storyline that fits their own conception of security applied to a "case study".[29] Instead, we have to investigate the formation of the

[26] Michael Dillon and Andrew W. Neal, *Foucault on Politics, Security and War* (2011).
[27] See the journal *Cultures et Conflits*, especially 58:2 (2005), 94-95-96:2 (2014), 112:4 (2018), 113:1 (2019), 114-115:2 (2019).
[28] See *International Political Sociology* 1:1 (2007), 2:3 (2008), 4:2 (2010), 8:2 (2014), 16:3 (2022).
[29] The proliferation of references to Michel Foucault while using neo-Marxist or Agambenian frameworks to speak about the violence against migrants at the US or EU borders is a problem. He is used as an emblem by activists but not for its methods. Fortunately, some exceptions exist: Nicholas P. De Genova, “Migrant “illegality” and deportability in everyday life,” *Annual Review of Anthropology* 31:1 (2002), 419-447; M. Casas-Cortes, S. Cobarrubias, N. De Genova, G. Garelli, G. Grappi, C. Heller, and M. Tazzioli, “New keywords: Migration and borders,” *Cultural studies* 29:1 (2015), 55-87. See also Didier Bigo, “The (in) securitization practices of the three universes of EU border control: Military/Navy–border guards/police–database analysts,”

contemporary security dispositif by analysing which fragments are mobilised and how they create the network of relations through which security is performed and operationalised, not only in each episteme but simultaneously in each of them according to the kind of governmentality they are involved in.

A GENEALOGY OF SECURITY

An indispensable first step in overcoming the contemporary doxa of security, which favours authoritarianism and 'securitarian' logics, is to historicise the notion of security in order to understand these recent transformations. We need to make a genealogy of this term in the original sense given by Michel Foucault in order to show its different meanings. This is what important authors such as Rob Walker and Jens Bartelson have done for the notion of sovereignty.[30] In France, Frédéric Gros, in his key works "Etats de violence" and "Le principe sécurité", has undoubtedly done the best work so far in deconstructing this desire to find a philosophical concept of security throughout history in order to justify its primacy.[31] Instead of a single concept of security, it analyses how different epistemes, or more precisely foci of meaning, have invested the label of security over time and how they are interconnected but also constantly contradict each other. Thus, there is never a single security principle or ontological concept but rather a series of struggles between different actors hierarchising different forms of (in)securitisation with the aim of imposing their priority and interests at a given moment as the natural order of security while claiming that it is absolute necessity to act without delay to prevent catastrophic events.[32]

In the principle of security, Frederic Gros distinguishes four different epistemes involved in the long history of the concept. He refuses to speak of a timeless or simply evolving concept of security. At the end of the ancient Greek era, security was defined as a form of serenity of conscience; a stoicism in the face of the world that today has more to do with individual resilience than with the actions of the power institutions. The second

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Security Dialogue 45:3 (2014), 209-225; Didier Bigo, "Globalized (in) security: the field and the ban-opticon," in *Terror, Insecurity and Liberty* (2008), 20-58.

[30] R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (1992); Jens Bartelson, *The Critique of the State* (2001).

[31] Frédéric Gros, *Etats de violence : Essai sur la fin de la guerre* (2006); Frédéric Gros, *Le Principe Sécurité* (2012).

[32] Didier Bigo, "La mondialisation de l'(in)sécurité ? Réflexions sur le champ des professionnels de la gestion des inquiétudes et analytique de la transnationalisation des processus d'(in)sécurisation," *Cultures & Conflits* 58 (2005), 53-101; Staf Callewaert, "Bourdieu, Critic of Foucault: The Case of Empirical Social Science against Double-Game-Philosophy," *Theory, Culture & Society* 23:6 (2006), 73–98; Collective C.A.S.E., "Critical Approaches to Security in Europe: A Networked Manifesto," *Security Dialogue* 37:4 (2006), 443–87; Thierry Balzacq, Tugba Basaran, Didier Bigo, Emmanuel-Pierre Guittet, and Christian Olsson, "Security Practices," in *Oxford Research Encyclopedia of International Studies* (2010).

meaning of security is the absence of danger, what he calls the Sunday of history. He links this meaning to the millenarian promise of a harmonious world in which violence will have disappeared. There will be security for all because everyone will be safe from threats, safe from hunger and safe from desire. Only justice and equality will make it possible to achieve security for all, which is not the continuation of a dominant balance of power that preserves the social order that benefits some. A certain vision of security as a form of emancipation, taken up by the theories of human security through development, continues to think in this way and calls out the insecurity of an unjust social and international order. The third type of security identified by Frédéric Gros is the one we are most familiar with. Security is the protection afforded to the people through the acceptance of a monopoly of violence by specialised agents of the state. Contemporaneous with the various bourgeois revolutions, in which security became a form of guarantee of the state against privilege, this focus of meaning consists in understanding security as the guarantees given by states to their citizens and in associating security with sovereignty and then with the democratic state and the international system of states as the international community. Although Frédéric Gros situates this connotation of security only in relation to the state and does not analyse the competition between church, state and interstate systems, it is nevertheless a crucial movement and one that still constitutes the central frame of reference for contemporary texts since security is then the result of the operations of sovereignty, discipline and surveillance as transversal power mechanisms that organise institutions. As described above, security is then seen as the protection of the individual, against a dangerous nature or the enmity of his neighbour, by the state that one belongs and within its borders. Personal security, in this vision, is guaranteed by the accumulation of force and the annihilation of the cycle of vengeance created by the capacity of each individual to kill someone else. So security is therefore the responsibility of the State and goes hand in hand with a guarantee of protection which, in liberal visions, also includes protection against one's own executive, hence the idea of control by agents of the state, where one must guard himself against those who claim to protect us (who will guard us from the guardians). The power of the executive must therefore be supervised by a judiciary, which is admittedly fallible, but which acts as an active third party and exists thanks to the effective separation of powers. Security is therefore the other name for the magic of transforming violence into legitimate counter-violence. Security transforms the arbitrariness of the violent beginning of the State into a logical necessity for individuals, allowing them to exist under an authority that is sovereign and protects life. There can be no democratic state without justice.

But this episteme of security through the guarantees of the liberal state, that freedom and markets are protected principles, is weakened with the decline of the commitment to welfare, along with the simultaneous rise of a penal state logic of punishment, often

through racial discrimination, especially in the US, and with the development of transnational guilds of security professionals who impose their own agenda in the political spheres.[33] Frederic Gros calls these transformations the emergence of "states of violence", which he contrasts with "states of war". This is where I disagree with him.

In my book *War, Terrorism, External and Internal Security*, I argued that, far from being very different, internal and external forms of (in)security are intimately linked, like a Möbius strip. The various state institutions or their transnational guilds (army and police, but also intelligence services, border guards, visa consulates and so on) thus shape the boundaries of the threats they deal with and enter into competition, either negatively, by refusing to take charge of the "problem", or positively, by trying to set priorities for the missions and budgets earmarked for internal security and defence. While war and crime have been differentiated terminologically for so long, other keywords have (re)emerged: hybrid (cyber)threats, narco-terrorists, traffickers and so on. They indicate the "spaces" of struggles between these different (in)security institutions, and the success of one or the other indicates the differential of symbolic power. The labels are therefore intersubjectively dependent on the position of the actors (crime or terrorism for one, war for another).

This power asymmetry of assignment has consequences. Firstly, in their strategies of accusation, the most recognised are more likely to be able to impose on third parties their point of view on the labellisation of their adversaries, including the construction of a barrier between the terminologies (terrorist-freedom fighter) in order to justify their asymmetrical logic of violence. Secondly, because both actors are subject to mimetic logic mechanisms in their use of violence, despite their claim to be radically different, they often resort to reprisals, retaliations, and revenge instead of respecting the international rules of war. Thirdly this lack of respect is de facto multiplying the spaces and actors involved in the struggle, instead of polarising into two the battle, as Clausewitzian was anticipating.[34] This political economy of violence that cuts across the international realm of states goes hand in hand with the effective de-monopolisation of the state's claim to a monopoly on violence on its territory by clandestine transnational actors and by the constraints of the institutions that manage world politics.[35] The professionals of politics and security are themselves actively organising their own transnationalisation with coalitions between

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[33] Loïc Wacquant, "Foucault, Bourdieu et l'État Pénal à l'ère Néo-Libérale," in *Critiquer Foucault, Les années 1980 et la tentation néo-libérale,* ed. D. Zamora (1980), 115; Didier Bigo, "The Transnational Field of Computerised Exchange of Information in Police Matters and Its European Guilds," in *Transnational Power Elites: The New Professionals of Governance, Law and Security*, ed. Niilo Kauppi and Mikael Rask Madsen (2013); Didier Bigo, "Sociology of Transnational Guilds," *International Political Sociology* 10:4 (2016), 398–416.

[34] Didier Bigo, *Terrorisme, guerre, sécurité intérieure, sécurité extérieure* (2016); Didier Bigo, "The möbius ribbon of internal and external security(ies)," in *Identities, Borders, Orders: Rethinking International Relations Theory*, ed. Mathias Albert, David Jacobson and Yosef Lapid (2001), 91-116; Didier Bigo, "De 'l'état d'exception'," *Revue d'Etudes et de Critique Sociale* 24:1 (2007), 103-128.

[35] Daniel Hermant and Didier Bigo, *La métamorphose des conflits* (1988).

different national security forces around specific activities, in which professional solidarities take precedence over so-called national interests and loyalty to national politicians. If the appearance of the state continues, its micro-physics is profoundly changed. Professionals of politics and the autonomy of a "public" sphere are recomposed by the decisions of central actors from the so-called private sector. Banks, media and Internet giants are no longer subordinate actors but sometimes more powerful than state representatives, and their interests may be given priority. This does not correspond to a specific development of capitalism, as some neo-Marxist approaches would say, but has to do with the rearticulation of the dispositif of security-surveillance, now organised through the argument of global counter-terrorism (linking war-terrorism crime) and the refusal to be only reactive, which allows the justification of a preventive-offensive action and a large-scale surveillance in the name of total information awareness. However, the unintended and central consequence of this programmatic logic is that the violence of legitimate force is de facto delegitimised when it cannot have the last word, and it often only serves to rekindle violence elsewhere and in other forms.[36] This is also one of the reasons for the reorganisation of security bureaucracies in networks and, more generally, for what Beatrice Hibou has called the bureaucratisation of the world in the neoliberal era[37] or what Anna Leander and Rita Abrahamsen have described as a form of global security assemblage in which the ubiquitous role of private actors in a wide range of contemporary security practices raises questions about state authority in the regulation of the private sector, in the problem of democratic oversight, and reveals the analytical blurring of the public-private divide, and analysing the process at work as a form of global security assemblage.[38]

A SPECIFIC TRANSNATIONAL SECURITY-SURVEILLANCE DISPOSITIF UNDERMINING DEMOCRACY BY ENCOURAGING 'LEGITIMATE' SUSPICION AND 'SCIENTIFIC' PREDICTION

The contemporary context is characterised by digital surveillance aimed at suspicion and prediction. This is a major change from the 1980s, even if some authors have argued that Gilles Deleuze, in his article on a society of control, anticipated the characteristics of neoliberal nudging and remote surveillance through technologies and flows. But the

[36] Some claims to bring back sovereignty, such as those made during the Brexit and 'Make America Great Again' campaigns, but these claims are symptoms of this waning of (national state) sovereignty and the acceleration of its disappearance, far from being a credible option to regain a public and to access to shared sovereignty for larger entities than single states.

[37] Béatrice Hibou, *The Bureaucratization of the World in the Neoliberal Era: An International and Comparative Perspective* (2015).

[38] Anna Leander, "The Privatization of International Security," in *The Routledge Handbook of Security Studies* (2009), 216–26; Rita Abrahamsen and Anna Leander, eds., *Routledge Handbook of Private Security Studies* (2015).

opposition between discipline and control, in this brief postscript by Deleuze, says almost nothing about security and liberal governmentality, which nevertheless inspired Deleuze, as it is clear in his book on Foucault.[39] The contrast between Deleuze and Foucault is therefore dubious since most of Deleuze is in line with Foucault's 1978 approach around the dispositif of security, which is already counterposed to discipline.[40] The notion of liberal security has long been linked to surveillance as a form of fluid control of movement that defines the limits of freedom and organises forms of surveillance that are operationalised through various techniques, including the neighbourhood watch, the proliferation of forms and, more recently, the technologies of video cameras, body scans and so on. So, they are not as new as one might think. They are, however, strategically orientated and imply different strategies of conducting conducts, of modified practices of (in)securitisation, as well as of diverse narratives that try to transform these actions into a necessity of contemporary life.

These elements are subject to what might be called an epistemic transmutation in which the ideas of individual freedom and popular democracy are countered by policies of fear, suspicion and prevention, which are aimed at shaping the primacy of societal security and the preservation of the existing order in the face of any transformation deemed worrying by the elites. The old 'qualities' ascribed to concepts such as prevention, protection and freedom are then replaced by other meanings that undermine and subvert them.[41] The reframing of freedom and innocence, the justifications for suspicion, exception and prediction are thus interconnected, altering the "foci of meaning" that were those of liberal security, without suppressing them, but turning them towards authoritarianism or, more precisely, despotism. The security-surveillance dispositif thus adds old meanings of suspicion to the persistent belief in the progress of science through digital technologies and, more recently, to the praise and fears surrounding artificial intelligence. In doing so, it

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[39] Deleuze, Gilles, "Post-scriptum sur les sociétés de contrôle," in *Pourparlers* (1990), 240-247; Marine Remy and Philippe Coppens, "Les notions de 'discipline' (Michel Foucault) et 'contrôle' (Gilles Deleuze) ; itinéraire d'une analyse au travers de leurs représentations dans le système juridique belge et de la théorie du Nudge," Thesis, Université Catholique de Louvain (2023); Kevin D. Haggerty and Richard V. Ericson, "The surveillant assemblage," in *Surveillance, Crime and Social Control*, ed. Dean Wilson and Clive Norris (2017), 61-78.

[40] A contrario to the previous authors, Jeremy Gilbert, and Andrew Goffey, "Control societies: Notes for an introduction," *New Formations* 84:84 (2015), 5-19 and Gilles Deleuze, himself in "Postscript on the Societies of Control" [1990], in *Cultural Theory: An Anthology* (1992), 139-142 and Gilles Deleuze, *Foucault* (1986), 66. See also Didier Bigo, "Security, exception, ban and surveillance," in *Theorizing Surveillance*, ed. David Lyon (2006), 46-68; Philippe Bonditti, "Violence and the Modern International: An Archaeology of Terrorism," in *Foucault and the Modern International*, ed. Philippe Bonditti, Didier Bigo and Frédéric Gros (2017), 155-173.

[41] They are almost transformed in an Orwell newspeak when freedom means freedom for the forces (military-police) to act as they want, beyond the "constraints" of rule of Law; freedom meaning here, in an alt-right discourse, right to arbitrariness. Prevention is turned into first preventive strike and justifies extraordinary killing and renditions of young people whose parents were considered as dangerous. Lawfare is turned into propaganda against human rights and so on.

modifies the scale of analysis by taking seriously the transversality of the security dispositif, which is too often reduced to a characteristic that varies along specific national states, whereas its organisation is both transversalised and transnational.[42]

Let us be clear, then, that this dispositif is not based on a 'new' episteme as such. It is not even a completely new turning point for biopolitics, but we have seen an authoritarian reconfiguration, linked to a political context of global counter-terrorism, that is returning to a condition that predates the foundations of parliamentary democracies and that we can call elective-despotism.[43] This change in the course of modernist progress, in the form of the Enlightenment and the welfare state, has revived ideas abandoned since the humanism of the 18th century and their discrediting after the Second World War and decolonisation (the death penalty, use of torture, confession of the subject and so on). These practices, common in the classical period and in authoritarian regimes, were abolished and replaced by an agenda of human rights institutions, including judges, but with the acceptance of certain forms of inquisition (suspicion, secrecy, no access to substantive justice) and an unleashed "right-wing" décomplexée (as French President Sarkozy said) that is not worried about its legacy (regarding the use of torture, racism and attacks on the poor, and which has brought these forms back as "solutions" to all kinds of insecurities in the context of permanent crises and emergencies, cloaking them with new adjectives; legitimate or reasonable for suspicion, scientific or true for prediction. The split between the alt-right and a "moderate" right wing is organised along this line, although some centre-left parties in power have also justified these changes of practice in the name of counter-terrorism, organised crime and even illegal migration, thereby ending up accepting the same procedures of detention and exclusion (ban). This argument for the primacy of suspicion as a way of protecting via prevention has been articulated within the liberal security-surveillance dispositif through contemporary beliefs in technology as a form of

[42] T. Basaran, D. Bigo, E.-P. Guittet, and R.B.J. Walker, *International Political Sociology: Transversal Lines* (2016).
[43] Didier Bigo, "Security and immigration: Toward a critique of the governmentality of unease," *Alternatives* 27:1 (2002), 63-92; Didier Bigo, Elspeth Guild, and Elif Mendos Kuskonmaz, "Obedience in times of COVID-19 pandemics: a renewed governmentality of unease?," *Global Discourse* 11:3 (2021), 471-489. For more recent terminology, see: elective despotic governmentality of unease. Didier Bigo, "Transformations of the transnational field of secret services," in *Intelligence Oversight in Times of Transnational Impunity*, ed. Didier Bigo, Emma McCluskey and Félix Tréguer (2024), 70. Elective despotic governmentality of unease is not returning to fascism or ultra-populism; it is a larger process than the alt-right project and includes some right or left wings parties who want to play the game of a quasi-permanent exception in favour of the executive while keeping the key elements of liberal democracies as a structure but allowing more and more illiberal practices based on suspicion. This form of governmentality is still, in terms of diagram, a form of democracy led by elections and representative party politics, but it works as an attack against human rights principles, privacy, respect of international treaties and rights of foreigners, and it generates a strong argument in favour of the people in charge by creating links between a discourse of science with a will of prediction detained by an elite (for the good of the majority, which is reduced to ignorant masses). This elective despotic governmentality is not organised through the distinction between democratic and authoritarian regimes or through the category of an illiberal regime; it is a transversal aspect of a specific global security assemblage.

ultimate knowledge, thus giving these very old practices a new, more seductive 'cachet' of novelty. In other words, the link between preventive security and predicting the future is made by combining the desire to prevent "events" (often worst-case scenarios) based on predictive reasoning that claims to be scientific and has an attitude of categorical, systematic suspicion; suspicion in which it is up to each individual to prove that there is no reason to suspect him or her, thus de facto eliminating the principle of innocence or relativising it as less important than the societal, national or transnational stakes of political order.

THE RISE OF SUSPICION AS A NORMAL PRACTICE AND ITS IMPACT OF INNOCENCE AND FREEDOM

Suspicion and prediction are the new 'mantra' of a vision in which security becomes the ultimate, existential principle, justifying an inquisitorial logic as a way of looking at the world. As a result, technologies of surveillance, even on a large scale to collect information on categories of data, behaviours and populations, are justified in democracies as long as there are official boundaries around the protection of personal data and privacy and oversight bodies theoretically controlling the practices.[44] Suspicion is no longer just a matter of casting doubt in order to discover hidden truths but also a way of systematically justifying suspicion by claiming that democratic societies will only survive if they abandon the presumption of innocence (in the strongest sense of the word) of each individual by starting to calculate the percentage of risk and negative score that each individual carries for societal security.

In a way, as Mireille Marty has forcefully pointed out in her last writings, echoing Foucault on this point, this articulation of suspicion and prediction is a step backwards in time. Hegel and Beccaria, who fought against despotism, opposed this discourse and made the presumption of innocence an active process in which man's humanity is conceived in terms of his ability to amend himself, to change his mind up until the last moment before he acts and to have a certain freedom that saves him from predetermination.[45] Modern governmentality and freedom of choice in a sublunar world were constructed against fate and predestination. This was seen as the keystone of collective freedom and of liberty. Contrary to what many authors think, this attack is not specifically against

[44] Didier Bigo and Stefan Salomon, "Passengers Name Records and Security," VerfBlog. https://verfassungsblog.de/pnr-security/ (accessed 27/04/2024). Didier Bigo, Emma McCluskey and Félix Tréguer, *Intelligence Oversight in Times of Transnational* Impunity (2023), 311.

[45] Mireille Delmas-Marty, *Libertés et Sûretés Dans Un Monde Dangereux* (2010). Mireille Delmas-Marty, *Pour Un Droit Commun* (2016). Elspeth Guild, Didier Bigo, Sergio Carrera, and R. B. J. Walker, *Europe's 21st Century Challenge: Delivering Liberty* (2013). Elspeth Guild, "The variable subject of the EU constitution, civil liberties and human rights," *European Journal of Migration & Law* 6:4 (2004), 381.

migrants or foreigners; it goes beyond them and has variable targets and subjects depending on the governmentality of unease and its priorities. However, the use of numbers, statistics, dossiers and the management of populations according to these criteria, along the lines of a biopolitics, has further subdued the category of freedom. A long series of elements has diminished the value of the term democracy, and its bureaucratisation has changed the idea of parliamentary or popular democracy.[46] In this move, statistics have favoured the idea that past trends are self-imposing, leaving no room for the capacity to change and allowing one to anticipate not only the future of a collectivity but even, if refined data allow it, the future of a specific individual.[47] Past trends are directly linked to the future, reducing the number of possible alternative scenarios. The ability of digitisation to change the scale and speed of data computation, as well as its ordering according to emerging criteria and the creation of profiles, has challenged the notion of individual freedom, and the belief in predetermination has been reintroduced in the hope that minimising errors in data will link past and future. Some discourses on the digital revolution and artificial intelligence are almost playing with the return of predestination, which occurs in order to justify that knowledge of the past gives its quality to predictions of the future. Statistically, freedom of choice is reduced to a rare singularity, a risk that does not change the future, and it is illusionary to take into consideration the small "anomalies" created by freedom since the possibility of change by a human being is minimal when confronted with the power of artificial intelligence, based on big data, algorithmic surveillance and profiling, to anticipate the future.[48]

COUPLING SUSPICION AND PREDICTION VIA THE FUTURE PERFECT

In this framework, suspicion and prediction reorganise preventive security surveillance. The knowledge that the individual conscience can change the course of action at the last moment, valued as an irreducible form of resistance in the face of totalitarian control, is now ignored and replaced by the belief that a 'trivial' operation of a risk calculation allows the logic of predictive algorithms to decide whether or not to include a whole series of

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[46] For a detailed analysis of the practices, see Anastassia Tsoukala, "Democracy against security: the debates about counterterrorism in the European Parliament, September 2001–June 2003," *Alternatives* 29:4 (2004), 417-439. See also Didier Bigo, E. Guild and R. B. J. Walker, "Introduction," in *Europe's 21st Century Challenge: Delivering Liberty*, ed. Sergio Carrera (2016).

[47] Ian Hacking, *The Taming of Chance* (1990); Alain Desrosieres, *The Politics of Large Numbers* (1998).

[48] Antoinette Rouvroy, and Thomas Berns, "Gouvernementalité algorithmique et perspectives d'émancipation," *Réseaux* 177:1 (2013), 163-196; Paul Henman, "Governing by algorithms and algorithmic governmentality," in *The Algorithmic Society: Technology, Power, and Knowledge*, ed. Marc Schuilenburg and Rik Peeters (2020), 2; Claudia Aradau and Tobias Blanke, "Politics of prediction: Security and the time/space of governmentality in the age of big data," *European Journal of Social Theory* 20:3 (2017), 373-391. We will come back to this topic and its "politics" by analysing the matrix of a Total Information Awareness.

people in lists of suspects, even though there is no evidence of wrongdoing in their past actions. The future then loses its dimension of chance, of "fortuna" or random bifurcation, and is instead constructed as the most probable future, i.e., a future perfect tense whose grammar makes it possible to know the most probable course of events and when it leads to a worst-case scenario. This justifies the actors in their own eyes to use surveillance and violence against others in the name of their moral obligation and political duty to change the (alleged) course of the future by taking so-called preventive action against the imaginary that constituted it as an initial danger.

The future perfect, also called the past future, thus allows for a series of eschatological narratives of the future as if it were already knowable. Certainly, temporality evokes undecidability, but it simultaneously proposes scenario(s) in which imagination is taken as a form of "truth" in a process of veridiction that transforms prophecies into highly probable facts. Trust in the machine replaces truth. A techno-solutionism is validated by emergency measures and limited deliberations. At present, this "anticipatory logic" is declared to be scientific, as opposed to those "inspired by religion" and based only on faith, but at the cost of eliminating coincidence in order to say that the prediction made will actually be realised because the data collected have been sufficiently substantiated by a technology where the knowledge of their past states at a given moment makes it possible to anticipate patterns through simulation software, not only for non-conscious phenomena but also in the case of collective and individual human behaviour.[49] The establishment of a behavioural profile for a category of risky population thus avoids the problem of the retroactivity of the conscience being observed, and it remains optimal when the process allows the discovery of (weak) correlations and patterns between an unknown individual and others who resemble him by various criteria which are sufficiently or reasonably coherent enough to create a specific category of population; an illustration of the ability to manage a biopolitics at a distance.[50]

[49] On chance, see Richard Ned Lebow and Benoît Pelopidas. "Facing Nuclear War: Luck, Learning, and the Cuban Missile Crisis," in *The Oxford Handbook of History and International Relations*, ed. Mlada Bukovansky et. al. (2023). See also Benoît Pelopidas, *Repenser les choix nucléaires* (2022). On the predictive capacity of policing, see Bilel Benbouzid, "Des Crimes et Des Séismes: La Police Prédictive Entre Science, Technique et Divination," *Réseaux* 6 (2017), 95–123; Bilel Benbouzid and Dominique Cardon, "Machines à prédire," *Réseaux* 211:5 (2018), 9–33. See also Kathleen M. Vogel, Gwendolynne Reid, Christopher Kampe, and Paul Jones, "The Impact of AI on Intelligence Analysis: Tackling Issues of Collaboration, Algorithmic Transparency, Accountability, and Management," *Intelligence and National Security* 0:0 (2021), 1–22; For the consequences of this logic see Elspeth Guild and Didier Bigo, "The Worst-Case Scenario and the Man on the Clapham Omnibus," in *Security and Human Rights*, ed. Benjamin J. Goold and Liora Lazarus (2007), 99–121.

[50] Paradoxically, the Anthropocene terminology is sometimes used to negate chance and agency and to reduce the catastrophic narrative to a fate, i.e., an unescapable destiny.

PREDICTIVE POLICING AND DIGITAL SURVEILLANCE, A MAGICAL POWER?

The belief in the possibility of knowing the course of events is also linked to the fascination with digital technology, which, in the age of the Internet and social networks, can transform the management of individual bodies into the management of their "data doubles", to use Oscar Gandy's expression.[51] The ability of digital technology to compute data so quickly and massively, to leapfrog human reasoning and to discover correlations that humans are incapable of understanding in a timely manner, has finally given rise to a belief in an almost magical power of digitalisation, as if time travel and loop-back were possible.[52]

Today's predictions also celebrate their future results and hide their errors, urging faith in the next generation of scientific prediction where nothing will be impossible. Predictions thus emancipate themselves from the search for personal acts to determine a class of individuals who could all, at one time or another, potentially engage in the worst possible scenario (whether this involves triggering a disaster, committing a crime or wanting to cross a border without the prior consent of the authorities). Surveillance can become preventive through adequate prediction, and preventive surveillance becomes protection for all those who accept the project of abandoning the shadows of private life when the authorities need to collect their data.[53]

When predictive techniques and suspicion are entangled, preventive policing is no longer a science fiction novel; it becomes a technological capacity to predict in order to protect on the condition of full knowledge of the past and of total awareness. Once humanity's feedback loop of conscience is abandoned, there is no essential difference between predicting earthquakes and predictive policing; it is just a question of good methods.[54] Resistance in the name of individual privacy here is just a sign that there is something to hide.[55]

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[51] Oscar H. Gandy Jr., "Statistical surveillance," in *Routledge Handbook of Surveillance Studies*, ed. Kirstie Ball, Kevin Haggerty and David Lyon (2012), 125-132.

[52] Mark Andrejevic and Kelly Gates, "Big data surveillance: Introduction," *Surveillance & Society* 12:2 (2014), 185-196; Ed Finn, "The Black Box of the Present: Time in the Age of algorithms," *Social Research: An International Quarterly* 86:2 (2019), 557-579.

[53] Alain Bauer and François Freynet, *Vidéosurveillance et vidéoprotection* (2012). Au contraire David Forest, "Éric Heilmann, Philippe Melchior, Anne-Cécile Douillet, Séverine Germain, Vidéosurveillance ou vidéoprotection?," *Questions de communication* 22 (2012), 371-372.

[54] Bilel Benbouzid and Dominique Cardon, "Machines à prédire," *Réseaux* 211:5 (2018), 9–33; Kathleen M. Vogel, Gwendolynne Reid, Christopher Kampe, and Paul Jones, "The Impact of AI on Intelligence Analysis: Tackling Issues of Collaboration, Algorithmic Transparency, Accountability, and Management," *Intelligence and National Security* (2021), 1–22; Bonnie Sheehey, "Algorithmic paranoia: The temporal governmentality of predictive policing," *Ethics and Information Technology* 21:1 (2019), 49-58.

[55] For a strong counter argument, see Edward Snowden, *Permanent Record: A Memoir of a Reluctant Whistleblower* (2019).

Philip K Dick's novel *The Minority Report*, itself inspired by his own experiences of the riots of the 1970s and the behaviour of the police in American cities, explored the flaws of this surveillance of the future through a "predictive policing" approach, in which algorithms now replace his human precogs.[56] Unfortunately, despite its fame, this dystopia has not discouraged the development of a movement known as 'scientific policing', which proclaims the benefits of eradicating crime through arrest and detention and/or preventive surveillance. Preventive security has even become a commodity and a market.[57] For over twenty years, a company like Predpol, whose failings are now well known, was able to sell software that was supposed to solve police problems and to expand by creating a range of more sophisticated pieces of software based on the same assumptions and with the same results: undermining the logic of causes and events by a logic of correlations and suspects.

THE POLITICAL BENEFITS OF SUSPICION AND PREDICTION

Thus, if the dispositif of security surveillance as a means of exercising power has a very long history, what constitutes a rupture (or a bifurcation) in contemporary practices is the scale at which it can be deployed and the ease with which surveillance professionals can monitor large numbers of potential suspects with "a few clicks of the mouse". Combined with the use of an imaginary oriented towards apocalyptic futures, it serves to justify and govern present decisions; the transmission of data between security professionals around the world becoming a routine in which their communication is faster than the physical movements of the "targets", opening a window of opportunity to prevent action.[58]

In short, when used for surveillance purposes, the digital 'web' makes it possible to trace past actions, to accumulate data en masse (big data) and organise it into series using algorithms, and to apply reasoning based on correlations whose causalities elude logic, using what has recently become known as artificial intelligence with generative capacity. This makes remote and time-lapse surveillance a real "blessing" for all the protagonists of surveillance, especially the professional guilds of "security", i.e., Sigint secret services, special police forces, border guards, para-private companies and mercenaries – who are the main proponents of what they call "legitimate" suspicion with predictive and therefore

[56] Philip K. Dick, *Minority Report: Volume Four of The Collected Stories* (2014).

[57] Lucia Zedner, "The Pursuit of Security 1," in *Crime, Risk and Insecurity*, ed. Tim Hope and Richard Sparks (2012), 200-214.

[58] See, for example, the role of PNR in air traffic security, the different regional and national travelers' databases and the interconnection platforms with other public and private databases. see Didier Bigo and Stefan Salomon (op. cit.).

preventive capacity.[59] Despite fundamentally different contexts and diversified threats, in this revised security dispositif, all professionals agree that the suspicion of their targets is not arbitrary but based on facts that cannot be attributed with certainty to a specific person but which are sufficiently probable to allow a surveillance operation with coercive consequences before the action is taken; a new definition of actuarial prevention that no longer has anything to do with structural prevention, which was opposed to coercion but is now a substitute for it.[60]

So, let us be clear. The trigger for this coupling of suspicion and prediction is not inherent in digital technology; it is a political move that has been present since the return of the conservative agenda justifying the priority of coercive security over liberal freedom of movement. If the European Union has been trying for years to articulate the two opposing faces in a kind of Mobius strip, entangling freedom of movement and fear of migration, the United States has not followed the same path with NAFTA when denying Mexicans internal freedom of movement.[61] This difference in choice has been crucial, but the sharp return to preventive, predictive policing, as opposed to liberal forms of security organising freedom of movement, already activated in the late 1990s, was accelerated by the call

[59] On this argument of "legitimate suspicion", used in different forms of justification, see Fabrice deferrard, la suspicion legitime LGDJ 2000. Many authors are trying to use this term to escape the judges' limitations of reasonable suspicion or probable cause; for a discussion, see E. P. Guittet, F. Brion, "The New Age of Suspicion," in *Politics of Anxiety*, ed. E. Ekhlund, A. Zevnik and E. P. Guittet (2017); Didier Bigo, "Detention of Foreigner, States of Exception, and the Social Practices of Control of the Banopticon," in *Borderscapes*, ed. Prem Kuram Rajaram (2007); Marie-Laure Basilien-Gainche, "Leave and Let Die: The EU Banopticon Approach to Migrants at Sea," in *Boat Refugees' and Migrants at Sea: A Comprehensive Approach*, ed. Violeta Moreno-Lax and Efthymios Papastavridis (2016).

[60] It is impossible to discuss here the different strategic uses of the dispositif by the actors and their differential effects. This is often the limit of using a Foucauldian approach to theorising diversity but speaking too generally. For a more anthropological and sociological approach to the political, it is crucial to insist on the actors and their strategies of distinction. Each profession or "guild", based on a certain know-how, may have access to some "shared" surveillance technologies or databases (e.g., transatlantic or European security databases such as SIS, VIS etc.), but the selectors are often different because they have different profiles and priorities in mind, and their suspicions concern different categories when looking for criminals, political violence, regularity of travel or attempts to cross borders. This diversity also applies to the groups for which they would say maintain a principle of innocence or regularity, which is de facto a way of having an exceptional status for privileged groups to avoid the rigours of administrative and penal justice, whether based on class, race, gender or bureaucratic and political status. They also have asymmetric access and the possibility of combining different selectors to access what they call a "granularity" of the search, which in theory avoids collateral damage but not in practice. For the case of border controls, see Didier Bigo in *Security Dialogue*, op. cit.

[61] See the comparison between Schengen and NAFTA in terms of freedom of movement and border controls. Elspeth Guild and Didier Bigo, "Policing at a distance: Schengen visa policies," in *Controlling Frontiers* (2017); Karine Côté-Boucher, *Border Frictions: Gender, Generation and Technology on the Frontline* (2020); Steffen Mau et al., *Liberal States and the Freedom of Movement: Selective Borders, Unequal Mobility* (2012); Jean-Yves Carlier and Marie-Claire Foblets, "Law and Migration in a Changing World: General Report," in *Law and Migration in a Changing World*, ed. Marie-Claire Foblets and Jean-Yves Carlier (2022); Elspeth Guild and Valsamis Mitsilegas, eds., *Immigration and Asylum Law and Policy in Europe* (2022).

for a "war on terror" as a response to the violence of Al Qaeda.[62] If 11 September was certainly a key date, the decision of George Bush Junior's administration on 14 September may have been as important for our present as the attack itself by systematically linking suspicion and prediction to war and policing worldwide.[63] The justification for the War on Terror literally involved turning the principle of innocence on its head in the name of future danger to cover the practices of indefinite detention and the use of torture, which called into question the fundamental rights of their prisoners, detainees and suspects. This was not a matter of a simple excess of zeal.[64] The Republican administration and human rights lawyers such as Allan Dershowitz declared that it was better to imprison 9 innocent people if it meant finding someone guilty, thus establishing suspicion as a societal priority with the argument that terrorists had weapons of mass destruction (bacteriological, nuclear, chemical). The mantra after 11 September was therefore: "the question is not if, but when it (the next attack) will happen".[65] The perfect future of the worst-case scenario was then transformed into an apocalyptic future, without redemption, purely mortiferous, which functioned as a means of governing the present by silencing the criticism of the destruction of democracy that this approach implied.[66]

Despite the cessation of torture practices, it does not seem that we have really moved beyond the dispositif that has been put in place, according to which the dark future can be 'tamed' by technology. The Total Information Awareness programme, developed by DARPA in the 2000s and proposed in January 2002, is particularly emblematic of this vision of the future and is the structural equivalent of Jeremy Bentham's book on the panopticon at the end of the 18th century. In practice, this TIA programme was the only one to be rejected by the US Senate, but far from being abolished altogether, the programme, renamed Terrorism Information Awareness in February 2003, was extended in the name of the fight against terrorism, border control and the right of American sovereignty to project itself abroad and, implicitly, in the name of the need to strike first when a serious and imminent danger is detected.

It can be said to have served as the matrix for a number of contemporary programmes used by Western secret service coalitions, cybersecurity companies and the involvement

[62] Didier Bigo, "14 September 2001: The regression to the habitus," in *Conflict, Security and the Reshaping of Society*, ed. Alessandro Dal Lago and Salvatore Palidda (2010).
[63] A. Dal Lago and S. Palidda, eds., *Conflict, Security and the Reshaping of Society: The Civilization of War* (2010).
[64] Shane Harris, *The Watchers: The Rise of America's Surveillance State* (2011); Elspeth Guild, Didier Bigo and Mark Gibney, *Extraordinary Rendition: Addressing the Challenges of Accountability* (2018).
[65] Alan M. Dershowitz, *Preemption: A Knife that Cuts Both Ways* (2007). See also in a moderate way, but almost with the same reasoning Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror* (2013).
[66] D. Bigo, E. McCluskey, and F. Tréguer, *Intelligence Oversight in Times of Transnational Impunity: Who Will Watch the Watchers?* (2023).

in defence policy of computer giants who dream of quantum computers reversing the past-present temporal axis to change the nature of warfare.[67]

A history of the present based on the political imaginary of the variations in space and time of this apocalyptic future, and the belief that it will be scientifically known, has yet to be written. The organisation of suspicion as a legitimate principle of action has to be deconstructed and practically dismantled, but this step involves major questions about temporality, politics and freedom of movement as these can destabilise the doxa of geopolitics and the current narratives of international relations.

Against some sociologists of surveillance who see "no future outside surveillance" and whose pessimism reinforces the doxa of geopoliticians, I suggest that an international political sociology of transnational freedoms rooted in Foucauldian analysis can challenge this vision of an apocalyptic future perfect and open up our capacity to imagine and act to establish a refusal of the will to serve, as La Boetie put it. It's not a question of "restoring hope" but of acting on ourselves so as not to yield to the chains of complicity and weakness of will that lead to servitude. As Paul Veyne said so elegantly: "there is so much emptiness around these rare and vintage knick-knacks, so much space between them for other objectifications not yet imagined to appear"[68] that the future is never predetermined. This may not be enough to decompose the diagram of ban and servitude for all that transnational preventive suspicion-surveillance seeks to operationalise. This simple refusal coming from a self-reflection can, if shared, destabilise all the petty tyrannies and despotisms at work, and to fight against these deadly futures, it is necessary to give back to everyone the taste for singing "times of cherries", even after the initial loss of battles to reappropriate multiple futures against these catastrophic futures presented as unavoidable.[69] Everyday resistance is no small thing. It may not be enough to deconstruct the pattern of transnational preventive surveillance in one stroke, but it can be a start.

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[67] Congress, U. S., *Congressional Record, V. 149, PT. 2, January 21, 2003 to February 11, 2003* (2006); Roger Whitaker, "A Faustian Bargain? America and the Dream of Total Information Awareness," in *The New Politics of Surveillance and Visibility* (2006), 141–70. Mathieu Corteel, "Prospecter et Punir : Étude Critique Des Logiciels Blue Crush et PredPol," *Encyclo: Revue de l'école Doctorale* 382 (2015); Jamie Susskind, *Future Politics: Living Together in a World Transformed by Tech* (2018); Gavin Crooks, "Quantum Operation Time Reversal," *Physical Review A* 77:3 (2008). C. H. Yu, F. Gao, Q. L. Wang and Q. Y. Wen, "Quantum algorithm for association rules mining," *Physical Review A* 94:4 (2016).

[68] Paul Veyne, *Comment on écrit l'histoire: Suivi de Foucault révolutionne l'histoire* (1971), 355. See also Marie Gil, "Foucault invente l'histoire littéraire," *Fabula-LhT* 0 (2005).

[69] Paroles-musique.com, "Traduction Le temps des cerises en Anglais," https://www.paroles-musique.com/traduction-en-Renaud-Le-temps-des-cerises-lyrics,t675074

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ARTICLE

Who, in our present, might the Pierre Rivières be? Political Subjectivation and the Construction of a Collective "We"[1]

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ABSTRACT. This article intends to focus on some of the possibilities for analysis and reflection that emerge from the reading of *I, Pierre Rivière, having slaughtered my mother, my sister, my brother*: a 1973 text, edited by Foucault, which develops from the recognition of the potency inherent in the act of speech by the speechless. Pierre Rivière is in fact considered the one who, through but also beyond his terrible deed, has the (entirely political) ability to take the risk of "challenging power." It is precisely by means of this act that he undertakes a process of desubjection and subjectivation, imposing disruptive and scandalous truths and discourses against other truths and discourses recognized as dominant and more authoritative. Pierre Rivière's Memoir cannot therefore be investigated as a confession; rather, it has to do with *parrhēsia*, anticipating many of the Foucauldian reflections on the subject, which would not be developed until several years later. Moreover, it does not really concern an isolated individual. The subject Rivière speaks of is one who not only rises up for his own part but also paves the way for the many without a part, thus outlining the possibilities of constructing a collective "we" that aims to conquer a political space. From here the question arises: "Who, in our present, might the Pierre Rivières be?" A question that has nothing to do with the tragic facts of the parricide but which allows us to explore what Pierre Rivière enables us to think and say today.

Keywords: Pierre Rivière, subjectivation, *parrhēsia*, confession, speechless, political space

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INTRODUCTION

In 1836, a dossier was published in the *Annales d'hygiène publique et de médecine légale* regarding a case of parricide that occurred the previous year. Although this significant event coincided with the early developments of criminological psychiatry (which would consolidate as a discipline a little later), it did not cause much stir among the many similar cases occurring in the first half of the 19th century. However, when the document was rediscovered in the early 1970s, Michel Foucault took a particular interest in it.[2] In fact, precisely at that time, the French philosopher was beginning to work on a genealogical analysis of the different types of relationship between power and knowledge in relation to the formation of judicial apparatuses, penal systems, psychiatry and normalization processes.[3] With a group of collaborators, he therefore continued this research and, in addition to the materials contained in the *Annales*, he was able to trace all the documents related to the trial, most of which were kept in the archives in Calvados. The result of this investigation is that extraordinary text from 1973, edited by Foucault, the title of which is taken from the incipit of the parricide's Memoir: "I, Pierre Rivière, having slaughtered my mother, my sister, and my brother."[4]

In fact, simply by browsing through the index of the collection, it is clear that only two parts were actually written by Foucault. These consist of just a few pages: the presentation of the work and an essay—entitled "Tales of Murder"—which appears in the second part of the text (after the parricide dossier), dedicated to a series of interventions by some of those who, along with Foucault, had dealt with the Pierre Rivière case (Jean Pierre Peter and Jeanne Favret, Patricia Moulin, Blandine Barret-Kriegel, Philippe Riot, Robert Castel, and Alessandro Fontana). At first glance, it might therefore seem that this text cannot be considered one of the fundamental sources for structuring Foucauldian reflection. Yet, fifty-one years after its publication and forty years after Foucault's death, it is important to return to the profound meaning of the more or less implicit analyses developed in this work. The collection of materials built around the Pierre Rivière case, or rather around Pierre Rivière's Memoir—which tells his story and his crime against other stories and other descriptions and interpretations of his crime—in fact constitutes one of the decisive steps both for understanding Foucault's eminently political works and for retaining one of the main legacies of his thought. Specifically, this case represents a matrix of intelligibility that, on one hand, allows us to explore a series of issues found in much of Foucault's

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[2] Consider that Foucault had devoted an entire seminar to the Pierre Rivière case, held at the Collège de France along with the 1971-1972 course. See Michel Foucault, *Penal Theories and Institutions: Lectures at the Collège de France, 1971-1972* [2015] (2019), 232-233.

[3] Refer in particular to the following courses taught by Foucault at the Collège de France: Foucault, *Penal Theories and Institutions*; Michel Foucault, *The Punitive Society: Lectures at the Collège de France, 1972-1973* [2013] (2015); Michel Foucault, *Psychiatric Power: Lectures at the Collège de France*, 1973-1974 [2003] (2003); Michel Foucault, *Abnormal*: *Lectures at the Collège de France*, 1974-1975 [1999] (2003).

[4] Pierre Rivière, "The Memoir" [1836], in *I, Pierre Rivière, Having Slaughtered My Mother, My Sister, and My Brother. A Case of Parricide in the 19th Century* [1973], ed. Michel Foucault (1975).

production and, on the other, anticipates some topics developed only later (between the late 1970s and early 1980s), revolving around the possibilities of subjectivation and, in particular, the possibilities of the active construction of (political) subjects. *I, Pierre Rivière* in fact starts from the recognition of what we could define in terms of potency: that astonishing potency inherent in the act of speech by the speechless, that is, someone who—like many without a voice—is qualified by the impossibility of making their voice heard.[5] It is precisely through this act, a "right to break the silence and speak at last,"[6] that Pierre Rivière undertakes a process of subjectivation, giving rise to disruptive truths and discourses; it is through this act that Pierre Rivière—a peasant, poor, from a small village in Calvados (Normandy)—become the Pierre Rivière we are talking about.

Developing on these reflections, some research questions will be formulated, which—in turn—have the main purpose of leading us towards further interrogation relating precisely to the legacy of Foucauldian thought. It is a matter of wondering: who might Pierre Rivière be today? Or more precisely: who might the Pierre Rivières of our present be? Obviously, this question has nothing to do with the tragic facts of the parricide committed by Pierre Rivière, but it calls into question the political function of the act of speaking by those without a voice. Ultimately, a question that allows us to explore what Pierre Rivière enables us to think and say today.

"THE RADICAL VIOLENCE OF THE LIBERATED WORD"

One of the first questions that emerges from reading *I, Pierre Rivière* is: what kind of work had Foucault and his collaborators done in reproposing and organizing the set of documents that constituted the parricide dossier? To answer this question, first of all we must affirm that this collection leaves no room for 'gaps of speech' and that—as a characteristic element, underlined by Foucault himself—it brings together materials of very different statuses, origins and forms. It in fact includes a series of medical reports, one of which is signed by some of the most authoritative psychiatrists and forensic doctors of the time (Jean Étienne Dominique Esquirol, Charles Chrétien Henri Marc, Mathieu Orfila). There are court exhibits regarding the crime, arrest, preliminary investigation, trial, period spent in prison and death. The statements by witnesses—all inhabitants of Aunay, a small village in Calvados, where Pierre Rivière came from—are inserted, along with press articles on the case, the history of the Rivière family and Pierre Rivière's movements after committing the crime. Finally, the most important document: "The Memoir," the narrative of the parricide "considered by many to be a madman,"[7] who was sentenced to death but hanged himself in Beaulieu prison, despite having had his sentence commuted. This

[5] On this topic, certainly consider Philippe Sabot's important essay: Philippe Sabot, "(P)rendre la parole," *Raisons politique* 68:4 (2014).
[6] Jean-Pierre Peter and Jeanne Favret, "The Animal, The Madman, and Death," in *I, Pierre Rivière*, ed. Foucault (1975), 176.
[7] Michel Foucault, "Foreword," in *I, Pierre Rivière*, viii.

document is given in its entirety and holds a central role in the dossier: a pivotal and even magnetic position with respect to all other positions and interpretations.

What is significant for Foucault is not, in fact, only Pierre Rivière the figure and his acts but more precisely the relationship between Pierre Rivière's Memoir and other discourses, i.e., the possibilities offered by the potency of Pierre Rivière's narrative. Pierre Rivière is the one who "with his innumerable and complicated engines of war"[8] with his "discourse/weapon, poem/invectives, verboballistic inventions, instruments for "enceepharing," (...) words projectiles"[9] speaks of his story, the story of his family, the thoughts that had paved the way for and accompanied his atrocious act. It is in this way (and here we anticipate a passage that will be discussed later) that he imposes his specific truth, which does not coincide with other more authoritative truths. Stating Pierre Rivière's centrality does not, therefore, so much bring to light a certain event but rather an understanding and strategic use of that event through its inclusion in a broader field of discourse.

Based on these considerations, it is a matter of acknowledging that the work done by Foucault and his collaborators does not have the characteristics of what we might define as an "inquiry," if by this term we refer to the semantic field set by the inquisitorial model (which Foucault deals with particularly in *Penal Theories and Institutions*), which consists of the following three phases: "establish the fact, determine the guilty party, and establish the circumstances of the act."[10] It is not a matter of trying to establish "The Truth," since Foucault's work does not in any way seek to delve into the individual documents to formulate a new, ex-post opinion or interpretation of the Pierre Rivière trial.[11] Inversely, the aim was to analyze how these documents highlighted relations of power, the emergence of games of truth, the formation of specific (medical, psychiatric, psychopathological) knowledge and, above all, the establishment of strategic-political discourses. Therefore, one of the issues at stake was precisely to address a general problem that characterized Foucault's research for a long time: to understand how discourses to which "a value of truth is attributed are linked to various mechanisms and institutions of power."[12]

In this way, the heterogeneous set of discourses that constitute the Pierre Rivière case dossier—which Foucault brings back to the attention of his present, and in fact also to the attention of our present—become weapons in a battle defined by the layering of multiple relations of force, which may be investigated in terms of war. Here, indeed, we find the main model used to structure Foucauldian analyses in the first half of the 1970s. A "polemocritical scheme" that recognizes critique as a tool of war, and war—understood as the set of processes of tension that cross society and unite or divide subjectivities that do not

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[8] Ibid., xi.
[9] Michel Foucault, "Tales of Murder," in *I, Pierre Rivière*, 203.
[10] Foucault, *Penal Theories and Institutions*, 231. See also ibid. 204-207.
[11] See Philippe Riot, "The Parallel Lives of Pierre Rivière," in *I, Pierre Rivière*, 240.
[12] Michel Foucault, "Prefazione all'edizione italiana" [1977], in Michel Foucault, *La volontà di sapere. Storia della sessualità 1* (2009), 8, our translation.

belong to the same space—as a framework of political configuration.[13] It is indeed this specific relational understanding of war that, also in *I, Pierre Rivière*, defines the matrix used to analyze the functioning of discourses, games of truth and relations of power and knowledge. As, in relation to the documents in the dossier, Foucault states:

> In their totality and their variety they form neither a composite work nor an exemplary text, but rather a strange contest, a confrontation, a power relation, a battle among discourses and through discourses. And yet, it cannot simply be described as a single battle; for several separate combats were being fought out of the same time and intersected each other (...). I think the reason we decided to publish these documents was to draw a map, so to speak, of those combats, to reconstruct these confrontations and battles, to rediscover the interaction of those discourses as weapons of attack and defense in the relations of power and knowledge.[14]

It is therefore a question of understanding that the effect of Pierre Rivière's Memoir was to shift the plane of analysis. What does this mean? That the Pierre Rivière case should not be examined in psychiatric or legal terms; or, rather, these are not the main spheres of reflection mobilized by Foucault's work. The question is primarily political. The point is in fact not to define the essence of Pierre Rivière the individual, nor even the "phenomenology" or the causes of the parricide, but the relationship of force established by the imposition—a resistant imposition—of Pierre Rivière's act of speaking. Therefore, it is crucial to emphasize that Pierre Rivière's true action—that is, the action that captures Foucault's attention and, at the same time, our attention—is not the parricide as such but parricide in its being consubstantial with the striking narrative of that crime (also considering that Pierre Rivière had already planned to write the Memoir before his act). Pierre Rivière's act of speaking is thus disruptive because it translates into a "narrative/murder;"[15] and, in this sense, the parricide constitutes "the radical violence of the liberated word."[16]

In this regard, it is pointless to underline that, either for Foucault in the 1970s or for us today, it is not a question of celebrating the cult of Pierre Rivière. Nothing could be more alien and further from this idea. As Foucault stated during an interview in 1976, following the release of René Allio's film[17] dedicated to the very same event:

> I believe that Rivière's discourse on his own act is above, or at any rate beyond, all possible perspectives. What can be said of the very core of this crime, of this action

[13] In particular, consider that, beginning with *Nietzsche, Genealogy, History* in 1971 and at least until the 1975-1976 course at the Collège de France, "*Society Must Be Defended*", Foucault develops and employs a specific polemocritical scheme which precisely recognizes the centrality of war as a matrix of intelligibility of society and relations of power. On this topic, see Valentina Antoniol, *Foucault critico di Schmitt. Genealogie e Guerra* (2024), of which a minor version in French: Valentina Antoniol, *Foucault et la guerre. À partir de Schmitt, contre Schmitt* (2023).

[14] "Foreword," x-xi.

[15] Foucault, "Tales of Murder," 207.

[16] Peter and Favret, "The Animal, The Madman, and Death," 191.

[17] René Allio, *Moi, Pierre Rivière, ayant égorgé ma mère, mes frères et mes sœurs*, film (1976).

> that is not infinitely distant from it? We are faced with a phenomenon for which I cannot think of an equivalent in the history of crime or discourse: a crime accompanied by a discourse so strong, so strange, that the crime itself no longer exists, escaping by virtue of the very discourse held on it by the person who committed it.[18]

Therefore, returning once again to the question posed at the beginning of this section, we can also see that the work done by Foucault and his collaborators in organizing and presenting the collection *I, Pierre Rivière* is certainly not a matter of adding their own speech or, more properly, their own discourse to the others already present in the dossier. Yet, upon closer inspection, it is also not a matter of giving a voice, an action that—as noted by significant lines of thought, including undoubtedly post-colonial studies[19]—would imply a hierarchical relationship inherent in "restoring the voice" of the other. It is, more precisely, about "evoking" a voice or making space for that voice which, in fact, has not only already been spoken and acted upon, that is, it already exists, but has also already conquered its own space. Pierre Rivière's speech is indeed one that demands firstly to be heard and, thereafter, demands testimony[20] (and which somehow recalls the premises of the *Groupe d'Information sur les Prisons* (GIP), a project to which Foucault devoted himself in the early 1970s and which aimed to give a voice to prisoners).[21] It is thus no coincidence that the title of Foucault's essay in *I, Pierre Rivière*—"Tales of Murder" (and the French "*Les meurtres qu'on raconte*" better account for this choice)—mobilizes an impersonal and far from trivial standpoint. It is a symptom of a thought that does not force reality but rather questions it. A thought that allows the emergence or, more precisely, respects the insurrection of multiplicities, alterities and subjectivities, however minor, discredited or marginalized.

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[18] Michel Foucault, "Entretien avec Michel Foucault" [1976], in *Dits et écrits 1954-1988*, ed. Daniel Defert, François Ewald and Jacques Lagrange (1994), vol. III, n. 180, 98, our translation, with partial adjustment of the text.

[19] Consider, in particular, the collection built around Gayatri Chakravorty Spivak's famous essay "Can the Subaltern Speak?": Rosalind C. Morris, ed., *Can the Subaltern Speak? Reflections on the History of an Idea* (2010). See also, Emmanuel Renault, "Subalternité, prise de parole et reconnaissance," in *Histoire et Subjectivation*, ed. Augustin Giovannoni et Jacques Guilhaumou (2008), 121-137 and, again, Sabot, "(P)rendre la parole," 9-10.

[20] See Brossat, "Les hommes de poussière," in *Tombeau pour Pierre Rivière*, ed. Philippe Roy and Alain Brossat (2013), 107.

[21] As Foucault stated during a 1973 interview regarding prison conditions in France: "We illegally got questionnaires into the prisons, and they were returned to us in the same way, so that in our booklets it was the prisoners themselves who spoke and revealed the facts. It was important for the public to hear the voice of the inmates, and for the inmates to know that it was they themselves who were speaking, because the facts were known only in restricted circles," Michel Foucault, "Prisons et révoltes dans les prisons" [1973], in Foucault, *Dits et écrits*, vol. II, n. 125, 428-429, our translation. On this theme, see "Manifeste du G.I.P." [1971], in *Dits et écrits*, vol. II, n. 86; Philippe Artières, Laurent Quéro, Michelle Zancarini-Fournel, ed., *Le groupe d'information sur les prisons. Archives d'une lutte (1970-1972)* (2003).

WHO IS (NOT) PIERRE RIVIÈRE?

Who is Pierre Rivière? What kind of act did he commit? These are some of the questions that permeate the original dossier on the parricide case. The magistrates, judges, psychiatrists, doctors and witnesses try to answer these questions; each of them seeks a specific correspondence between Pierre Rivière the individual—examined through a relentlessly objectifying lens—and his crime. It is a mechanism that criminologists define as "criminal and psychological profiling"—a practice that also underpins today's security and cyber (social) security procedures[22]—and that, only two years after the publication of *I, Pierre Rivière* was described in *Discipline and Punish: The Birth of the Prison*. In this essay, Foucault traces the historical articulation—developed between the late 18th and early 19th centuries—of the modalities of the "objectification of crime and of the criminal"[23] in relation to a specific penal reform project which aimed to generalize the punitive function. It is indeed through modalities and tactics of intervention, such as "the organization of a field of prevention, the calculation of interests, the constitution of a horizon of certainty and proof"[24] etc., that, on one hand, the criminal is designated as an individual to be known according to specific criteria—he is "a villain, a monster, a madman, perhaps, a sick, and before long 'abnormal' individual"[25]—and, on the other, the crime is indicated "as a fact to be established according to common norms"[26] and, therefore, subjected to a rigid codification. Going even further, it is also interesting to observe that in the course held in Louvain in 1981, *Wrong-doing, Truth-telling. The Function of Avowal in Justice*, Foucault notes how it is precisely between 1800 and 1835 (the date of the Pierre Rivière case) that the issue of criminal subjectivity emerges, that is, "the question of the knowledge of the subject as a criminal subject."[27]

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[22] Increasingly, security and cyber social security projects are taking into account the critical aspects related to profiling practices. On this topic, the literature is vast; consider, for example: Bernard E. Harcourt, *Against Prediction. Profiling, Policing and Punishing in the Actuarial Age* (2007).

[23] Michel Foucault, *Discipline and Punish. The Birth of the Prison* [1975] (1977), 101. See also Michel Foucault, "About the Concept of the «Dangerous Individual» in Nineteenth Century Legal Psychiatry" [1978], in *Essential Works of Michel Foucault 1954-1984: Power*, ed. James D. Faubion (2001), vol. 3, 176-200. With reference to the literature on the topic, see in particular: David Garland, "The Criminal and His Science: A Critical Account of the Formation of Criminology at the End of the Nineteenth Century," *British Journal of Criminology* 25:2 (1985), 109-137; Piers Beirne, *Inventing Criminology. Essays on the Rise of Homo Criminalis* (1993); Christian Debuyst, Françoise Dignieffe, Jean-Michel Labadie, Alvaro P. Pires, *Histoire des savoirs sur le crime et la peine. Des savoirs diffuse à la notion de criminel-né* (1995), vol. 1; Giuseppe Campesi, "L'individuo pericoloso. Saperi criminologici e sistema penale nell'opera di Michel Foucault," *Materiali per una storia della cultura giuridica*, XXXVIII:1 (2008), 121-141. Finally, for a deeper understanding of the development of Cesare Lombroso's concept of "criminal man" in the second half of the 19th century, which accompanied the nightmare of the subaltern classes' uprising, certainly consider: Damiano Palano, *Il potere della moltitudine. L'invenzione dell'inconscio collettivo nella teoria politica e nelle scienze sociali italiane tra Otto e Novecento* (2002), 59-124.

[24] Foucault, *Discipline and Punish*, 101.

[25] Ibid.

[26] Ibid, 101-102.

[27] Michel Foucault, *Wrong-doing, Truth-telling. The Function of Avowal in Justice* (2014), 212.

It is precisely within such a historical context—in which a "psychiatric and criminological continuum"[28] is observed—that specialists devote their utmost attention to describing and interpreting the figure of Pierre Rivière. Every tiny detail, even physical, can help to understand—i.e., circumscribe—the causes of that terrible deed: the murder of his six-months-pregnant mother, his sister and his brother. The official documents report that Pierre Rivière is "aged twenty, a farmer, born in the commune of Courvaudon, residing in the commune of Aunay, cantonal administrative center, district of Vire, department of Calvados, height one meter six hundred and twenty millimeters, hair and eyebrows black and scanty, forehead narrow, nose ordinary, (…), face oval, mouth ordinary, chin round, beard light chestnut, complexion swarthy, gaze furtive, head aslant."[29] Moreover—a distinctive and disturbing trait—Pierre Rivière has "reddish-brown eyes,"[30] and this characteristic can only be the harbinger of a certainly unsound, probably unbalanced mind, and a cruel soul. And yet, the experts do not agree on the most important aspect. How should Pierre Rivière be considered? Absolutely mad and therefore innocent?[31] Or certainly endowed with reason—intent on pretending to be mad to escape justice[32]—and therefore guilty? Or perhaps instead, Pierre Rivière can be regarded as a victim himself? Or again, are we talking about a kind of village idiot incapable of "understanding the nature of his ferocious act"[33] or a serious, grim man "with an ardent, cruel and violent imagination"[34] whose attitudes indicate a habit of reflection, endowed with a prodigious "aptitude for science and a most remarkable memory,"[35] and a singular disposition "for learning equaled only by his avidity for instruction"?[36]

Pierre Rivière is called upon to write his memoir precisely to remedy these contradictions. Specifically, the text was requested by the magistrate in charge of the investigation, according to which it was to constitute a fundamental document in the inquiry, added to all other procedural documents, in order to establish "The Truth" about the murder—that is, whether it was an act committed with reason or under the aegis of madness. Nevertheless, this Memoir was one that Pierre Rivière himself wanted to write, since—as mentioned earlier—it had already been meticulously prepared, even before performing his act.[37] He is the one who, at the beginning of his text, asserts: "All this work will be very crudely styled, for I know only how to read and write; but all I ask is that what I mean shall be understood, and I have written it all down as best I can."[38] For the parricide, writing the Memoir was in fact a unique opportunity to define his own truth (as well as his

[28] Ibid., 220.
[29] "The Preliminary Investigation." in *I, Pierre Rivière*, 46.
[30] Ibid.
[31] "Medico-legal Opinions," in *I, Pierre Rivière*, 125.
[32] "The Preliminary Investigation," in *I, Pierre Rivière*, 50.
[33] Ibid., 52.
[34] Ibid., 49
[35] Ibid., 26.
[36] Ibid., 49
[37] See Rivière, "The Memoir," 105.
[38] Ibid., 55.

own glory) and, in one fell swoop, escape the evidence of both rationality and madness, forcing a reevaluation of his intellectual abilities. As Foucault notes: he "who had been held to be a 'kind of idiot' in his village turned out to be able to write and reason;" he who "the newspapers had depicted as a 'raving madman' and a 'maniac' had written forty pages in explanation."[39] And it is indeed in this direction that we must read the words of Pierre Rivière as a wise connoisseur of the laws, albeit in the guise of a self-aware monster (the same Pierre Rivière who, however, in another passage had stated that his act seemed destined for him by God):[40]

> They told me to put all these things down in writing, I have written them down; now that I have made known all my monstrosity, and that all the explanations of my crime are done, I await the fate which is destined for me, I know the article of the penal code concerning parricide. I accept it in expiation of my faults.[41]

It is thus understood that the request made to Pierre Rivière by the judges to recount the parricide, with the pretense of extracting what can indeed be intended as a true and proper confession, turned out to be something completely opposite, taking an entirely different direction and potency. So what exactly is the confession?—a very important theme within Foucault's production, widely analyzed especially (although not exclusively) in the first volume of *The History of Sexuality* (1976) and in *Wrong-doing, Truth-telling* (1981) (with specific reference to 'avowal'). It is exactly a discursive ritual that, from the 16th century onwards, is also employed by secular institutions and disciplinary structures in legal and medical fields. The confession, which implies not only an effort of maximum precision on what is most difficult to say but also "the infinite task of extracting from the depths of oneself, in between the words, a truth which the very form of the confession holds out like a shimmering mirage,"[42] consists precisely in a process of producing truth entirely crossed by relations of power. As Foucault states:

> The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile; a ritual in which the truth is corroborated by the obstacles and resistances it has had to surmount in order to be formulated; and finally, a ritual in which the expression alone, independently of its external consequences, produces intrinsic modifications in the person who articulates it (…).[43]

[39] "Tales of Murder," 199-200.
[40] See "The Memoir," 105.
[41] Ibid., 121.
[42] Michel Foucault, *The History of Sexuality. Volume 1: An Introduction* [1976] (1978), 59.
[43] Ibid., 61-62.

From this, it follows that one of the main characteristics of confession is related to the fact that the one who interrogates does not simply have the task of extracting a secret, something voluntarily kept hidden, but also that of interpreting a truth believed to be unknown even to the person interrogated, who, by the very fact of enunciating it, undergoes a transformation as a subject. And what does it mean to talk about the transformation of the subject in relation to the techniques of confession that require the production of a truth? It means arguing that the one who listens holds power over the one who speaks, and the one who speaks develops a relationship of dependency towards the one who listens; it is indeed this relationship that produces subjection, that is, a process of passive construction of the confessing subject. Specifically, the confessing subject is constituted from an objectification, activated by the exact system of knowledge and power, that is precisely that of the confession: "An immense labor to which the West has submitted generations in order to produce[...] men's subjection."[44] The confession, the avowal, is indeed "a verbal act through which the subject affirms who he is;"[45] in this way, the subject binds himself to the truth that he himself affirms, yet is qualified differently from what he himself has affirmed. For example: he is a criminal, but is he repentant? Or is he sick, but still curable? As Foucault observes—during a 1981 interview with Jean François and John De Wit—between 1830 and 1850, "there was a shift from avowal, which was an avowal of an offense, to a supplementary demand: 'Tell me what you did, but above all, tell me who you are'."[46]

It is therefore understood that the Pierre Rivière case is paradigmatic with respect to such a condition; it fits (or rather, seems to fit) perfectly into a similar political-legal framework. Yet, what actually happens with Pierre Rivière's Memoir? What effects do his words produce? As anticipated, Pierre Rivière's narrative has nothing to do with a confession resulting in what Foucault defines as an obsession with the will to know. While the techniques of confession demand an asymmetric relationship of power in favor of the one who listens, on the contrary, Pierre Rivière's words themselves establish, in a disorienting way, the order of discourse.[47] His Memoir becomes "the general narrative of a clash with the figures of power"[48] and, in this way, his discourse is placed not only alongside but in an even more prominent position to the discourses of those awaiting a confession in order to strengthen their own position. Pierre Rivière in fact opposes the techniques of subjection by adopting what—borrowing the Foucauldian grammar developed between the late 1970s and early 1980s—we can define as an active process of subjectivation. Or more precisely, we can observe that Pierre Rivière's act of speaking affirms a process of

[44] Ibid., 60.
[45] Foucault, *Wrong-doing, Truth-telling*, 17.
[46] Ibid. 255.
[47] See Foucault, Michel, "The Order of Discourse" [1970], in *Untying the Text. A Post-Structuralist Reader*, ed. Robert Young (1981), 51-78.
[48] Judith Revel, *Michel Foucault. Un'ontologia dell'attualità* (2003), 73, our translation.

desubjection—therefore, an indocility[49]—expressed in the act of refusing a specific imposition and a specific constitution as a *subjectus*, accompanied by a process of self-construction—as a *subjectum*[50]—that develops within (and against) specific games of truth.

But let us explain this passage better: without ever addressing the Pierre Rivière case (except for the interview with François and De Wit, as mentioned above), during the course in Louvain in 1981, Foucault observed how, in fact, from the 19th century onwards, this new and so desired object, the confessing subject, becomes "a destabilizing factor in punitive institutions":[51] an element of crisis rather than a keystone of the penal system. He is the one who says something less and different from what would be expected. Thus, in the same way, with his Memoir Pierre Rivière also opens an "irreparable breach."[52] He breaks with the processes of objectification—of himself and his crime—to which he seemed irremediably subjected. This results in questioning the clear division between what can be considered objective (expert opinions, reports and interpretations) and what instead falls within the ranks of subjectivity. This means that while the doctors' reports contradict each other, the judicial acts propose different punishments, the witnesses offer discordant statements and the press adapt to the flow of interpretations, on the other hand, Pierre Rivière is precisely the one who shuffles the cards, definitively rendering the presumed certainty of the presented positions indecipherable, thus establishing the ineffectiveness of any claim that has the presumption of identifying and pigeonholing. The radical possibility of rendering all forms of identification dissonant lies precisely in the extreme subjectivity of a memoir that the judges would have wanted to absolutize as objective proof of the facts and adopt as a scientific basis for understanding Pierre Rivière the individual. From voiceless outcast, Pierre Rivière becomes the one who speaks out; from unclassifiable individual, he becomes the subject who does not allow himself to be classified.

WHO MIGHT THE PIERRE RIVIÈRES BE?

Why is the act of speech of the speechless Pierre Rivière 'disorienting' and 'disruptive'? As we have seen, it is because, with his truth and his "narrative/murder", Pierre Rivière tears apart and upsets both other truths—which enjoy greater prestige and influence—and certain orders of discourse—which are imposed and recognized as dominant. And yet there is more to it. We must add that his truth, his act and his discourse are also scandalous. They offend that certain social order identified as necessary and intransigent (which at the time already recognized not only the importance of the figure of the

[49] See Michel Foucault, "What is critique?" [1978], in *What is critique? and The Culture of the Self* [2015] (2024), 26.

[50] See Étienne Balibar, "Subjectus/Subjectum," in Étienne Balibar, *Citoyen sujet et autres essais d'anthropologie philosophique* (2011), 67-84.

[51] *Wrong-doing, Truth-telling*, 201.

[52] Ibid., 200.

sovereign, Louis-Philippe, but also the imposition of an articulated system of norms and disciplines).

Therefore, while we have said that Pierre Rivière's Memoir is far from a confession (and in truth, it is neither a defense, nor a justification, nor a begging for reprieve or reconciliation),[53] we can rightfully argue that instead—albeit recognizing the differences between the two phenomena— it has to do with *parrhēsia* (*παρρησία*),[54] understood as "true discourse in the political realm."[55] Foucault deals with this topic especially in the last period of his production, with reference to Greek and Roman Antiquity and starting from an investigation of the ethics of the relationship with the other in the practices of direction of conscience. As can in fact be read in the course held at the Collège de France in 1981-1982, *The Hermeneutics of the Subject*, what is at issue in *parrhēsia* is:

> the frankness, freedom, and openness that leads one to say what one has to say, as one wishes to say it, when one wishes to say it, and in the form one thinks is necessary for saying it. The term *parrhēsia* is so bound up with the choice, decision, and attitude of the person speaking that the Latins translated it by, precisely, *libertas*.[56]

And again, in some of its possible declinations, *parrhēsia* can be defined—and here we approach the more properly political aspects of the question that come into play in the Pierre Rivière case—, as a scandalous act of speech that opens up "a risk by the very fact that one tells the truth."[57] Unlike the confession, in which the one who states what he is binds himself to this truth but is qualified differently from what he has stated, *parrhēsia* is a way of "freely binding oneself to oneself, and in the form of a courageous act,"[58] which implies the possibility of breaking with the one or those addressed. It is indeed a "speech act by someone weak, abandoned, powerless;"[59] therefore, by the powerless who "can do only one thing: turn against the one with power."[60] So, who exactly is the parrhesiast? The parrhesiast is the one who makes the decision of "speaking freely;"[61] the one "who has the courage to risk telling the truth, and who risks this truth-telling in a pact with himself,

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[53] See "Tales of Murder," 208.

[54] See "(P)rendre la parole," 21.

[55] Michel Foucault, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983* [2008] (2010), 6.

[56] Michel Foucault, *The Hermeneutics of the Subject: Lectures at the Collège de France, 1981-1982* [2001] (2005), 372.

[57] Foucault, *The Government of Self and Others*, 66.

[58] Ibid., 66.

[59] Ibid., 133.

[60] Ibid.

[61] Foucault, *The Hermeneutics of the Subject*, 373. On the topic of *parrhēsia*, the bibliography is vast. See in particular: Pierpaolo Cesaroni, "Verità e vita. La filosofia in Il coraggio della verità," in *La forza del vero. Un seminario sui corsi di Michel Foucault al Collège de France (1981-1984)*, ed. Pierpaolo Cesaroni and Sandro Chignola (2013), 144-160; Stuart Elden, *Foucault's Last Decade* (2016), 191-209; Daniele Lorenzini, *La parrêsia et la force du perlocutoire*, in *Foucault(s)*, ed. Jean-François Braunstein, Daniele Lorenzini, Ariane Revel, Judith Revel and Arianna Sforzini (2017), 273-284.

inasmuch as he is, precisely, the enunciator of the truth."[62] As Foucault states in the last course he held at the Collège de France, just before his death: "*Parrhēsia* is the courage of the truth;"[63] a courage that, for those who decide to take it, implies risking their own life.

It is therefore understood that although, in 1973, Foucault does not yet speak of *parrhēsia*, he already investigates some of the main characteristics of the practice. *Parrhēsia* indeed incites "processes of subjectivation that do not claim the universal, nor (...) to absorb the difference between those who hold power and those who stand up to it, that is, those who face power not as subjected but rather as unrepentant wielders of speech, as literal antagonists."[64] Likewise, Pierre Rivière must be considered to have the (entirely political) ability to 'challenge power,' in this way demonstrating that—as a speechless person who chooses to speak—he is capable of initiating a process of subjectivation, waging war and producing history without the need for a king or a potentate to make it memorable.[65] As he himself states: "I wished to defy the laws, it seemed to me that it would be a glory to me."[66] If indeed, on one hand, his act threatens the right to kill juridically reserved to the sovereign (consider that in the 19th century parricide was a capital crime assimilated to regicide), on the other hand his Memoir is part of a "subterranean battle"[67] fought around the right to narrate, considered a prerogative of those who speak in the name of the sovereign. Pierre Rivière is indeed the one who prefers to kill himself rather than accept the pardon granted by the king, which would only have legitimized and further strengthened the royal power. Indeed, it is in this sense that we must understand Foucault's words when he writes that narratives like Pierre Rivière's manifest "the desire to know and narrate how men have been able to rise against power, traverse the law, and expose themselves to death through death."[68]

Yet, these same words are particularly significant for another reason. Upon closer inspection, they do not only refer to Pierre Rivière's act but also indicate a desire, shared by many, to look beyond the experience and the force of the Pierre Rivière case. These words thus pave the way for a plural and collective dimension, and that—as Foucault writes again—could refer both to the "glorious feats of the soldier" and to the "disgusting deeds of the murderer"[69] (actions that obviously cannot be compared in terms of merit but in terms of indicating a capacity to "expose oneself to death through death," thus challenging power). Foucault's statements therefore allow us to understand that the act of speech by the speechless is powerful precisely because it has no solipsistic vocation; it does not

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[62] *The Government of Self and Others*, 66.
[63] Michel Foucault, *The Courage of the Truth (*The *Government of Self and Others II): Lectures at the Collège de France, 1983-1984* [2008] (2011), 13.
[64] Sandro Chignola, "Il coraggio della verità. *Parrhēsia* e critica," in *Foucault oltre Foucault* (2014), 185. Our translation.
[65] See "Tales of Murder," 205.
[66] "The Memoir," 105
[67] "Tales of Murder," 207.
[68] Ibid., 206.
[69] Ibid.

close in on itself. It does not concern the isolated individual but the singularities in their being embedded into a network of powers and, hence, (always reversible) relations of force.[70] Pierre Rivière is indeed not an individuality; he does not have "the form of individuality and the self."[71] On the contrary, he is the one who uses the reference to his own individuality and, at the same time, "cancels out the signs of his particular individuality"[72] as a specific discursive weapon. The subject Pierre Rivière speaks of is indeed a subject who not only rises up for his own part but who, in fact, sets the stage for the many without a part, thus outlining the possibilities of constructing a collective "we" that aims to conquer a political space.

From here the question arises: "who might the Pierre Rivières be?" A question that refers precisely to a "we." A "we" that, as Jean-Pierre Peter and Jeanne Favret state, is the "we" of "the silent people of the countryside" who found in Pierre Rivière "the testimony and the opportunity of some of them who sacrificed their lives as if they knew of a knowledge that staggers reason and that the native had to start by killing and consequently dying in order to speak up and be heard."[73] But not only that: this "we" is also the one that Foucault addresses in various other moments of his production. He does so, for example, when in the preparatory manuscripts for the course at the Collège de France of 1975-1976 *"Society Must Be Defended,"* he speaks of the history of race war (as between races), understood as "the history of the vanquished, the disinherited, those who have no power"[74] and who do not surrender to their condition. They rewrite history to wage war, and in this way aim to become victors, overturning the established relations of force. It is precisely to these that Foucault refers when he states: "We really do have to become experts on battles."[75]

Or again, this same question "who might the Pierre Rivières be?" is also implicitly found in Foucault's reports on the Iranian revolution of 1978-1979. Foucault writes:

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[70] On the diversity of conceptualization between individual and singularity, see Francesco Raparelli, *Singolarità e istituzioni. Antropologia e politica oltre l'individuo e lo Stato* (2021).

[71] Foucault, "The Order of Discourse," 59.

[72] Michel Foucault, "What is an Author?" [1969], in *Aesthetics, Method, and Epistemology* (1998), vol. 2, 207. Consider that Foucault writes that Pierre Rivière becomes "in two different ways but in virtually a single deed, an 'author'" ("Tales of the Murder." 201), and with this statement he seems to refer to the role of author-subject, a figure that was problematized precisely at the time of the lecture "What is an Author?" in 1969, and again in the inaugural lecture at the Collège de France, better known as "The Order of Discourse" in 1971. Actually, it is not an author-subject being discussed but rather an author who, through his discourse, indicates the enactment of a process of subjectivation. On the centrality and resonance of some concepts developed in "The Order of Discourse" with the analyses contained in *I, Pierre Rivière*, see Chiara Scarlato, "Il discorso su/di Pierre Rivière. Michel Foucault e il *partage* tra disciplina e in-disciplina," *Logoi.ph* IX:21 (2023), 45-49.

[73] "The Animal, The Madman, and Death", 183.

[74] Archive "Fonds Michel Foucault" – NAF 28730, Bibliothèque nationale de France, *Boîte* VI, *Cours 75-76 « Il faut défendre la société »* (431 sheets), green folder, s. 5 of 61 unnumbered, original text: "Histoire de vaincu, des dépossèdes, de ceux qui n'ont pas le pouvoir".

[75] Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976* [1997] (1997), 51.

"People do revolt; that is a fact;"[76] "revolts belong to history. But, in a certain way, they escape from it."[77] And by stating this, he does not exclusively refer to the "we" of the Persian revolts against the Shah. More generally, he refers to the possibilities of subverting configurations that appear immutable, and that the constitution of multiple "wes" can make possible. It is precisely on the basis of such reflections that Foucault responds to those who, after the birth of the Islamic Republic and the establishment of the theocracy of the Khomeinist regime, had reproached his previous support for the Ayatollah. Indeed, he argues for the impossibility of disqualifying the "imaginary contents of the revolt,"[78] even when dealing with 'betrayed' revolts. And he writes: "One does not dictate to those who risk their lives facing a power"[79]—a statement that again refers to the text by Peter and Favret, who, in reference to Pierre Rivière, stated "death, if risked, causes a shift."[80]

Almost reaching the conclusion, what must be observed is the fact that the "we" opened by Pierre Rivière, just like all the other "wes" Foucault speaks of, allows us to think about the possibilities of political subjectivation inherent in the critical act of speech (through discourses and actions) by those who have no voice. More precisely, it is about possibilities of subjectivation triggered by a subtraction, a desubjection, with respect to a specific regime of truth that defines the structuration of a given political and social reality. The question that follows is therefore not only "who have the Pierre Rivières been?" but "who today, in the present, might our Pierre Rivières be?"—a question that is both simple and complex. It is simple because it is even obvious to refer to some of the most important collective movements of recent years which developed from courageous and scandalous acts of speech by those without a voice. Just think of the "we" built around the slogan "Woman, Life, Freedom," for which Mahsa Amini (arrested and killed in Tehran in 2022, for breaching the mandatory veiling laws) represents its Pierre Rivière of activation. Or again, we can refer to Black Lives Matter, Ni Una Menos, the Polish women's strike movement (*Strajk Kobiet*) for the right to abortion, etc.

Yet, wondering "who, in our present, might the Pierre Rivières be?" is also—as we said—a complex question precisely because it leads to so many answers that risk not being exhaustive. What is probably most at stake here is not to seek a single and definitive answer to this question but rather to keep the question alive, with all the possibilities it offers us. It is, in fact, significant because it lies within a broader analysis that assumes the contours of what Foucault describes as the "ontology of the present (*actualité*)."[81] Indeed, the Foucauldian ontology of *actualité*—also defined as "ontology of ourselves"[82]—implies, on one hand, an interrogation of the present and of the belonging to this present, to which not only "I" but also "we" belong. On the other hand, it recognizes the centrality of a

[76] See Michel Foucault, "Useless to revolt" [1979], in *Essential Works of Michel Foucault*, vol. 3, 452.
[77] Ibid., 449.
[78] Ibid., 451.
[79] Ibid., 452.
[80] "The Animal, The Madman, and Death", 185, translation partially modified.
[81] See *The Government of Self and Others,* 11-21.
[82] Ibid., 21

critique of one's own form-subject, that is, of one's historical being, also and above all considered in its collective dimension (we).[83] In this sense, questioning our *actualité* (and, at the same time, the legacy of Foucauldian thought) through the question of who is today's Pierre Rivières might be a means of opening a space for those, ascending and irreducible, possibilities of transformation that gain potency from being deployed, to the extent that, from the bottom up, they break the absoluteness of what previously seemed untouchable. These are precisely the possibilities of desubjection and subjectivation that emerge thanks to a critique that—as Foucault wrote in the last period of his life—"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."[84] And this in order to "imagine and build up what we could be."[85]

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[83] See Judith Revel, "'What Are We at the Present Time?' Foucault and the Question of the Present," in *Foucault and the History of Our Present*, ed. Sophie Fuggle, Yari Lanci, Martina Tazzioli (2015), 20.

[84] Michel Foucault, "What is Enlightenment?" [1984], in *Essential Works of Michel Foucault 1954-1984: Ethics. Subjectivity and Truth*, ed. Paul Rabinow (1997), vol. 1, 315-316. See also Foucault, "What is critique?," 20-61. Finally, see Valentina Antoniol, "Per una lettura ecologica del pensiero di Michel Foucault. Note a partire da alcune riflessioni di Manlio Iofrida," in *Storia, natura, ecologia. Scritti per Manlio Iofrida*, ed. Nicola Perullo and Ubaldo Fadini (2022), 50-53.

[85] Michel Foucault, "The Subject and Power," in *Michel Foucault: Beyond Structuralism and Hermeneutics*, ed. Hubert L. Dreyfus and Paul Rabinow (1983), 216.

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ARTICLE

Foucault and Ecology

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ABSTRACT. On the basis of a definition of ecology centred on Merleau-Ponty's thought, this essay examines the various phases of Foucauldian thought and their respective relationships to possible ecological outcomes: the Dionysian phase, which lasts until *The Order of Things*; the microphysics of power phase, in which a philosophy of the will that radically breaks with any idea of the original becomes central; and the late Foucault phase, characterised by the themes of the hermeneutics of the self, subjectivity and critique. In the latter period in particular, in which Foucault's rapprochement with Canguilhem and the idea of a living being immersed in a dialectical relationship with the environment and with others is very strong, a model is identified that is particularly amenable to interpretation in ecological terms. The essay concludes with some research hypotheses on the possible relationship between a philosophy of the will, such as that mediated by Foucault from Nietzsche and Schopenhauer, and ecology.

Keywords: ecology, contemporary philosophy, anthropology, Merleau-Ponty, Nietzsche, Bataille, philosophy of will, Wittgenstein, governmentality, truth

INTRODUCTION

In order to address the issue of the connection between Foucault's thinking and the topic of ecology,[1] we must first give a brief definition of ecology. Even though I am aware of

[1] There is now considerable bibliography on this topic, with very varied tendencies: for example, cf. T. Hargreaves, "Putting Foucault to work on environment," *CSERGE Working Paper EDM* 10-11 (2010); E.A. Forster, "Foucault and Ecology," in *After Foucault*, ed. L. Downing (2018), 122-138; C. Carpenter, *Power in Conservation. Environmental Anthropology Beyond Political Ecology* (2020); K. G. Nustad and H. Swanson, "Political ecology and the Foucault effect: A need to diversify disciplinary approaches to ecological management?," *Nature and Space* 5:2 (2022), 924-946; Yves Meinard, "The Foucauldian approach to conservation: pitfalls and genuine promises," *History and Philosophy of the Life Sciences* 44:2 (2022), 25; E. Leonardi and Luigi Pellizzoni, "Governmentality and political ecology," in *Handbook of Governmentality*, ed. W. Walters and M. Tazzioli (2023), 266-285.

the fact that the term has now taken on the most varied and contradictory meanings, both philosophically and politically, I nonetheless believe that certain distinctive traits can be identified from the point of view that interests me.

Ecology is a type of thinking that 1) questions Cartesian subject/object dualism; 2) places at the centre the question of a non-Promethean relation to the earth, to the living and to the body and sees this relation as one of *inherence*. To be is not to project one's own subjective will onto the world but rather to *belong to it*: to refer back to something that, like the earth and the environment, the subject has not constructed but from which, on the contrary, it comes; and 3) consequently, finds its essential points of reference in the *finite*, in the *limit*: there is no concept more anti-ecological than that of the infinite and the unlimited.

These three points can be considered a definition of the concept of nature. On a philosophical level, one can refer to Maurice Merleau-Ponty as its main theorist: current exponents of ecological thinking such as the early Ingold, Augustin Berque and Philippe Descola all refer in different ways to Merleau-Ponty.

On the basis of this very broad definition, I believe that the problem of the concept of nature in Foucault's thinking can first be given a somewhat general, approximate answer. Foucault is a constructivist: he was a member or at least a supporter of the avant-garde movements of the 1960s and 1970s, as shown by his appreciation of Andy Warhol and his famous course on painting held in Tunis.[2] Evidence of this constructivism, of this pronounced anti-naturalism, can be found more or less throughout his oeuvre, but an important book published a few years ago complicated the discourse in this regard by identifying a current of anti-antinaturalism in Foucault.[3]

However, if we move from a "distant" gaze to a closer look, the subject under study changes and is pluralised and articulated. We can then see at least four stages in Foucault's complex intellectual journey:

1. That of the Dionysian, of Artaud, Sade and Bataille. The key work of this period is the *History of Madness,* which presents us with a Dionysian concept of nature that in some parts of the book leans strongly towards the negative while being also *a radical critical tool.* The question arises here of taking the Surrealist legacy of Foucault's position into account.
2. The lowest point of Foucault's naturalism, which is presented in *The Order of Things.*[4] However, the stage of the microphysics of power in which the body is newly central had already started in *The Archaeology of Knowledge*[5] and, through substantial developments and modifications, would lead to:

[2] Michel Foucault, *La peinture de Manet. Suivi de Michel Foucault, un regard* (2004).

[3] Stéphane Haber, *Critique de l'antinaturalisme. Études sur Foucault, Butler, Habermas* (2007), in particular in ch. II.

[4] Michel Foucault, *The Order of Things: An Archaeology of Human Sciences* [1966] (1994).

[5] Michel Foucault, *The Archaeology of Knowledge & The Discourse of Language* [1969] (1982).

3. The formulations in *Security, Territory and Population,*[6] which marks the appearance of the ecological model proper. And, finally,
4. The Foucault of the very last years, who made the most decisive break from Nietzsche and Heidegger to focus on ancient philosophy, in particular that of the Roman Empire and the Stoics. The revival of Cynicism in his last course given at the Collège de France stands out in this period: the theme of the Dionysian reappears in it, albeit much transformed.

1. Let us therefore start with the *History of Madness*:[7] in what sense can we find resources for ecological thinking within it? Here it is essentially a matter of analysing the 1961 introduction, in which the basic structure of the work is formulated. As is well known, this is an interpretation of Nietzsche's *Birth of Tragedy*, in which the Apollonian-Dionysian nexus is the key to its discourse.

Right from the start, the author combines the psychiatric and the philosophical meanings of madness. The pair of concepts madness-normality is overlaid with that of unreason (*déraison*)-reason, which is nothing other than a transposition of the Nietzschean concepts of Dionysian and Apollonian:

> To interrogate a culture about its limit-experiences is to question it at the confines of history about a tear that is something like the very birth of its history. There, in a tension that is constantly on the verge of resolution, we find the temporal continuity of a dialectical analysis confronted with the revelation, at the doors of time, of a tragic structure.
>
> At the centre of these limit-experiences of the Western world is the explosion, of course, of the tragic itself – Nietzsche having shown that the tragic structure from which the history of the Western world is made is nothing other than the refusal, the forgetting and the silent collapse of tragedy.[8]

And further down:

> The following study will only be the first, and probably the easiest, in this long line of enquiry which, beneath the sun of the great Nietzschean quest, would confront the dialectics of history with the immobile structures of the tragic.[9]

The philosophical core of the work therefore consists of these Nietzschean concepts, *which are explicitly taken from* The Birth of Tragedy. If it is true, in short, that Nietzsche is (along with Kant) the author that accompanied Foucault's philosophical adventure from almost the beginning to its end, it should be clear that in the *History of Madness* it is *the early Nietzsche's metaphysics* – who is so close, at least apparently, to Schopenhauer – that is the

[6] Michel Foucault, *Security, Territory, Population. Lectures at the Collège de France 1977-1978* [2004] (2009).
[7] Foucault, *History of Madness* [1961] (2006),
[8] *Ibid.*, XXIX-XXX.
[9] *Ibid.*, XXX,

basis of Foucault's discourse. It is the loss of the tragic nexus between the Dionysian (unreason, madness) and the Apollonian (reason, normality) that results in the historical concealment and repression of madness; it is the fact that reason, *logos* and discourse have been detached from the Dionysian, from the Aorgic, that opens the way to History and progress. By carving out limits, values that separate good from evil, lawful from unlawful, every society (and here Foucault's Nietzschean discourse is tinged with anthropological implications, implicitly referring to Ruth Benedict)[10] represses the truest and most authentic vital values, which Foucault identifies with Dionysian totality. The history of madness thus immediately reveals itself as a metaphysical project of a much wider scope: it is the history of the repression that every civilisation and history in general operates on the non-historical and vital essence of the world, on a primordial origin and foundation. In this way, the Nietzsche of *The Birth of Tragedy* matched Heidegger's ontologism without too much difficulty.

One first conclusion: it is evident that the theme of the Dionysian in connection with, but also as a background to, the Apollonian functions to all intents and purposes as a critique and relativisation of the concepts of culture and civilisation: it constitutes, to all intents and purposes, a concept of nature which can have ecological significance.

The other pivot in the 1961 introduction also converges on this: that is, the concept of "absence of work", which, in a series of texts from the 1940s, and later in *L'éspace littéraire*,[11] Blanchot had introduced as a characteristic, defining element of contemporary literature. Looking to the major models of the great experimental literature of the 20th century – to Kafka, Mallarmé, Joyce and Beckett – Blanchot wanted to emphasise the unfinished and fragmentary aspect of literary writing. The writer *works* and cannot but work, obsessively and in a perfectionist manner, following his *project* and his subjective intent. But it is only when this work, this project, this *telos* is interrupted to make space for that dimension that Blanchot defines as the *outside*, which is always beyond our intentions and our consciousness, that the work, paradoxically, is *fulfilled precisely by opening itself up to incompleteness* – by fragmenting and interrupting itself and by allowing the word to be succeeded by silence. The literary work and the act of working from which it results only make sense when they tap into the dimension of the inoperative (*désœuvrement*) and of non-work; when order reveals itself to be nothing more than the other side of the fragmentary, of chaos and disorder. Therefore, madness is the absence of work because it is the opposite pole of useful and finalised work, of the rational project, of *logos*. Madness is the chaos that comes to shatter their compactness, the silence that, always interspersed with speech, is suddenly projected into the foreground, making the infinite and Dionysian totality repressed by *logos* and work re-emerge.

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[10] Foucault had long been familiar with *Patterns of Culture* (1934) by the American anthropologist: cf. the reference he makes to this work, precisely on the topic of the selection of values, in *Maladie Mentale et Personnalité* (1954), 72.

[11] Cf. Maurice Blanchot, *L'éspace littéraire* (1955), *passim.*

It is clear, therefore, how, even from the point of view of the absence of work, Foucault's discourse can be presented as a radical critique of the civilisation of labour, with the obvious ecological consequences that this entails.

Finally, if we continue to examine the *History of Madness*, we see that already towards the middle of the work a third characteristic motif appears, one that will become largely dominant in the final chapter, which goes in a different direction. The chapter on "The transcendence of delirium"[12] brings us face to face with the figure of the *Unreal* and thus with *delirium* and *the delirious discourse* that is its essential complement. The cycle continues through the notions of *dream*, *error*, *blinding* and *dazzlement* (*éblouissement*). The two latter notions fully bring to light the fact that classical reason stands in an essential relation to unreason, that reason and unreason represent an inseparable pair, which harks back to that solidarity of light and night, of Apollonian and Dionysian, that is now well known to us. It is only natural that Blanchot, particularly Blanchot as a commentator on Racine, should be Foucault's guide here: the chapter's finale is in fact a superb illustration of this theme through a rereading of some of the great 17th century French playwright's tragedies, and in particular *Andromache.* In the various stages of the madness through which Racine leads Orestes, Foucault rediscovers with great effectiveness the figures of madness that he had traced in the previous part of the chapter: the "three concentric figures of *dazzlement*" – error, dream and delirium – up to the *nihilistic self-destructiveness* which certain aspects of the character of Orestes fully highlight. In short, another line underlying Foucault's text emerges: the Sadeian and Artaudian one, which, in the final chapter, is reinforced by the reference to Goya's later paintings.

Indeed, the concluding pages of the final chapter, by foregrounding first the paintings in Goya's *The Deaf Man's House* and then Sade's work, bring to light this extreme line of apocalyptic self-destructiveness. At this point, inner transformation is indeed a revolution but only through the individual's nihilistic self-annihilation (a line of thought that certainly does not lack precedents in the extreme fringes of German Romanticism such as Kleist, and Novalis' *Hymns to the Night* can also be interpreted along this line).

Sade is very far from Jena Romanticism (which Foucault nonetheless values): in Sade's view, nature is dominated by the power of evil. Nature is not characterised by self-preservation, which was traditionally considered to be its essential attribute, but by self-destructiveness: what characterises it is *self-abolition*. The conclusion is a convergence of the lessons of Goya and Sade in self-destructive nihilism:

> Through Sade and Goya, the Western world rediscovered the possibility of going beyond its reason with violence, and of rediscovering tragic experience beyond the promises of dialectics.

[12] Michel Foucault, "The transcendence of delirium," in *History of Madness* [1961] (2006), cit.

> After Goya and Sade, and since them, unreason belongs to all that is most decisive in the modern world in any oeuvre: anything that the oeuvre contains which is murderous or constraining.[13]

And so, to come once again to the point that interests us, it is clear that *in this respect* Foucault's position in the *History of Madness* is far removed from ecology: indeed, it is an *anti-naturalistic* view that recurs in the later Foucault.

If we now want to make an assessment of this set of positions as regards the question of ecology, it must be stated, first of all, that it is never *directly addressed as such* but rather indirectly and implicitly present. This point can be better understood if seen from a historical point of view.

Foucault's *negative* thinking, which, as we have seen, is so central to his work, adheres, as he himself repeatedly stated, to the philosophical line of Blanchot's and Bataille's radical existentialism. This line, which started as early as the 1940s, was intended as an alternative to Sartre's humanist existentialism, to his alliance of phenomenology and Marxism, to the idea of commitment, and to the anti-naturalistic voluntarism implicit in Sartre's position. While Merleau-Ponty, from the outset, pursued his own line of phenomenology of the body, in which the concept of nature would gradually become more central, Sartre's activism and his idea of absolute freedom stood as a typical expression of modern Prometheanism. In it, as indeed in classical Marxism and Soviet Marxism, a proletariat that was transformed into the totality of humanity took the place of the bourgeoisie in outlining a universal project of freedom and equality in a vision in which nature was typically conceived as a hostile entity, as Sartre of the 1930s had already outlined in the famous episode of the root in *Nausea*.

Sartre's vision appeared to be in line with the Glorious Thirties, with the great productive development that would lead to the most anti-ecological society ever, namely, the consumer society that culminated in the 1960s and 1970s. By contrast, Blanchot's and Bataille's line of negative thought, which Foucault espoused and which placed authors such as Nietzsche and Heidegger at the centre, stood as a radical early challenge to that type of society. In particular, the radical communism that Blanchot proposed as an alternative to real socialism and the more orthodox Marxist models had at its centre the concept of worklessness, which, as we have seen, is so central in the *History of Madness*. This had a very precise ecological significance: it was a radical critique of a society based on work, on man's dominion over nature. The concept of the Dionysian was also part of this radical critique of Western and bourgeois society, putting forward a framework of *passivity*, of openness to Being, to the world and to nature that is still highly relevant today. The entire Surrealist experience of the inter-war years re-emerged through the valorisation of art as an alternative to labour-based society, which was at the centre of *History of Madness*, through its appreciation of the primitive and the non-Western and through the idea (central to a work that was as fundamental to the entire 20th century European culture as

[13] *Ibid.*, 535.

Aragon's *Le paysan del Paris*)[14] that the challenging illumination of the Dionysian could explode again at the very heart of industrial society. And we must not forget that the concept of the Dionysian entailed the absolute centrality of the bodily and the earthly.

The limits of this vision, which is still fresh and alive in its challenging radicalness, lay in the nihilistic aspects that, as we have seen, were so central to Foucault's work. His return to Sade and the centrality of the theme of self-destruction risked emphasising once again the denial of nature, prioritising death over life, outlining a version of the Dionysian that, rather than referring back to the body and the Earth, resolved itself into Nothingness. In this respect, did the Blanchot-Bataille line not risk repeating the typical industrialist anti-naturalism of Sartre's humanist existentialism? And does opting for the infinite, which in any case characterises the Dionysian, not pose a problem for the ecological vision, whose essential notion is that of the *limit*, of the *finite*? This is an ambiguity that ran through Foucault's work for a long time – one which, moreover, runs through all of 20th century French culture, right up to structuralism itself.

And yet, in conclusion, I believe that we should avoid being too rigid and univocal in judging even Foucault's more "negative" positions. Thinkers such as Bataille and Artaud, who referred so often to "primitive" societies and the experiences of the "non-civilised", strongly shifted the centre of gravity towards former colonised peoples, and this posed a strong challenge to industrial and bourgeois society in the name of an original, uncorrupted nature. Ecological thinking does, however, owe a deep debt to their work.

2. It seems to me, on the other hand, that *The Order of Things*[15] is the text that is least capable of providing insights into an ecological theme. The culturalism that has prevailed since the 1960s, which largely imbues *The Order of Things*, is tantamount to the advent of a linguistic paradigm that has obscured that of the body and the flesh. While it is true that the concept of the Dionysian continues to be the basis of Foucault's discourse, in *The Order of Things* it appears to have been essentially transformed into purely linguistic terms. This great text was certainly an attempt to critique neo-capitalism from within – the theory of the episteme is a historicization of the great modernisation movement that swept the world in the 1960s – but the mechanism on which it is based is very specific: power itself is reduced to transcendental restrictions on utterances. Moreover, the ending of the work presents us, along with the death of man, with the advent of the *Being of language*, where the new avant-garde anti-humanist literature with which Foucault was associated in these years is wedded to the Heidegger of *On the Way to Language.*[16]

3. Moreover, Foucault himself was soon dissatisfied with this linguisticity. Through Wittgenstein, but also through the influence of the events of 1968, he already discovered in the

[14] Louis Aragon, *Le Paysan de Paris* (1926).
[15] Foucault, *The Order of Things*, cit.
[16] Martin Heidegger, *On the Way to Language* [1959] (1982).

Archaeology of Knowledge a much more concrete and material dimension of language.[17] But, as is well known, the decisive leap towards a new conception was only taken with the microphysics of power. Upon arriving at this new configuration of his thinking, Foucault was very explicit in pronouncing himself in favour of a materialistic paradigm of the body. Let us ask ourselves then: was this a rapprochement to Merleau-Ponty's model, or at any rate to an ecological model? It does not seem to me that this question can be answered in the positive, or fully in the positive. Certainly, implicit in the microphysical paradigm is an instance of plurality and a critique of the centrality of power – a respect for difference, an instance of the irreducibility of the real to the transparency of unity and concept – which may go in the right direction. But the central point is another: *a Nietzschean (or Schopenhauerian-Nietzschean) instance of the will predominates in this conception*. As is well known, in it the body is the medium for the action of discipline, its contact surface; as fascinated as he is by Marx's *Capital*, Foucault rereads its section IV on the relative surplus value as presenting capitalism as a great production not of objects but of docile subjects. In other words, and somewhat schematically: there is hardly any room for nature here,[18] unless one wants to read the concept of resistance in this sense – a concept which, however, still only concerns subjects and their revolt and is only the reverse of discipline.

It is only when the model of microphysics began to no longer satisfy Foucault, i.e., roughly in 1976-7, that the theme of corporeality made space for the concept of the limit, and the will once again comes into conflict with a world that is irreducible to it. As is well known, the theme of nature appears explicitly in Foucault's 1977-8 course on *Security, Territory, Population,*[19] giving shape to his new conception of governmental power.

Firstly, we are, since Galileo, in the era in which the natural sciences have conferred on nature full autonomy from its creator. Secondly, rulers have now discovered ways of relating to their subjects that are not those of the old sovereign – whom Foucault, moreover, mistakenly identifies with Machiavelli's vision and which could, from my point of view, with good reason be called "Promethean". There is now, says Foucault, commenting on the Physiocrats, a nature whose limits must be respected; and the government of life and populations must also be seen from this point of view. Nor should the fact be overlooked that in this course as well as in the following one, *The Birth of Biopolitics,*[20] the idea emerges that the transition from sovereign power to government power is that from a mechanical model to a vital, biological model, which takes as its reference the living body and its structures. After all, does the whole theme of biopolitics not go in this direction? Power not only has to do with subjects, it is not a matter of pure domination, but has to do with the imbrication of men with things, with their being rooted in the world:

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[17] In this regard, cf. Manlio Iofrida and Diego Melegari, *Foucault* (2017), chapters 4-5.

[18] For a resumption and complexification of this point in the philosophy of will, which, however, continues to characterise the later phases of Foucault's reflection, cf. my *Conclusions* below.

[19] Foucault, *Security, Territory, Population,* cit..

[20] Foucault, *The Birth of Biopolitics*, [2004] (2008).

> Now we can see that in La Perrière's text the definition of government does not refer to the territory in any way: one governs things. What does La Perrière mean when he says that government governs "things"? I do not think it is a matter of an opposition between things and men, but rather of showing that government is not related to the territory, but to a sort of complex of men and things. The things government must be concerned about, La Perrière says, are men in their relationships, bonds, and complex involvements with things like wealth, resources, means of subsistence, and, of course, the territory with its borders, qualities, climate, dryness, fertility, and so on. "Things" are men in their relationships with things like customs, habits, ways of acting and thinking. Finally, they are men in their relationships with things like accidents, misfortunes, famine, epidemics, and death.[21]

I will not address here the political dimension of these courses, their connection to economics, liberalism and neo-liberalism and all the issues associated with these themes, which are irrelevant to my argument here. Rather, I will ask this question: what becomes of this paradigm, in which the limit is finally central and which is undoubtedly a paradigm of inherence, in Foucault's later work? I will thus briefly discuss the great question that the courses and writings that followed those I have just mentioned have posed to interpreters from the outset: do they imply an abandonment of the political dimension that had strongly characterised Foucault's research from 1970 onwards? Do they mark a withdrawal from politics in favour of an individualistic ethics?

My answer, in line with that of many other interpreters, is clearly negative: subjectivity, on the construction of which Foucault concentrated all his work in his later years, is not withdrawn from the world. The subject he is talking about is still "imbricated" in the matters whose weight he had discovered in *Security, Territory, Population.* I believe that the thematic approach I have chosen is very useful to appreciate this continuity: self-care, the construction of subjectivity, hinges precisely on the concept of *limit.* The subject is not constructed from nothing but from its inherence in the world, its relation to other subjects and objects. If the subject deconstructs the subjectivity that the powers it has grown up with have imposed on it, this new subject does so not in order to flee into the infinite, into the unlimited, to reject the absolute limit but to construct limits for itself *that are its own*; those that it feels are suited to its individuality, to the difference that it represents in the world – becoming, in Nietzschean terms, what it is.

These are the years of the preface to Canguilhem:[22] this return to a master of the life sciences is certainly no coincidence. It indicates that, for Foucault, the relation to the biological, to a body that is not only will but also obedience to a series of laws, is central again (although it had never disappeared from his purview). In parallel, his interest in the Enlightenment starts, as does Foucault's particular approach to the topic of the subject, seen as comprising a practice on oneself, a practice towards others, and a practice towards the

[21] *Security, Territory, Population*, cit., 96.

[22] Michel Foucault, "Introduction," in *On the Normal and the Pathological,* G. Canguilhem [1943] (1978), ix ff.

world.[23] A passage from an only apparently minor piece of writing, in which Foucault recapitulates and reinterprets the whole of his research in a key of inherence, deserves to be mentioned:

> One must also reverse the philosophical way of proceeding upward to the constituent subject which is asked to account for every possible object of knowledge in general. On the contrary, it is a matter of proceeding back down to the study of the concrete practices by which the subject is constituted in the immanence of a domain of knowledge. There too, one must be careful: refusing the philosophical recourse to a constituent subject does not amount to acting as if the subject did not exist, making an abstraction of it on behalf of a pure objectivity. This refusal has the aim of eliciting the processes that are peculiar to an experience in which the subject and the object "are formed and transformed" in relation to and in terms of one another. The discourses of mental illness, delinquency, or sexuality say what the subject is only in a certain, quite particular game of truth; but these games are not imposed on the subject from the outside according to a necessary causality or structural determination. They open up a field of experience in which the subject and the object are both constituted only under certain simultaneous conditions, but in which they are constantly modified in relation to each other, and so they modify this field of experience itself.[24]

That this theme of inherence is a perspective that persists to the end in Foucault's discourse is confirmed in many ways. Take, for example, those passages in which he speaks of a philosophy understood as a *diagnosis of the present* as its *ontology*.[25] What does this mean? It means that *modern* philosophy discovers its historical dimension not only in the sense that it is fundamental for it to reconstruct its roots but also and above all in that it is a historical emergence as the capacity to focus on *a process of which one is part*: to become self-aware of the present, to discover the fact that what I am doing belongs to something that transcends me, to a *we*.

Consider then the theme of reflexivity, of self-reference, a theme that has long been central to Foucault and that now becomes an axis of his reinterpretation of Kantian critique. This *critique*, which is at the same time *self-critique*, is closely linked to the idea of a freedom that is not the denial of the limit but its reverse. The limit is that moveable construction that I create by continually relating to others but, at the same time, self-reflectively, to myself. Nor should it be forgotten that the theme of self-reflexivity was intimately connected, in Foucault, a student of Canguilhem, to that of life – the living being self-referentially relates to itself in the very act in which it relates to the world and to

[23] It is no coincidence that these are the years in which we find some positive references to ecological battles: see *Dits et Écrits (1954-1988)* (1994), III, 551 and 594.

[24] Maurice Florence, *Foucault*, in *Essential Works of Foucault 1954-1984, vol. II, Aesthetics, Methods and Epistemology*, ed. J.D. Faubion (1998), 642.

[25] Cf. e.g., Michel Foucault, "What is Enlightenment?," in *The Foucault Reader*, ed. Rabinow (1984), 38-9.

others. In this sense, the very concept of critique, as an exercise on one's own limits, is connected to the vital model of the subject's inherence to the world.

Again, the very model of *parrhesia* can be interpreted along these lines: in it the critical and polemical, agonistic aspect, the tense relation to the other (be it the agora of the polis or the sovereign to whom the counsellor speaks), and, more generally, the intersubjective relation are absolutely fundamental. Just as fundamental is the parrhesiast's *critical* relation to himself, the care of himself, the work on himself that he exercises and urges others to exercise; but equally essential is the relation of the parrhesiast to truth: the fact that, in this polemical game in which I and the other are engaged, between me and the other and between me and myself, the truth, the relation to the world, is inserted as a third element. According to a scheme that is unmistakably phenomenological, the intersubjective relation, the infra-subjective relation, and the relation to the object, to the world (or, if you like, intentionality), are inseparable. One year later, in the last text that his illness allowed him to complete, Foucault wrote:

> Error is eliminated not by the blunt force of a truth that would gradually emerge from the shadows but by the formation of a new way of "*truth-telling*" [emphasis added].[26]

The assumption here is that it is not subjects who create truths but rather these truths emerge from a systemic, ecological interplay between man and world in which the momentum of subjective activity is as inescapable as that of the subject's relation to a world other than itself.

The recurrence of the theme of the relation to truth is, moreover, continuous with that of governmentality throughout Foucault's discourse in his last period. His dispute with Schmitt in his penultimate course is incontestable philological confirmation of this: politics, says Foucault, explicitly opposing Schmitt, is not reduced to the constitution, to law or to unilateral power over others. Rather, it is the experience of telling the truth in relation to oneself and to others and is therefore an *exercise of rationality.* Power passes through the *logos*, through discussion and persuasion – and at this point Foucault explicitly refers to *governmentality*, which again he defines as *power that goes through true discourse*.[27]

Still in the same sense of the centrality of true discourse, Foucault takes up the Platonic theme according to which politics must be conceived on the model of *medicine for free men* as opposed to *medicine for slaves*. In the latter, which is a mere technique, a doctor who is as much a slave as his patient makes his prescriptions unilaterally, reducing his patient to an object. By contrast, the former is "free medicine for free people, practised by doctors who are themselves free men".[28] It is characterised by the dialogic relation that binds doctor and patient: the doctor does not perform a unilateral, technical, Promethean action on

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[26] Michel Foucault, "Life: Experience and Science," in *Essential Works of Foucault 1954-1984,* vol. II, ed. Rabinow and Rose, cit., 471. This is a second version of the *Introduction* to Canguilhem cited above, in note 22.
[27] Michel Foucault, *The Government of Self and Others* [2008] (2010), p. 184.
[28] *Ibid*, p.224.

the patient but first listens to him and then tries to persuade him regarding the path to recovery. In a community in which political activity is based on this model, the philosopher is not simply a legislator who tells the city how it should be governed and which laws it should obey. His role is actually to persuade both sides: those who govern and those who are governed.[29]

To conclude, I would like to recall how the model of the aesthetics of existence, so central to the final Foucault, also falls fully within this ecological paradigm. It should be borne in mind that Foucault conceived this model not only by looking to Baudelaire but also by keeping in mind Burckhardt's *The Civilisation of the Renaissance.*[30] In this text, Burckhardt described 16th century Italian society, arguing that in it the aestheticization of life was a shared project of a community of equals in dialogue who, through sociability, established a relation to the world and to others that was not one of instrumental, brutally utilitarian reason but which can, to all intents and purposes, be defined as an ecological relation. Is beauty not that ever-moving dimension of the limit in which we open ourselves to the world and to others, not through domination but in order to be passive as well as active, co-present in a relation to otherness that can be defined by the phenomenological term "attention"?

CONCLUSIONS IN THE FORM OF FURTHER PERSPECTIVES

I will end with a few historical and theoretical remarks and a few questions in order to better frame my previous considerations and to envisage potential further research. An enquiry into the ecological character of Foucault's philosophy, on the ecological resources that his thinking can provide, is at bottom an enquiry into the ecological character of a philosophy of the will, and therefore into Schopenhauer and Nietzsche and how they have been interpreted in France since the 19th century. This was the deepest core of Foucault's philosophy at least from 1970, when he delivered his now famous *Lecture on Nietzsche*:[31] elsewhere he refers to Fichte and even Sartre.[32] How much can the ontologies of Schopenhauer and Nietzsche (I am aware that they are quite different, but it is difficult to separate

[29] *Ibid*, p. 225.

[30] Cf. J. Burckhardt, *The Civilization of Renaissance in Italy* [1866] (1960), spec. part V; "Sociality and Festivals,"; for Foucault's explicit mention of *civilization,* cf. Foucault, *Dits et Écrits (1954-1988),* cit., vol. IV, 629-630.

[31] Michel Foucault, *Lectures on the Will to Know* [2011] (2013), *XIII: Lecture on Nietzsche*.

[32] On the centrality of the philosophy of the will in relation to the subject, see the statements in F. Sassine, M. Foucault, "Entretien inédit avec Michel Foucault," *Foucault Studies* 25 (2018), 351-378, where, on p. 370, Foucault refers in this regard to Fichte and Sartre. There is much to investigate in this philosophy of the will as a (basically Kantian) response to the transcendentalism and humanism of the Third Republic in relation to the often hidden spread of Schopenhauer's philosophy and the much more overt and extraordinarily fast spread of Nietzsche's thinking. It would also be worth reflecting on Bergson's actual relation to it. Xavier Léon's study on Fichte, the first volume of which came out in the early 1900s (X. Léon, *Fichte et ses rapports avec la conscience contemporaine* (1902)), and which was completed by a third volume published in 1927, certainly bears testimony to the strength of this tendency. Brunschvicg's Fichteism evidently has a very different significance, but it is certainly, at least in some of its aspects, connected to it.

them, especially when discussing French philosophy and Foucault as a representative of that philosophy) contribute to ecological thinking?

Despite the fact that the primacy of the will might seem to preclude any ecological attitude, it is easy to see, by retracing various aspects of these two great thinkers, that this is not the case: in both Schopenhauer and Nietzsche, the will is deeply rooted in bodies, so the comparison with phenomenological models such as those of Husserl and Merleau-Ponty becomes inevitable. Moreover, the diversity of perspectives that derive from both models does not at all preclude many potential convergences and much mutual enrichment. Foucault's own path from 1978 onwards, which I have tried to show in this essay – his limitation of the role of the will with respect to his microphysics period – confirms this.

An in-depth study of the ecological views in Michel Foucault’s thinking, which goes beyond what I have attempted to do here in a very preliminary and provisional way, must come to terms with these nodes that lie far upstream. In any case and to conclude, Michel Foucault's ecology, as I have tried to outline here, appears to be a 20th century outcome of these two great models bequeathed by the 19th century.

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ARTICLE

Foucault and Somaesthetics: Variations on the Art of Living

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ABSTRACT. This essay examines Foucault's legacy in terms of its contribution to the field of somaesthetics. It demonstrates how Foucault's work on embodiment, care of the self, pleasure, sexuality, and aesthetics of existence were inspirational to the founding of somaesthetics and can serve as exemplars of somaesthetic philosophy. However, the essay also explores the ways that current somaesthetic research departs from Foucault's theories by critiquing their limitations with respect to several important issues. These issues include the varieties of pleasure, the multicultural scope and diversity of *ars erotica*, the range of aesthetics and art, and the demand for truth and heroism in the art of living a beautiful life.

Keywords: Foucault, somaesthetics, pleasure, *ars erotica*, women, aesthetics, truth, heroism, beauty, art of living, Cynicism

I. FOUCAULT, PROGENITOR OF SOMAESTHETICS

Michel Foucault's legacy in contemporary thinking is amazingly vast and varied. His influence extends from philosophy and the diverse human sciences to the fields of medicine, health, art, technology, sexuality, gender, queer, and even military studies. Central to the impressive value of Foucault's philosophy (and a mark of its originality) is its provocative power to initiate new directions of research, both by commanding assent and inciting dissent. Admiring scholars who follow the lines of Foucault's bold new ideas also enrich his innovative research through critique of his positions that limit its productive possibilities and utility in our ever-changing, increasingly troubled world. My essay focuses on a field of research that Foucault inspired but that developed not only by following his lead but also by criticizing aspects of his philosophy of embodiment and art of living. That research field is somaesthetics, a modest but growing path of inquiry that emerged from

neopragmatism in the last decade of the twentieth century, largely through the influence of Foucauldian philosophy.[1]

The idea of somaesthetics was already implicit in the final chapter of my book *Pragmatist Aesthetics*.[2] That chapter, "Postmodern Ethics and the Art of Living," argued that our contemporary loss of faith in an essential human nature robust enough to generate clear, determinate, and universally valid ethical principles to guide our lives has made us increasingly attracted to an aesthetical "ethics of taste." In outlining this idea, I invoked Foucault's "aesthetics of existence" to support my critique of Rorty's version of aesthetic life that was focused on self-cultivation and self-transformation through new vocabularies and descriptions. I argued that words were not enough, that we also need somatic methods of cultivating and transforming the self as an ethical agent, because we are made and guided not simply by our concepts and language but also by the somatic practices in which we are trained and habituated.

> Though Rorty correctly insists that the self is structured by the vocabulary it inherits, Foucault is equally right in stressing that it is also the product of disciplinary practices inscribed on the body. And if we can emancipate and transform the self through new language, we can also perhaps liberate and transfigure it through new bodily practices. and greater somatic awareness. But the fact that the somatic has been structured by body-punishing ideologies and discourse does not mean that it cannot serve as a source to challenge them through the use of alternative body practices and greater somatic awareness. We may have to read and listen to the body more attentively; we may even have to overcome the language-bound metaphorics of reading and listening, and learn better how to feel it. Of course, working on one's self through one's body is not in itself a very serious challenge to the socio-political structures which shape the self and the language of its description. But it could perhaps instill attitudes and behavioral patterns that would favor and support social transformation.[3]

In these lines of *Pragmatist Aesthetics*, we already find the germinating core of somaesthetics: the value of somatic cultivation for enhancing our aesthetic and ethical capacities that can then contribute to progressive social transformation through what we call "somapower," a concept that respectively nods to but also critically contrasts with Foucault's idea of bio-power.[4] Responding to the conventional Marxist critique that "social reform can only be stymied by attention to the body because this focus must be narrowly

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[1] On the origins and development of somaesthetics, see Richard Shusterman, *Thinking through the Body* (2012) and Jerold Abrams, ed., *Shusterman's Somaesthetics* (2022)

[2] It was first published in January 1992 in Paris as *L'art à l'état vif: la pensée pragmatiste et l'esthétique populaire* by Minuit but later in April 1992 by Blackwell as *Pragmatist Aesthetics: Living Beauty, Rethinking Art*.

[3] Richard Shusterman, *Pragmatist Aesthetics* (1992), 259-260.

[4] For an analysis of somapower, see Leszek Koczanowicz, "Somaesthetics, somapower, and the microphysics of emancipation," in *Shusterman's Somaesthetics*, ed. Abrams (2022), 61-73.

individualistic and privatistic," I countered provocatively (in the spirit of Foucault), "Not only is the body shaped by the social, it contributes to the social. We can share our bodies and bodily pleasures as much as we share our minds, and they can be as public as our thoughts."[5] Recognizing this emphasis on bodies and pleasures, Parisian critics of this book branded its pragmatist aesthetic as hedonist while describing its democratic political vision as one that radically "imagines a *con-sensualist* society rather than a merely consensual one. The hedonist's zest that [Shusterman] adds makes all the difference between a mere democratic society and a society in which everyone could creatively accomplish themselves in ways that make each of them a citizen equal to any other citizen in terms of pleasurable activities…, a society [that] would give women and men the same access to creating values."[6]

Foucault's influence grew increasingly central in *Practicing Philosophy: Pragmatism and the Philosophical Life*, the English book where I first introduced the term "somaesthetics."[7] That book followed Foucault not only in taking the philosophical life as a privileged genre for philosophical research and practice but also in embracing a deeply embodied and aesthetic understanding of the *bios philosophicus* in contrast to Pierre Hadot's more austere vision of philosophical life as focused on therapy and spiritual exercises. Rather than sticking to their strategy of focusing on ancient lives, *Practicing Philosophy* examined three contemporary paradigms of philosophical life as a distinctively embodied art of living. Foucault was one of them (along with Ludwig Wittgenstein and John Dewey), and the book's explicit introduction of the term somaesthetics as designating a distinct discipline came in the context of discussing Foucault's attempts "to integrate…bodily disciplines into the very practice of philosophy" by including somatic exploration and experimentation as part of the traditional philosophical "quest for self-knowledge and self-transformation."[8]

Noting Foucault's extensive study of Diogenes the Cynic as an inspiring somatic paradigm of philosophical life, I cited his dramatic description "The *bios philosophicos* …is the animality of being human, taken up as a challenge, practiced as an exercise - and thrown in the face of others as a scandal."[9] Foucault's privileging focus here on the scandal of

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[5] *Pragmatist Aesthetics*, p. 260.

[6] I cite here from Antonia Soulez, "Practice, Theory, Pleasure and the Forms of Resistance: Shusterman's *Pragmatist Aesthetics*," *Journal of Speculative Philosophy* 16:1 (2002), 3. See also Rainer Rochlitz, "Esthétiques hédonistes," *Critique* 540 (1992), 353-373, which takes my *Pragmatist Aesthetics* -- under its French title *L'art à l'état vif* (1992) – as one of his two targets of critical analysis.

[7] Richard Shusterman, *Practicing Philosophy: Pragmatism and the Philosophical Life* (1997), 176-177. I first briefly mentioned the term "*Somästhetik*" in Richard Shusterman, *Vor der Interpretation* (1996), 132.

[8] Shusterman, *Practicing Philosophy*, 176.

[9] Ibid.,176-177. As Foucault's lectures were not yet published, I cited from an unpublished French transcript whose excerpts I translated. The published English translation goes: "The *bios philosophikos* as straight life is the human being's animality taken up as a challenge, practiced as an exercise, and thrown in the face of others as a scandal." Michel Foucault, *The Courage of the Truth* (2011), 265. The term "straight life" is an

Cynicism, coupled with the hardcore somatic practices he himself advocated and practiced, provoked me to insist that somaesthetics should endorse and explore also gentler, less scandalous somatic practices for philosophy's art of living: "Thoreau's exercises in simple living, labor, and purity of diet or Dewey's explorations through Alexander Technique (to which he attributed his improved capacities for attention and awareness, and even his longevity) present alternative models of embodied philosophical life that may prove equally informative, transformative, and aesthetically enriching, though of course less dramatically spectacular than either Diogenes' exhibitionist primitivism or Foucault's experiments in drugs and *S/M*."[10] In affirming "the variety of somatic practices through which we can pursue our quest for self-knowledge and self-creation," I suggested "The philosophical discipline that would treat this embodied pursuit could be called 'somaesthetics.'"[11]

Another reason Foucault proved a foundational figure for somaesthetics was that he not only theorized but also practiced what he preached. In other words (using the technical terminology of somaesthetics), Foucault was exemplary (like John Dewey) for engaging in all three branches of the field: analytic somaesthetics -- descriptive inquiry (whether philosophical, historical, or scientific about somatic capacities, functions, practices, values; pragmatic somaesthetics -- normative theorizing about methods to improve somatic experience and comparative critique of those methods and of the values that those methods and their meliorist aims imply; and practical somaesthetics -- the actual practice of somatic disciplines aimed at self-knowledge and self-transformation. Foucault, I explained, advanced analytic somaesthetics through his genealogical study of "how 'docile bodies' were systematically shaped by seemingly innocent body-disciplines in order to advance certain sociopolitical agendas"; but he was also "the pragmatic methodologist proposing alternative body practices to overcome the repressive ideologies entrenched in our docile bodies. Foremost among these alternatives were practices of consensual, gay sadomasochism," which challenged the oppressive regime of heteronormativity. And "Bravely practicing the somaesthetics he preached, Foucault tested his favored methodologies by experimenting on his own flesh and with other live bodies," thus providing a boldly powerful example of practical somaesthetics.[12]

Contrasting Foucault's practical somaesthetics to Dewey's practice of the soberly restrained, hyper-rationalistic Alexander Technique, I clarified that somaesthetics (as a

awkward translation of Foucault's notion of "la vie droite," which I believe would be better rendered here as "the right life" or "the honest life" or "the straightforward life."

[10] *Practicing Philosophy*, 177.

[11] Ibid.

[12] Richard Shusterman, "Somaesthetics: A Disciplinary Proposal," *Journal of Aesthetics and Art Criticism* 57:3 (1999), 309.

pluralistic field of inquiry) was not obliged to choose one and condemn the other. Instead, recognizing "the value of drugs and consensual sadomasochism for the precise projects of somaesthetics that Foucault was personally most concerned with, projects of radical innovation, gay liberation, and his own problematic quest for pleasure," I insisted that the pluralistic proverb "different strokes for different folks" affirms a vernacular wisdom apt for more than S/M's disciples."[13] Indeed, despite my critique of its limits, Foucault's somaesthetics proved more inspirational than Dewey's, which gave too little attention to sensual pleasures and no sustained study of sex, reflecting the relatively prudish character of the classic American philosophical tradition. French philosophers have long been concerned with the erotic, from LaMettrie and Diderot to Merleau-Ponty, de Beauvoir, and Sartre. Despite his divergences from these philosophers, Foucault shared their recognition of sexuality's central role in human life and showed how its deployment exercised oppressive power. Foucault's battle cry for "bodies and pleasures" as a "rallying point for the counterattack against [that oppressive] deployment of sexuality" blazed a path for my somaesthetic studies of pleasure and sex.[14]

II. SOMAESTHETIC CRITIQUE OF FOUCAULT: PLEASURE AND ARS EROTICA

My somaesthetic critique of Foucault regarding pleasure is essentially an immanent one, building on his key insights but challenging the limitations of what he inferred from them. Focusing primarily on the methods he advocates for the greater flourishing of bodies and pleasures, the critique also extends to broader issues concerning his ideal of aesthetic self-fashioning. The key arguments (elaborated in *Body Consciousness*) are that Foucault's recommended methods are sometimes in fundamental conflict with his professed aims of multiplying our pleasures and enriching the options for self-fashioning and aesthetics of existence.[15]

Foucault insists that we abandon our preoccupation with the true nature and true pleasures of sex, an obsessive focus that brands socially deviant sexual expressions as abjectly unnatural and that controls all of us because we constantly measure ourselves against sexual norms. We should instead explore more generally "the reality of the body

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[13] Ibid., 309-310. Somaesthetics' pluralism as a research field includes also the study of somatic practices (with their attendant ideologies) that I would rather reject than endorse or practice. This is no more paradoxical than studying philosophies, theologies, or religious rituals whose doctrines we critique, reject, or refuse to practice.

[14] Michel Foucault, *The History of Sexuality,* vol. 1 (1978), 157. My research on pleasures also included those related to food and drink, e.g., Richard Shusterman, "Somaesthetics and the Fine Art of Eating," in Sherri Irvin, *Body Aesthetics* (2016), 261-280.

[15] Richard Shusterman, *Body Consciousness: A Philosophy of Mindfulness and Somaesethetics* (2008), 15-48. I reiterate those arguments here.

and the intensity of its pleasures."[16] "We should be striving," Foucault repeatedly insists, "toward a desexualization, to a general economy of pleasure that would not be sexually normed." Condemning what he called "the monarchy of sex," Foucault advocates "fabricating other forms of pleasure" through "polymorphic relationships with things, people, and bodies" for which the traditional "'sex' grid is a veritable prison."[17] Recommending homosexual S/M *not* for its sexual kick but for its creative "desexualization of pleasure" by "inventing new possibilities of pleasure with strange parts of [the] body – through the eroticization of the body," Foucault claims S/M is "a creative enterprise, which has as one of its main features…the desexualization of pleasure. The idea that bodily pleasure should always come from sexual pleasure…I think that's something quite wrong. These practices are insisting that we can produce pleasures with very odd things, very strange parts of our bodies, in very unusual situations, and so on."[18]

The apparent paradox of simultaneously desexualizing and eroticizing the body can be resolved by recalling that "sex" in French also denotes the genitals, so desexualizing somatic pleasure can simply mean undermining the primacy of genital sex by eroticizing other body parts. Eros remains somatic and sexual but no longer focused on *le sexe*. This displacing of "genital-centrism" gives Foucault a critical advantage over de Sade and Wilhelm Reich in the pursuit of pleasure, but he could go further in his aim of making the body "infinitely more susceptible to pleasure" by developing its capacities for varieties of somatic pleasure that transcend the sexual, including distinctively chaste somatic practices.[19]

Despite the possible creative import of its transgressions, Foucault's advocacy of S/M remains dominated by sex and hence overly confined in its palette of pleasures. It is praised because "all the energy and imagination, which in the heterosexual relationship were channeled into courtship, now become devoted to *intensifying* the act of sex itself." Its "sexual experimentation" is needed "because the sexual act has become so easy and available ... that it runs the risk of quickly becoming boring, so that every effort has to be made to innovate and create variations that will enhance the pleasure of the act." The aim is "intensifying sexual relations by introducing a perpetual novelty, a perpetual tension and a perpetual uncertainty which the simple consummation of the act lacks. The idea is also to make use of every part of the body as a sexual instrument."[20] As I remark in *Body Consciousness*, this is not a promising strategy for Foucault's aim of breaking free of the

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[16] Michel Foucault, "Introduction" in *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth Century Hermaphrodite* (1980), vii.
[17] Michel Foucault, "Power Affects the Body" and "The End of the Monarchy of Sex" in *Foucault Live: Collected Interviews*, ed. Sylvère Lotringer (1996), quotations from 212, 214, 218-219.
[18] Michel Foucault, "Sex, Power, and Politics of Identity," in *Foucault Live*, 384.
[19] Michel Foucault, "Friendship as a Way of Life," in *Foucault Live*, 310.
[20] Michel Foucault, "Sexual Choice, Sexual Act," in *Foucault Live*, 330-331

sexual grid towards a polymorphism of pleasure. "All somatic imagination is instead narrowly focused on intensifying 'the sexual act' and reducing every segment of the soma to a 'sexual instrument.' Foucault's vision of S/M thus unwittingly reinforces the homogenizing normalization of pleasure as sexual and structured by 'the act' (however deviantly consummated). Its very tools and icons of bondage (chains, ropes, whips, dungeons, etc.) ironically convey S/M's captivity to the *sexual* norm of pleasure and its eroticizing affirmation of painful enslavement."[21]

My somaesthetic critique of Foucault's vision of S/M was not to privilege more standard practices of sexual lovemaking (straight or gay) but instead to underline the importance of cultivating somatic pleasures that altogether escape the sexual frame and thus more widely multiply our palette of delight. Such asexual pleasures include the enjoyment of improved breathing and everyday movements as well as distinctive modes of somatic exercise (sports, aerobics, etc.) and meditative disciplines of heightened bodily awareness. These nonerotic pleasures are not inconsistent with sexual delight. Indeed, through both the variety that such pleasures introduce and the somaesthetic techniques of self-mastery through which they are pursued, they can even intensify our sexual pleasures.

Besides insisting that we need to seek pleasures beyond the erotic, somaesthetics took issue with the one-sided masculinism of Foucault's advocacy of gay S/M, which highlights violence, transgression, domination, and subjugation as the privileged paths to erotic pleasure.[22] The polyvalent power of eros is reduced to a model of violence or domination that neglects the somatics of erotic tenderness that surely play (along with more violent movements) a worthy (albeit still too minor) role in the sexology of Asian and Western cultures, which unfortunately bear the oppressive imprint of sexism and patriarchy.[23] The sexual pleasures of violence and transgression belong to Foucault's fascination with limit-experiences whose violent intensities overwhelm the subject and thus can lead to a radical, emancipatory transformation by "tearing away the subject from himself." Affirming "This idea of a limit-experience, which tears the subject away from himself, [was]… what was important for me in the reading of Nietzsche, of Bataille, of Blanchot," Foucault later

[21] Shusterman, *Body Consciousness*, 33.

[22] Foucault's connection of sex with violence and transgression reflects the influence of Georges Bataille, who emphasized "the feeling of elemental violence which kindles every manifestation of eroticism. In essence, the domain of eroticism is the domain of violence, of violation." Georges Bataille, *Eroticism* (1962), 16. See Foucault's homage to Bataille, in Michel Foucault, "Préface à la transgression," *Critique* 195-196 (1963), 751-759.

[23] I discuss the classic recipes for both violent and tender lovemaking within the historical cultures of sexism and patriarchy in Richard Shusterman, *Ars Erotica: Sex and Somaesthetics in the Classical Arts of Love* (2021); see also my response to the symposium on this book in *Foucault Studies*: "Sex, Emancipation, and Aesthetics: *Ars Erotica* and the Cage of Eurocentric Modernity," *Foucault Studies* 31 (2021), 44-60.

confirms, "this is the theme that really fascinated me. Madness, death, sexuality, crime are for me the more intense things." [24]

This one-sided preoccupation with limit-experiences marks another place where my somaesthetic pluralism departs from Foucault's inspirational path. Acknowledging the transformative pleasures and values of intense experience, I also value the uses of ordinary enjoyments. Despite Foucault's recognition of the measured pleasures of "the moderate subject" in the ancient Greek "aesthetics of existence," despite his professed aim "to make ourselves infinitely more susceptible to pleasure," when it comes to contemporary culture and his own hedonic agenda, Foucault focuses narrowly on the extreme pleasures of limit-experiences.[25] He disdains what he calls "those middle range of pleasures that make up everyday life" (like a "glass of wine"), insisting that "a pleasure must be something incredibly intense" or it is "nothing."[26] Real pleasure belongs only to "incredibly intense" and overpowering limit-experiences, including death.[27] The "complete" or "real pleasure," Foucault avows, "would be so deep, so intense, so overwhelming that I couldn't survive it. I would die ... some drugs are really important for me because they are the mediation to those incredibly intense joys that I am unable to experience, to afford, by myself". Confessing "a real difficulty in experiencing pleasure," Foucault apparently must be overwhelmed to enjoy it.[28]

If this narrow taste for extremely intense experience reflects Foucault's personal problems of anhedonia, then it is also symptomatic of our culture's general insensitivity to the subtle pleasures of somatic sensibility and mindfulness that somaesthetics promotes. Somaesthetics, as I conceive it, does not reject the value of limit-experiences for certain purposes and in certain contexts, but it does reject the Foucauldian disdain for the so-called "middle range of pleasures" of ordinary life. This is not simply a democratic gesture toward the value of the ordinary; it is rather recognition that somaesthetic perception and reflection can transfigure the ordinary into experiences that are extraordinary in pleasure and insight, whether it be the drinking of a glass of wine or the vision of a rusty iron barrel in a Zen dojo.[29] Our culture's numbness to these somatic subtleties (with its corresponding performance fetishism for the fastest and strongest experiences) promotes the quest for

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[24] Michel Foucault, *Dits et Ecrits*, vol. 2 (2001), 862, 886 (my translation); hereafter DE2.

[25] Michel Foucault, *History of Sexuality*, vol. 2 (1986), 89; *Essential Works*, vol. 1 (1997), 137.

[26] *Essential Works*, vol. 1, 129.

[27] In praising the limit-experience of suicide, Foucault describes it as "a fathomless pleasure whose patient preparation, without respite but without fatalism either, will enlighten all your life" (DE2, 779).

[28] Foucault, "An Interview with Stephen Riggins," in *Essential Works*, vol. 1, ed. Paul Rabinow and James D. Faubion (1997), 129.

[29] I discuss the iron barrel example (and other transfigurations of the ordinary) in "Somaesthetic Awakening and the Art of Living: Everyday Aesthetics in American Transcendentalism and Japanese Zen Practice," in Shusterman, *Thinking through the Body*, 306-314.

sensationalism, whether it be strong drugs, sadomasochistic sex, drinking binges, or the thrills of transgressive speeding in reckless joy-rides with outsized carbon footprints.

As I argue in *Body Consciousness*, a one-sided somaesthetic diet of limit-experiences will eventually turn the sensational into the routine, if it does not ruin you first. The neuroscience of sensory fatigue shows that intensification of pleasure cannot be achieved by prolonging intensity of sensation, as sensory appreciation is typically dulled when blasted with extremes. The most intensely enjoyed music is not always the loudest. A tender grazing touch can surpass the pleasure of a thunderous thrust. Somaesthetics appreciates the aesthetic and political value of violently loud music and forceful movement, as Martin Jay recognized in linking somaesthetics to my study of rap, whose early battle cry was "Bring the Noise."[30] Violence (whose manifestations may be altogether free from the negativities of harm or injury) can be an important aesthetic quality in art, sports, and the appreciation of nature. But quiet, tender gentleness and even tranquil silence can also contribute to very powerful aesthetic experiences, including those in the erotic domain.[31]

Foucault's profound imprint on somaesthetics is perhaps most strikingly manifest in the study of *ars erotica* and its relationship to the art of living and ethics of care for the self, which somaesthetics regards as likewise involving deep concern for the care of others. I took the title of my book "*Ars Erotica*" from Foucault's introduction of the term in his famous distinction between it and what he called *scientia sexualis*. I suspect he may have invented this strange hybrid term (of Latin and Greek) to denote the skills or artistry of sexual methods.[32] Foucault was crucial not only for establishing sexology and its cultural and theoretical history as legitimate philosophical topics but also for suggesting that

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[30] Martin Jay, "Somaesthetics and Democracy: Dewey and Contemporary Body Art," *Journal of Aesthetic Education* 36:4 (2002), 55-69. "Bring the Noise" is the famous track by Public Enemy released in 1987 and later covered by the thrash metal group Anthrax.

[31] For a discussion of the aesthetic qualities of violence in its free-from-harm form, but also the dangers of it sliding into harm, see Richard Shusterman, "Rap Aesthetics: Violence and the Art of Keeping it Real," in *Hip and Hop Philosophy: Rhyme 2 Reason*, ed. Derrick Darby and Tommie Shelby (2005), 54-64; Shusterman, *Ars Erotica*, 230-235.

[32] He introduces the term in *La Volonté de savoir* (1976), translated into English as *History of Sexuality*, vol. 1, 57, where he lists China first among societies "which endowed themselves with an ars erotica." Indeed, Foucault's choice of the term *ars erotica* may have had a Chinese source, based on Robert van Gulik's work on Chinese sexology, as van Gulik chose the terms *ars* or art to translate the Chinese term *shu* 術, which more precisely means "technique" or "procedure" and which the Chinese used when describing erotic techniques (techniques of the bedroom). This term appears in the expression *fangzhong shu* 房中術, which rendered in van Gulik's English translation is "Art of the Bedchamber." Van Gulik's book was published in French translation by Foucault's Parisian publisher Gallimard in 1971 as *La vie sexuelle dans la Chine ancienne*; its original English version was *Sexual Life in Ancient China: A Preliminary Survey of Chinese Sex and Society from ca. 1500 B.C. till 1644 A.D.* (1961). I cite from its third edition (Robert van Gulik, *Sexual Life in Ancient China*), 121. Foucault explicitly refers to van Gulik when speaking of Chinese "erotic art" or "arts of conjugal pleasure," in Michel Foucault, *The History of Sexuality*, vol. 2 (1986), 137, 143.

explicit erotic behavior could be appreciated and studied for its aesthetic value, including "aesthetic appreciation of the sexual act as such."[33]

Somaesthetics embraced this Foucauldian orientation but again offered an immanent critique from a more pluralistic perspective. One critique was the breadth of cultural analysis. If Foucault's list of cultures "with an *ars erotica*" includes "China, Japan, India, Rome, [and] the Arabo-Moslem societies," he never really addressed their *ars erotica*, though he spent considerable time on Greek erotic culture.[34] My *Ars Erotica* aimed to fill the gap by treating in detail the sexology of these different cultures, along with that of Greece. I also devoted half a chapter to ancient Hebrew sexology (as reflected in Old Testament sources and Biblical archeology), which Foucault did not analyze, although it is surely central to early Christianity, just as Greek philosophy was. The rigid divine demand for procreative, heteronormative sex that we find in Christianity is more easily traced to the demographic worries of the small, perennially threatened, monotheistic Hebrew people than to the confident Greeks whose polytheistic culture was sexually polymorphic. Perhaps Foucault did not enter this formative arena of Christian sexual thought because he lacked a knowledge of Hebrew, a scholarly hesitancy I respect, even if I did not let my lack of Asian languages bar my study of those cultures. Hebrew, in any case, was the language of my first two degrees in philosophy at the Hebrew University of Jerusalem, before I took my doctorate at Oxford.

Foucault's failure to seriously study the *ars erotica* of those non-Western societies engendered errors that challenge his account of the alleged *ars erotica/scientia sexualis* dualism. He defines Chinese sexology as paradigmatic *ars erotica*, as an aesthetic pursuit of pure pleasure in stark opposition to the medicalized discourse of sex. But Chinese sexology instead takes health and medical matters (including optimal conception and offspring) as its overarching aims, while pleasure is mainly a means to such ends. Van Gulik repeatedly affirms that the "handbooks of sex…constituted a special branch of medical literature" because their two primary goals of sexual intercourse were focused on promoting health – that of the husband, his wife, and the child to be conceived."[35] "Primarily," he argues, "the sexual act was to achieve the woman's conceiving" (preferably a male child) so as to perpetuate the family. "Secondly, the sexual act was to strengthen the man's vitality by making him absorb the woman's *yin* 阴 essence [held to be an invigorating power], while at the same time the woman would derive physical benefit from the stirring of her latent *yin* nature."[36] Far from unrestrained hedonism, China's *ars erotica* warns against an overriding focus on pleasure, condemning it as dangerously unhealthy. A man

[33] Foucault, "Sexual Act, Sexual Choice," in *Essential Works*, vol. 1, 149

[34] Foucault, *History of Sexuality*, vol. 1, 57

[35] Van Gulik, *Sexual Life in Ancient China*, 72.

[36] Ibid., 46.

"must strive to control his sexual desire so as to be able to nurture his vital essence. He must not force his body to sexual extravagance in order to enjoy carnal pleasure, giving free rein to his passion. On the contrary, a man must think of how the act will benefit his health and thus keep himself free from disease. This is the subtle secret of the Art of the Bedchamber."[37] Indian sexology, as I show in *Ars Erotica*, provides a more convincing example of a pleasure-focused, emphatically aesthetic (rather than medical) approach to lovemaking.

Another gap in Foucault that my somaesthetics of sex sought to fill concerns the role of women. Foucault's focus was overwhelmingly on sex with men and boys, reflecting the distinctive Greek ethics of pleasure as "an ethics for men," a "male ethics" in which "women figured only as objects," "an elaboration of masculine conduct carried out from the viewpoint of men in order to give form to their behavior."[38] Hence penetration was seen as the defining sexual act, "the very essence of sexual practice, the only form, in any case that deserves attention," and one construed "first and foremost as a game of superiority and inferiority," placing "the two partners in a relationship of domination and submission," "superiority and inferiority," noble activity and slavish passivity.[39] Although Foucault regards this virile will to domination, this oppressive "dissymmetry" of roles, and "obsession with penetration" as "quite disgusting" to today's tastes, he does not consider an alternative female perspective.[40] Not all Greek women were like the oppressively sheltered Athenian wives and daughters. Besides the famous hetaerae, Spartan women were also more independent, enjoying sexual relations among themselves and sometimes taking on two husbands since the Spartan men were often away in military service.

Commentators on my somaesthetic approach to sexuality note its contrast to Foucault's regarding women. As Line Joranger writes in *Psychology of Women*, although *Ars Erotica* was inspired by Foucault, it "goes far beyond Foucault's subject matter of ancient Western thinking…and…its assumptions about the original, ubiquitous, and inevitable primacy of masculine subject-formation, of women's subjection and submission, if women are mentioned as subjects at all. Compared to Foucault's later works on the history of sexuality and Western culture, Shusterman's work *Ars Erotica* is much more global, gender-sensitive, multicultural, historical, and socio-political."[41] Matthew Sharpe's essay "Bringin' Sexy Back" (and with it, Women): Shusterman Beyond Foucault on the Greeks" elaborates this point, noting my attention to the sexual power of the hetaerae ("absent from

[37] Ibid., 193-94.

[38] Foucault, *History of Sexuality*, vol. 2, 22-23.

[39] Foucault, *History of Sexuality*, vol. 3, 29-30.

[40] Foucault, "On the Genealogy of Ethics," in *Essential Works*, vol.1, 258.

[41] Line Joranger, "Book Review: *Ars Erotica: Sex and Somaesthetics in the Classical Arts of Love*," *Psychology of Women Quarterly* 45:4 (2021), 540.

Foucault's accounts") and "the beauty and sexuality of the (likewise proverbially ravishing) Spartan women, including the admissibility of polyandry at certain historical moments, and an acceptance of lesbian relationships."[42]

Sharpe further remarks that while the somaesthetic study of Greek sexuality follows Foucault in recognizing the important theme of "sexual austerity," it also pluralistically highlights the rich, robust, and highly variegated expression of sexual pleasures in Greek culture, or in Sharpe's words (borrowed from Justin Timberlake) "bringin' sexy back." The significant aesthetic dimensions of these sexual pleasures detailed in *Ars Erotica* give Sharpe another way to mark how the book's vision departs from Foucault: "if there is an aesthetics 'of existence' at play in the *History of Sexuality, it operates in almost complete abstraction from any dedicated aesthetics of sex or sexuality*… At issue is a matter of what Foucault calls a 'moral aesthetics'; which is to say, hardly 'erotic' in many of the senses Shusterman's book so richly explores."[43]

III. AESTHETICS AND THE ART OF LIVING

This point about aesthetics leads to larger issues where my vision diverges from Foucault's but can be seen to complement it, as we both see the art of living as an ethical-aesthetic exercise that is essentially embodied in more than the merely basic sense that all human life involves bodily existence. Instead, we mean an art of living that consciously and distinctively deploys the soma to express and manifest its (ethical and aesthetic) values through some form of somatic discipline. Aesthetic values are a very mixed and disputed assortment because the concept of aesthetic is essentially contested. Part of the difference between Foucault's somaesthetics and mine derives from how we ultimately conceive the aesthetic.[44] Although recognizing the historical value of the Greek aesthetics of existence and its non-transgressive, moderate subject having simply "the will to live a beautiful life, and to leave to others memories of a beautiful existence," Foucault's recommendation for contemporary times moves from the general aesthetics of living beauty to

[42] Matthew Sharpe, "'Bringin' Sexy Back' (and With it, Women): Shusterman Beyond Foucault on the Greeks," *Eidos. A Journal for Philosophy of Culture* 5:4 (2021), 145.
[43] Ibid., 144.
[44] Another way my somaesthetics differs from Foucault's embodied philosophy is that he works with the concept of *body* rather than *soma*. He sees the body as essentially *Körper*, a material thing, rather than *Leib* (a living, purposive, sentient body that phenomenologists like Merleau-Ponty or Hermann Schmitz champion) but also rather than the soma. Foucault thus locates subjectivity and agency in the self or subject, not the body (*Körper*), per se. In contrast, the concept of soma embraces both *Leib* and *Körper*; it is both embodied, purposive, subjective agency and a material object in the world among other material objects, thus resembling Spinoza's notion of body as one entity with dual aspects. Because these issues in ontology have negligible bearing on this essay's focus on the art of living, I will not discuss them here. On the ontology of the soma, see Richard Shusterman, "Soma and Psyche," *Journal of Speculative Philosophy* 24:3 (2011), 205-223, and "Somaesthetics in Context," *Kinesiology Review* 9:3 (2020), 245-253.

the special aesthetics of art.[45] "What strikes me is the fact that in our society art has become something which is related only to objects and not to individuals, or to life. That art is something which is specialized or which is done by experts who are artists. But couldn't everyone's life become a work of art? Why should the lamp or house be an art object, but not our life?"[46] Foucault answers this last question by urging "the idea of the *bios* as a material for an aesthetic piece of art". "From the idea that the self is not given to us," he argues, "I think that there is only one practical consequence: we have to create ourselves as a work of art."[47]

But what does it mean to live aesthetically and create oneself as a work of art? Even if we agree that the philosophical life should follow an aesthetic model, this is far from determining what type of life to lead. For, as the notions of art and aesthetic are deeply ambiguous and contested, we find very different genres of aesthetic living.[48] If the classical Greek aesthetic demanded beauty, harmony, measured moderation, clear limits, and easily intelligible unity, then the dominant modernist high-art aesthetic seems much less concerned with realizing these values than with radically challenging them. Shaped by the ideology of romanticism and the avant-garde, our high art aesthetic instead makes radical novelty and individuality the prime requirement of a work of art, though this demand is not made by the aesthetics of popular art.

Such differences translate into differences as to what is demanded of the art of living. Is it enough to shape one's life into a satisfyingly harmonious, well-integrated, and dynamic whole? Or does making one's life a work of art require something more -- a radical originality, a distinctive individual expression that transcends previous models and limits as the avant-garde work of art aims to do? Foucault exemplifies this issue. He devotes a major scholarly effort to reconstructing the ethical ideal of aesthetic living embodied in ancient Greek practices of self-stylization. Here the precise ways of managing one's sexuality, marital relations, diet, and other conduct were not dictated by universal commandments whose violation meant sin; instead, they wsere aesthetically chosen "to give [one's] existence an honorable and noble form."[49] Such choices involved a measure of free aesthetic self-expression. But given Greek society's solid sense of what was noble and admirable, they were also clearly guided and constrained by conventional models. Artistry was

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[45] Michel Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress" [1982], in *The Foucault Reader*, ed. Paul Rabinow (1984), 341.

[46] Ibid., 350.

[47] Ibid., 348, 351

[48] One genre simply involves the pursuit and delectation of aesthetic pleasures. But this is not what these philosophers are recommending as aesthetic living. Their goal is not aesthetic consumption but aesthetic creation, the shaping of one's life into an admirable aesthetic form, a work of art. For an analysis of three different models of aesthetic life, see the chapter "Postmodern Ethics and the Art of Living," in Shusterman, *Pragmatist Aesthetics*, 236-261.

[49] Michel Foucault, *The Care of the Self* (*The History of Sexuality*, vol. 3) (1986), 185.

exercised in aesthetically deploying established models to give attractive form to the particularities of one's life. Not everyone could succeed in living an aesthetic life, for most had neither the taste nor means to do so. Yet, even if difficult, the aesthetic life did not demand that one invent a whole new style of living; indeed, radical transgression of admired standards and accepted norms could constitute an unaesthetic barbarism.

Foucault, however, ultimately advocates a different form of aesthetic life for our contemporary context, modeled on the avant-garde artist or Baudelairean dandy who refuses all established models in the aim of creating something radically new. Such an artist is not content with self-stylization; "he is the man who tries to invent himself"; and Foucault concurs that "what we want to do is to create a new way of life". "What must be produced," Foucault urges, is "something that doesn't yet exist and about which we cannot know how and what it will be…It's a question…of the creation of something totally different, of a total innovation."[50] Although he showed how much the Greek art of living was based on a limit-respecting aesthetic, Foucault recommends an aesthetic of transgressive experimentation to challenge and transcend our limits. This idea of creative transgression for radical self-invention is not only traced to Baudelaire's modernist aesthetic but also ingeniously linked to Kant's Enlightenment project of critique of limits for the sake of knowledge. Perhaps Foucault's own intimate connection with the Parisian musical and literary avant-garde (e.g., as friend of Boulez, lover of Barraqué, admirer of Bataille and Blanchot, and collaborator with the Tel Quel group) compelled him to identify the aesthetic with radical innovation and transgression. It is hard to reconcile this avant-garde elitism with Foucault's democratic wish "Couldn't everyone's life become a work of art?" In contrast, the aesthetic range that guides my vision of somaesthetics and the art of living is broader because it affirms the aesthetic values and models of popular art and everyday aesthetics that are free from elitist demands for radical novelty or limit-defying transgression.

We should not regard references to Foucault's personal preferences and biography as irrelevant to his philosophical theory, as ad hominem fallacies. Affirming the unity of philosophical thought with the concrete practice of philosophical living, Foucault exhorts us to take the *bios philosophicus* as the privileged genre of philosophy. Asserting that his own philosophical views could best be understood only in terms of certain episodes and practices in his life, he generalizes that "the key to understanding the personal poetic attitude of a philosopher is not to be sought in his ideas, as if it could be deduced from them, but rather in his philosophy-as-life, in his philosophical life, his ethos."[51]

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[50] Michel Foucault, "What is Enlightenment? in *The Foucault Reader*, ed. Paul Rabinow (1984), 42; "The Social Triumph of the Sexual Will," in *Essential Works, vol. 1*, ed. Paul Rabinow (1997), 158; and *Remarks on Marx* (1991), 121-122.

[51] Foucault, "On the Genealogy of Ethics," 374.

More important, however, than scrutinizing the lives of others, each philosopher must direct critical attention and creative imagination to her own concrete deeds and life-experiences as well as to her own ideas. "At every moment, step by step, one must confront what one is thinking and saying with what one is doing, with what one is."[52] And if philosophy was always in the business of self-knowledge, Foucault insists that this must be taken as more than propositional knowledge of static truth. Philosophy becomes an embodied life-practice in which the self is transfigured through experiment, discipline, and ordeal. "The critical ontology of ourselves has to be considered not, certainly, as a theory...[but] as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them."[53]

There are somatic consequences for Foucault's more exclusive, radically innovative and transgressive, high-art vision of aesthetic life. If the ancient Greek "aesthetics of existence" required mastery of self in relation to one's body and a tasteful, imaginative compliance with "certain formal principles in the use of pleasures, in the way one distributed them, in the limits one observed, in the hierarchy one respected," Foucault's contemporary model of somaesthetic self-realization is more demanding in its quest for new, transgressive pleasures that decenter the subject so as to pave the way for radical self-transformation.[54] Recall his praising consensual gay S/M as "a creative enterprise" for "inventing new possibilities of pleasure with strange parts of [the] body."[55] Its practices "like fist fucking or other extraordinary fabrications of pleasures, which Americans reach with the help of certain drugs or instruments" can make the "body a place for the production of extraordinarily polymorphic pleasures" so they can "invent themselves" in a radically novel way by dismantling the established organicity of the body and enjoying a new "great enchantment of the disorganized body." "It is the body made entirely malleable by pleasure: something that opens itself, tightens, palpitates, beats, gapes."[56]

Somatic anarchy and somatic discipline can be complementary as well as oppositional. Transgressive dissolution of a repressive somatic schema or habitus through explosive limit experiences can be a necessary first step for the careful, disciplined creation of a better one: demolition as necessary for radical reconstruction. Such a two-stage

[52] Ibid.
[53] Ibid., 50.
[54] Foucault, *History of Sexuality*, vol. 2, 89.
[55] Michel Foucault, "Sex, Power, and Politics of Identity," in *Foucault Live*, 384.
[56] Michel Foucault, "Le gai savoir," *Critical Inquiry* 37:3 (2011), 397-398; "Sade: Sargeant of Sex," in *Foucault Live* (1996) 187,188.

treatment is implicit in somatic therapies like Reichean bioenergetics,[57] and this may be what Foucault sought for the somatic dimension of the philosophical life he advocated. His modern exemplar of embodied aesthetic self-fashioning -- the Baudelairean Dandy -- is far more disciplined than anarchic and pleasure obsessed. Though refusing the conventionality and moderation of the Greek self-fashioner, dandyism involves (in Baudelaire's own words) "rigorous laws that all its subjects must strictly obey," expressed in the injunction to fashion oneself in an original, modern, poetic way.[58] Transgressive aestheticism, thus involves, for Foucault, a somatic "asceticism", "a discipline more despotic than the most terrible religions" designed to make "of his body, his behavior, his feelings and passions, his very existence, a work of art" in the innovative high art tradition.[59] In that tradition, however, beauty is no longer the governing ideal. Indeed, it is often rejected as a danger.[60] We therefore need to reconsider the role of beauty versus art in Foucault's vision of aesthetics of existence by examining more closely his final account of the philosophical life, its somatic dimension, and its relation to truth and heroism. The Cynic way of life forms the focus of that account.

IV. CYNICISM AND THE ART OF LIVING: DIALECTICS OF TRUTH, ART, AND BEAUTY

The framing background for Foucault's discussion of the Cynic way of life is his study of philosophy's relation to truth, particularly the idea of *parrhesia*, of speaking truth by speaking frankly or freely despite the dangers of such bold, frank truth-telling. Foucault highlights the boldly exceptional way that Cynics expressed their truth on the key philosophical question of how to live. This was not so much by words but rather by their distinctive, brutally simplified, somatic way of living. The Cynic "makes the form of existence a way of making truth itself visible in one's acts, one's body, the way one dresses, and in the way one conducts oneself and lives. In short, Cynicism makes life, existence, bios, what could be called an alethurgy, a manifestation of truth."[61] If this emphasis on

[57] See Alexander Lowen, *Bioenergetics* (1976). For a brief philosophical analysis of this somatic discipline and others (including Alexander Technique and Feldenkrais Method), see Richard Shusterman, *Performing Live*, 154-182.
[58] Charles Baudelaire, "The Painter of Modern Life," in *The Painter of Modern Life and other Essays* (1964), 27-28.
[59] Foucault, "What is Enlightenment?," 41-42.
[60] Baudelaire defines the Dandy's ideal not at all in terms of beauty but in terms of unique distinction: "simply to become subjectively conscious of being uniquely himself, and unlike anyone else". "When I have inspired universal horror and disgust, I shall have conquered solitude." Baudelaire, *Intimate Journals* (1969), 21-22. For a philosophical study of modernism's art's rejection of beauty as its key value, see Arthur Danto, *The Abuse of Beauty* (2003).
[61] Foucault, *Courage of Truth*, 172.

appearance and action rather than discourse and theory challenges philosophy's conventional primacy of logos, then the visible forms of Cynic life likewise challenge the established norms of social life by brazenly asserting, through its brutally primitive looks and animalistic action, the truth that those norms are not natural necessity but merely the conventional customs or arbitrary standards of a particular society. Diogenes, the founder and paradigm of the Cynic philosophical tradition, was famous for this somatic parrhesia, asserting that true living was rudely simple, dog-like animal living by displaying (while also training) his toughness through acts of ascetic hardiness, such as sleeping in a tub and going barefoot through the snow. He was also notorious for giving and taking insulting speech, begging, masturbating and defecating in public, and urinating on banqueters.

The visibly embodied assertion of true life as basic, primitive, animalistically natural life is clear. But where do we find art and beauty in the Cynic's life? If Diogenes "used to embrace statues covered with snow," it was done as a "means of inuring himself to hardship" rather than expressing love for sculpture, which he considered an overvalued cultural ornament. He likewise "held we should neglect music…as useless and unnecessary."[62] Even if we understand art as a basic human need for cultural expression, and as deeply rooted in human nature, such human nature is always already cultural. We can find no foundational human nature independent of some culture, because human anatomy, physiology, and brain functioning developed in evolutionary tandem with cultural evolution. We are different from the beasts in that we require culture rather than mere instinct to survive. Human nature is the product of cultural and technical arts and social *nomos* rather than primitive *physis* or nature.[63] The very notions of the art of living and the stylistics of existence imply more than unmodified animal existence. Art implies learned skill while style implies thoughtful, formal shaping rather than direct, uncultivated behavior. Diogenes exercised great skill and thoughtful shaping of behavior in his dramatic display of scandalous animal primitivism, but it was more a case of artistic posturing than simply living naturally with no regard for social norms and attitudes. Society was essential to Cynicism by providing the audience for its theatrical posing and the norms for its dramatic transgressions.

Foucault is insightfully clear about Cynicism's essence of dramatization and its consequent need for an audience. It needed a public to witness "this dramatization, this theatrical staging of the principle of non-concealment" and pure naturalness, "a material, physical, bodily dramatization of the principle of life without mixture or dependence." "The

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[62] Diogenes Laertius, *Lives of Eminent Philosophers*, vol. 2, trans. R.D. Hicks (1931), 27,75.

[63] Clifford Geertz, *The Interpretation of Culture* (1973), ch. 2. As Helmut Plessner puts it, "man is 'by nature' artificial" because humans can only be what they are through the social-cultural world they inhabit and incorporate. Helmut Plessner, "Macht und menschliche Natur: Ein Versuch zur Anthropologie der geschichtlichen Weltansicht," in *Gesammelte Schriften*, V (1981), 199.

Cynic public life will therefore be a life of blatant and entirely visible naturalness, asserting the principle that nature can never be an evil." For this reason, "the Cynic lives in the street, in front of the temples. He eats and satisfies his needs and desires in public. He heads for all the big public gatherings. He is seen at the games and the theaters" because he needs an audience, because his life is theatre rather than a truly independent natural human life (which is always already a life of cultured human nature).[64] This posturing exhibitionism is a *reductio absurdum* of the Cynic claim for independence and life without mixture. Diogenes needs an audience because his life is not purely for himself but for the attention of others, whether it be to teach them or to fascinate them and achieve celebrity status like admired heroes of government, war, athleticism, and artistic genius. Its "stylistic of independence, self-sufficiency, and autarchy, which involves freeing life from anything that may make it dependent on external elements, on uncertain events" reveals itself as radically dependent on the attention of others, whether to shock and mock them or beg from them.[65]

If Cynicism's theatricality provides a dimension of art in its art of living, where do we find the aesthetic in Cynicism's stylistic of existence? Where is its beauty or aesthetic appeal? Foucault claims that beauty and Cynic parrhesia "are directly linked," as demonstrated in the following Diogenes anecdote: "One day he was asked what is most beautiful in men (*to kalliston en tois anthropois*). The answer: parrhesia (free-spokenness)."[66] The problem here (as Foucault admirably suggests by including the transliterated Greek) is the ambiguity of *kalos*, which means not only "beautiful" in a distinctively aesthetic sense but also the broader approving sense of "good" or "fine" or "excellent." Thus, one English translation of the anecdote reads "On one occasion he was asked, what was the most excellent thing among men; and he said, "Freedom of speech."[67] Foucault further tries to establish the beauty of Cynic life through the alleged physical beauty of Diogenes, appealing to an admittedly idealizing description by Epictetus of how a Cynic ought to live. The description is in response to a young man considering whether to adopt the Cynic life, and Epictetus explains how demanding that life, when properly practiced, should be. Foucault cites Epictetus's remark that the Cynic "must also show, by the state of his body, that his plain and simple style of life in the open air does not injure even his body" and that "This was the way of Diogenes, for he used to go about with a radiant complexion, and would attract the attention of the common people by the very appearance of his body."[68]

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[64] Foucault, *Courage of Truth*, 254-256.
[65] Ibid., 256.
[66] Ibid., 166.
[67] Diogenes Laertius, *Lives of the Eminent Philosophers*, trans. C.D. Yonge (1915), 243.
[68] Foucault, *Courage of Truth*, 322.

This idea that Cynic life essentially involved somatic beauty is susceptible to several challenges. First, Epictetus, in the same text, denigrates the body as nothing of importance. "My paltry body is nothing to me; the parts of it are nothing to me." Instead, the aspiring Cynic should vow: "From now on, my mind is the material with which I have to work" in care of the self.[69] Second, Epictetus, writing centuries after the death of Diogenes and not relying on any visual image of what Diogenes looked like, is clearly painting an extremely idealizing image of the Cynic, while the reference to radiant complexion seems based on the fact that Diogenes regularly anointed himself with oil. Moreover, attracting attention by his body's appearance does not imply that the attraction was due to his body's beauty; the attraction could well be the product of its shocking difference in appearance, whether regarded as outrageously repulsive or simply ridiculous.

We know, in fact, that Cynics were sometimes remarkable for their ugliness. Crates, the disciple of Diogenes, is an example: "He was ugly to look at, and when performing his gymnastic exercises used to be laughed at."[70] Because of Cynicism's notoriously unattractive aspects, Epictetus takes pains to caution against repulsive behavior and appearance that arouse pity or disgust: "a Cynic who excites pity is regarded as a beggar; everybody turns away from him, everybody takes offence at him. No, and he ought not to look dirty either, so as not to scare men away in this respect also; but even his squalor ought to be cleanly and attractive."[71] Recognizing this problem, Foucault highlights how "Epictetus rejects the dramatization of Cynic poverty" and "regulates as it were his portrait of the Cynic in terms of what are quite simply Stoic principles" by insisting that "Cynics should avoid excess poverty, dirt, and ugliness. For the truth must attract; it must serve to convince. The truth must persuade, whereas dirt, ugliness, and hideousness repel. The Cynic must lead an ascetic life, but also one of cleanliness, as the visible figure of a truth which attracts."[72]

Although Cynicism is far from an aesthetics of beauty, it can still serve Foucault's aesthetics of existence through the aesthetics of art. But its art status comes not through the alleged primitive naturalness and independence deemed essential to Cynic life but rather through the theatricality of such life with its essential dependence on an audience to shock by the Cynic's insistent, purposive flouting of public norms. The Cynic life is a difficult art that requires rigorous training to be effectively learned and practiced; its art of living involves an inseparable mixture of philosophical, ethical, pedagogic, and aesthetic aims. Nonetheless, we could ask what its most distinctively aesthetic aim would be, as it is obviously not beauty. I think Foucault's text suggests an answer, although the answer is

[69] Epictetus, *The Discourses*, Books III-IV, trans W.A. Oldfather (1952), 137.
[70] Diogenes Laertius, *Lives of the Eminent Philosophers*, vol.2, 95.
[71] Epictetus, *The Discourses*, 161-163.
[72] Foucault, *Courage of Truth*, 310.

neither explicit nor easy to formulate in English. We find it in the polysemic French term "*éclat*," which (along with its adjective *éclatant*) is translated in different ways in *The Courage of Truth*: sometimes as "blaze," sometimes as "brilliance (or "brilliant") sometimes as "blatant" or "striking," and sometimes as "splendor." The term's earliest French meaning is that of a fragment from an object that bursts, explodes, or is broken (like a splinter or shard), which in turn suggests its meaning as a sudden loud noise, like a burst of laughter (or of canine barking). Other common French meanings include brightness, radiance, brilliance, glitter, glamour, splendor, but also scandal (*faire un éclat en public* – "to cause a public scandal"). Imported into English, "éclat" has come to mean "ostentatious display," "dazzling effect," and "brilliant or conspicuous success."[73]

The Cynic's art of living, as Diogenes practiced it, clearly exhibits *éclat* in many of these meanings. It does so not only in the way he bursts his way into public attention by loudly exploding established forms of propriety through his scandalous behavior, but also in the way this scandalous public behavior is a brilliant success in terms of the attention it gains through its ostentatious display of impropriety, its intensified expression of basic bodily functions, its dramatization of outrageous somatic conduct and appearance. His poverty and transgression of norms would have no import without its dramatization on the public stage. Obviously crucial to the Cynic's art of living, dramatization (as intensification and theatrical staging) is also essential to art in general and can provide an illuminating albeit imperfect definition of art.[74]

The Cynic theater of somatic scandal finds a more powerful echo in contemporary body art than in Foucault's paradigm of the Baudelairean Dandy, whose challenge of aesthetic norms is far more refined than the shocking in-your-face brutal primitivism of Diogenes. In arguing how the democratic message of somaesthetics can be pursued beyond the popular art of rap I highlighted in *Pragmatist Aesthetics*, Martin Jay notes that contemporary body artists who experiment in "transgressive and provocative ways with their own bodies" to challenge both the highly cultured aesthetic norms of fine art along with the patriarchal heteronormativity of society can find their anticipatory model "as early as the ancient Cynic philosopher Diogenes of Sinope."[75] Somaesthetic pluralism certainly endorses such experiments that radically dramatize the body's naked vulnerability and exposure to oppressive social norms, including the masculinist sexist norms that treat women as objects for aesthetic delectation and sexual exploitation. Two such radically somatic

[73] For its French etymology and meanings, see *Centre National de Resources Textuelles et Lexicals*, "éclat." https://www.cnrtl.fr/etymologie/%C3%A9clat, and the French-English *Larousse Dictionary*, https://www.larousse.fr/dictionnaires/francais-anglais/%C3%A9clat/27413. For its English meanings, see *Merriam-Webster.com Dictionary*, s.v. "éclat,"https://www.merriam-webster.com/dictionary/%C3%A9clat
[74] Richard Shusterman, "Art as Dramatization," *Journal of Aesthetics and Art Criticism* 59:4 (2001), 363-372.
[75] Jay, "Somaesthetics and Democracy," 58.

performance artists are Stelarc and ORLAN, both very deserving of the respectful éclat they receive. Both are masters of dramatization, and both have extensive dialogues with somaesthetics.[76]

One reason the concept of éclat is key to Foucault's appreciation of the Cynic art of living is its connection with heroism. This connection is most evident in his account of Greek philosophical culture, but also in his discussion of the continuing impact of the Cynic way of life in Christian asceticism and in modern and contemporary secular forms. Although philosophical heroism certainly existed earlier, perhaps most clearly in the heroic martyrdom of Socrates for truth, Foucault claims "Cynicism as the essence of philosophical heroism" and as defining the tradition of "the philosophical life as heroic life," comparable though very different from the life of military or athletic heroes who similarly won éclat or celebrity through their public displays of courage and endurance, though also, of course, through superior skill.[77] Cynicism, for Foucault, created a legendary dimension of philosophical life whose heroism is essentially based on the bravado of demonstrating a scandalous, transgressive truth. It reveals the truth of our rudimentary animal existence by manifesting it in a scandalously primitive form of life that challenges established norms and values while also confronting physical discomforts through bold feats of somatic transgression and hardship. This heroism, Foucault argues, carried over into Christian ascetism and found in Goethe's Faust, "the last great expression of the philosophical legendary"; but the Cynic's heroic style of life extended into other fields and disciplines. Foucault sees it in the life of the political revolutionary whose "revolutionary life as scandal of an unacceptable truth clash[ing] with…conformity of existence" also "makes itself visible in scandalous forms of life," such as in "those movements which go from nihilism to anarchism to terrorism."[78] Foucault claims the modern artist's life also inherits the legendary image of Cynic heroism, expressing "a mode of life as scandal of the truth" by living in a radically different, unconventional way that shows the artist's vision of a truth different from established forms and norms. "The artist's life must not only be sufficiently singular for him to be able to create his work, but it must in some way be a manifestation of art itself in its truth," so "art thereby establishes a polemical relationship of reduction, refusal, and aggression to culture, social norms, values, and

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[76] Stelarc won fame for his series of suspensions that dramatically display his naked body, hung by means of hooks inserted into his skin and then elevated to significant heights above the audience. ORLAN is most famous for her series of cosmetic surgeries that were videotaped and sometimes broadcasted live and that challenge in different ways the oppressive ideals of feminine beauty established and sustained by patriarchal society. See the interview with Stelarc, "On the body as an Artistic Medium," *Journal of Somaesthetics* 1 (2015), 20-41; and the dialogue with ORLAN, "Hybridity, Creativity, and Emancipatory Critique in the Somaesthetic Art of ORLAN," *Journal of Somaesthetics* 3 (2017), 6-24.
[77] Foucault, *Courage of Truth*, 210.
[78] Ibid., 185-186.

aesthetic canons." It aims to reveal the scandalous truth by the "laying bare, exposure, stripping, excavation, and violent reduction of existence to its basics," heroically eschewing the consolation of beauty in art and the comfort of comprehension by the public.[79] Instead, by his singular life that rejects society's norms, the artist acquires his éclat and heroism less through his works than through the public's fascinated attention, intrigued confusion, and hostile distrust.

The Cynic model of heroism through the scandalous éclat is not only (as Foucault shows) the clever *reductio* reversal of the traditional philosophical ideal of the "true life" as unconcealed, pure living. It is also, perhaps unwittingly, a reversal or deconstructive critique of the very ideal of heroism. It exposes the essence of being a hero is not in performing extremely admirable deeds but rather the result of éclat: the dazzling dramatization of public attention that makes the deeds remarkable by being dramatically displayed and remarked. Heroism is theatre as it essentially depends on arousing the fascinated attention of an audience. Implicitly aware of an audience, the hero pays careful attention to how he acts and looks so he can successfully capture the attention of others. Thus Epictetus urges: "Do you see how you must undertake such an important business? Begin by taking a mirror, look at your shoulders, examine your loins and thighs."[80] This suggests that the hero, however unwillingly, has an element of the exhibitionist or poseur, an element of masculine narcissistic desire for admiring attention (rather than mere approval), for recognition of being very special in courage and capacities (even if these capacities are mostly merely bravery and fortitude in enduring hardships). This manly narcissism could apply to the philosophical hero whose traits of courage and stamina are likened to athletes and demigods, and whose heroic ideal of singular standing out suggests a phallic image. As Socrates compares himself to Achilles (in the *Apology*), so Diogenes likens his own way of life to that of Heracles, while exhibiting the priapic behavior of masturbating in public and pissing on others. His exercises of endurance do not include being penetrated by the phalli of other men, though primitive nature surely made that possible.

The masculinist image of the philosophical hero runs deep in our tradition, and perhaps it is partly responsible for the sexism that still pervades the philosophical profession. It also feeds the macho image of the political revolutionary and of the modern artistic genius (paradigmatically male), although contemporary body artists (male as well as female) have challenged this image in different ways. Contemporary philosophers are still drawn to the legendary image of the philosophical hero whose expression of truth (in both theory and conduct) radiates éclat by being brave, singular, iconoclastic, and in some way provocative, if not scandalous. Foucault (in work and life) certainly exudes that legendary

[79] Ibid., 187-188.
[80] Epictetus, *The Discourses*, 149.

heroic éclat, and it still dazzles and attracts me. But there are also forces other than the inspiring éclat of heroism that drive philosophers to pursue and dramatize their individuality. By the logic of what Pierre Bourdieu describes as the market of symbolic goods, philosophers are impelled to show that they each have something distinctively original to offer the field of philosophical ideas, something that makes them stand out from the rest of the pack. (I realize, of course, that somaesthetics fits that model of distinction, as I too absorbed the magnetic force of the philosophical hero ideal along with my aspiring philosophical habitus).

Nonetheless, I continue to advocate the value of philosophical life that eschews the éclat of heroism and seeks a more modest aim of beauty and goodness, a life that lacks dramatic grandeur and éclat but can be appreciated for its aesthetic-ethical value (by the philosopher herself and by those who know her) and can even be memorable after her death for exhibiting such value. It too can richly serve the philosophical art of living that Foucault derives from the Greeks, "the will to lead a beautiful life" and "to leave to others memories of a beautiful existence."[81] In *Practicing Philosophy*, I argue that democratic societies with egalitarian ideologies need the option of a philosophical art of living that is free from the oppressive demand for heroic éclat through radical, unique, iconoclastic distinction. If the criterion for success of a philosophical life is creating oneself into a dazzling work of unique genius, how can this lifework serve as an exemplar for general emulation? Extreme, unique originality cannot be widely understood; nor can the demand for radical distinction be endorsed as the ethical model for society at large. We should reject the ideal of social conformity and instead insist on the value of pluralism in lifestyles, of individual choice and self-fashioning. Such pluralism enriches both individual experience and the life of society. But we can hardly require or even desire that everyone be radically, spectacularly different. Our experiments with new ways of living need to be free from the classical heroic demand for the elitism of singularity and the conspicuous splendor of éclat. There are other models of heroism to explore that seem more democratic. Consider the unsung heroes that William James evokes in his essay "What Makes a Life Significant."

Initially worried that traditional "heroisms [were] passing out of life" and no longer supplying "the spectacle of human nature on the rack," struggling with "courage" and "patient endurance," James came to see "the great fields of heroism lying round about [him]," …present and alive… in the daily lives of the laboring classes ….There "the demand for courage is incessant; and the supply never fails." Appreciating this undramatized, "unidealized heroic life" of common working people, James sensed the posturing pretense of classic and romantic heroism. Such "virtue poses," he remarked; it implicitly

[81] Foucault, "On the Genealogy of Ethics," 341.

knows itself as spectacle; it is self-conscious and aware of how it looks to its audience rather than being "unconscious and simple, and unexpectant of decoration or recognition."[82] James, of course, is dramatizing and idealizing this undramatized, unidealized everyday heroism of common folk, thus rendering them heroic. Can we have heroes at all without any such dramatization as spectacle for admiring attention? Can we dispense with heroes in philosophy? Do we need their inspiration for ethical life? Might we have fewer wars, fewer victims, and less suffering without the heroic ideal? Our concept of the hero, we should recall, has its roots in Greek warrior culture. We find it quite early and most prominently in Greek epic poetry and tragic drama – the very arts against which Plato opposed philosophy. Yet, philosophy absorbed the heroic ideal from art, just as it borrowed art's notions of form and spectatorship for its ontology and epistemology. The concept of hero does not exist in Rabbinic culture, although there were numerous rabbinical martyrs who displayed what we would call courageous heroism.[83] Similarly, the concept of hero plays no significant role in Confucianism, though courage is recognized as one of the virtues.

Is heroism, then, necessary for a significant or admirable philosophical art of living? If so, what kind or degree of heroism? Must a worthy philosophical art of living include a dimension of performative display and dramatic exhibition?[84] And is there not a fundamental dimension of display implied in the concept of aesthetics, a concept that is obviously formative both for Foucault's aesthetics of existence and for somaesthetics? How to fulfill this dimension of spectacle without falling into exhibitionist posturing? Or how could such posturing positively contribute to the authenticity and sincerity of philosophical life? These questions, not to be answered here, belong (as somaesthetics does) to the rich domain of ongoing philosophical inquiry that manifests the inspiring legacy of Michel Foucault.

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[82] William James, "What Makes a Life Significant?," in *Talks to Teachers on Psychology and to Students on Some of Life's Ideals* (1962), 133-134.

[83] Lionel Trilling, *Sincerity and Authenticity* (1972), 85-86

[84] I confess to experimenting with performative, dramatic display in exploring, with the Man in Gold, the idea of a philosophical antihero whose appearance and conduct challenge the privileged norms of *logos* and macho heroism. See Richard Shusterman, *The Adventures of the Man in Gold* (2016), and the extended commentary on his meaning as "the philosopher without words," for example, in the six chapters about him in Abrams (ed.), and other discussions about him, https://www.fau.edu/artsandletters/humanitieschair/books/man-in-gold/man-in-gold-reviews/

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ARTICLE

Overcoming "the Penetration Model": Rethinking Sexuality with Foucault, Shusterman, and Contemporary Feminism[1]

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ABSTRACT. In the present contribution, dealing with the intellectual legacy of Michel Foucault forty years after his death, I offer an analysis of some possible relations between certain aspects of Foucault's project of a history of sexuality, Richard Shusterman's somaesthetic investigation of the experience of lovemaking, and some recent attempts to critically rethink sexuality in the context of feminist scholarship. My approach towards Foucault's thinking in this contribution is not philological or attentively reconstructive but rather selective and interpretive. In the first section, I briefly examine Foucault's general view of sexuality as a "limit-experience"; then, in the second section, I specifically focus my attention on his (critical) analysis of "the penetration model"—an expression coined by Foucault in the context of his inquiry into Greco-Latin sexual culture. In the third section, I take into examination the important influence of Foucault's aesthetics of existence on Shusterman's somaesthetics and, in particular, on his book *Ars Erotica*. Finally, in the fourth section, I make reference—without any ambition of completeness or systematicity—to the question of the relation between Foucault's thinking and contemporary feminism, focusing my attention on some recent proposals for a critical rethinking of sexuality by feminist scholars such as Bini Adamczak, Ilka Quindeau, Amia Srinivasan, Tamara Tenenbaum, and bell hooks.

Keywords: Michel Foucault, aesthetics of existence, History of Sexuality, Richard Shusterman, Somaesthetics, contemporary feminism.

[1] This article is one of the outcomes of my participation—as a member of the Research Unit based at the University of Bologna—to the Research Project of National Interest (PRIN) entitled "Italian Feminist Photography," funded by the Italian Ministry for University and Research and guided by Prof. Federica Muzzarelli as Principal Investigator. I would like to sincerely thank Valentina Antoniol, Ginestra Bacchio, Elena Romagnoli and Ines Zampaglione for their careful reading of this article and their precious observations, which helped me improve my analysis of the relation between Foucault's history of sexuality, Shusterman's somaesthetics, and contemporary feminism.

"[S]exuality is *co-extensive* with life. […] There is *interfusion* between sexuality and existence […]. Sexuality, it is said, is dramatic because we commit our *whole* personal life to it. But *just why do we do this?* […] There is no outstripping of sexuality any more than there is any sexuality enclosed within itself. *No one is saved* and *no one is totally lost*."[2]

1.

Michel Foucault's last (and sadly unfinished, due to his untimely death in 1984) project was famously dedicated to the ambitious aim of a reconstruction and an interpretation of what he called "the history of sexuality." As is well known, Foucault's original approach to this topic was presented in his seminal *Histoire de la sexualité* in four volumes, which includes three volumes published during his life—*La volonté de savoir* (1976), *L'usage des plaisirs* (1984), *Le souci de soi* (1984)—and a posthumous volume, *Les aveux de la chair*, reconstructed from his manuscripts and appearing only in 2018.[3] However, it is also a well-known fact that Foucault's original project was broader, more complex and more articulated than the three-volume project that he was able to complete before his death.[4]

At a very general level, it is interesting to note how Foucault conceives of sexuality as one of the dimensions of human life belonging to the group of so-called "limit-experiences." This is clearly explained, for example, in a few passages of Foucault's 1978 conversations with Duccio Trombadori, collected and published in English under the title *Remarks on Marx*. In replying to Trombadori's observation, according to which "[f]rom [his] studies of 'originary *(originaire)* experience' in *The History of Madness* to the theses more recently presented in *The History of Sexuality*, it seems that [Foucault] proceed[s] by leaps, by shifting the levels of investigation," Foucault explains:

> the books I write constitute an experience for me that I'd like to be as rich as possible. An experience is something you come out of changed. […] [T]he book transforms me, changes what I think. […] [E]ach new work profoundly changes the terms of thinking which I had reached with the previous work (RM, 26-27).[5]

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[2] Maurice Merleau-Ponty, *Phenomenology of Perception* (1962), 169, 171 (my emphasis).

[3] In the present contribution, Foucault's and Shusterman's main writings will be cited with some abbreviations, as explained in the Bibliography.

[4] As noted by Shusterman, Foucault "devoted his final years of research to an extensive study of sexuality in Western culture, but died before completing the project. Initially, Foucault planned a six-volume project entitled *The History of Sexuality*, with the first introductory volume published in 1976, together with a list of the five planned subsequent book titles. None of those titles, however, ever appeared, because of the difficulties he faced in pursuing this initial project. The research was incredibly demanding, and it required moving in unanticipated directions" (AE, XI).

[5] Foucault's definition of experience as "something you come out of changed" can be interestingly compared to Gadamer's hermeneutical conception of experience—and, more precisely, of aesthetic experience, i.e., "the experience of art"—as "a genuine experience (*Erfahrung*) […] which does not leave him who has it unchanged" (Hans-Georg Gadamer, *Truth and Method* [1960] (2004), 86). On Foucault and Gadamer, see

This fundamental view of the process of working at a book as something that must essentially and primarily "constitute an experience" for the book's author logically leads to the question concerning the methodologies employed by Foucault in his philosophical work throughout the years. Apropos of this question, Foucault observes:

> it is difficult to indicate clearly what the method is which I employ. Each of my books is a way of dismantling an object, and of constructing a method of analysis toward that end. […] I happen to write alternatively what I'd call books of exploration and books of method. Books of exploration: *The History of Madness*, *The Birth of the Clinic*, etc. Books of method: *The Order of Things*, *The Archaeology* of *Knowledge*. And now, after having finished *Discipline and Punish* and while waiting to finish *The History of Sexuality*, I am setting down certain thoughts in articles, interviews, etc. (RM, 28).

In this context, Foucault arrives to define "limit-experiences" as *the* crucial theme of his philosophical work. As he states: "'limit-experiences' […] is really the theme that fascinates me. Madness, death, sexuality, crime: these are the things that attract my attention most" (RM, 99-100). For Foucault, at a general level, sexuality thus belongs to the group of "limit-experiences" that mostly attract his interest: namely, experiences that, from his perspective, lead us to try "to reach that point of life […] which lies at the limit or extreme"; experiences that, for Foucault, lead the human being to "attempt to gather the maximum amount of intensity and impossibility at the same time," and that have the unique "task of 'tearing' the subject from itself in such a way that it is no longer the subject as such, or that it is completely 'other' than itself." According to Foucault, what is characteristic of "limit-experiences" is thus a sort of "de-subjectifying undertaking […] that tears the subject from itself" (RM, 31-32).[6] As the protagonist of Megan Nolan's novel *Acts of Desperation* states, apropos of the extremely intense nature of sexuality and its capacity to put into question, suspend and even temporarily dissolve the supposedly solid and stable subjectivity of the individual, to make her/him enter in contact in a truly unique way with the otherness of the other person: "Sex is so wonderful because it is one of the few things in adult life" (or, with Foucault, one of the few "limit-experiences") that "can completely take you out of yourself,"[7] i.e., that can really "de-subjectify" you. "There is a pure singularity to it which leaves no room for your ordinary mind."[8]

With regard to what has been said above, it must be emphasized that Foucault, in the aforementioned passages of his conversations with Trombadori, uses the same term and

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Arash Shokrisarari, "Foucault in the Cave with Gadamer," in *Truth in the Late Foucault*, ed. P. Allen Miller (2024).

[6] In a different context, on the concept of "de-subjectification" in relation to the question of critique (understood as "the art of voluntary insubordination"), see Michel Foucault, "What is Critique? Lecture to the Société française de Philosophie. May 27, 1978," in *"What is Critique?" and "The Culture of the Self"* [2015] (2024), 19-62. I owe this suggestion to Valentina Antoniol, whom I would like to thank.

[7] Megan Nolan, *Acts of Desperation* (2021).

[8] Ibid.

concept (namely, "sexuality") to define an *entire* dimension of human existence, just like he used the term "sexuality," in general, for the definition of his *whole* project of a *History of Sexuality* in several volumes. However, on other occasions Foucault specifies that, in different ages and cultures (for example, in ancient Greece), some

> techniques of living were considered only in their application to that type of act which the Greeks called *aphrodisia*, and for which our notion of "sexuality" obviously constitutes a completely inadequate translation. […] [W]hen I describe the *aphrodisia* in *L'Usage des plaisirs*, it is to show that the part of sexual behaviour which is relevant in Greek ethics is something different from concupiscence, from flesh. For the Greeks, the ethical substance was acts linked to pleasure and desire in their unity. And it is very different from flesh, Christian flesh. Sexuality is a third kind of ethical substance (EW 1, 89, 263-264).

From this point of view, it is perhaps possible to distinguish in Foucault's *oeuvre* a broader and more general use of the term "sexuality," referred to the dimension of human existence concerning sexual experiences in its entirety, from a more delimited, nuanced and strict meaning of the same term, referred to what we may call the threefold structure of different historical descriptions, conceptualizations and problematizations of sexual acts and choices—or, as Foucault says, different kinds of "ethical substance": *aphrodisia*, flesh, sexuality (see HS 2, 3-6, 35-52). To be precise, in Foucault's contributions to a historical-philosophical interpretation of sexuality, the latter is understood by him in a rigorous way as "*un dispositif historique*, a historical *device*"—or, depending on the English translation, "a historical *construct*."[9] The question concerning what I have just called the different descriptions, conceptualizations and problematizations of the phenomenon that we are generally used to simply defining with the single term "sexuality" is one of the leading questions of Foucault's entire project of a philosophical history of sexuality. In fact, as has been noted,

> Foucault identified [his] overall project as a nominalist philosophic anthropology, explicitly rejecting any basis in pregiven essence or nature. Without rejecting the possibility that some such constants can be found, he interprets experiences, such as those of sexuality, within the particular historical fields that shaped them, to which they were in part a reaction, and which both created and limited the form those experiences could take at a given historical moment.[10]

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[9] Mark Kelly, *Foucault's History of Sexuality Volume I* (2013), 78. On the "deployment of sexuality" as "the correlative of that slowly developed discursive practice which constitutes the *scientia sexualis*," as "a complex machinery for producing true discourses on sex," as "an especially dense transfer point for relations of power," as "a completely new technology of sex," and as "a new distribution of pleasures, discourses, truths, and powers," see HS 1, 68, 103, 116, 123.

[10] Paul Rabinow, "Introduction: The History of Systems of Thought," in EW 1 (1997), XXXIV.

2.

After the general and introductory elements provided in the previous section, I will now focus my attention, in a selective way, on some parts of the first three volumes of Foucault's *History of Sexuality* (which, as I said, were also the only volumes that Foucault was able to publish during his life). As is well known, the first volume, *The Will to Knowledge*, basically comprises a critique of what Foucault called "the repressive hypothesis" (HS 1, 15-49), a concise but extremely dense explanation of Foucault's original proposal of a new conception of power (HS 1, 92-102), a presentation of Foucault's own view of the "history of sexuality"—in the specific Foucauldian meaning of this concept—and its periodization (HS, 115-131), and finally the introduction of his seminal notions of "biopower" and "biopolitics" (HS 1, 139 ff.). In comparison to the first volume of Foucault's vast and multilayered project, the second and the third volumes (respectively, *The Use of Pleasure* and *The Care of the Self*) famously mark a fundamental shift in Foucault's historical and theoretical attention to sexuality, which is now focused on the detailed investigation of the predominant conceptions of this phenomenon in ancient Greco-Latin and early Christian culture.[11] Indeed, in the introduction to *The Use of Pleasure*, it was Foucault himself who clearly explained to his readers this significant change of the direction and orientation in his work (HS 2, 3-13). As Foucault also explains in the interview *On the Genealogy of Ethics*:

> One of the numerous reasons I had so much trouble with that book [i.e., *The Use of Pleasure*] was that I first wrote a book about sex, which I put aside. Then I wrote a book about the self and the techniques of the self; sex disappeared, and for the third time I was obliged to rewrite a book in which I tried to keep the equilibrium between one and the other (EW 1, 254).

During his accurate reconstruction and detailed interpretation of the predominant conceptions of sexual experiences in ancient Greco-Latin and early Christian culture, in the first part of the third volume of *The History of Sexuality*, Foucault carefully examines the chapters devoted to sexual dreams in Artemidorus' work *The Interpretation of Dreams*. According to Foucault, this work by Artemidorus is "the only text that remains, in full, of a literature that was abundant in antiquity: the literature of oneirocriticism" (HS 3, 4). Now, precisely in the context of his careful reading of Artemidorus' *Interpretation of Dreams*, Foucault specifically focuses his attention on the great emphasis put by Artemidorus on the sexual act commonly known as "penetration," arriving to coin a poignant and significant expression: "the penetration model." To be precise, this expression, in this exact formulation, appears in a passage of Foucault's 1981 talk *Sexuality and Solitude* (EW 1, 183). However, the context of the discussion developed by Foucault in the pas-

[11] The elements of continuity and, at the same time, the discontinuities that emerge in the second and third volumes of Foucault's *History of Sexuality* are clearly analyzed, for instance, by Manlio Iofrida and Diego Melegari, *Foucault* (2017), 287-303.

sages of *Sexuality and Solitude* in which he introduces the expression "penetration model" is exactly the same as the context of the passages of *The Care of the Self* dedicated to a detailed comment of Artemidorus' *Interpretation of Dreams*. So, from an interpretive point of view, it is possible and legitimate to associate these different writings and claim that the (critical) analysis of Artemidorus' "penetration model" also plays a role in those parts of the third volume of Foucault's *History of Sexuality*.

With regard to the conception of sexuality that apparently emerges from Artemidorus' *Interpretation of Dreams*—understood, in turn, as a text that was representative of the predominant sexual ethics of Artemidorus' age—Foucault observes in *The Care of the Self* that "Artemidorus submits as a principle that nature has established *a* definite form of sexual act for each species, *one and only one* natural position from which animals do *not* deviate": "*the form of intercourse* Artemidorus has in mind […] is *penetration*" (HS 3, 23-24; my emphasis). These interpretive remarks from *The Care of the Self* can be easily compared to some passages of the aforementioned talk *Sexuality and Solitude*, where Foucault explains that Artemidorus "takes into account the question of the sexual act, but he sees it *only from the point of view of the male*. *The only act* he knows or recognizes as sexual is *penetration*"; furthermore, and importantly, for Artemidorus (and, more generally, for the sexual culture of his time) "penetration is *not only* a sexual act *but* part of the social role of a *man* in a city," because, from his point of view, "sexual relations *cannot* be dissociated from social relations" (EW 1, 180; my emphasis). In the same text, Foucault also observes that "*the main question* […] in Artemidorus" is "*the problem of penetration*," whereas, for example, in Augustine's later conception of sex ("still dominated by the theme and form of *male sexuality*") the main question is represented by "the problem of erection," i.e., "*not* the problem of a relationship to other people *but* the problem of the relationship of oneself to oneself, or, more precisely, the relationship between one's will and involuntary assertions": hence, as Foucault concludes, "[t]he *main question* of sexual ethics has moved […] from *the penetration model* to the relation to oneself and to the erection problem" (EW 1, 182-183; my emphasis).

This (somehow obsessive) focus of Artemidorus—understood, again, as representative of the predominant sexual culture of his time—only on the sexual act of penetration is further emphasized and discussed in a detailed way in *The Care of the Self*. Here, indeed, Foucault not only stresses what we may call the narrow, one-sided and chauvinist ("only from the point of view of the male") orientation of the predominant conception of sex that seems to characterize Artemidorus' age but also calls the readers' attention to some relevant existential, ethical and social implications that were apparently attributed to sexual acts in the culture of Artemidorus' epoch. In fact, as Foucault writes in *The Care of the Self*:

> No caresses, no complicated combinations, no phantasmagoria; just a few simple variations around *one basic form—penetration*. It is the latter that seems to constitute *the very essence of sexual practice*, *the only form*, in any case, that *deserves attention* and *yields meaning* in the analysis of dreams. Much more than the body itself,

> with its different parts, much more than pleasure, with its qualities and intensities, the *act of penetration* appears as a *qualifier of sexual acts*, with its few variants of position and especially its *two poles of activity and passivity*. What Artemidorus wants to know, the question that he asks constantly concerning the dreams he studies, is *who penetrates whom*. Is the dreaming subject (nearly always a man) *active or passive*? Is he the one who *penetrates*, *dominates*, *enjoys*? Is he the one who *submits* or *is possessed*? […] How did the penetration take place? Or more exactly: What was the *position* of the subject in regard to this penetration? *All sexual dreams*, even "lesbian" ones, are examined from this viewpoint and *from this viewpoint alone*. Now, this act of penetration—*the core of sexual activity*, the raw material of interpretation, and *the source of meaning* for the dream—is directly perceived within a social scenography. Artemidorus sees the sexual act first and foremost as *a game of superiority and inferiority*: penetration places the two partners in *a relationship of domination and submission*. It is *victory* on one side, *defeat* on the other; it is *a right* that is exercised for one of the partners, *a necessity* that is imposed on the other. It is *a status* that one asserts, or *a condition to which one is subjected*. It is *an advantage* from which one benefits, or *an acceptance of a situation* from which others are allowed to benefit (HS 3, 29-30; my emphasis).

The aforementioned quotations are taken from different passages of Foucault's texts that are specifically dedicated to a reading of Artemidorus' *Interpretation of Dreams*. Nonetheless, as I said, it is probably possible to broaden the picture and associate the (obsessive) focus on penetration that emerges from those passages to a more general conception of sexual acts that was *not* limited only to Artemidorus' views but was rather predominant in Greco-Latin culture as a whole.[12] According to such a sexual ethics, as we have just seen, penetration must be understood as an act that symbolizes, and indeed embodies, superiority or inferiority, victory or defeat, domination or submission, activity or passivity, depending on the different roles assumed during the sexual act.[13] In this context, it is notable to remind that several passages of *The Use of Pleasure* stress the fact that the ancient "forms of problematization" of the *aphrodisia* clearly defined "an ethics for men," a "male ethics" in which "women figured only as objects," "an elaboration of masculine conduct carried out from the viewpoint of men in order to give form to *their* behavior"

[12] Of course, speaking of "Greco-Latin culture as a whole," in the context of a discourse on Foucault's *History of Sexuality*, is somehow a generalization due to the impossibility of paying attention in the limited space of an article to all the aspects of Foucault's subtle and detailed investigation of the entire "field of problematization" that is at the basis of "the constitution of the *aphrodisia* as a domain of moral concern" in Greek culture, with particular reference to "four types of stylization of sexual conduct," i.e., "four great axes of experience: the relation to one's body, the relation to one's wife, the relation to boys, and the relation to truth" (HS 2, 32, 36-37).

[13] With regard to the reflection of the Greeks in the classical period, Foucault notes that the "practice of pleasures was related to [a] variable that might be labelled 'role or polarity specific'," according to which "the active sense" of the practice of the *aphrodisia* "relates specifically to the so-called 'masculine' role in intercourse, and to the active function defined by penetration," whereas "the 'passive' role of the object partner […] is the one that nature had set aside for women" (HS 2, 46).

(HS 2, 22-23; see also HS 2, 46-47, 82-86, 127-130, 182-184). Focusing again on *The Care of the Self*, it is notable to see how Foucault emphasizes that Greco-Latin sexual culture was characterized by the fact that the penis "appears at the intersection" of an entire set of "*games of mastery*":

> *self-mastery*, since its demands are likely to *enslave* us if we allow ourselves to be *coerced* by it; *superiority* over sexual partners, since it is by means of the penis that the *penetration* is carried out; *status* and *privileges*, since it signifies the whole field of kinship and social activity (HS 3, 34; my emphasis).

From this point of view, we can conclude that, apropos of these specific questions (and thus without examining here many other questions analyzed into detail by Foucault), the general image of Greco-Latin sexual culture that apparently emerges from *The History of Sexuality* is the image of a sexual ethics in which "[t]he great difference […] was a question of quantity and of *activity* and *passivity*" (EW 1, 260; my emphasis).[14] More precisely, it is a male-oriented sexual ethics, i.e., only conceived from the point of view of the male and "linked to a purely virile society with slaves, in which the women were underdogs whose pleasure had no importance, whose sexual life had only to be oriented toward, determined by, their status as wives, and so on" (EW 1, 256-257). It is in this context that Foucault eventually arrives to coin some poignant and strong expressions, such as "*penetration model*" (EW 1, 183) or also "*ejaculatory schema*" (HS 2, 127),[15] which are undoubtedly capable of summarizing the narrow, limited and androcentric understanding of sex that, according to this interpretation, was characteristic of Greco-Latin culture. It is not too difficult and it does not imply risks of overinterpretation, I think, to imagine establishing a connection between such a genealogy of the ancient conceptions of sexuality and what radical feminists call "patriarchal sex," understood as "a reenactment of dominator culture in the realm of the sexual" and embedded in a veritable "culture of domination."[16] Namely, a view and an experience of sex that, following bell hooks, does not establish a true relation with the other person in her/his otherness and

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[14] We can perhaps establish here a connection with Carla Lonzi's radical feminist critique of the sexual act of penetration, when she critically observes, for example, that traditionally "man is Logos, woman is Eros," which implies the idea that "man pleasures himself in the encounter with an object, woman pleasures herself by inflaming herself with a subject," and furthermore "woman is receptive, man is aggressive; woman is passive, man is active; […] woman is prey, man is hunter; […] woman is immanence, man is transcendence. Woman is vagina, man is penis" (Lonzi, *Sputiamo su Hegel e altri scritti* [1974] (2023), 113, 117). I owe this suggestion to Ines Zampaglione, whom I would like to thank.

[15] The expression "ejaculatory schema" is coined by Foucault with specific reference to the analysis of the *aphrodisia* in the treatise *The Seed* from the Hippocratic collection. It is a schema "that is carried over unchanged from man to woman, and used to decipher the relationships between male and female roles in terms of confrontation and contest, but also domination and regulation of the one by the other." Sexual intercourse is understood in the Hippocratic text as "a contest, as it were, where the male plays the role of instigator and where he should always have the final victory. […] [I]n any case, it is the male act that determines, regulates, stimulates, dominates." For Foucault, the "ejaculatory schema […] shows unmistakably the near-exclusive domination of the virile model" (HS 2, 127-129).

[16] bell hooks, *The Will to Change: Men, Masculinity, and Love* (2004), 78, 84.

that is definitely "not about connecting to someone else" but is rather based on a "need to dominate."[17]

Now, in the previous section, in citing a few passages from Foucault's conversations with Trombadori, I have briefly mentioned the question concerning the methodologies of Foucault's philosophical work. This is an extremely vast question, one that is *not* my aim to investigate here, that includes, for example, complex methodological problems such as the role played by the archaeological and the genealogical approaches in Foucault's intellectual work, his methods of discourse and *dispositif* analysis, etc. Rather, for the delimited contents and the particular aims of the present contribution, it is enough simply to mention that what seems to emerge from Foucault's historical-philosophical investigation of Greco-Latin sexual ethics (including his particular reading of Artemidorus' idea of "the penetration model," with all its implications) is the adoption of a rigorous analytical and descriptive methodology. This is surely coherent, among other things, with the emphasis on the fact that

> [t]he starting point of Foucault's investigation of discursive and extradiscursive knowledge-producing practices is not normative; instead, it is descriptive and interpretive. Its potential domain comprises all those practices, past and present, which have been proposed or presumed to systematically generate the truth: put simply, it potentially includes all such "games of truth."[18]

However, quite significantly, in other Foucauldian observations on exactly the same questions that we have examined so far, what seems to emerge is a *slightly* different position: more precisely, a more evaluative and critical approach rather than a purely analytical, observing and descriptive one. This subtle and nuanced difference can be seen, for example, in Foucault's significant and intentional use—in the passage that I am about to cite from *On the Genealogy of Ethics*—of a very strong term: "disgusting." In fact, a term like "disgusting" undoubtedly expresses a strong critical judgment and, in my view, is incompatible with the evaluative neutrality and the attitude of "dispassionate observer"[19] that logically seem to characterize purely descriptive approaches, which are supposed to be free from prescriptive assumptions, normative implications or critical evaluations.[20] Indeed, in discussing the complex relation between friendship and sexual

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[17] Ibid., 78, 81.

[18] James D. Faubion, "Introduction," in EW 2 (1998), XXV.

[19] Richard Rorty, *Philosophical Papers. Vol. 2* (1991), 173. According to Rorty, "Foucault affects to write from a point of view light-years away from the problems of contemporary society. […] It takes no more than a squint of the inner eye to read Foucault as a stoic, a dispassionate observer of the present social order, rather than its concerned critic. […] [T]he rhetoric of emancipation—the notion of a kind of truth which is *not* one more production of power—is absent from his work […]. Foucault once said that he would like to write 'so as to have no face'" (ibid., 173-174).

[20] Axel Honneth defines the "unmistakable character [of] Foucault's material studies" in terms of "a hermeneutic process that exposes the cultural practices of a form of social life without itself undertaking a transsituational evaluation. The theoretical advantage for cultural analysis promised by such a distancing

relations in Greek ethics on the basis of the concept of reciprocity (and, again, with a notable reference to the question of penetration), Foucault piercingly observes:

> when Plato tries to integrate love for boys and friendship, he is obliged to put aside sexual relations. Friendship is reciprocal, and sexual relations are *not reciprocal*: in sexual relations, you can *penetrate* or you *are penetrated*. […] If you look at Plato, reciprocity is very important in a friendship, but you *can't* find it on the physical level […]. The Greek ethics of pleasure is linked to a *virile society*, to *dissymmetry*, *exclusion of the other*, an *obsession with penetration*, and a kind of *threat* of being dispossessed of your own energy, and so on. *All that is quite disgusting!* (EW 1, 257-258; my emphasis).[21]

In calling the readers' attention to what appears to me as a subtle and nuanced shift, in those quotations, from a purely descriptive approach to a more evaluative and normative perspective (which also allows the expression of critical judgments), it is *not* my aim to open a long and complex discussion here on the question of whether such diverse aspects and dimensions may simply coexist with each other or rather represent a problem from a rigorous methodological point of view. I obviously recognize that the question concerning the relation, in Foucault's thinking, between—on the one hand—an explicitly descriptive methodological approach to the investigation of discursive practices and power relations, and—on the other hand—the (at least implicit) presence of some normative presuppositions in his analysis of social phenomena, and hence a sort of prescriptive/evaluative orientation, represents an important question. Limiting myself to just one example, it is a question that has apparently played an important role in the reception of Foucault's work in the field of critical theory: let us think, for instance, of some observations by Nancy Fraser, Jürgen Habermas and Axel Honneth, apropos of the aforementioned question.[22] At the same time, however, investigating these important methodological questions goes far beyond the delimited contents and scopes of the present contribution, which is entirely focused on a selective and interpretive analysis of certain specific parts of Foucault's historical-philosophical account of sexuality and its legacy, forty years after his death, for a critical rethinking of the conception of sex that has been summarized before with the expression "penetration model."

Furthermore, as I said, the aforementioned quotations were all centered on the same questions (which testifies a great thematic unity and guarantees an important conceptual continuity) but, at the same time, were taken from different texts of Foucault, also belonging to different genres and forms of writing (research monograph, short talk, inter-

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hermeneutic is the advance in diagnostic precision that seems to accompany the renunciation of normative judgments" (Honneth, *The Critique of Power* [1985] (1991), XXIV).

[21] On Foucault's conception of friendship, see the recent book by Lorenzo Petrachi, *Rovine dell'amicizia* (2022).

[22] See, respectively: Nancy Fraser, "Foucault on Modern Power," *Praxis International* 1 (1981); Jürgen Habermas, *The Philosophical Discourse of Modernity* [1985] (1987), 238-293; Honneth, *The Critique of Power*, 105-202.

view, etc.). This is a factor that, in my view, must *never* be overlooked in one's use of different sources and that can easily contribute to explaining the potential presence of some discontinuities, nuances, shifts or sometimes even breaks in a philosopher's discourse about a certain topic, as it may also happen in the case of other leading thinkers of the twentieth century, such as Adorno, Gadamer, Arendt, Habermas, Danto, Rorty and others. Having said this for the sake of clarity, in the next sections of my article I will try to offer a few hints at some possible and promising directions, in current intellectual debates, for a further development of Foucault's critique of "the penetration model," with particular reference to Shusterman's somaesthetics of lovemaking and, without any ambition of completeness or systematicity, also to some recent feminist works.[23]

3.

In celebrating and discussing the intellectual legacy of Foucault's philosophical work forty years after his death, it is notable to observe the rich, manifold and multifaceted character of such a legacy, which extends far beyond the domain of thinking that can be strictly associated to Foucault's specific fields of inquiry, his own intellectual milieu in France, his direct or indirect collaborations with other authors, etc. An interesting example, in this context, is represented by the influence of Foucault's thinking (and, in particular, of his late writings on the history of sexuality and the aesthetics of existence) on Richard Shusterman's work in the field of *somaesthetics*. As is well known, Foucault's original project of an aesthetics of existence is part of his general approach to the history of sexuality. In particular, the *aesthetics of existence*, from Foucault's point of view, must be understood as referred to a set of criteria applied to the "practices of the self" that establish the modes of relating to oneself and to others, through which subjectivities are constituted, transformed and recognized as subjects.[24]

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[23] The problem concerning the relation between Foucault's thinking and contemporary feminism is a broad and very complex question, and a systematic inquiry into this question goes far beyond the limited scopes of the present contribution. As has been noted, "Foucault had relatively little to say about the second-wave feminism that was one of the key political movements of his time." Furthermore, "Foucault's relation to feminist politics has remained contested" for a long time and he has been "often represented as an antagonist for feminists in [the] earlier literature" on this topic, although the "extended conversation between Foucault and his feminist interlocutors," which "has lasted more than thirty years," has also been "a conversation that places Foucault's actual words in relationship with various forms of feminism" (Cressida J. Heyes, "Introduction," *Foucault Studies* 16 [2013], 4-5, 8-9).

[24] In *The Use of Pleasure*, for example, Foucault speaks of the "arts of existence" to refer to those "intentional and voluntary actions" by which the human beings "not only set themselves rules of conduct, but also seek to transform themselves, to change themselves in their singular being, and to make their life into an *oeuvre* that carries certain stylistic criteria" (HS 2, 10-11). In his 1983 interview *On the Genealogy of Ethics*, Foucault also explains that "what [the Greeks] were worried about, their theme was to constitute a kind of ethics which was an aesthetics of existence. […] Greek ethics is centered on a problem of personal choice, of the aesthetics of existence. […] [W]e can see very well," for Foucault, "that some of the main principles of our ethics have been related at a certain moment to an aesthetics of existence" (EW 1, 255, 260-261).

Shusterman's somaesthetics represents an original development of pragmatist aesthetics and can be defined as "the critical study and meliorative cultivation of the body as the site not only of experienced subjectivity and sensory appreciation (aesthesis) that guides our action and performance but also of our creative self-fashioning through the ways we use, groom, and adorn our physical bodies to express our values and stylize ourselves."[25] "An ameliorative discipline of both theory and practice" (PA, 101), somaesthetics is "an interdisciplinary field of research, rooted in philosophical theory, but offering an integrative conceptual framework and a menu of methodologies not only for better understanding our somatic experience, but also for improving the quality of our bodily perception, performance, and presentation."[26] The idea itself of somaesthetics, as a disciplinary proposal, is clearly based on the concept of *soma*, which denotes for Shusterman "not the mere physical body but the lived, sentient, intentional body that involves mental, social, and cultural dimensions."[27] For Shusterman, the concept of soma reveals that "[o]ur experience and behavior are far less genetically hardwired than in other animals," and hence that "human nature is always more than merely natural but instead deeply shaped by culture."[28]

Consistently with the open and plural character of the project of somaesthetics, and also with such a fundamental view of human nature as not simply natural but also deeply cultural, Shusterman investigates a great variety of human experiences, including experiences that are all too often simplistically regarded as merely "natural." Such experiences may include, for instance, food[29] and, more interestingly for the specific aims of the present contribution, also sex. For example, in his essay *Aesthetic Experience: From Analysis to Eros*, Shusterman offers a detailed exploration of the ways in which, from his philosophical perspective, "sexual experience […] can be usefully described and valued as aesthetic,"[30] and in his vast and systematic examination of lovemaking in the book *Ars Erotica*, he observes that

> [a]s sex belongs to human nature, it is equally fashioned by culture […]. [*Ars erotica*'s] distinctive shaping of biological functions and somatic energies reflect (and sustain) a culture's background ideologies and social order so that the seemingly universal human sexual drive takes on divergent forms and meanings both across different cultures and within the same culture at different times and places

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[25] Richard Shusterman, "Bodies in the Streets," in *Bodies in the Streets*, ed. R. Shusterman (2019), 15.
[26] Shusterman, "Fits of Fashion," in *Philosophical Perspectives on Fashion*, ed. G. Matteucci and S. Marino (2017), 101-103.
[27] Shusterman, "Soma, Self, and Society," *Metaphilosophy* 42:3 (2011), 315.
[28] Shusterman, "Bodies in the Streets," 14-15.
[29] As Shusterman observes, "[t]he most basic behavior of ingesting edibles for pleasurable nutrition when stimulated by hunger and thirst is shared by other animals," but "the human form of eating differs in being profoundly shaped by culture" (Shusterman, "Somaesthetics and the Fine Art of Eating," in *Body Aesthetics*, ed. S. Irvin [2016], 262-263).
[30] Shusterman, "Aesthetic Experience: From Analysis to Eros," in *Aesthetic Experience*, ed. R. Shusterman and A. Tomlin (2008), 81.

> […]. If fine art and aesthetic experience arise through natural drives and energies as shaped by culturally constructed forms and attitudes, then [also] *ars erotica* surely shares this hybrid status of nature and culture. […] Part of the essence of human nature is to go beyond one's natural endowment by acquiring a "second nature" through habits, by incorporating the knowledge and affordances of one's environing culture, and through personal disciplines of self-cultivation and self-mastery (AE, 2, 8, 145).

With regard to the influence of Foucault's aesthetics of existence on his somaesthetics, Shusterman observes that, in general, "Foucault is exemplary for working in all three dimensions of somaesthetics" and that, for example, "the exemplary value of Foucault's […] contributions to somaesthetics" lies in "his seminal theories of biopower, gender construction, and somatically based social domination" (BC, 29, 31). According to Shusterman, "[m]odern philosophy" has often displayed a "sad somatic neglect," but "contemporary philosophers [like] John Dewey and Michel Foucault," notwithstanding all the divergences that surely characterize their respective philosophies, have nonetheless differently exemplified the "idea of somaesthetics, though without properly thematizing or articulating this field as such" (PA, 263). In particular, in the case of Foucault, Shusterman observes that,

> [a]dvocating the body as an especially vital site for self-knowledge and self-transformation, Foucault argues that self-fashioning is not only a matter of externally stylizing oneself through one's bodily appearance but of transfiguring one's inner sense of self (and thereby one's attitude, character, or ethos) through transformative experiences (BC, 9).

In some of the writings in which the new disciplinary proposal of somaesthetics was firstly introduced, Shusterman has significantly praised "Foucault's seminal vision of the body as a docile, malleable site for inscribing social power [that] reveals the crucial role somatics can play for political philosophy," claiming that Foucault's philosophy "offers a way of understanding how complex hierarchies of power can be […] covertly materialized and preserved by encoding them in somatic norms that, as bodily habits, typically get taken for granted and therefore escape critical consciousness" (PA, 270). Beside this, in stressing the relevance of Foucault's intellectual legacy and his specific influence on somaesthetics, Shusterman also observes that

> [a]mong the many reasons that made Michel Foucault a remarkable philosopher was a doubly bold initiative: to renew the ancient idea of philosophy as a special way of life and to insist on its distinctly somatic and aesthetic expression. This double dimension of Foucault's later work […] is pointedly expressed through his central ideas of the "aesthetics of existence," the stylizing "technologies of the self," and the cultivation of "bodies and pleasures." […] [H]is somaesthetics confronts us (even affronts us) with the crucial issue: conceived as an art of living,

> philosophy should attend more closely to cultivating the sentient body through which we live (BC, 15, 48).

On this basis, the influence of Foucault on Shusterman's thinking can be probably described in terms of a *critical* dialogue with Foucault's theories: namely, a dialogue in which not only convergences and agreements but also divergences and disagreements clearly emerge. It is precisely the articulation of such a complex and stimulating dialectics of proximity and resemblance, on the one hand, and distance and difference, on the other hand, that is at the center of some recent contributions by Shusterman. For example, in his essay *Somaesthetics and the Philosophical Life*, Shusterman acknowledges the importance of Foucault as one of the "most influential contemporary advocates of philosophy as an art of living," and eventually arrives to define Foucault as "a crucial exemplar, indeed a hero, for [him] and for somaesthetics"—although he also adds that "sometimes heroes are better to admire than to follow."[31] Furthermore, in a book symposium on his monograph *Philosophy and the Art of Writing*, Shusterman emphatically states:

> One could say that Foucault was even more influential than Dewey in my work on somaesthetics and philosophy as a way of life. My somaesthetic study of sex obviously owes an enormous debt to Foucault. […] It was Foucault who demonstrated the importance of the sexual dimension in one's aesthetics of existence, in one's shaping and care of the self as an ethical and aesthetic project.[32]

Now, Shusterman's aforementioned monograph *Ars Erotica* is understood by him as an extension and at the same time a complement of Foucault's *History of Sexuality*, especially with regard to certain specific questions. With regard to this, it is possible to mention a serious consideration of the theories of sexuality developed in non-Western cultures, while Foucault had notoriously limited his attention to ancient Greco-Latin and early Christian culture. In Shusterman's intentions, this represents a way to broaden the framework of a historical-philosophical investigation of sexuality beyond certain limits that, for him, had characterized Foucault's original project.[33] Apropos of the concept itself of *ars erotica*, Shusterman notes that the latter

> deserves serious critical and theoretical attention so that we can reconstruct our sexual attitudes, practices, and techniques to free them from flaws resulting from eroticism's long association with evils of predatory patriarchy and injustice. […] Old taboos on philosophizing frankly about sex may have faded, but philosophi-

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[31] Shusterman, "Somaesthetics and the Philosophical Life," in *Foucault's Aesthetics of Existence and Shusterman's Somaesthetics*, ed. V. Antoniol and S. Marino (2024), 141.

[32] Shusterman, "Philosophy and the Art of Writing: Responses to a *Meta* Symposium," *Meta: Research in Hermeneutics, Phenomenology, and Practical Philosophy* 16:1 (2024), 303.

[33] As Shusterman observes in the preface to *Ars Erotica*: "in our age of progressively transcultural globalization, it is important to look beyond Foucault's focus on the West and its ancient thought. […] [T]his book presents a somewhat different perspective than Foucault's, but one that hopes to complement rather than replace his impressive work" (AE, XI-XII).

> cal discomfort and moral reluctance to write candidly about lovemaking and erotic experience still haunt our pragmatist tradition today. We worry that such writing exposes our "lower nature" or even constitutes a verbal form of sexual aggression on innocent readers. However, without forthright, concrete theorizing about sexual matters, we risk perpetuating mistaken assumptions and inadequate or harmful practices that result in experiences of painful disappointment instead of rewarding pleasure. Excited but still confused and uncertain about the promising pluralism of LGBTQ+ options, our culture needs more critical, yet positively reconstructive, thinking about sexuality and eroticism. This seems a worthy task for progressive pragmatist theory, if not also for other philosophical approaches.[34]

As is well known, the notion of *ars erotica* had been introduced by Foucault in *The Will to Knowledge* (HS 1, 57-73). According to Foucault, "[h]istorically, there have been two great procedures for producing the truth of sex. On the one hand, the societies […] which endowed themselves with an *ars erotica*"; on the other hand, "our civilization [which] possesses no *ars erotica*" but, "[i]n return, it is undoubtedly the only civilization to practice a *scientia sexualis*" (HS 1, 57-58). Hence, Foucault concludes: "*Scientia sexualis* versus *ars erotica*, no doubt" (HS 1, 70).[35] Although Shusterman recognizes that his somaesthetic work on *ars erotica* "owes a deep debt to Foucault's ideas" (AE, XI), he nonetheless adds that his perspective also diverges from Foucault's in various ways. In particular, apropos of Foucault's sharp distinction between the notions of (Asian) *ars erotica* and (Western) *scientia sexualis*, Shusterman expresses some perplexities, claiming that,

> despite his enthusiastic interest in Chinese sexology, Foucault has gravely misunderstood it. […] Looking for a contrasting culture to challenge the dour sexual science of the West and highlight erotic artistry as a key element in his project of a self-styling "aesthetics of existence" grounded in pleasures, Foucault projects this theoretical desire onto Chinese sexology by exoticizing it as that radical other, erecting it as a pleasure-seeking, aesthetic *ars erotica* to contrast to *scientia sexualis*. Fixated on sexual pleasure, he failed to see that Chinese erotic arts were primarily designed for health, procreation, and the harmonious management of a polygynous household. This blindness was surely intensified by Foucault's inattention to the philosophical, social, and cultural background in which Chinese

[34] Shusterman, "Pragmatism and Sex," *Transactions of the Charles S. Peirce Society* 57:1 (2021), 21, 25. On the relation between pragmatist philosophies and sex, in general, see the contributions included in the collection *Pragmatism and Sexuality*, ed. A. Kremer (2023).

[35] Some years later, in the interview *On the Genealogy of Ethics*, Foucault admitted: "One of the numerous points where I was wrong in that book [*The Will to Knowledge*] was what I said about this *ars erotica.* I should have opposed our science of sex to a contrasting practice in our own culture. The Greeks and Romans did not have any *ars erotica* to be compared with the Chinese *ars erotica* (or at least it was not something very important in their culture). They had a *tekhnē tou biou* in which the economy of pleasure played a very large role. In this 'art of life,' the notion of exercising a perfect mastery over oneself soon became the main issue. And the Christian hermeneutics of the self constituted a new elaboration of this *tekhnē*" (EW 1, 259).

> erotic theory was embedded and functioned […]. If one construes Foucault's notion of *ars erotica* as implying an emphasis on the aesthetic pleasures and artfulness of lovemaking in contrast to a *scientia sexualis* that focused on truth and health (whether physical, mental, or spiritual), then Indian erotic theory provides a better paradigm for such art. While China's sexual theory drew most heavily on medical texts and derived its concern for pleasure from the key medical aims of health and progeny, Indian erotology drew most heavily on the fine arts and their sensuous aesthetic pleasures […]. Nonetheless, Indian sexual theory cannot fully support Foucault's sharp distinction between esoteric *ars erotica* and *scientia sexualis*, because it defines itself in essentially scientific terms as providing knowledge about empirical matters based on observation (AE, 150, 157, 202).

One of the basic features of Shusterman's investigation in *Ars Erotica*, as I said, is represented by its strong and explicit transcultural approach, which focuses on different sexual cultures in the various chapters dedicated, respectively, to Greco-Roman erotics, the Biblical tradition, Chinese and Indian sexology, Islamic and Japanese erotology, and Medieval and Renaissance European erotic theories. This allows Shusterman to analyze in detail both the differences between these sexual cultures (and hence their respective specificities), on the one hand, and also some resemblances and commonalities between them, on the other hand.

In the particular context of the present contribution, and on the basis of what has been said before about the notion of "penetration model" in Foucault's writings, it is interesting what Shusterman observes in some passages of *Ars Erotica*: for example, when he critically notes that Greek sexual theory understood "the male organ [as] desiring to penetrate and emit sperm, the female to receive seed and bear children," arriving to regard the womb merely "as a hungry receptacle demanding to be filled and fertilized," which led to problematically portray women as "continually longing for genital penetration" (AE, 40-41). Then, in his analysis of Islamic sexual culture, Shusterman underlines that "some distinctive themes emerge in Islamic erotology," such as, for example, "a proclivity for forcefulness and violence" (AE, 261). In this context, Shusterman focuses on the emphasis put in Islamic sexual theory on "the violent power of sexual desire" and also on "the violently unreasonable power of female lust," critically explaining that, in some texts, this seems to suggest a sort of "justification of male violence in sexually penetrating women, a genital stabbing that can sometimes draw real blood but that women nonetheless fiercely desire. […] The metaphor of penile penetration as knife-like stabbing," as Shusterman critically observes, "finds frequent expression in Islamic erotic texts" (AE, 261). Also apropos of Chinese sexology, Shusterman observes that "military metaphors pervade much classical [Chinese] erotic theory," so that, in this context,

> [t]he skilled male lover is a strategizing "general" who confronts his female sexual partner as "the enemy." Victory [in Chinese sexual culture] is not a mere matter of penetration but rather the exhaustion of the woman through her pleasurably passionate erotic exertions, sexual secretions, and multiple orgasms that re-

sult in transferring her vital *qi* and *jing* resources to the triumphant male (AE, 174).

In these and other passages from Shusterman's transcultural investigation of sexuality in *Ars Erotica*, it clearly emerges that the sad association of the sexual act of penetration with ideas of mastery, domination, victory, violence, subjugation, military triumph, etc. is *not* limited to Greco-Latin (and, more in general, Western) sexual culture but has, apparently, also characterized the sexual ethics of other civilizations. This is important to broaden the picture and the framework of a *critical* investigation of the "history of sexuality" beyond the limits of an inquiry only focused on Western sexual ethics and hence to critically challenge, at a wider level, the association that has been traditionally established between the act of penetrating (or, conversely, of being penetrated) and, respectively, activity or passivity, superiority or inferiority, domination or submission, victory or defeat, mastery or subjugation, and so on.

Like Foucault, also Shusterman, in the sections of *Ars Erotica* dedicated to Greco-Roman erotics, reflects on the "troubling misogyny that shaped Greek eroticism and still deeply darkens our own," and he critically emphasizes the role of "Greek machismo" in that erotic culture, noting that also in the Roman context, "sexual acts were still essentially regarded in terms of a domination-submission relationship" (AE, 33, 56, 77). Expanding the investigation of *ars erotica* beyond the limits of Foucault's unfinished project of a history of sexuality centered on Greco-Roman culture and early Christianity, Shusterman offers a rich historical-philosophical interpretation of the erotic theories of various cultures in his work on the somaesthetics of lovemaking.[36] In doing so, on the one hand, Shusterman highlights the value of some of these theories, for example in terms of their understanding of sexuality in connection to certain aesthetic concepts, such as beauty, grace, harmony, form, style, symbolic richness, etc. (see AE, 4-18, 391-396). On the other hand, however, Shusterman also makes it clear that all these erotic theories have tended to be stamped by the unfortunate persistence of male chauvinist stereotypes about sex. Not by chance, various passages in Shusterman's *Ars Erotica* are notably dedicated to a repudiation of the "entrenched evils of predatory male domination in our erotic traditions" and, consequently, to an endorsement of the need for "more progress in gender justice" (AE, 15).

One of the fundamental aims of a book like *Ars Erotica*, as Shusterman explains, is to offer "a positive yet critical vision of sexuality" by means of "[a] look at other cultures and other times" that can provide "ample resources for a broader, deeper erotic vision to enrich the field of aesthetics and our art of living" (AE, 10, 396). On this basis, Shusterman explicitly and critically takes on several aspects that have dismally shaped the conceptions of eroticism in various cultures, such as "sexual predation," "heroic machis-

[36] For a different philosophical account of "lovemaking," based on the idea of the "sense-making" character of love—namely, the idea that "love amounts to a fundamental activity through which we make sense of our world and each other"—, see Paul A. Kottman, *Love as Human Freedom* (2017). I owe this suggestion to Elena Romagnoli, whom I would like to thank.

mo," "violent male force," "horribly misogynist […] views," "the presumed natural order of male supremacy," "masculine dominance," "male selfishness [and] vampirish self-interest," "male privilege," "male violence," "[male] power and domination," and so on (AE, 14, 20, 25, 27, 79, 128, 148, 168, 172, 261-263). In this context, it is important to note that the preface to Shusterman's *Ars Erotica* already makes an unequivocal statement:

> In recent years, increasing revelations of persistent patterns of deplorable sexual predatory behavior have cast a dark cloud of suspicion around the very idea of erotic love and sexual pursuits. Such despicable behavior reflects long established and deeply rooted cultural attitudes that are not sufficiently respectful to women and that both presume and serve patriarchy's essential stance of male dominance. Sex is an arena where men have traditionally felt the need to assert their dominance (in theory and in practice) by objectifying and using women for pleasure and progeny, probably because they implicitly have felt or feared their own inadequacy when compared with the erotic and generative powers of women. […] [E]rotic theory of the major philosophical traditions has contributed to the objectification and subjugation of women through ideas that foster exploitative misogynistic attitudes. With today's attempts to eradicate sexist prejudice, there is understandably great sensitivity to examining these erotic theories in a thoughtful, careful, even if critical, way. […] [W]e can better handle the problems of sexism and heteronormativity by understanding their foundations in the history of erotic theory in the world's most influential premodern cultures, whose fundamental concepts and views still pervade contemporary sexual attitudes. Critical study of these classic erotic theories provides genealogical tools to analyze and neutralize the complex and multiple roots of sexist thinking, while allowing us to recover whatever positive, redeeming elements these theories may contain (AE, IX-X).

From this point of view, the fruitful relation between somaesthetics and feminist thought that has been recently established by some scholars—underlying the significance of this connection also for future developments in the field of somaesthetics—must *not* be considered as accidental.[37]

4.

As we have seen, in the context of his investigation of Greco-Latin sexual culture, Foucault coined expressions like "penetration model" or "ejaculatory schema" in order to indicate a form of conceptualization and problematization of sexual experience strongly characterized by what Shusterman also calls "Greek machismo." In this context, it is

[37] See, for instance, the essays of Ilaria Serra, "'Street' is Feminine in Italian" and Federica Castelli, "Bodies in Alliance and New Sites of Resistance," both included in *Bodies in the Streets*, ed. R. Shusterman (2019), respectively 153-176 and 177-194.

noteworthy to cite here some critical observations made by Foucault apropos of the role assigned to women not only in Greek sexual culture—where "[a] woman, a slave, could be passive," because "such was their nature, their status" (EW 1, 257)—but also in the modern and contemporary age, inasmuch as "women have been, *for centuries and centuries*, isolated in society, frustrated, despised in many ways, and so on" (EW 1, 168; my emphasis). For example, in his interview *Sexual Choice, Sexual Act*, Foucault observes that even "[i]n a society like ours"—namely, a supposedly open society that should offer equal rights and equal opportunities to all—men still "enjoy a far greater degree of liberty than women"; then, in the same text, in discussing the question of "the role women play in the imagination of heterosexual men," Foucault critically notes:

> Women have *always* been seen by them as their *exclusive property*. To preserve this image, a man had to prevent his woman from having too much contact with other men […]. By the same token, heterosexual men felt that if they practiced homosexuality with other men this would destroy what they think is their image in the eyes of their women. They think of themselves as existing in the minds of women *as master*. They think that the idea of their *submitting* to another man, of *being under* another man in the act of love, would *destroy* their image in the eyes of women. Men think that women can *only* experience pleasure in recognizing men *as masters* (EW 1, 146, 152; my emphasis).

Now, according to various scholars, we live today in a world that is extremely interested in sex (or, perhaps, is veritably characterized by a sort of "cultural obsession with sex,")[38] but paradoxically, at the same time, has apparently lost sight of a great part of its value, significance, mystery and, so to speak, exciting "enigmaticalness."[39] Namely, the enigmaticalness of a phenomenon like "human sexuality" that "can never elude in any way its uncanny and disharmonic character" and that, precisely for its complex and "labyrinthine" nature, represents "a profound factor of joy and at the same time of uneasiness in human life."[40] Allowing myself to establish here a free analogy between the

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[38] hooks, *The Will to Change*, 75.

[39] I borrow here the concept of enigmaticalness from Adorno's *Aesthetic Theory*—where the concept is famously used with regard to art and aesthetic experience—in order to apply it to the erotic dimension. On Adorno's conception of the "enigmaticalness (*Rätselcharakter*)" of art, see his *Aesthetic Theory* [1970] (2002), 120-125. On the relation between Eros and philosophy (including aesthetics) in Adorno's thinking, let me remind the readers of my article "Truth, Aura, Eros," *Journal of Adorno Studies* 1:1 (2024: forthcoming).

[40] Massimo Recalcati, *Esiste il rapporto sessuale?* (2021), 11. On sex as, essentially, an enigma and a trouble (i.e., something that intrinsically troubles us and also "troubles itself, it is trouble in its essence"), see Jean-Luc Nancy, *Sexistence* [2016] (2021), 89-97. In various passages of *The History of Sexuality*, Foucault also seems to hint at what we may call the indecipherable and perturbing character of sex, understood throughout the centuries—and thus in the different regimes of *aphrodisia*, flesh and sexuality—as a "disquieting enigma," an "unbearable, too hazardous truth" (HS 1, 35, 53), as a "very ancient fear," a "necessary and redoubtable force," "a practice that [for the Greeks] demanded reflection and prudence," something "posing a threat, through its violence, to the control and mastery that one ought to exercise over oneself" (HS 2, 17, 50, 116, 125), as a source of "anxiety concerning all the disturbances of the body and the mind," which in Hellenistic culture "must be prevented by means of an austere regimen," and a practice that "appears to

field of aesthetics and that of sexuality, it is possible to note that some aestheticians have diagnosed the paradoxical co-presence in our epoch of an extremely widespread aestheticization of life and, at the same time, a sort of "end" or "death" of truly meaningful artworks;[41] in a similar way, we perhaps live today in a society characterized by an equally paradoxical co-presence of an extremely widespread sexualization of life and, at the same time, a sort of withering of Eros and its unique significance, aura and truth. Limiting myself to recalling only of a few recent books on the theme of the "crisis," "decline" or even "agony" of Eros in our time, I would like to cite here the works of the psychoanalysts Massimo Recalcati[42] and Luigi Zoja,[43] and, in the specific field of philosophy, of Byung-Chul Han[44] and Jean-Luc Nancy.[45] As Nancy thought-provokingly writes:

> Sex is now the name for a set of practices recognized as both secret and exposed which we are supposed to care for, help flourish, and keep vital. Emancipated from civil or religious constraints, arising only from personal disposition and choice, sexualities would be analogous to athletic, touristic, or aesthetic activities and preferences. At the same time, these registers keep intersecting in a sort of voluptuous multimedia mash-up of virtual reality orgasms, sex toys brought on vacation to some palm beach, and psychology tests that reveal what type of lover you are, how best to excite your partner or how to make your relationship last. It is quite clear that this glossy erethism and worldwide priapism constitute the eloquent symptoms of slavery rather than liberation. One can and must rejoice that the forms of prohibition, repression, discrimination, and culpability, which shackled the morals of another age, have been lifted. Nevertheless, this emancipation, like others, does not really know from what or toward what it is liberated. Whence the febrility with which this liberation goes around promoting a sex that it ceaselessly shows to be fragile, delicate, complex, and fleeting.[46]

In this context, a part of Foucault's intellectual legacy today may also consist in the fruitful and insightful stimuli that his writings on sexuality can still offer us in trying to critically understand a society, like ours, that appears veritably obsessed by sex—as also noted, for instance, by leading feminist thinkers of our time.[47] In *An Interview by Stephen*

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be dangerous and capable of compromising the relation with oneself that one is trying to establish. […] Problematization and apprehension go hand in hand; inquiry is joined to vigilance" (HS 3, 41, 239).

[41] Although with subtle interesting differences and various individual nuances between the ideas of diverse authors, this fundamental view of the aesthetic situation of the present age can probably be found, for example, in the works of influential theorists such as Yves Michaud, *L'Art à l'état gazeux* (2003), or Gilles Lipovestski and Jean Serroy, *L'esthétisation du monde* (2016).

[42] Recalcati, *Esiste il rapporto sessuale?*

[43] Luigi Zoja, *Il declino del desiderio* (2022).

[44] Byung-Chul Han, *Agonie des Eros* (2012).

[45] Nancy, *Sexistence*.

[46] Ibid., 7-8.

[47] According to bell hooks, for example, "the root of our cultural obsession with sex" lies in the fact that most people "come to sex hoping that it will provide them with all the emotional satisfaction that would come from love. […] In our culture," for bell hooks, "these attitudes toward sexuality have been embraced

Riggins, Foucault notes that "sexuality in the nineteenth century was both *repressed* but also *put in light*, *underlined*, *analyzed* through techniques like psychology and psychiatry" (EW 1, 126; my emphasis). Looking at the situation of the present age, one can be tempted to argue that, conversely, sexuality today is continuously and obsessively "put in light, underlined, analyzed"—and incessantly emphasized, scrutinized and advertised in mass media, social media, web sites, blogs, dating apps, scientific writings, everyday conversations and, in general, all sort of discourses—, but, at the same time, it is perhaps still repressed or, at least, not really as liberated and emancipated as it might seem at first sight, and in many ways it is still misunderstood.[48] After all, as Herbert Marcuse had already warned in the 1950s, a transformed society, finally characterized by "the emergence of a non-repressive reality principle" and the abolition of domination as the fundamental principle of civilization, could imply a veritable "transformation of the libido" and hence, from his point of view, a true sexual liberation; however, in an untrue and unfree world, still based for Marcuse on "the surplus-repression necessitated by the performance principle," it is not unreasonable to fear that "instinctual liberation can lead only to a society of sex maniacs."[49] With regard to the fact that the (obsessive) omnipresence of sex in contemporary society does *not* automatically imply, *as such*, a genuine liberation and an equal emancipation, it can be interesting to add some critical observations made by contemporary feminists like Amia Srinivasan, who, apropos of "the era of ubiquitous, instantaneously available porn" that we apparently live in, has noted:

> [i]f sex education sought to endow young people […] with an emboldened sexual imagination—the capacity to bring forth "new meanings, new forms"—it would have to be, I think, a kind of negative education. It wouldn't assert its authority to tell the truth about sex, but rather remind young people that the authority on what sex is, and could become, lies with them. […] There are no laws to draft, no

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by most men and many post-sexual liberation, postfeminist women. […] Tragically, if masses of men believe that their selfhood and their patriarchal sexuality are one and the same, they will never find the courage to create liberating, fulfilling sexuality" (hooks, *The Will to Change*, 75, 84).

[48] From this point of view, although concepts like repression, liberation or emancipation, as such, probably do not belong to a rigorous Foucauldian conceptuality and terminology, it is nonetheless possible to cite some passages of *The Will to Knowledge* that appear illuminating in this context: for example, when Foucault critically observes that, in the modern age, "apparatuses [were orchestrated] *everywhere* for listening and recording, procedures for observing, questioning, and formulating. Sex was *driven out* of hiding and *constrained* to lead a discursive existence. […] [A]n *immense verbosity* is what *our civilization* has required and organized. Surely *no other type of society* has ever accumulated—and in such a relatively short span of time—*a similar quantity of discourses concerned with sex*. It may well be that *we talk about sex more than anything else* […]. It is possible that *where sex is concerned*, the most long-winded, *the most impatient of societies is our own*. […] Perhaps one day people will wonder at this. […] [P]eople will be surprised at the eagerness with which we went about pretending to rouse from its slumber a sexuality which *everything*—our discourses, our customs, our institutions, our regulations, our knowledges—was busy *producing* in the light of day and *broadcasting* to noisy accompaniment. […] People will wonder what could have made us *so presumptuous* […]. The irony of this deployment is in having us believe that our 'liberation' is in the balance" (HS 1, 33, 157-159; my emphasis).

[49] Herbert Marcuse, *Eros and Civilization* [1955] (1966), 201-202.

> easy curriculums to roll out. Rather than more speech or more images, it is their onslaught that would have to be arrested. Perhaps then the sexual imagination could be coaxed, even briefly, to recall its lost power.[50]

Returning now to the question concerning what Foucault called "the penetration model," I would like to add that, in the present context, the critique of "the penetration model," in principle, does *not* consist of a critique of the sexual act of penetration *as such*, which, if performed consensually, respectfully and joyfully, can be a source of mutual pleasure, fulfillment and happiness. Rather, what appears worthy to be criticized in this "model" is, *firstly*, the obsessive focus on the act of penetration (seen "only from the point of view of the male," as specified by Foucault, and understood as "the only act […] recognize[d] as sexual") that Foucault diagnoses in the writings of Artemidorus and other ancient authors; *secondly*, the ideas of possession, passivity, inferiority, defeat and subjugation that, as we have seen, have been connected for centuries to this sexual act and have apparently determined some of the existential, ethical and social meanings commonly associated to it.

Apropos of the *first* aspect, it is possible to argue that such an obsessive focus only on penetration might have led, among other things, to a tendency to limit the recognition of the importance of other moments, aspects and dimensions of lovemaking. In his wide and transcultural examination of the erotic theories of various civilizations, Shusterman sometimes hints at this problem, for example when he discusses Medieval erotic theory—characterized by the fact that "the background Christian context defines […] the standard heterosexual aim of genital penetration […] as the only natural and legitimate end of lovemaking"—and he critically observes that "a narrowly genital and procreative vision of lovemaking's sexual joys" led to ignore that "its delightful varieties of kisses, embraces, and caresses go far beyond the limits of genital penetration and full orgasmic release" (AE, 333, 344). Apropos of the *second* aspect, it is possible to critically note that, in the context of male-oriented and sadly chauvinist sexual cultures, "acts of […] penetration" have been generally interpreted in terms of "male dominance" (AE, 147), thus testifying what contemporary feminists like Srinivasan calls "an ideology" that "eroticis[es] women's subordination" and a conception in which "female sexual pleasure is mediated through the display of male desire and its satisfaction through physical and psychic dominance."[51]

Now, on the one hand, it is probably possible to claim that, especially during the twentieth century, some positive changes and progresses have occurred in this domain. These changes have arguably led, at least in certain cultural contexts, to the gradual advent of greater possibilities of sexual freedom and emancipation for women—and, more in general, hopefully for various subjectivities that have suffered from patriarchal oppression and gender-based discrimination. It is with this spirit, I think, that feminist

[50] Amia Srinivasan, *The Right to Sex* (2020), 62, 95-96.
[51] Ibid., 65, 90.

scholars like Tamara Tenenbaum, for example, celebrate today what they consider the "deconstruction" of the institution of traditional sexual relations based on structural and specific "asymmetries" between men and women, arriving to advocate for the rise of better forms of love, finally free from any "will of domination over others": a will that for Tenenbaum "is not feminist, loving or disruptive in any way," but is rather "functional to the predominant system."[52] On the other hand, however, one cannot exclude the risk that in a neo-liberal world like ours—apparently based on universal processes of commodification, structural relations of reification, and a sort of bulimic consumerism now extended to every field of our lives, in which also "the industry of wellness makes money by turning everything into a competition"—even certain positive tendencies of sexual emancipation may be assimilated to, and transformed into, a sort of mere "deregulation of […] the *free market of love*."[53] Furthermore, although recognizing the existence of some positive advancements and progresses, it is nonetheless difficult to deny the sad persistence in contemporary society of several sexist stereotypes at many levels and also the rise of new critical phenomena and challenges, often related to Internet and social media, like hate speech, revenge porn, the so-called incel subculture, etc. With regard to this, it is possible to cite here, for example, Srinivasan's idea that "the hegemony of mainstream sexuality" still corresponds today to what she calls "mainstream misogyny."[54] In particular, about the predominant representation of sex that we still find today in "mainstream porn," Srinivasan critically notes that the latter basically

> offers the pleasures of looking at the woman's body on display, its orifices, one by one, awaiting penetration: mouth, vagina, anus. But, more than this, it offers the pleasures of egoidentification. For mainstream porn depicts a very particular kind of sexual schema—in which, on the whole, women are hungry for the assertion of male sexual power—and then assigns to the viewer a particular focus of identification within it. Mainstream porn is made for men, not merely in the sense that it is overwhelmingly men who consume porn, but in the sense that its visual logic compels the viewer to project himself onto […] the male actor. […] The camera in porn doesn't linger on the man's face, if it's shown at all; very often the camera is positioned so as to replicate his point of view. Where the male body is pictured, it is an active body, the agent of the film's action, the source of its motive desire and narrative progression. The only part of the male body to be given any real screen time is the erect penis […]. Canonically and near-invariably, the porn film ends with the penis ejaculating.[55]

[52] Tamara Tenenbaum, *La fine dell'amore* [2019] (2022), 17, 21, 91.
[53] Ibid., 63-64. (Although an English translation of Tenenbaum's book is now available, entitled *The End of Love: Sex and Desire in the Twenty-First Century*, during my work for the present article I was only able to read the Italian translation of her book. So, in case of quotations from specific passages of Tenenbaum's book, the page numbers are referred to the Italian edition).
[54] Srinivasan, *The Right to Sex*, 83.
[55] Ibid., 89-90.

In some of his late writings—such as, for instance, the interview *Sex, Power, and the Politics of Identity*—Foucault famously expresses an advocacy for the experimentation of "new forms of love, […] new forms of life, relationships, friendships in society, art, culture, and so on through our sexual, ethical, and political choices. […] We have to *create* culture," Foucault emphatically and ambitiously claims: "We have to realize cultural creations" (EW 1, 163-164). Now, Foucault's specific reference in *Sex, Power, and the Politics of Identity* and elsewhere is "the S&M subculture," which he understands as "the real creation of new possibilities of pleasure" and as the invention of "new possibilities of pleasure […] through the eroticization of the body" (EW 1, 165). However, if we approach Foucault's thinking and his intellectual legacy from a selective and freely interpretive point of view—which does not limit itself to carefully reading his texts and strictly adhering to his specific views but rather uses them as a source of inspiration for a critical inquiry into diverse contemporary phenomena—, then it becomes possible to follow his stimulating advocacy for new forms of sexual ethics also in different ways and at different levels. This may also include, among other things, a potential dialogue with some important attempts to critically rethink sexuality that have emerged in recent feminist scholarship.

The possibility of a free interpretive approach and an original use of Foucault's ideas as a source of inspiration has been suggested, for instance, by Shusterman, precisely with reference to the potential application of somaesthetics to the investigation of lovemaking. As a matter of fact, in praising Foucault as the "analytic genealogist, who showed how 'docile bodies' were systematically shaped by seemingly innocent body-disciplines in order to advance certain socio-political agendas"—and, at the same time, as the "pragmatic methodologist" who proposed "alternative body practices to overcome the repressive ideologies entrenched in our docile bodies"—in *Pragmatist Aesthetics* Shusterman also adds that nothing prevents us, in principle, from advocating "somaesthetic alternatives that [Foucault] neglects" but that different people might anyway "prefer to practice" (PA, 281). In *Body Consciousness*, Shusterman further specifies, besides his philosophical debt to Foucault's seminal views and influential ideas, his skepticism about Foucault's exclusive focus on "consensual, homosexual sadomasochism"; in fact, according to Shusterman, Foucault's "one-sided advocacy of homosexual S/M" risks reducing the "polyvalent power of eros […] to an erotics of dominational power that seems to leave no place for the somatics of loving tenderness" (BC, 9, 34). Philosophizing in a dialectical way, so to speak, with Foucault and at the same time against (or beyond) Foucault, Shusterman explains that, from his perspective, there can be "equally creative and pleasurable erotics expressing differently gendered subjectivities and desires and deploying gentler methods of sexual contact," and that our bodies are capable of enjoying

> many other pleasures that are less violent and explosive without being so boringly conventional that they blunt self-awareness and self-development. […] The proverb "different strokes for different folks" affirms a vernacular wisdom ap-

> propriate for more than S/M disciples. To the extent that each particular self is the unique product of countless contingencies and different contextual factors, we should expect and respect a certain diversity of somaesthetic methods and goals for self-cultivation (BC, 9, 30, 34).

Also in the aforementioned book symposium on *Philosophy and the Art of Writing*, after reminding us in a very clear way that his "somaesthetic study of sex obviously owes an enormous debt to Foucault" and that "[he] could have never written *Ars Erotica* without the model of Foucault's four-volume *History of Sexuality*," Shusterman nonetheless adds:

> Of course, I also bring to my study of eroticism a different sensibility than Foucault's. Despite my appreciation of experiential intensities and transgression, I am more appreciative than Foucault with respect to the aesthetics of tenderness and ordinary pleasures. My sexual experience has been for the most part heterosexual, and I imagine I have spent more time understanding and listening to women than Foucault did. Marriages (but also divorces) encourage such listening.[56]

In this context, returning again to the critique of what Foucault called "the penetration model" (understood, as I said, as a general conception of sex that understands the sexual act of male penetration as a sign of activity, superiority, victory, mastery, domination, etc.), it is noteworthy to cite an observation made by Shusterman in a book symposium on *Ars Erotica*. Here, indeed, Shusterman critically notes that "[s]exually, possession was understood as penetration" by many traditional sexual cultures, and unfortunately many people still tend today to "speak of the male as possessing, 'having' or 'taking' the female by penetrating her body through the vagina or, by extension, another orifice. But topographically," Shusterman explains,

> it makes equal or more sense to say that the male organ is possessed, contained, held, or taken within the female's enveloping flesh. […] [The] notion of penetration-possession […] helps shape the patriarchal principle of heteronormativity and masculine notions of potency and erotic action as conquest through stabbing-like violence.[57]

In my view, it is possible to compare Shusterman's image of "the male organ [as] possessed, contained, held, or taken within the female's enveloping flesh" in a sexual intercourse with some recent feminist debates on the very concept of penetration. For example, in her essay *Sexualität und Geschlecht: "Why Bodies Matter*,*"* the clinical psychologist and critical theorist Ilka Quindeau has suggested to complement and counterbalance, if not replace, the traditional—and, in her view, "androcentric," "phallocentric," and "hegemonic masculinity-related"—notion of *penetration* with the new concept of *circlu-*

[56] Shusterman, "Philosophy and the Art of Writing: Responses to a *Meta* Symposium," 304.
[57] Shusterman, "Sex, Emancipation, and Aesthetics," *Foucault Studies* 31:2 (2021), 57.

sion.[58] In this context, Quindeau's emphasis on the fundamental role of the body's "own distinct logic" and the "dimension of the non-identical" that is disclosed by the "materiality of the body"[59] appears particularly stimulating and fruitful also for a potential comparison between these recent trends of feminist theory and somaesthetics. Apropos of the concept of circlusion—recently introduced in some forms of feminist thinking, as I said, as a notion apt to complement and counterbalance, if not replace, the common idea of penetration and its aforementioned implications—it must be noted that, precisely speaking, this concept is not Quindeau's invention. In fact, in her insightful essay, Quindeau explains that she borrowed the idea of circlusion from the German feminist and political writer Bini Adamczak, who introduced it in her article "Come On," originally published in 2016 and then republished in English in 2022. As Adamczak explains, the term *circlusion*—"or, if you prefer a purer latinate, 'circumclusion'"—"denotes the antonym of *penetration*."[60] More precisely, for Adamczak the idea of circlusion

> refers to the *same physical process*, but *from the opposite perspective*. […] This word, circlusion, allows us to *speak differently* about certain forms of sex. We need it because penetration still rules supreme over the *heteronormative imaginary* and its *arbitrary division* of bodies into "*active*" and "*passive*." The verb *to penetrate* evokes a *non-reciprocal* or at least unequally distributed process. The one who is penetrated is implied to be passive. More than that, being penetrated, like being *screwed*, is automatically imagined as *disempowerment*. […] Technical as well as colloquial language tends to narrow the meaning of penetration down to practices involving vaginas, anuses, penises, and dildos. Finger-between-cheeks and nipple-in-mouth play are often not referred to as "penetrative sex." But the word "circlusion" does *not* have to share this narrowness. On the contrary, it might designate the action of a closed hand around a dildo, of lips around a foot, of a vagina stretched over a fist. All these are ways of "circluding" someone. However, they don't have to be understood that way. Since the *meaning* of a sign is only ever determined through its *use*, "circlusion" could equally usurp the place "penetration" has hitherto occupied in language […] only, this time, *without* conjuring the kinds of *images that interfere so negatively with people having sex*.[61]

With regard to the role played by the erotic dimension in Western philosophy, Jean-Luc Nancy has emphatically spoken of "philosophy's abandonment of Eros," arguing that "sex played a major and exemplary philosophical role at very beginnings of philosophy

[58] Ilka Quindeau, "Sexualität und Geschlecht," in *Kritische Theorie und Feminismus*, ed. K. Stögner and A. Colligs (2022), 326-327. Quindeau's original inquiry—at the intersection of philosophy, psychology, and science—into the question of "why bodies matter" also includes, among other things, a critical examination of the influence of heteronormative ideological assumptions on the representations and descriptions of female genitals in textbooks of human anatomy (ibid., 320-324).
[59] Ibid., 308, 326.
[60] Bini Adamczak, "On Circlusion" [2016], *The New Inquiry*, 22 August 2022.
[61] Ibid. (my emphasis).

but was soon abandoned and then nearly forgotten or limited to almost nothing."[62] Among other things, one of the factors that has greatly conditioned this process is probably the "sad somatic neglect" (PA, 263) that, according to Shusterman, has characterized a large part of Western thinking. However, as also testified by Foucault's *History of Sexuality*, in the twentieth century, various thinkers have gradually started a rediscovery of the significance of Eros, and an extremely important role has been played in this context precisely by feminist scholarship—including authors such as Simone de Beauvoir, Carla Lonzi, Anne Koedt, Eva Figes, Germaine Greer, Shulamith Firestone, Betty Friedan, Kate Millett, Audre Lorde, Judith Butler, and many others.[63]

From this point of view, contemporary feminism can be considered as one of the most important fields for the development of new descriptions, conceptualizations and (freely using here a Foucauldian key concept) "problematizations" of sexuality, also to overcome certain narrow-minded, sexist and machist views of sex. For example, in their attempts to promote a critical rethinking of sexuality, contemporary feminists like bell hooks and Amia Srinivasan ambitiously invite us to "find the courage to create liberating, fulfilling sexuality"[64] and emphatically claim that "[s]ex can, if [young people] choose, remain as generations before them have chosen: violent, selfish and unequal. Or sex can—if they choose—be something more joyful, more equal, freer."[65] Uniting, in a way that has always been distinctive of the tradition of critical theory in all its manifestations, a "ruthless critique of everything existing"[66] with a powerful impulse to outline potential future scenarios that may be finally free from the drive to coercion and domination that has horribly characterized human civilizations for thousands of years, bell hooks fascinatingly imagines "a culture of reconciliation where women and men might meet and find common ground," claiming that "feminist thinking and practice are the only way we can truly address the crisis of masculinity today" and that it is precisely the process of "shift[ing] away from patriarchal sex" and "finding a new sexuality" that might "lead us toward a true sexual revolution."[67] Also, the form of a free exploration of the potential dialogue between Foucault's thinking and contemporary feminism—starting from selected parts of Foucault's writings and using them as a source of inspiration for new interpretations, investigations and problematizations—is a fruitful way to measure the great relevance of Foucault's philosophical work and the impact of his intellectual legacy today, forty years after his death.

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[62] Nancy, *Sexistence*, 10-11, 14.

[63] Francesca R. Recchia Luciani, "Introduzione. Cos'è sessistenza: filosofia dell'esistenza sessuata," in Jean-Luc Nancy, *Sessistenza* (2019), 15-18.

[64] hooks, *The Will to Change*, 84.

[65] Srinivasan, *The Right to Sex*, 95.

[66] I borrow this fitting expression from the title of Andrew Feenberg's book on Marcuse *The Ruthless Critique of Everything Existing* (2023).

[67] hooks, *The Will to Change*, 9, 14, 86-87.

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ARTICLE

Power + Fashion

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ABSTRACT. "Power dressing," itself a women's dress reform movement, as it came to be called in the 1970s, used to distinguish typical feminine dress styles and was seen as a necessary strategy for a more subdued image on par with the masculine, serious, and formal professional dress, namely the ubiquitous suit and tie. This new 'career' woman became visible by her appearance and choice of dress codes that reinforced her position as a businesswoman who was seriously committed to her work. But from the perspective of the first decades of the new millennium, power dressing and power and fashion have far wider meanings and ramifications. For Michel Foucault, power is a regulatory principle that is used to control social interactions and to impose structures that inform the ways in which we act and appear. In line with Foucault's analysis, to dress is already to respond to tacit frameworks of power, and because it involves already accepted codes of visualisation and behaviour, to "power dress" is not simply to wield or enact power voluntarily but to succumb to it as well. Further, as this paper will reveal, power dressing can also be understood according to Foucault's "technologies of self", which sees the historical subject as both subject and object of a network of discursive forces that are considered normative as opposed to constructed. Power dressing still exists today but according to a more nuanced and multivalent configuration. It can also be thought of as a particular form of renunciation that facilitates an embodiment of power much as religious asceticism and privation is (purportedly) constitutive of a more authentic self.

Keywords: power, fashion, dress, subject-position, fashion semiology

I. INTRODUCTION

"Power dressing," itself a women's fashion movement, as it came to be called in the 1970s, was a response to the sizeable rise in the presence of college educated women in the corporate workplace due to the women's liberation movement, birth control medication, the demand for equal pay, and blue- and white-collar labour, among other factors. It was a term that was used to distinguish typical feminine dress styles typified

in the post-war era by Christian Dior's "New Look" and seen as a necessary strategy for a more subdued image on par with the masculine, serious, and formal professional dress, namely the ubiquitous suit and tie. This new "career" woman became visible by her appearance and choice of dress codes that reinforced her position as a woman who was seriously committed to her work. Pantyhose replaced garters and girdles and flat shoes or "pumps" were an option instead of high heels. Knee-length pencil skirts and tailored suits with padded shoulders created an A-line silhouette that communicated confidence and authority. It was about this time that Yves St Laurent translated the discourse of power dressing into the iconic *Le Smoking* suit that came to define women's liberation. The plaid accented black satin suit was worn with a chiffon or silk *lavallière* blouse (known as a "pussybow") and has become a garment imbued with power and defiance for feminists. In the 80s, the *lavallière* became a staple of conservative British prime minister Margaret Thatcher, who gained the epithet "iron lady" because of her tough leadership style and whose wardrobe became associated with women's power dressing (Fig.1). "It gave women working in a man's world a soft power version of the suit and tie. It was an iron fist in a velvet glove."[1]

Fig.1. Dennis Thatcher alongside Margaret Thatcher wearing a *lavalliere* blouse on a visit to Northern Ireland. 22 December 1982. United Kingdom National Archives. Public Domain.

[1] Fleur Britton, "Take a Bow: Kate Moss Outfit Sends Subversive Message at Depp Libel Trial," *The Guardian*, 27 May, 2022. https://www.theguardian.com/film/2022/may/27/kate-moss-outfit-johnny-depp-amber-heard-trial (accessed December 23, 2023).

But from the perspective of the first decades of the new millennium, power dressing, and power and fashion, have far wider meanings and ramifications. For Michel Foucault, power is a regulatory principle that is used to control social interactions and to impose structures that inform the ways in which we act and appear. Power for Foucault is not confined to a person or things but to how systems interrelate and achieve hierarchies and order. In line with Foucault's analysis, to dress is already to respond to tacit frameworks of power, and because it involves already accepted codes of visualisation and behaviour, to "power dress" is not simply to wield or enact power voluntarily but to succumb to it as well. By these standards, power dressing can exist across a scale of varying degrees of awareness of this dynamic. At one pole, dress is a form of armour, of mutually recognised symbols of protection and resistance, on the other, such resistance is more nuanced, deploying or subverting signifiers of appearance as they relate to codes of both clothing and context. In short, the only one wearing a hoodie in the boardroom is the CEO herself.

Most evidently, power in fashion derives from corporations and fashion houses, celebrities, magazines, and blogs and related "influencers". This is well known, but to limit the examination of power to these factors is superficial not least because it limits itself to a simplistic causal relation of cause and effect. That is not to say that these dimensions are monolithic and devoid of nuance but rather that they warrant a much larger study. The other aspect of power is closer to what we want to discuss here, which is that of *panache* or *sprezzatura*, the ineffable qualities of aplomb and self-appointed authority that bind fashion to character in a way that make them indescribably seductive, charismatic, and vexingly hard to emulate. What we want to trace here is the passage of power dressing—that is, dress as it applies to places where power is most visibly transacted, such as the corporate, political, and judicial sphere—since the 1970s into the present day, especially in the way it assumes and moulds discourses of power through an active disengagement of normative codes. If the first examples of power dressing could arguably be seen as an abrogation of womanhood in subservience to masculinist dress codes, it has certainly given rise to two less conventionalised practices. Both are strategies of denormalization. The first involves the rejection of sartorial norms irrespective of gender, exhibiting knowledge of the norms and finding alternative modes of self-empowerment. The other is the assertion of power through establishing a clear yet unspoken demarcation of professional hierarchies. While the former concept of power dressing was undoubtedly masculinizing, the latter is more feminizing, albeit according to different criteria. In both cases, however, they expose the kinds of regnant discourses of power and dress in places where power is most visibly exercised.

II. FASHION AND FOUCAULT

Power is implied in the semantics of fashion itself because what is in fashion disempowers what is out of fashion. To address power and fashion together would at first seem an altogether redundant exercise given that fashion, as opposed to clothing and dress, is by definition imbued with power, given that it involves a choice in order for a signifying function, overt or covert, great or small, that places distinctiveness at a premium. If we accept the basic clothing-dress-fashion taxonomic triad, clothing is what generically covers the body, dress is what makes class and ethnic distinctions, and fashion involves a more intricate semiological web consisting of the commodity, consumption, subjectivity, and communication.

Before the inception of the fashion system in the eighteenth century, "fashion" centred largely around class difference and privilege and entailed a simple and definable power dynamic. Strict sumptuary laws and statutes imposed by sovereigns and governments stretching from Europe to China controlled the wearing of certain colours, fabrics and garments and were enacted for the assertion of privilege and discerning social status or profession. Louis XIV reputedly placed ongoing pressure on his court at Versailles to be optimally dressed not only for his own glorification (he always dressed even better) but because it was a way of distracting and disempowering them with details and of ensuring that all but the very richest were hobbled with extra expenses. Yet, industrialisation and the widening availability of commodities changed this rather abruptly. In the modern city of the mid-nineteenth century, as Charles Baudelaire famously observed, it was frequently difficult to tell a well-to-do lady from a courtesan from a distance, an ambiguity that becomes important to all classes. Nineteenth century realist literature is filled with interlopers and social dissemblers, parvenus, and poseurs (think only of Balzac's Lucien de Rubempré of *Lost Illusions*).[2] The nuanced aspect of power and fashion is the way it filters and manifests at different stages of history according to dynamics that are not necessarily reducible to clothes in themselves. For to parade expense in an ostentatious way can often denote the opposite as it spells a need that compensates for confidence.

In "Technologies of Self," a seminar delivered in 1982, two years before his death, Foucault draws a subtle but striking parallel between the way we understand ourselves and the prohibitionary structures woven around us:

> Max Weber posed the question: if one wants to adopt rational behavior and regulate one's action with true principles, what part of the self is to be renounced? What's asceticism's price for reason? To what type of asceticism must one submit? I, for my part, asked the opposite question: how did certain types of self-

[2] See Adam Geczy and Vicki Karaminas, *Libertine Fashion. Sexual Freedom, Rebellion and Style*, London: Bloomsbury (2020).

> knowledge become the price to pay for certain forms of prohibitions? What must one know of oneself in order to accept renunciation?[3]

The inversion that Foucault proposes places human self-knowledge together with the laws that legislate it. At first, we may presume that our interpellation, to use Louis Althusser's concept, as dutiful citizens to the polis is at the expense of a series of unspoken and irregularly acknowledged curtailments, whereas Foucault suggests that these curtailments are what allow ourselves to function as such. This means that we are not just the objects of power but are as much if not more subjects for whom certain regulations are necessary.

To situate this logic in the present terms of this article, we might say that power dressing can first be understood along the lines of narrowed social expectations and values of what is deemed decent and proper. This is the conventional view, and understandably so. Yet, we may then also superadd to this the claim that power dressing is not solely an active, positive choice but a form of renunciation that mobilizes a (rhetorically) superior subject-position. The active choice of a certain manner of sartorial renunciation—following in the lines mapped out by Foucault—is akin to religious penance that evinces a purer soul that, in its assumed rectitude, can exercise power more completely.

III. THE HISTORY OF POWER DRESSING

In the broadest sense, "power dressing," first coined in the late 1970s and circulated in the 1980s, is the term for women's clothing that maintained a level of authority on an equal footing with men. Associated with the political and educated elite hitherto the province of men, power dressing was the result of an influx of women into corporate professions following the women's movement. Freer access to a college education gave women entry into the corporate arena and began to bridge the gender divide as women battled for equal pay for equal work. The relaxing of social and legal expectations with respect to gender roles made it easier for women to enter formerly male professional environments, which is not to say that this was ever simple, as attitudes were varied and residual expectations prevailed. Dress was a key means of altering perceptions of capability and gender status, starting with finding modalities that deflected the older sexist stereotypes that linked women to precocity, frailty, delicacy, sexual availability, and other jaundiced narratives. These actively differentiated from the modern professional male's world of specialist knowledge (medicine, law, accounting, academe) and access to the levers of power in

[3] Michel Foucault, "Les techniques de soi" [1983], in *Dits et écrits*, ed. Daniel Defert and François Ewald (1994), 784.

finance and politics that were especially reserved for Caucasian heteronormative men. While it can be periodised as characteristic of 1980's capitalist ascendency, it is now more broadly understood as a style relating to professionalism and gender.

As Georg Simmel famously observed, fashion's dynamic is one of both belonging and difference, and power dressing is yet another example of this. Women's dress was still meant to signify gender differences while at the same time having signifiers that were in conformity with the codes of male formal attire. The sartorial syntax of a masculine idiom had already been introduced by Coco Chanel in the post-war years after 1918. It was at first a modest, austere style that suited the tastes and expectations of the still austere economic conditions of the time, while also responding to the growing trends in female mobility and activity in public spaces where efficiency of movement was increasingly valued. While of expedient origins, the Chanel boiled wool twinset is now a fashion classic in the most literal sense of the term as a sartorial convention, even more so in terms of branding connotations and price, and a staple of power dressing (Fig.2).

Fig.2. Classic Chanel suit in purple mohair tweed, c. 1965. Mabalu. Public domain.

With these origins in mind, power dressing, as it emerged as a mainstream style and strategy in the 1980s, was more than just an adaptation of the suit, as Chanel's suit was, and far more of a derivative or hybrid. Joanne Entwistle believes that power dressing made women visible in the public arena. "It was at this time," writes Entwistle, "that a distinction between the female secretary and the female executive was made largely through the difference of dress itself."[4] One significant touchstone for power dressing in its latter-twentieth century form were two books, or rather manuals, for dress by John T. Molloy: *Dress for Success* (1975) and *Women: Dress for Success Book* (1977). The latter was described by Eileen Prescott in a contemporary review as showing "women who want to play the game how to win it."[5] Both books laid out what was desirable for women to wear in male-dominated work environments. Molloy's manuals suggested a new kind of strategy for women in the professional workplace that played down an approach to dressing according to mood, in which an outfit or ensemble could vary from day to day, to a more uniform approach with minimal and only inflected variations.

Molloy took a social positivist position by asserting that the book, or manual, was not simply an arbitrary style guide based on taste alone but had the added authority of science: "This is the most important book ever written about women's clothes because it is based on scientific research, not on opinion."[6] It was based on what he saw as the inalienable premise that "to get ahead in business, women should imitate men's clothes."[7] The task of his manuals, particularly *The Woman's Dress for Success Book*, was to dispel a series of misconceptions that impede female workplace mobility. Molloy states:

> Most American women dress for *failure*. I have said that before about men, and research shows that it applies equally to women. Women dress for failure because they make three mistakes.
>
> 1. They let the fashion industry influence their choice of business clothes.
> 2. They often still view themselves as sex objects.
> 3. They let their socioeconomic background influence their choice of clothing.
>
> The only reasonable alternative is for women to let science help them choose their clothes.

[4] Joanne Entwistle, "'Power Dressing' and the Construction of the Career Woman," in *Fashion Theory. A Reader*, ed. Malcolm Barnard (2007), 211.
[5] Eileen Prescott. "Review: The Woman's Dress for Success Book," *Library Journal* 103:2 (1978), 159.
[6] John T. Molloy, *The Woman's Dress for Success Book* (1977), 15.
[7] Malloy, "The Women's Dress for Success Book,"27.

> The name of the science I practice is wardrobe engineering. The idea is to use research data to manipulate the dress of an individual to draw a favorable response from the people he or she meets.

The nature of the success is never explicitly laid out here because it is assumed to be universal: corporate mobility, financial betterment, and the capacity to wield power over others. While standards of dress like these had been set already in the nineteenth century, they had never been given such explicit shape or impetus, suggesting that only a certain kind of dress can integrate into the highest echelons of capitalist might. This meant above all observance to uniformity, as Molloy affirms: "There is one firm and dramatic step women can take toward professional equality with men. *They can adopt a business uniform*."[8] And mobility had to be dynamic and aspirational: "The rule for all businesswomen is to *dress for the job you want, not the job you have*. Polyester pantsuits, sweaters, slacks, skirts and blouse outfits, and dresses with large prints all announce that you have no ambition."[9] These were sumptuary laws of an altogether different kind.

Knee-length pencil skirts and tailored suits with padded shoulders created an A-line silhouette that communicated confidence and authority. The pads served several functions, not only to enhance shoulders that were naturally narrower than men but also to maintain a cut and silhouette that could hide or de-emphasise the breasts. At its most formal, the jacket bore only small differences from the male suit jacket and was based around narrower shoulders and cut to accommodate a bust. Small finishes, such as a bolero-like splay at the base of the jacket, could also come into play. Trousers would also become incorporated into the schema, although the traditional, unpleated pencil skirt was the most common form. A collared shirt buttoned to the top was the norm, and the shirt sometimes had some feminine touches, such as ruffles or extra embroidery (Fig.3). Ties were not so common as their evocation of the 1920's *gamine* persona tended paradoxically to feminise the wearer because it was an overt inversion of the norm.

[8] "The Women's Dress for Success Book, 34.
[9] "The Women's Dress for Success Book, 125.

Fig.3. British Prime minister Margaret Thatcher (1925-2013) wearing a typical power dressing outfit. The Thatcher Estate. Public domain.

Meg Whitman, Chief Executive Officer of Hewlett-Packard, commented that "back in the 70s and 80s there was no established dress codes of how women executives should dress in the corporate arena," instead "we used to dress in suits with a skirt and a jacket with button-down shirts and a little bow tie, because that was sort of our interpretation of the man's tie…It was our attempt to be feminine but fit into what was then a male world."[10]

IV. THE RENUNCIATION OF FASHION

In many respects, women's approach to power dressing from the 1970s onward was another version of the Women's Dress Reform movement in the late 1800s, when suffragettes rejected the dictates of fashion and opted for more practical and comfortable clothing that they either designed themselves or bought as sewing patterns from stores. Along with the right to vote, and access to education, suffragettes renounced fashion as detrimental to health. They called for the emancipation of the body from constricting garments like tightlacing corsets, cumbersome bustles, and large crinolines that restricted women's movements for more simplified garments that women could modify and adapt for greater mobility and independence. Two such garments were the knitted wool union

[10] Tracy Eagan Morrissey, "The Feminist History Behind your Floppy Bow Blouse, which Actually is a 'Pussy Bow Blouse'," *Jezebel*, February 27, 2013. https://jezebel.com/the-feminist-history-behind-your-floppy-bow-blouse-whi-452560822 (accessed November 1, 2023).

suit, with its long pants and sleeves that buttoned up from the neck down to the groin area, and long thermal underwear called Long Johns. In literary and artistic circles, the natural shape of the body was celebrated and bloomers or the "divided skirt" was adopted for freedom of movement. Suffragettes considered fashion as an instrument of control enacted upon the body by institutions governed by men as a form of bio-power. The renunciation of fashion with new styles that allowed for greater movement to work and earn income would give women greater independence from men and the institution of marriage.

There is no denying fashion's role in disciplining the body and in promoting certain body types as desirable—slender, small waisted and able-bodied. As a product of free—market capitalism, fashion relies on "growth" through the perpetuation of new styles that produce a system of commodification and a culture of consumerism which relies on frameworks of exploitation (models, labour). As Foucault argues, technologies of production, technologies of domination, and technologies of the self produce effects that constitute the subject. They control a person's conduct through the exercise of power to produce useful, docile, and practical citizens[11] or, in this case, "slaves of fashion". As Foucault writes, by renouncing fashion and adapting various "operations on their own bodies and souls, thoughts, conduct, and way of being"[12] that the subject makes by their own free will, or with the assistance of others, (as in part of a movement such as feminism), they are able to transform themselves to reach a "state of happiness, purity, wisdom, perfection, or immortality."[13]

There are many more such examples where the renunciation of fashion has made dress a framework from which to draw attention to the dynamics of power. In the 60s and early 70s, second wave feminists refused to submit to mainstream culture's standards of "feminine" fashion, beauty, and behaviour and adopted an "anti-fashion" form of dress that was characterised as comfortable and loose fitting, flannel shirts, loose jackets, and baggy pants. Hair was cut short, and they wore tennis shoes, Birkenstock saddles or fry boots. At the 1968 Miss America Beauty Pageant, they carried placards that read "No more Beauty Standards" and "Welcome to the Miss America Cattle Auction" to protest the objectification of women by the beauty and fashion industry. Women took off their bras and threw them into a "Freedom Trash Can" along with their lipstick and high heels as a symbolic gesture of women's emancipation from patriarchal control.

[11] Michel Foucault, "Truth, power, self: an interview with Michel Foucault," in *Technologies of the Self*, ed. L. H. Martin, H. Gutman and P. H. Hutton (1988), 9–15.
[12] Foucault, "Truth, Power," 18.
[13] "Truth, Power,"18.

Fig.4. Alaska Airlines Flight 6 from Los Angeles International Airport to Washington Reagan Airport in Arlington County, Virginia, carrying protestors wearing 'pussy hats' for the 2017 Women's March. Ted Eytan. 20 January 2017. Public domain.

Historic circumstances have rendered certain garments as symbols of power and resistance, such as the *lavallière* blouse, for instance, or the "pussy hat" that has become associated with the Me Too movement that grew to prominence in 2017 in response to the sexual harassment of women in the workplace (Fig.4). Another such example is what John Flügel in the 1930s referred to as the "great male renunciation". This was directed at the (almost) universal appearance of the suit in Western male dress by the early nineteenth century and the reduction of extra adornments that had been so popular and expected in upper class dress for over two centuries.[14] Naturally, it was an approach to dress that grew out of the French Revolution when dress was one of the sites of identification in ideological and class distinctions. In France since at least the courts of the first Bourbon kings Henri IV and Louis XIII, elaborate dress was a decisive marker of where one stood in society: there were even laws, albeit unevenly enforced, about wearing a sword (*épée*), which applied only to men of aristocratic birth (the *épée* was a potent signifier of state power because it bore connotations of the older and more distinguished nobility, the *noblesse d'épée*, the nobility of the sword that supposedly haled from the time of Clovis and Charlemagne. They stood opposed to the *noblesse de robe*, who to the former were the more

[14] John C. Flügel, "'The Great Male Renunciation and Its Causes' from *The Psychology of Clothes* (1930)," in *The Rise of Fashion*, ed. Daniel Leonhard Purdy (2004), 102–8.

recent parvenu upper classes who gained their status through the softer activities of law and administration instead of the rigors of war). By the 1760s, however, it became less the case for aristocrats to assert their rights to the sword as they joined the ranks of the enlightened middle-classes, some of whom were a great deal more wealthy than they were (fashion fact: the use of the pistol as the weapon of choice for duelling was largely due to this trend to eschew the sword as part of the dress ensemble). The language of the male "renunciation" was that of the functional and therefore useful individual at the service of the state (and capitalism). He was not distracted by vanity and unnecessary fripperies; ultimately, the bourgeois was the person whom dandies and bohemians stood against as a countervailing social force. In "The Painter of Modern Life," Charles Baudelaire makes the observation that men were clothed uniformly in black, and from a distance it was next to impossible to tell them apart in class or creed. In "On the Heroism of Modern Life" from *Salon of 1846*, Baudelaire remarks on the ubiquity of funereal black that renders people and classes drably indistinguishable:

> Is it not the necessary garb of our suffering age, which bears the symbol of a perpetual mourning even upon its thin black shoulders? …the dress-coat and the frock-coat not only possess their political beauty, which is an expression of universal equality, but also their poetic beauty, which is an expression of the public soul – an immense cortege of undertaker's mutes (mutes in love, political mutes, bourgeois mutes). We are each of us celebrating some funeral.[15]

Against this uniformity was another kind of power of distinction that required knowledge of nuance, namely in the quality of the fabric and the cut of the clothing. Class distinctions, according to status, education, and wealth, prevailed but in a far less obvious way, which, it could easily be argued, was a deeper entrenchment of the signs of power for the way that it could draw lines between the cabal who were in the know and those who did not know. Likewise, when it came to female power dressing in the 1980s, tailoring and fabrics were defining factors, as were the accessories, such as jewellery, the modest pearl necklace, for one, and handbags. One of the paradigmatic power dressers of the 1980s was Margaret Thatcher, who made the lavalliere (pussy bow) blouse a key element of her sartorial arsenal and the handbags from the exclusive Bond Street firm, Asprey, famous. These retail at a small fortune, some rivalling the cost of a new car.[16] Many reading this article were doubtlessly, until now, ignorant of Asprey, as were we before writing this article, which is indeed a large part of the point.

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[15] Charles Baudelaire, "The Salon of 1846," in *Art in Paris 1845–1862: Salons and Other Exhibitions,* trans. and ed. Jonathan Mayne (1965), 118.

[16] See for example: "167 Mini in Jade, Sky Blue & Malibu Crocodile, £24,000.00," Asprey London.

Knowledge of such commodities is largely confined to those who can afford them, and such exclusivity is also a form of insulation from ostentation. As Young Lee Han et al. observe, *patricians* (those "in the know") use inconspicuous consumption and "subtle signals because only other patricians can interpret them," while avoiding "being misconstrued as someone who uses luxury brands to differentiate themselves from the masses."[17] Subtlety is key: not only as the target to impress is narrowed to the cognoscenti but also as the obvious need to impress is reserved for those who are compensating for a lack. These power-signifying-systems are more registrations than compensatory assertions. Jonah Bergere and Morgan Ward explain that,

> while subtly marked products are misrecognized by most observers and thus seem like less effective signals in general, people with domain-specific cultural capital (i.e., insiders) actually prefer them because they provide differentiation from the mainstream and should facilitate interaction with others "in the know."[18]

Like the secret ink or handshake from a secretive and exclusive club, this is a special form of signalling that is self-aware and that takes gleeful satisfaction in the tacit vetting provided by a disproportionately higher degree of ignorance and misrecognition.

But how to situate these manifestations if the desire is to go beyond the simple equation of money, status, wealth, and access to the commodity? In her essay on Foucault and fashion, Jane Tynan draws attention to several criticisms of Foucault concerning how he "attributes more power to institutions than to people". This concern, she advises, can be mitigated with a more detailed understanding of the ways in which institutions exert complex webs of control over human beings and the ways in which bodies practice and reflect the dynamics of power in their own stead, where "specific body practices reflect the workings of power."[19] These workings devolve to Foucault's thesis of governmentality that he explored in the 1970s. Governmentality in Foucault's thought are the operations of social control that exist well beyond written laws and locatable relationships to the far more furtive and insidious codes that order a society, which from an outside or habitual perspective are deemed "natural" and indeed "normal." "Biopolitics" is the name he gives for the frameworks that are enacted upon the body, by the body itself or by others, to instrument such controls. New concepts of criminality, for example, lead to new ways of punishing and "reforming" prisoners. One key process is control through the apparatus of tools of surveillance, which is not only achieved through centralisation but through

[17] Young Jee Han, Joseph C. Nunes, and Xavier Drèze, "Signaling Status with Luxury Goods: The Role of Brand Prominence," *Journal of Marketing* 74:4 (2010), 17.

[18] Jonah Berger, and Morgan Ward, "Subtle Signals of Inconspicuous Consumption," *Journal of Consumer Research* 37:4 (2010), 556.

[19] Jane Tynan, "Michel Foucault: Fashioning the Body Politic," in *Thinking Through Fashion: A Guide to Key Theorists*, ed. Agnes Rocamora and Anneke Smelik (2016), 187.

bodies regulating themselves and others and enforcing hierarchies and systems. Tynan asks: "Do the principles of hierarchical observation and its goal to separate the normal from the abnormal resonate with the fashion system?"[20]

Clearly yes, and power dressing in its original and developed forms is yet another avenue (in addition to Tynan's own analyses) to explore this, especially as it easily lends itself to such an argument. It is precisely that it lends itself so easily that makes it so valid as a theme because a more subtle set of values lurks in its self-evidence. These values are centered on how knowledges are guarded and purveyed and on the novel, multivalent manipulation of renunciation as a signifier of sacrifice to a cause (martyrdom) or as a freedom to do so. It is what Nietzsche, a significant influence on Foucault throughout his career, called the "will to power," which has been improperly construed as vulgar Nazi machismo. However, it is more rightly understood as the freedom to exist unfettered from imposed mores and expectations, an inner abundance much in line with Buddhist renunciation and transcendence.

V. DRESSING DOWN IS THE NEW DRESSING UP

The television series *Billions* (2016-2023) revolves (mostly) around the rivalry between a tenacious and obsessive lawyer, Charles "Chuck" Rhoades Jr. (Paul Giamatti) and a ruthless hedge fund manager, Robert "Bobby" Axelrod (Damian Lewis). Rhoades is depicted as coming from old money – at least older than his rival. His alma mater is Yale University and although he is ostensibly politically left-leaning in his search for equity and justice, his actions often violate his principles. He lives in a brownstone in the salubrious Brooklyn Heights of New York and wears tailored suits with ties of no special flamboyance—he is a generic public service executive. His girth and studied solemnity are in stark contrast to the vulpine informality of Axelrod, who after his divorce lives in a slick glass-encompassed high-rise apartment and exclusively wears casual wear and sportswear to work (jeans and hoodies); exclusively except on those occasions when the power dynamic does not pertain, namely, when he is brought before government officials or legal tribunals on matters that he must defend—but even then he flouts his sartorial prerogatives. Axelrod's 2IC, or corporate lapdog, Mike "Wags" Wagner (David Costabile) bridges the gap between his boss and the nerdy informality of the trade room below: he wears a blazer (with pocket kerchief) and collared shirt but without a tie and jeans, a stylistic reserve that is always in deference to his boss.

This kind of dressing is conceivably the tertiary stage of power dressing: first there is the clear signs of distinction on the surface, then there is the secret club of consumers with

[20] Tynan, "Michel Foucault," 188-189.

their covert signs of smug recognition, and third a strategic dressing down in a dressed-up environment. The purpose is to act as a dynamic foil and to be a reminder of what all the others are not at liberty to appear, do, or say. According to a 2014 study by Silvia Bellezza, Francesca Gino, and Anat Keinan, the disobedience of dress codes in professional and nonprofessional settings can lead to a positive reception by observers who equate status and competence with the signals of nonconformity. The "red sneaker effect," as the authors call it, leads to inferring higher status and power with nonconforming individuals, provided one is familiar with the respective contextual codes.[21]

VI. COURTROOM ATTIRE AND PRACTICES OF SELF

The tertiary transition of dressing down to dressing up is not the final stage in this journey. There is a fourth, which is the use of dress codes as sartorial arsenal to influence public opinion. We have discussed how power dressing by corporate sector women is intended to show career seriousness, whilst at the same time women aim to be taken seriously by their workplace peers. The same holds true in the courtroom, as the authority of defense lawyers and the innocence of defendants are judged by juries according to their appearance. While dress choices may seem mundane, social values concerning gender bias and stereotypes towards women are judged according to courtroom attire. "Whether an advocate is successful may depend on whether they are perceived as neat or sloppy, well dressed or shabbily dressed, and pleasing or unpleasing to the eye."[22] Although this is true of both genders, issues concerning women's sexuality and gender specific clothing have a greater influence on juries and the media then men. In the article "Courtroom Demeanor: The Theatre of the Courtroom," published in the *Minnesota Law Review* (2008) and still relevant today, Laurie R Livingstone argues that defense lawyers use appearance to their advantage to sway the outcome of court cases. Lawyers adjust their own language, dress, and overall courtroom style and encourage client make-overs to please the jury. "Each defendant needs the right outfit, a perfect hairstyle and lessons on appropriate courtroom behavior."[23] "Heads of state wear suits," says Anne Hollander "and men accused of rape and murder wear them in court to help their chances of acquittal."[24] And if they have tattoos, they are best left covered while in a conservative setting.

[21] Silvia Bellezza, Francesca Gino and Anat Keinan, "The Red Sneakers Effect: Inferring Status and Competence from Signals of Nonconformity," *Journal of Consumer Research* 41:1 (2014), 35-54.
[22] Maureen A. Howard, "Beyond a Reasonable Doubt: One Size Does *Not* Fit All When It Comes to Courtroom Attire for Women," *Gonzaga Law Review* 45:1 (2010), 213.
[23] Laurie L. Levinson "Courtroom Demeanour: The Theatre of the Courtroom," *Minnesota Law Review*, 582 (2008), 576.
[24] Anne Hollander, *Sex and Suits. The Evolution of Modern Dress* (1995), 134.

In a study conducted in the university town of Blacksburg, Virginia, one hundred former jurors were questioned about their reactions to women's dress in court. While the three-piece navy, charcoal or dark brown suit, tie and suitcase suggest integrity, power and confidence in males, women were expected to select a tailored suit and blouse. "Ultra-masculine styles should be avoided as should the latest feminine fashion, as neither adds to a woman's credibility."[25] As a general proposition, the advice is to "dress conservatively, simply and inconspicuously"[26] to achieve a successful outcome in court. Let us return to Foucault's concept of biopower, which is a useful tool for understanding dress practices as it focuses on the body as a site of subjugation. Furthermore, it highlights how women are implicated in their oppression as they participate in practices such as the self-regulation of dressing that contributes to the creation of "docile bodies."

Biopower operates on people's bodies, and it is through the implementation of self-disciplinary practices and bodily regimes such as dressing that subjugates individuals. Fashion's force derives from its ability to function through "knowledge and desire"—the production of knowledge results in a discourse of norms to which people desire to conform or, in the case of court room attire, consciously manipulate for a desired result. Individuals regulate themselves by conforming to cultural norms through self-surveillance and self-disciplinary practices, especially those relating to dress and appearance. The body becomes a site of subjugation that highlights how individuals are implicated in their own oppression as they participate in the daily practice of dressing. Fashion, including beauty and fitness regimes, produces disciplined bodies that are appropriate for capitalism—regulated by self-control and self-restraint. Dissatisfaction with the body leads to conspicuous consumption—beauty products, cosmetic surgery, fitness attire, gym equipment and new clothes.

Foucault argues that institutional regimes such as prisons, hospitals, schools, and court rooms maintain order through the production of passive, subjugated and productive bodies under its controlling gaze. The institutional surveillance, disciplining and punishment of the body moulds individuals into subjects accustomed to regulation. Institutions work "to discipline the body, optimize its capabilities, extort its forces, increase its usefulness and docility, integrate it into systems of efficient and economic controls"[27] to produce the bodies that society requires.

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[25] Charline Lind, Joann Boles, Dennise Hinckle and Sharon Gizzi, "A Woman can Dress to Win in Court," *The American Bar Association Journal* 70:1 (1984), 92.

[26] Howard, "Beyond a Reasonable Doubt," 210.

[27] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon (1980), 139.

Fig 5. Johnny Depp at the 2020 Berlinale, Harold Krichel, 21 February 2020. Public Domain.

In what has become known as the most high-profile defamation case so far in the 2020s, the libel trial between actors Johnny Depp (Fig.5) and Amber Heard (Fig. 6) became a viral phenomenon. Labelled by social media as the first "Trial by TikTok,"[28] people shared hashtags across Twitter and video footage of the trial whilst critiquing the actors' wardrobe in court. YouTube posted a "Trial Fashion Analysis"[29] and Netflix produced the docuseries *Depp vs Heard* (Emma Cooper, 2023), which questioned the validity of the truth and the actors' reputations. The American digital broadcast network Court TV livestreamed the daily proceedings on cable and online. In sum, viewers watched and discussed the celebrity case of the year: "its messiness, its scandal, the glamorous movie stars at its heart, and the question of what to believe."[30]

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[28] Floyd Alexander-Hunt, "Trial by TikTok. How Social Media is Affecting the Johnny Depp and Amber Heard Case," *Law Society Journal*, May 17, 2022. https://lsj.com.au/articles/trial-by-tik-tok-how-social-media-is-affecting-the-johnny-depp-and-amber-heard-case/ (accessed December 25, 2023).

[29] Style of Thought, "Depp v. Heard - Trial Fashion analysis," YouTube, May 26, 2022. https://www.youtube.com/watch?v=qXAi30Jd0_8 (accessed December 25, 2023).

[30] Constance Grady, "Johnny Depp, Amber Heard and their $50 Million Defamation Suit Explained. Why Johnny Depp and Amber Heard Accused Each Other of Domestic Violence," *Vox*, November 3, 2022. https://www.vox.com/culture/23043519/johnny-depp-amber-heard-defamation-trial-fairfax-county-domestic-abuse-violence-me-too (accessed December 23, 2023).

Fig 6. Amber Heard speaking at the 2018 International ComicCon, San Diego California, Gage Skidmore, Public Domain.

Foucault introduces the concept of "regimes of truth" in the first chapter, "Body of the Condemned," of *Discipline and Punish* (1975). He notes that within the establishment of the new penal system in the 18th and 19th centuries, "a corpus of knowledge, techniques, 'scientific' discourses [was] formed [that became] entangled with the practise of power to punish."[31]A new "regime of truth" emerged that became interwoven with the power to punish. In December 2018, Amber Heard wrote the article "I Spoke Up Against Sexual Violence- and Faced our Culture's Wrath. That has to Change,"[32] which was published in the *Washington Post* newspaper. A year earlier, the public trial of film producer Harvey Weinstein for the sexual abuse of several Hollywood actresses had sparked the most public phase of the feminist Me Too movement. Heard's article followed in its trail, referring to herself as "a public figure representing domestic abuse."[33] Although Heard did not mention Depp's name in her article, he insisted that Heard was referring to him. Depp denied Heard's allegations of physical abuse and sued her for defamation, arguing

[31] Michel Foucault, *Discipline and Punish* (1975), 23.
[32] Amber Heard, "I Spoke Up Against Sexual Violence- and Faced our Culture's Wrath. That has to Change," *Washington Post*, https://www.washingtonpost.com/opinions/ive-seen-how-institutions-protect-men-accused-of-abuse-heres-what-we-can-do/2018/12/18/71fd876a-02ed-11e9-b5df-5d3874f1ac36_story.html, (accessed December 18, 2018).
[33] Heard, "I Spoke Up",

in court that Heard defamed him, and the jury agreed. Heard counter-claimed that Depp's lawyer, Adam Waldman defamed her in comments published in the British *Daily Mail* newspaper in 2020. Throughout the trial, Depp's lawyers argued that Heard had been the instigator of domestic abuse rather than the victim. Referring to the Depp vs Heard trial, Constance Grady wrote that, "It's only fitting that the cultural moment that began with women speaking out against the powerful men who they say hurt them [Me Too] announced its end by the courts finding in favour of one of those men."[34] Simply put, it was Heard who abused Depp and lied about it.

Fig.7. 1881 caricature of Oscar Wilde in Punch magazine the caption reads: "O.W.", "Oh, I feel just as happy as a bright sunflower, *Lays of Christy Minestrelsy,* "Æsthete of Æsthetes!/What's in a name!/The Poet is Wilde/But his poetry's tame." Public Domain.

Separated by over a century's worth of cultural changes in perceptions of gender (including five feminist movements), the 1895 libel trials of Oscar Wilde (Wilde v. Queensbury) and Johnny Depp v. Amber Heard have much in common. Wilde was a

[34] Constance Grady, "Me Too Backlash is Here," *Vox,* June 2, 2022. https://www.vox.com/culture/23150632/johnny-depp-amber-heard-trial-verdict-me-too-backlash (accessed December 28, 2023).

celebrity who was constantly in the press, and so too are Depp and Heard. Wilde was accused of posing as a sodomite, and salacious details of his relationships with men were reported in great detail, as were the specifics of Depp and Heard's abusive marriage. Caricatures of Wilde appeared in the popular press (Fig.7), and laughing emojis of Depp and Heard's courtroom exchanges were uploaded onto the internet. Both libel trials attracted a considerable amount of public attention and functioned as a platform for social and cultural anxieties over sexuality and gender. Most importantly, public perception and opinions were played out with detailed commentary of Wilde's, Depp's, and Heard's appearance and what they wore in court. In both instances, the defendants used sartorial codes to their advantage.

Foucault notes that the technologies of identity rely on what he calls "games of truth." Foucault does not mean amusement games but, rather, sets of truths "by which truth is produced… that lead to a certain result, which, on the basis of its principles and rules of procedure may be considered valid or invalid."[35] We can only make claims of subjectivity by complying with the rules and procedures of the game, however, as Foucault notes, "by playing the same game differently," it is possible to exercise agency.[36]

The representation of Wilde at the time of the trials was as an effeminate dandy. Along with his propensity for "posing," Wilde drew attention to his ostentatious style of dressing and intentionally flouted Victorian masculinity with his wide fur collars, rich silks, and brightly colored velvets. At the end of the nineteenth century, one was threat enough if one adopted the outward signs of what constituted homosexual behaviour and appearance at the time. Here we might recall Foucault's observation that it was only in the late nineteenth century that homosexuality appeared as "a species,"[37] and a species whose structure in society holds sway today. The trial put almost every modern liberty at stake: political, personal, aesthetic, cultural, intellectual and, above all, gendered and sexual.

In an article published in 1977 in the journal *Radical Philosophy*, Foucault argues that "truth isn't outside power or deprived of power…. it is produced by virtue of multiple constraints, and it induces regulated effects of power."[38] Foucault continues, "each society has its regime of truth,"[39] and by this statement he explains that (1)"the types of discourse [that society] harbours and causes to function as true," (2) "the mechanisms and instances which enable one to distinguish true from false statements," (3) "the way in which each

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[35] Michel Foucault, "The Ethics of a Concern of the Self as a Practice of Freedom," Interview with H. Becker, R. Fornet-Batancourt and A. Gomez-Miller [1984], in *Ethics, Subjectivity and Truth: The Essential Works of Foucault 1954-1984. Vol.1*, ed. P. Rabinow, trans. P. Aranov and D. McGrawth (1997), 297.

[36] Ibid., 295.

[37] Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction* (1990), 43.

[38] Michel Foucault, "The Political Function of the Intellectual," *Radical Philosophy* 017 (Summer 1977), 12.

[39]Foucault, "The Political Function,"12.

[statement] is sanctioned," (4) "the techniques and procedures which are valorised as obtaining truth," and (5) "the status of those who are charged with saying what counts as true."[40] As such, "truth" is a "system of ordered procedures for the production, distribution, circulation and functioning of statements"[41] that is linked by a circular relation to systems of power which "produce it and sustain it, and to effects of power which it induces, and which redirects it."[42]

Let us examine media representations of Amber Heard's appearance in court with a view of the above statements and how her sartorial choices affected public perception and the outcome of the trial. In 2016, Heard appeared in court requesting a restraining order against Depp. Her face was bruised and swollen, and she wore a simple, conservative black belted dress whose length stopped short below the knee. Her dress was modest and conveyed innocence and vulnerability. Sartorial history credits Chanel for disassociating the black dress from funeral attire to a statement of elegance and modernity. Likened to the 1926 Model T Ford automobile, Chanel's "little black dress" (LBD) was a simple silhouette consisting of a few diagonal lines that became associated with elegance and modesty. Five years later, in 2021, Heard reappeared in court wearing the same black dress, but instead of requesting a restraining order, she was on trial to defend herself against allegations that she lied about being abused by Depp. Heard shared two photographs of herself on Instagram wearing the black dress. On both occasions Heard wrote the caption "One dress, four years apart. Sometimes it's important to wear the same thing twice."[43] Heard was playing a "truth game" with her sartorial choices. The image that Heard curated had significant impact on how she was perceived by the public, the courts, and the jurors. Reporting on the trial for *The New York Times*, Vanessa Friedman wrote,

> From their first entrance [in court], Mr. Depp and Ms. Heard looked their parts: not as showy people-page magnets, but as respectful members of society sensitive to the seriousness of the moment, the traditions of the court and the weight of the truth. You've heard of dress to impress? This is dress to suggest."[44]

Heard was dressed in a way that accentuated her femininity and her integrity as a victim/survivor of domestic violence. Her dress code informed the types of gendered

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[40] "The Political Function,"12

[41] "The Political Function,"13.

[42] "The Political Function," 13.

[43] Marca News, "Amber Heard Gets Slammed on Social Media for her Funeral Dress," *Marca News*, June 2, 2022. https://www.marca.com/en/lifestyle/celebrities/2022/06/03/62998d0ae2704e28398b4584.html (accessed December 31, 2023).

[44] Vanessa Friedman, "In Court, Johnny Depp and Amber Heard Dress to Suggest," *The New York Times*, May 19, 2022. https://www.nytimes.com/2022/05/19/style/amber-heard-johnny-depp-clothes.html (accessed December 30, 2023).

discourses that operate (in patriarchal society) as "regimes of truth" that function to keep women in subordinate positions to men. Gender bias produces myths concerning women as pure and innocent or as "untrustworthy, deceitful and motivated by greed."[45] In sum, a woman is either a dutiful wife or a scheming whore. While there has been "an increase in the *recognition* of domestic violence an overall mistrust of women is still very, very strong."[46] It is a common perception, says Padma Raman, CEO of Australia's National Research Organisation for Women's Safety, that "it's common for women to use sexual assault allegations as a way of 'getting back at men' (whereas in reality, false allegations are very rare)."[47]

In court, Heard wore pant or skirt suits in classic, muted tones of grey and navy, considered appropriate courtroom attire. Skirts were mid-calf length, and her blouses were buttoned up all the way up to the base of her neck. Her makeup was subtle, her jewellery understated.[48] On one occasion, she wore a black twin set suit, sheer white *lavaliere* blouse (also worn by model Kate Moss when she appeared in court to testify for ex-boyfriend Depp) and hair perfectly coiffed and pinned into curls that swept down the side of her face. She looked glamourous and immaculate. Her dress code read professionalism, strength, and reliability. Then, quite unexpectedly, Heard opted to play the "game" differently by wearing a suit with strong tailoring and masculine lines that fastidiously and tirelessly mimicked Depp's courtroom attire. He wore a light-grey double-breasted suit, and the following day Heard wore the same suit as Depp. He wore a bee tie, and the next day she too wore a bee tie. He wore his hair back in a ponytail, she wore her hair in a ponytail. By exercising agency in her dress choices, Heard was signifying that she held the power and was in total control of the situation. Strange coincidences, perhaps, or premeditated decisions? In any case, at the end of the trial, the court ruled in Depp's favour. Perhaps the outcome of the trial would have been different if Heard had avoided imitating Depp. As we noted earlier in the findings of the Blacksburg research, "ultra masculine styles should be avoided as should the latest feminine fashion, as neither adds to a woman's credibility."[49]

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[45] Meg Watson, "Is the Amber Heard Judgement Really the Death of #Me Too?" *The Sydney Morning Herald*, June 3, 2022. https://www.smh.com.au/culture/celebrity/is-the-amber-heard-judgement-really-the-death-of-metoo-20220602-p5aqkn.html (accessed December 31, 2023).
[46] Watson, "Is the Amber Heard Judgement,"
[47] Watson, "Is the Amber Heard Judgement".
[48] Friedman, "In Court."
[49] Lind, et.al. "A Woman can Dress,"92.

VII. CONCLUSION

The paradox of modern dress, and a very Foucauldian paradox at that, is that at the very same time as the average person with even limited purchasing power was subject to a broad range of choices, that same person was also subject to regulations and controls, many of them invisible and unknown. Power for Foucault is a kind of intangible pressure that structures us as subjects within social regimes and manifests in how we act, speak, interact—and dress. Dressing with this power in mind is to identify and acknowledge power by also playing full lip service to it. We undergo a renunciation for the sake of frictionless access into a system. Even its inversion of dressing down in a dressed-up context is to succumb to this language and dynamic. If all fashion and dress is a form of compliance to regulatory principles—just as we are born into a language, we are also born into a point in history with its attendant codes of appearance and so on—then power dressing is playing expediently and strategically with such principles. If anything, it is a case of hypertrophied conformity – a conformity that stretches in anticipation of what new advantages and results may eventuate.

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ARTICLE

Discipline and Power in the Digital Age: Critical Reflections from Foucault's Thought

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ABSTRACT. In the ever-evolving landscape of the digital age, the theories posited by Michel Foucault four decades ago provide an insightful lens through which to view our contemporary technological society. This article underscores the shift from modern reference disciplines, such as biology, political economy, and linguistics, to the emergent domains of cognitive and computer sciences. By exploring the personalization of online user experiences via data collection and behavioral microtargeting, the study highlights the nuances of modern surveillance. This new era of monitoring bears a resemblance to Foucault's concept of disciplinary power, marked by its subtle yet omnipresent control. In a world where digital oversight by governments and corporations is increasingly prominent, the relevance of Foucault's ideas becomes significant for deciphering and traversing the intricate landscapes of power and surveillance in the digital age.

Keywords: Foucault, disciplinary power, digital surveillance, behavioral microtargeting, digital society

INTRODUCTION

In recent years, digital technologies have deeply permeated our social fabric, altering the very essence of our existence. The emergence of smartphones, tablets, and other connected devices has revolutionized the way we communicate. Concurrently, the vast amount of accessible data, coupled with the surge in computing power, has birthed a new era of artificial intelligence capable of discerning our behaviors and decisions with astounding precision.

The central thesis of this article is that, even four decades posthumously, Michel Foucault's insights provide a penetrating lens through which we can comprehend the intricate dynamics of our current digital society. Foucault probed deeply into societal structures, dynamics of power, and mechanisms of surveillance. Throughout this article, we

will delve into some of Foucault's cornerstone ideas and investigate their relevance in decoding the digital age.[1]

Foucault, to begin with, encouraged us to explore an 'ontology of actuality'. This standpoint infers that we are not inherently bound to the Zeitgeist of our age; we can, instead, cultivate an adequate critical detachment to philosophize about our prevailing historical condition. His stress on the importance of actuality seamlessly dovetails with his skepticism towards universal concepts. He proposed that these overarching notions are not self-evident; they emerge from intricate historical and cultural trajectories. Specifically, in *The Order of Things*, Foucault delineated the metamorphosis from classical to modern thought, accentuating the cessation of broad taxonomies and the disintegration of the unified mathesis. While classical contemplation veered towards the infinite, modernity pivoted to embrace finitude. This shift gave birth to novel comparative principles, paving the way for the genesis of human sciences. Foucault identified biology, political economy, and linguistics as the torchbearers of the modern epoch. However, in today's world, it seems the baton has passed on to cognitive and computer sciences, thereby accentuating the very dynamics of finitude that Foucault recognized.

Such evaluations are strikingly pertinent to today's Internet ecosystem, which is dominated by the personalization of user experiences. This customization hinges on the relentless data harvest from users, which is subsequently processed by machine learning algorithms. Complementing this is the psychographic approach; a method of classifying personalities based on traits like extroversion, conscientiousness, and openness. Such information, gleaned from users' actions, is harnessed to craft messages tailored to resonate with deep-seated motivations; an art known as behavioral microtargeting.

On another front, Foucault's musings on power and biopolitics delved into societal strategies to manage and monitor its citizens. He chronicled the evolution from a sovereignty-centered power, where authority wielded a life-and-death dominion over subjects, to a more insidious disciplinary power. This latter form permeates daily lives, molding individual subjectivities through institutional apparatuses like schools, factories, and prisons. Although this modern disciplinary force does not manifest in overt coercion (a hallmark of its predecessor, sovereignty), it culminates in a subtler, yet pervasive, social control. Such control manifests as a docile individual perfectly assimilated within societal machinery. This disciplinary paradigm prioritizes the surveillance and ensuing visibility of individuals—a notion starkly resonant with our digital age where individuals are incentivized to share themselves online, even as the monitoring entities recede from the public eye.

In this paper, we conceptualize digital surveillance as the perpetual logging and tracing of both online and offline human activities. This ambiance has emboldened governments and corporations to amass and scrutinize data for multifarious objectives, from national security to commercial interests. Revelations like those from Edward Snowden have

[1] In this article, sections 1, 4, and 6 were written by Giacomini, and sections 2, 3, and 5 by Capodivacca. Section 7 was written by both authors.

ignited debates on privacy. Numerous corporations now proffer surveillance tools to law enforcement, facilitating real-time monitoring of activists, protesters, and the general populace. In a realm where every digital footprint can be traced, archived, and dissected, individuals may involuntarily assimilate these surveillance mechanisms, calibrating their behaviors and identities in harmony with the perceived expectations of their unseen observers.

The contemporary tech-centric world—marked by big data, artificial intelligence, psychographic profiling, and surveillance collaborations between states and enterprises—necessitates profound introspection. Even though Foucault could not have envisioned these technological developments, his oeuvre furnishes an invaluable conceptual scaffold to navigate this terrain.

TOWARD A PROBLEMATIZATION OF ACTUALITY

Alongside works analyzing macro- and microscopic phenomena of human history, Foucault presented a series of contributions that beckoned his readers and lecture attendees to explore an 'ontology of actuality'. This exploration is predicated on the belief that we are not irrevocably bound to our era; we possess the capacity to maintain a critical distance and philosophize about our present times.[2]

According to Foucault, the pioneer of this research approach was Kant, who posed the question 'Was ist Aufklärung?' in the *Berlinische Monatschrift* in 1784. Though succinct, Kant's text is rich in content. A significant portion of Foucault's 1982-1983 lectures delved into its analysis.[3] A key aspect of its significance, Foucault argues, is Kant's emphasis on understanding the present. In this Kantian treatise, the intent is not merely to ascertain the factors in the present situation that might sway one towards a specific philosophical stance. Rather, it seeks more ambitiously to comprehend what currently generates meaning. Foucault suggests that this represents a moment where "we see philosophy—and I

[2] Gilles Deleuze comments: "Foucault attached so much importance to his interviews [...] not because he liked interviews, but because in them he traced lines of actualization that required another mode of expression than the assimilable lines in his major books. The interviews are diagnoses [...] that lead us towards a future, towards a becoming: strata and currentness", Gilles Deleuze, "What Is a Dispositif?" [1989], in *Two Regimes of Madness. Texts and Interviews 1975-1995* (2007), 348. While in agreement with the idea that lines of actualization (or diagnosis, as the case may be) can also be traced in Foucault, we believe, however, that we can also discern them in texts that are not transcripts of interviews. On the relationship between Deleuze and Foucault, we recommend Nicolae Morar and Daniel W. Smith, ed., *Between Deleuze and Foucault* (2016). In particular, Paul Patton's essay focuses on the problem of the relationship between history and actuality that we are taking up; see Paul Patton, "Deleuze and Foucault: Political Activism, History and Actuality," in ibid., 160-173.

[3] In the vastness of studies on Foucault in relation to Kant, see a contribution by Maurizio Passerin d'Entrèves, who proposes an original reading, according to which "Foucault's reformulation of Enlightenment ideals in terms of an ethos of transgression and an aesthetic of self-fashioning is much closer to Nietzsche's vision of a transvaluation of values than to Kant's notion of maturity and responsibility". See Maurizio Passerin d'Entrèves, "Between Nietzsche and Kant: Michel Foucault's Reading of 'What Is Enlightenment?'," *History of Political Thought* 20:2 (1999), 337.

don't think I'm forcing things too much in saying that it is for the first time—becoming the surface of emergence of its own present discursive reality; a present reality which it questions as an event whose philosophical meaning, value, and singularity it has to express, and as an event in which it has to find both its own raison d'être and the foundation of what it says".[4] The philosopher's allegiance is no longer just to a particular school of thought but to their immediate reality and the collective of individuals sharing the same temporal existence. The philosopher strives to decode the evolving trajectories of this shared era. As the discourse unfolds, Foucault elaborates further during the same lecture session:

> Philosophy as the surface of emergence of a present reality, as a questioning of the philosophical meaning of the present reality of which it is a part, and philosophy as the philosopher's questioning of this 'we' to which he belongs and in relation to which he has to situate himself, is a distinctive feature of philosophy as a discourse of modernity and on modernity. [...] A new way of posing the question of modernity appears or surfaces, which is no longer in a longitudinal relationship to the Ancients, but in what could be called a sagittal relationship or, if you like, a vertical relationship of the discourse to its own present reality. The discourse has to take its own present reality into account in order, [first], to find its own place in it, second to express its meaning, and third to designate and specify the mode of action, the mode of effectuation that it realizes within this present reality.[5]

Foucault's emphasis on actuality, coupled with his call to grasp the essence of one's era, stems from his broader process of historicizing concepts deemed universal. He contests these 'universal' notions, arguing that they lack explanatory power. Instead, it is these very universals that require justification. They need to be explained, thereby revealing them as outcomes of specific dynamics that falsely elevate them to an absolute, all-encompassing status.[6] Foucault firmly anchors philosophy to history, viewing it not as a pursuit of the absolute but as a chronicling of fractures and distinctions. Through these differences, one does not unveil a superior or inherent identity embodied by the subject. Rather, it underscores the realization that "we are difference, that our reason is the difference of discourses, our history the difference of times, our selves the difference of masks".[7]

In alignment with this historical-archaeological approach, *The Order of Things* outlines an epistemological tripartition, marking the progression from the Medieval-Renaissance period to the classical era and, finally, to the modern age. To this progression, we can append the 'digital age' to signify the paradigm shift that began towards the latter part of

[4] Michel Foucault, *The Government of Self and Others. Lectures at the Collège de France 1982-1983* [2008] (2011), 12-13.

[5] Foucault, *The Government of Self and Others*, 13-14.

[6] See Deleuze, "What is a Dispositif?" [1989], 342.

[7] Michel Foucault, *Archeology of Knowledge* [1969] (2002), 147.

the 20th century and continues to be influential today.[8] Our use of the term 'digital age' is not an attempt at originality. Instead, we opt for it because we believe that the present era is defined more by its dominant technological apparatus than by its chronological placement. The digital age, as we define it, does not simply extend the modern episteme but rather introduces a new paradigm that both complements and transcends the traditional boundaries of Foucault's modernity. This new configuration is characterized by an unprecedented level of interconnectedness, information fluidity, and technological predominance, fundamentally altering the way knowledge is produced, disseminated, and consumed. While the modern episteme, as outlined by Foucault, is deeply rooted in principles of classification, order, and representation, the digital age propels us into a realm where knowledge is increasingly decentralized, dynamic, and participatory. This shift does not negate the modern foundations but builds upon them, creating a complex overlay of the old and the new. Therefore, the digital age can be seen as a distinct horizon that, while emerging from the modern episteme, drives us into a new stage of epistemological development. By acknowledging this transition, we can better understand the multiple implications of contemporary knowledge structures and the profound ways in which digital technologies reshape our cognitive landscapes.

In this context, it remains apt to employ the term 'apparatus', drawing from the definition provided by Foucault in a 1977 interview:

> What I'm trying to pick out with this term is, firstly, a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the system of relations that can be established between these elements.[9]

Yet, we must acknowledge the distinct nature of the 'digital' apparatus. While Foucault's concept of the apparatus bridges diverse elements, creating a network among them, today's Internet also connects various systems but under the proviso that they all conform to a uniform code of information. When interacting with the World Wide Web, we indeed engage with a vast array of domains (which can be related to Foucault's enumeration: discourses, institutions, architectural forms, decisions, and so forth). However, each of these domains interfaces with others by adhering to a singular condition: they must be represented, or 'flattened', onto the screens of our digital devices to be accessible.

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[8] On the possible lines of filiation between Foucault's thought and the socio-cultural changes that occurred after his death, we recommend reading Marco Maureira Velásquez and Francisco Tirado Serrano, "The Last Lesson of Michel Foucault: A Vitalism for a Future Philosophy," *Athenea Digital. Revista de pensamiento e investigación social* 19:2 (2019), 1-18.

[9] Michel Foucault, "The Confession of the Flesh" [1977], in *Power/Knowledge: Selected Interviews and Other Writings 1972—1977*, ed. Colin Gordon (1980), 194. For an accurate reconstruction of Foucauldian thought, see Cosimo Degli Atti, *Soggetto e verità. Michel Foucault e l'etica della cura di sé* (2011), 23-43.

MODERNITY AS AN ANALYTIC OF FINITUDE

In *The Order of Things*, Foucault delves deeply into the characteristics that distinguish historical and cultural constructs and the distinct effects of certain epistemes on the associated worldviews. A significant portion of this work culminates in a discussion on the 'modern' age, which emerged between the 18th and 19th centuries. According to Foucault, this era signifies a move away from the notions "of a universal characterization, of a general *taxonomy*, of a non-measurable mathesis".[10] The classical paradigm, anchored in the infinite and viewing the finite as more of an aberration or impediment, began to fade. In contrast, the modern era embraced finitude, with phenomena, beings, and language grounding themselves in their inherent limitations. This shift prompted an analytic approach focusing on the nature and interrelationships of these elements. The overarching universal principle was replaced with principles of comparison, juxtaposition, and alignment, leading to the emergence of human sciences.

Foucault's archaeological excavation of this period holds significant weight in our argument. Primarily, the conclusion of *The Order of Things* paves the way for further historical-epistemological evolution, signposting the so-called 'end of man'. For Foucault, the hallmark of the modern age is the 'creation or appearance of man'. Clearly, this is not a denial of humanity's presence before the late 1700s. Instead, it highlights a particular epistemological framework that spurred humanity to confront its finiteness during that era. This finiteness, defined as "that upon the basis of which it is possible for positivity to arise," positions humans as subjects to be both understood and known due to their definitive boundaries.[11] Yet, this very definition also insinuates the eventual obsolescence of the 'man' concept, suggesting its impending insignificance in historical and epistemological contexts. Born within the semantic confines of finitude, the 'man' concept inherently signals its forthcoming end.

By 1966, approximately a century and a half post this 'appearance', Foucault anticipated man's end. It remains uncertain whether this 'demise' has transpired or if it ever will. Notably, while Foucault earmarked biology, political economy, and linguistics as hallmarks of the modern age, today, cognitive sciences and predominantly information technology assume that mantle. These domains have burgeoned due to the focus on individual-based (yet universally transferable) information. In this light, it is pivotal to underline that the digital world's evolution was not spontaneous; it has its foundational roots in the modern age. According to Foucault, this era witnessed language metamorphose into a knowledge domain, studied for its intrinsic inter-discursive relations. Consequently, "To know language is no longer to come as close as possible to knowledge itself; it is merely to apply the methods of understanding in general to a particular domain of objectivity".[12] The subsequent paragraph cites George Boole, the progenitor of logic

[10] Michel Foucault, *The Order of Things. An Archaeology of the Human Sciences* [1966] (2002), 236.
[11] Foucault, *The Order of Thing*, 343.
[12] *The Order of Thing*, 322-323.

algebra in the modern age and a precursor to digital formalization (with the enduring 'Boolean operators' in coding). A direct lineage connects the modern objectification of language to its digital codification, albeit the latter symbolizes an epistemological shift or enhancement.

While Foucault's insights were predominantly theoretical, it is essential to recognize their profound resonance within the tangible realm of our digital era. Let's delve into how these philosophies have materialized in contemporary dynamics.

THE AGE OF INFORMATION TECHNOLOGY AND PSYCHOGRAPHY

Foucault's epistemological insights find striking manifestations in today's digital landscape. When his theoretical constructs intersect with empirical reality, the profound influence of information technology and cognitive science on our socio-political milieu becomes evident. Drawing from Foucault's epistemic stance on finitude, our contemporary digital era employs advanced analytics to delve deeply into the nature and interrelationships of its users. This is particularly evident in the modern Internet framework, where personal experiences are tailor-made based on extensive data gathered about individuals. Every facet of human experience is increasingly seen as a 'raw material' to be mined.[13] Such data is harvested and deciphered using intricate computational systems adept at understanding vast interconnections through ever-evolving algorithms.[14]

In tech circles, this phenomenon is coined 'big data', a term that rose to prominence in the early 2000s.[15] This vast repository of data is continuously accumulated, analyzed, and stored. Companies like Cambridge Analytica, which gained notoriety through its role in Donald Trump's 2016 presidential campaign, procured vast datasets from 'data brokers' such as Experian, Acxiom, and Infogroup. These datasets, containing information ranging from financial status to reading habits, were then enriched with political insights and crucially supplemented with data from platforms like Facebook. Direct testimony from ex-Cambridge Analytica employee Kaiser asserts that their databases held between 2,000 and 5,000 discrete data points on every US adult, amounting to data on approximately 240

[13] On this aspect, reference can only go to Shoshana Zuboff, *The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power* (2019).

[14] On the science of big data, see Hal R. Varian, "Beyond Big Data," *Business Economics*, 49:1 (2014), 27-31.

[15] The three main characteristics of big data are: volume (data from a variety of sources, including business transactions, smart devices, industrial equipment, video, and social media), speed (data streams need to be managed in a timely manner through real-time processing), and variety (data are available in any format and can be either structured, organized according to a precise structure, or unstructured, with enormous semantic potential that must, however, be processed correctly). Subsequently, two further aspects of big data have been included: variability (since data flows are also unpredictable, and their meaning is changeable) and veracity (which refers to the quality of the data and the trust that can be placed in it). On these aspects, see Ripon Patgiri, and Arif Ahmed, "Big Data: The V's of the Game Changer Paradigm," *IEEE Computer Society* (2016), 17-24.

million individuals.[16] This deep data dive is a realization of Foucault's foresight into an epistemology pivoted on finitude and meticulous scrutiny of power dynamics.

To make meaningful connections amidst billions of data points, the realm of computer science has birthed artificial intelligence (AI). This AI is adept at learning tasks by recognizing patterns, much like human children. However, machines possess an edge: their capacity to learn and memorize vastly outstrips that of humans. AI, as a discipline, encompasses diverse theories, techniques, and technologies, such as machine learning, which automates analytical model-building, and deep learning, which employs expansive neural networks to discern intricate patterns. Presently, AI can autonomously convert colossal heaps of 'raw' data into actionable insights into human behavior. Central to this is the axiom that the efficacy of AI is directly proportional to the volume of data it can access. Consequently, the synergy between extensive big data collection and AI ensures that studying human behavior can yield highly accurate predictions.[17]

The synergistic blend of big data and artificial intelligence has enabled the large-scale deployment of the psychographic method, a psychological approach designed to characterize human traits, now predominantly used to profile Internet users.[18] Through psychographic analysis, complex individual personalities are deciphered and quantified. Data amalgamation facilitates the determination of levels of openness, conscientiousness, extroversion, agreeableness, and neuroticism. Psychologists subsequently discern the core motivations that drive individuals to act. Based on this insight, specialized communication experts craft targeted messages (videos, audio clips, images) tailored for specific personality types using the process of behavioral microtargeting.[19] The overarching aim of this system is to grasp the profound motivations driving individuals towards particular thoughts, behaviors, or decisions.

The foundation for such behavioral predictions rests on personality models, notably the Big Five model, DISC, and the Myers-Briggs Type Indicator. Presently, the Big Five model is arguably the most utilized. Pioneered by McCrae and Costa, this model identifies five critical personality dimensions: extroversion-introversion, agreeableness-antagonism, conscientiousness-carelessness, neuroticism-emotional stability, and openness to experience versus resistance to it.[20] For instance, an individual with a vast social circle might register a high extroversion score, while those who habitually plan their day might score high on conscientiousness. Digitally, users with a pronounced openness to

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[16] Brittany Kaiser, *Targeted. My Inside Story of Cambridge Analytica and How Trump, Brexit and Facebook Broke Democracy* (2019), 20 and 97-98.

[17] On the impact of AI: Kevin Kelly, *The Three Breakthroughs That Have Finally Unleashed AI on the World*, Wired. https://www.wired.com/2014/10/future-of-artificial-intelligence/ (accessed September 1, 2023).

[18] For a review of the applications of psychographics see William D. Wells, "Psychographics: A Critical Review," *Journal of Marketing Research* 12:2 (1975), 196-213.

[19] On the message construction procedure, in which computer scientists and psychologists collaborate closely, see Kaiser, *Targeted*.

[20] Robert R. McCrae and Paul T. Jr. Costa, "Validation of the Five-Factor Model of Personality Across Instruments and Observers," *Journal of Personality and Social Psychology* 52:1 (1987), 81-90.

experience might demonstrate preferences for Salvador Dali's artwork or TED talks.[21] This real-world linkage ensures the method's suitability for digital domains, given the straightforward associations between observed behaviors and behavioral traits—facilitating even artificial intelligence's detection. Harnessing digital resources, the Big Five model's evaluations are potent and bolstered by access to voluminous information and substantial computational capability.

As anticipated by Foucauldian thought, entities like Cambridge Analytica demonstrate the wide-scale applicability of these surveillance techniques, highlighting the symbiotic relationship between theory and practice. The Cambridge Analytica scenario has also emerged as a standard-bearer concerning the psychographic method. Brittany Kaiser, once affiliated with Alexander Nix, Cambridge Analytica's CEO, recounted in her memoirs the firm's assembly of data scientists and psychologists. This team mastered the art of message targeting—determining both the message type and the recipient. Nix further employed analysts capable of engaging individuals across devices (mobiles, PCs, tablets, TVs) and mediums (ranging from audio to social platforms) using microtargeting.[22] These tangible practices of data assimilation, analysis, user profiling, and microtargeting epitomize the practical realization of the previously discussed theoretical notions.

As early as 2013, a study demonstrated that Facebook 'likes' could be employed to automatically and accurately deduce numerous private personal attributes, encompassing aspects such as sexual orientation, ethnicity, political and religious views, personality traits, intelligence, happiness, the experience of parental divorce, and even substance use patterns.[23] By 2015, assertions emerged that the precision of digital analyses had begun to eclipse traditional analogue methods, particularly in predicting factors like 'satisfaction', 'drug use', and 'depression'.[24] With the trove of data harvested from social platforms and the advent of automated personality assessment tools—both precise and economically feasible—there is an unprecedented ability to delve deep into the intricacies of human behavior.[25]

Today's virtual landscapes are profoundly shaped by the union of cognitive science and computer science. These environments are meticulously crafted through the analysis and juxtaposition of finite elements drawn from human actions. And while the virtual

[21] This is reported in Wu Youyou, Michal Kosinski and David Stillwell, "Computer-based Personality Judgments Are More Accurate Than Those Made by Humans," *Proceedings of the National Academy of Sciences* 112:4 (2015), 1036-1040.

[22] *Targeted*, 20.

[23] See Michal Kosinski, David Stillwell, and Thore Graepel, "Private Traits and Attributes Are Predictable from Digital Records of Human Behavior," *Proceedings of the National Academy of Sciences* 110:15 (2013), 5802-5805.

[24] See Youyou et al., "Computer-based Personality Judgments," 1036-1040.

[25] Some studies showing the ability to penetrate intimate aspects are: Tsung-Yi Chen, Meng-Che Tsai, and Yuh-Min Chen, "A User's Personality Prediction Approach by Mining Network Interaction Behaviors on Facebook," *Online Information Review* 40:7 (2016), 913-937; Tommy Tandera, Hendro Derwin Suhartono, Rini Wongso, and Yen Lina Prasetio, "Personality Prediction System from Facebook Users," *Procedia Computer Science* 116 (2017), 604-611.

world may seem detached, it has palpable real-world repercussions.[26] While Michel Foucault, due to his era, did not get to witness or contemplate the philosophical, societal, and cultural ramifications of these transformative shifts, his intellectual legacy is not merely one of prophetic foresight. It offers a precise diagnostic lens through which we can interpret and understand our current digital episteme.

DIGITAL DISCIPLINARY POWER

When discussing recent socio-technical dynamics in the context of Foucault's work, attention often shifts to his research on biopolitics. This perspective has been reshaped and fine-tuned in light of contemporary developments. Gilles Deleuze was a trailblazer in this reinterpretation. In 1990, he penned a succinct yet influential article exploring the evolution from Foucault's 'disciplinary societies' to the emergent 'societies of control'.[27] Deleuze extrapolates Foucault's ideas on the microphysics of power, delving into the intricate mechanisms of domination that have evolved historically. In *Discipline and Punish*, Foucault expounded that up until Napoleon's era, authority manifested as sovereignty, wielding the formidable power to determine life and death.[28] However, the 19th century witnessed a shift where power became disciplinary. This form of power was infused into the very life force of citizens, standardizing and positioning them within institutional frameworks such as military barracks, factories, and educational establishments. Concurrently, the human body became a focal point and was segmented and conditioned by distinguishing its individual elements. As Foucault elucidated, "The historical moment of the disciplines was the moment when an art of the human body was born".[29]

Unlike the previous sovereign regimes, in a disciplinary society, power was no longer wielded against individuals. Instead, it permeated their lives. This transition birthed the concept of 'biopolitics', a practice that perceived individuals as pliable and, more importantly, useful entities. Acknowledging that "Foucault recognized […] the transience of this model",[30] Deleuze furthers his analytical exploration, noting a significant paradigm shift marking the transition from disciplinary societies to what he terms 'societies of

[26] According to Floridi, there has been a transition from an analogue way of inhabiting the world to one that has made us *onlife, in* a condition, that is, in which it no longer really makes sense to distinguish when we are *online* from when we are disconnected, for the simple reason that we are never really *offline*: there are processes that affect us that work, in the *background*, even when we are not actively using electronic devices. Moreover, the condition of being *online* is no longer just a circumscribed state of affairs but a *modus vivendi* that conditions our way of thinking, influences our actions, and conditions our choices, which are also made on the basis of being able to rely on the aid of the various devices at our disposal. Luciano Floridi, ed., *The Onlife Manifesto. Being Human in a Hyperconnected Era* (2015).

[27] Gilles Deleuze, "Postscript on the Societies of Control" [1990], *October* 59 (1992), 3-7.

[28] Michel Foucault, *Discipline and Punish. The Birth of the Prison* [1975] (1995), 280-281.

[29] Foucault, *Discipline and Punish*, 137.

[30] Deleuze, "Postscript," 3. On disciplinary, control, and surveillance societies, see: Yung Au "Surveillance from the Third Millennium," *Surveillance and Society* 19:4 (2021); Massimo Ragnedda, "Control and Surveillance in the Society of Consumers," *International Journal of Sociology and Anthropology* 3:6 (2011), 180-188.

control'. In Deleuze's perspective, control is not totalizing but limitless. Individuals enjoy greater freedom in their movements and actions. However, these liberties are counterbalanced by pervasive mechanisms that incessantly monitor every move. We unwittingly shed a constant trail of digital footprints, which subsequently inform statistical analyses and predictive algorithms that influence our behaviors. The pivotal term for grasping control societies, according to Deleuze, is 'code'. This supplants the roles that 'signature' and 'number' or 'administrative numeration' played in disciplinary societies. In earlier times, access to institutional structures required specific credentials—a combination of letters and numbers. But in Deleuze's view of modernity, the challenge is not about gaining entry to a structure but about unlocking increasingly sophisticated layers of services and functionalities.

Starting from this analysis, one might initially perceive Foucault's disciplinary society as being historically outdated or, at the very least, preceding the society of control. Indeed, in purely lexical terms, the latter seems especially apt to describe situations now common in everyday life. While prisons, asylums, and the like may be on the periphery of many modern individuals' experiences, the same cannot be said for codes and monitored freedoms, which directly and increasingly impact a vast majority of the population. However, to view the matter this way would be to misconstrue Deleuze's message. He was the first to free Foucault from a restrictive understanding of the concept of disciplinary society, noting that "Foucault has often been treated as above all the thinker of confinement [...] But this is not at all the case, and such a misinterpretation prevents us from grasping his global project".[31] Moreover, to assume that the disciplinary society and the society of control are sequential without any overlap would overlook key features of the present digital era, which remains heavily influenced by the concepts Foucault emphasized.

Indeed, disciplinary power is marked by its tight connection to surveillance, which is aimed chiefly at maximizing the visibility of individuals within a specific space. Consequently, the power itself becomes more concealed, while individuals are increasingly compelled towards visibility—to present themselves and, by extension, to be observed. This line of thought, originally associated with institutions meant to address societal anomalies or spaces for indoctrination (such as correctional facilities), is readily transferable to the modern Internet landscape. Here, users are actively encouraged to share information about themselves, while the power that oversees and influences their actions grows increasingly subtle and imperceptible—yet no less intrusive. Why then, Foucault wonders, do we passively accept such an expansive reach of power?

> Let me offer a general and tactical reason that seems self-evident: power is tolerable only on condition that it masks a substantial part of itself. Its success is proportional to its ability to hide its own mechanisms. [...] For it, secrecy is not in the

[31] Gilles Deleuze, *Foucault* [1986] (1988), 42. On the other hand, there are those who point out the difference between disciplinary and control societies: Helen Verran, "The Changing Lives of Measures and Values: From Centre Stage in the Fading 'Disciplinary' Society to Pervasive Background Instrument in the Emergent 'Control' Society," *The Sociological Review* 59:2 (2011), 60-72.

> nature of an abuse; it is indispensable to its operation. Not only because power imposes secrecy on those whom it dominates, but because it is perhaps just as indispensable to the latter [...]. Power as a pure limit set on freedom is, at least in our society, the general form of its acceptability.[32]

Power is most effective when it singles out actions that starkly oppose our freedom. Yet, this does not imply that its exercise is solely repressive. The core of disciplinary power is to subtly compel individuals to execute acts and adopt behaviors under its silent influence. The repressive dimension of power is merely the visible tip of an iceberg, whereas its actual influence is far more expansive and intricate. Since power prefers nudging subjects to express and observe instead of directly taking the forefront itself, "the abstract formula of Panopticism is no longer 'to see without being seen' but *to impose a particular conduct on a particular human multiplicity*".[33] The central aim of disciplinary societies is not so much to suppress specific behaviors but more to induce others, ensuring that the subjects always remain visible under the illusion of their own free will. Power is not just reactive but proactive.

From this, two pivotal aspects of disciplinary power emerge, both of which resonate in today's digital-centric environment. Firstly, there is the ability for subjectivation, and secondly, the ubiquitous nature of power. Concerning the latter, the fact that power largely remains out of sight for those under its influence makes it diffuse, intangible, and omnipresent. Rather than being tied to a specific location or a set of individuals, it is decentralized, making it all the more challenging to be pinpointed and consequently resisted.

> The omnipresence of power: not because it has the privilege of consolidating everything under its invincible unity, but because it is produced from one moment to the next, at every point, or rather in every relation from one point to another. Power is everywhere; not because it embraces everything, but because it comes from everywhere.[34]

Regarding the capacity for subjectivation, 'subjugation' should not be understood solely in terms of the degree of alienation to which an individual is subjected by the oppressive facets of power. It also pertains to the dynamics aimed at the constitution of subjectivity: "Discipline 'makes' individuals; it is the specific technique of a power that regards individuals both as objects and as instruments of its exercise".[35] Disciplinary power regulates bodies and individuals not just to subdue them but also to form them as subjects, thereby producing the modern subject.[36] It is both plausible and beneficial to perceive the Internet

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[32] Michel Foucault, *The History of Sexuality 1: An Introduction* [1976] (1978), 86.
[33] Deleuze, *Foucault*, 34.
[34] Foucault, *The History of Sexuality 1*, 93.
[35] *Discipline and Punish*, 170.
[36] See Giorgio Agamben, "What is an Apparatus?" [2006], in *What is an Apparatus? and Other Essays* (2009), 11-12. Despite the homonymity, one should not confuse the Foucauldian apparatus with that theorized by Agamben. Frost explains: "Despite Foucault tracing a genealogy of the *dispositif* to the modern age, coinciding with the development of biopolitics and governmentality, Agamben reads a much longer history to the

as a disciplinary mechanism to enhance our understanding of the phenomenon. Even in this context, power, though subtle, remains prevalent. It becomes increasingly inconspicuous yet plays a significant role in shaping a form of subjectivity. Such subjectivity risks isolation and marginalization unless it consents to continuous observation. This demand for visibility is not just promoted by social networks but is more broadly enforced by an array of applications that grant access to fundamental goods and services.

DIGITAL TECHNOLOGIES FOR SURVEILLANCE

Delving deeper into the current digital landscape, Foucault's insights on discipline and surveillance prove especially pertinent. Even though he could not witness their applicability in the digital realm, Foucault provided us with conceptual tools, such as the notion of discipline, to make sense of the present era. With transparent individuals juxtaposed against concealed power, coupled with communication technologies facilitating control mechanisms, nearly half a century after the publication of Foucault's seminal work, *Discipline and Punish*,[37] his framework arguably offers the most fitting lens to understand the perils of the current digital matrix. Within this matrix, countless citizens incessantly disclose personal data, leaving tracks that are potentially traceable by both public and private entities. In modern societies, as per Foucault, discipline manifests as pervasive, often anticipatory surveillance of myriad personal behaviors. Further, power assumes bureaucratic dimensions, remaining concealed, distant, and faceless. Such camouflage enhances its efficacy in monitoring. Historically, this was facilitated by an essential communication tool: writing, the backbone of modern authority. Writing enabled indoctrination, documentation, and archiving. In light of this, the transformative potential of digital technology becomes all the more intriguing.

Foucault posits that surveillance power's acceptability for citizens stems from its covert nature. Indeed, there is an inherent necessity for any state to keep certain data, such as military intel, under wraps. However, in democratic setups, the inclination towards transparency should perpetually prevail and limit concealed activities. Even if secrecy is deemed indispensable, it should ideally operate under the purview of a discernible authority. A concerning development over recent decades in established democracies is the exponential surge in the volume of clandestinely accumulated data. As Ferraris points out,[38] digital technologies are instrumental not just for communication but predominantly for recording. In fact, Ferraris argues that the unprecedented ability of digital media to chronicle virtually every human action trumps even its communicative capacity.

term. It is this difference in their readings which undergirds their views on resistance. Agamben also considers the *dispositif* as a transcendent referent, but traces the root of *dispositif* to the Latin *dispositio*, translated the Greek word *oikonomia*, or economy", Tom Frost, "The Dispositif Between Foucault and Agamben," *Law, Culture and the Humanities* 15:1 (2019), 160.

[37] *Discipline and Punish.*

[38] Maurizio Ferraris, *Documanità. Filosofia del mondo nuovo* (2021).

The Internet and digital corporations have become essential in surveilling individuals for two primary reasons. First, a significant portion of individuals' information and communication is hosted and transmitted through the Internet; second, with the growth of big data and artificial intelligence, software and platforms have evolved into invaluable tools for investigation. Governments are increasingly collaborating with these digital entities to counter threats to social stability, especially terrorism. They demand robust artificial systems to aid in the detection, prediction, and execution of countermeasures. Unsurprisingly, these digital corporations have built their businesses on the collection and analysis of user data, leading Zuboff to label them as 'surveillance capitalists'.[39]

The transition from commercial objectives (by companies) to security objectives (by governments) is subtle yet significant. This transition underscores the pertinence of Foucault's reflections on power and surveillance, illustrating how contemporary digital technologies amplify these concepts. The shared goal of achieving 'certainty' has solidified the alliance between nation-states and digital corporations in the realm of surveillance. In the early 2000s, the US Department of Defense established the Information Awareness Office, intending to develop a sort of digital panopticon that would compile data (such as bank transactions, credit card purchases, health records, and other personal information) into a centralized, searchable index.[40] While it is believed that the Information Awareness Office was eventually disbanded, Snowden's 2013 revelations indicate that these 'digital surveillance' initiatives have not ceased. Instead, they have been redistributed among other intelligence branches and have, in fact, been bolstered as part of the ever-expanding security apparatus.[41]

Edward Snowden, an American computer scientist and whistle-blower, obtained confidential documents related to global surveillance projects through his work responsibilities as a contractor for US intelligence and security agencies, including the CIA and NSA. These documents suggested that the US and British governments constructed clandestine mass surveillance programs. Once these were unveiled in 2013, they sparked significant public outcry in an event later dubbed 'Datagate', which stands as potentially the most significant leak of classified information in history.[42] The Snowden revelations are inherently contentious. States have a recognized need to maintain secrets, and the disclosure may have inadvertently aided adversaries of the Western world, encompassing authoritarian regimes. However, the unveiled depth of surveillance, directly impinging on the freedoms of citizens in democracies, is deeply troubling. According to the divulged

[39] See Zuboff, *The Age of Surveillance Capitalism*.

[40] On this project, see Eric Schmidt and Jared Cohen, *The New Digital Age: Reshaping the Future of People, Nations and Business* (2013).

[41] "U.S. Still Mining Terror Data," Wired. https://www.wired.com/2004/02/u-s-still-mining-terror-data/ (accessed September 1, 2023).

[42] Other relevant 'leaks' are related to WikiLeaks, an organization founded by computer scientist Julian Assange and based on a website built to receive and publicly disseminate confidential documents. Daniel Domscheit-Berg, *Inside WikiLeaks: My Time with Julian Assange at the World's Most Dangerous Website* (2011); Matthew Aid, *The Secret Sentry: The Untold History of the National Security Agency* (2009).

documents, Snowden posits that global surveillance activities are not predicated on specific suspicions but are instead indiscriminate. His apprehensions span both private enterprises and public entities. Concerning the former, Snowden suggested potential collusion between certain US commercial and technological entities and the government, which resulted in user data sharing.[43] As for public entities, he argued that the interpretation of collected data is not overseen by professional investigators but by analysts with expansive interpretative leeway.

Snowden released a plethora of documents detailing intelligence programs, such as 'PRISM' and 'Tempora', in association with journalists primarily from *The Guardian* and *The Washington Post*. On 5 June 2013, *The Guardian* unveiled the inaugural document, which was a highly secretive directive compelling a Verizon Communications subsidiary to relinquish metadata associated with domestic US telecommunications.[44] Subsequent reports divulged the existence of PRISM, a covert electronic surveillance, cyber warfare, and signal intelligence initiative tasked with managing information accrued from electronic and telecommunications service providers. This reportedly enabled the NSA to monitor e-mail, web searches, and diverse internet traffic in real time. More specifically, it is alleged that the NSA and FBI sourced data from central servers of leading US internet corporations and digital service providers, including but not limited to Microsoft, Yahoo, Google, Facebook, and Apple. This data encompassed audio and video communications, photographs, e-mails, documents, and connection logs.[45]

Further, on 21 June 2013, *The Guardian* divulged additional details concerning Tempora, an operation helmed by the British Government Communications Headquarters (GCHQ). GCHQ, a prominent governmental body specializing in communication security, espionage, and counter-espionage, allegedly embarked on the meticulous processing of substantial troves of sensitive personal data, which it subsequently shared with its US counterpart, the NSA. A distinctive feature of this operation was its capability to amass extensive data, obtained from fiber-optic cable interceptions, which were stored for up to

[43] Susan Landau, "Making Sense from Snowden: What's Significant in the NSA Surveillance Revelations," *IEEE Security & Privacy* 11:4 (2013), 54-63.

[44] Glenn Greenwald, "NSA Collecting Phone Records of Millions of Verizon Customers Daily," The Guardian. https://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order (accessed September 1, 2023).

[45] Glenn Greenwald, and Ewen MacAskill, "NSA Prism Program Taps in to User Data of Apple, Google and Others," The Guardian. https://www.theguardian.com/world/2013/jun/06/us-tech-giants-nsa-data (accessed September 1, 2023); Barton Gellman, and Laura Poitras, "British Intelligence Mining Data from Nine U.S. Internet Companies in Broad Secret Program," The Washington Post. https://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html (accessed September 1, 2023); Barton Gellman, and Ashkan Soltani, "NSA Infiltrates Links to Yahoo, Google Data Centers Worldwide, Snowden Documents Say," The Washington Post. https://www.washingtonpost.com/world/national-security/nsa-infiltrates-links-to-yahoo-google-data-centers-worldwide-snowden-documents-say/2013/10/30/e51d661e-4166-11e3-8b74-d89d714ca4dd_story.html (accessed September 1, 2023).

30 days, facilitating intricate data analysis. Two salient facets underscore the omnipresence of such surveillance mechanisms. First, GCHQ's overarching objectives are encapsulated in its catchphrases, namely, 'Mastering the Internet' and 'Global Telecoms Exploitation'. Secondly, the expansive scope of monitoring extends beyond specific individuals, encompassing broad segments of the populace. As reported, 'GCHQ and the NSA are consequently able to access and process vast quantities of communications between entirely innocent people, as well as targeted suspects'.[46] In this framework, the distinction between suspects and ordinary citizens becomes nebulous, rendering both categories susceptible to surveillance. Such indiscriminate scrutiny resonates with the citizen's perpetual sense of being observed, echoing Foucault's discourse on asymmetrical and pervasive oversight.

Furthermore, corporations with expertise in digital surveillance are keen to market their innovations not merely to intelligence units but also to police forces. Richards[47] cites CellHawk, a software system employed by police departments, the FBI, and private detectives in the US. This tool translates data accrued by mobile service providers into visual representations, delineating individuals' locations, trajectories, and interconnections. According to its creators, CellHawk can efficiently automate tasks that formerly demanded intricate manual intervention. Operating as a web-based utility, it can import call logs, illustrate communicative networks, and manage locational datasets sourced from mobile phone tower connections. Such capabilities frame CellHawk less as an occasional investigatory tool and more as an instrument of ceaseless surveillance, transcending the episodic data offerings of cellular providers.[48]

Geofeedia, in recent years in the spotlight of *The Intercept*, *The New York Times,* and *Inverse*, also deserves to be mentioned.[49] Drawing data from an array of social media

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[46] Ewen MacAskill, Julian Borger, Nick Hopkins, Nick Davies, James Ball, "GCHQ Taps Fibre-Optic Cables for Secret Access to World's Communications," The Guardian. https://www.theguardian.com/uk/2013/jun/21/gchq-cables-secret-world-communications-nsa (accessed September 1, 2023).

[47] Sam Richard, "Powerful Mobile Phone Surveillance Tool Operates in Obscurity Across the Country," The Intercept. https://theintercept.com/2020/12/23/police-phone-surveillance-dragnet-cellhawk/ (accessed September 1, 2023).

[48] Moreover, it appears that the legal requirements for obtaining such information are sometimes unclear. The American Civil Liberties Union in 2014 called the legal standards for such practices 'extremely murky', while in 2018, a report by the Brennan Center at New York University stated that courts were 'divided' on the handling of such dumps. See Katie Haas, "Cell Tower Dumps: Another Surveillance Technique, Another Set of Unanswered Questions," ACLU. https://www.aclu.org/blog/national-security/privacy-and-surveillance/cell-tower-dumps-another-surveillance-technique (accessed September 1, 2023); Rachel Levinson-Waldman, "Cellphones, Law Enforcement, and the Right to Privacy. How the Government Is Collecting and Using Your Location Data," Brennan Center for Justice at New York University School of Law. https://www.brennancenter.org/sites/default/files/publications/2018_12_CellSurveillanceV3.pdf (accessed September 1, 2023).

[49] Lee Fang, "The CIA Is Investing in Firms That Mine Your Tweets and Instagram Photos," The Intercept. https://theintercept.com/2016/04/14/in-undisclosed-cia-investments-social-media-mining-looms-large/ (accessed September 1, 2023); Jonah Engel Bromwich, Mike Isaac, and Daniel Victor, "Police Use Surveillance Tool to Scan Social Media, A.C.L.U. Says," The New York Times.

platforms, Geofeedia appears to embody Foucault's apprehensions concerning the suppressive potentialities of surveillance mechanisms. At its core, Geofeedia is an avant-garde enterprise dedicated to harvesting geo-tagged posts from platforms such as Facebook, Twitter, and Instagram, offering real-time monitoring of events, notably public demonstrations. The platform not only pinpoints the whereabouts of activists and protestors, encompassing notable figures from trade unions or organizations such as Greenpeace, but also constructs tailored threat indexes. This is achieved by assimilating text, images, and videos collated from major social media outlets. Consequently, software users are equipped to glean insights about ground realities by perusing content specific to a location, circumventing the need for manual searches using words or hashtags.[50]

While technological strides in the domain of security harbor the potential to shield the 'free world' from overarching threats, encompassing not only acts of terror but also aggressive national entities such as Russia, there is an imperative to ensure that this 'free world' preserves its defining freedoms. Specifically, there is a pressing need to guarantee that technological deployment does not infringe upon the fundamental rights of citizens within democratic societies. Among these rights is the sacrosanct protection of personal data. Foucault's discerning exposition on the inherently disciplinary character of power cautions us against the temptation of these very technologies. They could inadvertently amplify the encroachment of surveillance on global citizens and render such invasions palatable – all under the guise of opaque operations.

CONCLUDING REMARKS

Big data and artificial intelligence are far from neutral entities; they encapsulate and profoundly shape the sociocultural fabric of our era. In a historical condition where each click, search, and digital engagement is susceptible to meticulous tracking, analysis, and archiving, there is a pressing need to probe the ramifications of such pervasive monitoring. It is precisely this milieu that draws us back to Michel Foucault. His incisive reflections on power, knowledge, and surveillance offer a lens to dissect the intricate contours of our prevailing digital topography. Foucault's ontology of the present day beckons us to contemplate not just the impact of technology on our lives but also the underlying

https://www.nytimes.com/2016/10/12/technology/aclu-facebook-twitter-instagram-geofeedia.html (accessed September 1, 2023). John Knefel, "Your Social Media Posts Are Fueling the Future of Police Surveillance," Inverse. https://www.inverse.com/article/8358-your-social-media-posts-are-fueling-the-future-of-police-surveillance (accessed September 1, 2023).

[50] Lee Guthman, head of business development at Geofeedia, told journalist John Knefel that his company could predict, for example, the potential for violence during Black Lives Matter protests using the location and sentiment of tweets. In fact, the software offers a function called 'sentiment' that can predict violence by protesters. For example, Guthman explains, when during the riots in Baltimore, or Ferguson, there was a drop in sentiment, or when there was an increase in posts, this predicted a change in the attitude of the crowd. Technology can assess sentiment by associating positive and negative points with certain phrases while measuring the closeness of certain terms to other precise words. Knefel, "Your Social Media Posts Are Fueling".

motivations that propel us, as a collective, to entrust such technologies with the task of defining and molding our lived realities.

Our choice to navigate the currents of our digital world through Foucault's insights is far from serendipitous. We have ventured into his theoretical realm, earnestly engaging with his oeuvre, endeavoring to discern reflections of contemporary digital dominion within his philosophical tapestry. Even four decades post his demise, revisiting the well-spring of his thought and his profound articulations serves dual purposes. It is simultaneously an homage to his intellectual prowess and an essential endeavor in these times. In a world where information can often be watered down, taken out of context, and re-purposed, anchoring ourselves in Foucault's foundational ideas shields us from cursory or skewed interpretations. This sentiment resonates with numerous scholars of our time, as evidenced by a burgeoning inclination to recalibrate, reinterpret, and reimagine Foucauldian concepts in response to the unique quandaries of the digital age.[51] Such a revival underscores the persistent resonance and versatility of his philosophical constructs.

The confluence of Foucault's philosophy—particularly his focus on the intricacies of power and surveillance—with the multifaceted challenges presented by the digital age is an area of keen exploration for philosophers and sociologists, notably Zuboff, Rouvroy, and Han. Shoshana Zuboff's seminal work on 'surveillance capitalism'[52] delves into the emergent capitalist paradigm wherein personal data, frequently procured without individuals' cognizance, becomes instrumental in predicting and molding human actions. This iteration of capitalism pivots not on the production of tangible goods or standard services but on the relentless and systematic aggregation of data. Zuboff underscores the peril this poses not merely to individual privacy but also to the very autonomy and sovereignty of individuals. Her critique elucidates how tech conglomerates, in synergistic alignments with political entities, wield the capability to subtly shape and influence our decisions, often in manners eluding our consciousness.

Antoinette Rouvroy's conceptualization of 'algorithmic governmentality'[53] sheds light on our escalating reliance on decisions driven by algorithms. Traditional decision-making processes, transparent and contestable, stand in stark contrast to these algorithmic determinations, which frequently emanate from inscrutable 'black boxes', obfuscating their foundational logic. This form of governmentality, dictated by algorithms, surpasses conventional legal-centric governance, heralding a mode of control that is both omnipresent and often imperceptible.

[51] See Bernhard J. Dotzler and Henning Schmidgen *Foucault, Digital* (2022), 9.

[52] *The Age of Surveillance Capitalism*.

[53] Antoinette Rouvroy and Thomas Berns, "Algorithmic Governmentality and Prospects of Emancipation: Disparateness as a Precondition for Individuation Through Relationships?," *Réseaux* 177:1 (2013), 163-196. For a definition of the concept of governmentality in Foucault, see the lectures of 1 and 8 February 1978 collected in Michel Foucault, *Security, Territory, Population: Lectures at the College De France, 1977-78* [2004] (2007), 126-185. Rouvroy directly confronted Foucault's thought, proposing an actualization of it in the digital age, in Antoinette Rouvroy, "De Big Brother à Big Data. De la surveillance au profilage: Contribution au Hors série 'Michel Foucault: Le courage d'être soi'," *Philosophie magazine* 36 (2018), 60-63.

Lastly, the discourse on 'psychopolitics', initiated by Alexandra Rau, and subsequently expanded upon by Byung-Chul Han,[54] probes the nuanced mechanisms of wielding power through psychological avenues. As contemporary society grapples with an incessant deluge of digital stimuli, Han highlights the potential of harnessing this informational surfeit to navigate and steer our emotional and cognitive landscapes. Psychopolitics deploys seduction rather than overt coercion, nudging individuals towards voluntary adherence to the dictates and aspirations of the prevailing power structure.

The intricate tapestry of the digital realm, woven with threads of surveillance and control, has been unravelling in an increasingly sophisticated and pervasive manner. As contemporary scholars shape unique paradigms to comprehend these digital dynamics, their indebtedness to Foucauldian foresight becomes unmistakable. Foucault's discerning eye pre-emptively perceived many of the present-day challenges, reminding us of the perennial pertinence of questioning the power structures that mold our digital reality. Indeed, we stand at a crossroads, beset with questions demanding introspection: as we propel ourselves further into the digital realm, what liberties and autonomies do we unwittingly relinquish in our quest for convenience, efficacy, and security? What boundaries delineate our right to privacy in this digital surveillance era? Can a delicate equipoise between national security interests and civil liberties be achieved? How do we shield individuals from undue profiling and discriminatory biases inherent in amassed data? Finally, amidst this ubiquitous surveillance milieu, how can one retain a semblance of autonomy and freedom?

While Foucault may not have lived to engage directly with these concerns, his theorizations present an invaluable foundation for those following in his footsteps to decode and confront the intricate interplay of power and resistance in our current digital context. Aligning with his analytical perspective, Foucault viewed power not merely as a repressive entity but equally as a conduit for resistance.

> Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power. [...] These points of resistance are present everywhere in the power network. Hence there is no single locus of great refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. [...] Just as the network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly localized in them, so too the swarm of points of resistance traverses social stratifications and individual unities. And it is doubtless the strategic codification of these points of resistance that makes a revolution possible [...].[55]

[54] Alexandra Rau, *Psychopolitik. Macht, Subjekt und Arbeit in der neoliberalen Gesellschaft* (2010) and Byung-Chul Han, *Psychopolitics: Neoliberalism and New Technologies of Power* [2014] (2017). For an overview of Han and Foucault's relationship on psychopolitics, see Caroline Alphin and François Debrix, "Biopolitics in the 'Psychic Realm': Han, Foucault, and Neoliberal Psychopolitics," *Philosophy & Social Criticism* 49:4 (2023), 477-491.
[55] *The History of Sexuality 1*, 95-96.

Power is not seen as a stagnant, monolithic entity but as a fluid relationship, ever-changing and adaptable. It is within this dynamism that the potential for resistance arises. Where there is oversight, there is potential for vigilance; where there is control, there is room for subversion. Essentially, digital tools are a double-edged sword. They can be wielded to monitor, surveil, and control, but they can also be employed to mobilize, educate, and resist. The key lies in the manner of their application and the consciousness of their users. Decentralized digital platforms, encrypted communications, and open-source movements are emblematic of the resistance against the monopolistic and surveillance tendencies of the digital behemoths. They underscore the potential to use the same digital tools that can constrain to also liberate. Foucault's insights into the nature of power, where it resides not just in overt acts of control but also in the more subtle realms of knowledge and discourse, can be directly applied to the digital domain. In a world awash with information, control over discourse—what gets amplified and what gets silenced, what is deemed 'truth' and what is dismissed—becomes a potent form of power. Therefore, resisting the dominant narratives, creating alternative digital spaces, and advocating a democratized and decentralized digital ecosystem are all forms of resistance.

In sum, the Foucauldian perspective provides not just a diagnostic tool for understanding the complexities of the digital age but also an inspirational blueprint for action. It emphasizes that while power dynamics in the digital realm are intricate and daunting, they are not insurmountable. With vigilance, collective action, and a commitment to preserving the core tenets of democracy and human rights, it is possible to forge a digital future that is both progressive and humane.[56]

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[56] See Gabriele Giacomini, *The Arduous Road to Revolution. Resisting Authoritarian Regimes in the Digital Communication Age* (2022).

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ARTICLE

Untruth as the New Democratic Ethos: Reading Michel Foucault's Interpretation of Diogenes of Sinope's True Life in the Time of Post-Truth Politics

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ABSTRACT. Since 2016, the rise of post-truth politics has created a situation of democratic discontent in the west. While many scholars tend to regard post-truth politics as a threat to democratic order, I would like to propose that what we have been witnessing in this form of politics has been the transformation of the democratic ethos. By turning to Michel Foucault's lecture on the true life of Diogenes of Sinope, delivered at College De France in 1984, I ascertain the framework for demonstrating how we can approach a new shape of democratic ethos in our era of post-truth politics. I argue that in Diogenes's true life, Foucault saw the concrete life, which could liberate each individual from the constraints of their conventional lives by emphasizing the material conditions of all human bodies. Diogenes's life could then be a form of self-emancipation since it not only showed how untrue the conventional life was but also released each individual from any conventions estranged from them. Relying on this point, I propose the notion of untruth as the new ground of our democratic lives. Though post-truth politics destroys the objective form of truth, the untruth—as its main element—can play a leading role in grounding our democratic ethos to the extent that it asserts our capability of self-emancipation.

Keywords: post-truth politics, truth-telling, Michel Foucault, Diogenes of Sinope, philosophical life, democratic ethos

INTRODUCTION

> *Post-truth* is an adjective defined as 'relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief.[1]

In 2016, Oxford University Press announced their chosen word of the year: post-truth. The main reason they chose 'post-truth' was due to how frequently it was used in professional commentaries during the Brexit referendum campaign in the United Kingdom and presidential elections in the United States, in which the destruction of the true/false distinction proliferated. According to *Oxford Language*s, "Rather than simply referring to the time after a specified situation or event – as in *post-war* or *post-match* – the prefix in *post-truth* has a meaning more like "belonging to a time in which the specified concept has become unimportant or irrelevant"".[2] Apart from describing the new age, then, post-truth also underlines a defect in our political order: the loss of objective truth as the condition of democratic breakdown.

Some scholars choose to frame this defect through the lens of epistemological politics.[3] Meanwhile, many scholars focus on the crisis of trust, which has a strong connection with the rise of emotion, instead of reason, in politics.[4] Nevertheless, as some critics have charged, the devaluation of trust in public discussion casts a critical light on Michel Foucault due to the popularity of his idea, especially his genealogical approach to assaulting the truth-claim of modern science that emboldens those skeptical of the status of objective truth as a pillar of democratic co-existence.[5] Because of Foucault's ability to expose the historicity lying within any truth-claims, these criticisms imply that he cannot avoid being held responsible for the democratic crisis of post-truth politics.

However, this line of argument is not without its challenges. Torben Dyrberg, for example, has pointed out that Foucault's thought could envision a new democratic setting, especially Foucault's late comment on the practice of democratic truth-telling in Athenian politics during 500 BC.[6] This position is shared by Sergei Prozorov, whose intention is to rescue Foucault from being labeled as the precursor of the contemporary truth denialism. He argues that Foucault's

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[1] "Word of the Year 2016," Languages.oup.com. https://languages.oup.com/word-of-the-year/2016/ (accessed September 2, 2022).

[2] Ibid.

[3] See Steve Fuller, *Post-Truth: Knowledge as a Power Game* (2018); Linsey McGoey, *Unknowers: How Strategic Ignorance Rules the World* (2019); Stuart Sim, *Post-Truth, Scepticism and Power* (2019)

[4] Such as Jason Harsin, Jayson, "Regimes of Posttruth, Postpolitics and Attention Economies," *Communication, Culture and Critique* 8:2 (2019), 327–333; Ignas Kalpokas, *A Political Theory of Post-Truth* (2019); Benjamin Tallis, "Living in post-truth," *New Perspectives* 24:1 (2016), 7–18; Russell Muirhead and Nancy Rosenblum, *A Lot of People Are Saying: The New Conspiracism and the Assault on Democracy* (2019).

[5] See Kurt Andersen, "How America lost its mind", theatlantic.com. https://www.theatlantic.com/magazine/archive/2017/09/how-america-lost-its-mind/534231/ (accessed September 20, 2022); Casey Williams, "Has Trump stolen philosophy's critical tools?", nytimes.com https://www.nytimes.com/2017/04/17/opinion/has-trump-stolen-philosophys-critical-tools.html (accessed September 12).

[6] Torben Dyrberg, "Foucault on Parrhesia: The Autonomy of Politic and Democracy," *Political Theory* 44:2 (2016), 265-288.

reading of the Athenian practice of democratic truth-telling not only affirms the existence of truth but also exhibits how this existence is inseparable from the life of a democratic regime.[7] These arguments impute democratic features to Foucault's thinking. Yet, relying so heavily on Foucault's reading of Athenian democratic truth-telling is problematic for the reason that such a reading was succeeded by his discussion of how this democratic truth-telling was in decline and rendered politically impractical.

This becomes clear if we pay attention to Foucault's lecture on 2 March 1983, where he continued his genealogical account of truth-telling. The main content of that lecture was the modification of truth-telling into the technic of flattery, giving way to the rise of the new political technique at that time, namely, rhetoric.[8] As Foucault commented, with the advent of rhetoric, Athenian politics was turned into a matter of persuasion that was incapable of distinguishing between what is true and what is false. This is why, after ascertaining features of the practice of truth-telling in democratic Athens, Foucault shifted his account of truth-telling from the democratic practice to the psychological exercise for those who had to govern the city.[9] Seen from this perspective, Foucault's description of an Athenian democratic truth-telling is just a prologue to his main story: the character of philosophical truth-telling that helps its performer to govern themselves properly.

To be clear, I do still see a contribution to democracy in Foucault's thought, notably in his discussion of the practice of truth-telling. However, the form of truth-telling that Foucault emphasizes is not the democratic practice of Athenian citizens. I would like to propose that in spite of the political exercise of Democratic Athens, the main point of Foucault's investigation of the practice of truth-telling belongs to the philosophical form of living. Thus, the form of truth-telling that plays a crucial role in Foucault's thought, as the basis on which we can derive his contribution to the democratic regime, is the form of truth-telling associated with philosophical life, whose culminated form is expressed through the true life of Diogenes of Sinope, also known as Diogenes the Cynic.

Bearing this in mind, this article is divided into three parts. The first part deals with the concept of truth-telling and its relationship with the philosophical way of life, which Foucault spent his last three years shedding light on. I argue that Foucault's concern in philosophical truth-telling derives from the theme of care of the self, whose aim is to demonstrate a proper philosophical practice that can challenge the operation of power. The second part concerns Foucault's reading of the true life of Diogenes of Sinope, which Foucault considers a radical form that not only propels the practice of truth-telling into a culminated shape but also demonstrates implications of truth-telling for democratic politics. After drawing out the democratic features from Foucault's reading of Diogenes's true life, I apply this feature, in the third and last part, as a framework to grasp the positive character of post–truth politics. My argument is that while the loss of objective truth in post-truth politics might be viewed as a condition of the breakdown of democratic order, this loss can also signify the arrival of untruth as

[7] Sergei Prozorov, "Why is there truth: Foucault in the age of post-truth politics," *Constellations* 26:1 (2019), 27-28.
[8] Michel Foucault, *The Government of Self and Others: Lectures at the College de France 1982-1983* (2010), 301-304.
[9] Ibid, 305-306.

the new ground on which the new democratic ethos, asserting our capability of self-emancipation, will emerge.

TRUTH-TELLING, CARE OF THE SELF, AND FOUCAULT'S PHILOSOPHICAL WAY OF LIFE

Originally, Foucault touched on truth-telling in his Collège de France lecture in March 1982, before scrutinizing it in a much fuller manner in his last two lectures courses in 1983 and 1984. At first glance, the word 'truth-telling' seems to reflect a strange sense in Foucault's translation since the original word is 'parrhesia', which is equivalent to 'free speech' or 'free-spokenness'(*franc-parler*). Thus, 'parrhesia' and 'truth-telling', from the etymological point of view, are not automatically identical to each other. However, this translation does not come from any defect on the part of Foucault's skill; instead, it indicates his intent to attach a subtle philosophical meaning to the word.

According to Foucault's 1983 Collège de France lecture, parrhesia is a practice embedded within the life of a person who would direct others to constitute their relations to their own selves.[10] In this respect, parrhesia should be seen as a practice capable of constituting the two layers of a relationship: the relationship among persons and the internal relationship with oneself. Parrhesia is, then, a practice belonging to a group of techniques through which one can create a substantial relationship to oneself. But how can it be possible to constitute these kinds of relationships without presupposing some certain form of truth? Is it possible to realize a relationship with oneself without thinking about the role of truth? At this point, it is important to highlight that, apart from being a practice constituting the relationship in which one could realize one's own self, parrhesia is also described by Foucault as something that could not come into being unless the message it imparts is considered true.[11] *Truth* is therefore the condition under which parrhesia is made possible. If parrhesia is a practice that can facilitate the development of one's relationship to self, the truth determining a condition of this relationship will only emerge in the form of truth-telling. In this way, truth-telling does not primarily depend on the notion of truth, since truth-telling denotes a certain kind of practice that enables truth to ground the way one constitutes oneself.

Focusing on practices, as the core of truth-telling, allows us to think about the relation between the practice of telling and the truth coming out from what is being told. To be sure, this relation is nothing new in Foucault's thought. In his 1969 book *Archaeology of Knowledge*, Foucault pointed out that what constituted someone as a subject of truth-telling lay in certain forms of relations which alienated the truth-teller from his own will. Using an illustration from the case of medical science in the nineteenth century, Foucault argued that beneath the status of a doctor who was eligible to pronounce a medical statement presupposing the truth of a human's organs, there was the relation between certain skills (the specialized knowledge), the site of institution (hospital), and the function of 'doctor', which various people could perform in response to the symptoms of the patient.[12] In this case, truth did not spring from the

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[10] Ibid, 43.
[11] Ibid.
[12] Michel Foucault, *The Archaeology of Knowledge* (1972), 50-55

teller himself but from the rules operating throughout political society at some definite points in time. This is conveyed in Foucault's 1970 lecture in which he stated that, "It is always possible that one might speak the truth in the space of wild exteriority, but one is "in the true" only by obeying the rules of discursive "policing" which one has to reactivate in each of one's discourse." [13]

This brings us to the Nietzschean influence in Foucault's approach of truth. What mostly concerned Foucault up to 1970 was the Nietzschean manner in treating the truth like a product of the will to power.[14] This might explain why some scholars approach truth-telling, in Foucault's late thoughts, as the completion of the Nietzschean philosophical project, namely, the use of power to disclose that beneath the modern metaphysically scientific regime of truth is the discursive product of the will to power.[15] But, is it necessary to consider Foucault's Nietzschean position, in favor of the will to power, as the disclaimer of truth? In my view, although it is obvious that Foucault is influenced by Nietzsche's philosophical direction, such influence need not lead him to nullify truth in his philosophical manner. Danielle Lorenzini pinpoints a compromise: Foucault follows Nietzsche's philosophical project, but this does not aim at questioning the value of truth as much as question our unconditional acceptance of it.[16] This means that in spite of being discarded from Foucault's project, truth still plays a crucial role in his philosophical manner. Yet, if truth has a place in Foucault's project, it has nothing to do with an epistemological issue, as it functions to effect people to change their lives.[17] In other words, as guided by Nietzsche's project to produce 'the new truth', Foucault makes use of truth in terms of an effect that urges people to transform themselves in reference to it; truth, for Foucault, is not something regarded as truth beforehand, since it is a product actualized in the way its subjects change their lives in their concreteness. Subjectivity, as Foucault said, "is not conceived of on the basis of a prior and universal theory of the subject".[18] Instead, subjectivity should be "conceived as that which is constituted and transformed in its relationship to its own truth".[19]

Using this understanding as background, Foucault's main concern in proposing the notion of truth-telling could be nothing other than what he called 'care of the self', since the notion captures an operation of truth playing as a ground of practices that allow practitioners to constitute their own selves. This comes as no surprise given that Foucault first described the notion of truth-telling (*parrhesia*) in the second hour of the March 1982 Collège de France lecture and identified it to be the principle that commanded a way of speaking as part of a spiritual

[13] Michel Foucault, "The Order of Discourse," in *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (1981), 61.

[14] Michel Foucault, *Lectures on the Will to Truth: Lectures at the College de France 1970-1971 and Oedipal Knowledge* (2013), 197-198.

[15] Such as Thomas Flynn, "Foucault as Parrhesiast: His Last Course at the College de France")1984(, in *The Final Foucault*, ed. James Bernauer and David Rasmussen (1988); Paul Veyn, "The Final Foucault and his Ethics," in *Foucault and His Interlocutors*, ed. Arnold Davidson (1997)

[16] Danielle Lorenzini, "Genealogy as a Practice of Truth: Nietzsche, Foucault, Fanon," in *Practice of Truth in Philosophy: Historical and Comparative Perspectives*, eds. Pietro Gori and Lorenzo Serini (2023).

[17] Ibid.

[18] Michel Foucault, *Subjectivity and Truth: Lectures at the College de France 1980-1981* (2017), 12.

[19] Ibid, 12.

exercise (*ascesis*) in the Hellenistic philosophical practices, whose theme was care of the self or how one could realize oneself.[20] This does not sound strange for scholars working on Foucault's late writings. Nancy Luxon, for instance, views Foucault's notion of truth-telling as a new manner of subject-formation, offering modern individuals a set of practices to transcend any impasse created by any operation of power.[21] Edward McGushin, in the same fashion, suggests that truth-telling is part of Foucault's mission of searching for the pre-Christian experience of subjectivity as a device to displace the modern form of subject.[22] Hence, it could be summarized that truth-telling is a way of acting considered not only as the way one could *act* but also as a way one could *be* through an act that lets one's truth be spoken. In short, truth-telling is nothing but a form of modality that permits the acquisition of a quality of experience which makes the modification of the self possible.

Conceiving truth-telling as an act of self-modification is fruitful in capturing the insight of Foucault's recovery of the ancient imperative of care of the self. As McGushin explains, Foucault's notion of the self has no relationship to the idea situating the self as one's fundamental essence, such as its substance or form.[23] Instead, Foucault's notion of the self is something ambivalent that disperses among different states of experience, which is then only unified through some form of action that triggers the process of re-subjectivation. The self, according to Foucault, has never been a permanent state of existence waiting to be discovered and cared for; on the contrary, it is an object that will not come into being unless some required form of action is activated. The self, then, is the product—rather than the cause—of action. This point is driven home by a thorough examination of the original word, translated by Foucault as 'care'.

Delivered in his 1982 lecture at the Collège de France, Foucault's use of the term 'care', as part of the precept 'care of the self', was equivalent to the Greek term '*epimeleia*', which could etymologically be referred to as physical action or a certain series of exercises.[24] "Epimeleia also always designates a number of actions exercised on the self by the self, action by which one takes responsibility for oneself and by which one changes, purifies, transforms, and transfigures oneself", he explained.[25] It is therefore understandable why Foucault chose this word to lay down his framework for reading ancient Greek philosophical corpuses; it allowed him to grasp those corpuses in a full manner. That is to say, Foucault can grasp these ancient philosophical texts both as the theoretical edification of cosmology and as a practical guide for concretizing a form of subjectivity in consonant with such edification. He elaborated:

> With this theme of the care of the self, we have then, if you like, an early philosophical formulation, appearing clearly in the fifth century B.C. of a notion which permeates all Greek, Hellenistic, and Roman philosophy, as well as Christian

[20] Michel Foucault, *The Hermeneutics of The Subject: Lectures at The College De France, 1981-1982* (2005), 365-368.
[21] Nancy Luxon, "Ethics and Subjectivity: Practices of Self-Governance in the Late Lectures of Michel Foucault," *Political Theory* 36:3 (2008), 377-402.
[22] Edward McGushin, *Foucault's Askesis: An Introduction to the Philosophical Life* (2007), 11-15.
[23] Ibid, 32.
[24] Foucault, *The Hermeneutics of The Subject*, 82.
[25] Ibid, 11.

> spirituality, up to the fourth and fifth century A.D. In short, with this notion of *epimeleia heautou* we have a body of work defining a way of being, a standpoint, forms of reflection, and practices which make it an extremely important phenomenon not just in the history of representations, notions, or theories, but in the history of subjectivity itself or, if you like, in the history of practices of subjectivity.[26]

Furthermore, by ascertaining the notion of care of the self, we can see how this framework helps to culminate his critical aim. Foucault proposed, in his lecture during a summer trip to Japan in 1978, that philosophy should not pursue the old task of founding the laws or forms of order. Rather, it should perform the task of disrupting the form of power operating inconspicuously within political society.[27] Philosophy, as he depicted, was no longer a search for eternal truth, for the reason that it must complete the political mission of showing how one could counteract power:

> Perhaps philosophy might still play a role on the side of counter-power, on the condition that it no longer consists of laying down the law but of facing the power; philosophy stops to think of itself as prophecy, pedagogy, or legislation, and thus perform the task of analyzing, elucidating, highlighting, and intensifying the struggles taking place around power, that is, the strategies of adversaries within the relation of power including the employment of tactics, and the sources of resistance, which leads philosophy to stops posing the question of power in term of good and evil, but posing it in terms of existence.[28]

Taking this point into account, not only is philosophy the way one should actualize in one's concrete life; it also realizes the way to counter the operation of power. This is the reason why, in my proposal, we should focus on Foucault's account of philosophical truth-telling. If

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[26] Ibid. Here, it is worth addressing that Foucault seems to have followed the specific thread of interpreting the ancient philosophical corpuses which was flourishing in France at that time. As Arnold Davidson points out in detail, Foucault's interpretation of ancient philosophical texts is indebted to many French historians of ancient philosophy, one of which is Pierre Hadot, whose pioneering work in approaching ancient Greek and Roman literature as a manual for spiritual exercise gave Foucault a lens for viewing ancient philosophy (see Arnold Davidson,"Spiritual Exercise and Ancient Philosophy: An Introduction to Pierre Hadot," *Critical Inquiry* 16:3 (1990), 475-482) Yet, this does not mean that Foucault's approach to ancient philosophical texts goes hand in hand with Hadot's treatment of ancient treatises. In fact, Hadot criticizes Foucault's reading of ancient philosophical texts to the extent that he views Foucault's discussion of the self as anachronistic, see Pierre Hadot, *Philosophy as a Way of Life: Spiritual Exercise from Socrates to Foucault* (1995), 206-208. For the response to Hadot's critique, see McGushin, *Foucault's Askesis*, 104.

[27] Michel Foucault, "La philosophie analytique de la politique" [1978], in *Dits et Ecrits, 1954- 1988 III : 1976-1979,* eds. Daniel Defert, Francois Ewald and Jacques Lagrange (1994), 540.

[28] Ibid. The original version of the passage is: "Peut-etre la philosophie peut-elle jouer encore un role du cote du contre-pouvoir, a condition que ce role ne consiste plus a faire valoir, en face du pouvoir, la loi meme de la philosophie, a condition que la philosophie cesse da se penser comme prophetie, a condition que la philosophie cesse da se penser ou comme pédagogie, ou comme législation, et qu'elle se donne pour tâche d'analyser, d'élucider, de redre visible, et donc d'intensifier les luttes qui se déroulent autour du pouvoir, les stratégies des adversaires a l'intérieur des rapports du pouvoir, les tactiques utilisées, les foyyers de resistence, a condition en somme que la philosophie ces de poser la question du pouvoir en terme de bien ou de mal, mais en terme d'existence."

Foucault's philosophical task aims to disrupt the operation of power, and if care of the self is the framework he proposes to enliven the form of philosophy in our contemporaneity, it is the case that philosophical truth-telling, as the concreted form of philosophical practice framed through care of the self, can be a vehicle that Foucault could drive to arrive at his philosophical task of disrupting power.[29] What we should then emphasize is how his account of philosophical truth-telling could provide a democratic implication that challenges the operation of power, an implication expressed thoroughly in the true life of Diogenes of Sinope, whom Foucault considered in his last year.

DIOGENES'S TRUE LIFE: THE CYNIC'S PHILOSOPHIC LIFE AS A LIFE TRANSFORMING THE WORLD

Before examining how Foucault read—and was inspired by—Diogenes's true life, it is significant to note that he did not start exploring philosophical truth-telling with Diogenes, since his first philosophical hero was Socrates, whom he credited for elevating truth-telling beyond Athenian democratic practice and into philosophical exercise. However, although Foucault considers Socrates as a pioneer in philosophizing the practice of truth-telling, he knows very well that Socratic truth-telling was encroached on by Plato, who—albeit successfully passing on a philosophical practice of truth-telling to the subsequent traditions—betrays the spirit of Socrates's teaching by directing such practice in a metaphysical direction rather than keeping it within the level of the way of life.[30] This might be the reason why Foucault, in his last year, put more weight on the true life of Diogenes of Sinope, who honored the Socratic spirit of truth-telling by showing how truth could be practiced concretely in everyday life. This means that Diogenes of Sinope, according to Foucault, was not only the true heir of Socrates but also performed the way of life that Foucault would have liked to exhibit as a culmination of the philosophical way of life against power.[31]

Foucault marked the starting-point of the true life of Diogenes of Sinope in his March 1984 lecture at Collège de France. Using the story recorded by Diogenes Laertius, the beginning of Diogenes's Cynic philosophy could be traced back to the moment when he came to meet the oracle to ask about the purpose that his life sought to fulfill.[32] Here, it could be said that the

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[29] See further in Luxon, "Ethics and Subjectivity"; Stuart Elden, *Foucault's Last Decade* (2016); Flynn, "Foucault as Parrhesiast: His Last Course at the College de France" [1984], in *The Final Foucault*, ed. James Bernauer and David Rasmussen (1988), 102-118.

[30] Michel Foucault, *The Courage of Truth: Lectures at the College de France 1983-1984* (2011),161-166. See also Flynn, "Foucault as Parrhesiast," 111; Simona Forti, "Parrhesia between East and West: Foucault and Dissidence," in *The Government of Life: Foucault, Biopolitics, and Neoliberalism*, ed. Vanessa Lemm and Miguel Vatter (2014), 206.

[31] This does not mean that Foucault is cherishing Diogenes as the one who can provide all solutions to our present problems. Instead, as he once said in an interview in 1975, Foucault considered his work as the model that everyone was free to use and adjust according to the specific situation in which they were involved. It hence means that the logics he ascertained from his reading of Diogenes are far from the universal framework, wholly intact without any need for modifications, but they do offer some aspects, inspirations, or insights that anyone can use in their own ways, see Michel Foucault, "From Torture to Cellblock," in *Foucault Live (Interviews, 1961-1984)*, ed. Sylvere Lotringer (1996), 149.

[32] Foucault, *The Courage of Truth*, 226.

source guiding Diogenes's philosophic life is nothing more than a pronouncement of the oracle. Of course, Socrates's philosophical life began with the same pronouncement. However, although both Diogenes and Socrates seem to share the same philosophical motive that focuses on the mode of life, Diogenes does not perform his mode of life in the same philosophical manner as Socrates. While Socrates commenced his philosophical practice by testing the oracle's pronouncement,[33] Diogenes began his philosophical life by following the oracle's words, which advised him to 'change the value of the currency' (parakharattein to nomisma).

At first glance, the advice that Diogenes received from the oracle—to change the value of currency, or money—looks awful, given that, according to the report of Diogenes Laertius, it commanded him confusedly to falsify the value of the coins he had been given by his father, leading him to be punished and exiled from his hometown.[34] Yet, as Foucault discussed, changing the value of the currency also has a positive meaning, with respect to the appropriation of life, in that it could activate the identical relationship between the self and its truth.[35] Changing the value of the currency, in this sense, could mean 'the revaluation of currency', which places care of the self into the discussion. By the words 'the revaluation of currency', Foucault understands 'the modification of life', which "replaces the counterfeit currency of one's own and others' opinions of oneself, with the true currency of self-knowledge".[36] The more one knows oneself, the more one could expel one's fake currency, and the more one could access one's truth. The precept of 'changing the value of currency' is therefore the precept of modifying one's existence, keeping the self in touch with its own truth.

From this premise, it comes as no surprise that Diogenes, according to Foucault, advocates a way of life that confronts a traditional form of value, one that prevents the revelation of truth. His point is understandable, provided that the Greek root of the word 'currency'— 'nomisma' —could be etymologically linked to the word 'nomos', which means 'the rule, custom, or law'.[37] The precept 'change the value of currency' that Diogenes received from the oracle could also be seen as activating a form of behavior that entails a transformation of the traditional way of living. If 'care of the self' is located in the kernel of Diogenes's precept of 'changing the value of currency', this care of the self will take proper demonstrable shape only in a way of life that breaks away from the traditional forms of value.[38]

Here, it becomes apparent why Foucault sees the embodiment of the other life (vie autre) in Diogenes's philosophical practice. Diogenes's philosophical life, as conceived by Foucault, is a life in the form of an otherness that could liberate its performer from the traditional—and untrue—way of life. If one chooses to live according to Diogenes's Cynic way of life, one must relate oneself with one's truth, which at the same time posits one to live in another way than the life with which one used to be familiar. Foucault presented this point as follows:

> What I would like to emphasize now is you can see that the alteration of the currency, the changes of its value, which is constantly associated with Cynicism, no

[33] For the case of Socrates, see Ibid, 84-86.
[34] Diogenes Laertius, *Lives of The Eminent Philosophers* (2018), Book 6, 20-21.
[35] Foucault, *The Courage of Truth*, 242.
[36] Ibid.
[37] Ibid, 227.
[38] Ibid, 242.

> doubt means something like: the forms and habit which usually stamp existence and give it its feature must be replaced by the effigy of the principles traditionally accepted by philosophy. But by the very fact of applying these principles to life itself, rather than merely maintaining them in the element of logos, by the fact that they give a form to life, just as the coin's effigy gives a form to the metal on which it is stamped, one thereby reveal other lives, the lives of others, to be no more than counterfeit, coin with no value.…In this respect, Cynicism was not just the insolent, rough, and rudimentary reminder of the question of the philosophic life. it raises a very grave problem, or rather, it seems to me that it gave the theme of philosophical life its cutting edge by raising the following question: for life truly to be the life of truth, must it not be an other life, a life which is radically and paradoxically other? It is radically other because it breaks totally and on every point with the traditional form of existence, with the philosophical existence that philosophers were accustomed to accepting, with their habits and conventions.[39]

Regarding Diogenes's philosophical life as the *other* life, Foucault's main concern is the *shameless* life as the radical form of the true life. As Foucault discusses, the theme of the *true* life was usually treated, by many philosophers before Diogenes, as a life conducted by the principle of non-concealment: what one spoke would be identical to how one spent one's life.[40] Yet, it is important to note that this treatment seems to be based on the basis of the ontology of the soul, leaving the material conditions of life—such as the physical gestures, or the corporeal body—untouched. Situated in this context, the shameless life, or the true life displayed by Diogenes, could be viewed as an otherness of that treatment in the way that it places truth at the most material level, namely, the level of the bodily gestures of those who live it. Diogenes's unconcealed life, as Foucault explained, "is the shaping, the staging of life in its material and everyday reality under the real gaze of others, of everyone else, or at any rate of the greatest possible number of others".[41]

In another sense, by materializing truth through his bodily gestures, Diogenes could present his treatment of true life in a manner that disturbed both the previous philosophical tradition and, especially, the conventional form of value. The latter point is very crucial to make sense of Diogenes's famous—but scandalous—lifestyle, which receives complete expression through the way it problematizes the division between private and public life. As Foucault relays via the report of Diogenes Laertius, Diogenes usually performed some activities traditionally regarded as 'private' in the public domain, such as eating, sleeping, being naked, masturbating, or having sex; there was no home for him, insofar as *home*, for the Greeks at that time, signified a secret place in which one could practice some behaviors privately.[42] In this sense, Diogenes's shameless life was a transparent life or a life that made everything visible; he did not have any privacy or anything that needed to be kept secret. Even when he died, he did so in a public place, like a sleeping beggar who died in a city's gymnasium.[43] This made

[39] Ibid, 245.
[40] Ibid, 251-253.
[41] Ibid, 253.
[42] Ibid, 254-255.
[43] Ibid, 253-254.

Diogenes, in Foucault's eyes, a philosophical hero who employed and amplified an unconcealed life to the point that it was capable of overturning the conventional form of living. It also showed that by exercising this true life, philosophy was unleashed from its previous limitations and then enabled to perform a critical task without being constrained by traditions. Foucault said:

> Under the slogan of the unconcealed life, traditional philosophy basically assumed or renewed the requirement of propriety; it accepts its customs. Applying the principle of non-concealment literally, Cynicism explodes the code of propriety with which this principle remained, implicitly or explicitly, associated…The philosophical life thus dramatized by the Cynics deploys the general theme of non-concealment but frees it from all the conventional principles.[44]

Drawing on this perception, it is important to take into account the role of courage in Diogenes's Cynic philosophical life. If Diogenes's true life is a life of battling against any social conventions, how could this life be performed without courage in the first place? Would it have been possible for Diogenes to turn himself against any social norms were he not courageous? For Foucault, Diogenes's courage is the courage to criticize all forms of traditional values; Diogenes risked his life to scandalize those values in order to lay the ground on which the truth could be revealed.[45] "Cynic courage of truth consists in getting people to condemn, reject, despise, and insult the very manifestation of what they accept, or claim to accept at the level of principles", Foucault clarified.[46]

Emphasizing the Cynic character of Diogenes's philosophical courage here could also reveal the radical hallmark of his account of care of the self. For Foucault, what made Diogenes's care of the self distinctive, and radical, was the way he let his own life be formed by the otherness with which the people had not been familiar. The level on which Diogenes's care of the self mainly played, then, was not the individual level. Instead, the aim of his Cynic care of the self was no less than for the whole of humanity, of which he was a part, whose common reality should not be blurred by a diversity of norms or by traditional values.[47] As Foucault put it: "When taking an interest in others, the Cynic must attend to what in them is a matter of humankind in general".[48] There was no distinction, according to Diogenes, between care of the self and care of the other, for the simple reason that both he and the other belonged to humankind. By changing his life into the other life—a life whose emergence could challenge the traditional forms of values—Diogenes could accomplish his care of the self by presenting the general character of humanity. This pointed to a way by which anyone could consider living a life autonomous from the constraint of social norms. With reference to humankind, Diogenes could care for himself by caring for others, or— to put it in another way—care for the other by caring for his own self.

[44] Ibid, 255.
[45] Ibid, 233-234.
[46] Ibid, 234.
[47] Ibid, 312-313.
[48] Ibid, 312.

Through an inspection of this radical account of care of the self, the political effect of Diogenes's philosophical life can be discerned. This effect does not merely appear as a transformation of subjectivity, for Diogenes's care of the self does not play at the individual level but rather at the level of all humanity. Politics, for Diogenes, is nothing less than a transformation of the world; a transformation that not only liberates humankind from social conventions but also a world within which people could live their life truly.[49]

Considering Diogenes's politics as a transformation of the world is crucial here because it gives Foucault a device for his critical project against power. At this point, I share the same position with scholars who have found an affinity between Foucault's reading of Diogenes's true life and his philosophical modality of critique.[50] Yet, what I would like to add to this line of argument is the insight of the freedom working underneath the political operation of the Cynic's true life. Indeed, this point manifests readily, provided that the transformation of the world, as an effect of Diogenes's politics, is the result of the freedom that manifests from not getting caught up in the traditional way of life. Diogenes's true life, according to Foucault, offers nothing less than the revelation of what life could be in its independence, or in its fundamental freedom, namely, a life tied to nothing except its true being.[51] This insight of freedom, as perceived by Foucault, should thus be understood as an emancipated life or a life in the process of becoming *other*; a life to which it is impossible to be fixed with some identification of value. In this sense, Diogenes's insight into the world's transformation is a matter of concretizing freedom by revolutionizing not just the way one lives but also the world into which one was thrown.[52]

On this basis, it is not difficult to postulate the democratic vision derived from Foucault's reading of Diogenes's true life. To the extent that this true life entails a transformation of the world, Foucault's account of Diogenes's true life could furnish a democratic ethos as an inclination urging society to transform into a place in which everyone can live their life freely. At this point, we realize that far from being the promulgator of a way to dismantle democracy, Foucault seems to be advocating new ground for a democratic foundation inasmuch as the culmination of his critical project, expressed through his reading of Diogenes's true life, pinpoints the potential of democratizing our political society, that is, the potential of remaking our democratic order more democratically.

UNTRUTH AS THE DEMOCRATIC ETHOS IN OUR POST-TRUTH POLITICS

In the previous sections, I have shown the features of Foucault's late thought, particularly his consideration of the true life of Diogenes of Sinope and how it could point to an emergence of the democratic ethos. In this part, I would like to conclude by demonstrating how this ethos could be applied as a framework for post-truth politics.

According to my discussion in the preceding section, Diogenes's life, in Foucault's reading, is a life that uses its body to manifest truth. This not only promotes an experience of freedom,

[49] Ibid, 302-303.
[50] Such as Flynn, "Foucault as Parrhesiast"; McGushin, *Foucault's Askesis*, 163.
[51] Foucault, *The Courage of Truth*, 171.
[52] Ibid, 183.

or self-emancipation, but also triggers a point at which the world-transformation could begin. Here, the main logic lying beneath this way of life is the expression of untruth through the manifestation of truth. When Diogenes actualizes his truth through the bodily gestures of his true life, he can, at the same time, objectively expose the untruth of what many people regard as truth. The more Diogenes manifests his truth, the more the objectivity of that untruth is acknowledged.

This means that although Diogenes wants to transform the world by displaying how true his way of life is, what convinces others to accept his display does not come from the positive content of his truth. In contrast, what is really at work here is a negative performance operating in Diogenes's life and the way that it reveals to others the *untruth* of what they have regarded as truth. Diogenes's project of transforming the world does not commence by imposing the content of his own truth onto others. Rather, his project operates through the proliferation of a negative position toward what is generally regarded as truth; here, the world's transformation does not come from the positive ontology, since what allows it to take place is the negative one. Hence, Foucault remarked: "In fact, we should not think that the Cynic address a handful of individuals in order to convince them that they should lead a different life than the one they are leading…He shows all men that they are leading a life other than the one they should be leading…And thereby it is a whole other world which has to emerge, or at any rate be on the horizon…".[53]

In this respect, we can see how Foucault's reading of Diogenes's true life can be linked to the political movements in the post-truth condition. This link cannot be explained through the objective content of truth. Diogenes's true life starts from the negative stance: towards the untruth of what was regarded as truth. It might therefore be the case that challenges to the objective ground of truth are driven not only by an inclination to destroy that objective truth but also by a desire to position themselves against the untruth. Ironically speaking, the political demonstrations in the world of post-truth might be demonstrations of truth, not because they could attach the positive content of truth to their goals but because they are fighting against the untruth associated with what they are trying to destroy.

Seen from this aspect, post-truth politics should not be perceived as a condition under which the democratic order is dismantled because of the impossibility of holding truth on objective grounds. On the contrary, post-truth politics should be understood as the taking place of a new democratic ethos made possible by the moment when what was once regarded as truth is opened to becoming something untrue. If the objective ground of truth is made impossible in the post-truth condition, it is because of the proliferation of this new democratic ethos playing out as a condition under which each individual can actualize their capability of self-emancipation.

But how could this negativity lead to a political platform for a collective movement? If Diogenes's philosophical life was the life that made the others skeptical about what they have regarded as truth, how could this skeptical experience be oriented to form a collective mode of politics? With respect to these questions, we should not forget that Foucault treats Diogenes's life of exposing untruth through the framework of care of the self, whose aim was not

[53] Ibid, 314-315.

only to actualize freedom in the way each individual spent their life but also to shed light on the vision of equality that inspired the collective platform in which they could build their symmetrical relationship. This latter point will be affirmed if we consider that Diogenes's care of the self, according to Foucault, operates by referring to the idea of humankind, whose common reality permitted him to attest any conventions or traditional values. This means that while Diogenes used his true life to exhibit the untruth of what was formerly regarded as truth, he also promoted the vision of equality, in which the commonness of everyone, as part of humanity, was concretized through the political blueprint that structured their relationship with each other in a symmetrical manner. If the freedom materialized through Foucault's Cynic life of Diogenes is the capability of self-emancipation, this freedom must go hand in hand with equality, as it presupposes the symmetrical relationship in which no one is captured under the power of the other. The more each individual realizes the untruth of what they previously regarded as truth, the more they can emancipate their own lives from conventions, hold up equality as the condition enabling their ideal political setting, and thus actualize their freedom.

This reading aligns Foucault with the anarchist vision of democratic theorists like Mark Devenney. It replaces the conventional framework of politics, where democracy serves as the ruling power, with a focus on democracy as the moment when the ruler's authority is challenged, thereby leading to a more equal transformation of our society.[54] In other words, I am suggesting that the democratic vision that we can draw from Foucault's reading of Diogenes's true life could be something like the process by which equality asserts itself through the moment of countering order rather than the popular form of political government. Certainly, considering Foucault in this anarchic direction needs more explanation, but this is not the aim of this article.[55] What I would like to argue here is how his reading of Diogenes's true life can provide us with a logic of untruth that promotes the vision of democracy. From there, we can affirm how Foucault's treatment of philosophical truth-telling can furnish us with a way for thinking about the ways to disrupt power and thus make our democratic order more democratic.

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[54] Mark Devenney, *Towards an Improper Politics* (2020), 107-115.

[55] For those who consider Foucault in the direction of anarchism, and share the same direction with my reading, see Catherine Malabou, "Cynicism and anarchism in Foucault's last seminars," in *Afterlives: Transcendentals, Universals, Others*, ed. Peter Osborne (2022), 133-145.

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ARTICLE

Gaze and Norm: Foucault's Legacy in Sociology

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ABSTRACT. In this paper, we problematize the legacy of Michel Foucault from his genealogies of normalizing society. We claim that his most important concepts of normalizing society are gaze and norm, which are defined as the (social) technologies of power. Our assumption is that Foucault identified changes in social life and the emergence of the disciplinary diagram through the transformation of spatial practices. Thus, he "needed" Bentham's idea of the Panopticon. However, his reference to Bentham goes beyond the interpretation of the spatial aspects of the Panopticon. Namely, genealogies of gaze and norm point to different dimensions of the normalizing society, out of which we emphasize their utilitarian aspects. This utilitarian dimension brought to light different institutions, discourses, and practices, as well as the new "optical" technology of power. The main contribution of the paper is the claim that Foucault's recognition of the rise of the normalizing society is his most important legacy for sociology. This contribution needs to be recognized through his reading of Bentham but also in the interconnectedness of his genealogical analytics of gaze, norm, and space.

Keywords: Michel Foucault, Jeremy Bentham, gaze, norm, sociology, space

INTRODUCTION

Like surveillance and with it,
normalization becomes one of the great
instruments of power at the end of the classical age.[1]
Michel Foucault

The dramatic ceremony of the public execution of Damiens in 1757 happened less than thirty years before the publication of Bentham's *Panopticon*.[2] It is really surprising how

[1] Michel Foucault, *Discipline and Punish: The Birth of the Prison* [1975] (1995), 184.
[2] Jeremy Bentham, *The Panopticon Writings* (1995).

history untangled not only within a single century but within just a few decades, how a long history of punishing and stigmatizing the body was interrupted, and how the body entered a new genealogical flow of relationships and practices of power, knowledge, gaze, discipline, and obedience with new relationships of production and usefulness, new spatial relations, and a new temporal structure and distribution. Indeed, it is surprising, "[a]nd yet the fact remains that a few decades saw the disappearance of the tortured, dismembered, amputated body... The body as the major target of penal repression disappeared".[3] All those "gloomy festival[s] of punishment",[4] where the non-discursive form of "the public" was part of the social scenography, started to fade away. They finally disappeared from the scenography of daily life in European societies at the end of the 18th century.

Perhaps the history of the disappearance of medieval times, this unclear periodization, can best be tracked by following the genealogies of the body: the changes of practices *over* the body in places and spaces where history diminished and the Nietzschean "grey genealogy"[5] of the body began. These are the new practices of the spatial distribution of the body and its surveillance and discipline. These were the new spaces – prisons, hospitals, schools, and factories – in which the "distributed" docility of the body was inscribed. In those spaces, a new type of productive and useful power starts to circulate. Foucault repeatedly stressed that the history of the last centuries in Western societies did not manifest the movement of a power that was essentially repressive.[6] This is something that many who read Foucault did not get. It is a power that was produced and multiplied by new optical technologies. Its aim was to restore, protect, and multiply life within the new dispositive of regulation.

What we also recognize is that Foucault progressively strove to distance himself from the analysis of power founded on representation and put more focus on the set of mechanisms of power which *run through the body* of subjects; the body that, at some point, was no longer just the place of shame, injury, and death but also a place where gaze and the productive practices of movement were inscribed. In this way, the body was inscribed into the new dispositive over which the new expert discourses and *technologies of power* emerged. The next paragraph testifies how much *technologies* of power were important for Foucault to discern:

> The case of the penal system convinced me that the question of power needed to be formulated not so much in terms of justice as in those of technology, of tactics and strategy, and it was this substitution for a judicial and negative grid of a

[3] Michel Foucault, *Discipline and Punish: The Birth of the Prison* [1975] (1995), 8.
[4] Foucault, *Discipline and Punish*, 8.
[5] Michel Foucault, "Nietzsche, Genealogy, History" [1971], in *The Foucault Reader*, ed. Paul Rabinow (1984), 76.
[6] Michel Foucault, *The History of Sexuality, vol. I: The Will to Know* [1976] (1978), 81.

> technical and strategic one that I tried to effect in 'Discipline and Punish' and then to exploit in 'The History of Sexuality'.[7]

The body was inscribed in the epoch through the new technology of optics and light, or the new strategy of control, inscribed in the trihedral gaze-norm-measure.[8] In this way, the emergent utilitarian culture of the West (Europe) changed how power was exercised over the body. New practices of power were re-establishing *norm* and *measure* as a way of restoring *order* – the just order. Measure, like inquiry and examination, was at the same time a mean of exercising power and a rule for establishing knowledge.[9]

Damien's body – as Foucault informed us – was one of the last places into which the practices of the old penal politics would deeply plunge. This was a body/place into which the epoch, for a long time, wrote its dreary dramaturgy of the rituals of punishment. The *convicted* body was a point of localization into which the power of the king's body was temporarily dislocated in order to express its sovereignty in one place. This served the purpose of expressing its "wholeness", its "homogeneity", which would unexpectedly and quickly fade away and be scattered in a diffuse and capillary form of microphysics of power: discipline. Public, ritual punishment of a convicted body was just one point of the transformation of practices of punishment over the body into all those future discourses of expertise (from psychiatry to the human and social sciences). This was no longer just an issue of "a limited localization"[10] but a matter of the birth of new social procedures, new statements and discourses, and a new gaze and medicalized social space where the "eye governs". It was also about the establishment of the "new relationship between space, perception, and language"[11] and a question of "how the medical gaze was institutionalized, how it was effectively inscribed in social space".[12]

Although Foucault had a critical attitude towards sociology,[13] his legacy in this science, and generally in the social sciences, is certainly multifaceted. The effects of his research can be seen today in almost all fields of the social sciences, from sociology to psychology, pedagogy, and history all the way to architecture, urbanism, and medicine.[14] He

[7] Michel Foucault, "The History of Sexuality" [1977], in *Power/Knowledge: Selected Interviews & Other Writings 1972-1977,* ed. Colin Gordon (1980), 184.

[8] Dušan Marinković and Dušan Ristić, "Foucault's 'Hall of Mirrors': an investigation into geo-epistemology," *Geografiska Annaler: Series B Human Geography* 98:2 (2016).

[9] Michel Foucault, "Course Summary," in *Penal Theories and Institutions: Lectures at the Collège de France 1971-1972*, ed. Bernard Harcourt (2019), 230.

[10] Gilles Deleuze, *Foucault* [1986] (2006), 26.

[11] Peter Johnson, "Foucault's spatial combat," *Environment and Planning D: Society and Space* 26:4 (2008), 618.

[12] Michel Foucault, "The Eye of Power" [1977], in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977,* ed. Colin Gordon (1988), 146.

[13] For example, he writes about the "strange entities of sociology or psychology which have been continually making fresh starts ever since their inception," in *The Foucault Effect: Studies in Governmentality – with two lectures by and an interview with Michel Foucault,* ed. Graham Burchell, Colin Gordon and Peter Miller (1991), 54.

[14] We questioned the importance of his concepts for the sociology of knowledge as well in another article: Dušan Ristić and Dušan Marinković, "The Foucault effect in the sociology of knowledge," *Philosophy and Society* 34:1 (2023).

considered himself a kind of "empiricist" who does not "try to advance things without seeing whether they are applicable".[15]

In this article, our main aim is to present and problematize gaze and norm as concepts that are not just important in Foucault's *oeuvre* but are crucial for understanding his legacy for sociology. Furthermore, our task is to contextualize those concepts within the genealogy of what he called *the normalizing* or *disciplinary society*. By doing this, we are able to recognize his importance in the understanding of the genealogies of the institutions of (Western) societies and the emergence of the very subject of sociological research: society.

THE BIRTH OF THE GAZE

The 18th century was a century of tension, clashes, and battles between two social, political, economic, and historical models which, for a short and tumultuous period of time, occupied the same spaces of the West: "At the moment of its full blossoming, the disciplinary society still assumes with the Emperor the old aspect of the power of spectacle".[16] However, the body of the convict was no longer playing the main role in this dramaturgy. It seems that it was also no longer the king's body that was *ritually regenerated* by punishing the one that committed the crime. When, at the turn of the 18th century, the pain, suffering, and stigma "left" the body, what would the new concept of punishment refer to? It was the body that was spatialized in a new analytically arranged space of visibility, light, and gaze. This new arrangement is recognized by Bentham and later Foucault through the concept of the panopticon. The body was the starting point of punishment but also the starting point of control and order. And the practice of punishment "will tend to become the most hidden part of the penal process".[17]

This was an epoch in which the last great pandemics of the plague ended; however, there was still a dark cloud of fear in the form of great wars and the plague. Leprosy had already disappeared. The lepers had long faded from the scene at the end of the Middle Ages, and what would remain were the spaces for the isolation of the diseased, such as asylums or leprosariums. Then, the heterotopias – the separated and forbidden spaces of the others,[18] which until then had belonged to families, houses, towns, workshops, guilds, administrations, abbeys, and monasteries – became divided, distributed places in *other* spaces:

> At the edges of the community, at town gates, large, barren, uninhabitable areas appeared, where the disease no longer reigned but its ghost still hovered... From the fourteenth to the seventeenth century, by means of strange incantations, they conjured up a new incarnation of evil, another grinning mask of fear, home to the constantly renewed magic of purification and exclusion... The game of exclusion

[15] Michel Foucault, "On Power," in *Politics, Philosophy, Culture*, ed. Lawrence D. Kritzman (1988), 106.
[16] *Discipline and Punish*, 217.
[17] *Discipline and Punish,* 9.
[18] Michel Foucault, "Of Other Spaces" [1984], *Diacritics* 16:1 (1986).

> would be played again, often in these same places, in an oddly similar fashion two or three centuries later.[19]

The dramaturgy of public executions would still be a vivid, recent memory. But the ceremony placed in the scenography of the public square was moved into the center of *daily life,* whose economy was penetrated by a new structural dynamism of the bourgeoisie. It is in daily life where the erosion of sovereign forms of power is to be recognized; a daily life intersected by a new axis of privacy and publicness. This daily life accumulated the practices for the deritualization of old religious practices and representations and was still ruled by an anachronous fear that legal and penal mechanisms would desecrate the bodies, painfully and publicly mark them, banish them, and impose an impossible punishment upon them.

This was a daily life in which the fears of public execution would finally fade away and new fears of imprisonment would come to life. Banishment societies, redemption societies, stigmatising societies[20] would give way to the *normalizing society*. This is also the *punitive society*, "but only since the end of the eighteenth century".[21] The old, faded world was not acquainted with prison as a general model of punishment.[22] Only an occasional body was incarcerated, and only temporarily, until the proper punishment was implemented as a sovereign revenge for the injury to the body and thus a measure was established again. It was temporarily incarcerated until the inquisition's investigation (*enquête*) established the facts.[23] "The judiciary only arrested a derisory proportion of criminals; this was made into the argument that punishment must be spectacular so as to frighten the others."[24] This was so until prison became a space where punishment would be transferred and distributed and a space where the gaze would become examination (*examen*); a new form of analysis based precisely on legal, judicial, and new penal practices.

The *panoptical space*, not only the prison but all its modules, now had its own *natural* and its own *laboratory* side.[25] Its natural side firmly relied on the model of a botanic garden, on those "unencumbered spaces in which things are juxtaposed".[26] Those were the spaces where objects were seen in order to be categorized and classified so that the power (of expertise or gaze) could establish *differences* to make a table. Its "laboratory side" would rely on the practices of research and investigation.

In only a few decades, from Damiens to the Panopticon, the inversive dynamics took place: the inversion of the gaze as the inversion of power and the inversion of space. Of the many gazes directed at the convict's body, the Panopticon offered the "aristocracy" or

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[19] Michel Foucault, *History of Madness* [1961] (2006), 3-6.

[20] Michel Foucault, "The Punitive Society" [1994], in *Ethics: Subjectivity and Truth – The Essential Works of Michel Foucault 1954-1984, Volume 1,* ed. Paul Rabinow (1997), 23.

[21] Michel Foucault, "The Punitive Society," 23.

[22] "The Punitive Society," 63.

[23] Michel Foucault, "Théories et institutions pénales" [1972], in *Dits et écrits Tome II, 1970-1975,* ed. Daniel Defert and François Ewald (1994), 390.

[24] Foucault, "The Eye of Power," 155.

[25] *Discipline and Punish,* 203.

[26] Michel Foucault, *The Order of Things* [1966] (2002), 143.

rather "tyranny" of the gaze of one-to-many. Sovereign power was inverted into the *networks of institutional power* and thus the "scattered" forms of gaze.

The theology of light from the age of cathedrals[27] and the aesthetics of light from the time of the Renaissance were inverted into the light that would enable surveillance for the gaze as well as for discipline and control. It seems that, in the inverted optics at the end of the 18th century, light gathered everything that was the opposite of the faded epoch and became the part of this new gaze:

> A fear haunted the latter half of the eighteenth century: the fear of darkened spaces, of the pall of gloom which prevents the full visibility of things, men and truths. It sought to break up the patches of darkness that blocked the light, eliminate the shadowy areas of society, demolish the unlit chambers where arbitrary political acts, monarchical caprice, religious superstitions, tyrannical and priestly plots, epidemics and the illusions of ignorance were fomented.[28]

Simultaneously, through a lit space, the gaze penetrated the bodies, minds, movements, and desires: "It's also the areas of darkness in man that the century of Enlightenment wants to make disappear".[29] In the technology of panoptical surveillance, the gaze was placed inside the being. Its optical exterior was only an instrument to acquire the form of the interior because two things were at play here, "the gaze and interiorisation",[30] and there are two principles of the *power/gaze*: the visible and unverifiable.[31] The relationships of power crossed over into the interior of the body. The optics of the exterior, as the optics of an ever-present visibility, still had something of the old mechanics in it because every disallowed movement, action, and intention caught by the gaze but which could not be seen would be punished.

A classifying thought or "loquacious gaze" occurred because of the dispositives which marked the erosion of a diagram of sovereignty and contained the new "historically situated ensembles of techniques for organizing and regulating the objects and resources of governing".[32] Social classifications were established through discourses, but it was always and "only" on the surface. The gaze was starting to become structured as power/game; a new interdependence of the exterior and the interior which was articulated through discourse.

The gaze as a *system of knowledge* included techniques and practices of power but also the discourses that legitimized its performance and application and the way it acquired its positivities. The gaze presupposed a *deep space*, i.e., the creation of spatial analytics and places in which it was performed. These would become places where discourses and practices were intersected as technologies of the gaze (prisons, hospitals, schools, etc.); places

[27] Georges Duby, *The Age of the Cathedrals: Art and Society, 980-1420* [1976] (1983).
[28] "The Eye of Power," 153.
[29] "The Eye of Power," 154.
[30] "The Eye of Power," 154.
[31] *Discipline and Punish,* 201.
[32] Michel Foucault, *The Birth of Biopolitics. Lectures at the Collège de France, 1978-1979* (2008); Francisco Klauser, Till Paasche and Ola Söderström, "Michel Foucault and the smart city: power dynamics inherent in contemporary governing through code," *Environment and Planning D: Society and Space* 32:5 (2014), 872.

as spatial articulations and shapes of power/knowledge. While the scene was necessary for the "old" form of sovereignty, the non-discursive order of power, the scene as a "beam of light" which was always directed at one point, at the convict's body, i.e., the loquacious and disciplinary gaze (panopticism), became an expression of the new geometry of sovereignty. It was articulated because of the fractalization of sovereignty and light. It became multiple – from a singular scene to a multiple gaze. Into each "new eye" in this multitude of knowledge, decision and power were inscribed. It signified the crash of representation, the end of the era of the "representative public", and an exit from the "darkness" of sovereignty where subjects stood opposite the ruler. It signified a new disciplinary program which no longer relied only on *force* as a technique of power but on discourse, knowledge, and space as technologies of power.

The gaze did not have its *temporal timetable* of appearance and disappearance, presence and absence. It became *constantly present* not only at the level of the optics-mechanics matrix but also at the level of the interior-psychology matrix. Once it was moved "inside" the body, there was no need for "real" surveillance. The panoptic aim had been achieved when the external surveillance had been interiorized and turned into a self-preserving discipline and self-regulative order. It was also an inversion of space and time and an inversion of practices and discourses. For practices were no longer penal – they were surveilling and disciplining. And the discourses were no longer inquisitorial-exploratory. They became increasingly investigative and expert. These were no longer statements that "wandered" across the juridical field. These were now the discourses of sciences on man. Finally, with the emergence of the gaze, a "civilization of representation" was inverted into the "civilization of surveillance" towards the *normalizing society*.[33]

PANOPTICON, PANOPTICISM AND THE DISCIPLINARY DIAGRAM

Despite the significance of Bentham's ideas in the fields of the philosophy of utilitarianism, legislation reform, morality, economics, education, and penal laws, he will be remembered as the inventor of the Panopticon. It was one of the most controversial ideas[34] at the very center of liberal ideology at the end of the 18th century. It was also a programmed utopia that did not prove to be as liberal as first thought.[35]

Although it was originally about a simple architectural project of the ideal prison, Bentham's idea was much more. It was a programmed utopia or "at once a programme and a utopia".[36] And its utilitarian, surveillance, and control dimensions remained part of the development of the disciplinary dispositives of modern capitalist societies from the end of the 18th century.

[33] Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-1976* [1997] (2003), 39.
[34] Philip Schofield, *Bentham: A Guide for the Perplexed* (2009), 70.
[35] Elissa S. Itzkin, "Bentham's Chrestomathia: Utilitarian Legacy to English Education," *Journal of the History of Ideas* 39:2 (1978), 303.
[36] "The Eye of Power," 159. "In fact, Bentham does not even say that it is a schema for institutions, he says that it is a mechanism, a schema which gives strength to any institution, a sort of mechanism by which the power which functions, or which should function in an institution will be able to gain maximum force." Michel Foucault, *Psychiatric Power: Lectures at the Collège de France 1975-1976* [2003] (2006), 74.

It is based on a really simple principle: a round or polygonal building where cells were placed on the interior rim, and on the external rim of the cells, there was only one window with only one function – to let light in. And the light had only one function – to enable the gaze, to enable surveillance, and to enable the penetration and wandering of the gaze/surveillance of those who were placed in the center of the circular building. On a high tower, the constantly "wandering" gaze could become surveillance. This was a gaze that simultaneously surveilled and penetrated into cells, behavior, thoughts, and feelings. This was a gaze which constantly moved across bodies, motions, intentions, and desires. But this was also the gaze which could not be seen; in every cell there was one convict, madman, student, worker, soldier, sick person, or subordinated supervisor – one body, separated by a compartment from another body. Bodies distributed in space; bodies whose actions were distributed in time. A circular building, cells, the body, light, a tower, a gaze, surveillance, discipline, control, and order all at once.

> Morals reformed – health preserved – industry invigorated – instruction diffused – public burdens lightened – economy seated, as it were, upon a rock – the Gordian knot of the Poor-Laws are not cut, but untied – all by a simple idea in Architecture![37]

The popularity of Bentham's panopticon as a polychrest,[38] a multi-purpose *machine*,[39] architectural machine, or machine-space with utilitarian functions, would probably have been left on the margins of liberal-utilitarian reforming ideas if it was only about the model of a prison or only about a possible application of a simple architectural solution. But the architectural panopticon transformed into panopticism as a social model. Panopticism became a part of a growing disciplinary/normalizing society which no longer rested on the postulates of punctuation or localization of power[40] but on its scatteredness. This was the new postulate which could only provide its existence on a relationship, on reciprocity, on circularity, and on dispersion: on power's performance. It was the "technological invention in the order of power, comparable with the steam engine in the order of production".[41] The Panopticon was a disciplinary dispositive; it was "a way of defining power relations in terms of the everyday life of men"[42] to secure its dispersive omnipresence. For Foucault, panopticism was a crucial transitional model *from negative to positive effects of power*, while Bentham's idea was "archaic in the importance it gives to the gaze;

[37] Bentham, *The Panopticon Writings,* 31.
[38] Francis Bacon, *The New Organon* (2008), 180; Jacques-Alain Miller and Richard Miller, "Jeremy Bentham's Panoptic Device," *October* 41 (1987), 8.
[39] The term *machine* stands for *concrete space* or place where different mechanisms of power are functioning. For example, in Foucauldian terms, prisons or hospitals are machines. Charcot's Salpêtrière served as an example in this regard for Foucault, as a "machinery for incitement." Foucault, *The History of Sexuality, vol. I: The Will to Know,* 55.
[40] Deleuze, *Foucault,* 25.
[41] Michel Foucault, "Questions on Geography," in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977* [1976], ed. Colin Gordon (1980), 71.
[42] *Discipline and Punish,* 205.

but it is very modern in the general importance it assigns to techniques of power" which were "invented to meet the demands of production".[43]

Although it began its life in the middle of the disintegration of old religious and metaphysical matrices, great eradications from ancient forms of addiction, and the disintegration of old ritual practices, the Panopticon retained some of its divine principle: the principle of the all-seeing, surveilling, and all-knowing gaze of God. It was still ruled by the ancient "divine panopticism" expressed in Psalm 139:

> O Lord, you have searched me and known me! You know when I sit down and when I rise up; you discern my thoughts from afar. You search out my path and my lying down and are acquainted with all my ways. Even before a word is on my tongue, behold, O Lord, you know it altogether... …Where shall I go from your Spirit? Or where shall I flee from your presence? If I ascend to heaven, you are there! If I make my bed in Sheol, you are there!...

The Panopticon is not only a machine for discipline and surveillance: "It could be used as a machine to carry out experiments, to alter behaviour, to train or correct individuals".[44] But research procedures, which were too inquisitorial, would liberate space more and more for investigative analysis. Investigation would be established in opposition to research: "Such forms of analysis gave rise to sociology, psychology, psychopathology, criminology, and psychoanalysis".[45] Punishment and inquisitorial investigation would abandon the body so that a new form of gaze appeared – panopticism – which would establish the regimes of surveillance and disciplining. For "imprisonment does not form part of the European penal system before the great reforms of the years 1780-1820. The jurists of the eighteenth century are unanimous on this point: "Prison is not regarded as a penalty according to our civil law".[46]

Bentham's Panopticon, therefore, reflected a connection of the social strategies and technologies of spatialization with gazes, discourses, knowledge, and power. The Panopticon became a part of the "abstract machine"[47] for the "production" of individuals, their productivity, and their usability. That is why the disciplinary regime, applied to the infected town, represented a situation of note: "An exceptional disciplinary model".[48]

The Panopticon became a pattern of *panopticism* which had diffused all over the social body and across its strategic regions: hospitals, schools, families, prisons, factories, and workshops. The infected town was an old matrix of periodicity, cyclicity, and sudden appearance of the disease and its unclear disappearance. Panopticism was a matrix of the diffuse and constant spatialization of the gaze. That is, the spatialization of discipline, surveillance, and control. And when gaze, knowledge, and power of investigative practices were applied to the population as a morphology of the social body, then the

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[43] "The Eye of Power," 160-161.
[44] *Discipline and Punish,* 203.
[45] Michel Foucault, "Truth and Juridical Forms" [1973], in *Essential Works of Foucault 1954-1984: Power,* ed. James D. Faubion (2001), 5.
[46] "The Punitive Society," 23.
[47] *Foucault,* 36.
[48] *Discipline and Punish,* 207.

frequency, normality of its allocation, distribution, stable oscillations, and its regularity and averages (all of this expressed in birth rate, death rate, fertility, and morbidity through life, work, productivity, disease, and death) transformed the panopticon into panopticism.

Discipline became a strategic resource of productivity in society; in other words, power with positive social effects. Disciplining and surveilling prison practices not only developed independently or separately; they mixed with medicine and with sciences of investigation: sociology, psychology, statistics, criminology, penology, and pedagogy through a wide biopolitical diagram. No longer a contagious town, for "[d]uring the eighteenth century the idea of the pathogenic city inspires a whole mythology and very real states of popular panic".[49] In order not to apply incidental disciplinary measures, it became better to constantly control and surveil potentially pathogenic spaces in which the population is distributed with the use of medicalized mechanisms. Because "medicine, as a science of the normality of bodies, found a place at the center of penal practice (the penalty must have healing as its purpose)".[50] Hygiene as a preventive measure became "a regime of health for populations".[51]

However, this was not a matter of only the investigative sciences; this was also a matter of architecture and urbanism – a matter of the relationship towards *space*: "Architecture begins at the end of the eighteenth century to become involved in problems of population, health and the urban question".[52] The turning century had proven its inverted strength again:

> On the other hand, what we now see is [not] the idea of a power that takes the form of an exhaustive surveillance of individuals so that they are all constantly under the eyes of the sovereign in everything they do, but the set of mechanisms that, for the government and those who govern, attach pertinence to quite specific phenomena that are not exactly individual phenomena, even if individuals do appear in a way, and there are specific processes of individualization... The relation between the individual and the collective, between the totality of the social body and its elementary fragments, is made to function in a completely different way; it will function differently in what we call population. The government of populations is, I think, completely different from the exercise of sovereignty over the fine grain of individual behaviors.[53]

Panopticism as a disciplinary diagram made of *micro-mechanisms of power*,[54] like a polyvalent machine of surveillance and productivity, becomes a general dispositive of a normalizing

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[49] Michel Foucault, "The Politics of Health in the Eighteenth Century" [1976], in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977,* ed. Colin Gordon (1980), 175.

[50] "The Punitive Society," 35.

[51] Foucault, "The Politics of Health in the Eighteenth Century," 175.

[52] "The Eye of Power," 148.

[53] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-1978* [2004] (2007), 66.

[54] *Discipline and Punish,* 205. Deleuze in *Foucault* [1986] (2006) noticed that the moment Foucault introduced the concept of the *disciplinary diagram* (in the idea of panopticism), it was finally more clearly defined. Furthermore, it was liberated from the concreteness of its architectural forms and thus became a general

society, and it has been developing since the 18th century. In his lectures on *Security, Territory, Population,* Foucault would go one step further because the totality of surveilling and disciplining practices, the totality of investigative discourses in institutional spaces, seems too Hobbesian, too sovereign – a regime of power not synaptic enough;[55] a regime of power not diffuse enough.

If Bentham's Panopticon is more important for our society than Hegel and Kant[56] because the social space is not ruled by any abstract spirit which would express its freedom in the state, law, and their mechanisms, and because it is not a space of transcendental morality, then the idea of panopticism is more important for understanding the genealogy of normalizing society than Hobbes: "Think of the scheme of Leviathan: insofar as he is a fabricated man, Leviathan is no other than the amalgamation of a certain number of separate individualities, who find themselves reunited by the complex of elements that go to compose the State; but at the heart of the State, or rather, at its head, there exists something which constitutes it as such, and this is sovereignty, which Hobbes says is precisely the spirit of Leviathan".[57]

The moment when disciplining and surveilling regimes, scattered all over the social body, were caught in the network of an old matrix of institutional order, sovereignty was "recycled", and we could "move further apart" from Foucault's statement "Le pouvoir, ça n'existe pas",[58] which seems confusing at a first glance. Yes – power did not exist collected in one point from which it emerged as monopolized, hardened, previously recognized, Hobbesian, Rousseauian, as well as Webberian and Marxist. It existed only and exclusively as a *relationship* – as a performance and relational category – as a relation of *ordered scatteredness*, not of strict hierarchical collectedness. As Foucault demonstrated: *it had to be applied to function*.

For Foucault, power was not the authority which was used as an institutionalized and formal state mechanism to legitimately subdue a great number of people. Power was a multiplicity of relations of strength: "The omnipresence of power: not because it has the privilege of consolidating everything under its invincible unity, but because it is produced from one moment to the next, at every point, or rather in every relation from one point to another. Power is everywhere, not because it embraces everything, but because it comes from everywhere".[59]

(disciplinary) map applicable to all social fields (34). Deleuze further explains the diagram (the "abstract machine") as "a display of the relations between forces which constitute power" (2006), 36. When Foucault used the term *mechanism,* he had in mind micro-relations of power standing opposite the macro juridical systems or procedures. Hence, society can be thought of as being made up of dispositives that function like machines with a series of smaller mechanisms. For example, see: Michel Foucault, "Two Lectures" [1977], in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon (1980), 101.

[55] Michel Foucault, "Prison Talk" [1975], in *Power/Knowledge: Selected Interviews and Other Writings 1972-1977,* ed. Colin Gordon (1980), 39.

[56] Foucault, "Truth and Juridical Forms," 58.

[57] Foucault, "Two Lectures," 97-98.

[58] Michel Foucault, "Le jeu de Michel Foucault" [1977], in *Dits et écrits 1970-1975, Tome III,* ed. Daniel Defert and François Ewald (1994), 302.

[59] *The History of Sexuality, Vol.* I, 93.

And when, in the Benthamian Panopticon, power started being collected through the optics of central surveillance, in one central point from which it originated, it already became anachronous, leading to the seeking of an exit.

> The idea of the panopticon is a modern idea in one sense, but we can also say that it is completely archaic, since the panoptic mechanism basically involves putting someone in the center – an eye, a gaze, a principle of surveillance – who will be able to make its sovereignty function over all the individuals [placed] within this machine of power. To that extent we can say that the panopticon is the oldest dream of the oldest sovereign.[60]

Does this last sentence of Foucault's not repeat the idea of the "panoptical" Psalm 139? This is a crucial point not only in Foucault's interpretation of the Panopticon but in which we can construct an answer to the accumulated criticism of his concept of panopticism. Was this really the end of a disciplinary society and a transition towards the society of control, as Deleuze wrote?[61] Was it really the end of a model of the society, starting from the 18th century, in which the subject was produced: "Subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge"?[62] It seems that Dreyfus and Rabinow were right: "There is no pre- and post-archaeology or genealogy in Foucault".[63] On the boundary between this non-existent pre/post border, in *Security, Territory, Population,* Foucault would recognize the anachronism of the Panopticon. If the central point of the Panopticon was still about a "dream of sovereign power", then how was it possible to remove that form of power which served as a social pattern for the benefit of all non-sovereign diffuse powers, their non-sovereign performances, and functions?

CRITICISM AND LEGACY

What we owe to Foucault is a much deeper insight behind architecture, behind prisons, behind schools, and behind hospitals. In his analyses, spaces and places as material and physical entities are no longer observed outside or beyond social practices that generate them. In other words: "What Foucault offered to historians, he offered just as much to geographers"[64] and sociologists. Sociologists owe to Foucault the crucial relocation of the focus from the Panopticon to panopticism; from the architecture of the object to the architectonics of society; from technology over an individual body to the social technology of multitude; and from the prison to the total change not only of penal politics but also of political, social, and economic relations. The Panopticon was not a prison. It was a

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[60] Foucault, *Security, Territory, Population,* 66.
[61] Gilles Deleuze, "Postscript on the Societies of Control" [1990], *October* 59 (1992).
[62] Michel Foucault, "The Subject and Power" [1982], in *The Essential Works of Michel Foucault 1954-1984, Power,* ed. James D. Faubion (2001), 331.
[63] Hubert Dreyfus and Paul Rabinow, eds., *Michel Foucault: Beyond Structuralism and Hermeneutics* (1983), 104.
[64] Claude Raffestin, "Could Foucault have revolutionized geography?," in *Space, Knowledge and Power: Foucault and Geography,* ed. Jeremy W. Crampton and Stuart Elden (2007), 129.

principle and an idea that was applied in the practice of panopticism. It was also a principle of a polyvalent, modular mechanism of social technology which intimated radical interruptions and the erosion of sovereign forms of power and authority.

These transformations of power also meant the introduction of the *normalizing procedures* that actually changed the way power is exercised. Foucault recognized that in the genealogy of disciplinary/normalizing society, two types of mechanisms and two types of discourse, "absolutely heterogeneous", were important. On the one side, there is "the organization of right around sovereignty", and on the other, "the mechanics of the coercions exercised by disciplines".[65] These two social dispositives explain what he called a "normalizing society" because disciplinary normalizations were practices "in conflict" with the juridical system of sovereignty. Furthermore, Foucault recognized that precisely the expansion of medicine, the general medicalization of behavior, and the "politics of health" in the 18th century – modes of conduct, discourses, desires, and so on – were "the heterogeneous layers" where discipline and sovereignty would meet.[66] And in more general terms, one crucial element emerges that "will circulate between the disciplinary and the regulatory, which will also be applied to body and population alike", and "which will make it possible to control both the disciplinary order of the body and the aleatory events that occur in the biological multiplicity".[67] That element that "circulates between the two" is the *norm.* It is something "that can be applied to both a body one wishes to discipline and a population one wishes to regularize".[68]

In the normalizing society, both the norms of discipline and the norms of regulation intersect. And the interplay of these social technologies of power, discipline, and regulation covered "the whole surface that lies between the organic and the biological, between body and population".[69]

Furthermore, in the recognition of the spatial transformations and genealogical lines towards the normalizing society, Foucault needed another scene as a point of interruption. For him, this was an infected, contagious town. This was an inversion in the analytics of space as well as in the practices of spatialization. This was about the models of establishing *control over space*. Hence, this was about how "a strict spatial partitioning"[70] in society was established. First, Foucault recognized two large models: treating lepers and treating the contagious – two models which referred to space differently.

Despite differences, Bentham's Panopticon would, however, reflect the compound of these two patterns at the level of architecture. It would not completely abolish the old pattern of separation and ritual excommunication, as it would not completely abolish the patterns of the analytics of space of a contagious town. They would still be in the background when, at the end of the 18th century, "it becomes a question of using the disposition of space for economico-political ends".[71] Yet, the contagious town produced a

[65] Foucault, *Society Must Be Defended,* 38.
[66] *Society Must Be Defended*, 39.
[67] *Society Must Be Defended,* 252.
[68] *Society Must Be Defended,* 253.
[69] *Society Must Be Defended,* 253.
[70] *Discipline and Punish,* 195.
[71] "The Eye of Power," 148.

different spatialization, a different cartography: "The map as instrument of power/knowledge"[72] in relation to leprosy as well as in relation to spaces of public execution and in relation to panoptical spaces. This was not a spatialization of binary divisions (of lepers). This was a question of spatially multiplying discipline, for "the first is that of a pure community, the second that of a disciplined society […]. Underlying disciplinary projects, the image of the plague stands for all forms of confusion and disorder; just as the image of the leper, cut off from all human contact, underlies projects of exclusion".[73] Norris summarises these two different social models of control: "Power over the plague victims is exercised by 'differentiation', 'segmentation', and 'training'. In contrast, power over the leper is managed by enforced 'segregation', 'separation', 'confinement', and 'exile'.[74]

But discipline was precisely the crucial spatial dispositive; a measure of order introduced in the space of commotion. This would no longer be a "Decameronian" dramaturgy of abolishing borders, suspending morality, and revoking surveillance in order to liberate the final moments of pleasure in life which were surrounded by disease and death. Opposite to this, Boccacio's dramaturgy, the reality of a surrounded town, was a disciplinary regime of order which multiplied and fragmented space. This was the analytics of quarantine spatialization. Through the application of a disciplinary spatial regime, the usual dynamics of town life – a multitude of encounters and coincidences, the pulsing and fluid rhythm of daily life – would be replaced by statics. Space would turn to a multitude of divided and controlled places and surveilling spots:

> This enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, in which the slightest movements are supervised, in which all events are recorded, in which an uninterrupted work of writing links the centre and periphery, in which power is exercised without division, according to a continuous hierarchical figure, in which each individual is constantly located, examined and distributed among the living beings, the sick and the dead - all this constitutes a compact model of the disciplinary mechanism.[75]

Whilst "the leper gave rise to rituals of exclusion… the plague gave rise to disciplinary diagrams".[76] These *schémas disciplinaires* "require a strict spatial partitioning, careful surveillance, detailed inspection and order".[77] This was about a disciplinary project which multiplied spatialization: an area was divided into the infected and uninfected, as were towns. Parts of the town tissue were sick, others were not. It was not known where disease/death would manifest nor when it would mysteriously disappear – when it would

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[72] Foucault, "Questions on Geography," 74.
[73] *Discipline and Punish,* 198-199.
[74] Clive Norris, "From Personal to Digital: CCTV, the Panopticon and the Technological Mediation of Suspicious and Social Control," in *Surveillance as Social Sorting,* ed. David Lyon, (2003), 250; Monika Myers and Michael Wilson, "Leprosy and the Plague: State Surveillance of Low-Income Fathers," *Surveillance & Society* 12:1 (2014), 126.
[75] *Discipline and Punish,* 197.
[76] *Discipline and Punish,* 231.
[77] Stuart Elden, "Plague, Panopticon, Police," *Surveillance & Society* 1:3 (2003), 243.

abandon the multiplied spatializations of regions and towns; streets, squares, and houses; rooms, beds, and bodies. Spatialization then gained a form of micro-regionalization – because the function of the diagram was not only to distribute spatially and locate but also to make visible; the diagram was, just like in a panoptical prison, "a strategy of exposure"[78] to the gaze.

Foucault was aware of the existence of a certain archaism in the panoptical type of prison, i.e., anachronisms which returned his synaptic idea of power, discipline, and surveillance to the concept of sovereignty. Perhaps, "the panopticon itself was tied just to a particular time and place of state development".[79] However, there was a certain point of interruption and transformation of the panoptical principle which Foucault had not noticed. It seems that Bruno Latour more recently recognized this: "It is the entire topography of the social world that is being modified… a new topographical relationship becomes visible between the former micro and the former macro. The macro is neither 'above' nor 'below' the interactions".[80] In opposition to the ideal utopian Bentham-Foucault Panopticon, Latour offered real places that were transferrable: "Oligoptica are just those sites since they do exactly the opposite of panoptica".[81] Here a utopian "megalomania" of a "dominant gaze" was replaced by *real gazes of the many.* Opposite the absolute gaze which originated in the panoptical surveilling tower, many individual and "narrow" gazes emerged. Today, it seems like we can all surveil something. Today, we have "participatory surveillance"[82] and the new forms of surveillance capitalism.[83] We have moved, as Mathiesen[84] has suggested, from panopticism to synopticism: "It may stand for the *opposite* of the situation where the few see the many. In a two-way and significant double sense of the word we thus live in a *viewer society*". Therefore, the utopian sketch was anachronous in comparison with the reality of a multitude of narrow gazes which originated in a multitude of points.

Zigmunt Bauman's criticism of the Panopticon and panopticism was also based on the anachronism of the model. Namely, "the collapse of the 'panoptic' model"[85] of surveillance and discipline in his opinion was a consequence of radical changes in the relations of production and consumption because contemporary postmodern societies, or the societies of *Liquid Modernity*,[86] were not based on the strategies of mass production and disciplined industrial work: "The end of Panopticon augurs the end of the era of mutual engagement: between the supervisors and the supervised, capital and labour, leaders and

[78] William Bogard, *The Simulation of Surveillance: Hypercontrol in Telematic Societies* (1996), 19.
[79] Michael R. Dove, "The panoptic gaze in a non-western setting: self-surveillance on Merapi volcano, Central Java," *Religion* 40 (2010).
[80] Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (2005), 176-177.
[81] Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory*, 181.
[82] Anders Albrechtslund, "Online social networking as Participatory Surveillance," *First Monday* 13:3 (2008).
[83] Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (2019).
[84] Thomas Mathiesen, "The viewer society: Michel Foucault's 'Panopticon' revisited," *Theoretical Criminology: An International Journal* 1:2 (1997), 219.
[85] Zygmunt Bauman, "On Postmodern Uses of Sex," *Theory, Culture & Society* 15:3-4 (1998), 22.
[86] Zygmunt Bauman, *Liquid Modernity* (2006).

their followers, armies at war".[87] Factories and barracks, industrial workers and soldiers, so often used as examples in Foucault's work, were now, as Bauman noticed – the past. The police type of surveillance today is replaced by seduction and indoctrination with advertising: "Spectacles take the place of surveillance without losing any of the disciplining power of their predecessor".[88] Foucault's concept of discipline, surveillance, and power was based on the type of society which no longer existed in contemporary post-industrial societies.[89] In other words, here the "productive type" of normalizing society, which Foucault based his idea of panopticism on, was opposed to consumer society. And while Benthamian utilitarianism was directed towards production, post-panoptic society is directed towards consumerism.[90]

Gilles Deleuze's criticism also followed anachronous points in Foucault's concept of the normalizing type of society. Although he emphasized that Foucault had known how transitory this model of society had been,[91] and that scattered power would be collected under some sovereign models, Deleuze, in his criticism, still moved in the direction of the alternation of the old disciplinary model of society, with all its technologies of the production of power, order, structures, discourse, subjects, and the growth of societies of control: "The disciplines underwent a crisis to the benefit of new forces that were gradually instituted and which accelerated after World War II: a disciplinary society was what we already no longer were, what we had ceased to be".[92]

Whereas Foucault saw strategic mechanisms for the establishment of a new institutional order and institutional consolidation after the disintegration of the medieval historical matrices in the production technologies of the disciplinary model of society, Deleuze noticed the very opposite processes at the end of the 18th century:

> We are in a generalized crisis in relation to all the environments of enclosure – prison, hospital, factory, school, family... But everyone knows that these institutions are finished, whatever the length of their expiration periods… These are the societies of control, which are in the process of replacing the disciplinary societies.[93]

What Deleuze emphasized as a turning point is *modulation* in societies of control in opposition to the *stabilization* of disciplinary societies, because: "The disciplinary societies have two poles: the signature that designates the individual, and the number or administrative numeration that indicates his or her position within a mass... In the societies of control, on the other hand, what is important is no longer either a signature or a number, but a code: the code is a *password*".[94] Deleuze's diagram of modulation announced the erosion of the

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[87] Bauman, *Liquid Modernity*, 11.
[88] *Liquid Modernity*, 86.
[89] Michalis Lianos, "Social Control after Foucault," *Surveillance & Society* 1:3 (2003), 413.
[90] Roy Boyne, "Post-Panopticism," *Economy and Society* 29:2 (2000).
[91] Deleuze, "Postscript on the Societies of Control," 3.
[92] "Postscript on the Societies of Control," 3; Bart Simon, "The Return of Panopticism: Supervision, Subjection and the New Surveillance," *Surveillance & Society* 3:1 (2005).
[93] "Postscript on the Societies of Control," 3-4.
[94] "Postscript on the Societies of Control," 5.

disciplinary diagram in which the position, a place in any disciplinary module – prison, hospital, factory, or school – had to be assumed always all over again. The diagram of modulation offered something else: the metastability of the condition of the societies of control where nothing that had been started ended.[95] The stronghold of Deleuze's position was the understanding that a new type of society – the society of consumption and control – was characterized by a diagram of power that differed from the one on which Foucault built his panopticism in the societies of production.

However, the question remained as to what the transition from panopticism to post-panopticism actually meant. Did this transition contain discontinuity or was it just a transformation? In other words, did the transition of the panoptical gaze and the dispositives of power into a new post-panoptical gaze and a new geography of scatteredness signify the multiplication of an "old" model and its translation but now as the simulation of the whole, which no longer existed? Was it a new "game of the whole" whose diagram indicated its fractal structure?

The problem of the transition from panopticism as "an old matrix" of disciplinary societies into post-panopticism signifies an attempt to understand the new modulation of space in contemporary societies as well as an attempt to understand a much deeper and wider matrix of the interrelationships of knowledge, power, and space which occur in contemporary societies. The capitalist society has demonstrated its modular strength many times in its history. Internal historical contradictions, the "elimination of spatial barriers and the struggle to annihilate space by time",[96] were manifested in the withdrawal of new borders, which produced new barriers and new spaces. In that sense, capitalism not only managed to reshape the existing, previously socially, economically, and politically produced spaces but also conquered new socially unformed space,[97] which did not contain only borders, zones, lands, defined places, or hierarchies.

The identification of the transformation of the structural category of space and its contemporary modulations, its research through the principle of the gaze as something dynamic as an element of the trihedral knowledge/power/space, implied the presupposition that modulations and regimes (as visible and articulable) were the amplitudes of the same diagram, just like production and consumption, discipline and control. The diagram of control was just an "abstract sketch" that indicated how social production and the organization of space were connected with the implementation of discipline, control, and surveillance. Because, as both Foucault and Deleuze understood, the crucial characteristic of the diagram was the organization of functions – it was "a functioning, abstracted from any obstacle [. . .] or friction [and which] must be detached from any specific use".[98] Since each diagram was a "spatial-temporal multitude", it had many functions: there were as many of them as there were social fields in history. Therefore, "the *diagram* is no longer

[95] "Postscript on the Societies of Control," 5.

[96] David Harvey, "Between Space and Time: Reflections on the Geographical Imagination," *Annales of the Association of American Geographers* 80:3 (1990), 425.

[97] Harvey, "Between Space and Time: Reflections on the Geographical Imagination," 425.

[98] *Foucault, 34.*

an auditory or visual archive but a map, a cartography that is coextensive with the whole social field".[99]

However, because of the immanent ability to separate and disconnect spatial wholes with the aim of disciplining various practices, the Benthamian model of the Panopticon would not remain a static model. As an articulated whole and discursive technology of social surveillance, it became a dynamic model which, in the contemporary societies of control, was transformed into a model which identified the dissolution of the gaze.

Post-panopticism, therefore, is no longer a domination over spaces and bodies distributed *in* space but rather represents a modular diagram of *dissoluted* space; a new geography of the scatteredness of power which overcame territorial "limitations". That is why we can say that the new modular diagram of power today is a deterritorializing concept: a concept which includes productivity and the dynamics of space; fluid and "polished" spaces as temporary stabilizations which contain the potential for new points of relocation.

That is why the gaze as a system and practice of power became "nomadic": it no longer demanded the relocation of the body as a gaze of panopticism, because it can "dissipate" across it regardless of where the body is situated. In a new, *digital diagram*, just like in any other diagram, infra-sociality and power are always in the making.

CONCLUSIONS

No epoch can exist or be articulated prior to the articulable and visible: "An 'age' does not pre-exist the statements which express it, nor the visibilities which fill it".[100] According to Deleuze, these are two essential aspects because each historical formation "implies a distribution of the visible and the articulable which acts upon itself".[101] The aim of a genealogical analytics is to enable the identification of connections and differences between the visible and the articulable which are established in new realities, in new practices. Furthermore, the task is to map the contours of new diagrams of control as new relations of the forces of the visible and articulable; a new model of the truth in which history is produced through the disintegration of previous realities and through the creation of new realities and new models.

While Foucault recognized the asylum as a model "in the age of classicism", a new way of seeing and displaying madness, a new gaze on insanity, like the prison, through the model of the Panopticon, he also recognized the new gaze on the social body – panopticism.[102]

Full visibility or the gaze of an epoch becomes a systematized and rounded whole only when the positivities of knowledge and power, i.e., their "empiricity", are sedimented in the archive. The mapping of the relationship of the visible and the articulable as a sketch of the new "game" where history was produced through the disintegration of previous

[99] *Foucault*, 34.
[100] *Foucault*, 48.
[101] *Foucault*, 48.
[102] *Foucault*, 48.

realities and the creation of new ones is not possible to recognize without Foucauldian genealogies.

The diagram of power of modern normalizing societies and strategies, in which "the authority uses the surrounding of social fields", was analyzed by Foucault through the model of the Panopticon, which introduced a power/gaze, but also through the model of plague, "which cordons off the stricken town and regulates the smallest detail".[103] In opposition to the rituality of the exclusion of leprosy, this was also the *disciplinary project,*[104] which multiplied spatialization: the region was divided into the infected and uninfected, as were towns. This was about a *new multiplication of spatialization* where, in one corner, discourse was growing as power/knowledge and, in the other, the gaze and optics of panopticism.

Because they are different but not incompatible projects, these two large patterns of spatialization – separation and disciplining surveillance – were not separate models for quite some time. They would only begin to blend into the normalizing society during the 19th century.

It should also be noted that an important and insufficiently problematized aspect of Foucault's legacy that we did not tackle in the problematization of the gaze was his understanding of truth – or the relation between gaze and truth. This is because all that "light", surveillance, and control, and all those spaces and panoptical principles, these served in the function of truth. The institutionalization of the gaze was just a side effect in the search for truth, which should be practical, utilitarian, and embedded in knowledge and "supported" by power. Panopticism and the control of the behavior of men as *a dispositive* did not require expression, statements, and discourse.

Foucault had more interest in genealogies than in institutions.[105] In our belief, the concepts of gaze and norm which result from this interest and his research are not only the key concepts but also represent his central contribution to sociology. Along the way, he also traced the genealogies of the abnormal: pathologies and exclusions. Of no less importance is this light on the whole (other) space out of the social margin which showed sociologists how something that is socially peripheral could be symbolically and normatively central.

Power technologies of discipline and regulation from the 18th century were also a part of the rise of a social class – the bourgeoisie:

> Historically, the process by which the bourgeoisie became in the course of the eighteenth century the politically dominant class was masked by the establishment of an explicit, coded and formally egalitarian juridical framework, made possible by the organization of a parliamentary, representative regime. But the development and generalization of disciplinary mechanisms constituted the other, dark

[103] *Foucault,* 34.

[104] *Discipline and Punish,* 198.

[105] "Now I no longer think that the institution is very satisfactory notion. It seems to me that it harbors a number of dangers, because as soon as we talk about institutions we are basically talking about both individuals and the group, we take the individual, the group, and the rules which govern them as given, and as a result we can throw in all the psychological or sociological discourses." Foucault, *Psychiatric Power,* 15.

> side of these processes. The general juridical form that guaranteed a system of rights that were egalitarian in principle was supported by these tiny, everyday, physical mechanisms, by all those systems of micro-power that are essentially non-egalitarian and asymmetrical that we call the disciplines. And although, in a formal way, the representative regime makes it possible, directly or indirectly, with or without relays, for the will of all to form the fundamental authority of sovereignty, the disciplines provide, at the base, a guarantee of the submission of forces and bodies.[106]

Furthermore, all these *productive elements* were part of the structures of the rising type of society – at its *core* normalizing, and at the surface *capitalistic.* It paved the way for new discourses, knowledges, and legitimations to emerge as well, such as expert (medical) knowledge but also human and social science knowledge.

Disciplinary mechanisms go back a long way:[107] from the center of the dispositive of sovereignty. Gaze comes from the dispositive of the same discourses and power/knowledge through which we are now trying to go "behind" Foucault.

There are numerous contemporary studies that rely on Foucault. It would be hard to describe the topics or fields in philosophy and social sciences *where* his influence or legacy is recognized the most. It could also be noted that panopticism has also invoked certain criticisms.[108] Furthermore, some interpreters and commentators of Foucault's work have associated him and his *oeuvre* with certain types of dogmatism, even the "irrationalist hostility to science".[109] There are also numerous studies that apply or extend the concepts of gaze, panopticism, and normalization in novel ways, especially in the field of *surveillance studies.* Problems and topics include the dimensions of gaze and panopticism in studies of urban environment, informatic practices, the medical gaze, psychiatry and public health, biopolitics, homeless people, public spaces and CCTV technology, self-tracking, digital media, and so on.[110]

Concepts of gaze and norm remain relevant for future sociological research as well. One could possibly argue that their relevance and plausibility stems from the fact that the problem of power dynamics and control mechanisms in societies change but remain a

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[106] *Discipline and Punish*, 222.

[107] *Psychiatric Power,* 63.

[108] Such as that it "does not provide a master key to understand digital technologies of power". Petra Gehring, "The Inverted Eye. Panopticon and Panopticism, Revisited," *Foucault Studies* 23 (2017).

[109] Siniša Malešević, "Are We All Foucauldians Now? 'Culture Wars' and the Poststructuralist Legacy," *Critical Review – A Journal of Politics and Society* 34:3-4 (2022).

[110] See, for example: Iafet Leonardi Bricalli, "The Paradoxes in the Use of the Panopticon as a Theoretical Reference in Urban Video-surveillance Studies: A Case Study of a CCTV System of a Brazilian City," *Foucault Studies* 27 (2019); Martin French, "Gaps in the gaze: Informatic practice and the work of public health surveillance," *Surveillance & Society* 12:2 (2014); Susanne Bauer and Jan Eric Olsén, "Observing the Others, Watching Over Oneself: Themes of medical surveillance in post-panoptic society," *Surveillance & Society* 6:2 (2009); Rodney Fopp, "Increasing the Potential for Gaze, Surveillance and Normalisation: the transformation of an Australian policy for people who are homeless," *Surveillance & Society* 1:1 (2002); Ivan Manokha, "Surveillance, Panopticism, and Self-Discipline in the Digital Age," *Surveillance & Society* 16:2 (2018); Peter Lindner, "Molecular Politics, Wearables, and the *Aretaic* Shift in Biopolitical Governance," *Theory, Culture & Society* 37:3 (2020).

relevant and constant issue for sociologists in different ways. Their relevance is also recognizable in the examination of how individuals regulate their behavior *in response* to power. Furthermore, "new games" of visibility and invisibility always emerge and are today more and more induced by the development of digital technologies and media. At the same time, these are questions of how (social) norms are transformed and shaped by power and social mechanisms of control.

Perhaps contemporary studies of gaze and norm are just an attempt to go behind the history which "imprisoned us" – or to go behind all the practices of power, surveillance, and normalization whose transformations Foucault would have a lot to say about today.

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ARTICLE

'The Subject and Power' – Four Decades Later: Tracing Foucault's Evolving Concept of Subjectivation

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ABSTRACT. Michel Foucault's essay 'The Subject and Power' has seen four decades. It is the most quoted of Foucault's shorter texts and exerts a persistent influence across the social sciences and humanities. The essay merges two main trajectories of Foucault's research in the 1970s: his genealogies of legal-disciplinary power and his studies of pastoral power and governance. This article connects these two trajectories to Althusser's thesis on the ideological state apparatuses, demonstrating affinities between Althusser's thesis and Foucault's diagnosis of the welfare state as a 'matrix' of individualising and totalising power. The article suggests that Foucault's essay straddles between two different concepts of subjectivation. First, one encounters the citizen 'internally subjugated' by disciplinary and pastoral power, whereas, at the end, we find a 'flat' subject of governance; a form of power which intervenes only in the environment in which individuals make their rational, self-fashioning choices. The implication of Foucault's newfound concept of governance is a weakening of the link between subjectivation and the formation of the state, which also meant that the state's role in reproducing capitalism receded into the background of Foucauldian scholarship. Finally, the article suggests extending Foucault's analytical 'matrix' to current techniques of subjectivation associated with the advent of big data and artificial intelligence, which buttress the expansive technique of predictive profiling.

Keywords: Foucault, Althusser, state ideology, subjectivation, pastoral power, capitalist economy

INTRODUCTION

About four decades have passed since Michel Foucault's essay 'The Subject and Power' was published in *Critical Inquiry.*[1] In this famous essay, Foucault declares that the subject is produced both by self-knowledge and by subjection to others. He further suggests that

[1] Michel Foucault, "The Subject and Power," *Critical Inquiry* 8:4 (1982), 777-795.

the modern state has inherited the technology of pastoral power and defines government as 'the conduct of conduct'. With 27,685 citations, the essay is the most cited of Foucault's shorter texts (Google Scholar count 20th February 2024) and remains an indispensable reference in debates on subjectivity, governance, power, political identity, and more. The final version first appeared in January 1982 as an afterword to Paul Rabinow and Hubert Dreyfus' seminal book *Michel Foucault: Beyond Structuralism and Hermeneutics*[2] and then in the summer edition of *Critical Inquiry*.[3] In this context, the essay appears to present central themes from Foucault's work for an American audience. Paul Rabinow suggests that Foucault drafted significant portions of the essay during the mid-1970s.[4] Similarly, Arnold Davidson notes that 'there is compelling internal evidence that parts of [the essay] were written several years earlier'[5] but without providing this evidence. As such, the exact period in which Foucault wrote 'The Subject and Power' remains unclear. The essay continues to exert a persistent influence in the social sciences and humanities, including ritual theory,[6] analysis of governance,[7] discourse analysis,[8] postcolonial literature,[9] gender studies,[10] theories of power,[11] and research on religious movements,[12] and, as such, the text merits fresh scrutiny that can give it further context and, perhaps, uncover any as yet overlooked potentials for contemporary analysis.

The essay is perhaps most famous for its discussion of the notion of subjectivation. Foucault notably suggests that subjectivation is paradoxical since the very process that ensures the subject's subordination also allows her to achieve a self-conscious identity. Moreover, the essay is a condensation, I suggest, of two main trajectories from Foucault's research in the 1970s: his genealogies of juridico-disciplinary power, on the one hand, and his studies of pastoral power and governance, on the other. Against this backdrop, Foucault claims that the modern state combines two forms of power – one legal, administrative, and statistical, and the other individualising, centred on the specific individual's consciousness.

'The Subject and Power' also displays how Foucault, towards the end of the 1970s, made a shift in his conceptualization of subjectivation and power. Whereas the first part of the essay recapitulates his 1970s focus on the link between subjectivation and the state,

[2] Michel Foucault, "The Subject and Power," in *Michel Foucault: Beyond Structuralism and Hermeneutics*, ed. H. L. Dreyfuss and P. Rabinow (1982), 208-226.
[3] Foucault, "The Subject and Power," 777-795.
[4] Paul Rabinow, *Anthropos Today: Reflections on Modern Equipment* (2003), 52.
[5] Arnold Davidson, "In Praise of Counter-Conduct," *History of the Human Sciences* 24:4 (2011), 39 fn4.
[6] Catherine Bell, *Ritual Theory, Ritual Practice* (1992).
[7] Nikolas Rose and Peter Miller, "Political Power beyond the State: Problematics of Government," *The British Journal of Sociology* 43:2 (1992), 173-205.
[8] Norman Fairclough, *Language and Power* (2001).
[9] Bill Ashcroft, Gareth Griffiths and Helen Tiffin, *The Empire Writes Back: Theory and Practice in Post-Colonial Literatures* (2003).
[10] Judith Butler, *Undoing Gender* (2004).
[11] Steven Lukes, *Power: A Radical View* (2021).
[12] Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (2011).

this link disappears in the second part of Foucault's essay when he presents an 'analytics of governance'. In place of the 'war-model' Foucault used to analyse the social struggles around psychiatry, penal law, and discipline, he introduces a concept which is not at all warlike, namely government. This concept, I will demonstrate, resonates with Foucault's 1979 lectures, *The Birth of Biopolitics* (2008), where he analyses North American neoliberal thinking. There, Foucault discovers a mode of governance which is neither juridical nor disciplinary and instead acts on the environment in which subjects make their choices.

In effect, 'The Subject and Power' straddles between two different notions of subjectivation. In the essay's first part, one finds a subject caught up between the individualising and totalising power of the state. This subject is both a target of an intricate guidance of the soul and a juridico-administrative objectification as part of the population. The subject of governance, in the second part, is no longer tied to these subjectifying technologies but finds herself in a more open-ended environment of self-formation. Put differently, instead of *homo criminalis*, the object of disciplinary and confessional technology, we encounter *homo œconomicus*, the product of free, self-interested choices. The theme that runs through the two parts of Foucault's essay, I suggest, is the paradox of freedom in subjectivation, which echoes Louis Althusser's notion of interpellation, whereby the subject voluntarily submits to ideology.

In the first half of the 1970s, Foucault explored the link between state formation and subjectivation in dialogue with Marxist thought while also dislodging himself from Marxist vocabulary. Using this dialogue, I will highlight several points at which Foucault and Althusser intersect: the two poles of state power, a material view of ideology, and the divine voice of interpellation. Foucault, however, moved beyond Althusser's dual model of state power (repressive/ideological), offering much more historically sensitive analyses of how social groups struggle to influence state legislation and the state's responsibilities as an 'agent of moralization'. Compared to Althusser, Foucault described social struggle as occurring in far more fluid and mobile relations, and he transcended Althusser's theoretical model by laying out the dynamic interplay between *dispositifs*.

The article falls into four sections. The first section considers the first part of 'The Subject and Power', focusing on how the welfare state submits individuals to a matrix of power at once juridico-administrative and pastoral. The next section makes a series of connections to Althusser's thesis on ideological state apparatuses, demonstrating how Althusser's text resonates with key themes in Foucault's work from the 1970s. The third section traces Foucault's two main trajectories in the 1970s: his genealogy of penality and discipline and his genealogy of government and pastoral power. The fourth section discusses the second part of Foucault's essay, indicating affinities between Foucault's conception of governance and his analysis of neoliberal economics. This part of the essay shifts from 'the internal subjugation' of the welfare state matrix to 'governance' that dispenses with anthropological claims (as in *homo criminalis*) and introduces a 'flat', self-investing subject (as in *homo œconomicus*). Finally, the conclusion discusses how the link between subjectivation and the industrial-capitalist state, central to Foucault's 1970s work,

largely disappeared from his focus in the 1980s as well as from most subsequent Foucauldian scholarship. I return to Foucault's 'matrix' of individualising and totalising power, and I suggest applying this matrix to the recent rise of algorithmic decision-making and predictive profiling, discussing what mode of subjectivation these technologies confront us with.

STATE POWER AND THE CITIZEN-SUBJECT

At the outset of the essay, Foucault presents his oft-cited, twofold concept of subjectivation, the process in which power and knowledge interlink to turn individuals into subjects:

> There are two meanings of the word 'subject': subject to someone else by control and dependence; and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to.[13]

According to this definition, subjectivation happens in social relations of dependency and control through which an individual submits to a particular truth about who she is. Thus subjected by others, the individual 'masters' her own subjection by constituting her identity and self-interrogation according to the truth imposed on her. Experts and other figures of authority visibly exert this power of subjectivation, but it also operates in our everyday social relations, where we routinely categorize each other as well as ourselves:

> This form of power applies itself to immediate everyday life which categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and which others have to recognize in him. It is a form of power which makes individuals subjects.[14]

Given Foucault's philosophical anti-humanism, his notion of subjectivation eschews any idea of some 'human essence' that is constrained or annihilated in the subjectivation process. Rather, subjectivation, as Foucault conceives of it, is precisely what imbues the human subject with its 'essence', or self-identity, which both constrains and enables the subject to exert power. This means that individuals are not simply targets of a power which constrains them, since their enrolment into power relations qualifies them to become agents of power in their own right. Foucault makes this point repeatedly, for example in his 1976 lectures, *Society Must be Defended*: 'Power is exercised through networks, and individuals do not simply circulate in those networks; they are in a position to both submit to and exercise this power'.[15] Critics of Foucault have sometimes overlooked the ambigu-

[13] Foucault, "The Subject and Power," 781.
[14] Ibid.
[15] Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76* (2003), 29.

ity in subjectivation, which entails the simultaneous subordination to norms and the construction of a self-relationship. In practice, the two are not opposed but constitute two aspects of a single process. This twofold conception recalls Althusser's[16] central notion of 'interpellation', which recognized how subjugation to power is essential to becoming a subject. Subjectivation thus identifies the contradiction between power as normalizing and power as enabling, that is, between power as subjugating the individual to the social order and power as qualifying the subject as a social actor.

Although Foucault points to this fundamental ambivalence in the subject's self-constitution in submission to power, Judith Butler[17] observes that Foucault neglects to further theorize this ambiguity of subjectivation. Instead, he proceeds to re-conceptualize the power of the modern welfare state. Foucault thus advances his comments on subjectivation in the context of a broader argument on state power, launched against what he saw as theoretical models that are insufficient for grasping the link between subjectivation and state formation. Conventional legal theories concerned with legitimacy and institutional models focused on the state apparatus were unsuited to capturing state power in its mode of subjectivation or what Foucault terms 'individualising power'.[18] The modern state should not be viewed as an agency uninterested in citizens' subjectivity, 'ignoring what they are and even their very existence'[19]. On the contrary, the state constitutes 'a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form and submitted to a set of very specific patterns'.[20] This is a tricky subjugation, as it dually targets citizens as a totality *and* qua their individuality, thereby transcending the juridical model of the citizen as a locus of formal rights and responsibilities.

This is where Foucault introduces the term 'pastoral power', noting that welfare state institutions are involved in subjectivation because they have inherited a particular modality of power from a Christian tradition long intertwined with juridical and administrative functions. Specifically, the guidance of conscience and its demand for individual truth produced through confessional techniques has proliferated in secular modalities in modern welfare institutions. Foucault argues that the modern state has multiplied the agencies that govern individuals qua their individuality, thus exerting 'a new form of pastoral power' including social work, medicine, psychiatry, and psychology.[21] This re-description of the state as an agent of pastoral power was guided by what Foucault described as 'certain conceptual needs'. He declares: 'We have to know the historical conditions which motivate our conceptualization'.[22] The historical condition in question is a welfare state

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[16] Louis Althusser, "Ideology and Ideological State Apparatuses" [1969], in *Lenin and Philosophy and Other Essays* (1971), 127-189.
[17] Judith Butler, *The Psychic Life of Power* (1997), 2.
[18] Foucault, "The Subject and Power," 778.
[19] Ibid., 783.
[20] Ibid.
[21] Ibid.
[22] Ibid., 778.

established around two poles: a *totalising* pole constituted by population statistics and jurisprudence and an *individualising* pole constituted by techniques for guiding each citizen-subject's conscious self-conduct.[23] The complex integration of these two poles requires, in other words, that state power is re-conceptualized in the face of the present circumstances.

By recasting the modern state, Foucault is also responding to more tangible issues, such as the emergence of everyday struggles against subjectivation apparent at the time. Focusing attention on contemporary struggles of groups confronting the authorities in health, psychiatry, education, and the 'administration over the ways people live' (1982a: 780) can serve, he suggests, as a catalyst for analysing power. In sum, Foucault eschews the view of the state as a centre of legal-punitive power, offering an altogether different framework of analysis that foregrounds the link between the state and the production of subjectivities. In brief, rather than seeing the state as a sovereign legal agency, or 'a kind of political power which ignores individuals',[24] one must recognize how techniques and practices of pastoral power have multiplied within the welfare state.

STATE IDEOLOGY OR DISCIPLINARY TECHNIQUES

Foucault's portrayal of the state as involved in subjectivation puts him in the close vicinity of Althusser's foundational 'Ideology and Ideological State Apparatuses' from 1969. My intention in comparing this text with 'The Subject and Power' is neither to demonstrate that Foucault's ideas were pre-established in Althusser's text, thereby creating an 'Althusserian Foucault', nor to reduce Althusser to a predecessor who prepared the ground for Foucault. Despite similarities, Althusser's concept of 'interpellation' is not equivalent to Foucault's 'subjectivation', just as 'apparatus' is not identical to '*dispositif*'. Nevertheless, I suggest that reading 'The Subject and Power' through the prism of its oblique dialogue with Althusser can enrich our understanding of the essay. Insofar as Foucault wrote parts of the essay in the mid-1970s, as Rabinow[25] and Davidson[26] suggest, the echoes of Althusser in the 'Subject and Power' should be unsurprising. The first part of the essay reads as a recapitulation of that 1970s work and the critical dialogues Foucault engaged in, especially with Althusser.[27] Such points of dialogue centred on how to move beyond models of the state as uniformly repressive, how to re-conceptualize ideology as immanent to practices, and how to grasp subjectivation as being achieved not simply by repression but by individuals' voluntary submission to ideology.

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[23] Foucault, "The Subject and Power," 784.
[24] Ibid., 782.
[25] Paul Rabinow, *Anthropos Today: Reflections on Modern Equipment* (2003).
[26] Davidson, "In Praise of Counter-Conduct," 25-41.
[27] Étienne Balibar, "Foreword: Althusser and the Ideological State Apparatuses," in *On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses,* Louis Althusser (2014), vii-xix; Bernard E. Harcourt, "Course Context," in *The Punitive Society. Lectures at the Collège de France 1972–1973* (2015), 265-310.

Althusser taught Foucault at the École Normale Supérieure in 1948–1949, and both were involved in revisionist discussions of Marxist theory. Étienne Balibar notes that Althusser and Foucault both participated in the structuralist movement, whose essential goal was 'to conceptualize the constitution of the subject in place of "the constitutive subject" of the classic transcendental philosophies'.[28] Accordingly, the body became the principal focus of analysis, while both thinkers excluded interiority and alienation from their frameworks. Balibar cautions against pitting Foucault univocally against Marxism, as his relationship to it evolved through a complex process in which Althusser was constantly present. Foucault's relationship with Althusser, Balibar observes, was 'at once personal, intellectual and institutional, [and] did not by itself determine this evolution, but certainly helped determine it from first to last'.[29] In a seminal article, Warren Montag[30] (1995) argues that Althusser and Foucault both rejected idealism and idealist notions of ideology, eliminating any essence from the subject in order to examine its purely material production. Montag notes that 'the most unforgivable question that Althusser and Foucault asked concerned the subject', because they both 'denied all that was distinctively human'.[31] Comparing 'Ideology and Ideological State Apparatuses' and *Discipline and Punish*, Montag suggests that these works were not as opposed and external to each other as widely believed. From a historical distance, one can instead view Althusser and Foucault 'as reciprocal immanent causes, dynamic and inseparable'[32] because in the French intellectual context of the 1960s and 1970s, they were questioning many of the same notions.

Other commentators characterize Foucault's relationship to Althusser as a constitutive negative dependency. Bernard Harcourt notes that Althusser's distinction between the repressive state apparatus (RSA) and ideological state apparatuses (ISAs) gave Foucault a continuous theoretical contrast against which to write. Whereas Althusser assigned the function of penality strictly to the RSA, Foucault traced the wavering development of law and punishment in a field of struggle between social groups. Discussing Foucault's genealogy of penality, Harcourt notes that Althusser's twin apparatuses 'do not offer Foucault the possibility of thinking about penality or the prison outside of State repression'.[33] For Harcourt, Foucault breaks with Althusser by introducing a mobile conception of power, one that, unlike Althusser's centralized, binary model of the state, eschews an a priori division between repressive and productive power. It is noteworthy, then, that Althusser always puts the 'Repressive State Apparatus' in the singular and in capital letters, as if it were a unified and centralized agency. Decisively transcending Althusser's theoretical

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[28] Balibar, "Foreword: Althusser and the Ideological State Apparatuses," xvi.

[29] "Foreword: Althusser and the Ideological State Apparatuses," xi.

[30] Warren Montag, "'The Soul is the Prison of the Body': Althusser and Foucault, 1970–1975," *Yale French Studies* 88 (1995), 53-77.

[31] Montag, "'The Soul is the Prison of the Body': Althusser and Foucault, 1970–1975," 55-56.

[32] "'The Soul is the Prison of the Body': Althusser and Foucault, 1970–1975," 56.

[33] Harcourt, "Course Context," 272.

model, Foucault[34] analyses how moralization ('the ideological') intersects with penality ('the repressive') in dynamic struggles between social groups.

Nevertheless, the differences between Althusser and Foucault have often been exaggerated, as their works intersect in significant ways, including their emphasis on Marx as offering a materialist and decentred view of history. Andrew Ryder thus argues that Foucault and Althusser both endorsed Marx's 'epistemological mutation of history' in their respective commentaries on Marx[35]. However, most importantly for our purposes, Althusser and Foucault shared the idea that subjectivation occurs when an individual freely submits to the prevailing ideology or power/knowledge. In Althusser's terms, interpellation *qua* individuality happens when ideology 'hails' an individual as a singular locus of free will. Althusser's thesis also displays affinities with Foucault's notion of pastoral power in that Althusser models ideological interpellation on divine authority.

FREEDOM IN INTERPELLATION

The central problem in Althusser's influential essay 'Ideology and Ideological State Apparatuses' is the state's involvement in the reproduction of citizen-subjects who practice ideology. The essay anticipates the themes of the state's punitive and disciplinary power which Foucault developed in the 1970s, where he often directed implicit or explicit commentaries at Althusser. Althusser builds his essay on the contention that the survival of the capitalist economy requires not only that the material conditions of production be reproduced but also that the labour force voluntarily submits to ideology: 'It is in the forms and under the forms of ideological subjection that provision is made for the reproduction of the skills of labour power'.[36] Recall that, for Althusser, the state ensures ideological subjugation by means of its twin apparatuses, the RSA and the ISAs. Operating by means of force and sanctions, the RSA comprises the bureaucracy, the courts, the prisons, the police, and the armed forces, whereas the ISAs, which operate through ideology, include schools, churches, sports, and cultural institutions as well as non-state actors such as family, political parties, trade unions, and the mass media.[37] Althusser particularly wants to theorize the ISAs' role in reproducing citizen-subjects, as the capitalist economy cannot reproduce itself without the formation of subjects who are immersed in and freely practice ideology. Thus, the crucial problem is not the reproduction of labour power but *the reproduction of subjectivation* or the citizens' misrecognition of themselves in 'the ruling ideology'.[38]

Althusser insists that ideology only has a 'material existence' and hence must be dissociated from an ideational or spiritual realm because ideology is only present in and

[34] Especially Michel Foucault, *The Punitive Society. Lectures at the Collège de France 1972–1973* (2015).

[35] Andrew Ryder, "Foucault and Althusser: Epistemological Differences with Political Effects," *Foucault Studies* 16 (2013), 134.

[36] Althusser, "Ideology and Ideological State Apparatuses," 133.

[37] "Ideology and Ideological State Apparatuses," 142-143.

[38] Ibid., 133.

through material institutions, practices, and rituals.[39] Citizen-subjects engage in material practices governed by the rituals of ISAs, such as 'a mass in a small church, a funeral, a minor match at a sports' club, a school day, a political party meeting, etc.'.[40] Pierre Macherey explains that Althusser refused the conventional notion of ideology as illusionary representations that endow consciousness with certain dispositions; 'an intermediate layer occupied by ideal representations located in the spirit'.[41] Similarly, Foucault eschewed the view of power as an order that descends from the mind into bodily actions, instead asserting the irreducible materiality of practices: 'We should try to grasp subjection in its material instance as a constitution of subjects'.[42] Thus, as Foucault discovers, disciplinary power targets the human body by means of a host of minor techniques subjugating the body and its capacities to disciplinary norms. It is also noteworthy that Althusser's twin state apparatuses broadly resemble the two poles of state-power laid out in 'The Subject and Power' – the juridico-disciplinary and the pastoral-governmental.

Most importantly, both Althusser's ISAs and Foucault's pastoral state institutions embody a form of power that interpellates the individual as subject. Ideology, writes Althusser, 'interpellates concrete individuals as concrete subjects',[43] whereas Foucault speaks of 'a form of power which makes individuals subjects'.[44] These notions entail, first, that citizens are interpellated through (not against) their unique individuality and, second, that the interpellated person is maintained as a carrier of irreducible freedom. Hence, Althusser's essay first introduced the paradox of freedom in subjectivation, i.e., the claim that subjugation requires the freedom of the interpellated.

The demand to submit freely *and* entirely is paradoxical, Althusser notes, because it reveals the double meaning of the word 'subject' – 'a free subjectivity, author of and responsible for its actions' as well as 'a subjected being, who submits to a higher authority, and is therefore stripped of all freedom except that of freely accepting his submission'.[45] Jacques Bidet suggests that Althusser's key contribution to the theory of ideology was indeed his identification of the paradox of interpellation, i.e., the demand to freely submit to one's unfreedom. Althusser, writes Bidet, 'set the stage for the paradox of a subject constituted as such through the injunction to conform to a law. A subject is only a subject at the cost of its voluntary submission'.[46] Althusser's claim that freedom and individuality constitute ideology's medium of interpellation resonates in Foucault's declaration that pastoral power is 'individualising'. Asserting that ideology not only functions through

[39] "Ideology and Ideological State Apparatuses," 166-169.
[40] Ibid., 168.
[41] Pierre Macherey, "The Productive Subject," *Viewpointmag.com*. https://viewpointmag.com/2015/10/31/the-productive-subject/ (accessed 16th May, 2023).
[42] Michel Foucault, "Omnes et singulatim," in *Power: Essential Works of Foucault, 1954-1984, Vol. 3* (2000), 97.
[43] "Ideology and Ideological State Apparatuses," 173.
[44] "The Subject and Power," 781.
[45] "Ideology and Ideological State Apparatuses," 182.
[46] Jacques Bidet, "The Interpellated Subject: Beyond Althusser and Butler," *Crisis and Critique* 2:2 (2015), 63.

repression but also productively shapes subjectivities, Althusser introduced themes central to 'The Subject and Power', especially power's productivity and the assumption of the governed subject's inviolable freedom.

For Althusser, freedom's immanent relation to interpellation stems from the fact that ideology speaks with something like a divine voice. Althusser suggests that ideology constitutes the individual as free, just as God created man with a free will to choose to do either good or evil: 'Interpellating the individual as subject means that he is free to obey or disobey the appeal, i.e. God's commandments'.[47] Just as the divine voice calls individuals by their names, recognizing them as subjects with a personal identity, so ideology interpellates individuals as distinguishable and irreplaceable. Butler suggests that, for Althusser, religion is not merely an 'example' of this but functions as *the template* for ideological interpellation in general. The voice of ideology constitutes the subject in a manner equivalent to divine authority's naming power in the Christian sacraments: 'I address myself to you […] in order to tell you that God exists and that you are answerable to Him'.[48] It is noteworthy that Foucault echoes Althusser's religious analogy in 'The Subject and Power' when describing the state as 'a modern matrix of individualization, or a new form of pastoral power'.[49]

However, the fact that Althusser and Foucault both invoke Christianity to describe the mechanism of subjectivation should not lead us to neglect the divergence of their approaches. Importantly, for Althusser, the divine voice of ideology serves as a purely theoretical model in his universal conceptions of ideology and ideological interpellation. By contrast, Foucault only arrives at his notion of pastoral power as the technology of subjectivation in Western culture *par excellence* after detailed, genealogical explorations of the Christian tradition. Here, the difference between the philosopher and the genealogist comes to the fore.

Althusser's subject theory is another important place where his claim that subjects 'freely' come to practice ideology ceases to align with Foucault's declaration that power works upon free subjects. Althusser briefly recaptures Freud's theory of the unconscious and Lacan's mirror stage as explanations for the child's 'pre-appointment' to ideology, which he discussed in an earlier essay on Freud and Lacan.[50] On this account, the child is born into a world already saturated by ideology, mirroring itself in it while striving to form a coherent identity. Althusser writes: 'Lacan demonstrates the effectiveness of the Order, the Law, that has been lying in wait for each infant born since before his birth, and seizes him before his first cry, assigning to him his place and role, and hence his fixed destination'.[51]

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[47] "Ideology and Ideological State Apparatuses," 178.
[48] Ibid., 177.
[49] "The Subject and Power," 783.
[50] Louis Althusser, "Freud and Lacan," *New Left Review* 55 (1969), 49-65.
[51] Althusser, "Freud and Lacan," 60-61.

Ideology is 'eternal' in the sense that individuals always and inevitably rely on ideology for their misrecognition of themselves as subjects. The Oedipus complex, Althusser writes, is 'imposed by the Law of Culture on every involuntary, conscripted candidate to humanity'.[52] As such, the individual already has a subconscious attachment to ideology before she engages in any socio-historical practice. In fact, Althusser[53] insists that all societies require ideology to ensure social cohesion and coordination of action. These dictums on ideology display Althusser's effort to give Marxist theory scientific validity by revising it in essentially philosophical terms. By contrast, Foucault dismissed the Marxist notion of ideology and the related premise, entertained by Althusser, that theory must step outside the unacknowledged common sense of everyday life, which obscures the reality of class antagonism. Even if he shared certain assumptions with his teacher, Foucault eschewed such universalizing theory-building, studying social struggles and techniques of subjectivation as emerging in singular, historical processes.

TWO TRAJECTORIES OF STATE POWER

The key argument in 'The Subject and Power' – that the welfare state is a matrix of totalising and individualising power – integrates two major genealogies Foucault developed in the 1970s: the genealogy of juridical and disciplinary power from the early 1970s and that of the pastorate and governance in the late 1970s. The first trajectory includes *Penal Theories and Institutions* from 1971 to 1972, *The Punitive Society* from 1972 to 1973, *Truth and Juridical Forms* from 1973, and *Discipline and Punish* published in 1975. In these works, Foucault focuses on the relationship between the state's punitive and moralizing functions and the reproduction of capitalist economy, themes close to Althusser. In continuous dialogue with the Marxist tradition, Foucault explores how, in the 18th and 19th centuries, the state's disciplinary institutions expanded in response to industrialists' concerns for protecting their wealth and securing production.

Using the composite juridico-disciplinary, I do not intend to merge law and discipline, since, for Foucault, the concept of discipline is distinct from law. Discipline generally refers to techniques of power which supplement or extend the domain of law and penalty. However, discipline and its norms are not isolated from law but dependent on it. Law and norm stand in a mutually supportive relationship since the law often underpins and authorizes disciplinary practices of normalization. Hence, Foucault notes that discipline constitutes an 'infra-law', a 'counter-law', and that it extends 'the general forms defined by law to the infinitesimal level of individual lives'.[54] In concrete terms, Foucault's genealogies show how privileged groups sought to both influence the legal system and foster disciplinary norms in their strategy to control the working classes. For instance, societies for moral betterment worked to spread good norms, but in some cases, the bourgeoisie

[52] "Freud and Lacan," 63.
[53] Louis Althusser, *For Marx* (2005).
[54] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1977), 222-223.

campaigned for outlawing moral infractions, such as vagabondage. In what I identify as Foucault's juridico-disciplinary trajectory, law and discipline hence develop in tandem.

The other genealogical trajectory in 'The Subject and Power' retraces the Christian pastorate and the modern notion of governance. This pastoral-governmental trajectory includes *Security, Territory, Population* from 1977 to 1978, *The Birth of Biopolitics* from 1978 to 1979, *Omnes et Singulatim* delivered in 1979, and *On the Government of the Living* from 1979 to 1980. In these works, Foucault rediscovers government as the 'conduct of conduct' in 17th and 18th century treatises on political rule but also explores the Christian linkage between obedience and the demand for truth, beginning with the first Christian institutions of the 2nd and 5th centuries B.C.E. The notion of government, understood as the continual guidance of the soul, forges a continuity between pastoral care of each member of the flock and the welfare state's secular governance of each citizen qua individuality. In 'The Subject and Power', Foucault's genealogies of juridico-disciplinary power and pastoral-governmental power intersect, and only against their background can one understand the claim that the state is a 'tricky combination' of individualising and totalising power.[55] These two trajectories hence merit a closer look.

PUNISHMENT AND DISCIPLINE

In the first half of the 1970s, Foucault described how the state emerged as a 'moralizing agent' from social struggles to defend capitalist production, an analysis that brought him closer to the state's constitutive role in modern capitalism than at any other time. He explored the problem while often drawing on Marxist vocabulary even as he repeatedly and explicitly dislodged his analysis from that very vocabulary.

Within this trajectory launched in the 17th century, Foucault describes not only the birth of the correctional prison but the emergence of a broader strategy of control over the working classes, which Foucault initially terms 'moralization'[56] and later 'discipline'.[57] I will briefly home in on Foucault's 1972–1973 lectures *The Punitive Society*, a rich but less prominent forerunner to *Discipline and Punish* from 1975 (1977). These lectures provide the context in which Foucault most extensively explores how privileged groups mobilized the state's legal-punitive wing in their tactics for controlling the labouring classes. Foucault describes how from the 17th century onwards individuals deemed harmful to nascent capitalism for 'stealing' their own labour power from production, such as vagabonds, became targets of harsh condemnation and punishment. In the 18th and 19th centuries, commercial groups campaigned to make the state an 'agent of moralization' by enforcing new laws that expanded the reach of judicial power into the realm of workers' 'moral failings': disobedience, idleness, prodigality, and improvidence. In *The Punitive Society*,

[55] "The Subject and Power," 782.
[56] Foucault, *The Punitive Society. Lectures at the Collège de France 1972–1973* (2015).
[57] Foucault, *Discipline and Punish: The Birth of the Prison* (1977).

one learns how the penal system is 'made by some for others',[58] meaning that the propertied invented laws sanctioned by the state to protect their wealth and tie labourers to a regularized life of production, saving, and consumption.

The urgent need to target workers' moral failures was voiced by commercial groups such as merchants' and bankers' guilds, journeymen, and societies for moral improvement.[59] Foucault describes such non-state agents as pressure groups and innovators of moralizing techniques but is careful not to assign them any uniform ideology. As Foucault proceeds into the 19th century, the control tactics emerging under industrial capitalism gradually merge moralization and repression in 'a range of everyday constraints that focus on behaviour, manners, and habits, and the effect of which is not to sanction something like an infraction, but to act on individuals positively, to transform them morally'.[60] This strategy for eliminating working-class disobedience gradually involved juridical, medical, and psychological codifications.

Foucault's account of the evolving struggles around defining workers' irregularities as illegalisms and moral failures decisively transcends Althusser's binary model of the repressive/ideological. In contrast to Althusser, Foucault declares that the deployment of penal tactics 'is not just an ethical-juridical control, a State control to the advantage of a class'.[61] Foregrounding the shifting, moralized demarcations of tolerated illegalism versus illegality, Foucault eschews a Marxist conception of the state as a 'repressive machine'. Instead, he prefers to study processes of social dominance and the role of penalty therein not as theoretically schematized phenomena but as empirically discernible transformations.

Towards the mid-1970s, Foucault begins substituting 'discipline' for penality and moralization, portraying a diffusion of disciplinary techniques across schooling, production, medicine, psychiatry, and social work. In spotlighting these techniques, Foucault focuses on much smaller units of analysis than Althusser's twin apparatuses, showing how they emerged from specific tactics and techniques. In this process, Foucault says, 'the labouring and lower classes become the point of application of the moralization of penality. The State sees itself called upon to become the instrument of the moralization of these classes'.[62] At the end of Foucault's juridico-disciplinary trajectory, the contours of a modern, 'disciplinary society' come into full view. This is less a society in which one class exerts control over another and more one in which 'supervisory institutions' ceaselessly normalize individuals into the lifeform of industrial capitalism. Such incipient power/knowledge techniques as the criminal record, the individual health report, and the social case file lend concrete support to Foucault's claim in 'The Subject and Power' that the welfare state is a 'matrix' of totalising and individualising power.

[58] Foucault, *The Punitive Society*, 24.
[59] *The Punitive Society*, 105-106.
[60] Ibid., 110.
[61] Ibid., 110.
[62] Ibid., 108.

THE PASTORAL-GOVERNMENTAL

It is tempting to read 'The Subject and Power' as revealing the welfare state's inheritance of pastoral power in secularized forms, such as confessional techniques in health care, psychiatry, crime prevention, and social work. In this reading, the shepherd's salvation of the flock is in continuity with the security of the population under political governance, with pastoral care re-emerging as the insurance of health in this life, the continual guidance of each citizen, and the pursuit of detailed knowledge on the population. Such a reading underlines the welfare state's involvement in producing subjectivity, as it interlinks confessional techniques with the objectifying knowledge of jurisprudence and statistics. Writing about the confessional, Foucault states: 'This form of power cannot be exercised without knowing the inside of people's minds, without exploring their souls, without making them reveal their innermost secrets. It implies a knowledge of conscience and an ability to direct it'.[63] Hence, to deploy juridico-disciplinary power, authorities must know about subjectivity: to counsel, the social worker must reveal who the client is, and, to judge, the court must know the offender's character. The welfare state comprises, as Foucault suggests, a comprehensive expertise that 'interpellates *qua* individuality', to use Althusser's words.

Pastoral guidance and confessional technology clearly play a crucial role in Foucault's genealogies of governmentality from the first centuries of European Christianity to the emergence of the modern state. However, if one reads 'The Subject and Power' as a recapitulation of Foucault's work in the late 1970s, while paying close attention to his comments on struggles around subjectivity, another heritage from the Christian tradition comes to the fore. Notably, in the essay Foucault mentions the 'struggles against the "government of individualization"' which unfold within the domains of sexuality, pedagogy, psychiatry, and medicine[64] against the effects of 'juridico-pastoral subjectivation'. Foucault specifies that they 'revolve around the question: Who are we? They are a refusal of these abstractions, of economic and ideological state violence, which ignore who we are individually, and also a refusal of a scientific or administrative inquisition which determines who one is'.[65]

Foucault's preferred term to denote such struggles is 'counter-conduct', a term he introduces in *Security, Territory, Population* when analysing belief-centred revolts against the Christian pastorate from the Middle Ages to the 16th century. As a base definition, Foucault designates counter-conduct as 'struggle against the procedures implemented for conducting others'.[66] Interestingly, 'The Subject and Power' draws a sweeping parallel between contemporary struggles 'against the government of individualization' and anti-pastoral counter-conducts that aspired towards an alternative (religious) subjectivity. This

[63] "The Subject and Power," 783.
[64] Ibid., 780.
[65] Ibid., 780-782.
[66] Michel Foucault, *Security, Territory, Population: Lectures at the College de France 1977-78* (2007), 201.

link emerges as Foucault moves seamlessly from present-day struggles back to the Reformation:

> I suspect that it is not the first time that our society has been confronted with this kind of struggle. All those movements which took place in the fifteenth and sixteenth centuries and which had the Reformation as their main expression and result should be analyzed as a great crisis of the Western experience of subjectivity and a revolt against the kind of religious and moral power which gave form, during the Middle Ages, to this subjectivity.[67]

The theme of counter-conduct versus pastoral power occupies several lectures in *Security, Territory, Population,*[68] with Foucault describing how diverse groups practiced religious insubordination and challenged authority while rearticulating the Christian tradition itself. Foucault notes that such counter-conduct can be found at a doctrinal level, in individual behaviour, and in organized groups.[69] These groups re-interpreted asceticism, the ideal of self-sacrifice, and spiritual guidance, and in so doing, 'certain themes of Christian theology or religious experience were utilized against these structures of power'.[70] Foucault emphasizes how religious counter-movements evolved in tandem with the pastoral government imposed by the Christian church. Consequently, Foucault describes the relationship between pastoral power and counter-conduct as an immanent relation:

> The struggle was not conducted in the form of absolute exteriority, but rather in the form of the permanent use of tactical elements that are pertinent in the anti-pastoral struggle to the very extent that they are part, even in a marginal way, of the general horizon of Christianity.[71]

These movements at the church's margins challenged pastoral authority by readopting Christian doctrines, and some of these 'tactical elements' gradually invested the ecclesiastical institutions. Importantly, then, practices of counter-conduct inevitably carry political value. Arnold Davidson explains: 'Even apparently personal or individual forms of counter-conduct such as the return to Scripture or the adherence to a certain set of eschatological beliefs have a political dimension, that is, modify force relations between individuals, acting on the possibilities of action'.[72] This emphasis on the inherent politics of counter-conduct leads to a general thesis in 'The Subject and Power': struggles around subjectivity in the modern West can be linked to struggles around acceptance or refusal of Christian obedience.

At stake in 'The Subject and Power' is how to contest the subjugation of the juridico-pastoral state or, as Foucault declares, 'how to liberate us both from the state and from the

[67] "The Subject and Power," 782.
[68] Foucault, *Security, Territory, Population*, 191-255.
[69] *Security, Territory, Population*, 204.
[70] Ibid., 207.
[71] Ibid., 125.
[72] "In Praise of Counter-Conduct," 29.

type of individualization which is linked to the state'.[73] By introducing the problem of 'liberation' from techniques of subjectivation linked to the state, Foucault emphasizes the twofold ethical and political scope of counter-conduct. 'The Subject and Power' suggests that state power is irreducible to a juridical framework focused on power's legitimacy and limits because in the modern welfare state the power of subjectivation 'passes through' subjects and their interrelationships. This insight elucidates why Foucault insists, in *The Hermeneutics of the Subject*, that elaborating an ethics of the self 'may be an urgent, fundamental, and politically indispensable task'.[74] If modern state power productively shapes subjects, it follows that 'there is no first or final point of resistance to political power other than in the relationship one has to oneself'.[75] Because the modern state is invested with dispersed, productive, and reversible power relations, the citizen-subject becomes a point of dispersion, intensification, or reversion of power. As such, for Foucault, power cannot be analysed isolated from ethics, understood as the self's relationship to the self.

Foucault's portrayal, in 'The Subject and Power', of the state as involved in subjectivation raises the problem of expert knowledge in the governance of individuals' conduct. In the context of the modern state, conduct is ambiguous because it is both an activity of ethico-political value and a target of scientific and administrative scrutiny. What Foucault cautions against is the dominance of science as the exclusive framework through which human conduct is made intelligible: 'When a regime of scientific veridiction provides the framework of intelligibility for conduct, this concept completely changes register, losing its ethical and political dimensions and becoming the object of scientific explanation'.[76] Pastoral power in its secular offsprings involves the scientific verification of psychology, psychiatry, and pedagogy with their character typifications and divisions of normality/abnormality, just as the security of the population involves health statistics and juridical knowledge.

The contemporary problem of subjectivity emerges from within this compact of state power and juridico-scientific knowledge. Insofar as the welfare state's expertise is intimately involved in the production of subjectivity, what kind of resistance would correlate with this individualising power? Confronting this problem, Foucault famously posits that no 'positive self' has to be liberated, since today's main challenge is to develop a 'politics of ourselves':

> Maybe our problem now is to discover that the self is nothing else than the historical correlation of the technology built in our history. Maybe the problem is to change those technologies, and then, to get rid of the sacrifice which is linked to

[73] "The Subject and Power," 785.

[74] Michel Foucault, *The Hermeneutics of the Subject: Lectures at the Collège de France 1981–1982* (2005), 252.

[75] Foucault, *The Hermeneutics of the Subject* (2005), 252.

[76] "In Praise of Counter-Conduct," 36.

> those technologies. And in this case, one of the main political problems nowadays would be, in the strict sense of the word, the politics of ourselves.[77]

Foucault's late work on self-conduct is an exploration of subjectivities very different from those linked to the technologies of pastoral power (with their quest to reveal inner truth) and of disciplinary power (with its anthropological characters like 'the criminal personality'). Given how central these truth producing technologies are to state governance, as 'The Subject and Power' emphasizes, the question guiding Foucault's subsequent work concerns the relationship one can establish with oneself within different truth orders. Hence, Edward McGushin points out a simultaneity between the loss in philosophy of the idea that the access to truth is linked to a care of the self and a political government which takes care of people by producing normal subjects. For McGushin, Foucault 'reveals the way that our contemporary situation is based on a historical neglect – the neglect of the spiritual model of truth and of care of the self'.[78] This neglect might be guiding Foucault's 1980 lectures, *On the Government of the Living*, which examine the truth regime in early Christianity while also tracing alternative constellations of self-conduct and truth production, such as *parrêsia* and *aphrodisia* in Greek antiquity. Against this backdrop, 'The Subject and Power' also occupies a transitory position between Foucault's studies of legal, disciplinary, and pastoral power in the 1970s and his work on liberal governance around 1979 and ancient self-techniques in the early 1980s.

'HOW IS POWER EXERCISED?'

Foucault wrote the essay's first part, 'Why Study Power? The Question of the Subject', in English, whereas the second part, 'How Is Power Exercised?', was translated from French. In this second part, the essay shifts to a denser conceptual vocabulary, offering a set of definitions regarding how power operates and how to study it. This is where Foucault famously defines power as 'actions upon other actions'.[79] Paul Patton hypothesizes that Foucault probably wrote the second part of the essay 'after Foucault's discovery of the rich theme of government and governmentality in 1978'.[80] Following Patton's hypothesis, one can relatively easily draw a series of connections between the second part of Foucault's essay and his governmentality lectures from 1978 and 1979.

Foucault begins the second part of his essay by explaining his preference for the question 'How is power exercised?' This 'little question', he notes, is 'flat and empirical' but will arouse distrust in people who view power as substance: 'does not their very distrust

[77] Michel Foucault, "About the Beginning of the Hermeneutics of the Self," *Political Theory* 21:2 (1996), 222-223.
[78] Edward McGushin, "Foucault and the Problem of the Subject," *Philosophy & Social Criticism* 31:5–6 (2005), 642.
[79] "The Subject and Power," 798.
[80] Paul Patton, "Foucault on Power and Government," *Sociological Problems* 3:4 (2016), 59.
https://www.ceeol.com/search/journal-detail?id=760

indicate a presupposition that power is something, which exists with three distinct qualities: its origin, its basic nature, and its manifestations?' Instead, Foucault takes a radical position: 'I would say that to begin the analysis with a "how" is to suggest that power as such does not exist'.[81] This approach to power reflects Foucault's substitution of universals, 'things that do not exist', with practices that refer to these universals as if they exist.[82] Foucault said in 'What is Critique?', a 1978 lecture, that he used concepts like 'knowledge' or 'power' to designate entities neither as they are in reality nor as universal or transcendental. For Foucault, such terms serve only the methodological function of opening up the historical archive for description: 'It is not a matter of identifying the general principles of reality through them, but of somehow pinpointing the analytical front'.[83] This statement cautions against such abstract conceptualization as Althusser's 'state ideology' and insists on empirically describing how power and knowledge operate in specific processes. Foucault continues: 'No one should ever think that there exists one knowledge or one power, or worse, knowledge or power which would operate in and of themselves. Knowledge and power are only an analytical grid'.[84] As the first part of 'The Subject and Power' shows, power and knowledge are indeed not universals but 'analytical grids' that reveal a very specific historical constellation, namely the welfare state's 'matrix' of individualising and totalising power.

Foucault's influential definition of government as 'the conduct of conduct' also appears to respond to 'certain conceptual needs'. Introducing this term, he recovers the meaning of government in its 16th century sense, which does not confine governance to political government but broadly designates the direction of individuals' or groups' conduct: '"Government" did not refer only to political structures or to the management of states,' writes Foucault, but also to 'the government of children, of souls, of communities, of families, of the sick'.[85] In *Security, Territory, Population*, Foucault had similarly reintroduced the notion of 16th century governance, where the 'general problem of government' arises with particular intensity.[86] There, Foucault described a major transition in Western Europe's political reasoning running from the princely territorial rule prevailing between medieval times and the 17th century to the rise of modern governance targeting the more complex reality of the population in the 18th century. Foucault echoes this transition in governmental reasoning in 'The Subject and Power', defining relationships of power as 'a mode of action which does not act directly and immediately on others. Instead, it acts upon their actions'.[87]

Foucault proceeds by listing a series of analytical principles for studying power. He declares, towards the end of 'The Subject and Power', that power relations 'do not merely

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[81] "The Subject and Power," 785-786.
[82] Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979* (2008), 20.
[83] Michel Foucault, "What is Critique?," in *The Politics of Truth*, ed. Sylvere Lotringer (2007), 60.
[84] Foucault, "What is Critique?," 60.
[85] "The Subject and Power," 790.
[86] *Security, Territory, Population*, 89.
[87] "The Subject and Power," 789.

constitute the "terminal" of more fundamental mechanisms'[88] and that the state is a very complex system 'endowed with multiple apparatuses'.[89] Foucault had shown why the state should not be viewed as unified in the late 1970s, which demonstrated how political governance is characterized by an interplay between the *dispositifs* of law, discipline, and security.[90] In response to critiques of Foucault's alleged failure to analyse the state as an agent of power in its own right,[91] Foucault refused to do state theory, just 'as one can and must forego an indigestible meal'.[92] Nevertheless, Foucault denied that he had not granted importance to the state and its power effects, since his studies of madness, clinical medicine, and discipline had always treated as a central problem 'the gradual, piecemeal, but continuous takeover by the state of a number of practices' or the 'statification' of a whole set of governmental techniques[93]. This recognition did not lead Foucault to theorizing the state in terms of a unified centre of political rule, and instead he insisted on a 'decentred' view of the state as traversed by a non-unifying set of mobile power relations.

In his 1982 essay, Foucault reiterates this approach: 'The forms and the specific situations of the government of men by one another in a given society are multiple; they are superimposed, they cross, impose their own limits, sometimes cancel one another out, sometimes reinforce one another'.[94] Likewise, in the first two lectures of his 1978 course, Foucault describes the relationship between the *dispositifs* of law, discipline, and security as sometimes reinforcing and assimilating to each other and at other times challenging and infiltrating one another.[95] As the *dispositifs'* heterogeneity precludes any notion of a centralized state agency imbued with a uniform ideology, governmental practices instead straddle between divergent governmental rationalities.

The final sections of 'How Is Power Exercised' centre on the question of strategy and its role in power relations. Foucault now emphasizes the centrality of freedom to modern governance, understood as action upon others' actions. Patton perceptively notes that this understanding of power relations 'is significantly different from Foucault's earlier conception of power relations as a matter of conflict or struggle between opposing forces'.[96] Foucault famously explored 'the civil war model' in *Society Must Be Defended* (2003), but he had already introduced it as an analytical framework in *The Punitive Society* (2015). In the second part, Foucault now rejects this civil war model: 'basically, power is less a confrontation between two adversaries or their mutual engagement than a question of "government"'.[97] He continues: 'the relationship proper to power would therefore be sought

[88] "The Subject and Power," 782.
[89] Ibid. 792.
[90] *Security, Territory, Population*.
[91] Nicos A. Poulantzas, *State, Power, Socialism* (1978), 77.
[92] Foucault, *The Birth of Biopolitics* (2008), 76-77.
[93] *The Birth of Biopolitics* (2008), 77.
[94] "The Subject and Power," 793.
[95] *Security, Territory, Population*, 8-12.
[96] Patton, "Foucault on Power and Government," 71.
[97] "The Subject and Power," 789.

not on the side of violence or of struggle […] but, rather, in the area of that singular mode of action, neither warlike nor juridical, which is government'.[98] As Patton explains, Foucault's reorientation to power as government means, first, that those involved in power relations are reconceived of as 'agents endowed with a degree of freedom' and, second, that the subject presupposed is 'a subject of interests and rationality'.[99] These points link up with Foucault's 1979 lectures, *The Birth of Biopolitics* (2008), especially his analysis of American neoliberal economics.

During those lectures, Foucault examined the Chicago School, emphasizing how the liberal subject of interests, *homo œconomicus*, was assumed to act as an entrepreneur of itself. Endowed with a capacity to make self-enhancing investments and calculate trade-offs, this subject itself serves as the most efficient allocator of resources. This is why neoliberal economists insist that government activity – in every domain from education to punishment – should be based on the rationality of the governed. Moreover, government must always allow itself to be corrected by the rational choices of the governed, as Foucault explains at the end of his 1979 course: 'It is a matter of modelling government [on] the rationality of individuals', insofar as 'the rationality of the governed must serve as the regulating principle for the rationality of government'.[100] The liberal assumption that rational actors serve as truth tellers in terms of government adequacy makes clear why government is essentially predicated on freedom. Insofar as the rational choices of free actors must inform governmental practice, freedom becomes 'a correlative' to government produced from the interplay between government and those governed.

Similarly, Foucault declares in 'The Subject and Power', 'there is no face-to-face confrontation of power and freedom, which are mutually exclusive (freedom disappears everywhere power is exercised), but a much more complicated interplay. In this game freedom may well appear as the condition for the exercise of power'.[101] The second half of the essay hence departs from Foucault's key themes in the 1970s, where he studied *dispositifs* of subjugation and control (discipline, punishment, sexuality) and points towards his work in the 1980s, which turned to reflexive self-conduct, not as a rediscovery of autonomous agency but as an exploration of how historical constellations of power/knowledge condition practices of self-formation.

In the second half of 'The Subject and Power', Foucault appears to have freed himself from his constitutive negative dependency on Althusser of the 1970s. Whereas Foucault's *dispositifs* in motion and dynamic interplay were likely a response to Althusser's state apparatuses, Foucault leaves this concept in the early 1980s. Notably, in a 1982 seminar, 'Technologies of the Self', he corrects his previous work, declaring that he had over-identified subjectivation with the production of 'docile bodies' in disciplinary processes (1988). Whereas Foucault's notions of discipline and pastoral power still displayed a concern

[98] "The Subject and Power," 790.
[99] "Foucault on Power and Government," 72.
[100] *The Birth of Biopolitics*, 312.
[101] "The Subject and Power," 790.

with overcoming Althusser's psychoanalytical model, or what Foucault calls 'the psycho-sociological notion of authority',[102] the notion of governance is entirely free from such concerns. Above, I have demonstrated how Foucault's governmentality lectures from 1978 and 1979 resonate in the second half of 'The Subject and Power'. Notably for our discussion of subjectivation, the newfound concept of governance is rather foreign to Althusser's and Foucault's shared theme of individuals' fabrication through material practices. With governance, Foucault instead places an emphasis on the subject's rational calculation and self-fashioning. In a debated passage in *The Birth of Biopolitics*, Foucault describes American neoliberalism as a nascent form of governance that does not target individuals directly, since it is not standardizing, identificatory, or individualising:

> what appears on the horizon of this kind of analysis is not at all the ideal or project of an exhaustively disciplinary society in which the legal network hemming in individuals is taken over and extended internally by, let's say, normative mechanisms. Nor is it a society in which a mechanism of general normalization and the exclusion of those who cannot be normalized is needed. On the horizon of this analysis we see instead the image, idea, or theme-program of a society in which….minority individuals and practices are tolerated, in which action is brought to bear on the rules of the game rather than on the players, and finally in which there is an environmental type of intervention instead of the internal subjugation of individuals.[103]

Initiated by Michael Behrent's (2009) claim regarding Foucault's brief, 'strategic endorsement' of neoliberalism, scholars have debated whether Foucault's analysis of American neoliberalism was critical, revealed fascination, or constituted an endorsement guided by political motivations. This is not the place to evaluate the different arguments of this debate. Relevant for our present concerns, however, is the argument that Foucault in neoliberal governance discovers a non-disciplinary approach which dispenses with the anthropological characters essential to the psy-disciplinary expertise of the welfare state. Foucault could appreciate economic neoliberalism, argues Behrent, because 'he appreciated the thinness of its anthropological claims,[104] and with neoliberals' proposals for how to govern 'problem subjects' like drug addicts or criminals, these figures would undergo 'an "anthropological erasure"'.[105]

In 'The Subject and Power', one first encounters the subject 'interpellated' by disciplinary and pastoral power, whereas, at the end, we find a 'flat' subject of liberal governance; a form of governance, 'in which there is an environmental type of intervention instead of

[102] Michel Foucault, *Psychiatric Power: Lectures at the Collège de France 1973-1974* (2006), 40.
[103] *The Birth of Biopolitics*, 259-260.
[104] Michael Behrent, "Liberalism without Humanism: Michel Foucault and the free market creed 1976–1979," *Modern Intellectual History* 6:3 (2009), 568.
[105] Behrent, "Liberalism without Humanism: Michel Foucault and the free market creed 1976–1979," 566. Foucault being quoted by Behrent.

the internal subjugation of individuals'.[106] The price for Foucault's newfound framework for analysing governance is a weakening of the link between the subjugation of the subject and the formation of the state, which leads to something like an evacuation of the question of the state's role in reproducing capitalism.

CONCLUDING REMARKS AND WAYS FORWARD

This article began by highlighting parallels between Althusser's seminal thesis on the 'recruitment' of subjects to state ideology and Foucault's 'The Subject and Power'. What Foucault terms 'individualising power' inevitably echoes Althusser's dictum that the ISAs 'interpellate individuals qua subjectivity'. However, whereas Althusser theorized ideology as material but maintained economic determination 'in the last instance', Foucault traced the miniscule penal and disciplinary techniques through which capitalist societies evolve. His rejection of reductive and universal historical models prevented Foucault from accepting a general doctrine of economic determination. Still, in 'The Subject and Power', a text almost entirely free from any reference to the economy, Foucault recognizes that subjectivation must be linked to 'mechanisms of exploitation', even if the economy is not ultimately determinant: 'It is certain that the mechanisms of subjection cannot be studied outside their relation to the mechanisms of exploitation and domination. But they do not merely constitute the "terminal" of more fundamental mechanisms'.[107]

This emphasis on the link between subjectivation and the reproduction of the economic order suggests some possible lines forward in 'The Subject and Power'. In much of the commentary literature, the focus on the state's involvement in sustaining capitalist relations, a parallel theme in Foucault's and Althusser's work from the 1970s, has slid into the background. Making an observation highly pertinent to this point, Jacques Bidet[108] notes that Foucault's discourse has often inspired particularistic social struggles. From the 1970s onwards, scholars and activists recognized themselves in Foucault's writings as they engaged in issues of gender, homosexuality, race, post-colonialism, and health yet largely divorced these questions from the problem of the state's role in industrial capitalism. In other words, inspired by the themes of subjectivation and power/knowledge, they critically analysed marginalization yet without connecting these themes to the capitalist economy:

> All these groups have their motives, their forms and their own urgencies, which are derivable not from relations of production (even if they are inseparable from them), but from the diverse management of their body by social power: management of the sexed body, of the healthy body, of the mortal body.[109]

[106] *The Birth of Biopolitics*, 259-260.
[107] "The Subject and Power," 782.
[108] Jacques Bidet, *Foucault with Marx* (2016), 169.
[109] Bidet, *Foucault with Marx*, 169.

From the end of the 1970s onwards, Foucault's academic work turns away from questions of social struggles and domination linked to capitalist production, as the second half of 'The Subject and Power' evinces. Michael Morris (2016) argues, in a general assessment of 'the collapse of critique' in Foucault's work, that

> for Foucault, the liberation of the oppressed has become incoherent. The degradations that come from poverty, the limitations that come from ignorance, and the deformations that come from alienated labor have all disappeared from view. More generally, questions of economic injustice and structural reform have been shelved, and we are now free to attend to our sexual interiorities and boundaries... [110]

In this trajectory, Foucault paralleled other French intellectuals who, from the mid 1970s, distanced themselves from Maoist and Marxist thinking and moved towards more moderate or liberal viewpoints.[111] In the 1990s, Foucault's work on governmentality gained broader prominence as academics sought a new vocabulary with which to study neoliberal reforms of welfare states, especially among Anglophone academics, exploring how neoliberal governance works upon and through the aspirations of the governed.[112] At the same time, the theme of capitalist state formation became a rarity in Foucault studies,[113] even if some scholars focused on how 'governmental technologies' are involved in the reproduction of capitalist state forms.[114] In outline, governmentality scholars retained the political question of the governance of individuals but dislodged it from conventional notions of class, economy, and state apparatus.

Marxists have repeatedly criticised Foucault for neglecting the significance of the state in conditioning social relations. Nicos Poulantzas' claimed that Foucault underestimates the role of law, and he 'fails to understand the function of the repressive apparatuses (army, police, judicial system, etc.) as means of exercising physical violence that are located at the heart of the modern state'.[115] More recently, Slavoj Žižek (1999) has similarly criticised Foucault's analytical favouring of micro-powers over the state in a comparison of Foucault and Althusser. Žižek aptly notes that Foucault's counterpart to the ideological state apparatuses are disciplinary practices that always operate at the level of micro-power. In explaining the existence of sovereign power, writes Žižek, 'Foucault resorts to the extreme suspect rhetoric of complexity, evoking the intricate network of lateral links

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[110] Michael Morris, *Knowledge and Ideology: The Epistemology of Social and Political Critique* (2016), 94.

[111] Peter Dews, "The Nouvelle Philosophie and Foucault," *Economy and Society* 8:2 (1979), 127-171.

[112] E.g., Nikolas Rose and Peter Miller, "Political Power beyond the State: Problematics of Government," *The British Journal of Sociology* 43:2 (1992), 173-205; Thomas Lemke, "'The Birth of Bio-Politics': Michel Foucault's lecture at the Collège de France on neo-liberal governmentality," *Economy and Society* 30:2 (2001), 190-207.

[113] B. Jessop, "From Micro-Powers to Governmentality: Foucault's work on statehood, state formation, statecraft and state power," *Political Geography* 26:1 (2006), 34-40.

[114] For example Barbara Cruikshank, *The Will to Empower* (1999); Maurizio Lazzarato, *The Making of the Indebted Man* (2012); David Garland, "The Welfare State: A fundamental dimension of modern government," *European Journal of Sociology* 55:3 (2015), 327-364.

[115] Nicos A. Poulantzas, *State, Power, Socialism* (1978), 77.

[...] a clear case of patching up, since one can never arrive at Power this way'.[116] Whereas Foucault thus dissolves power into webs of micro-power whose effects and value cannot be ascertained, Althusser insists on the state apparatuses as power's material embodiment. For Žižek, Althusser's advantage is that he assumes that the mechanism of interpellation, in order to function, presupposes the state as the unavoidable reference point. As we have noted throughout this essay, Foucault does focus on the state in the 1970s in its relationship to subjectivation and the capitalist order. However, his genealogies eschew a pre-given binary model, a centrist view of power, and the premise of economic determinism. Using 'the civil war model', Foucault studied both penal techniques and social dominance, not as easily binarized phenomena but rather as empirically discernible transformations.

A first step in rearticulating Foucault's earlier focus on the state's role in sustaining present-day techno-capitalism would be to re-emphasize the link between techniques of subjectivation and the reproduction of the economic order. In particular, it would be necessary to consider two major developments in contemporary capitalism that have taken place since Foucault presented the state as a 'matrix of totalising and individualising power'. First, commercial actors have taken on increasingly important roles in shaping the web of rules, values, and restrictions that come to influence our attitudes and behaviours. Today, the 'matrix' includes a whole range of commercial actors who often determine the scope of acceptable behaviour, adjudicating and sanctioning those behaviours that they deem unacceptable. Key techniques for such interventions include the individual health profile, the credit score rating, and the consumer risk profile. These techniques interlink the 'totalising pole of power' (individuals objectified as data in health statistics, in consumer credit markets, and in loan defaults registries) with the 'individualising pole' (the demand that the individual recognizes the person produced by such statistics). This development calls for an analytical revision which extends Foucault's focus on the state to the domain of private corporations and their use of techniques of subjectivation.

The second major development is, of course, the advent of big data and artificial intelligence, which buttress the expansive technique of predictive profiling. While private companies in the 1990s capitalised on the state's systematisation of criminal records by selling consumer background reports on the market, we today witness the production of individuals as data points by machine-driven profiling and algorithmic decision-making. Patterns of user behaviour are detected and synthesised from huge data sets to generate predictive profiles, which can then be reapplied outside their original context in domains such as marketing, insurance, or employment screening. Traditional profiling used in the penal system, or in evaluations of a person's credit eligibility, relied upon predefined criteria for criminal proclivity or economic trustworthiness. Whereas disciplinary techniques subjectivated individuals through a pre-determined 'case identity,' present-day predictive profiles are derived from pattern recognition in our digital behaviour, generating a virtual identity which is continually assigned to individuals. Hence, John Cheney-Lippold

[116] Slavoj Žižek, *The Ticklish Subject: The Absent Centre of Political Ontology* (1999), 66.

notes that 'categories of identity are being inferred upon individuals based on their web use. Code and algorithm are the engines behind such inference'.[117] These algorithmic processes erase the particular subject, as it were, and differ from Foucault's disciplinary and pastoral power. Nascent research into these processes can add fresh knowledge to the shared theme between Althusser and Foucault of the link between techniques of subjectivation and the capitalist economic order.

Algorithmic profiling does not aim to present a specific identity or to uncover an individual's intrinsic characteristics, since the aim is to predict potential future behaviour of individuals that share certain commonalities. Profiles are constructed from surveyed internet history in conjunction with other digital data, including searches, purchases, 'likes', posts, 'check-ins', etc. From this analysis, a predictive profile arises which does not represent a real person but instead a potential future person, such as a potential consumer, a credit default risk, or a carrier of bad health. Predictive profiling relies on detecting patterns and correlations in people's web-surfing behaviour. It does not entail a direct disciplinary subjectivation of an individual but instead infers a digital identity upon users through their continual interaction with categories such as gender, age, and consumption preferences that compose and recompose their identity. As Richard Weiskopf explains: 'Predictions are derived from patterns in past behavior or they are derived from similar patterns of "groups" or "neighbors." Categorizations thus not only depend on individual actions, behaviors and histories, but on those of others who are similar to him or her'.[118] From such data-analysis, something like an aggregated individuality emerges since it represents no specific individual but rather a conglomerate of registered behavioural patterns.

Algorithmic profiling entails a mode of governance which reassembles the *dispositif* of security since profiling relies on statistics, predictions, and the continual testing of categories in relation to user behaviour and the detection of unexpected patterns between categories. Mathematical algorithmic profiling serves to 'securitize' business sectors like marketing, recruitment, insurance, banking, and more, insofar as it predicts how a given profile can be expected to act, hence determining its value or riskiness. Companies with the fitting name 'people analytics' have advanced the use of statistical commonality models to predictively profile a person in terms of gender, class, religion, race, etc. They produce what Cheney-Lippold (2011) has termed a 'new algorithmic identity', one that both de-essentialises identity and re-essentialises it as a statistically verified object. For example, when the algorithm operates on the category of gender, writes Cheney-Lippold, it 'de-essentialises gender from its corporeal and societal forms and determinations while it

[117] John Cheney-Lippold, "A New Algorithmic Identity: Soft Biopolitics and the Modulation of Control," *Theory, Culture & Society* 28:6 (2011), 165.
[118] Richard Weiskopf, "Algorithmic Decision-Making, Spectrogenic Profiling, and Hyper-Facticity in the Age of Post-Truth," *Le foucaldien* 6:1 (2020), 16.

also re-essentialises gender as a statistically-related, largely market research-driven category'[119]. Importantly, he also notes that 'algorithms rarely, if ever, speak to the individual. Rather, individuals are seen by algorithm and surveillance networks as members of categories'.[120] The way that algorithmic identity works as a mechanism of subjectivation is to suggest streams of advertisements and web content to the user according to a perceived identity – a digital alter ego – which the user will confirm or modulate in their browsing choices. Perhaps, then, one could adapt Althusser's mechanism of interpellation to the present internet-user who is constantly faced with his digital alter-ego: 'hey, you, internet-user! Are you not the digital profile that we have created for you?'.

Like other ideologies, 'the computational truth' generated by algorithms has come to constitute a naturalised, everyday consensus imbued with its own truths and normativity. Hence, Weiskopf[121] suggests viewing algorithmic profiling as a new mode of truth production whereby political and ethical debate is replaced by machine-driven calculations: 'I argue that (data-driven) profiling and algorithmic decision-making are new ways of producing truth by which "(wo)men govern themselves and others"'. And Weiskopf further asserts that algorithmic profiling 'governs behavior by circumventing reflexivity, by grounding government in computational truth rather than ethical-political debate, and ultimately by substituting ethical-political decisions by calculations'.[122] The growing reliance on algorithmic decision-making in marketing, finance, health, and policy-making could indeed be characterised as a substitution of ethics and politics by machine-driven calculations. Such calculations promise to ensure a more efficient allocation of resources and to avoid human biases and errors. On the horizon, then, is a social order which is self-sustaining, evolving through infinite circulations of machine-optimised life (centred on consumption and production), without the need for any 'outside' intervention in terms of political or ethical decisions. Perhaps, this order can be viewed as another modulation of the matrix of 'totalising power', i.e., legal, administrative, and statistical, and 'individualising power', i.e., guidance of each individual's consciousness. It is, then, at the intersection between the 'totalising', computational truths and our 'individualising' self-conduct in relation to our digital alter egos that corresponding forms of resistance and political inventiveness will arise.

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[119] Cheney-Lippold, "A New Algorithmic Identity: Soft Biopolitics and the Modulation of Control," 170.

[120] "A New Algorithmic Identity," 176.

[121] Weiskopf, "Algorithmic Decision-Making, Spectrogenic Profiling, and Hyper-Facticity in the Age of Post-Truth," 4.

[122] "Algorithmic Decision-Making, Spectrogenic Profiling, and Hyper-Facticity in the Age of Post-Truth," 4.

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ARTICLE

Pastoral Power, Sovereign Carelessness, and the Social Divisions of Care Work or: What Foucault Can Teach Us about the "Crisis of Care"

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ABSTRACT. Contemporary thinkers studying biopolitics find little interest in Foucault's "vague sketch of the pastorate". Described by Foucault as an inherently "benevolent" "power of care", the concept seems inadequate to describe the deadly forms of carelessness that characterize the current government of life. Sovereign power, as a power of decision over life and death that works by distinguishing populations whose lives are worth affirming from social groups whose lives are not, therefore takes precedence in the examination of the governmental connection between care, violence, and biopolitics. Yet, what we might call the "sovereign turn" in the field of Foucault studies is not without a significant drawback. The focus on the logic of exclusion through which governments "care about" specific groups and "take care of" them, while actively producing subjects that cannot or must not be cared for, often overshadows the analysis of how care is currently given and received. More often than not, the post-Foucauldian critique of governmental *concern* for life neglects the long-standing feminist critique of how *support* for life, in the form of care work, has historically been organized along lines of gender, race, and class. In contrast, this article argues that delving into the relationship between pastoral power and governmentality enables the development of a framework that encompass both these critiques, shedding new light on the mechanisms at play in the current "crisis of care".

Keywords: pastoral power, sovereign biopolitics, crisis of care, feminist theory, care work, carelessness, Foucault's critical legacy.

> "Writing in 1988—that is, after two full terms of Reaganism in the United States—D. A Miller proposes to follow Foucault in demystifying "the intensive and continuous 'pastoral' care that liberal society proposes to take of each and every one of its charges" (viii). **As if! I am a lot less worried about being pathologized by my therapist than about vanishing mental health coverage—and that's given the**

great good luck of having health insurance at all. Since the beginning of the tax revolt, the government of the United States—and, increasingly, those of other so-called liberal democracies—has been positively rushing to divest itself of answerability for care to its charges, with no other institutions proposing to fill the gap)".[1]

(Sedgwick, "Paranoid Reading, Reparative Reading", 2003)[2]

INTRODUCTION

According to this quote by queer theorist Eve K. Sedgwick, the study of pastoral power diverts us from the analysis of the deadly effects resulting from the privatization and dismemberment of public services. The concept is at odds with the forms of carelessness that characterize the current government of life and therefore not adapted to shed light on the neoliberal processes that today, exponentially, although differentially, lower the access and quality of care. As such, it makes up for a ridiculous, if not counterproductive base for theoretical inquiry. Interestingly, both post-Foucauldian thinkers who explore the relationship between care, violence and biopolitics and feminist theorists who delve into the multifaceted dimensions of the current "crisis of care"[3] seem to agree with this conclusion. While feminists often maintain a distanced relationship with Foucault and tend to explore the degradation of care infrastructures and provision through alternative frameworks, post-Foucauldians seldom prioritize the pastorate for analyzing the careless logic that animates neoliberal governmentality.[4]

Focusing on the violent logic of exclusion through which the reception of care is granted, suspended, or negated, post-Foucauldians usually mobilize the biopolitical paradigm from another angle. Rather than refine the "vague sketch of the pastorate"[5] that Foucault delineates in his 1977-78 lectures at the College de France, they seek to complexify his understanding of

[1] Eve Kosofsky Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (2003), 141.
[2] Thanks to Dr. Léna Silberzahn for pointing out this quote to me during one of our intellectual exchanges.
[3] For an exploration of this notion, see: Nancy Fraser, "Crisis of Care ? : On the Social-Reproductive Contradictions of Contemporary Capitalism," in *Social Reproduction Theory: Remapping Class, Recentering Oppression*, ed. Tithi Bhattacharya and Lise Vogel (2017), 21–36; The Care Collective, *The Care Manifesto: The Politics of Interdependence* (2020); Madeleine Bunting, *Labours of Love: The Crisis of Care* (2020); Emma Dowling, *The Care Crisis: What Caused It and How Can We End It?* (2022).
[4] Some exceptions: Philippe Büttgen, "Théologie politique et pouvoir pastoral," *Annales. Histoire, Sciences Sociales* 62:5 (2007), 1129–54; Alain Brossat, "Pouvoir pastoral et « vie bête »," *Appareil* 4 (2010); Jacques Dalarun, *Gouverner c'est servir: essai de démocratie médiévale* (2012); Elizaveta Gaufman, "Putin's Pastorate: Post-Structuralism in Post-Soviet Russia," *Alternatives: Global, Local, Political* 42:2 (2017), 74–90; Rodrigo Castro Orellana, "Théologie politique et pouvoir pastoral : Foucault contre Agamben," *Laval théologique et philosophique* 79:3 (2023), 333–54; Roberto Nigro, "Critique de la morale sacerdotale et pouvoir pastoral," *Cahiers Philosophiques* 175:4 (2024).
[5] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-78*, ed. Michel Senellart (2009), 135.

sovereignty.[6] For scholars such as Agamben,[7] Mbembe,[8] or Esposito,[9] as for many others,[10] it is by articulating this sacrificial mode of power to the emergence of biopolitics that we can shed light on current phenomena of precarization,[11] as well as other forms of "social death"[12] and active processes aimed at destroying the lives of targeted individuals and populations.[13] It is the "characteristic privilege"[14] of the sovereign "to decide life and death"[15] that explains how governmental strategies supposedly underwritten by a universal *concern* for life neglect, abuse, and kill those who are politically construed as "disposable",[16] undesirable, and/or dangerous.

This pervasive depiction of biopower as a sovereign bind that "cares to death"[17] has led to what can only be described as a *sovereign turn* within Foucauldian scholarship. Yet, whether this shift offers any real solution to Sedgwick's concerns about the erosion of care institutions compared to D.A. Miller's approach remains questionable. Indeed, post-Foucauldian scholars, fixated on scrutinizing care through the lens of sovereign power, tend to endorse a regalian and paternalistic view of care. They prioritize *care* as an ethico-political *concern* while eclipsing *care* as a socio-historic mode of *support* – a "species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible".[18] Drawing upon an unquestioned dichotomy between capital political themes related to state

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[6] Mathew Coleman and Kevin Grove, "Biopolitics, Biopower, and the Return of Sovereignty," *Environment and Planning D: Society and Space* 27:3 (2009), 489–507.
[7] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (1998).
[8] Joseph-Achille Mbembe, *Necropolitics* (2019).
[9] Roberto Esposito, *Bíos: Biopolitics and Philosophy*, (2008).
[10] See for instance: Michael Dillon, "Correlating Sovereign and Biopower," in *Sovereign Lives: Power in Global Politics*, ed. Jenny Edkins, Véronique Pin-Fat, and Michael J. Shapiro (2004), 41–60; Andrew W. Neal, "Cutting Off the King's Head: Foucault's Society Must Be Defended and the Problem of Sovereignty," *Alternatives: Global, Local, Political* 29:4 (2004): 373–98; Sergei Prozorov, "The Unrequited Love of Power: Biopolitical Investment and the Refusal of Care," *Foucault Studies* 4 (2007), 53–77; Sergei Prozorov, *Foucault, Freedom and Sovereignty* (2007); Nikolas Rose, *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century* (2009); Carlo Galli, *Political Spaces and Global War* (2010); Timothy C. Campbell, *Improper Life: Technology and Biopolitics from Heidegger to Agamben* (2011); Mitchell Dean, *The Signature of Power: Sovereignty, Governmentality and Biopolitics* (2013); Edgar Illas, *The Survival Regime: Global War and the Political* (2020).
[11] Judith Butler, *Precarious life: the Powers of Mourning and Violence* (2004); Guillaume Le Blanc, *Vies Ordinaires, Vies Précaires* (2007); Isabell Lorey, *State of Insecurity: Government of the Precarious* (2015); Donna McCormack and Suvi Salmenniemi, "The Biopolitics of Precarity and the Self," *European Journal of Cultural Studies* 19:1 (2016), 3–15.
[12] Orlando Patterson, *Slavery and Social Death: A Comparative Study* (1982).
[13] See for instance: Trevor Parfitt, "Are the Third World Poor *Homines Sacri?* Biopolitics, Sovereignty, and Development," *Alternatives: Global, Local, Political* 34:1 (2009), 41–58; Jennifer Fluri, "Capitalizing on Bare Life: Sovereignty, Exception, and Gender Politics," *Antipode* 44:1 (2012), 31–50; Alexander G. Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (2014); Jasbir K. Puar, *The Right to Maim: Debility, Capacity, Disability* (2017); C. Heike Schotten, *Queer Terror: Life, Death, and Desire in the Settler Colony* (2018).
[14] Michel Foucault, *The History of Sexuality* (1978), 135.
[15] Ibid.
[16] Mbembe, *Necropolitics*, 80.
[17] Michael Dillon, "Cared to Death: The Political Time of Your Life," *Foucault Studies* 2 (2005), 37–46.
[18] Berenice Fisher and Joan C. Tronto, "Toward a Feminist Theory of Care," in *Circles of Care: Work and Identity in Women's Lives* (1990), 40.

prerogatives and secondary themes traditionally tethered to domesticity, they direct their attention towards apparatuses associated with military strategies, economic gain, public safety, and biomedical security while relegating institutions such as the family, elderly care facilities, hospitals, or nurseries to the periphery. Most of their critical analyses of the biopolitical *concern* for life consequently overshadow Sedgwick's preoccupation for the shortages of support that characterize health care systems under neoliberal pressures. Remarkably, among the four dimensions of care delineated by Joan Tronto,[19] post-Foucauldian thinkers exhibit a conspicuous penchant for scrutinizing only the initial two. The prevailing focus on how governments absolve themselves from "caring about" and "taking care of" specific social groups pervasively obfuscates the analysis of the entrenched forms of carelessness inherent in "caregiving" and "care receiving".

While this observation may shed light on why contemporary feminist theorists focusing on the unequal distribution of care work seldom delve into contemporary debates surrounding the biopolitical paradigm, this conspicuous absence highlights a concerning trend within Foucauldian scholarship. Here, the analysis of the nexus between care, violence, and biopolitics is frequently truncated, undermining the pursuit of a comprehensive understanding of the power dynamics inherent in the functioning of care work within the context of governmentality. The sovereign turn leads to favor an androcentric understanding of violence, merely scratching the surface of the power dynamics inherent in the "double contradictory movement"[20] identified by feminists as characteristic of the current care crisis. Diagnoses about the deadly logic underpinning biopolitical apparatuses overlook the fact that our context is marked by a dual trajectory: an increasing demand for care, propelled predominantly by demographic shifts and evolving conceptualizations of needs, juxtaposed with a concurrent rise in the scarcity of care provision attributed to the phenomenon of the "globalization of care chains"[21] and the privatization or fragmentation of public care infrastructure.[22] Consequently, the heightened risks of abuse and negligence encountered by both caregivers and care-receivers, along with the intricate power dynamics of gender, sexuality, age, capacity, class, document status, and race that sanction them, remain outside the scope of analysis.

In light of this observation, one may be tempted to argue that the biopolitical paradigm, whether examined through the prism of sovereign power or, as posited by Sedgwick, through the prism of pastoral power, is an inadequate theoretical framework for feminist scholars endeavoring to dissect the intricate dynamics interlinking care work, patriarchal violence, and

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[19] Joan C. Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care* (1993).

[20] Chantal Nicole-Drancourt and Florence Jany-Catrice, "Le statut du care dans les sociétés capitalistes. Introduction," *Revue Française de Socio-Économie* 2:2 (2008), 7–11.

[21] Arlie Russell Hochschild, "Global Care Chains and Emotional Surplus Value," in *Justice, Politics, and the Family,* ed. Daniel Engster and Tamara Metz (2014).

[22] For a thorough description of these processes, see: Bridget Anderson, *Doing the Dirty Work?: the Global Politics of Domestic Labour* (2000); Helena Hirata et al., *Le Sexe de La Mondialisation: Genre, Classe, Race et Nouvelle Division Du Travail* (2010); Dirk Hoerder, Elise van Nederveen Meerkerk, and Silke Neunsinger, ed., *Towards a global history of domestic and caregiving workers* (2015); Camille Barbagallo and Silvia Federici, "Travail domestique, du Care, du sexe et migrations dans le contexte de la restructuration néo-libérale : de la politisation du travail reproductif," in *Genre, Migrations et Globalisation de La Reproduction Sociale*, ed. Christine Catarino and Christine Verschuur (2018), 421–30.

neoliberal politics. In this article, I develop an opposite argument, advocating instead for a queer feminist reappropriation of the biopolitical paradigm in which both sovereignty and the pastorate are factored in. This argument rests upon on a central hypothesis: the rejection of this paradigm represents a lost opportunity to construct a genealogical framework that addresses the main concerns levelled against prevailing interpretations of the crisis of care in contemporary feminist theory.

These concerns are related to the perceived novelty of the crisis of care. Feminist thinkers such as Evelyn Nakano Glenn or Helena Hirata recall that this crisis is not novel "for working-class families or families of color"[23] who have historically faced exclusion from both public and private care institutions, or discrimination within them.[24] To them, the current diagnosis of a care crisis merely signifies that "middle-class families are [now] affected"[25] by the deterioration of a "social relation of support"[26] that was historically built on the domination, exploitation, and oppression of marginalized groups. By framing the crisis as unprecedented, feminist theorists risk overlooking the deep-seated colonial and imperial histories that have shaped access to care provision and resources while sidelining the voices and issues of those who have long been neglected and abused as a result of these histories.

While these critiques underscore the potential bias towards care feminist politics lacking intersectionality and inclusivity in terms of race and class, others accentuate concerns surrounding sexuality and ability. Feminist and trans theorists such as Sophie Lewis[27] and Hil Malatino emphasize the failure of mainstream discussions of the care crisis to address the fact that "both hegemonic and resistant cultural imaginaries of care have depended on a hetero-cisnormative investment in the family as the primary locus of care".[28] They emphasize that these imaginaries decenter the perspectives of gender and sexual minorities who have learnt to care "in the gaps between institutions and conventional familial structures"[29] and in "the aftermaths of [their] refusals".[30] Conversely, crip and critical disability scholars argue that these imaginaries privilege caregivers and marginalize the experiences and interests of care-receivers.[31] In *Just Care,* Akemi Nishida notes that the mainstream narrative about the care crisis often overlooks the historical realities faced by care recipients, particularly disabled individuals, who have historically improvised care solutions in the absence of formal support

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[23] Helena Hirata, "Conclusion. Centralité politique du travail des femmes et du care," *Le care, théories et pratiques* (2021), 183–92.

[24] Evelyn Nakano Glenn, "Racial Ethnic Women's Labor: The Intersection of Race, Gender and Class Oppression," *Review of Radical Political Economics* 17:3 (1985), 86–108; Evelyn Nakano Glenn, *Issei, Nisei, War Bride: Three Generations of Japanese American Women in Domestic Service* (1986); Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (2002).

[25] Hirata, "Conclusion. Centralité politique du travail des femmes et du care,"

[26] Nicole-Drancourt and Jany-Catrice, "Le statut du care dans les sociétés capitalistes. Introduction,"

[27] Sophie Lewis, *Abolish the Family: A Manifesto for Care and Liberation* (2022).

[28] Hil Malatino, *Trans Care* (2020), 6.

[29] Malatino, *Trans Care,* 3.

[30] *Trans Care*, 3.

[31] Margaret Lloyd, "The Politics of Disability and Feminism: Discord or Synthesis?," *Sociology* 35:3 (2001): 715–28; Justine Madiot et al., "Disability studies/Études critiques du handicap," *Dictionnaire du Genre en Traduction*, worldgender.cnrs.fr (2023); Leah Lakshmi Piepzna-Samarasinha, *The Future Is Disabled: Prophecies, Love Notes and Mourning Songs* (2022); Sami Schalk, *Black Disability Politics* (2022).

systems. They also fail to account for the fact that they have devised innovative approaches to household management that "simultaneously resists and interrupts the standardization of family-based care formation".[32]

These concerns offer valuable insights into the complex dynamics of care politics, urging a more inclusive and intersectional approach to addressing the current crisis of care. They demonstrate that by focusing on the internal divisions structuring the social relationship of support, feminist theorists have tended to obfuscate the external divisions on which this relationship is premised and how vectors of power such as gender, race, class, ability, age, sexuality, and nationality participate in them. The feminists of color, crip, queer, and trans thinkers that author these critiques pinpoint that the narratives that other feminist theorists have forged so far to articulate the relationship between the organization of care work, structural forms of violence, and neoliberal politics are partial and incomplete. To overcome this deficiency and alter the story of the care crisis being told, they often mobilize the works of queer theorists, such as Judith Butler,[33] Jasbir Puar,[34] Heike Schotten,[35] or Mel Chen,[36] who have made use of current conceptualizations of sovereign biopolitics to examine the effects of governmentality on both institutionalized and non-institutionalized networks of care work. These texts describe the biopolitical apparatuses through which specific social groups (notably queer and/or racialized subjects) are left uncared for, whereas others are subjugated by being forced to occupy the passive and disempowering position of being cared for (notably, disabled subjects). They enroot the logic of exclusion, domination, and exploitation that characterize these apparatuses in the history of the modern state, insisting on the ways in which eligibility to political subjecthood, and therefore sovereign care, was underwritten by a normative conception of humanness that worked against poor, feminized, racialized, disabled, and/or animalized subjects. They retrieve the histories of these groups, emphasizing how they resist their erasure as uncared subjects by surviving and seeking to flourish in the creation of different webs of support.

The reliance on queer interpretations of the *sovereign turn* highlights why keeping away from the biopolitical paradigm might not be the most pertinent approach for feminist theorists seeking to politicize the care crisis in intersectional and inclusive terms. However, these interpretations also underscore the necessity for more than a queer feminist reading of the genealogy of governmentality through the lens of sovereignty. Indeed, while these works are crucial for care feminist politics by revealing how care was organized beyond and within the gaps of hegemonic institutions of care – notably the modern, white, bourgeois family – they do not offer significant insights into the emergence and development of these hegemonic institutions. Their focus on the care performed and exercised by marginalized communities results in a negative relation with the herstories elaborated by feminist theorists,[37] notably feminist

[32] Akemi Nishida, *Just Care: Messy Entanglements of Disability, Dependency, and Desire* (2022), 46.
[33] Judith Butler, *Frames of War: When Is Life Grievable?* (2016).
[34] Puar, *The Right to Maim*.
[35] Schotten, *Queer Terror*.
[36] Mel Y. Chen, *Animacies: Biopolitics, Racial Mattering, and Queer Affect* (2012).
[37] Barbara Laslett and Johanna Brenner, "Gender and Social Reproduction: Historical Perspectives," *Annual Review of Sociology* 15:1 (1989), 381–404.

Marxists,[38] regarding their origins. Consequently, they rarely challenge how the central claim on which these herstories revolve – the historical naturalization, devaluation, and relegation of care work outside the realm of high politics – is framed.

Despite differences in terms of period and geography, care theorists and Marxist feminists alike describe the reconfiguration of care work in modern Europe through what Foucault would call a "repressive hypothesis",[39] highlighting how caregiving was forced out of the public sphere.[40] Whereas care theorists such as Joan Tronto underline that care work, traditionally associated with women and the private sphere, became marginalized and excluded from the realm of politics and public discourses in modernity through a shift in focus towards economic productivity and individual autonomy, Marxist feminist theorists such as Silvia Federici argue that the modern, Transatlantic regime of care work developed out of a twofold capitalist process of primitive accumulation and imperialist colonialism.[41] While Tronto elusively situates her analysis via Foucault's studies of the rise of the disciplinary society,[42] Federici clearly emphasizes, against Foucault's insistence on the "productivity" of biopower,[43] that the "housewification"[44] of women, and the new sexual division of labor that confines women to caregiving, took the form of a racialized and gendered movement of persecution and expropriation, which the witch hunt, as a "genocidal attack"[45] on women's bodies, was the "paradigm"[46] of.

The fact that this process is typically described through analytics of gender, race, and class, which often render age, disability, and sexuality as transhistorical categories, is seldom critically examined. However, historians have emphasized how the social construction of these categories impacted the development of public and private institutions of care, including orphanages, foundling hospitals, asylums, almshouses, and hospices.[47] This highlights that the prevailing interpretations of the relationship between care, violence, and politics are not only incomplete and partial but also overly schematic. To articulate the apparatuses of

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[38] Leopoldina Fortunati, *The Arcane of Reproduction: Housework, Prostitution, Labor and Capital* (1995); Selma James and Mariarosa Dalla Costa, "Women and the Subversion of the Community (1972)," in *Materialist Feminism: A Reader in Class, Difference, and Women's Lives*, ed. Rosemary Hennessy and Chrys Ingraham (1997), 40–53; Barbara Ehrenreich, *Witches, Midwives, and Nurses: A History of Women Healers* (2010); Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (2012); Maria Mies, *Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour* (2014).

[39] Foucault, *The History of Sexuality*, 10.

[40] I am grateful to Dr. Aylon Cohen for bringing this concept to my attention and engaging in extensive intellectual discussions with me regarding its implications for feminist care politics.

[41] Silvia Federici, *Caliban and the Witch* (2004).

[42] Tronto, *Moral boundaries*, 31.

[43] Federici, *Caliban and the Witch*, 19.

[44] Mies and Federici, *Patriarchy and Accumulation on a World Scale*, 74–111.

[45] *Caliban and the Witch*, 14.

[46] *Caliban and the Witch*, 220.

[47] In the case of disability, see for instance: Angela Schattner, "Disabled to Work? Impairment, the in/Ability to Work and Perceptions of Dis/Ability in Late Medieval and Early Modern Germany," *Disability Studies Quarterly* 37:4 (2017); Allison P. Hobgood and David Houston Wood, ed., *Recovering Disability in Early Modern England* (2020); Barbara A. Kaminska, "'We Take Care of Our Own': Talking about 'Disability' in Early Modern Netherlandish Households," in *Tracing Private Conversations in Early Modern Europe*, ed. Johannes Ljungberg and Natacha Klein Käfer (2024), 145–74.

subjectivation and subjection related to the current care crisis comprehensively, a more nuanced genealogic framework of this relationship is thus necessary. Such a framework would indeed enable the development of a narrative of the care crisis that moves beyond the caregivers' perspective, illuminating the ways in which the logic that renders some eligible to being cared for at the expense of others is also consolidating through the distribution and hierarchization of the other three caring roles distinguished by Tronto: "caring about", "taking care of", and "care-receiving". In addition, it would help refine and complexify critical approaches to politicizing this crisis, shedding new light on how the coercive nature of hegemonic institutions of care undermines attempts to provide care otherwise. Moreover, delving into historical archives that document the resistance led by marginalized groups, including disabled, infantilized, queer, impoverished, and/or racialized communities, in conjunction with, and sometimes diverging from, the resistance of women, holds promise for recognizing the coalitional work necessary to address the current care crisis.

The central question of this article revolves around whether Foucault's conceptualization of pastoral power can provide a fruitful foundation for constructing such an historical framework. In the subsequent sections, I delve into Foucault's examination of the pastorate and explore the epistemological conditions under which it can be used to comprehend how the interplay of violence, care, and politics impedes the emergence of alternative imaginaries and practices of care within both hegemonic institutions and its peripheries. This exploration begins by situating Foucault's interest in the pastorate within his broader project of a "history of ethical problematizations",[48] as exemplified in his inquiry into the ancient "care of the self".[49] Contrary to feminist contentions that this history is inherently gender-biased and irredeemable, I argue that it offers a nuanced lens about masculinity and care that complicates prevailing narratives within feminist scholarship regarding the relationship between care (work) and politics, challenging the notion that they are solely defined by a sovereign relationship of inclusive-exclusion. I illustrate the utility of this framework in the second segment of this article by examining Foucault's analysis of the paternalistic battle over the "power of care"[50] in Western Antiquity. I show that this analysis not only sheds light on the mechanisms through which distinct articulations of concern for life and support for living beings gain or lose political traction but also reveals how various conceptions of age, disability, sexuality, gender, and kinship impact the distribution and hierarchization of the four roles of care. Lastly, I underscore that revisiting the genealogy of governmentality through a pastoral lens has the potential to enrich prevailing narratives about the modern origins of the current regime of care by opening a space to articulate the apparatus related to the *privatization* of care and those related to its renewed *publicization*.

[48] Michel Foucault, *The History of Sexuality, Vol. 2: The Use of Pleasure* (2012), 13.
[49] Michel Foucault, *The History of Sexuality, Vol. 3: The Care of the Self* (1988).
[50] Foucault, *Security, Territory, Population*, 127.

FOUCAULT'S "CARE OF THE SELF" AND CARE FEMINIST SCHOLARSHIP

Upon initial examination, Foucault's exploration of the "power of care"[51] and feminist perspectives on care as both an ethical disposition and a set of activities appear to have little in common, leading one to view attempts to put them in conversation as a far-fetched theoretical endeavor. Beyond the mere use of the same noun, there seems to be scant connection between the two. While both revolve around the concept of care, the ethical and political issues they seek to address appear fundamentally divergent. Indeed, if we read the secondary literature on Foucault and care, it seems that the French philosopher primarily employs the notion to depict a self-concern that reverberates onto others, aiming to disrupt and contextualize prevailing moral interpretations.[52] Care is mainly referred to in the context of the third volume of the *History of Sexuality* and contrasted to "the moral attention that is focused on the other".[53] While Foucault keeps intact the portrayal of morality as an endeavor positioned beyond the realm of care work, feminist theorists, notably those delving into care theory, discern within the fabric of this realm—alongside the gendered socialization it underpins—evidence of an enduring concern for others, one that impacts the self and operates beyond what has been recognized as a moral practice.[54] Consequently, the dialogue between Foucault's reflection on care and feminist theory has been predominantly marked by critique.[55] In the first part of this article, I delve into the (gendered) difference that separates their understandings of care in order to stress that beyond the "analogous relationship between the "typically masculine relation to the self" versus the "typically feminine relation to other"[56] lies a converging interest for the ways in which care has been historically politicized and depoliticized. Recalling that Foucault anchors his genealogy of governmentality in a pastoral "matrix",[57] I argue that his gender-biased thematization of care paradoxically allows for the inclusion of more social groups subjugated through care practices than acknowledged by prevailing feminist conceptions of the links between care and coercion.

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[51] *Security, Territory, Population*, 127.

[52] James Wong, "Self and Others: The Work of 'Care' in Foucault's Care of the Self," *Philosophy Faculty Publications* (2013) ; Richard White, "Foucault on the Care of the Self as an Ethical Project and a Spiritual Goal," *Human Studies* 37:4 (2014), 489–504; Daniel Smith, "Foucault on Ethics and Subjectivity: 'Care of the Self' and 'Aesthetics of Existence,'" *Foucault Studies* 4 (2015), 135–50; Daniele Lorenzini, "Ethics as Politics: Foucault, Hadot, Cavell and the Critique of Our Present," in *Foucault and the History of Our Present*, ed. Sophie Fuggle, Yari Lanci, and Martina Tazzioli (2015), 223–35.

[53] Foucault, *The History of Sexuality, Vol. 2*, 10.

[54] Emily K. Abel and Margaret K. Nelson, *Circles of Care: Work and Identity in Women's Lives* (1990); Carol Gilligan, *Une Voix Différente : Pour une Ethique du "Care"* (2008); Patricia Paperman and Sandra Laugier, *Le Souci des Autres : Ethique et Politique du "Care"* (2011); Fabienne Brugère, *L'Ethique du Care* (2021).

[55] Caroline Ramazanoglu, *Up Against Foucault: Explorations of Some Tensions Between Foucault and Feminism* (2002); Amy Allen, "Foucault, Feminism and the Self," in *Feminism and the Final Foucault*, ed. Dianna Taylor and Karen Vintges (2004), 239–45; Ella Myers, "Resisting Foucauldian Ethics: Associative Politics and the Limits of the Care of the Self," *Contemporary Political Theory* 7:2 (2008), 137–38; Margaret A. McLaren, *Feminism, Foucault, and Embodied Subjectivity* (2012); Lois McNay, *Foucault and Feminism: Power, Gender and the Self* (2013), 152–65.

[56] Valérie Dubé, "Une lecture féministe du « souci de soi » de Michel Foucault : pour un retour à la culture différenciée du genre féminin," *Recherches féministes* 21:1 (2008), 81.

[57] Foucault, *Security, Territory, Population*, 147.

It is quite common to reduce Foucault's engagement with the notion of care to his depiction of the "care of the self"[58] in the third volume of his *History of Sexuality.* Viewed through a feminist lens, this study quickly reveals Foucault as a thinker that has "disregarded certain 'fixed traits' of the history of patriarchal societies."[59] As materialist feminist and care scholar Valery Dubé encapsulates, Foucault's depiction of care as concern for the self delineates a ""life art" (strictly masculine) [that] nonetheless required devoted support from women and was realized by consequence, *through* them".[60] While feminist theorists' focus on women's art of supporting life to unveil the "feminine relation to the world that at all times has carried the "female" individual to self-realization by and with the other",[61] Foucault obliviates this relation. He does not comprehend the "prodigious sexism"[62] of the "care of the self" and elaborates, on its basis, a "philosophy […] impregnated by a bias, or more so by the exclusivity of the masculine reality".[63] Consequently, feminist theorists, while acknowledging the heuristic value of Foucault's framework in various other theoretical enterprises, tend to concur that in navigating the complex terrain of the relationship between care as an ethico-political *concern* and care as a constellation of *supportive* practices shaped by socio-economic dynamics, excessive reliance on an author that "turns a blind eye to the historical feminine subject"[64] and "deprived the concept of self of an essential element for its understanding"[65] – the "concern for the other"[66] – may prove counterproductive. Avenues beyond Foucault's framework which enable light to be shed on "relational lifestyles historically associated with the feminine gender"[67] offer more fruitful insights.

This conclusion, however, overshadows the fact that Foucault's examination of the care of the self is just one facet of his exploration of the relationship between care and subjectivation in Antiquity. Foucault's analysis of pastoral power, particularly expounded in his 1977-1978 lectures at College de France *Security, Territory and Population,* scrutinizes this relationship from another angle: that of subjection. It is a well-known fact that, in these lectures, the pastorate, characterized as a benevolent "care towards others",[68] functions as the foundational "model"[69] of governmentality. It provides the backdrop against which biopower emerges as a dual set of technologies: an individualizing "*anatomo-politics of the human body*"[70] enforced via disciplinary apparatuses and a "*biopolitics of the population*"[71] regulating and controlling social groups to optimize political obedience and economic gain. This "power of care"[72]

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[58] Foucault, *The History of Sexuality, Vol. 3*.
[59] Dubé, "Une lecture féministe du « souci de soi » de Michel Foucault," 80.
[60] Ibid., 79.
[61] Ibid., 79.
[62] Ibid., 83.
[63] Ibid., 83.
[64] Ibid., 88.
[65] Ibid., 80.
[66] Ibid., 80.
[67] Ibid., 80.
[68] Foucault, *Security, Territory, Population*, 128.
[69] *Security, Territory, Population*, 147.
[70] *History of Sexuality*, 139.
[71] Ibid.
[72] *Security, Territory, Population*, 127.

underpins Foucault's analyses of phenomena such as "the sexualization of children, the hysterization of women, [and] the specification of the perverted".[73] Furthermore, it contextualizes his understanding of governmentality as a technology of power in which political authorities function as the "managers of life and survival, of bodies and the race".[74] In essence, it interconnects power dynamics associated with age, disability, race, gender, sexuality, and class with care-related issues. What is less commented is the fact that Foucault's "dry and schematic"[75] analysis of the pastorate initiates with a depiction of pastoral care as both an ethico-political concern for others and a power manifested through supportive activities such as feeding, breeding, and healing – activities commonly associated with care work by feminists.

Admittedly, this depiction does not address the differentiated culture of the feminine gender which, for Dubé, is intertwined with care work. Instead, it primarily focuses on paternalist figures, predominantly religious and political, which she would undoubtedly associate with the masculine gender (as Dubé would certainly call it). Yet, this depiction implies that there were *men* in the Antique public sphere who advocated for a bond between "caring about" and "taking care of", on the one hand, and "caregiving" on the other. It suggests, in other words, that the culture of the masculine gender was traversed by the question of care work and that far from being the consensus of their boys' club, its exclusion from politics was importantly dissented. Obviously, this does not erase the fact that Foucault, who also describes his history of ethical problematizations as "the history of desiring *man*",[76] does not seem interested in recognizing that women too certainly construed care work as having an ethico-political dimension. Nonetheless, it means that care, as a set of supportive activities, was considered a public affair in Antiquity, challenging the idea that care (work) and politics, as often argued by care feminist theorists, have always been linked to one another by a relationship of mutual exclusion. Additionally, the fact that the *men* in question justify the knowledge-power knot between care as *concern* and care as *support* through a paternalistic ideology – whether religious or political – implies that Foucault's masculine-centric framework sheds light on the role played by such an ideology in defining how supporting activities can be *publicized* and not only, as Marxist feminists often describe, be something which should or must be *privatized*. I believe these are sufficient reasons to suspend our criticisms of Foucault's masculine-centric perspective and to engage deeply with his examination of pastoral power as a form of "men's caring"[77] that troublesomely involved "caregiving".

FOUCAULT'S PASTORATE AND THE ANTIQUE STRUGGLE OVER CARING

Decentering Western Antiquity, Foucault contends that the notion of government, which he contrasts to that of politics as defined in Greek and Roman cultures, came from "Egypt, Assyria, Mesopotamia, and above all, of course, the Hebrews"[78] and developed in "the East, in a

[73] *History of Sexuality*, 114.
[74] Ibid., 137.
[75] *Security, Territory, Population*, 204.
[76] *History of Sexuality, Vol. 2*, 6. (my emphasis).
[77] Joan C. Tronto, *Caring Democracy: Markets, Equality, and Justice* (2013), 80.
[78] *Security, Territory, Population*, 123.

pre-Christian East first of all, and then in the Christian East".[79] While acknowledging the concerns surrounding the orientalist elements within Foucault's utilization of the "Eastern theme"[80] of the pastorate, I argue in the second part of this article that it is essential to recognize the analytical utility derived from this sketchy comparison. The contrast elucidates the centrality of care as a bone of contention in Western Antiquity: a bone of contention intertwined with considerations of foreignness and community-building, means of survival and well-being, as well as the perpetuation of a hierarchal order demarcating recipients of support from its administrators. By staging such a public battle over the power of care, Foucault complicates the feminist argument according to which care work was privatized for reasons that ultimately revolve around the procreative capacity of women.

As an emanation of the "power of the shepherd",[81] the "Hebraic pastor"[82] diverged from the power of "the Greek magistrate",[83] understood as the "captain or the pilot of the ship",[84] in four ways. Firstly, it did not define a sedentary but a nomadic power geared towards the survival and well-being of a "multiplicity in movement"[85] rather than towards the "unity, […] possible survival or disappearance"[86] of a "territory, or a political structure".[87] Functioning without territorial ties, pastoral power was not an archaic form of sovereignty over land but a specific use of the "fertile grasslands"[88] marked by the search for temporary stays in "places suitable for resting".[89] Secondly, it defines a power that is careful rather than careless. Devoid of the necessity to defend the borders of a kingdom, it is not articulated to the "ability to triumph over enemies, defeat them and reduce them to slavery"[90] but to the ability of "doing good",[91] of being "beneficient".[92] In Foucault's terms, the "shepherd is someone who feeds and who feeds directly, […] that sees to it that the sheep do not suffer, […] that treats those that are injured".[93] The pastor "directs all his care towards others and never towards himself".[94] Thirdly, and consequently, pastoral power does not manifest in the form of a "striking display of strength and superiority"[95] but in the form of an invisible and humble "vigilance with regard to any possible misfortune"[96] that "may threaten the least of its members".[97]

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[79] *Security, Territory, Population*, 123.
[80] *Security, Territory, Population*, 164.
[81] *Security, Territory, Population*, 125.
[82] *Security, Territory, Population*, 164.
[83] *Security, Territory, Population*, 164.
[84] *Security, Territory, Population*, 123.
[85] *Security, Territory, Population*, 125.
[86] *Security, Territory, Population*, 122.9/1/24 10:02:00 PM
[87] *Security, Territory, Population*, 122.9/1/24 10:02:00 PM
[88] *Security, Territory, Population*, 126.
[89] *Security, Territory, Population*, 126.
[90] *Security, Territory, Population*, 126.
[91] *Security, Territory, Population*, 126.
[92] *Security, Territory, Population*, 126.
[93] *Security, Territory, Population*, 127.
[94] *Security, Territory, Population*, 127.
[95] *Security, Territory, Population*, 127.
[96] *Security, Territory, Population*, 127.
[97] *Security, Territory, Population*, 127.

Comprehended as a "burden and effort"[98] rather than an "honor",[99] pastoral power is all about preventing and repairing harm by "keeping watch".[100] It is a power "with a purpose for those on whom it is exercised, and not a purpose for some kind of superior unit like the city, territory, state, or sovereign".[101] As such, not only does it "ow[e] everything"[102] to the ones it guides, but it disappears behind them. Fourthly, and finally, pastoral power is an "individualizing form of power".[103] "Directed at all and each in their paradoxical equivalence",[104] it works "*omnes et singulatim*"[105] and articulates survival, sacrifice, and well-being in a very different manner than in Greek and Roman cultures. Indeed, to the possibility of the "sacrifice of one for all",[106] it adds the possibility of sacrificing all for one.

Foucault asserts that Greek and Roman cultures were not entirely alien to this notion of pastoral power. Rather, they were characterized by intermittent yet substantial critiques thereof, alongside an alternative conceptualization of care encapsulated in the above-mentioned expression of a care of the self. In Foucault's reading, Plato's *The Stateman* exemplifies "the rebuttal of this theme".[107] According to Plato, the shepherd cannot serve as the archetype of politics due to the multiplicity of his tasks – "feeding, care, therapy and the regulation of mating"[108] – which perpetually subjects him to challenges from "rivals […] in shepherding".[109] A community "rest[ing] on concord and friendship"[110] must therefore be based on a separation of roles, disentangling from politics the activities of "the farmer who feeds men, or the baker who makes the bread and provide[s] them with food",[111] "the doctor who takes care of those who are sick […], the gymnastics master and the teacher, who watch over the good education and health of children".[112] Moreover, it necessitates the establishment of a hierarchy between these tasks marked by "humbleness"[113] and that of the ruler in order to prevent the autonomy of those engaged in such "minor activities"[114] from being conflated with the higher authority of the "king".[115] Conversely, care of the self, in so far as it is "not opposed to the care of others",[116] suggests the existence of a Greek conceptualization of pastoral care characterized by an "art of governing others"[117] – one's wife, children, house – premised on the delegation

[98] *Security, Territory, Population*, 127.
[99] *Security, Territory, Population*, 127.
[100] *Security, Territory, Population*, 127.
[101] *Security, Territory, Population*, 128.
[102] *Security, Territory, Population*, 128.
[103] *Security, Territory, Population*, 128.
[104] *Security, Territory, Population*, 128.
[105] *Security, Territory, Population*, 128.
[106] *Security, Territory, Population*, 129.
[107] *Security, Territory, Population*, 140.
[108] *Security, Territory, Population*, 143.
[109] *Security, Territory, Population*, 143.
[110] *Security, Territory, Population*, 146.
[111] *Security, Territory, Population*, 143.
[112] *Security, Territory, Population*, 143.
[113] *Security, Territory, Population*, 147.
[114] *Security, Territory, Population*, 146.
[115] *Security, Territory, Population*, 147.
[116] Judith Revel, *Le Vocabulaire de Foucault* (2002), 60.
[117] Revel, *Vocabulaire de Foucault*, 60.

of sustenance, healing practices, and nursing to the governed, as well as the invention of other forms of caring practices for the governor.

These developments indicate the existence, within the Greek public sphere, of a pivotal struggle concerning the delineation of care for others, particularly concerning activities of support related to the tending of basic needs. By factoring in the notion of government as a notion distinct from politics in Western Antiquity, what Foucault highlights is that the mutually exclusive relationship between care work and politics was not a given, as usually assumed by feminist theorists of care, but rather a site of public dispute between at least three different conceptions of what caregiving entailed for the members of a community. Whereas care feminist theorists presume a transhistorical political distinction between care as *concern* and care as *support,* Foucault thus offers us a framework to understand how the division between the two came to be. He stresses that their separation is the result of a competition over public care, closely intertwined with the definition of the necessity of a given community (survival and well-being, conflict, disorder), its horizon (salvation, peace, order), and the form of power (pastoral, sovereign) most attuned to conduct its members towards such a horizon.

By stressing how this battle over the relationship between *concern* for life and *support* for living beings was won, against its challengers, by those advocating for a sovereignty-based social and political order, Foucault thus allows for a more complex understanding of the public/private distinction as a technology of power. First, the contrast he makes between a power of care construed as the discrete and humble watching over others and a conception of care as a self-preparation for displays of force and glorious acts signals that the theatricality of (sovereign) politics, the kinds of performances that are associated with it, and the organization of the stage of political endeavors itself constitute barriers to conceptions of care in which *concern* and *support* remain indistinct for gaining political traction. Second, the distinct conceptions of necessity, dependency, and vulnerability that underwrite these two modes of exercising power clarify that *othering* recipients of care is a mechanism of naturalization that subtends the *publicization* of care, in so far as neither the conception of care of the shepherd nor that of the statesman include "care-receiving". It signals, conversely, although implicitly, that the *publicization* of care relies on excluding not only caregivers but also care-receivers from having a say (quite literally in the case of the Hebraic pastorate) in the communal struggle over care. Thirdly, the fact that this *othering* implicates age, abilities, animality, and gender in different ways, as well as some understandings of sexuality and communal membership based on kinship (being part of the flock/being a citizen), sheds light on the fact that the *publicization* of care does not only work by assigning specific social groups to the private sphere but also by foreclosing access to care (either as concern or as support) to individuals: some are excluded all together from care practices. They are neither eligible to the position of caregivers or care-receivers nor to that of "caring about" or "taking care of" others. For instance, whereas the relationship of support that characterized the Hebraic flock excludes feminized humans from both the positions of being cared for (as sheep) and caring for (as shepherd), that which characterized Greek politics assigned them to care-giving while excluding them from the position of care-receiving, as well as that of "caring about" and "taking care of".

These elements emphasize that there is a threefold promise for feminist theorists interested in politicizing the care crisis in reopening the biopolitical paradigm from a pastoral lens. They

show that the genealogy of governmentality is based on an axiom – the separation between *concern* and *support* of life is an effect of (sovereign) power – that allows for the articulation of the processes of subjection that work through compulsory assignations to caregiving and care-receiving and to those who work through excluding specific living beings from the social relationship of support altogether. This enables us to comprehend distinctions in age, abilities, animality/humanness, and kinship as decisive features in the battle over the definition of what "caring about" and "taking care of" could mean for a community, highlighting that the dependency, necessity, and vulnerability on which "caregiving" and "care-receiving" are based are social constructs. These elements also stress that suspending the private/public distinction enables the historicization of the vectors of power at play in the differentiation between four dimensions of care, as well as in the exclusion they produce (race, gender, class, ability, age, citizenship, sexuality), without presuming an analytics of gender/sexuality/desire characteristics of modernity. Indeed, in this framework, procreation is factored in as an important part of the process through which care was privatized, but it is not associated with caregiving (in fact caregiving, in the figure of the shepherd, seems related to an absence of sex) but to care-receiving (and care-receiving, in the figure of the sheep, is not talked of in terms of gender). Finally, this framework highlights that scrutinizing the scenes over which public care is battled over clarifies the role played by the social construction of necessity, dependency, and vulnerability in hindering conceptions of care voiced by marginalized social groups to gain political momentum, as well as in rendering invisible care-receiving as a site of abuse and negligence. To realize this promise, however, one would have to use Foucault's framework to ask a question that the French philosopher was not particularly interested in answering: how did the antique separation between care as *concern* and care as *support* evolve historically and with which effects of power?

FOUCAULT'S "PASTORAL INSURRECTIONS" AND THE MODERN CRISIS OF CARE (WORK)

In *Foucault's Futures*, Penelope Deutscher argues that "absent concepts and problems can be given a shape in potentially transformative ways within philosophical frameworks which have omitted them".[118] To her, the "interesting gesture of wanting what can't be supplied from a theory understood as having failed to provide it"[119] does not have to be the end of the critique. Negotiating with the limits of Foucault's interrogation of reproduction, she emphasizes that "the negative capacities"[120] of his framework can also be "reconceived as transformative capacities"[121] by amplifying and reciprocally pursuing the "suspended reserves"[122] that both Foucault and his critics hold for each other's theoretical pursuits. By engaging Foucault's work in conversation "with recent philosophers and theorists who have engaged biopolitical

[118] Penelope Deutscher, *Foucault's Futures: a Critique of Reproductive Reason* (2017), 19.
[119] Deutscher, *Foucault's Futures,* 20.
[120] *Foucault's Futures,* 11.
[121] *Foucault's Futures*, 38.
[122] *Foucault's Futures*, 14.

phenomena",[123] she illustrates the potential of utilizing their "failures",[124] notably in accounting for the relationship between gender, reproduction, and biopolitics' "power of death",[125] to elucidate the significance of the "women-as-life-principle"[126] for queer conceptualizations of sovereign biopolitics. In this third part of the article, I mobilize Deutscher's mode of critique in order to demonstrate how Foucault's vague sketch of the pastorate, while limited in its ability to historicize care as *support*, can reveal its productivity by being put in conversation with Marxist feminist herstories about the modern divisions of care work. I show that contrasting "the regular occlusion of sexual difference"[127] that characterizes Foucault's biopolitical paradigm with the an-historicization of heterosexuality that characterizes Federici's *Caliban of the Witch*[128] opens a space to develop a queer materialist narrative about the modern origins of the care crisis. This narrative would historicize the triptych sex/gender/desire on which this crisis is based and articulates it to the other vectors of power intertwined in care work, notably citizenship and whiteness, age and abilities. I indicate how this narrative could ground a more inclusive and intersectional politicization of the current care crisis by enabling the retrieval of histories of care and coercion seldom scrutinized by feminist theorists.

Read through a pastoral lens, Foucault's genealogy of governmentality could be interpretated as a series of historical battles over the power to care characterized by the punctual tying and untying of the power-knowledge knot between care as an ethico-political *concern* and care as a socio-economic set of *supportive* activities. Indeed, in the genealogy he offers, the exploration of the struggle over the signification of public care that characterized Western Antiquity only constitutes the first stage of a longer history marked by other public scenes of contestation and disputes around the pastorate. This suggests that competition between paternalist authorities about what "caring about" and "taking care of" should mean for a political community were essential to the transformations that led to the emergence and development of a new mode of power: biopower. Strikingly, however, the lexicon of care that characterized his description of the Hebraic pastorate only intermittently appears in Foucault's genealogy, replaced, most often, by the lexicon of conducts and counter-conducts. This lexicon emphasizes the evolution of care as an ethico-political *concern* but renders the exploration of care as a socio-economic organization of *support* quite difficult.

The Foucauldian story goes this way: governmentality as we know it emerged through a shift in the antique power balance, precipitated by the "institutionalization of a religion as a Church".[129] This institutionalization is best understood in conjunction with the project of "imperial sovereignty"[130] that had progressively emerged out of the Greek idea of politics as a

[123] *Foucault's Futures*, 11.
[124] *Foucault's Futures*, 10.
[125] *History of Sexuality*, 133.
[126] *Foucault's Futures*, 19.
[127] *Foucault's Futures*, 37.
[128] I express gratitude to Dr. Aylon Cohen, an expert on the politicization of sodomy from the sixteenth century onwards and its impact on the emergence and development of the modern public sphere, for his valuable insights on this matter. Our extensive discussions regarding the analytics of gender, sex, and sexuality within Marxist feminist frameworks were instrumental in shaping the argument presented in this article.
[129] *Security, Territory, Population*, 148.
[130] Ibid., 155.

magistracy. The "Christian pastorate, institutionalized, developed and reflected from around the third century",[131] operated a "profound reorganization of pastoral power"[132] as an "Hebraic and Eastern theme"[133] which fragilized the knowledge-power knot that Greek and Roman cultures had tied in regard to the concern for others. The Church, as "an institution that claims to govern men in their daily life on the grounds of leading them to eternal life in the other world, and to do this not only on the scale of a definite group, of a city or a state, but of the whole of humanity",[134] became a powerful competitor to the relationship between care (work), politics, and government that characterized Western Antiquity. Indeed, giving rise to "a dense, complicated, and closely woven institutional network",[135] it communalizes an "art of conducting, directing, leading, guiding […] with the function of taking charge of men collectively and individually throughout their life and at every moment of their existence"[136] that was antagonistic to the ways political power was manifesting itself as "an apparatus of imperial unity".[137]

As a result, an "immense dispute"[138] unfolded, manifested by "the intensity and multiplicity of agitations, revolts, discontent, struggles, battles and bloody wars that have been conducted around, for, and against"[139] the "Christian pastorate".[140] This dispute lasted at least "from the thirteenth to the eighteen century, and ultimately without ever really getting rid of the pastorate".[141] Its result was that pastoral power, until then distinct from political power, merged into what Foucault calls, at one point "the state pastorate",[142] i.e., a form of power in which "whoever exercises sovereign power [must] now be responsible for the new and specific tasks of the government of men".[143] It is this second "major type of reorganization of the religious pastoral",[144] which could not have happened without the re-establishment of "the opposition between the private and public"[145] in the sixteenth century, that led to the development of both an anatomo-politics targeting individuals and a biopolitics of population. Although Foucault recognizes that the crux of "this great battle of pastorship"[146] was that a "religious power took on the task of *caring* for individual's souls"[147] by a "permanent intervention in everyday conduct, in the management of lives, as well as in goods, wealth, and things",[148]

[131] *Security, Territory, Population*, 164.
[132] *Security, Territory, Population*, 150.
[133] *Security, Territory, Population*, 164.
[134] *Security, Territory, Population*, 148.
[135] *Security, Territory, Population*, 164.
[136] *Security, Territory, Population*, 165.
[137] *Security, Territory, Population*, 303.
[138] *Security, Territory, Population*, 148.
[139] *Security, Territory, Population*, 148.
[140] *Security, Territory, Population*, 153.
[141] *Security, Territory, Population*, 149.
[142] *Security, Territory, Population*, 357.
[143] *Security, Territory, Population*, 232.
[144] *Security, Territory, Population*, 228.
[145] *Security, Territory, Population*, 230.
[146] *Security, Territory, Population*, 148.
[147] *Security, Territory, Population*, 154.
[148] *Security, Territory, Population*, 154.

he does not mention how this new form of articulating "caring about" and "taking care of" impacted "caregiving" and "care-receiving". In other words, how the constant intervention of the Christian pastorate into the organization of a community's livelihood hinged upon care work remains blatantly untheorized.

This forclusion creates a queer impression in the feminist reader: although a lot of the conducts and counter-conducts that Foucault describes could very well be interpretated as care practices, they are never construed as such and remain separated from the historicization of the care for others that he operates. Foucault, for instance, describes how, around the sixteenth century, the Christian Church lost its authority as the best "minister"[149] of conducts, opening a strategic opportunity for sovereigns to render themselves eligible to this role. He explains, in that regard, that the "great revolts around the pastorate",[150] as illustrated by "the Wars of Religion [,] were fundamentally struggles over who would actually have the right to govern men, and to govern them in their daily life and in the details and materiality of their existence".[151] He insists that these revolts were "linked to struggles between bourgeoisie and feudalism",[152] "the uncoupling of the urban and rural economies",[153] and "the problem of women and their status in society, in civil society or in religious society".[154] He stresses, even, that "the education of children was the fundamental utopia, crystal and prism through which problems of conduction were perceived"[155] over that period of intense political, cultural, religious, and socio-economic turmoil. However, exploring these links are precisely what Foucault is not interested in. The only reason he seems to mention them is to emphasize that "forms of resistance to power as conducting"[156] are irreducible to "forms of resistance or refusal that were directed at a power in the form of economic exploitation"[157] and to "forms of resistance to power as the exercise of political sovereignty".[158] Yet, one might wonder if the distinct "form"[159] and "objective"[160] he attributes to these revolts about "by whom do we consent to be directed or conducted? How do we want to be conducted? Towards what do we want to be led?"[161] can be thoroughly described without acknowledging that they impacted how care, in the forms of activities of support, was concretely given and received. It seems indeed that the briefly mentioned pastoral counter-conducts that took place "in convents, in the movement that is called Rhenish *Nonnenmystik*",[162] in groups "formed around women prophets in the Middle Ages",[163] or in alternative communal organizations invented and self-managed by

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[149] *Security, Territory, Population*, 192.
[150] *Security, Territory, Population*, 228.
[151] *Security, Territory, Population*, 228.
[152] *Security, Territory, Population*, 196.
[153] *Security, Territory, Population*, 196.
[154] *Security, Territory, Population*, 196.
[155] *Security, Territory, Population*, 231.
[156] *Security, Territory, Population*, 195.
[157] *Security, Territory, Population*, 195.
[158] *Security, Territory, Population*, 195.
[159] *Security, Territory, Population*, 196.
[160] *Security, Territory, Population*, 196.
[161] *Security, Territory, Population*, 197.
[162] *Security, Territory, Population*, 197.
[163] *Security, Territory, Population*, 197.

Beguines[164] manifested a revolt against the very separation that Foucault takes for granted between "caring about" and "taking care of", on the one hand, and "care-giving" and care-receiving" on the other.

That Foucault took this distinction for granted did not escape Federici's reading of the biopolitical paradigm. In her famous *Caliban and the Witch,* she stresses that an analysis of this period of "pastoral insurrections"[165] through the evolution of the social relationship of support would have led Foucault to a very different understanding of the emergence of biopower, "stripping [it] of the mystery by which Foucault surrounds"[166] it in the *History of Sexuality.* In queer resemblance to Sedwick's snarky remark about the fact that her "being pathologized by her therapist"[167] does not encapsulate how governmental power is exercised in neoliberal times, Federici particularly derides Foucault for his focus on "pastoral confession".[168] If the French philosopher had condescended – she notes – to study the witch-hunt, he could not have concluded that such a disciplinary apparatus exemplifies the modern shift from a "power built on the right to kill, to a different one exercised through the administration and promotion of life-forces, such as population growth".[169] Although Federici concedes that "the discursive explosion" on sex that Foucault detected in this time was in no place more powerfully exhibited than in the torture of the witch-hunt",[170] she stresses acerbically that it "had nothing in common with the mutual titillation that Foucault imagines flowing between the woman and her confessor".[171] As the "stage upon which this peculiar discourse on sex unfolded was the torture chamber",[172] "by no stretch of imagination"[173] can it be presumed that "the orgy of words the women thus tortured were forced to utter incited their pleasure or reoriented, by linguistic sublimation, their desire".[174] Federici thus insists that "it was *not* the Catholic pastoral, nor the confession, that best demonstrate how "Power", at the dawn of the modern era, made it compulsory for people to speak about sex"[175] but the witch-hunt, understood as "the first step in the long march towards "clean sex between clean sheets" and the transformation of female sexual activity into work, a service to men, and procreation"[176] rather than as the discursive production of a body bearing "new sexual capacities or sublimated pleasures for women.[177] As such, she argues, against "Foucault's theory concerning the

[164] *Security, Territory, Population*, 204.
[165] *Security, Territory, Population*, 229.
[166] *Caliban and the Witch*, 16.
[167] Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity*, 141.
[168] *Caliban and the Witch*, 16.
[169] *Caliban and the Witch*, 16.
[170] *Security, Territory, Population*, 191.
[171] *Caliban and the Witch*, 191.
[172] *Caliban and the Witch*, 191.
[173] *Caliban and the Witch*, 191.
[174] *Caliban and the Witch*, 191.
[175] *Caliban and the Witch*, 191.
[176] *Caliban and the Witch*, 192.
[177] *Caliban and the Witch*, 192.

development of "bio-power",[178] that ""the interminable discourse on sex" was not deployed as an alternative to, but in the service of repression, censorship, denial".[179]

To Federici, Foucault's focus "on pastoral confession in his *History of Sexuality* (1978)"[180] hence signals both the limitations of the biopolitical paradigm for theorizing the "repressive character of the power that was unleashed against women"[181] in early modern Europe and in the colonies, and the fact that "such history [of sexuality] cannot be written from the viewpoint of a universal, abstract, asexual subject".[182] In contrast to such history, she develops an alternative understanding of the social movements and political crisis in Medieval Europe aimed at factoring in "women and reproduction in the 'transition to capitalism'"[183] and exemplifying the repressive nature of the process of primitive accumulation through which the modern divisions of care work were established. Undoubtedly, this framing allows Federici to retrace thoroughly "the development of a new sexual division of labor subjugating women's labor and women's reproductive function to the reproduction of the work-force"[184] and "the construction of a new patriarchal order, based upon the exclusion of women from wage-work and their subordination to men".[185] Beyond this exclusion, however, Federici's herstory reveals very little about how this new patriarchal order was built and assumes that most of the elements that commonsensically defines such an order, notably paternalism and compulsory heterosexuality, were already present beforehand and only consolidated over this period.

However, when we scrutinize this assumption through the lens of Foucault's depiction of pastoral insurrections, its concealment of the fierce battle over "caring about" and "taking care of" that defined the era becomes unmistakable. The manner in which this struggle contested patriarchal authorities' notions of care as both concern and support remains unaddressed, as does its role in shaping modern understandings of sex, gender, desire, childhood, adulthood, citizenship and disability and the articulation of these understandings to race and class. The oversight of how these conflicts, which involved not only women engaged in care through familial ties but also women, particularly those in religious roles, who extended care beyond kinship, contributed to the construction of a new patriarchal order is a significant gap in theoretical exploration. Importantly, the involvement of these women in providing care outside the household highlights that while the reproduction of the heterosexual labor force and their offspring was a crucial aspect, it was not the sole facet in the restructuring of caregivers/care-receivers dynamics. At the very least, the claims made by these women to "care about," "take care of," and provide assistance to unsupported individuals in need indicate that the privatization of care work was intricately linked to the publicization of non-familial care networks. Federici's heterocentric viewpoint complicates efforts to fully elucidate the rationale and evolution of these networks.

[178] *Caliban and the Witch*, 192.
[179] *Caliban and the Witch*, 192.
[180] *Caliban and the Witch*, 16.
[181] *Caliban and the Witch*, 16.
[182] *Caliban and the Witch*, 16.
[183] *Caliban and the Witch*, 21.
[184] *Caliban and the Witch*, 12.
[185] *Caliban and the Witch*, 12.

If we locate, however, the feminized and racialized resistance against the *privatization* of care work within the broader context of vying for control over communal care – namely, in defining what a community "cares about", who "takes care of" who, who "gives care" to who, and who can or cannot be a care-receiver – we can investigate the simultaneous emergence of private structures like the nuclear family and public institutions such as orphanages, foundling hospitals, asylums, almshouses, and hospices. We can better grasp how the reappropriation of the private/public dichotomy, notably by a sovereign power that viewed in this battle over caring an opportunity to gain political and religious prominence, participates in the building of a new patriarchal order. Indeed, factoring this distinction allows an articulation of the ways in which this power repressed the claims over caring uttered by rebels and competitors and the ways it supplanted them by making the networks of support they had built irrelevant or unproductive in comparison to those created and managed by state authority. Following, in that sense, the birth and death of the Beguines' movement could help us understand better the role played by new state apparatuses in the making of a modern patriarchal order. In addition, by scrutinizing how needs and desires, vulnerability and dependency, as well as survival and well-being were reinterpreted during pastoral insurrections, we can stress that the construction of this order worked by pitting many more social groups against one another than assumed by Federici. For instance, we can delve into how these reinterpretations impacted disabled, elderly and/or very young people by transforming the conditions of eligibility to care-receiving, and by leading to the emergence of public institutions of care characterized by disciplinary mechanisms too. This broader perspective enriches the analysis of the modern restructuring of care work, including the articulation of power dynamics related to age, sexuality, and disability, to those linked to race, class, gender and citizenship, which the traditional focus on the division between reproductive and productive labor tends to decenter. It allows us to articulate the inherent divisions in modern support relationships and the underlying patterns of exclusion, highlighting how the reception of care became contingent upon demonstrating forms of helplessness which were only partially and seemingly identical to those prevalent in the Middle Ages.

In framing Foucault's *History of Sexuality* as a narrative from the perspective of an "a-sexual" or "gender-neutral[186]" subject, Federici overlooks the nuanced complexities that emerge when, as I have hopefully shown in the last few pages, we approach the *History of Sexuality* as a sexualized and gender-biased genealogy of men's caring. By pinning her understanding of the relationship between sex and power as being opposite to Foucault's, she not only purposely misinterprets Foucault's project, who only advocates for a decentering of coercion so as to encompass the transformation of sex "into discourse, a technology of power and a will to knowledge"[187] that was not implemented through "reduction" but the initiation of "sexual heterogeneities".[188] She also forecloses the possibility of factoring in these sexual heterogeneities in her analysis of the modern crisis of care, even though Foucault's framing of sexuality as a "moral problematization"[189] opens up that possibility. Similarly, by focusing on the

[186] *Caliban and the Witch*, 192.
[187] *History of Sexuality*, 12.
[188] Ibid., 37.
[189] Ibid., 10.

pastoral confession rather than pastoral insurrections, she does not only bypass the fact that when Foucault describes the Christian pastoral as the "first phase"[190] of the deployment of sexuality in discourse, he insists that it corresponded to the "need to form a "labor force" (hence to avoid any useless "expenditure", any wasted energy, so that all forces were reduced to labor capacity alone" and to ensure its reproduction (conjugality, the regulated fabrication of children)".[191] She misses the opportunity to explain how age, abilities, and sexuality participated in the formation of this labor force, taking for granted the ways they subtend the categories of "men", "women", and "children" and the "straight" bonds that attach them to one another from the Middle Ages to contemporary times. Finally, by reducing Foucault's *History of Sexuality* to "a history of sexual behaviors, […] or a history of representations",[192] she does not only waver the fact that the French philosopher actually wanted to explore "the practices by which individuals were led to practice, on themselves and on others, a hermeneutics of desire, a hermeneutics of which their sexual behavior was doubtless the occasion, but certainly not the exclusive domain".[193] She also misses the opportunity to grasp the role these practices play in the making of a patriarchal order, in which feminized and/or racialized subjects, but also infantilized, disabled and/or queer subjects, are treated carelessly. In a nutshell, she misses the opportunity to develop a more inclusive and intersectional history of the modern regime of care work.

CONCLUSION

In *Security, Territory and Population,* Foucault acknowledges that his work on the pastorate "is not finished work, […] not even work that's been done".[194] He describes it as "a work in progress, with all that this involves in the way of inaccuracies and hypotheses"[195] and invites his audience to consider the "reference points"[196] he mentions as "possible tracks for you, if you wish, and maybe for myself to follow".[197] Although neither Foucault nor his readers have plainly responded to this suggestion, I have argued that exploring these tracks could be quite useful for enriching prevailing feminist narratives about the modern origins of the care crisis. I have stressed that situating Foucault's interest in the pastorate within his broader project of a history of ethical problematizations enables the leveraging of his gender-biased narrative of the genealogy of governmentality to complexify the understanding of the relationship between care (work) and politics. I have demonstrated that it allows an exploration of how various conceptions of age, disability, sexuality, citizenship and kinship impact the gendered and racialized distribution and hierarchization of the four dimensions of caring. In addition, I have shown that construing Foucault's genealogy as a history of men's caring enables a more thorough articulation of the apparatus of subjectivation and subjection related to the privatization

[190] *History of Sexuality*, 114.
[191] Ibid.
[192] Foucault, *The History of Sexuality, Vol. 2*, 8.
[193] *History of Sexuality, Vol. 2*, 5.
[194] *Security, Territory, Population*, 135.
[195] Ibid.
[196] Ibid.
[197] Ibid.

of care and those related to its renewed publicization. By doing so, I have underscored the potential of engaging with Foucault's unfinished work on the pastorate, notably his analyses of pastorate insurrections, as they unveil avenues for analyzing power structures within the domain of care in a more inclusive and intersectional manner, thereby contributing to the ongoing discourse surrounding the politicization of the care crisis.

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ARTICLE

History, Markets, and Revolutions: Reviewing Foucault's Contribution to the Analysis of Political Temporality

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ABSTRACT. This article explores the Foucauldian analysis of the linkage between temporality and politics, addressing mainly two loci of Foucault's production: the assessment of the post-WWII ordoliberal experience in *The Birth of Biopolitics* and the Iran reportage for "Corriere Della Sera". The article emphasizes the relevance of Foucault's assessment of ordoliberal Germany for contemporary studies on neoliberalism and inscribes Foucault in a wider tradition of thought on the relevance of history and temporality for the comprehension of political dynamics. In *TBoB*, Foucault offered a prescient analysis of neoliberal temporality and its de-politicizing effects. In his view, ordoliberal theorists and politicians sought to ground political legitimacy in the economy itself, giving birth to a political-economic "double circuit" which did away with history and made political consensus "permanent" and automatic. The connection between neoliberalism, the re-structuring of state sovereignty, and temporality will be highlighted. Furthermore, by analyzing the almost-coeval Iranian reportages and the eulogy for Clavel, the article further investigates Foucault's reflection on the link between temporality, politics, and subjectivation processes. If the analysis of ordoliberal temporality in *TBoB* describes a linkage between de-temporalization and de-politicization, the reportages will be highlighted as a possible "pars construens" – as a way to reinstate the possibility of political action through the appeal to different ways to experience temporality. The article concludes that Foucault's sparse comments on temporality can be read as an attempt, albeit not fully developed, not only to envision the de-politicizing effects of marketization but also to envisage new, re-politicizing modes of experiencing temporality and history.

Keywords: Michel Foucault, neoliberalism, temporality, Iranian revolution, political spirituality

INTRODUCTION

There is a seemingly paradoxical *fil rouge* running through the history of 20th century political thought, connecting authors as diverse as Michel Foucault, Reinhard Koselleck,

Ernst Bloch, and Claude Lévi-Strauss, as well as contemporary thinkers such as David Harvey, François Hartog, Hartmut Rosa, and Mark Fisher. They have all been fascinated by the idea that the way temporality and history are conceived is of crucial importance to understanding political dynamics. Within such a heterogeneous fellowship, this fascination has been deployed in different ways and across quite distant historical and geographical contexts. In his landmark contribution, Koselleck attempted to demonstrate that one of the reasons why modernity had been the age of political revolutions is that it has understood history as unitary and as "progress".[1] In other words, envisioning radical change requires, as its condition of possibility, detaching from a "natural" or traditional conception of time in which past experience determines what is to be expected in the future. Henceforth, modern political change requires a conception of the future as always new, unknown, fast, and accelerating, enabling "new, transnatural, long-term prognoses" and utopias.[2] Similarly, Claude Lévi-Strauss defined "hot" societies (as opposed to "cold" societies) as those that "come to view it [the idea of history] as a tool by means of which they can act on the present and transform it, rather than as a disorder and a threat".[3] More recently, Hartog and Rosa, drawing on Koselleck, sought to describe the current "regime of historicity" as, respectively, inherently "*presentist*" and still, paradoxically, constantly experiencing "social acceleration".[4] The list could go on further. However, here a common motif can be observed among the authors: the idea that political change requires a socially shared conception of time and historicity in which change is at the very least *imaginable*.

This article inscribes Foucault in this wider – although certainly not unitary – scholarship. Moreover, it connects this insight to the scholarship on the Foucauldian legacy's direct impact on contemporary studies of neoliberal capitalism[5] and highlights the potential

[1] Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time* [1979] (2004).

[2] Ibid., 22.

[3] Claude Lévi-Strauss, "Histoire et ethnologie," *Annales. Histoire, Sciences Sociales* 38:6 (1983), 1218, translated from François Hartog, *Presentism and Experiences of Time. Regimes of Historicity*, trans. Saskia Brown [2003] (2015), 25. Cf. Claude Lévi-Strauss, "The Scope of Anthropology," *Current Anthropology* 7:2 (1966), 121.

[4] François Hartog, *Presentism and Experiences of Time* [2003] (2015); Hartmut Rosa, "Social Acceleration: Ethical and Political Consequences of a Desynchronized High-Speed Society," in *High Speed Society: Social Acceleration, Power, And Modernity*, ed. H. Rosa and W. E. Scheuerman (2009), 77-111. For further reference to authors which could be inscribed in this tradition of thought, highlighting the linkage between political dynamics and social representation of time, see, for example, Georges Gurvitch, *The Spectrum of Social Time* (1963); Guy Debord, *Society of the Spectacle* [1967] (1984); Ernst Bloch, *A Philosophy of the Future* [1963] (1970); Id., *Heritage of Our Times* (1990); Marshall Berman, *All That Is Solid Melts Into Air* [1982], (2010); David Harvey, *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change* (1991); Francis Fukuyama, *The End of History and the Last Man* [1992] 2006; Jean Baudrillard, *The Illusion of the End* [1992] (1994); Nancy D. Munn, "The Cultural Anthropology of Time: A Critical Essay," *Annual Review of Anthropology* 21 (1992), 93–123; Hermann Lübbe, "The Contraction Of The Present," in *High Speed Society: Social Acceleration, Power and Modernity* (2009); Jérôme Baschet, *Défaire la tyrannie du présent* (2018). On the role of Walter Benjamin within this tradition, cf. Alessio Porrino and Alessandro Volpi, "L'orologio e il calendario: Simbologia politica del tempo a partire da Walter Benjamin," *Materiali di Estetica. Terza serie* 8:2 (2021). For a comprehensive review, cf. Sabino di Chio, *Tempo irreale. Il restringimento dell'orizzonte temporale della tarda modernità* (2015).

[5] For example, cf. Philip Mirowski and Dieter Plehwe, *The Road from Mont Pèlerin. The Making of the Neoliberal Thought Collective* (2009); Pierre Dardot and Christian Laval, *The New Way of the World: On Neoliberal Society* [2009], trans. Gregory Elliott (2017); Maurizio Lazzarato, *Il governo dell'uomo indebitato. Saggio sulla condizione neoliberista* (2013); Giandomenica Becchio, Giovanni Leghissa, *The Origins of Neoliberalism: Insights from*

for clarification and integration of the Marxist-inspired tradition of neoliberal studies.[6] In particular, it will be argued that the Foucauldian legacy remains highly undervalued in the literature on the interrelationship between neoliberal hegemony, modes of subjectivation, and "regimes of temporality". In what follows, we examine Foucault's interpretation of the temporality in which the post-war German Federal Republic came into existence as presented in the courses of 1978-1979 at College de France – published as *The Birth of Biopolitics* [2004] (2008). The Foucauldian interpretation of the GFR is compared with different authors' perspectives on political temporality, and its significance for the understanding of neoliberal "governmentality" and modes of subjectivation is highlighted.[7] In this light, original insights concerning the connection between political sovereignty, consensus, and the economy, as well as the liberal or illiberal character of neoliberalism, are elaborated through the Foucauldian analysis of the GFR's ordoliberal experience. Additionally, to further grasp the complex intertwining between temporality and political change, we consider Foucault's interpretation of the Iranian Revolution (1979)[8] and his comments on temporality in the eulogy for Maurice Clavel.[9]

The picture of neoliberal temporality that results from the present analysis aims to shed new light on our understanding of neoliberal capitalism and its distinctive cultural and subjective dynamics – and to possibly suggest new practices of resistance. Therefore, by examining Michel Foucault's underestimated contribution to the understanding of a *specifically neoliberal* temporality, we aim to foster a fresh look at an (already dense) present-day debate. A vast literature exists on Foucault's analysis of the linkage between temporality, historicity, and political regimes.[10] Similarly, a vast literature is dedicated to a critical assessment of Foucault's interpretation of neoliberalism in general and, more specifically, of the German post-war experience.[11] This article's novelty is mainly represented by

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Economics and Philosophy (2016); Massimo De Carolis, *Il rovescio della libertà. Tramonto del neoliberalismo e disagio della civiltà* (2017); William Davies, *The Limits of Neoliberalism: Authority, Sovereignty and the Logic of Competition* (2014); Grégoire Chamayou, *The Ungovernable Society: A Genealogy of Authoritarian Liberalism* (2021).

[6] As championed by David Harvey, *A Brief History of Neoliberalism* (2005). For a comparison of the two traditions in neoliberal studies (Foucauldian- and Marxist-inspired) see Damien Cahill, Melinda Cooper, Martijn Konings and David Primrose, "Introduction: Approaches to Neoliberalism," in *The SAGE Handbook of Neoliberalism*, eds. D. Cahill, M. Cooper, M. Konings and D. Primrose (2018), xxv-xxxiii.

[7] Dardot and Laval, *New Way of the World*; Maurizio Lazzarato, *Il governo dell'uomo indebitato*.

[8] Janet Afary and Kevin B. Anderson, *Foucault and the Iranian Revolution* (2005).

[9] Michel Foucault, "Vivre autrement le temps" [1979], in *Dits et Écrits. 1954-1988* vol II, ed. Daniel Defert, François Ewald and Jacques Lagrange (2017), 788-790.

[10] Cf., for example, Kathrin Braun, "Biopolitics and Temporality in Arendt and Foucault," *Time & Society* 16:1 (2007), 5-23; Jürgen Portschy, "Times of power, knowledge and critique in the work of Foucault," *Time & Society* 29:2 (2020), 392-419; Mona Lilja, "The politics of time and temporality in Foucault's theorisation of resistance: ruptures, time-lags and decelerations," *Journal of Political Power* 11:3 (2018), 419-432; Judith Revel, *Foucault avec Merleau-Ponty. Ontologie politique, présentisme et histoire* (2015).

[11] To offer some recent examples, cf. David Šporer, "Contrast and History – Michel Foucault and Neoliberalism," *Zbornik radova Filozofskog fakulteta u Splitu* 15 (2022); Frieder Vogelmann, "Ordoliberalism as Political Rationality in Foucault's Genealogy of Liberalism," in *The Oxford Handbook of Ordoliberalism*, ed. Thomas Biebricher, et al. (2022); Lucas Trindade da Silva "Gênese da intelectualidade neoliberal segundo Michel Foucault," *Revista Pós Ciências Sociais* 16 :31 (2019), 181–207; Walter Reese-Schäfer, "Michel Foucaults

its explicit treatment of Foucault's analysis of post-war Germany concerning neoliberalism's specific temporality and its bringing together of insights on temporality from *The Birth of Biopolitics* with ones from the Iranian reportage and the eulogy for Maurice Clavel. We contend that between 1977 and 1979, the problematizations opened by Foucault converged toward a questioning of the relationship between subjectivity, temporality, and political praxis.[12] It builds on the idea that, already at the end of the 1970s, Foucault had foreseen crucial insights into neoliberal capitalism and the possibility of resisting it. Namely, he anticipated the idea that the widely documented reticence to political change in the era of neoliberal capitalism depends, among other factors, on a temporality in which political transformation is structurally unimaginable. The article supports this thesis with a novel interpretation of Foucault's writings on temporality and politics in post-war Germany and in the Iranian revolution.

A considerable number of scholars have already explored the relationship between neoliberal capitalism, temporality, and the possibility of political change.[13] In a way, the problem on which most of these contributions insist is how to explain neoliberal capitalism's "strange non-death"[14] vis-à-vis its countless political and economic failures[15] – among which is the climate catastrophe.[16] Fisher's "capitalist realism" is arguably one of the most well-known formulas to describe neoliberalism's sterilizing effect on political imagination, which is deeply tied to an end-of-history mentality that ended up naturalizing liberal capitalism as the end of human institutional evolution.[17] Foucault's assessment of post-war German "governmentality" demonstrated how ordoliberal ideas sought to

Interpretation des Ordoliberalismus in seinen Vorlesungen zur Gouvernementalität" in *Ideengeschichte als Provokation (*2019).

[12] The authors express their gratitude to one anonymous referee for having urged a clearer explanation of this article's original contribution vis-à-vis the existing literature. Cf. Sam Binkley, "The Work of Neoliberal Governmentality: Temporality and Ethical Substance in the Tale of Two Dads," *Foucault Studies* 6 (2008), 60-8 for a Foucauldian examination of neoliberal temporality, although focused on individuals' self-reproduction of ethical practices rather than on political temporality at large. For some insight on the topic, cf. Stephen Shapiro, "Foucault, Neoliberalism, Algorithmic Governmentality, and the Loss of Liberal Culture," in *Neoliberalism and Contemporary American Literature*, ed. Liam Kennedy and Stephen Shapiro (2019).

[13] Cf. David Harvey, *The Condition of Postmodernity*; Paul Virilio, *Polar Inertia* (1999); Jean Baudrillard, *The Illusion of the End*; Fredric Jameson, *Postmodernism: or, the Cultural Logic of Late Capitalism* (1992); François Hartog, *Presentism*; Rosa, "Social Acceleration"; Mark Fisher, *Capitalism Realism. Is There No Alternative?* (2009); Franco "Bifo" Berardi, *After the Future*, eds. Gary Genosko, Nicholas Thoburn (2011); Id., *Futurability: The Age of Impotence and the Horizon of Possibility* (2019); Slavoj Žižek, *Trouble in Paradise: From the End of History to the End of Capitalism* (2015); Massimo De Carolis, *Il rovescio della libertà*; Christos Boukalas, "No future: pre-emption, temporal sovereignty and hegemonic implosion. A study on the end of neoliberal time," *Constellations* 1:17 (2020).

[14] Colin Crouch, *The Strange Non-death of Neo-liberalism* (2011).

[15] Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (2008); William Davies, *The Limits of Neoliberalism;* Nick Srnicek and Alex Williams, *Inventing the Future: Postcapitalism and a World Without Work* (2016); Thomas Piketty, *Capital in the Twenty-First Century* (2017); Grégoire Chamayou, *The Ungovernable Society*.

[16] Naomi Klein, *This Changes Everything: Capitalism Vs. The Climate* (2014).

[17] Mark Fisher, *Capitalist Realism*; Francis Fukuyama, *The End of History*. On the ideological significance of the "end of history" thesis, cf. Maurizio Ricciardi, *L'Eterna Attualità dell'Ideologia tra Individuo, Storia e Società*, in *Storia d'Europa e del Mediterraneo. Dal Medioevo all'Età della globalizzazione*, *VI. L'età Contemporranea* (vol. XIV), ed. G. Corni (2017), 741-743.

ground the political legitimacy and state sovereignty of the new Federal Republic on the preservation of market competition and economic prosperity. In his view, this move ended up creating a political-economic "double circuit" which produced a *permanent* consensus and legitimacy of the existing political order based on a "*breach in history*" and a "new dimension of temporality".[18] It appears, then, possible to draw a parallel between Foucault's analysis of the Federal Republic and the "capitalist realist" mechanism by which a "weakness of our imagination" makes it "easier for us today to imagine the thoroughgoing deterioration of Earth and nature than the breakdown of late capitalism",[19] and thus to consider Foucault as one of the direct progenitors of the well-known motif. Furthermore, Foucault's argument sheds light on the connection between neoliberal, market-based temporality and state sovereignty – which has been regarded as "neoliberalism's greatest dilemma".[20] In this vein, this article suggests that Foucault's reflections on temporality in the Iranian reportages could be fruitfully interpreted as a "pars construens" to the negative critique of *The Birth of Biopolitics*. While the analysis of ordoliberal temporality describes a linkage between de-temporalization and de-politicization, the reportages (especially through the concept of "political spirituality") are interpreted as possible pathways to bring back political action through the appeal to different ways to experience temporality. The article concludes that Foucault's sparse comments on temporality can be read as an attempt, albeit not fully developed, not only to envision the depoliticizing effects of marketization but also to envision new, re-politicizing modes of experiencing temporality and history.

FOUCAULT AND ORDOLIBERAL GERMANY[21]

Let us first briefly recall some historical background for post-war West Germany. In the peculiar circumstances in which the Basic Law, the constitution of the Federal Republic

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[18] Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège De France, 1978–79* [2004], ed. Michel Senellart, trans. Graham Burchell (2008), 86.
[19] Fredric Jameson, *The Seeds of Time* (1994), xii.
[20] William Davies, *The Limits*, 32.
[21] In this article, we assume the hypothesis that ordoliberalism (also known as German neoliberalism) and Austro-American neoliberalism (as Foucault himself distinguishes them in Michel Foucault, *The Birth*, 77-80) can be reasonably paralleled as two different variants of the same doctrinarian core and of the same communal "enemies", and that it is appropriate to study them together (cf. Dardot and Laval, *The New Way*, 86-116; Davies, *The Limits*; Ralf Ptak, "Neoliberalism in Germany: Revisiting the Ordoliberal Foundations of the Social Market Economy," in *The Road from Mont Pelerin*, eds. Philip Mirowski et al. (2009), 98-138). Dieter Plehwe praises Foucault for his original insight in juxtaposing the two traditions, cf. Dieter Plehwe, "Introduction," in *The Road from Mont Pelerin*, 2. To offer an oversimplifying schematization, the most important communal points are their consideration of the marketplace and of competition as bearers of normative and legitimizing value for political institutions; moreover, they both form their ideas in opposition to Keynesianism, state interventionism, dirigisme, and economic planning. The main differences are that ordoliberalism never questioned the role of a strong state as a guarantee of free competition, while the Austro-American variant (from von Mises and Hayel to Milton Friedman, and so on) appears even less enthusiastic about state intervention and anti-trust law. Scholars usually recognize early-ordoliberals and early American neoliberals to be much closer than ordoliberals and the so-called second generation of the Chicago School, which slowly diverges: "The core dynamic of both Ordoliberalism and so-called 'paleoliberal' neoliberalism is marketisation.

(*Grundgesetz für die Bundesrepublik Deutschland*), was approved in 1949, it was impossible to legitimize it through the appeal to popular will – given that no German state was currently in place. Nevertheless, that did not prevent the new constitution and the new state from obtaining political legitimacy on the domestic and international levels. Originally applying to the three zones occupied by the Western Allies, the Basic Law had to be approved by the Allied forces before coming into effect, and it was never ratified by a popular national assembly – as the Weimar Constitution had been.[22] In the meantime, amid the reconstruction process, the need to reassure the Allies and foreign investors that the new German state would not pursue "strong state" politics, either in the socialist or the fascist way, pushed the young Federal Republic to rediscover the ideas of the Ordoliberal economic school, elaborated since the 1930s by, among others, Alexander Rüstow, Wilhelm Röpke, Alfred Müller-Armack, and Walter Eucken's *Freiburger Schule*.[23]

In this vein, Ordoliberal economists and politicians inaugurated a program of liberalization and deregulation. They established a free-market economy in West Germany as a "third way" to post-war economics that was radically different from the Keynesian hegemony that was at that time dominating most of the Western countries' political agenda.[24] Ludwig Erhard, director of economics at the Bizonal Economic Council[25] from 1948, and later Minister of Economic Affairs under the chancellery of Konrad Adenauer (from 1949 to 1963) and chancellor of West Germany (1963 – 1966), is undoubtedly the protagonist of this shift. Following what Ptak calls the "basic Ordo mindset",[26] including the belief in an economic "natural order" that Eucken, Böhm, and Röpke evoked in their writings, Erhard progressively eliminated every price and salary control, cutting taxes on capital and profits drastically.[27] Significantly, as Foucault himself pointed out, Erhard started to implement these policies even before the BL came into effect and the new state was created – in effect as a pre-constitutional move.[28] Ordoliberals aimed to implement

Efficient markets, regulated by the price mechanism, are seen as the raison d'être of successful capitalism. For both, the most crucial condition for market efficiency is competition", Philip G. Cerny, "In the Shadow of Ordoliberalism," *European Review of International Studies* 3:1 (2016), 78-92. Moreover, Americans highly value the use of neo-classical economics models as a panacea to avoid metaphysical justifications, while ordoliberals tend to be more sceptical and justify economic decisions on the basis of a general principle of justice (Ibid.; Cf. Ralf Ptak, *Neoliberalism in Germany*; William Davies, *The Limits*). For a problematization of this position, see Brigitte Young, "Contemporary Anglo-Saxon Neoliberalism is not German Ordoliberalism," in *The SAGE Handbook*, eds. Damien Cahill et al., 179-189. Finally, according to Cerny, after the global financial crisis and the Eurozone crisis, both the 'schools' converged again; "they have become more regulatory and interventionist de facto, what I call 'post-Ordoliberalism'" (2).

[22] Dieter Grimm, "The Basic Law at 60 – Identity and Change," *German Law Journal* 11:1 (2010), 33–46; Id., *Sovereignty: The Origin and Future of a Political and Legal Concept* (2015).

[23] For an overview of the "Ordo school," cf. Ptak, *Neoliberalism in Germany*. On the political reassurance function of the ordoliberal turn for the newly born German state, see Michel Foucault, *The Birth*, 83-84.

[24] Plehwe, "Introduction," in *The Road*, 27-8. Cf. Ralf Ptak, *Neoliberalism in Germany*, 100.

[25] The areas controlled by the Anglo-American forces.

[26] Ptak, *Neoliberalism*, 105.

[27] Jamie Peck, *Constructions of Neoliberal Reason* [2010] (2013), 51. Cf. Nick Srnicek, *Inventing*.

[28] Michel Foucault, *The Birth*, 83-4.

"an alternative third way to the Keynesian welfare and planning state right after World War II—the social market economy [*soziale Marktwirtschaft*]".[29]

Although the purely ordoliberal parenthesis was not to last long, given that by the 1970s West Germany had already fully shifted towards a Keynesian model and that Erhard always encountered strong opposition in the implementation of the ordoliberal plan,[30] there seems to be wide consensus in the literature on the crucial significance of that political experience for the understanding of fin de siècle global neoliberalism.[31]

Michel Foucault's course at College de France in 1978-1979, first published in French in 2004, had a leading role in establishing a robust connection between elements of the post-war German experience and the emergence of neoliberal ideas and practices (which he would address as neoliberal "governmentality")[32] on the global stage since the end of the 1970s. In the Foucauldian analysis, the crucial problem for establishing a new German state was one of *legitimization*: how to create legitimacy for a state that could not, for obvious reasons, appeal to historical continuity with the past nor to institutional or legal continuity, nor refer to any form of plebiscitary popular will? In *The Birth of Biopolitics*, Foucault commented that:

> It is not possible to claim juridical legitimacy inasmuch as no apparatus, no consensus, and no collective will can manifest itself in a situation in which Germany is on the one hand divided, and on the other occupied. So, there are no historical rights, there is no juridical legitimacy, on which to find a new German state (82).

In this respect, Foucault stresses the programmatic importance of a speech by Erhard from 1948. On that occasion, Erhard declared that "[w]e must free the economy from state controls" and that "[w]e must avoid […] both anarchy and the termite state, […] [because] only a state that establishes both the freedom and responsibility of the citizens can legitimately speak in the name of the people" (80). In Foucault's reading, Erhard was hinting at something much more radical than simple laissez-faire liberal reforms as merely economic measures – as they were contemporaneously being implemented in Belgium and

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[29] Plehwe, "Introduction," 27.

[30] Alfred C. Mierzejewski, "1957: Ludwig Erhard's Annus Terribilis," *Essays in Economic and Business History* 22 (2004), 17–27.

[31] Mirowsky et al., *The Road*; Pierre Dardot et al., *New Way* (who mainly focus on the ordoliberal influence on the EU, 216-234). However, Foucault does not seem to fully appreciate the limitedness of the ordoliberal experience in West Germany, as can be seen in *The Birth of Biopolitics*, where he states that "this discourse of something which will remain a fundamental feature of contemporary German governmentality" (84). Although his analysis of German early neoliberal governmentality is of much importance for this contribution, it appears that Foucault in these 1978-9 courses might be underestimating the rapid Keynesization of the German economy form the 1960s onwards, when "changing conditions for economic growth undermined not only the social market economy itself, but also the ideological efforts it entailed (a 'third way') to legitimize market oriented politics rather than some vision of comprehensive welfare" and "the model increasingly lost its original neoliberal content", Ralf Ptak, *Neoliberalism*, 127. Cf. Nick Srnicek, *Inventing the Future*.

[32] For a definition of "government" and "governmentality" see Michel Foucault, "Du gouvernement des vivants" [1980], in *Dits et Écrits. 1954-1988* vol. II (2017), 944-948, 944; Id., "Les techniques de soi" [1988], in ibid., 1602-1632, 1604.

Italy (81). He was hinting at something that directly concerned a new approach to state-building and legitimization:

> Erhard is saying that in the current state of affairs […] it is clearly not possible to lay claim to historical rights for a not yet reconstituted Germany and for a still-to-be-reconstituted German state when these rights are debarred by history itself (82, emphasis added).

In Foucault's point of view, Erhard's apparently banal statement retrospectively acquires a greater historical significance. While "[h]istory had said no to the German state […] now the economy will allow it to assert itself" (86). In the absence of the possibility of turning to history, continuity to the past, international law, or popular will to legitimize the new state, the ordoliberal project looked at the economy and the preservation of economic freedom. Foucault maintains that there is a significant difference between a state that aims to exercise its sovereignty right and be representative of its citizens, and the new German state, which "rediscovers its law, its juridical law, and its real foundation *in the existence and practice of economic freedom*" (85, emphasis added).

What does this *economic genesis of the state* imply for state sovereignty, public law, and political participation? Through a thought experiment, Foucault argues that in a society in which the state solely exists to guarantee a "space of economic freedom", and in which "any number of individuals freely agree to play this game of economic freedom guaranteed by the institutional framework" (85), the economy will *short-circuit* traditional state sovereignty. Any of those unconstrained individuals would, in effect, manifest their *political* (and not merely economic) consensus by the sheer act of participating in the economic game. Therefore,

> it would imply that consent has been given to any decision which may be taken to guarantee this economic freedom or to secure that which makes this economic freedom possible. In other words, the institution of economic freedom will have to function, or at any rate will be able to function as a siphon, as it were, as a point of attraction for the formation of a political sovereignty (83, emphasis added).

Adhering to the economic game guaranteed by the new state implies, henceforth, automatically conferring legitimization and sovereignty to the new institutional arrangement. Therefore, in the case of post-war Germany, which can be thus defined as a mature "economic state" (86), the economy *precedes* the very formation of the state and the approval of the new constitution both *logically* and *chronologically*.[33] In this vein, according to Maurizio Ricciardi, to rebalance the relationship between economy and law, ordoliberalism sought to *ground legal norms in the economic order* so that law could understand it as a juridical constitution.[34] It is the economy (or, we could say, private law), in effect, which creates public law and legitimizes it, hereafter creating a "double circuit" between market

[33] Cf. William Davies, *The Limits*.

[34] Maurizio Ricciardi, "Tempo, ordine, potere. Su alcuni presupposti concettuali del programma neoliberale," *Scienza & Politica. Per una storia delle dottrine* 29:57 (2017). Cf. Werner Bonefeld, "Freedom and the Strong State: On German Ordoliberalism," *New Political Economy* 17:5 (2012), 633–56.

and public law (86). Furthermore, this *economic genealogy* of the state is not simply understandable as a once-and-for-all act of foundation, as it gets endlessly reproduced ("*permanent* genesis") in the everyday functioning of the state-guaranteed free market.

> there is a circuit going *constantly* from the economic institution to the state; and if there is an inverse circuit going from the state to the economic institution, it should not be forgotten that *the element that comes first* in this kind of siphon *is the economic institution*. There is a *permanent genesis*, a *permanent genealogy* of the state from the economic institution (84).[35]

History, then, has no place at all in the constitutional arrangements and the "political unconscious"[36] of the Federal Republic. Situated in an "eternal present", the market economy and its consuetudinary law kickstart the formation of state sovereignty – a kind of sovereignty for which the explicit consensus of the people is not needed, given that they are already participating in the economy.

ORDOLIBERAL TEMPORALITY AND PERMANENT CONSENSUS

What about the kind of political temporality in which the new German state is born? Foucault addresses the Federal Republic's "regime of historicity"[37] as characterized by a "reversal of the axis of time", at the heart of which lies the "permission to forget, and economic growth" (*The Birth of Biopolitics*, 86) that partly erases the responsibility for National Socialism and makes it possible to start anew:

> economic growth will take over from a malfunctioning history. It will thus be possible to live and accept the breach of history as a *breach in memory*, inasmuch as *a new dimension of temporality* will be established in Germany that will no longer be a temporality of history, but one of economic growth (86).

In more than one way, Foucault's analysis of neoliberal temporality can be inscribed into a wider scholarship on the literary and philosophical tradition of *posthistoire*.[38] Foucault himself in *The Order of Things* had already hinted at the paralyzing effect of the classical economic worldview on historical time, although on a different note.[39] Some of Foucault's

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[35] Emphasis added. To make sense of Foucault's argument, it must be emphasized that, in the genealogy of the state in Ordoliberal Germany, the economic element comes *first* (both historically and logically, granted the validity of Foucault's interpretation). However, once the state is established on this ground, the economic-political "double circuit" which causes the genesis (genealogy) of the state to be permanent is activated. This, however, should not confuse the fact that the economic element has priority in the original establishment of the state, as there was no state at all when, as Foucault notices, Erhard started creating the legal bedrock of liberalization. Thanks to one anonymous referee for having prompted us to clarify this point.

[36] Fredric Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* [1981], 2nd edition (2002).

[37] Which Hartog defines as "the modalities of self-consciousness that each and every society adopts in its constructions of time and its perception", François Hartog, *Presentism*, 9.

[38] Lutz Niethammer, *Posthistoire. Has history Come to an End?* (1992).

[39] In *The Order of Things* (1970) [1966] (pp. 278-282) Foucault had already explicitly addressed a linkage between classical economics analysis of wealth and the establishment of "the possibility of a continuous historical time, even if in fact […] Ricardo conceives of the evolution ahead only as a slowing down and, at

insights on the political effect of a new, ahistorical temporality have been independently elaborated by studies arguing for the existence of a solid connection between *posthistoire*, postmodernism, presentism, and neoliberal capitalism.[40] To provide a coeval example, the impossibility for the new German state to turn to history, as described by Foucault, parallels Lyotard's assessment of the postmodern age as the demise of historical "grand narratives" as mechanisms of political and epistemic legitimization.[41] The key point in establishing a similarity between Foucauldian analysis of neoliberal temporality and the posthistoric tradition is that – now turning again to Koselleck – without a conception of history that enables political imagination (in a way, *utopian* thinking), there is no possibility of criticizing the status quo and, consequently, kickstarting political transformation.[42]

As Mark Fisher argued, Fukuyama's End of History thesis, which can be considered the *naturalization* of liberal capitalism as the endpoint of human institutional development, has been uncritically integrated into most of the world's "political unconscious" as a vicious side effect of the spread of neoliberal governance and modes of subjectivation at the global level.[43] In the same vein, Alexandre Kojève, Fukuyama's primary reference for the idea of the end of history, in his 1930s seminars on Hegel had already mentioned an

most, a total suspension of history" (278). Foucault also seems to trace an explicit connection between the classical economics worldview and the *posthistoire* tradition of the 19th century, i.e., the feeling of a progressive "paralysis" of history, "petrification" and "impoverishment" (282). However, although the parallel with Foucault's later analysis of ordoliberal temporality is striking and should be considered, it does not appear fair to entirely superimpose the two analyses. First, it must be noted that in *The Birth of Biopolitics*, energic efforts are made to differentiate classical liberalism (and classical economists) from neoliberalism and to highlight the novelty of the ordoliberal experience most of all (cf. 86, 130-1, 162, 220, especially 247). See, for example: "Anyway, we are dealing with something new in comparison with everything that since the eighteenth century constituted the functioning, justification, and programming of governmentality" (86). On top of this, as we pointed out earlier, Foucault is quite explicit on the fact that the new German model in which an a-historical temporality is nested is the product of a peculiar historical contingency (i.e., the complete absence of state legitimacy after the Nazi period and of functioning governmental institutions) rather than an abstract economistic worldview. The authors express their gratitude to an anonymous referee for bringing this striking parallel to their attention.

[40] For an incomplete overview, see Jurgen Habermas, *Der philosophische Diskurs der Moderne* (1985); Fredric Jameson, *Postmodernism*; Id., "Preface," in *The Postmodern Condition: A Report on Knowledge* [1979], ed. Fredric Jameson (1984); Seyla Benhabib, "Democracy and Difference: Reflections on the Metapolitics of Lyotard and Derrida," *The Journal of Political Philosophy* 2:1 (1994); Terry Eagleton, "The Contradictions of Postmodernism," *New Literary History* 28:1 (1996), 1-6; Richard Wolin, *The Seduction of Unreason. The Intellectual Romance with Fascism from Nietzsche to Postmodernism* (2004); Franco "Bifo" Berardi, *After the Future*. Some scholars have accused Foucault himself and his focus on subjectivation of having pushed the Left into the "fraught terrain of identity politics", which would have, in turn, served the functioning of neoliberal capitalism rather than opposing it. For a critique of this position, cf. Johanna Oksala, "Neoliberal Subjectivation: Between Foucault and Marx," *Critical Inquiry* 49:4 (2023), 581–604.

[41] Jean-Francois Lyotard, *The Postmodern Condition*.

[42] Reinhardt Koselleck, *Futures Past*. Cf. Gennaro Imbriano, *Le due modernità. Critica, crisi e utopia in Reinhart Koselleck* (2016). Concerning utopian thinking, cf. Alessandro Volpe (ed.), *Storia, utopia, emancipazione* (2022).

[43] Mark Fisher, *Capitalist Realism*, 9.

"eternal present future" descending on "all of humanity" alongside the growing supremacy of US capitalism within the world economy.[44]

In Foucault's assessment, the ordoliberal tradition hence retains a post-historic character as well, as it promotes an intrinsically "nonrevolutionary temporality".[45] The anti-revolutionary feature of the new German governmentality, as well as the political inertia which it fosters, closely parallel the subsequent rise of neoliberalism as the paradigm of globalization and the ideological structures it puts in place. To understand this parallel better, we first need to assess how Foucault defines the "permanent consensus" he hints at. On the one hand, this kind of consensus is *automatically* implied by the (free) participation in the market economy. This does not only concern legal recognition, which is nevertheless part of the picture since "adherence to this liberal system produces *permanent consensus* as a surplus product" (*The Birth of Biopolitics*, 85), while "the free market, the economically free market, binds and manifests political bonds":

> the economy does not only bring a juridical structure or legal legitimization to a German state that history had just debarred. This economic institution, the economic freedom that from the start it is the role of this institution to guarantee and maintain, produces something even more real, concrete, and immediate than a legal legitimization; *it produces a permanent consensus of all those who may appear as agents within these economic processes*, as investors, workers, employers, and trade unions (85).

The crucial point is whether the "permanent consensus" is revocable. Does the establishment of the Federal Republic imply a new, more subtle political tyranny in Germany? Foucault does not seem to argue for a full irrevocability of political consensus in *The Birth of Biopolitics*. First of all, (*i*) the permanent consensus is by Foucault's definition subordinated to unconstrained ("*free*") participation in the economic game. This seems to entail that, if some individuals or parties did not fully condone the new free market arrangements of the Federal Republic, even their daily out-of-necessity participation in the economy would necessarily entail political approval of the new order. In other words, if we focus on the "free" character of participation in the economic game, the out-of-necessity participation would not produce the "permanent consensus" from an ideal-theory perspective. Secondly, and arguably more importantly, (*ii*) Foucault ties the permanent consensus to "good governance": the state must continue to efficiently deliver good economic results and to assure economic growth (Ibid.). If individual pursuit of enrichment through the market is "the daily *sign* of the adherence of individuals to the state" (Ibid.), at the same time the state must make sure that the economy continues to manifest the "proper political signs that enable the structures, mechanisms, and justifications of power to function" (Ibid.), for example, a "strong Deutschmark, a satisfactory rate of growth, an expanding purchasing power, and a favourable balance of payments […]" (Ibid.).

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[44] Alexandre Kojève, *Introduction to the Reading of Hegel: Lectures on the Phenomenology of Spirit* (1980), 161 (footnote 6). Cf. Alessandro Volpi, "Reich Der Freiheit o American Way of Life? Kojève e La Fine Della Storia," *Dianoia. Rivista Di Filosofia* 1:34 (2022), 113–28.

[45] Ricciardi, "Tempo, ordine e potere".

Therefore, conditions (i) and (ii) seem to potentially weaken the irrevocability of the "permanent consensus". Now, considering these, when arguing that Foucault's assessment of the ordoliberal mindset is appropriate not only to explain post-war Germany but also relevant elements of fin de siècle global neoliberalism, at least one objection stands in the way. One could contend that if Foucault's "permanent consensus" is to be an appropriate descriptive framework for neoliberal globalization, at least condition (*ii*) must fall. In the face of the 2007-2008 financial crash, austerity politics, and the global rise of inequalities (and all the connected bad economic "signs"),[46] we need to explain why the "permanent consensus" does not seem to have been revoked from neoliberal capitalism in the aftermath of those bad "signs" – in other words, why did we experience the "strange non-death" of neoliberal ideas and structures despite their declining popularity and popular approval?[47]

The "there is no alternative" (TINA) rhetoric was already in the air as Foucault started looking back to the origins of neoliberal thought,[48] but it was still far from being internationally hegemonic.[49] Therefore, although prescient, Foucault's assessment of the features of neoliberal capitalism could only be partial in the 1978-79 courses.

Nevertheless, despite conditions (i) and (ii) above, there are already several elements in the Foucauldian argument that could suggest a more radical understanding of the "permanent consensus" – as something that is not just easily revokable in case of forced participation in the market or bad "economic signs".

First, the fact that the consensus is *automatically* conferred to the legal and political framework from the very moment in which an actor enters the game of market competition needs to be developed beyond Foucault's en passant comments. Since the economic

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[46] Klein, *The Shock Doctrine*; Davies, *The Limits;* Srnicek and Williams, *Inventing the Future*; Piketty, *Capital*. Chamayou, *The Ungovernable Society.*

[47] Crouch, *The Strange Non-death*.

[48] David Harvey, *A Brief History*, 1-2.

[49] In Foucault's words, "the problem the Germans had to resolve was […]: given a state that does not exist, how can we get it to exist on the basis of this non-state space of economic freedom?" (87). There are some significant similarities between the problem faced by the ordoliberals and the situation in which national statehood restructures itself in the face of the wave of liberal globalization starting in the 1980s and culminating in the 1990s. As Dani Rodrick summarised, states constantly face a "trilemma" in their political agendas: they struggle to pursue, at the same time, democracy, globalization, and national sovereignty, cf. Dani Rodrik, *The Globalization Paradox: Democracy and the Future of the World Economy* (2012). According to a wide literature on the neoliberal restructuring of the state (cf. Saskia Sassen, *Losing Control?: Sovereignty in an Age of Globalization* (1996); Michael Hardt and Antonio Negri, *Empire* (2001); Hent Kalmo and Quentin Skinner, eds., *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept* (2010); Wendy Brown, "Neo-Liberalism and the End of Liberal Democracy," in *Edgework: Critical Essays on Knowledge and Politics* (2005); Id., "American Nightmare: Neoliberalism, Neoconservatism, and DeDemocratization," *Political Theory*, 34:6 (2006), 690-714; Id., *Undoing the Demos: Neoliberalism's Stealth Revolution* (2017); Mitchell and Fazi, *Reclaiming the State: A Progressive Vision of Sovereignty for a Post-Neoliberal World* (2017)), fin-de-siecle globalization challenged states' traditional channels of legitimization, "disciplining" the states according to a neoliberal macroeconomic agenda which constrains their expense budgets, exposes the bond market to an unprecedented dependence on finance markets, and tends to identify in the economy the legitimizing principle for policy-making and executive decisions (cf. Davies, *Limits*). Considering especially this last element, the parallel with the post-war genesis of the state from the economy in Germany seems to be plausible.

genealogy of the state is, as we recalled, "permanent" (continuously renovated), and so outside any linear conception of history, the act of participation does not seem to be logically compatible with the sort of quality-check by macroeconomic indicators which (*ii*) implies. Consequently, since the very participation in the economic game "would imply that consent has been given to *any* decision which may be taken to guarantee this economic freedom or to secure that which makes this economic freedom possible" (83), the risk is that every decision *merely claiming* to point in this direction will *automatically* gain the consent of the economic agents. Consequently, in this light, Foucault's "permanent consensus" would imply that the very possibility of revocation has been destroyed and that the "double circuit" that was established between the economy and sovereignty remains *insulated* from further expression of consent. The permanent consensus would then necessarily entail the removal of the space of critique and, in so doing, the "liberal" character of neoliberal governmentality. Once neoliberal governmentality imposes itself, it does not matter how bad the indicators of economic performance might get or how many people lose their jobs in a financial crisis. The policy initiatives that are claimed to be taken to save free markets will not need to be accepted by the electorate to be legitimized: they will henceforth gain a supposedly *technical* nature.

Second, Foucault's assessment of the history of the SPD, the Socialist Democratic Party, reveals something decisive concerning a prefiguration of the TINA mindset's capture of the left. Despite having strongly opposed Erhard's program as early as 1948, the SPD slowly started accepting the new liberalizing political agenda and abandoning the general principles of classic socialism:

> In 1959, at the Bad Godesberg congress, German social democracy first renounced the principle of transition to the socialization of the means of production and […] recognized that not only was private ownership of the means of production perfectly legitimate, but that it had a right to state protection and encouragement. […] [T]he state's essential and basic tasks is to protect not only private property in general, but private property in the means of production, with the condition […] of compatibility with "an equitable social order." Finally, […] the congress approved the principle of a market economy, here again with the restriction, wherever "the conditions of genuine competition prevail" (89).

How could the SPD so quickly turn the page from socialism? "To enter into the political game of the new Germany", Foucault argues, "the SPD really had to convert to these neoliberal theses […] to the general practice of this neo-liberalism as governmental practice" (90). As far back as 1963, the SPD even accepted the dogma that even light, flexible state planning was dangerous for a liberal economy (91). One reason for this shift, according to Foucault, is political strategy: the SPD could only have a role in the new German state by accepting its general assumptions on the state getting legitimization from the economy and not the contrary. One other reason is that a truly socialist governmentality never existed, and socialist agendas were always implemented in the discourses and practices of different governmentalities, in this case, a liberal one (92). However, what is important for our argument here is that Foucault sketches the SPD's transition from classic socialism

to neoliberalism as a "no-alternative" path.[50] How could a socialist party, which traditionally conceives a given legal and economic framework as preferable only *after* the state or popular consensus (presumed or expressed) has formed it, even think of accepting the new political system, in which the only legitimization for the state comes *from* the economy that exists *before* it? We could answer this by building on the Foucauldian analysis: the SPD might have already started experiencing the closure of the space of political imagination that the new ordoliberal governmentality and temporality had already established. If this hypothesis is correct, Foucault would have already foreseen that when a full real market-based governmentality is established, its governmental mechanisms begin excluding any reform of its grounding principles.

Foucault undoubtedly recognizes that a significant "shift" had happened between neoliberal governmentality and 18th and 19th century liberalism and classical economics (cf. 86, 130-1, 162, 220, 247). However, sometimes Foucault appears to continue to see neoliberalism in part as a variation of a wider liberal way of governing: "We are still dealing with a liberal type of governmentality" (86). The underdeveloped hints that we highlighted in the last section of this paper aim to suggest that Foucault was rather oscillating on neoliberalism's "liberal" character, partly foreseeing what contemporary critiques of neoliberal globalization pointed out as neoliberalism's anti-democratic, illiberal character.[51]

THE IRANIAN REPORTAGES AND "POLITICAL SPIRITUALITY"

This section argues that Foucault's remarks about the ordoliberal legitimatization mechanism – about the consensus it creates, the subjectivities it produces, and the temporality it presupposes – find their counterbalance in the Foucauldian writings on the Iranian uprising. A few months before the start of the course *The Birth of Biopolitics* at *Collège de France* (1978-1979), he published a series of reportages on behalf of an Italian newspaper (the "Corriere della Sera") on the events that would eventually lead to the Iranian revolution. Compared to his books and courses at the *Collège de France*, Foucault's writings on the uprisings against Shah Reza Pahlavi are particularly complex and less structured. Nevertheless, one can find a unique approach to what was at the core of Foucault's problematization at the time: the challenge of exposing the hidden contingency that power had disguised as inevitable and how to think of a different relationship between governors and governed.[52] In the following sections, we will demonstrate how the solution to this problem involves rethinking the relationship between politics and temporality. Beginning in the late 1970s, Michel Foucault became increasingly aware of the declining relevance of

[50] With the partial exception that a new, *socialist* governmentality must be invented for socialism to emancipate itself from liberal or strong-state governmentalities. Michel Foucault, *The Birth*, 94.

[51] For some references, cf. Crouch, *Post-democracy. Themes for the 21st Century* (2004); Klein, *The Shock Doctrine*; Brown, "Neo-Liberalism and the End of Liberal Democracy"; Wolfgang Streeck, *Buying Time: The Delayed Crisis of Democratic Capitalism* (2017). Massimo de Carolis, *Il tramonto*; Chamayou, *The Ungovernable Society*.

[52] See, for example, the lecture given at the Sorbonne in 1978: Michel Foucault, "What is Critique?" [1978], in *What is Enlightenment?: Eighteenth-Century Answers and Twentieth-Century Questions*, ed. James Schmidt (1996), 382-398.

political practices traditionally associated with the Left. He began to diagnose the waning of any substantial drive toward emancipation in the world around him. This ongoing depoliticization was evident to him, and his course titled *The Birth of Biopolitics* serves as clear evidence. While his disillusionment during this period partly explains his enthusiasm for the Iranian events, Foucault's frequent references to a new interpretation of temporality in those reportages underscored his belief that the exploration of original political practices required a renewed relationship with our way of perceiving temporality. As a result, while these reports predate *The Birth of Biopolitics*, Michel Foucault's writings on Iran can be viewed as evidence of a different approach to governmental practices, providing an alternative strategy for *becoming ungovernable*.

As we recalled, in *The Birth of Biopolitics*, Foucault linked ordo- and neoliberalism to a structural and apolitical acceptance of the existing situation. However, he had already denounced this condition in a 1977 interview, in which he lamented the loss of the horizon of concrete political practice and called for the development of a new way of conceiving political action after the crisis of socialist countries all over the world:

> [Today] c'est la première fois qu'il n'y a plus sur la terre un seul point d'où pourrait jaillir la lumière d'une espérance […] ; il nous faut tout recommencer depuis le début et nous demander à partir de quoi on peut faire la critique de notre société […]; en un mot, l'importante tradition du socialisme est à remettre fondamentalement en question, car tout ce que cette tradition socialiste a produit dans l'histoire est à condamner.[53]

At the end of the 1970s, Foucault diagnosed the disappearance or, rather, the inoperability of a certain way of understanding political action and its goals, thus affirming the necessity to rethink it from the ground up. In this regard, the peculiar configuration of the Iranian uprising provided him with the example of an original political praxis that was incomparable to the forms that had previously guided protest movements.

Nevertheless, Foucault's dissatisfaction with the principles that had guided the policies of real socialism and, more broadly, his pessimism about the geopolitical situation of the world can still be found in what is probably[54] his first writing on the Iranian Revolution: in the archives of the *Fonds Michel Foucault*, there is an unpublished typewritten sheet in

[53] "[Today] for the first time there is not a single point on earth from which the light of hope can shine [...]; we have to start all over again from the beginning and ask ourselves what is the basis for a critique of our society [...]; in short, the important tradition of socialism is to be fundamentally called into question because everything that this socialist tradition has produced in history is to be condemned" (our translation) – Michel Foucault, "La torture, c'est la raison" [1977], in *Dits et écrits II*, 397-398.

[54] The typescript article is not dated. However, it is possible to suspect that it is his first piece of writing concerning the Iranian Revolution for two reasons: on the one hand, in the body of the text he refers to the Black Friday massacre (7 September 1978) as a recent event, thereby indicating that the composition of this article likely took place in September or October 1978; on the other hand, not only are the themes completely heterogeneous to those in the rest of the corpus, but in some places the theses put forward are the exact opposite to those advocated in published texts and interviews. If this were indeed his first draft of the reports from Iran, then this would testify to an extraordinary turn in his analysis which took place in contact with the concrete practices and discourses of the insurgents – cf. Bibliothèque Nationale de France, *Fonds Michel Foucault*, box 50, folder 15.

which the author analyses the geopolitical situation in Iran by referring it to the broader context of the Cold War. Further on, Foucault describes the lack of intermediary bodies that could act as representatives of civil society and the distrust that particularly affected the Tudeh, Iran's communist party. At the end of this short unpublished article, Foucault raises the question of whether this absence of intermediaries between state and society – what he calls *politics* – could be the very reason why the Iranian people defied the "machine guns and tanks" of their regime. However, the article ends on a bitter note: "L'expérience, l'échec et la trajectoire de plusieurs groupes de guerillas au cours des dix dernières années montreraient, et tragiquement, combien il serait faux de raisonner ainsi".[55]

The disenchantment that emerges from this unpublished article is in complete contrast with the tone that Foucault would take in his articles for the "Corriere della Sera". Foucault's two journeys to Iran led him to revise his initial positions, observing in those events the emergence of original subjectivities and practices. The radical nature of this shift is demonstrated precisely by the issue of the relationship between politics and society. Whereas in the above passage the absence of politics figures as a reason for the failure of the revolt, in the published writings something Foucault calls "strike in relation to politics" emerges as one of the determining factors of its success: politics understood as party politics and consensus-building had no place among the insurgents, who found in the unity of the whole society the most effective way to continue the revolt.[56] The Iranian uprising is therefore not reducible to the revolutionary dynamic as conceived by classical Marxism because it is about a whole people and their general will against the Shah and his government, not a clash of classes.[57] Secondly, "strike in relation to politics" also implies the requirement for the people striking to avoid imposing practical political solutions, for example, on the future constitution, social issues, or foreign policy.[58] Foucault states that what the insurgents were asking for when they called for an Islamic government was not a concrete political form but the demand for a new world: for a new relationship with politics that passes through a new relationship with the self.[59]

This is the essence of what Foucault called "political spirituality", arguably the most famous (and misunderstood) expression in the Iranian reportages. The concept of "political spirituality" has been interpreted as affirming the necessity of religion or any other fanatical belief as a starting point for political action.[60] However, with that expression, we should rather indicate a double movement that connects, on the one hand, political praxis – as the attempt to intervene in the world in order to bring radical changes; and, on the other hand, the parallel change affecting subjectivity – which precisely within praxis

[55] "The experience, the failure, and the trajectory of several guerrilla groups over the last ten years would tragically show how wrong it would be to reason in this way", ibid. (Our translation).
[56] Michel Foucault, "A Revolt with Bare Hands," in *Foucault and the Iranian Revolution*, eds. Janet Afary and Kevin B. Anderson (2005), 212.
[57] Michel Foucault, "Iran: The Spirit of a World without Spirit" [1979], ibid, 253-254.
[58] Foucault, "A Revolt with Bare Hands," 212.
[59] Foucault, "Iran: The Spirit of a World," 255.
[60] As examples we could mention: Claude Roy, "Les débordements du divin," *Le Monde* 16 July 1979; Janet Afary and Kevin B. Anderson, *Foucault and the Iranian Revolution*, 30; James Miller, *The Passion of Michel Foucault* (1993); Behrooz Ghamari-Tabrizi, *Foucault in Iran. Islamic Revolution after the Enlightenment* (2016), 63-67.

engages a process of subjectivation.[61] Foucault – largely influenced by Massignon and Corbin, but also by Ali Shariati[62] – certainly recognized that Shiite Islam could be a driving force for an emancipatory political fight, and in his reportages, he stresses the active role those religious beliefs had on the Iranian uprisers.[63] Nevertheless, this should not lead to identifying political spirituality with religiosity. This aspect becomes evident in an interview with Duccio Trombadori in 1978, where Foucault recounts his own involvement as a political activist during the March 1968 uprisings in Tunisia, which took place while he was teaching there. Referring to those revolts, Foucault stated that

> For those young people, Marxism didn't just represent a better way of analysing reality: at the same time, it was a kind of moral energy, a kind of existential act that was quite remarkable […]. That was what I saw in Tunisia, the evidence of the necessity of myth, of a spirituality, the unbearable quality of certain situations produced by capitalism, colonialism, and neocolonialism.[64]

Hence, what matters is not a particular theological content but rather the influence that discourses can wield over subjectivity, thereby driving it to act in the world through self-transformation. Foucault's "political spirituality" can henceforth be described as a tidal movement; a series of cross-returns between action in the world and the effect it has on subjectivity, which, precisely through their modification, find the propulsion to continue political action.[65] In Iran, Foucault observes an entire people animated by this political spirituality; an authentic "collective subjectivation".[66] Religion can thus be either the "opium of the people" or a strong basis for action in the world on the condition that it succeeds in producing a political spirituality – opening the political imaginary and adapting it to developments in praxis "on the ground".[67]

A NEW POLITICAL TEMPORALITY

Foucault's depiction of political spirituality reveals a clear influence from Ernst Bloch's book *The Principle of Hope*[68] on the Iranian reportage. In an interview with Farès Sassine in 1979, Foucault himself acknowledges his indebtedness to the German philosopher, stating that Bloch's work is significant for its exploration of a particular approach to understanding history that involves "perceiving another world here below, perceiving that the reality of things is not definitively established and set in place, but instead, in the very midst of

[61] Michel Foucault, "Table ronde du 20 mai 1978" [1980], in *Dits et Écrits II*, 849.
[62] Christian Jambet, "Retour sur l'insurrection iranienne," *L'Herne – Michel Foucault*, ed. Philippe Artières, Jean-François Bert, Frédéric Gros and Judith Revel (2011), 374.
[63] Michel Foucault, "A Powder Keg Called Islam" [1979], in *Foucault and the Iranian Revolution*, 241.
[64] Michel Foucault, "Interview with Michel Foucault" [1980], in *Power*, ed. James D. Faubion (2000), 279-280.
[65] Michel Foucault, "Table ronde du 20 mai 1978," 849.
[66] Orazio Irrera, "Michel Foucault – Une généalogie de la subjectivité militante," *Chimères* 83 (2014), 41.
[67] Eric Aeschimann, "Michel Foucault, l'Iran et le pouvoir du spirituel: L'entretien inédit de 1979," *BibliObs* 7 February 2018; Julien Cavagnis, "Michel Foucault et le soulèvement iranien de 1978 : retour sur la notion de 'spiritualité politique'," *Cahiers Philosophiques* 130 (2012), 66-67.
[68] Ernst Bloch, *The Principle of Hope* [1954] (1986).

our time and our history, there can be an opening, a point of light drawing us towards it that gives us access, from this world itself, to a better world".[69] This, then, is the first issue emerging from the Iranian reportages: against the temptation to present our world as necessary, we rather need to reactivate a utopian thought that entails our very subjectivity. By calling Bloch into use, we ultimately delve into the heart of our argument: the questioning of the intricate connection between our perception of time and our political actions. This directs our attention to an analysis of Foucault's specific philosophy of history in the context of his Iranian reportages. In these works, Foucault challenges the perspective that considers the Iranian Revolution as a mere reaction to the inevitable march of modernization, whether it be in a liberal or socialist vein. Given the bipolar geopolitical situation of the Cold War, there was an ongoing conflict for hegemony over many developing countries; a conflict whose purpose was to determine the instance that would finally bring them forward from their "backwardness". It was a matter of defining whether the fulfilment of this "historical necessity" would be resolved in the capitalist and democratic order of the "West" or whether it would instead come about through the advent of a still very "Western" socialist revolution.[70] The denunciation of this "Westernizing" bias is particularly articulated in Foucault's critique of the concept of revolution, as understood in the Marxist tradition, to frame the Iranian events theoretically. According to Foucault, Iranian uprisings were not a socialist revolution disguised through religious phraseology. Foucault sees something different emerging in Iran: an idea of a social constitution independent of the two pre-existing ideological blocs and, more generally, an alternative to the very concept of modernity that the two blocs shared.[71]

We have previously demonstrated Foucault's rejection of the class-based nature of the Iranian uprising. Nevertheless, as the aforementioned interview with Duccio Trombadori shows, Foucault did not reject Marxism per se but rather its dogmatic use. Foucault at that time blamed the Marxism of his era as a cause of the "impoverishment" of the ability to understand the present:

> En matière d'imagination politique, il faut reconnaître que nous vivons dans un monde très pauvre. Quand on cherche d'où vient cette pauvreté d'imagination sur le plan socio-politique du XXe siècle, il me semble, malgré tout, que le marxisme joue un rôle important.[72]

[69] Michel Foucault, "There Can't Be Societies without Uprisings. Michel Foucault and Farès Sassine" [1979], in *Foucault and the Making of Subjects*, ed. Laura Cremonesi, Orazio Irrera, Daniele Lorenzini and Martina Tazzioli (2016), 25-26.

[70] Michel Foucault, "The Mythical Leader of the Iranian Revolt" [1978], in *Foucault and the Iranian Revolution*, 220-222.

[71] Ibid, 222-223.

[72] "When it comes to political imagination, we must admit that we live in a very impoverished world. When we look at the origins of this poverty of imagination in the socio-political sphere of the 20th century, it seems to me that, all things considered, Marxism plays an important role" (our translation), Michel Foucault, "Méthodologie pour la connaissance du monde: comment se débarrasser du marxisme" [1978], in *Dits et écrits II*, 599. See also Gordon Hull, "How Foucault Got Rid of (Bossy) Marxism," *Critical Review* 34:3-4 (2022), 372-403.

In this regard, the clearest point of divergence with the Marxist tradition concerns the perception of temporality. Classical Marxist[73] temporality, as per Foucault, was informed by a processual movement unfolding in time according to a chain of causes and effects, with political praxis triggering at the end point of this evolution.[74] Foucault instead sees the Iranian events as something quite different. Following François Furet, a historian of the French Revolution, Foucault points out that even the worst economic conditions do not explain the movement by which a subjectivity is ready to put its life at risk for political purposes.[75] On the one hand, this is a clear rejection of the theory of class struggle, of dialectical materialism; on the other, it is a rejection of materialism itself and of the different economistic or evolutionistic ways of explaining historical events. Through a process-oriented approach, Marxist-inspired historiography caused the disappearance of the 'event' from history: every event is then explicable through the appeal to the material situation of a given historical moment. Foucault aims to expose the insufficiency of this classical Marxist explanatory frame. To him, the Iranian events were proof of the urgent need of reinserting the event into the fabric of history and of assessing what leads a people to revolt in a given situation.[76] A crucial point is, in his view, the focus on the subjective experience of the insurgents, beyond the material conditions of life – that is, aiming exactly at what is irreducible and inexplicable about the Iranian uprising. For this reason, Foucault prefers the term "revolt" instead of "revolution", which is overly compromised with the classical Marxist tradition and its temporality.[77] Through the distinction between revolt and revolution, Foucault sets up a different way of understanding the relationship between temporality and political praxis. The two elements are not accidentally bound together: instead, they are naturally connected in a consequential way. The temporality of revolution promotes an understanding of history as something that can be examined as the result of necessary conditions. Therefore, history turns into the product of a

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[73] It appears that Foucault is only addressing a mechanical, deterministic version of orthodox Western Marxism. However, as Ernst Bloch and other thinkers such as Walter Benjamin show, there are variants of Marxism that take a less deterministic view of the relationship between historical development and political action. Overall, it seems like Foucault attempted to distance himself from Marx's philosophy in these reportages. This might have resulted from the influence the *Nouveaux Philosophes*, ferocious opponents of the PCF and the Soviet Union, had on the French cultural milieu at the time. However, it is important to emphasize that the link between Foucault and Marx is not as straightforward as these reports suggest. Notably, (1) the aforementioned interview regarding the 1968 Tunisian uprising demonstrates that, in Foucault's opinion, Marxism still has the potential to be applied productively, and (2) on various occasions Foucault openly acknowledges the positive impact that Marx's writings had on him – cf. Michel Foucault, "Entretien sur la prison: le livre et sa méthode" [1975], in *Dits et écrits I*, 1620-1621; Id., "Structuralisme et poststructuralisme" [1983], in *Dits et écrits II*, 1276. Regarding Foucault's "heretic" Marxism, with a focus on his account of temporality, see also Judith Revel, "Foucault, marxiste hérétique? Histoire, subjectivation et liberté," in *Marx & Foucault. Lectures, usages, confrontations,* eds. C. Laval, L. Paltrinieri and F. Taylan (2015), 154-172. See Jacques Bidet, *Foucault with Marx* (2016); Antonio Negri, *Marx and Foucault* (2017); and Sandro Chignola, *Foucault's Politics of Philosophy* (2019), 26–67, for more in-depth analyses of the relationship between Foucault and Marx.

[74] Ernest Mandel, *From Class Society to Communism: An Introduction to Marxism* (1977), 177-179.

[75] François Furet, *Interpreting the French Revolution* (1981); Michel Foucault, "Iran: The Spirit of a World without Spirit" [1979], 252.

[76] Michel Foucault, "There Can't Be Societies without Uprisings", 36.

[77] Michel Foucault, "Is it Useless to Revolt?" [1979], in *Foucault and the Iranian Revolution*, 264.

consequential projection of the past into the present. Revolution presupposes, therefore, a 'knowable' time which determines the *Kairos*, the right moment for political action. The temporality implied by revolt, on the contrary, breaks through the causal networks of revolutionary history, causing a rupture which is irreducible to any materialistic-economic condition of possibility. This is why the Iranian revolt will ultimately remain inexplicable in terms of its material causes: it implies the irruption of an otherworldly political dream within our mundane temporality, and therefore it remains constitutively inexplicable through causal relations.[78] In short, Foucault's assessment of the practical problem of the gap separating revolt and revolution flows into the broader problem of the status and role of political actors. His writings on Iran constitute an analysis of the possibility for a subjectivity to act in the fabric of history, and it is asserted that the ability to take meaningful action in the present relies on embracing an alternative approach to perceiving time. This approach refuses to grant absolute authority to the demands imposed by the present moment and instead encourages scrutiny of one's actuality in the quest for potential avenues of escape.

Foucault is not the only philosopher of the French Left who, in that historical period, had a critical attitude toward classical Marxism and socialist countries. This approach was certainly shared by that group of intellectuals who were gaining more and more space in the political scene precisely at that time, the *nouveaux philosophes*.[79] Among them, the author to whom he felt closest was certainly Maurice Clavel.[80] On Clavel's death in 1979, Foucault wrote a short note in "Le Monde" to honor his friend. In this text, the importance of temporality is affirmed with the greatest decision, and, in particular, of "vivre autrement le temps" (to live time differently). This is the sense of freedom that Foucault finds in Clavel's work: it is not a matter of a "total" philosophical approach that affixes the seal of necessity to reality but of "the inevitable event which rips everything";[81] the irresistible irruption of transcendence that allows us to break out of the deterministic materialism of causal networks. Here the closeness between Clavel's thought and the fundamental conceptual nodes of the Iranian reportages becomes even more evident. Foucault argues that Clavel's concept of a transcendent "Grace" corresponds to the immanent concept of "Revolt". This is again described in antithesis to the concept of revolution:

> Revolution is organized according to an entire economy of time: conditions, promises, necessities; it thus lodges in history, makes its bed there and finally lies down. The revolt, cutting through time, raises the men to the vertical of their earth and their humanity.[82]

According to Foucault, this is the fundamental ethical-political legacy of Clavel's thought: to live time otherwise, detaching oneself from the continuity with the past, imposed as

[78] Ibid, 263; Laura Cremonesi, Orazio Irrera, Daniele Lorenzini and Martina Tazzioli, "Foucault, the Iranian Uprising and the Constitution of a Collective Subjectivity," in *Foucault and the Making of Subjects,* 13-14.
[79] Michael S. Christofferson, *French Intellectuals Against the Left. The Antitotalitarian Moment of the 1970s* (1994), 184-185.
[80] Ibid, 194.
[81] Michel Foucault, "Vivre autrement le temps" [1979], in *Dits et écrits II*, 789 (Our translation).
[82] Ibid, 790.

necessary. This imposition would be nothing but a limitation to an authentic political renewal. This will have to result in the re-proposition of the centrality of transcendence within the political debate, even understood in a sense that is not immediately religious.[83] What is required from politics is not the mere satisfaction of certain material needs nor the suppression of certain contradictions in the social body. Instead, politics needs to be the anchor point of a spiritual renewal concerning man in the totality of his existence, individual and collective – an opportunity to live our time differently.

CONCLUSION[84]

This paper reviewed some of the most relevant loci in Michel Foucault's production discussing the intertwining of temporality, politics, and subjectivation processes. The analysis of Foucault's assessment of ordoliberal temporality in post-war Germany illuminates the connection between neoliberal market-based and "ahistorical" temporality with depoliticization, permanent consensus, state sovereignty, and liberalism. Furthermore, through a review of the Iranian reportages, this article provided an example of active resistance to governmental practices which directly involves temporality – drawing on the idea that political action needs to be kickstarted by a constitution of subjectivity that involves a non-processual conception of historical evolution. Lastly, reviewing the eulogy to Clavel, the article has shown how for Foucault the notion of "revolt" had acquired, in those years, a meta-historical value, both ethical and political – an appeal to live time differently and, more generally, to examine our perception of temporality for political change.

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ARTICLE

A Critic on the Other Side of the Rhine? On the Appropriations of Foucault's Political Thought by the Heirs of the Frankfurt School

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ABSTRACT. In this article, I make the case that the reception of Foucault's politicpal thought by different authors linked to the Frankfurt School tradition (J. Habermas, N. Fraser, A. Honneth, A. Allen and M. Saar) allows us to discern a series of transformations within the tradition itself. In general terms, it is argued that the fundamental change concerns the gradual abandonment of the problem of social rationalization in favor of a perspective focused on the question of processes of subjectivation, a change that calls into question the very meaning of the tradition.

Keywords: Foucault, Frankfurt School, power, rationalization, subjectivation

INTRODUCTION

Since the early 1980s, it has become common within the Frankfurt School tradition to refer to Foucault's work, either to criticize it or to appropriate it. Notably, during the 1980s, Foucault faced substantial criticism from Jürgen Habermas and Nancy Fraser due to what they perceived as the "normative confusions" of genealogical critique, leading them to draw a strict line of separation between their perspective and Foucault's. Axel Honneth marked the beginning of a change in this relationship. In *Critique of Power*, Honneth placed Foucault within the tradition of critical theory, presenting his work as one of the "reflective stages" of its development.[1] According to Honneth, despite still carrying confusions, problems, and deficits, Foucault's work represented a significant contribution toward constructing a suitable critical social theory. More recently, following Honneth's lead, authors like Amy Allen and Martin Saar sought to appropriate Foucault's work to address problems that, in their view, the tradition's

[1] Axel Honneth, *The Critique of Power: Reflective Stages in a Critical Social Theory* (1991).

theoretical framework was incapable of resolving.[2] In my interpretation, this appropriation is linked to a paradigm shift within the Frankfurt School tradition, largely moving away from the classical Weberian problem of the paradoxes of social rationalization, which underlies the *Dialectic of Enlightenment*, and focusing on the issue of subjectivation processes and their entanglement with power relations, a problem typically associated with Foucault.

In the following sections, I will proceed as follows. In the first section, after briefly revisiting the critiques leveled by Habermas and Fraser—critiques that fundamentally revolve around the status of the concept of power and its relationship with the normative commitments of genealogical critique—I will present Axel Honneth's initial approach to Foucault's work, explicitly situating him within the tradition of Critical Theory. Second, I will propose the hypothesis that the problem of "social rationalization" serves as the backdrop for the criticisms directed at Foucault by these authors, fundamentally guiding their interpretation. Before concluding, in the third section, I will revisit the early writings of Amy Allen and Martin Saar to highlight that, in their work, the issue of social rationalization gives way to the problem of subjectivation processes, and this shift underpins the positive appropriation of Foucault's work. Thus, the appropriation of Foucault's work, particularly his considerations on "power," is incorporated within an implicit shift in the social critique paradigm, moving away from the aporias of the social rationalization process to focus on the relationships between the formation of subjectivities and power relations.

FOUCAULT'S GENEALOGY OF POWER AS A 'REFLECTIVE STAGE' OF A CRITICAL SOCIAL THEORY

The question of the affinity between Michel Foucault's work and the tradition of German Critical Theory has been a persistent issue for nearly 40 years. This affinity has been a subject of ongoing discussion and has been frequently highlighted by commentators, at least since Duccio Trombadori directly posed the question to Foucault himself in his 1978 interview. When asked about his position in relation to the Frankfurt School, Foucault explained how, upon reading Rusche and Kirchheimer's book, *Punishment and Social Structure*, he recognized the proximity between their works in their shared concern with "the effects of power in their relation to a rationality that has historically and geographically defined itself in the West since the 16th century".[3] The convergence noted by Foucault lay in the attempt to investigate the processes of rationalization that shaped Western societies, taking into account their negative consequences. In other words, it involved questioning the promises of the Enlightenment and

[2] The main works of Amy Allen are *The Politics of Ourselves* (2008) and *The End of Progress* (2016), while Martin Saar's notable contribution is *Genealogie als Kritik* (2007). In this article, however, I ultimately privilege earlier or minor texts to comprehend how they established the theoretical framework that underpins those works. It is noteworthy to mention Colin Koopman's work, *Genealogy as Critique* (2013), as it develops a similar program, which, in my view, may be even more consistent in various respects. Nevertheless, Koopman lacks institutional affiliation with the Frankfurt School's Institute of Social Research or a commitment to the legacy of the Frankfurt School tradition. Therefore, for the purposes of this work, I prioritize the works of Allen and Saar.

[3] Michel Foucault, "Entretien avec Michel Foucault" [1980], in *Dits et Écrits IV*, ed. Daniel Defert, François Ewald and Jacques Lagrange (1994), 73.

the possibility of these promises turning into instruments of domination. "A fundamental problem we are all still grappling with".[4]

As Foucault began to explore this proximity to the Frankfurt School more frequently in interviews and lectures,[5] Jürgen Habermas, the foremost representative of that tradition at the time, vehemently distanced himself from what he perceived as a radical anti-modern vanguard. This vanguard, as he saw it, aimed to undermine the foundations of Western rationalism, which was viewed as oppressive, through the radical denial of reason and the celebration of transgressive experiences.[6] The accusation of lacking a moral foundation that could legitimize political struggle was undoubtedly the most emphasized aspect. Nancy Fraser echoed this criticism, which constituted the core of Habermas's objections. Questions such as "why is struggle preferable to submission? Why ought domination to be resisted?"[7] — all of which are essential to philosophy and politics — were seen as unanswered by genealogical critique. As an external and totalizing critique of modern society that refused to offer alternatives, it was considered ambiguous and incapable of rational legitimacy.[8]

The accusation that genealogical critique lacks a normative foundation is closely linked to a particular interpretation of what is often called Foucault's "theory of power." This "theory" (a term Foucault often rejected) posed a significant problem for Habermas, particularly due

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[4] Ibid.

[5] In a series of texts which date from the late 1970s and early 1980s, Foucault explores his relationship with those authors identified with the Frankfurt School. See, in particular, "Entretien avec Michel Foucault" (286), "Omnes et singulatim: vers une critique de la raison politique" (134), "Le sujet et le pouvoir" (222), "Structuralisme et post-structuralisme" (431), "Qu'est-ce que les Lumières ?" (679), "Foucault" (631), all of them in *Dits et Écrits IV* (1994). In addition, *Qu'est-ce que la critique ? : Suivi de La culture de Soi* (2015), "note 5" on page 99.

[6] Habermas, Jürgen, "Modernity versus Postmodernity," *New German Critique* 22 (1981), 13.

[7] Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (1989), 29.

[8] There has been no shortage of attempts to defend Foucault from these accusations since he did not do so himself. The main argument directed against Habermas is that Foucault's works would be fully justified by a commitment to freedom. For example, Jana Sawicki (2014) draws attention to two dimensions of the concept of freedom in Foucault. According to her, this concept points to two "capacities." First, "the capacity for critical reflection on who we are in the present," and second, "the capacity to transform power relations through ethical practices of freedom" (158). This dual conception of freedom is linked to the recognition of both the possibility of reflexively distancing oneself from the way one currently acts, that is, the recognition of the "non-necessity of present modes of thought" (Ibid.), and the possibility of resistance by individuals against forms of domination. In these terms, one can say that freedom is understood by Foucault as a dual capacity for resistance: on the one hand, resistance against customary forms of thought, and on the other hand, resistance against current forms of domination. Thus, all of Foucault's work would be dedicated to the task of doing justice to this conception of freedom, which would serve as a normative principle. Against this position, however, in Habermasian terms, Matthew King (2009) argues that a mere commitment to freedom would not be sufficient as a basis for grounding criticism since, for Habermas, it constitutes a simple "ethical" imperative, not a "moral" one (290-297). In these terms, even if Foucault were to have a commitment to freedom as an ethical value from which he could construct a chain of subjective preferences, he would not be able to explain why someone should necessarily prefer freedom over another value. In other words, Foucault may ethically justify his moral judgments based on the principle of freedom, but he does not explain what would make adherence to this principle a necessity or what would compel someone to want to be free. Foucault could not explain why freedom would be a more important value than others. In other words, why should someone prefer freedom over non-freedom? However, the Foucauldian response seems to be that such a preference does not need to be grounded.

to its totalizing appearance. According to this theory, Foucault reduced the history of the West to a succession of cycles of domination and rejected modernity as a generalized power structure in which modern science was seen as a mere instrument of power. This reduction was possible because Foucault's investigations were based on a paradoxical concept of "power" that traced its origins to a naturalized version of Nietzsche's concept of the "will to power," which was taken as a kind of objective structuring synthesis of the social world and an explanatory principle for historical facts. In Habermas's terms, Foucault allowed himself "an absolutely asocial concept of the social," understood as the "practice" of power, i.e., as "violent and asymmetrical influence on the freedom of movement of other participants in interaction".[9] If the "social" is simply the result of the exercise of power, why should anyone engage in political struggles or make moral judgments about social relations? Thus, the conclusion was that Foucault not only failed to escape the dilemmas of the "philosophy of the subject" but also fell victim to a "performative contradiction" in light of his political engagement and explicit commitment to freedom, which contradicted his own conception of the "social."[10]

The concept of "power" posed problems not only for Habermas but also for Nancy Fraser, who argued that Foucault adopts a concept of power that does not allow him to condemn any objectionable features of modern societies, while his rhetoric belies the conviction that these societies are completely devoid of redeeming features".[11] The "theory of power" presumed by genealogical critique prevented it from being regarded as genuine "critique" because it preemptively ruled out the possibility of free interaction between individuals and thus failed to distinguish between relations of domination and relations of freedom. Like Habermas, Axel Honneth also identified significant issues with Foucault's "theory of power." While attempting to extract the concept of "action" underlying Foucault's "social philosophy," Honneth argued that Foucault first conceived i) the "social" based on the model of strategic struggle among actors (similar to Hobbes); secondly, ii) "society" as the stabilized aggregate result of social struggle that engenders a "power regime" (understood as "society"); and thirdly, iii) the "history of modern society" as a process of increasing anonymous forms of social domination through increasingly sophisticated microphysical mechanisms.[12] Despite pointing out these issues, Honneth not only became sympathetic to Foucault's work, as opposed to Habermas, but also highlighted how Foucault addressed the structuring of socially mediated symbolic interaction by power relations, which represented a theoretical advancement over Habermas's dualistic perspective based on the opposition between the lifeworld and system, as presented in the *Theory of Communicative Action.*[13]

In *Critique of Power*,[14] Honneth described Foucault's "theory of power" as a "social theory" based on a concept of the "social" reduced to strategic conflict, similar to Hobbes's social

[9] Jürgen Habermas, *O discurso filosófico da modernidade* (2000), 340.
[10] Ibid.
[11] Fraser, *Unruly Practices*, 33.
[12] Honneth, *Critique of Power*, 176-201.
[13] Jürgen Habermas, *Teoría de la acción comunicativa I: racionalidad de la acción y racionalización social* [1981], 2003.
[14] Honneth has engaged with Foucault's oeuvre in other places (1995). In any case, besides the somewhat dated status of his discussions on Foucault, I consider *Critique of Power* to be a privileged work not only because it presents his most detailed reading of the French philosopher but, above all, because it constitutes

theory. In this "reinterpretation," works such as *Discipline and Punish* and *The Will to Knowledge* appeared as a general interpretation of the history of Western culture in which Foucault had taken his ambition to realize a "history guided by a theory of power" to its logical conclusion.[15] According to Honneth, *Discipline and Punish* could be read as a negative dissolution of the *Dialectic of Enlightenment* presented in terms of "systems theory." In this work, Foucault showed how social systems "functionalized" themselves to pursue more power. This functionalization led to the loss of individual freedom and the annihilation of subjectivity as human actions were transformed into mechanical movements performed by "docile bodies." Since this "theory of power" was based on a one-sided view of what constituted "social action," reduced to "strategic action," it ultimately conceived individuals as mere automatons. Thus, Foucault's "social theory," like the one underlying the works of Adorno and Horkheimer, according to Honneth, failed to provide an adequate theoretical framework for thinking about the broader process of social "integration" and "rationalization" because it could only see the expansion of domination within it. In other words, since genealogical critique reduced the "social" to a war for "power," its investigation could only lead to the expansion of domination. Foucault's problem, therefore, similar to that of Adorno and Horkheimer, was seen as stemming from starting with the wrong premise, i.e., from adopting an impoverished and deficient concept of the "social."

When conceiving the "social" as "strategic action conflict," Foucault, according to Honneth, leaves three questions open. Firstly, in his historical investigations, he could not distinguish between "social power over subjects" and "instrumental power over objects", because subjects are "objectified" by power.[16] Secondly, he does not make it clear whether "the cause that precedes the elementary situation of conflict is individual or collective interest that is inherently incompatible," as in Hobbes, or if "the mutual incompatibility of interests is given by certain historical conditions," as in Marx. According to Honneth, some of Foucault's comments suggest the former option, that is, "the assertion, reminiscent of Hobbes, of an original state of everyone against everyone".[17] Thirdly, for Honneth, reducing the "social" to strategic conflict makes moral norms function as mere "legitimizing superstructure" since they cannot play a significant role in the process of social integration, because Foucault denies the possibility of action motivated by a rationally established agreement.[18]

Thus, the major question for Foucault would be to explain "how a system of interconnected power positions, i.e., a system of domination, can emerge from a process of strategic conflict among actors".[19] How can a system of domination stabilize itself when there is nothing that

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a real program for critical social theory according to which critique needs to review its methodological, ontological and normative presuppositions in order to develop a new conception of the ways the sphere of the "social" is intertwined with "power" in order to realize his constitutive interest in freedom. This is the program that will be bequeathed not only to the heirs of the tradition who also seek to draw on Foucault's work, such as Allen and Saar, but also to authors like Robin Celikates (2018), Rahel Jaeggi (2018) and Titus Stahl (2022).

[15] *Critique of Power*, 178.

[16] Ibid., 151.

[17] Ibid., 157.

[18] Ibid., xxvi.

[19] Ibid.

provides coherence to the infinite web of individual actions? Foucault's fundamental goal, therefore, would be to "understand the formation and reproduction of complex power structures solely on the basis of a strategic model of action".[20] In this way, a "power system" would emerge as a process in which certain positions are temporarily consolidated by connecting as a "network" in a "centerless system".[21] Hence, a "power regime," for Foucault, "is nothing more than a momentary junction of similar outcomes of actions in different locations within a context of social life".[22] However, for Honneth, this model, which conceives the emergence of social order from local strategic relationships in everyday life (the core of the "microphysics of power," as he calls it), presents a serious problem: "if society is conceived exclusively as a nexus of strategic-type actions, how are the results of situational actions temporarily stabilized and then connected to a system of stabilized action outcomes elsewhere?".[23]

Explaining this "stabilization of the power regime" would be especially challenging for Foucault given his rejection of approaches that involve the idea of "ideology" or rely on simple coercion through the use of force. Moreover, as mentioned, "his model of action has no room for the existence of a normative agreement" that provides coherence to the "power regime".[24] By conceiving moral norms as a "mere legitimizing superstructure," Foucault cannot appeal to the dimension of recognition based on mutually agreed-upon norms.[25] Thus, the problem of the cessation, even if momentary, of the endless struggle of all against all, as posed by Talcott Parsons in his chapter on Hobbes in *The Structure of Social Action*, reappears in Foucault.[26]

Foucault's solution to this "Hobbesian problem" of stabilizing a social order prone to destabilization, according to Honneth, would be to assert that "a power order (...) can reduce its own instability through the use of increasingly technically effective means to preserve power".[27] Consequently, according to Honneth, genealogical critique would have the task of investigating how strategies for sophistication and intensification of domination develop. Foucault's thesis would be that, in modern societies, a new type of power has emerged that not only has a negative aspect, as in the case of violence and ideology, which by definition would cause individuals to give up their selfish goals, but also a productive aspect: biopower, which produces individual desires, yearnings, and needs, thus ensuring social cohesion.[28] Although Honneth considers Foucault's characterization of this positive aspect of power insufficient, he suggests that it could be understood as the "capacity to create rules of conduct".[29] However, even this concept of "norm" remains rather vague for him. Nevertheless, this concept should be associated with the category of the "body" to understand the issue of the "productivity of power." Foucault would have a "naturalistic conviction" that what should be

[20] *Critique of Power*, 158.
[21] Ibid.
[22] Ibid.
[23] Ibid., 160.
[24] Ibid., 162.
[25] Ibid., 160-161.
[26] Ibid., 163.
[27] Ibid., 164.
[28] Ibid., 164-165.
[29] Ibid., 166.

taken into account is not "cultural modes of thought" but rather "the bodily expression of life," which societies need to control for stability.[30] Therefore, the "capacity for social integration" is expressed in how society is "sufficiently capable of coordinating bodily behaviors".[31] Modern power techniques would not only coordinate bodily gestures but also systematically produce them.[32] Thus, "a wide range of practices" is taken by the modern form of power as "the motor and gestural movements of individuals forced into blind automatism (...) and trained for productive work".[33] This is what Foucault referred to as "discipline." The history of Europe's modernization is seen as this process of "disciplining the bodies," in an exclusively physical sense, and gradual improvement of techniques of bodily control.[34]

Scientific knowledge, therefore, would be linked to the "social" dimension of the struggle for power. Thus, by producing "norms" capable of being increasingly effectively internalized by individuals, it would be a mere useful instrument for the development of new and ever more refined techniques of domination. According to Honneth, for Foucault, "the requirements of a possible objectivity for scientific knowledge are determined by the goal of social subjugation of individuals. Outside of this strategic relationship, methodically produced knowledge serves no specific purpose".[35] Knowledge, for Foucault, "only contributes to the constant control of the social opponent".[36] This "connection between efforts to acquire theoretical knowledge and strategic action" would be one of those things that Foucault does in a very imprecise and superficial manner.[37] As if that were not enough, for Honneth, echoing Habermas, "the type of theory of knowledge proposed by Foucault as the basis for his critique of science would lead him to the contradiction of no longer being able to epistemologically justify his own academic research activity".[38]

In the end, Foucault's analyses of the emergence of "regimes of power" are marked by irreconcilable ambiguity. He is not capable of explaining the "social" solely as a field of strategic conflict of actions and is forced to resort to a functionalist systemic model guided by an imperative of intensifying domination.[39] "The coercive model of social order, in which the original concept of the social as a field of social struggle is transformed into the concept of a network of disciplinary social institutions," becomes increasingly sophisticated.[40]

It is this "reinterpretation" of Foucault's work in light of the problem of "social rationalization" and the related attempt to solve it through a reformulation of the concept of the "social" as a "field of social struggle" that allows Honneth to place him within the tradition of the Frankfurt School. In Foucault, according to Honneth, the process of "rationalization" that modern societies have undergone takes on its most radical and negative form since it is

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[30] *Critique of Power*, 167
[31] Ibid.
[32] Ibid.
[33] Ibid., 168.
[34] Ibid.
[35] Ibid., 170.
[36] Ibid., 171.
[37] Ibid., 171-172.
[38] Ibid., 172.
[39] Ibid., 201.
[40] Ibid., 201, emphasis added.

understood as the progressive functionalization of society guided by an imperative of more domination. Far from being a "transcendence of the philosophy of the subject," Foucault's investigations reveal a commitment to a kind of Hobbesian philosophical anthropology. The will to subjugate the enemy would be the true nature of man, who seeks nothing else but the submission of those around him. Modern forms of knowledge play a fundamental role in this process, as they efficiently control the "bodies" of individuals through the creation of internalized "norms." Foucault's "theory of social rationalization" thus appears as the history of the process of domesticating individuals through physical and biological control of the body.

THE PROBLEM OF 'SOCIAL RATIONALIZATION' AS A PARADIGM FOR CRITICAL SOCIAL THEORY

Honneth's interpretation can be inserted into a kind of standard reading of Foucault's works, according to which they offer an image of the progressive assimilation of modern society by a domineering and insidious will to power that leaves little or no room for freedom.[41] Along these lines, accusations often revolve around the denial of freedom in favor of the rigidity of a "structure of knowledge" or a "regime of power" that, in the end, would be self-contradictory. Based on this "standard reading," for example, *Madness and Civilization* is typically presented as an exposition of the history of the suppression and condemnation of madness by reason, which, in the end, reveals "a romantic desire to see madness as an infrarational source of fundamental truth".[42] Similarly, *Discipline and Punish* is interpreted as an exposition of how an insidious form of power progressively came to structure modern society, "disciplining" individuals and ensnaring them in an ultra-sophisticated network of domination. The same pattern applies to the first volume of *The History of Sexuality*, especially its final chapter, where the emergence of a new impersonal form of domination, which Foucault called "biopower" and whose object is biological life itself, is suggested.

Colin Koopman notes how "thinkers who usually see themselves as opposed to one another – for instance, Derrida and Habermas – found themselves aligned against Foucault on the very same points and by deploying the very same assumptions."[43] Against Foucault, it is usually claimed that there is room for the exercise of freedom, and contrary to what he asserted, total domination did not occur, either because irrationality cannot be excluded by reason, Derrida would say, or because, despite everything, reason did not transmute into complete irrationality, as Habermas would argue.[44] Habermas's interpretation, like that of Fraser and Honneth, fits perfectly into this pattern, and it is only from this perspective that their objections make sense. Koopman suggests that this "standard reading" tends to interpret Foucault schematically in light of Max Weber's "theory of social rationalization".[45] This suggestion is extremely interesting because it allows us to see the reasons that, in my view, lead

[41] Colin Koopman, "Revising Foucault: the history and critique of modernity," *Philosophy and Social Criticism* 36 (2010), 549.
[42] Gary Gutting, *Michel Foucault's Archaeology of Scientific Reason* (1989), 71.
[43] Koopman, "Revising Foucault", 549.
[44] "Revising Foucault", 550.
[45] "Revising Foucault", 547-550.

Habermas, Honneth, and Fraser to treat Foucault's works, especially *Madness and Civilization*, *Discipline and Punish*, and *The Will to Knowledge*, in parallel with Adorno and Horkheimer's *Dialectic of Enlightenment*.[46] For these authors, what is ultimately at stake for critical social theory seems to be precisely the correct way of reading that process of "rationalization" described by Weber. While Adorno, Horkheimer, and Foucault would emphasize the "negative" side of this process, as the development and expansion of forms of domination, Habermas, Fraser, and Honneth want to save its "positive" side as a process of expanding freedom. Weber's "theory of social evolution" thus functions as a kind of "lens," as a point of view from which these authors look not only at the tradition itself but also at "competing" theories, which they seek to overcome through a reformulation of the supposedly reductive theoretical assumptions of not only Adorno, Horkheimer, and Foucault but also Weber, Durkheim, Marx, Nietzsche, Hegel, Rousseau, and Hobbes—the "classics of social philosophy"[47]—in order to make room for a more complex conception of the "social."

In light of Weber's "theory of social evolution," modern societies would be characterized by a process of differentiation of "spheres of action". However, historically, Weber observes a kind of progressive expansion of the form of rationality characteristic of "rational action with respect to ends," the "strategic rationality," in Habermas's terminology, into other social spheres. "Modernization," therefore, would correspond, in Weber's terms, on the one hand, to the "differentiation" of reason within social spheres and, on the other hand, to the spread of strategic rationality to other social spheres, especially to the political sphere, i.e., its "rationalization." This means that political decisions in modern societies would increasingly be based not on a normative principle about what society should be but on rational calculation. The result is a kind of "freezing of politics," which is reduced to mere discussion about resource allocation. Thus, there is a peculiar inversion of ends and means, as rational calculation, when introduced into politics, ceases to be a means to achieve certain ends and becomes an end in itself. In other words, "efficiency" becomes a guiding principle for political decision-making itself rather than merely regulating the use of means to implement those decisions.

For Habermas, the *Dialectic of Enlightenment* can be understood as the radicalization of this Weberian diagnosis. According to him, Adorno and Horkheimer had identified the introduction of the strategic form of rationality not only in the political sphere but in all aspects of social life. They "expand instrumental reason into a category of the global historical process of civilization as a whole, that is, they project the process of reification to a time before the emergence of capitalism in the early modernity to the true beginning of hominization".[48] In these terms, rationalization is understood as the process by which, in the Western world, instrumental reason, which structures science, is widely disseminated, becoming, on the one hand, increasingly refined and, on the other hand, expanding into all spheres of social life by replacing traditional values and emotions as the driving force of social action.

The entire effort of Habermas's work is to update the problem of "social rationalization" without reducing it to a process of domination, as Adorno and Horkheimer might have done.

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[46] Axel Honneth (1995) and Deborah Cook (2013) have noted the similarity between Foucault's work and the *Dialectic of Enlightenment*.

[47] Martin Saar, "Power and critique," *Journal of Power* 3:1 (2010), 7.

[48] Habermas, *Teoría de la Acción Comunicativa I,* 466.

In *Technology and Science as Ideology*, he reformulates the Weberian concept of "rationalization" by attempting to break the link between reason and oppression, which is characteristic of Adorno and Horkheimer's work, in order to regain a positive sense of rationalization.[49] Habermas's reformulation aims, one might say, to save the notion of rationalization. To do so, he distinguishes between i) the "rationalization of symbolically mediated interactions," which is guided by intersubjectively defined social norms and carry with them "reciprocal expectations of behavior" due to the "internalization of social roles" for the purpose of "maintaining institutions," and ii) the "rationalization of rational action systems with respect to ends (instrumental actions and strategic actions)," which is governed by "technical rules" given independently of a linguistic context, defined by "prognoses and conditional imperatives," and acquired through "learning skills and qualifications" with the function of providing "problem solutions." While the rationalization of symbolically mediated interactions points to "emancipation" and "individuation" through the "expansion of communication free from domination," the rationalization of the system of rational action with respect to ends points to the "increase in productive forces" through the "expansion of technical disposability".[50] In general, social rationalization, for Habermas, concerns the increase in the capacity to rationally anchor conduct in various spheres of society. This means that in a rationalized "lifeworld," interactions are not determined by imposed norms but by communicatively mediated understanding.[51]

Habermas, therefore, performs a "reinterpretation of the reinterpretation" of the Weberian diagnosis made by Adorno and Horkheimer, emphasizing the need to recognize a form of rationality that can account for the conditions of possibility of the differentiation process of reason itself. This form will be defined by him as "communicative rationality." Unlike "strategic rationality," which aims at maximizing efficiency through calculation, "communicative rationality" has the goal of "mutual understanding" among the actors engaged in the communication process and, thus, underlies the process of social integration itself. Behind every social action, there is a "background consensus" that allows the actions of the involved actors to make sense. Thus, every action, even strategic action, even dispute, presupposes mutual understanding, an agreement, whose foundation is "communicative rationality," which, therefore, has primacy over other forms of rationality. It is this primacy of communicative rationality that allows Habermas to argue that in it lies the possibility of social emancipation, now redefined in terms of "communication free from coercion."

The introduction of communicative rationality allows Habermas to formulate a diagnosis of the process of social evolution distinct from that of Adorno and Horkheimer. In his view, these authors had a one-sided view of the history of modern societies since they reduced reason to its "instrumental" form. Therefore, all "social action" becomes "instrumental action." This process of evolution, for Habermas, has a dual character. First, it concerns the differentiation of spheres of value made possible by communicative rationality, and only secondarily, as a tendency in modern societies, the expansion of strategic rationality into other value

[49] Jürgen Habermas, "Technology and Science as 'Ideology" [1968], in *Toward a Rational Society: Student Protest, Science, and Politics* (1971), 91-94.
[50] Habermas, "Technology and Science as 'Ideology," 91-92.
[51] Deborah Cook, *Adorno, Habermas and the Search for a Rational Society* (2004), 78.

spheres of action. Only this second dimension of social rationalization would have detrimental effects. The first dimension, on the other hand, carries the expansion of freedoms, and, in this sense, must be preserved. This diagnosis will lead to the reformulation of the critical theory of society anchored, now, in "communicative rationality." "Communicative action," understood as action oriented toward mutual understanding among participants in a coercion-free context, thus becomes the foundation, means, and end of social critique.

With this reformulation, the "theory of social rationalization" becomes central to how Habermas and, in his wake, Fraser and Honneth understand not only themselves but also the tradition in which they are situated. More than anything else, it is the reformulation of the problem of rationalization through social philosophy that allows these authors to differentiate themselves from the first generation of German Critical Theory. Later, Honneth will state it clearly:

> The critique of society can be based on ideals within the given social order that at the same time can justifiably be shown to be the expression of progress in the process of social rationalization. To this extent, the critical model of the Frankfurt School presupposes if not precisely a philosophy of history, then a concept of the directed development of human rationality. Without a demanding theoretical program of this kind, it hardly seems to me possible to speak of a specific identity of Critical Theory that can somehow be distinguished from the other approaches to social criticism.[52]

Correspondingly, it is from this perspective that they will seek to interpret Foucault's work and distinguish themselves from it. The attempt to read Foucault's work as a reformulation of the "theory of social rationalization" finds its most explicit and elaborated version, as seen previously, in Honneth's *Critique of Power*.

At issue here is not specifically the most consistent and rigorous way of interpreting Foucault, nor his relationship with Weber, but the Frankfurt School tradition's self-understanding of itself and how this self-understanding directs the way it deals with Foucault's work. It seems noteworthy anyway that this interpretation of the Weberian problem of social rationalization takes place in terms that privilege a systemic approach that conceives it as a theory of social evolution, in proximity with the vision of an interpreter such as Wolfgang Schluchter (1985). Alternatively, there is in fact a more historicist approach on the issue that could perhaps illuminate a more consistent way of relating Foucault and Weber, as suggested by authors like Bernhard Waldenfels (1986) and Colin Gordon (1987), for example. From this point of view, it would be possible to say that Foucault differentiates between rationalization as the specific way in which one "rationalizes" about something (thinks about something) and, on the other hand, as a process of expansion of the form of thought characteristic of European "rationalism".[53] While Adorno and Horkheimer, as well as Habermas, take up the second meaning, the idea of rationalization as worked on by Foucault seems to point to the first. The history of the rationalization of the exercise of power undertaken from a genealogical point of

[52] Axel Honneth, *Pathologies of Reason: On the Legacy of Critical Theory* (2009), 51.
[53] Colin Gordon, "The soul of the citizen: Max Weber and Michel Foucault on rationality and government," in *Max Weber, Rationality and Modernity*, ed. Scott Lasch and Sam Whimster (1987), 293-295.

view seeks to pay attention to the plurality of forms of rationality present in specific areas of analysis with the aim of recomposing the web of alliances that allowed them to emerge in history. It is not possible to speak of "rationalization", therefore, unless it refers to the multiple contexts in which a given set of social practices is effectively rationalized, problematized and thus transformed. This process is not unidirectional or necessary. It is the result of the conjunction of a multiplicity of specific processes that have influenced the transformation of practices and the forms of political rationality and subjectivity.

One might say that this view in fact corresponds to a dissolution of the problem of "social rationalization," as conceived by Adorno and Horkheimer or Habermas, since there is no longer a general point of view from which rationality could be judged; this point being the communicative or instrumental reason with emancipatory interest. This understanding, *i.e.*, the acceptance of this dissolution is, in my view, implicit in the new forms of reading Foucault from the perspective of the Frankfurt School. Authors like Martin Saar and specially Amy Allen will, to a certain extent, ignore this problem, arguing, for example, that this perspective is intrinsically Eurocentric since it unequivocally posits "formal" European rationality as universal.[54] The genealogical point of view, on the other side, would configure itself as a solution to this problem since it takes the connection between relations of power and forms of rationality not from an external perspective but from an immanent and radical historical way that manifests itself precisely in processes of subjectivation, that is, in the practices that constitute historically the forms of subjectivity.[55] In what follows, I will try to show how theses authors attempt to incorporate this genealogical insight in a perspective of social critique that still aims to remain inside the framework of the Frankfurtian tradition since they remain committed to a kind of normative dimension that would supplement the pure genealogical description of the ways in which subjectivity is produced historically while at the same time abandon the question of "social rationalization".

THE APPROPRIATION OF FOUCAULT'S WORK AND THE REFORMULATION OF THE TASKS OF CRITICAL SOCIAL THEORY IN LIGHT OF THE PROBLEM OF SUBJECTIVATION

More recently, authors like Martin Saar and Amy Allen have tended to argue that genealogical criticism is, to a large extent, superior to the models of "rational reconstruction" proposed by Habermas as the flagship, so to speak, of critical reflection. This superiority would arise, on

[54] Amy Allen, *The End of Progress: Decolonizing the Normative Foundations of Critical Theory* (2016), 25-26.
[55] Other authors that could be linked to the Frankfurt School's tradition, such as Robin Celikates, Rahel Jaeggi and Titus Stahl, will also completely ignore this problem of "social rationalization". Conversely to Allen and Saar, who will wager for genealogy, their fundamental focus will be more precisely on the meaning of social critique as "immanent critique" and its methodological aspects, placing it synchronically in an open field of "practices". Unfortunately, here is not the place to develop this, but I would argue that this pure methodological turn is in fact a symptom of the change that I am trying to specify here, *viz*., the dissolution of the problem of "social rationalization" in the name of an analysis of the process of subjectivation or, similarly, "forms life"(another concept for what in my view indicates the same problem). It is precisely because the Frankfurtian tradition seems to have lost its object ("social rationalization") that *the need for* a new methodological reflection can take place. For an extended account on the methodological turn, cf. De Caux (2021).

the one hand, from the fact that Foucault was concerned with understanding how "power" is intrinsic to the "social" and, on the other hand, due to his focus on what they consider truly central: the process of "subjectivation." Saar and Allen's argument is that Foucault does not have such an impoverished view of the "social" as presupposed by Habermas, Fraser, and Honneth, and, moreover, he allows for a more adequate account of how processes of subjectivation are shaped by power relations.

Amy Allen's critical project, to some extent analogous to Honneth's, involves an articulation between Foucault's and Habermas's thought. This project can be summarized by the attempt to derive the political consequences of a social philosophy that reconstructs the "social" from the theoretical insights of both Foucault and Habermas simultaneously. From Allen's perspective, both are thinkers whose productivity can hardly be contested but who are positioned on opposite sides of a division that runs through classical social and political philosophy. According to her:

> Habermas and Foucault can be understood as contemporary representatives of two opposing traditions of thought in political and social philosophy. Habermas focuses on the rationality inherent in our social practices and political institutions, a rationality that, for him, is rooted in their communicative structure, placing him in the long and illustrious tradition of political thought that stretches from Kant to Plato. Foucault's emphasis on power, by contrast, places his lineage in a trajectory that can be traced from Nietzsche and Machiavelli to Thrasymachus. In fact, as noted by Ben Flyvbjerg, the respective projects of Habermas and Foucault accentuate an "essential tension" in thinking about politics and society: the tension between "consensus and conflict, ideas and reality," or, to put it more broadly, between rationality and power.[56]

It is the fundamental tension between "rationality" on the one side and "power" on the other that, for her, lies at the heart of the differences between Foucault and Habermas.[57] To a large extent, it is precisely this tension that has so far made a "productive dialogue" between these authors unfeasible. The literature dealing with the relationship between Foucault and Habermas "either articulates Habermas's standard criticisms of Foucault – accusations of performative contradiction or normative confusion – or offers a defense against these criticisms in favor of Foucault".[58] This makes it difficult to recognize the possibility of articulating their positions based on the thesis that they are "so profoundly different that it would be futile to aim for some kind of theoretical or meta-theoretical perspective in which these differences can be integrated into a common framework".[59] Against this position, Allen argues "that there is room for a middle ground".[60]

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[56] Amy Allen, "Discourse, Power, Subjectivation: the Foucault-Habermas debate reconsidered," *The Philosophical Forum* 40:1 (2009), 2-3.
[57] Ibid.
[58] Allen, "Discourse, Power, Subjectivation," 3-4.
[59] Bent Flyberg, "Ideal Theory, Real Rationality: Habermas versus Foucault and Nietzsche," paper for the Political Studies Association's 50'th Annual Conference, April (2000), 1-2.
[60] "Discourse, Power, Subjectivation," 3-4.

However, given the impossibility of integrating all aspects of both thinkers' ideas, Allen focuses on the theme that, for her, is central to the debate, namely, their respective approaches to "subjectivation".[61] Her aim is to "lay the groundwork for an approach to subjectivation that draws on conceptual insights from both sides of the debate, modifying and recombining their views as necessary".[62] By proceeding in this manner, she hopes to "move the Foucault/Habermas debate onto new and more productive ground by developing an approach to 'subjectivation' that retrieves insights from both sides."[63] The term "subjectivation," for Allen, "refers to the process by which newborns are transformed into competent subjects who possess the capacity to think, deliberate, and act," a process in which both Foucault and Habermas are interested.[64] However, each of them presents a partial view of this process. After explaining Habermas's approach to individuation as socialization in terms of social psychology and moral development through Mead, Piaget, and Kolberg, Allen concludes that, for him, the process of "subjectivation" occurs through the "medium of communicative action".[65] Foucault, on the other hand, agrees, she believes, "that the individual is formed from the outside in," but for him, the "outside" – the social relations in which and through which subjects are constituted – is structured by power relations, where power is understood primarily in strategic, not communicative terms.[66] In this sense, "Foucault's genealogical works of the 1970s aim to show that disciplinary and normalizing power relations form, for us, the 'outside' through which the 'inside' of the modern subject is constituted".[67] Note that here, even if in a nuanced way, Allen explicitly supports, like Honneth, that for Foucault, "social relations" and "power relations" are synonymous and that the "social," as "power," constitutes the "outside" of subjectivity.

Allen's conclusion is that Habermas and Foucault offer a one-sided approach to "subjectivation." While "Habermas emphasizes its communicative, rational, and intersubjective aspects, Foucault emphasizes its filling by power".[68] Given this partiality, and imagining herself in a consistent position to critique both, Allen argues that subjectivation "necessarily involves both communicative rationality and power relations".[69] In this sense, she contends, much like Honneth, that for Foucault to account for the role of communicative rationality in the process of subjectivation, he would need to substantially expand his conception of the "social".[70] Unlike Honneth and Habermas, Allen even mentions that in his later research, as opposed to that developed in the 1970s, Foucault had opened up space for "communication" when he recognized that both "communication" and "power" are "interconnected types of relationships that indeed always overlap with each other and support each other reciprocally".[71] However,

[61] "Discourse, Power, Subjectivation", 4.
[62] Ibid.
[63] Ibid.
[64] "Discourse, Power, Subjectivation", 14.
[65] "Discourse, Power, Subjectivation", 16.
[66] Ibid.
[67] Ibid.
[68] "Discourse, Power, Subjectivation", 5.
[69] Ibid.
[70] Ibid.
[71] "Discourse, Power, Subjectivation", 23.

"these insights into the nature of communicative relationships and their connections with power remained underdeveloped".[72]

> The relative inattention of Habermas to the entanglement of the process of subjectivation in power relations makes it difficult for him to offer a sufficiently satisfying theoretical-critical approach to some of the most pressing social issues of our time, including sexism and racism, which are largely reproduced and maintained by the production of modes of identity subordination. Although Foucault's work is widely recognized as better suited to undertake such a task, his relative neglect of the communicative dimension of social relations diminishes his ability to satisfactorily theorize the possibilities of individual and collective resistance aimed at transforming the domination relationships that his own work helps to expose. In this sense, these two approaches seem to be complementary: Foucault emphasizes the role of disciplinary practices in the formation of the autonomous subject, while Habermas emphasizes how, in achieving autonomy, the subject can critically reflect on disciplinary practices.[73]

By recognizing the complementarity of these authors' theses, Allen argues that we can arrive at a more adequate perspective regarding philosophy and political practice. This complementarity allows us to escape the pitfalls that could arise from both Habermasian universalism and Foucauldian skepticism. In other words, according to Allen, it is about reclaiming with Foucault and Habermas, but also against both, a "contextualist and pragmatic" position.

> Recomposing Habermas's metatheoretical claims about the status of his normative idealizations in a more contextualist and pragmatic way would take him beyond where he feels secure, toward a kind of skepticism about the universality of those idealizations and, thus, about the transcendent validity of moral norms that can be justified through them. However, such a move does not necessarily result in moral nihilism or immorality, something that Habermas seems to fear. Foucault's moral skepticism is perfectly compatible (...) with the acceptance of substantive normative commitments, recognizing that these commitments are understood as specific and local, rooted in contingent social practices connected to power/knowledge relations.[74]

Allen aims to draw the consequences of this positive synthesis for political philosophy. The insufficiency of the approach to "subjectivation" by Habermas and Foucault corresponds to an equal incapacity to think "political action" and, more specifically, to provide an adequate concept of "autonomy" that can underpin it. By questioning the conception of "autonomy" in both authors, she proposes a second synthesis that can serve as a more suitable normative foundation for social critique.[75] The argument is that the fundamental tension underlying the disagreements between Foucault and Habermas regarding the "social" is reflected in a

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[72] Ibid.
[73] "Discourse, Power, Subjectivation", 24.
[74] "Discourse, Power, Subjectivation", 27.
[75] Amy Allen, *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory* (2008).

divergence concerning the notion of "autonomy." While Habermas is committed to an idea of autonomy as "universalist emancipation" (given his concept of "social" based on "communicative interaction"), Foucault is committed to an idea of autonomy as "contextual liberation" (given his concept of the social as "conflict"). Allen's response to this tension is to argue that "autonomy" is better understood as "critical self-transformation," that is, as the "capacity" to, on the one hand, "critically reflect on power/knowledge relationships that have constituted subjectivity" and, on the other hand, "to engage critically in self-transformation practices".[76]

In parallel, Martin Saar also appropriates Foucault's work to reformulate the task of critical social theory and emphasize the focus on processes of subjectivation. "If the task of social philosophy is understood in terms of a critique of power, then a proper understanding of power becomes a requirement".[77] "Social philosophy," in this sense, appears as an eminently "critical" discipline, that is, a discipline that has a "constitutive critical intention" insofar as it has always been dedicated to theorizing the "intersection" between society and subjectivity from their "incongruity".[78] This "incongruity," which is an expression of a "moment of negativity" between subjectivity and society, has always had, according to Saar, the name "power." If the "incongruity" between the individual and society is, in itself, a matter of "power," and if social philosophy is the form of reflection that takes on the task of thinking it, then it could, according to Saar, simply be reformulated as "critique of power".[79]. For him, in short, social philosophy is "critique of power," and vice versa. The concept of "power," therefore, as a central element of social philosophy, must be adequately formulated if it wishes to carry out all its claims.

According to Saar, the effort to think about how "power" constitutes social reality finds its exemplary form in Foucault's thought. This is because, for Foucault, "power" designates "the structural and dynamic element of every social relationship," as it does not express "the force of a powerful individual" but, instead, in Foucault's words, "the name given to a strategic situation in a particular society".[80] However, according to Saar, Foucault pays a price for the generality of his concept. Based on it, "no 'situation' can be described as completely free of power, and no social interaction can be understood as fundamentally outside the concept of power".[81] This conception of "power" as intrinsic to the "social" implies a reformulation of the task of critique. According to Saar, Foucault's historical investigations provide "clues," even if in more "performative" than "argumentative" terms, on how to proceed. This means that the "critique of power" must trace

> The history, concrete, exact, and distant, of power relations, their emergence, and transformation, for only an analysis of this kind can reveal the establishment and maintenance of social institutions and norms that appear as natural and confront

[76] Allen, *The Politics of Our Selves* (2009), 44.
[77] Martin Saar, "Power and critique," *Journal of Power* 3:1 (2010), 7.
[78] Saar, "Power and critique", 7-8.
[79] "Power and critique", 9.
[80] "Power and critique", 15.
[81] Ibid.

> the individual as given and valid. The critique of power is, first and foremost, the liquefaction and subversion of power structures and relations through analysis.[82]

According to Saar, for Foucault, "power" takes the form of the constitution of the "social" as the "space of emergence" or "production" of "bodies, beings, subjectivities, and other elements of social ontology".[83] The "critique of power" appears in these terms as the "documentation of the processes of constitution of social ontology, which, once known, extend our understanding of possible spaces for action and the constitution of social life, thus creating the conditions of possibility for new modes of acting and 'being-in-the-world'".[84]

Despite the distinctions, it would be possible to say that both Allen and Saar still start from the horizon set by Honneth in the movement that begins with *The Critique of Power*. Honneth's critique of Habermas, as well as the task of grounding critique in a concept of the "social" that takes into account power relations, is in the background of the appropriations made by Amy Allen and Martin Saar of Foucault's thought. However, the focus of genealogical critique, for them, unlike what was presupposed in Honneth, will not be exactly "society" but "subjectivity." While Honneth interprets genealogical critique as a social critique that takes the form of a history of society guided by a theory of society based on power relations, for Saar and Allen, the central aim of genealogical critique is to describe the process of the emergence of subjectivity amidst social relations.

The difference is subtle but significant. If for Habermas and Honneth, Foucault's aim is to account, so to speak, for the "disciplining" of society, for Saar and Allen, his aim becomes to account for the "disciplining" of subjectivity. As they like to emphasize, it is the "subject," and not "power," that is the focus of Foucault's research. This difference shows that Allen and Saar, unlike Habermas, Fraser, and Honneth, no longer interpret genealogical critique as a reformulation of the "theory of social rationalization" but as a "theory of subjectivation." By "subjectivation," they understand the process by which "individuals" become "subjects" within power and communication relations. In these terms, the urgent task of a critical theory of society becomes, for them, the elaboration of a general "grammar" of the "social" that aims less to account for patterns of distortion in the direction of society as a whole, as would be the case in the classic works of Adorno, Horkheimer, and Habermas, and more to support the identification of patterns of distortion in the processes of identity formation.

Taking this into consideration, in my view, a dividing line can be drawn whose origin dates back to the consequences drawn by Honneth from the reformulation of social philosophy by Habermas. It is as if, in the wake of Honneth, who in his critique of Habermas appropriated Foucault's work to emphasize how social conflicts affect identity formation, highlighting the side of "society" and thinking about the "grammar of social conflicts", Allen and Saar identified the need to focus on how the interference of the "social" in the constitution of identity occurs from the side of the "individual," leading to an approach to social philosophy in terms of "theory of subjectivation". The theme of social rationalization will then give way to the question of subject formation in the midst of power relations.

[82] "Power and critique," 16.
[83] Ibid.
[84] Ibid.

CONCLUSION

Through the works of Amy Allen and Martin Saar, the relationship between the Frankfurt School tradition and Foucault's work has undergone substantial changes. It no longer represents a competing perspective, as was the case for Habermas, or a reflective stage within the tradition, as in Honneth, but rather a model from which the very task of critical theory and its fundamental assumptions are reconstructed in light of the Foucauldian problem of the relationship between power and subjectivation. This is not just a matter of a better understanding of Foucault's project but rather a consequence of a fundamental reformulation of the problems of a critical social theory. In this work, I have attempted to outline how Foucault has been interpreted by authors affiliated with the Frankfurt School tradition and how this shift in perspective occurred. I argued that Foucault's genealogical critique is interpreted by them, on the one hand, as a "theory of social rationalization" (Habermas, Fraser, Honneth) and, on the other hand, as a "theory of subjectivation" (Allen and Saar). Understood as a "theory of social rationalization," genealogical critique would show how societies are constituted to intensify social mechanisms of domination. Understood as a "theory of subjectivation," genealogical critique would demonstrate how subjectivity emerges within social relations understood themselves as "power relations," i.e., strategic actions in which individuals seek to act forcefully on the conduct of others to assert their interests, without a necessary reference to an encompassing and totalizing social process. The point of reconstructing these interpretations of genealogical criticism is not to ascertain which one is correct but rather to highlight the fact that they reveal a significant aspect of the way these critical theorists conceptualize their own work. This enables the discernment of a set of fundamental theoretical and practical commitments underlying what would initially appear to be a simple issue of interpretation. Habermas, Fraser, and Honneth tend to interpret Foucault's work as a reformulation of the "theory of social rationalization" because, for them, reformulating it is the fundamental task of critical social theory. Conversely, Allen and Saar tend to interpret it as a "theory of subjectivation" precisely because they believe that the development of a critique of modes of subjectivation is this fundamental task. There are no more appeals to "a concept of the directed development of human rationality" that was once thought as essential for the tradition.[85] In any case, the fact that this appropriation is even possible is in itself a sign of what could be thought as a transformation of the "discursive order" of critical theory that defies the very meaning of the tradition; a change that emerges with the dissolution of the problem of "social rationalization" and the rise of the problem of processes of subjectivation in relation to power.

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[85] Honneth, "*Pathologies of Reason*", 51.

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ARTICLE

Genealogy as an Ethic of Self-determination: Husserl and Foucault

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ABSTRACT. The way in which Foucault confronts Husserl helps to highlight the instance that drives Foucauldian research and its current legacy. Foucault inscribes his work through Husserl within a broader tradition, namely, that of the critical thinking that has crossed all of modernity from the Renaissance to the Enlightenment and up to phenomenology. His main legacy can be identified precisely in the way he relaunches and radicalises this tradition by intensifying its critical gaze.

We will follow the steps of *The Crisis of European Sciences* to evoke the underlying purposes of Husserl's work, showing how his genealogical analysis of scientific knowledge, as a mix of historically determined practices, is guided by the ethical aim of self-determination. Later we will show how Foucault takes up this instance in a completely original way, and we will analyse which analogies and differences can be traced between the two authors' approaches to the problem of an individual's self-determination in his relationship with the network of knowledge-power in which he is immersed. In fact, both authors consider that there can be no emancipation and self-determination of the individual without a preliminary historical-critical retrospective on knowledge and on the ways in which its contents have been constituted. But this retrospective, which we could define generically as *genealogical* (genetic-phenomenological in Husserl's terms), is played out differently by the two authors and implemented by Foucault with a greater degree of radicalism.

Keywords: Husserl, Foucault, genealogy, self-determination, phenomenology

INTRODUCTION

Edmund Husserl and Michel Foucault are two philosophers with very different styles and methods and who discussed very different topics. As is known, the former never explicitly addressed the problem of power, which instead constitutes one of the main pursuits of the latter. Yet, Foucauldian reflection on power takes its cue from Husserl's phenomenology. This

is what Foucault himself narrates in an interview recorded in 1975, but published posthumously, in which he traces a path from the last Husserlian research to arrive at the knowledge-power crux.[1] It is, in fact, precisely in *The Crisis of European Sciences and Transcendental Phenomenology* that the French philosopher first sees the problem of the link between technical-scientific procedures and coercive mechanisms, or between practices of knowledge and devices of subjectification, a question that he will later also find in Nietzsche (in another form, i.e., that of the relationship between the will to truth and the will to power).[2] We will therefore investigate how this Husserlian legacy is brought into play by Foucault, not in order to show an unexpected closeness between two such different authors but because we believe that the way in which Foucault confronts Husserl – sometimes explicitly, sometimes more implicitly – helps to highlight the purpose that drives Foucauldian research and its current legacy. As we will see, in fact, Foucault inscribes his work through Husserl within a broader tradition, i.e., the critical thinking that has crossed all of modernity from the Renaissance to the Enlightenment and up to phenomenology. His main legacy can be identified precisely in the way he relaunches and radicalises this tradition by intensifying its critical gaze.

We will then follow the steps of *The Crisis of European Sciences* to evoke the underlying purposes of Husserl's work, showing how his genealogical analysis of scientific knowledge, as a mix of historically determined practices, is guided by the ethical purpose of self-determination. Later, we will show how Foucault takes up this instance in a completely original way, and we will analyse which analogies and differences can be traced between the two authors' approaches to the problem of an individual's self-determination in his relationship with the network of knowledge-power in which he is immersed. In fact, both authors consider that there can be no emancipation and self-determination of the individual without a preliminary historical-critical retrospective on knowledge and on the ways in which its contents have been constituted. But this retrospective, which we could define generically as *genealogical* (genetic-phenomenological in Husserl's terms), is played out differently by the two authors and implemented by Foucault with a greater degree of radicalism. In fact, he comes to think of the relationship between the empirical and the transcendental as a mixture, and this leads him to radicalise the problem of the historicity of knowledge by questioning some assumptions that remain unexamined in the Husserlian approach. This greater radicalism – exercised in relation to the historicity of the practices of knowledge – is achieved by Foucault, as we will see later, thanks to the contribution of Nietzschean thought and the comparison with structuralism, which allow him to broaden the critical gaze on rational and scientific knowledge, thereby further highlighting the intersection with power and the effects of subjectification that follow. Consequently, the ethic of self-determination, which inspires the work of both philosophers,

[1] Michel Foucault, "Les confessions de Michel Foucault. Propos recueillis par Roger-Pol Droit," *Le Point* 1659 (2004), now available on the website as "Nouveau millénaire, Défis libertaires" on http://1libertaire.free.fr/Foucault40.html (accessed September 28, 2023).

[2] Foucault's phenomenological training dates back to the second half of the 1940s (when he began to follow the seminars held by Merleau-Ponty at the École Normale Superieure), while Nietzsche readings did not take place until 1953 (see Didier Eribon, *Michel Foucault (1962-1984)* (1989)), and these were through the work of Heidegger: "I probably wouldn't have read Nietzsche if I hadn't read Heidegger" (Michel Foucault, "The Return of Morality" [1984], in *Foucault Live (Interviews, 1961-1984)* (1996), 470).

is also formulated in a different way: in Foucault it is aimed at a deep historicization and questioning of knowledge and, therefore, at a more profound desubjectification as an exercise prior to a resubjectification (or self-determination). And it is precisely the greater radicalism in the critical approach (and therefore the greater depth of the resubjectification that follows) that perhaps consists in of one of the most important legacies of the French philosopher's work: genealogical analyses of the feminist and queer matrix of the relations between the sexes (as well as between sex and gender) and critical investigations in the context of post-colonial studies owe much to this radical view.

THE CRISIS OF THE SCIENCES

Among Husserl's works, *The Crisis of European Sciences* is probably the best known, but, to clarify how it articulates the relationship between technical-scientific procedures and subjectification, it is best to briefly recall its contents, starting from the word that stands out in the title: crisis. This returns twice in the title of the first part of the work, which reports the conferences held in Prague in 1935: *The Crisis of the Sciences as Expression of the Radical Life-Crisis of European Humanity*. The crisis referred to does not concern the practical successes of the sciences, Husserl clarifies here, but their methodical foundation. Sciences have a method, whose rigour is beyond question, but not a foundation that justifies it, so the ultimate meaning of their own practice is obscure. The purpose and tasks that guide scientific research as a whole have therefore lost their evidence and rationality.

From its origins, writes Husserl, philosophical-scientific inquiry, through rational criticism and research, intended to address fundamental problems: "questions of the meaning or meaninglessness of the whole of this human existence".[3] However, on these final questions, as it has been configured today, "this science has nothing to say to us".[4]

In fact, the author asks, can science think of giving answers about being if, by methodological principle, it addresses itself exclusively to the entity? In other words, can science think of giving answers to questions of meaning, if questions of meaning are actually eliminated a priori from its field of research? In fact, the scientist, when working in his own laboratory, is careful not to deal with metaphysical discourses on "meaning" and "being", and his rigour and the guarantee of his scientificity and professionalism consist in this methodical disinterest. He looks only at the facts. It is a professionalism that makes science more powerful but also deeply meaningless. "Merely fact-minded sciences make merely fact-minded people",[5] wrote Husserl.

But questions of meaning have not always been banned from the realm of science, observes the father of phenomenology. This "change" took place at the end of the nineteenth century: sciences lost contact with what they "had meant and could mean for human existence".[6] As is known, for Husserl the cause of this "change" lies in specialisation: in the contemporary age, sciences have begun to focus more and more on specific problems, internal to their specialised

[3] Edmund Husserl, *The Crisis of European Sciences and Transcendental Phenomenology* [1959] (1970), 6.
[4] *Ibid*.
[5] *Ibid*.
[6] *Ibid*., 5.

sectors, thereby losing sight of the big picture. According to the famous image of the tree of knowledge, illustrated by Descartes in the *Principles of Philosophy*, the sciences are like the branches of a plant held together by a trunk that is made up of physics (in Descartes' time, the most systematic and methodologically organised discipline). But this tree also has its roots in metaphysics as a question about ultimate things. It is to metaphysics – that is, ultimately, to philosophy as a general critical-rational reflection – that modern thought (from Descartes to Pascal and from Spinoza to Leibniz) assigns the most important role: that of giving a foundation and a unity of meaning to all branches of knowledge. However, the level of specialisation achieved today by the individual sciences, Husserl thinks, has created a more technical language and level of expertise that makes dialogue between the various disciplinary areas increasingly difficult. Thus, the tree of knowledge has transformed into a tower of Babel. A common language no longer exists and every goal of shared meaning has disappeared.

This is the crisis: the European sciences are imprisoned by their own practices and by their own specific methodical procedures (which explain the *how*, how to complete a certain task, but not *why* it should be done). Since the branches of knowledge have cut off their roots with positivism, that is, the general (philosophical) question about the overall meaning of reality, science – writes Husserl – has increasingly become a technique ("technoscience", as we say today); a mere application of rules and procedures and completely blind to the great questions of the world and human life.

In the 1930s, Husserl was concerned about the relationship between science and life, i.e., between technical-rational procedures and human existence. The relationship of subordination of the first to the second seems to have reversed: it is now the second that is subordinated to the first.

The attention that the father of phenomenology addresses precisely to the human being is striking in these pages: "man as a free, self-determining being in his behaviour toward the human and extrahuman surrounding world and free in regard to his capacities for rationally shaping himself and his surrounding world";[7] man "given over in our unhappy times to the most portentous upheavals",[8] meaning "the questions which are decisive for a genuine humanity"[9] and to which today's sciences are unable not only to give an answer but also to listen and welcome the questions.

This humanistic rhetoric had to appear rather original to those who, in the previous thirty years, had been trained in Husserlian texts and therefore accustomed to the formal language of phenomenology and to the style, always very rigorous and controlled, of its founder. But it is perhaps precisely during these conferences that Husserl, now elderly, describes the profound reasons that have moved all his philosophical pursuits with an unexpected *pathos*. If his phenomenological analyses have always been dictated by the need for clarity (in the *Idea of Phenomenology*, the phenomenological attitude is defined as a "pure view" focused on the "full clarity offered to the view"), it is in these conferences that he shows the need that animated them: to bring the fundamental problems of man to light; the problem of sense, or nonsense, of human existence, as we have read.

[7] *Ibid*., 6.
[8] *Ibid*.
[9] *Ibid*.

This concern for man – and for a science that should be at the service of human life but that seems to have forgotten its original purpose – could rightly make us speak of "Husserlian humanism", something apparently opposed to Foucauldian "anti-humanism". And, if there were doubts, in the very next pages, the author explicitly mentions, with regard to the intention that had inspired modern science at its dawn, the ideals of humanistic-Renaissance culture. These are instances that he seems to want to revive and update so that the European philosophical-scientific design does not definitively die out under the ashes of its own crisis. In fact, despite the profound differences, Husserlian humanism and Foucauldian anti-humanism, as we will see, are much less dissonant than they may seem.

SELF-DETERMINATION

In *The Crisis of European Sciences*, Husserl evokes the revolution put in place by humanism and the Renaissance to show how questions of meaning have not always been banned from the realm of science. In fact, a great historical-cultural project was initiated by European humanity at that time which “turns against its previous way of existing – the medieval – and disowns it, seeking to shape itself anew in freedom”.[10] Renaissance man intended to emancipate himself from the constraints of authority, creating a new way of thinking and a new way of being and, Husserl wrote, “science could claim significance – indeed, as we know, the major role – in the completely new shaping of European humanity”.[11]

At that time, philosophy was understood as an *all-encompassing science*, a science of the totality of being, able to process all reasonable questions in the unity of a theoretical system through an apodictic method and an infinite progress of research. He thus revived the philosophical ideal of self-determination: modern man claimed to constitute himself in the free autonomy of his reason through rational research and criticism. The scientific system was then moved by this ideal and its various ramifications were still embedded in a bigger picture of meaning. Neither Kepler, nor Newton, nor Leibniz dreamed of being able to keep the problems of physics or mathematics separate from ethical and metaphysical problems, that is, from an overview of the world and the general questions of human existence. According to this design, in fact, “this means not only that man should be changed ethically [but that] the whole human surrounding world, the political and social existence of mankind, must be fashioned anew through free reason, through the insights of a universal philosophy”.[12]

Guiding man towards his own self-awareness and self-determination: this, according to Husserl, is the heart of the humanistic-renaissance design. In fact, Pico della Mirandola’s *Oratio de hominis dignitate* reads: God has not placed a determined nature in humanity, but an indeterminacy, so that man, according to his own will and free will, has the task of self-determination.[13] And we find this humanistic ideal again at the end of the Enlightenment as Kant understood it: man's departure from the state of minority, that is, the ability to use his own intellect and to emancipate himself from any form of subjection. Here we find a possible

[10] *Ibid*., 8.
[11] *Ibid*., 7.
[12] *Ibid*., 8.
[13] See Giovanni Pico della Mirandola, *On the Dignity of Man; On Being and the One; Heptaplus* (1965).

meeting point between the instances that animate Husserl's research and those that guide Foucauldian research: the critical and emancipatory role that Husserl assigns to Renaissance science corresponds to what Foucault assigns to the Enlightenment in his reading of the famous Kantian writing *An Answer to the Question: What is Enlightenment?*.[14] But the meeting point does not simply lie in the critical approach that, since the time of Socrates, animates philosophy as a project of self-determination through emancipation from the chains of superstition. The way in which Foucault declines this critical approach and the way in which Husserl does it are consonant: both adopt a genealogical approach of knowledge that brings to light the historical stratifications; therefore, they dedicate themselves to a retrospective self-understanding that shows, in the words of Nietzsche, *how we have become what we are*.

A GENEALOGY OF MEANING

How does Husserl intend to relaunch the critical and emancipatory ideal of the Renaissance in the contemporary era in order to come to terms with the crisis in which, in his opinion, European humanity finds itself? In his perspective, self-determination can only be achieved through a self-understanding, that is, an investigation aimed at reconstructing the path with which contemporary humanity (its customs, its knowledge, its sciences), in a mostly passive and unconscious way, has been configured. In very general terms: I must know my past, my origin, the history that has marked and determined me in ways in which I am unaware, in order to be able to reshape myself freely. In Husserl's words: "What is clearly necessary (what else could be of help here?) is that we *reflect back,* in a thorough *historical* and *critical* fashion, in order to provide, *before all decisions,* for a radical self-understanding".[15]

Now, if the European civilization crisis is a crisis of the sciences, then it is a question of retracing, in the first place, the historical stages through which these knowledges have come to constitute themselves in their current conformation, with their work, their discourses, and their objects of knowledge. Here begins that profound historical-genetic examination that is at the heart of the last Husserlian work: a true genealogy of scientific practices and their meaning. Since today's disciplines demonstrate that they have lost their original meaning, it is necessary to minutely reconstruct how this happened through a phenomenological investigation that brings clarity and understanding to the unconscious operations of meaning carried out by science in the modern era. In other words, it is a matter of "reactivating" a forgotten meaning and of bringing to light what has fallen into the shadows.

As is known, in fact, the objects of which science speaks, and which constitute his knowledge, are not realities that exist in themselves for Husserl (according to the ideology of naturalistic objectivity, repeatedly denounced by the author in this and other works). Rather, they are stratifications of meaning whose genesis (e.g., transcendental conditions) must be reconstructed. This genesis has its foundation in a set of intersubjective practices and, ultimately, in what phenomenology calls "transcendental subjectivity". Reconstructing the genesis of the objects of which science speaks therefore means investigating and focusing on

[14] See Michel Foucault, "What is Enlightenment?" in *The Foucault Reader*, ed. P. Rabinow (1984), 32-50.
[15] Husserl, *Crisis of European Sciences*, 17.

(bringing to awareness) the operations (the "intentional acts") carried out by scientists and the stratifications of meaning that these practices have gradually configured.

We find the crux of Husserlian humanism in these pages: the disagreement between technique and human life can only be recomposed through a radical genealogical self-understanding. And without this, there can be no real self-determination in the eyes of the great phenomenologist.

FROM HUSSERL TO FOUCAULT

Self-determination: this is the secret that also animates Michel Foucault's research. As is well-known, his reflection revolves around three closely intertwined points: *knowledge, power* and *subject*. If the being is always involved in a network of knowledge-power that shapes its mentality and behaviours, the Foucauldian design – which repeatedly refers to the Enlightenment, although reinterpreted in a new key[16] – is to interrogate the ways in which the being is constituted in order to emancipate it from the constraints that have oriented and configured it in a certain way.

Like Husserl, the French philosopher also believes it is a question, following Nietzsche, of investigating *how we have become what we are* in order to open other paths that lead to a different constitution of ourselves. And it is precisely from the questions posed by Husserl, in his last work, that Foucault begins to focus on those problematic points that, investigated in a completely original way throughout the years of his philosophical maturity, will end up striking another possible road towards self-determination.

As is well-known, the Parisian philosopher raised his first reflections within the sphere of French phenomenology under the influence of masters such as Sartre and Merleau-Ponty, whose seminars he began to follow at the École normale supérieure in the second half of the 1940s. Thirty years later, he returned on at least four different occasions to talk about his phenomenological training.[17] On these occasions, he repeatedly emphasised his distance from Sartre's and Merleau-Ponty's thought, preferring to cite, as his point of reference, *The Crisis of European Sciences* rather than the two French philosophers' works.[18] As mentioned above, it is precisely in *Krisis* – as Foucault calls it – that he sees the problem of the link between knowledge and power, or between technical-scientific procedures and coercive mechanisms, for the first time. To the question as to whether the emphasis placed on the power effects of

[16] See Foucault, "What is Enlightenment?".

[17] Notably, in the 1975 interview with Roger-Pol Droit (see Foucault, "Les confessions de Michel Foucault"), in the preface (written in 1978) to the English translation of G. Canguilhem's *La connaissance de la vie* (see Michel Foucault, "Introduction par Michel Foucault" [1978], in *Dits et écrits*, III (1994), 429-442), in the 1978 conference *Qu'est-ce que la critique?* (see Michel Foucault, "What is critique?" [1990], in *The Politics of Truth* (1997)) and, again in 1978, in one of the discussions with Duccio Trombadori (see Michel Foucault, *Essential Works of Michel Foucault 1954-1984 Volume 3: Power* (2001), 239-297). But also see Michel Foucault, "How much does it cost to tell the truth?" [1983], in *Foucault Live (Interviews, 1961-1984)* (1996), 348-362.

[18] "Like almost all those of my generation, I stood between Marxism and phenomenology, except for the phenomenology that Sartre and Merleau-Ponty were able to learn and use rather than the phenomenology present in Husserl's 1935-37 text, *The Crisis of European Sciences*, *Krisis*, as we called it" (Foucault, "Les confessions de Michel Foucault").

different types of knowledge is to be considered as his "discovery", Foucault answers resolutely: “Absolutely not! It is in the trajectory of a whole, in Nietzsche's *On the Genealogy of Morality* as in Husserl's *Krisis*. The story of the power of truth in a society like ours, this problem has been around for a hundred years”.[19]

To understand the role of Husserlian phenomenology, we must therefore go back a "hundred years" and perhaps more: Foucault offers a reconstruction of this "trajectory" in the 1978 conference *What is critique?*.[20] The problem of the relationship between knowledge and power is in fact rooted in the question of *criticism*, understood as “the movement by which the subject gives himself the right to question truth on its effects of power and question power on its discourses of truth”.[21] This critical attitude arose, the author says, around the 15th-16th centuries as a reaction to the multiplication of the arts of government in that period (government of children, the poor, beggars, the family, armies, cities, states, one's body and one's spirit). Faced with growing “governamentalization”, the desire for “de-subjectivation” has been asserted since the Renaissance in Europe, which Foucault defines as “a kind of general cultural form, both a political and moral attitude, a way of thinking”[22] that can be found in different contexts and declensions: in the religious field, with the Reformation and the new biblical exegesis; in the legal field, with natural law, which opposes blind and unconditional obedience to the laws of the sovereign to inviolable universal rights; in the scientific field, with the imposition of the principle of certainty over that of authority. This critical attitude, we read in the conference text, initially finds a faithful travelling companion in *ratio*. The alliance will then be sanctioned by Kant: faced with the question of the *Aufklärung* as a departure from the state of minority – a question assimilated by Foucault to his own notion of *criticism*[23] – the Königsberg philosopher poses the learning of knowledge as a preliminary task. The rational investigation of the limits of knowledge is thus promoted as a preliminary and indispensable task for that Enlightenment design that intends to take humanity out of the yoke of authority. After Kant, however, the relationship between *Aufklärung* and rational inquiry “is going to legitimately arouse suspicion or, in any case, more and more sceptical questioning: for what excesses of power, for what governmentalization, all the more impossible to evade as it is reasonably justified, is reason not itself historically responsible?”.[24] As a loyal ally of criticism, reason finds itself on the stand. In fact, in the nineteenth century, it became that instrumental

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[19] *Ibid*.

[20] Regarding Foucault’s phenomenological interpretation, see the debate between Colin Koopman, Kevin Thompson and Colin McQuillan (Colin Koopman, “Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages,” *Foucault Studies* 8 (2010), 100-121; Kevin Thompson, “Response to Colin Koopman’s ‘Historical Critique or Transcendental Critique in Foucault: Two Kantian Lineages’,” *Foucault Studies* 8 (2010), 122-128; Colin Koopman, “Historical Conditions or Transcendental Conditions: Response to Kevin Thompson’s Response,” *Foucault Studies* 8 (2010), 129-135; Colin McQuillan, “Transcendental Philosophy and Critical Philosophy in Kant and Foucault: Response to Colin,” *Foucault Studies* 9 (2010), 145-155; Colin Koopman, “Appropriation and Permission in the History of Philosophy: Response to McQuillan,” *Foucault Studies* 9 (2010), 156-164).

[21] Foucault, “What is critique?,” 32.

[22] *Ibid.*, 29.

[23] Cfr. *Ibid.*, 34.

[24] *Ibid.*, 37-38.

rationality, that capillary power of planning, of global administration and social and economic control of which Foucault, in other works, already traces the premises in the modern age (*âge classique*). It is at this point in the conference that he cites Husserl, and phenomenology enters the scene.

Starting from the Hegelian left, in fact – according to this reconstruction of the increasingly distrustful relations between rationality and *Aufklärung* – a critical tradition develops in Germany towards positivism, objectivity and technicality which proves not to be a secondary stage in phenomenological reflection: "we should recall that Husserl, in 1936, referred the contemporary crisis of European humanity to something that involved the relationships between knowledge and technique, from *episteme* to *techne*".[25] The reference is yet again to *Krisis*. A text that, Foucault states on another occasion, "called into question the entire system of knowledge of which Europe was the fulcrum, the principle, the engine and thanks to which it had been both liberated and imprisoned".[26]

While reading *The Crisis of European Sciences*, Foucault seems to be affected by the ambiguous face of rationality that emerges from those pages: "reason as both despotism and enlightenment", in the words of his last writing.[27] Through that system of rational knowledge, European humanity, as he says, is *liberated*: reason is the weapon wielded in battle, cultural and political, and evoked in the Krisis and consumed in the modern age against the violence and dogmatism of constituted power. Humanity is liberated but also *imprisoned* because it is in a crisis; the one that Husserl's text attributes to senseless technical procedures that reduces scientific knowledge to a blind mechanism. The author of *What is critique?* certainly had that Husserlian examination in mind when he held the 1978 conference.

At the beginning of his philosophical training, he therefore finds a radical question in *Krisis* that calls into question Western knowledge and the role of reason and the sciences, starting with an investigation of their conditions of possibility. As an example, in these pages Husserl writes that we must first reflect on the fact "that science in general is a human accomplishment, an accomplishment of human beings who find themselves in the world, the world of general experience, [and that it is] one among other types of practical accomplishments which is aimed at spiritual structures of a certain sort called theoretical".[28] This stratification of knowledge on the world of experience already given (the *Lebenswelt*) is the field of investigation on which the father of phenomenology's last examination unfolds: where does science take root, how does objectivity arise and how does the theoretical-scientific attitude originate? These questions, from which Husserl proceeds, are not so different from those that his best student, Heidegger (assiduously studied by Foucault a few years later), poses throughout his pursuits (which, as is known, has other important and complementary pieces in the question of technique, the limits of science and procedural rationality). And it is from these phenomenological questions, and from the historicizing view that they turn to scientific knowledge, showing its roots in human practice ("human, all too human", Nietzsche would say), that

[25] *Ibid.*, 39.

[26] Foucault, "Les confessions de Michel Foucault".

[27] Michel Foucault, "Life: Experience and Science" [1985], in *Aesthetics, Method and Epistemology*, ed. J. Faubion (1998), 470.

[28] Husserl, *Crisis of European Sciences*, 118.

Foucault begins to pose the problem of the historical origin of reason and its coercive mechanisms. In *Krisis*, as he recounts, recalling the years spent reading and commenting on that text, "ultimately we wondered what that knowledge and that rationality were, so deeply linked to our destiny, deeply linked to so many powers, and so powerless in the face of History. And the humanities were evidently objects that were called into question by this process. So this was my first stutter. What are the humanities? Starting from what are they possible? How was it possible to form similar discussions and set similar goals for oneself? I resumed these questions while trying to get rid of Husserl's philosophical framework".[29]

We will see what framework the French philosopher intends to get rid of, but let us first take a look at the Husserlian instances that he makes his own. The genealogical approach that characterises this work and that has more than an assonance with what he calls *criticism* is what interests Foucault in *Krisis*; not only because it is a question, as always in the phenomenological method, of putting out of play (*ausser Spiel zu setzen,* in Husserl's words) what is considered true, to ask for the origin and the ground of rooting, questioning knowledge in its conditions of onset and in its effects (questioning the "games of truth", Foucault would say, or the "politics of truth" that have allowed a given content to impose itself as true) but also because it is an unprecedented ground of rooting that Husserl traces in his genealogy of scientific rationality.

If in general the Husserlian phenomenological design aims to trace the origin of meaning in transcendental conditions, this origin is increasingly traced back to its historical-concrete conditions precisely in *Krisis*. This is an aspect of the 1936 work that undoubtedly attracted Foucault's attention. The best known example is offered by *Appendix VI*, where the genesis of geometry and its ideal objectivities, characterised by their being free from all empirical factuality, are found in language and writing: if they had never been "said" and "written", such ideals could never have arisen on the horizon.[30] The ideal purity of meaning (which characterises geometric objects, such as objectivity in general) can only be constituted, notes the phenomenologist, through its "incarnation" in the voice and body of writing, i.e., in historically determined empirical conditions. In this appendix, as famous as *The Origin of Geometry*, the author of *Krisis* therefore shows how not only the contents of knowledge (the specific determinations of meaning) but the transcendental conditions themselves are subject to empirical influences. These and other glimpses open up in Husserl's work like flashes of lightning that portend a storm. Towards the end of his philosophical career, as has been noted, Husserl finds himself "engaged in a radicalization and in some way an impressive, tormented actualisation of his transcendentalism".[31]

Krisis therefore announces, albeit in a problematic and tormented way, that contamination of the empirical and transcendental, that mixture of the conditions of meaning with the historicity of its concrete manifestation, which is the figure of the Foucauldian genealogical process.[32] It is no coincidence that the notion of *historical a priori* that will become, albeit

[29] Foucault, "Les confessions de Michel Foucault".

[30] See Husserl, *Crisis of European Sciences,* 353-78.

[31] Federico Leoni, *Senso e crisi. Del corpo, del mondo, del ritmo* (2005), 54.

[32] Many authors, albeit from different perspectives, agree on the interweaving of the empirical and transcendental as the architrave of Foucauldian thought, see for example: Béatrice Han, *Foucault's Critical Project:*

reformulated under different assumptions, central to Foucault's thought appears precisely in the pages of *The Origin of Geometry*.[33] Husserl uses this term to indicate an invariant transcendental condition (*historical a priori*). But there is a radicalism in the text that resounds on the term and seems to make it resonate in exactly the opposite sense, that is, as an *a priori* that varies from age to age (*historical* in the sense of *historically determined*). The disturbance that echoes there invests the purity of the *a priori* that, subtracted from its supratemporal dwelling, would find itself thrown into becoming (as was already the case in Hegel, unlike Kant). It is in this sense that Foucault uses the Husserlian expression, twisting it in a direction that is already potentially present in *Krisis*, if only in the form of an ambiguity that has never been definitively dissolved.[34] Foucault's twist is contemporary to Derrida's operation. Derrida moved in the same direction as Foucault and caused Husserl's ambiguity in the light of day.[35] At the beginning of the sixties, what was only obscured in Husserl had now been acquired for both of them: the a priori conditions emerge from the historical evolution of empirical elements that, in their stratification and sedimentation, generate new openings of meaning. These conditions are therefore subject to a process of transformation: there is no constituent point of view that is not also constituted (i.e., that is not involved in the very process of constituting meaning).

And it is precisely the historicity of the *a priori*, the fact that the conditions of possibility of scientific reason are rooted in historically determined practices, that casts the shadow of doubt on the universality of that system of knowledge constituted by Western sciences. In short, reading *Krisis* raises a suspicion – on which the entire Foucauldian "archaeology of knowledge" will fuel – that rational knowledge has imposed itself on the entire West without

Between the Transcendental and the Historical (2002); Kevin Thompson, "Historicity and Transcendentality: Foucault, Cavaillès, and the Phenomenology of the Concept," *History and Theory* 47:1 (2008); Johanna Oksala, *Foucault on Freedom* (2005); Rudi Visker, *Genealogy as Critique* (1995).

[33] In the Husserlian text we find first the expression "concrete, historical a priori" (Husserl, *Crisis of European Sciences*, 372) and then simply "historical a priori". Foucault reworked this Husserlian expression, first using, in 1959, the term "concrete a priori" and "historical and concrete a priori" (see Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (1963)), and later, in all subsequent works, simply "historical a priori".

[34] On Husserl's ambiguities, see Roberto Terzi, *Il tempo del mondo. Husserl, Heidegger, Patočka* (2009). In her book, *Michel Foucault e la Daseinanalyse*, Elisabetta Basso emphasises the differences between Foucault and Husserl in the use of the term historical a priori: the former uses this expression within a horizon completely drained of teleologism and foundationalism that characterise the Husserlian approach and that resonate in the notions of "tradition" and "continuity" found in *Krisis* (see Elisabetta Basso, *Michel Foucault e la Daseinanalyse. Un'indagine metodologica* (2007), 149-172). In marking the differences, however, the author leaves an aspect in the shadows that in my opinion is essential: the theme of a contamination between the empirical and transcendental – the true fulcrum of the Foucauldian notion of *historical a priori* – already crosses the *Krisis* like a karst river that other authors, in their works, will later bring to the surface. This is the case of Foucault, in fact, as well as of Derrida and Patočka. The latter two engaged in a more explicit comparison with the Husserlian legacy (on the contamination between empirical and transcendental in Patočka see Terzi, *Il tempo del mondo*, 165-255).

[35] See Jacques Derrida, *Introduction à 'L'origine de la géométrie' de Edmund Husserl* (1962). At the beginning of 1963, Foucault had already read this text, as proven by a letter – written to Derrida on January 27 of that year – in which he expresses appreciation for his work (see Foucault's letter to Derrida dated January 27, 1963 published in: Marie-Louise Mallet and Ginette Michaud, ed., *Derrida* (2004), 109-110).

having its papers in order, and that its necessity and its truths are more *de facto* coercive (due to contingent historical circumstances) than *de jure* (due to their universal and eternal value). On the other hand, in those pages, it is Husserl himself who raises the doubt with which the entirety of European rationality and its civilisation are suspended on the edge of the abyss: at a certain point, the author wonders whether they have a foundation that is not merely historical-empirical or whether they are, instead, completely contingent and therefore completely meaningless.[36] He wonders about it in an attempt to avoid the chasm of historicity where everything seems to be swallowed up within a bottomless abyss. This is an extreme challenge, and, although aware of the difficulties, he is confident there is a possible way out. But, Foucault observes, "something was about to collapse, around Husserl, around that speech to which the German school, for so many years, had devoted great energy".[37] Foucault reads *Krisis* now aware of the inevitability of the abyss.

Here, then, is the question of the coercive mechanisms inherent in rationalisation: the knowledge of *ratio* and its contents, although they are relative as they are rooted in empirical and historically determined conditions, spread globally with a power whose legitimacy is questionable. At the base of this system of knowledge, there is only its contingency ("its arbitrary nature in terms of knowledge, its violence in terms of power").[38]

What was a theoretical doubt in Husserl explodes in a political question with Foucault: if Western knowledge is contingent and arbitrary, its presumed necessity and universality is nothing more than coercion. The problem of the radical historicity of reason thus solves itself with that of *Aufklärung*, of the emancipation from power. The legacy of phenomenology, which questions the conditions of possibility of meaning, and therefore also of scientific-rational knowledge and its actual establishment in the field of practices, has in fact played, according to the reconstruction of *What is critique?*, a decisive role in the recurrence of the question of *criticism*:

> the question of what the *Aufklärung* is has returned to us through phenomenology and the problems it raised. Actually, it has come back to us through the question of meaning and what can constitute meaning. How it is that meaning could be had out of nonsense? How does meaning occur? This is a question which clearly is the complement to another: how is it that the great movement of rationalization has led us to so much noise, so much furor, so much silence and so many sad mechanisms? After all, we shouldn't forget that *La Nausée* is more or less contemporaneous with the *Krisis.* And it is through the analysis, after the war, of the following, that meaning is being solely constituted by systems of constraints characteristic of the signifying machinery. It seems to me that it is through the analysis of this fact

[36] In fact, the phenomenologist writes that we must understand "whether European humanity bears within itself an absolute idea, rather than being merely an empirical anthropological type like "China" or "India"" and "whether the spectacle of the Europeanization of all other civilizations bears witness to the rule of an absolute meaning, one which is proper to the sense, rather than to a historical non-sense, of the world" (Husserl, *Crisis of European Sciences*, 16). In other words, it is a matter of understanding whether our entire now global Western culture makes any sense at all or is the mere result, transiently, of a roll of the dice.
[37] Foucault, "Les confessions de Michel Foucault".
[38] "What is critique?," 54.

> whereby meaning only exists through the effects of coercion which are specific to these structures that, by a strange shortcut, the problem between *ratio* and *power* was rediscovered.[39]

This problem, Foucault continues, then intersects epistemological research and the complications of the history of science (those of Cavaillès, Bachelard, Canguilhelm), which are also linked to a certain phenomenological background: "the historical problem of the historicity of the sciences has some relationships to and analogies with and echoes, to some degree, this problem of the constitution of meaning. How is this rationality born? How is it formed from something which is totally different from it? There we have the reciprocal and inverse problem of that of the *Aufklärung*: how is it that rationalization leads to the furor of power?".[40]

What is critique? thus draws a large fresco, tracing the history of a movement, that of *criticism*, which arose in the Renaissance age and flourished in the century of enlightenment, finding new life in the contemporary era, coming, through the instances of phenomenology, to doubt the same reason and therefore to question the entire system of Western knowledge. In fact, this critical desire finds in scientific rationality – but, more generally, in the same methods of constituting meaning – a historical contingency that imposes itself through coercive mechanisms (coercive because *arbitrary* and arbitrary because *historically determined*), which are all the more hidden the more that reason and knowledge cloak themselves in noble ideals.

In this regard, Foucault did nothing but draw the coherent consequences of that crisis of the *logos* spotted by Husserl and already perceived by Heidegger, further radicalising its scope: the absence of a terrain that escapes historicity overwhelms the discourse of the West and removes the foundation (supposedly universal and timeless) of every institution, be it scientific, legal, economic or political. Now, is this not just the terrain, cleared by Husserl then ploughed by Foucault, on which queer studies and post-colonial studies will flourish? Contemporary debates in these areas move, in fact, from the historicity – and therefore from the non-universality and non-neutrality – of Western rational knowledge, relaunching the Foucauldian critical instance and taking it to unexplored terrains. And just as Foucault brought the exercise of reason's self-criticism, begun by Husserl, to the point of questioning some assumptions of the same Husserlian approach, in the same way queer and post-colonial studies have further radicalised Foucault's critical exercise to the point of questioning some assumptions of the same Foucauldian approach.[41] If there has been a gradual departure on this line of research, first from Husserl and then from Foucault, it is not due to complete otherness and

[39] *Ibid*., 41-42.

[40] *Ibid*., 42.

[41] See, for example, Judith Butler's criticisms of Foucault in Judith Butler, *The Psychic Life of Power: Theories in Subjection* (1997). Regarding post-colonial studies, for example, Thijs Willaert writes: "Adopting a phrase from Dipesh Chakrabarty, one can say that postcolonial studies has been 'provincializing Foucault.' Pointing out the Eurocentric tendencies in Foucault's work, postcolonial scholars have demonstrated how his account of various rationales of power disregards the key role the colonies have played in the production and development of discipline, biopolitics and governmentality. The argument that Foucault produces a self-contained history of Europe has been repeatedly articulated in the work of Mitchell, Kaplan, Spivak, Stoler, Mbembe, and Duncan, and it also follows from Scott's decision to look at colonial governmentality as a counterpart to the governmentality Foucault describes" (Thijs Willaert, *Postcolonial Studies After Foucault: Discourse, Discipline, Biopower, and Governmentality as Travelling Concepts* (2012), 191).

total dissent with respect to their approach but rather to the need to radicalise and intensify their critical and emancipatory instance.

FOUCAULDIAN ANTI-HUMANISM

What does Foucault question about the Husserlian approach, beyond the obvious differences in method? The humanism with which Husserlian thought is impregnated is certainly remarkable. However, here we must clarify the points of divergence in this regard and then find a certain consistency in the background in relation to an ethic of self-determination.
Let us start by saying that the term "humanism", in Foucault's words, indicates, as already for Althusser, a sort of creeping ideology which permeated the culture of the time, mixed with a whole series of theoretical assumptions ("continuity", "historicism", "transcendental subjectivity") that, starting from the 1950s, began to fall under the blows of the *Nietzsche Renaissance* and structuralism. What is in doubt is the consideration of history as a continuous process of growth and of man as a conscious agent of this process.

The reference to Nietzsche is essential here to understand the perspective from which Foucault moves in his differences with respect to the horizon in which Husserl works. Based on Nietzsche, in fact, the French philosopher rejects, from the Husserlian approach, both telelogism and foundationalism, and, consequently, the notions of "tradition" and "continuity" on which they rest.[42] According to the author of *The Archaeology of Knowledge*, the basis of such notions is still the idea of a founder: there is "tradition" and "continuity" only for a panoramic view that summarises the entire historical development.[43] For this reason, he insists, in the 1969 work as in *The Order of Things*, on the discontinuity that characterises the emergence of new aspects of knowledge: the threshold from which new empirical contents manifest implies a "break" with respect to the previously existing order which cannot be healed by the clarifying activity of a consciousness, and which cannot be reabsorbed into a dialectical movement or reduced to a "totalisation". His research of the *historical a priori* – that is, of the transcendental conditions from which knowledge is organised, conditions themselves subject to historicity – therefore has no "constructive" or "reconstructive" intentions, as is the case in Husserl. The objective is rather to show the historical genesis of empirical contents with "critical" purposes

[42] For Foucault, the notion of "continuity", in particular, is linked to a whole series of other notions ("tradition", "influence", "development", "teleology", "mentality") that constitute a set of assumptions from which he intends to distance himself, as he clarifies in a 1968 paper (see Michel Foucault, "On the archaeology of the sciences: response to the epistemology circle" [1968], in *Aesthetics, Method and Epistemology*, ed. J. Faubion (1998), 297-333).
[43] In *The Archaeology of Knowledge*, we read: “Continuous history is the indispensable correlative of the founding function of the subject: the guarantee that everything that has eluded him may be restored to him; the certainty that time will disperse nothing without restoring it in a reconstituted unity; the promise that one day the subject — in the form of historical consciousness — will once again be able to appropriate, to bring back under his sway, all those things that are kept at a distance by difference, and find in them what might be called his abode. Making historical analysis the discourse of the continuous and making human consciousness the original subject of all historical development and all action are the two sides of the same system of thought” (Michel Foucault, *The Archaeology of Knowledge* (2002), 13).

in the sense indicated by *What is critique?*: it is to show the subject his subjection to certain contents, producing, for this very reason, a "decentralisation" from them.

Moreover, when Foucault published his first works, the cultural climate in France changed profoundly in a structuralist sense. Think of Dumézil, Benveniste, Barthes, Jakobson, Lacan, Levi-Strauss and Althusser himself. All of these are inspired, directly or indirectly, in their research methodology by the principle that guides De Saussure's linguistics: the sign has no attribute except by difference from the entire system of signs in which it is inserted. On this inspiring principle, every single systemic element should be thought of – rather than as an atom endowed with its own uniqueness and subsistence – as a pure differential value, similar in this way to the exchange function of money. Linguistic structuralism, which unites the phonology of Jakobson and the studies of Benveniste, finds its foundations here. Generalised structuralism, which from the 1950s will conquer the human sciences, will extend its validity to all fields of experience: every element (be it a phoneme, a concept, a mythologem, a social function or a political institution) has value (has a specific determination of meaning) only for the differential position it occupies within a network of relationships (the structure). In short, *it is structure that determines meaning*: not man, not the subject, nor some "transcendental subjectivity" of phenomenological descent.[44]

Foucault's "anti-humanism", which incorporates and makes these demands its own, is then a deviation from the philosophical climate in which it was initially formed and, in particular, from some assumptions that he still believes operate in a phenomenological approach. As he recounts in an interview, recalling that caesura that, in the fifties, marked his generation, the transition took place from phenomenology in the direction of structuralism and, essentially, revolved around the problem of language.[45] When French philosophy began to incorporate the linguistics of De Saussure (to whom Merleau-Ponty dedicates his seminars in 1947-48 and 1948-49), it was evident – continues Foucault – "that phenomenology could not do it as much justice as the structural analysis of signification which could be produced by a structure of a linguistic nature, a structure in which the subject in the phenomenological sense could not be engaged as a creator of meaning".[46]

The problem, which leads to a progressive deviation from phenomenology, is therefore the sovereignty of the being, the idea of a "transcendental subjectivity" that gives meaning (this is what Foucault also calls the problem of the "unconscious"[47] with reference to Lacan). In fact, studies on language highlight a wide area of laws and structures (which Foucault calls "systems of constraints characteristic of the signifying machinery",[48] coercive mechanisms of constitution of meaning or even "formal conditions"[49] of its appearance) over which subjectivity has no power of control and from which it is indeed determined.

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[44] See Foucault's thoughts on the subject in Paolo Caruso, *Conversazioni con Lévi-Strauss, Foucault e Lacan* (1969), 107-8.
[45] See Foucault, "How much does it cost to tell the truth?".
[46] *Ibid.*, 350.
[47] *Ibid*.
[48] "What is critique?," 41.
[49] Caruso, *Conversazioni*, 94-5.

Starting from this problem, Foucault tells us on another occasion, “we have reviewed the Husserlian idea that there is meaning everywhere, that surrounds us and invests us already before we begin to open our eyes and take the floor. For those of my generation, meaning does not appear on its own, it does not “already exist”, or, rather, “already exists”, yes, but under a number of conditions that are formal conditions. And from ’55 onwards we dedicated ourselves mainly to the analysis of the formal conditions of the appearance of meaning”.[50]

DE-SUBJECTIVISING THE TRANSCENDENTAL

If "transcendental" is the term that indicates the conditions of appearance of meaning in philosophy, the need for radicalisation felt by Foucault in those years could then be defined as follows: “de-subjectivising the transcendental”. That is, it is necessary to think of the *a priori* (which make possible and determine the experience and knowledge of the subject) not, following Kant, as structures of subjectivity but as something of which the subject – man – is an effect. This is "anti-humanism": man is not the starting point but the end point of a series of processes (techniques, practices and discourses) that run behind him.

Now, this need is not only Foucauldian and cannot be reduced to the French debate of the fifties and sixties. Expanding our horizon, we realise that it is a trajectory traceable throughout the history of contemporary thought.

If the modern age opened with *ego cogito*, placed by Descartes at the foundation of knowledge, and closed with Kant's *I Think*, contemporary thought has instead consummated, and then definitively sanctioned, the divorce between the transcendental and subjectivity. Hegel already removed the *a priori* from the subject and threw becoming into tumult: no longer assimilable to pure categories, fixed in our minds, the conditions of experience are instead determined by history in its changing path. Subsequently, with Marx, Nietzsche and Freud, the *a priori* is systematically placed elsewhere from subjective consciousness (in socio-economic relations, in a game of blind forces, and in the mechanisms of the unconscious, respectively).

If there is no doubt that Husserl reintroduces a notion of "subjectivity" as a transcendental horizon, the first and original condition of all truth and every relationship with the world, it is also true that, already in his writings and then throughout twentieth-century phenomenology and its innovators and interlocutors (from Heidegger to Sartre, from Merleau-Ponty to Patoçka, up to Derrida), this consciousness quickly empties itself of any subjective reference to become an anonymous and impersonal “transcendental field” (as Deleuze puts it). That is, something that is more in the order of the “event” than of the Ego.

Each of these authors, in their own way, contributed to the progressive split between the subject and transcendental along a non-linear, indeed often bumpy, path. Sartre himself – whom Foucault accuses of "humanism" – in his first writing, *The Transcendence of the Ego* (1937), aims directly at the heart of phenomenology, that is, precisely at that notion of transcendental consciousness that constitutes the lintel of the Husserlian system, to expel the Ego and reinterpret this consciousness as a pure, completely impersonal "spontaneity”. For Sartre,

[50] *Ibid*.

the ego is neither the owner nor the foundation of this absolute transcendence: it is, if anything, only a mask.

Read from this standpoint, the humanism/anti-humanism debate, in which Foucault is called into question in contrast to phenomenology and its French reception, seems to be the story of a great misunderstanding. But the first to put it in these terms is Husserl himself: in *Krisis*, he candidly admits that what he means by "Ego" is defined as such "only by equivocation".[51]

And it is precisely on this misunderstanding – in an attempt to come to terms with it and dissolve it definitively – that incredible waves of cross-criticism will be triggered (those of Sartre to Husserl and those of Merleau-Ponty to Sartre in the wake of Heidegger's criticisms of Husserl, as well as those of Heidegger to Sartre, of Husserl to himself and, finally, those of Deleuze, Derrida and Foucault to Sartre), all essentially aimed at detaching the transcendental from any subjectivistic residue.

At times, these cross-criticisms seem marked by excessive mistrust or by real misunderstandings (Sartre does not know the latest developments in Husserlian thought, Merleau-Ponty misunderstands the role of subjectivity in Sartre, of which even Foucault could not have read the last unpublished writings, etc.). But, on the whole, each of them makes a fundamental contribution in a sort of progressive path that leads continental philosophy towards its final destination: if there is a transcendental, it is impregnated with empirical and historically determined elements, that is, it is something like an anonymous practice ("the doing of each and all" as Hegel had already said)[52] within which course our subjectivity is constituted; an anonymous practice, or, to put it with Foucault, an interweaving of "practices" (a term that he takes up, once again, from *The Crisis of European Sciences*).

On the other hand, the fundamental notion of "transcendental subjectivity", a true pivot of phenomenological theory and practice, is neither reducible to the individual psyche nor to Cartesian evidence. In fact, in *Cartesian Meditations*, Husserl clarifies in a decisive manner that the constituent subjectivity has an intersubjective structure,[53] and in *Umsturz der koperkanischen Lehre in der gewöhnlichen weltanschaulichen Interpretation*, he explains that this "transcendental intersubjectivity" is based on the *Erfahrungsboden.*[54] Furthermore, phenomenology, if understood, following Husserl, as a way of research, has shown itself to be an open path and able to start over again (*immer wieder*, "always again", as Husserl liked to say) by integrating the criticisms and corrections that have been made to this notion over the years.[55]

[51] Husserl, *Crisis of European Sciences*, 184.
[52] Georg Wilhelm Friedrich Hegel, *The Phenomenology of Spirit* [1807] (2018), 254.
[53] See, in particular, the Fifth Cartesian Meditation in Husserl, *Cartesian Meditations: An Introduction to Phenomenology* [1931] (1960).
[54] See Husserl, "Umsturz der koperkanischen Lehre in der gewöhnlichen weltanschaulichen Interpretation" [1934], in *Philosophical Essays in Memory of Edmund Husserl*, ed. Marvin Farber (1940).
[55] See Vincenzo Costa, *Il cerchio e l'ellisse. Husserl e il darsi delle cose* (2007).

ETOPOIETICS AS SELF-DETERMINATION

Now, on the one hand, the path of phenomenology could only go in the direction of a transcendental emptied of the reference to a Cartesian subjectivity; on the other, Foucault felt it was perhaps necessary to break with a series of assumptions (which were also beginning to be questioned within phenomenology), but, once riding the "anti-humanistic" (or, if you prefer, "structuralist") wave, he returned to the theme of subjectivity in his last writings.

With the publication of his last book, *The Care of the Self*, in 1984, and, even earlier, with the courses held at the Collège de France in the early 1980s, the perspective of a self-determination of the subject re-emerges. In these last years of his life, Foucault clearly outlines a practice, an *ethos*, aimed at the self-constitution of oneself, effectively baptised *etopoietic*. The idea behind etopoietics is that I am determined as a subject by consolidated relations of power and subjugation, but, once constituted with a certain subjectivity, I can, through a process of "detachment from oneself", transform it, shape it and make it react in ways that also completely change it and that produce a radical resubjectification.

This is the reason why Foucault dedicates himself to the study of Greek and Roman antiquity and ancient philosophy, especially Stoic philosophy. The self-care practiced by the ancients is understood as a series of techniques and exercises. In fact, the word "cure", *epimeleia* in Greek, derives from *melete*, which means "exercise" and "training". These exercises produce a re-subjectification. The spiritual exercises of the Stoics, for example, aim to escape from the enchantment of some mental representations in order to free the subject. The subject is no longer just a passive product of power and knowledge but, by taking care of himself, able to free himself from certain thoughts and certain attitudes, thereby transforming himself.

On the other hand, already in 1978, Foucault clarified how the "death of man" – of which he had spoken in *The Order of Things* and which had earned him the label of "anti-humanist" – should be understood as a possibility of self-determination in these terms: "men have never ceased to construct themselves, that is, to continually displace their subjectivity, to constitute themselves in an infinite, multiple series of different subjectivities that will never have an end and never bring us in the presence of something that would be "man." Men are perpetually engaged in a process that, in constituting objects, at the same displaces man, deforms, transforms, and transfigures him as a subject".[56] Does the echo of the humanist Pico della Mirandola not seem to resonate in these words when he defines man as a being whose nature is never determined once and for all and for whom it is therefore necessary to constitute oneself freely?

CONCLUSIONS

This brief comparison between Husserl and Foucault, while tracing a common background instance, differently translated, certainly does not aim to erase the well-known and profound differences in style and content. As an example: for Foucault, there is no basis to which it is possible to bring back, in a rational and unitary way, all the practices and techniques that have

[56] Foucault, *Essential Works of Michel Foucault 1954-1984 Volume 3: Power*, 276.

gradually outlined a certain way of being subject. Self-determination cannot, therefore, for him pass from a methodical and rigorous knowledge – as elaborated by Husserl, at least in his intentions, through his own phenomenological method—capable of regaining a sense that has been lost and which should be reactivated. The Foucauldian way is outlined more as a "detachment from oneself" (*se déprendre de soi-même*)[57] than as a "finding oneself again".

But there is a singular aspect that unites the two authors and is worth emphasising in conclusion: self-determination necessarily passes through a historical-genealogical retrospection for both. This is a trait that – despite the diversity of method, strategy and even short-term objectives – unites Husserl and Foucault and differentiates them, for example, from Heidegger (and, in some respects, from Derrida's deconstructionism): there is a genealogical propensity in both of them that we do not find in Heidegger because of his distrust in the descriptive possibilities of philosophy.[58] On the other hand, Heidegger's demands – the profound reasons why he does not believe that philosophy can lead to "true discourses", stable and definitive – are not ignored by either Husserl or by Foucault. Instead, they are diversely integrated into their research methodology or, to put it better, into their *style of thinking* (aimed at abandoning the conceptual tools used, in Foucault's case, or always rethinking them from scratch, as in Husserl's). In both, the path of a genealogy is drawn that, without giving up showing how we have become what we are, at the same time avoids falling in love with one's own genealogical descriptions. Hence the need, for both, not to close up shop and keep the question open: *immer wieder*, always again.

It is this confidence in the emancipatory possibilities of critical-philosophical work – a work of continuous interrogation and questioning of assumptions – that is one of the most decisive aspects of Foucault's legacy. His genealogical work as an ethics of self-determination and the greater radicalism of its exercise compared to Husserl's genetic-phenomenological investigation constitute a model that can be translated – and that has been translated – in new ways, relaunching – and sometimes further radicalising – the critical and emancipatory instance. What Foucault bequeaths to us is therefore not a matter of content: his legacy lies not so much in his particular analyses of knowledge and power but in his *modus operandi* and in the exemplary way in which he has been able to combine theoretical radicalism with the demands of ethics, confidently restoring breath and horizon to philosophical inquiry.

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[57] See Michel Foucault, *The Use of Pleasure* (1984).

[58] This juxtaposition between Foucauldian archaeology and Husserlian phenomenology, due to differences from Heidegger's hermeneutics, is also proposed, albeit critically, by Dreyfus and Rabinow in their book on Foucault: while the first two seem to lack "naivety", in their reliance on philosophical language and its descriptive possibilities, the hermeneutic tradition (from Heidegger onwards) is well aware that each language is historically determined and therefore continuously makes a question of the terms it uses (see Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault*: *Beyond Structuralism and Hermeneutics* (1982)). This "hermeneutic" awareness is, on the other hand, clearly present in Foucault, who does not hesitate to question his own language and writing by explicitly speaking of "fictions" (see Enrico Redaelli, *L'incanto del dispositivo. Foucault dalla microfisica alla semiotica del potere* (2011), 183-219).

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ARTICLE

Foucault and Wittgenstein: Practical Critique and Democratic Politics

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ABSTRACT. This paper aims to explore a set of convergence points between Foucault's and Wittgenstein's perspectives on philosophy and language, integrating them into a mutually complementary approach that I term 'practical critique.' The concept of 'practical critique' is founded on three pillars: the understanding of philosophy and language as critical practices, the public nature of language, and confessional subjectivity. I examine these three areas of convergence across three subsequent sections. In the concluding section, I discuss how this perspective can be fertile for understanding democratic politics today. I argue that all three pillars predominantly support democratic politics over any other political form. To explain that, I engage with the debate on the language of democratic theory and the potential expansion of the understanding of the public sphere. The notion of the public that emerges from this perspective offers an alternative or supplementation to the classical Habermasian view of the public sphere and democratic theory. It is envisioned as an open space of discursive multiplicity and diversity, where practices of exclusion or oppression can be made visible, challenged, and resisted.

Keywords: Michel Foucault, Ludwig Wittgenstein, practical critique, democratic politics, public language, confession, subjectivity

INTRODUCTION[1]

In this paper, I will examine two philosophical projects—those of Wittgenstein and Foucault—in order to see how their perspectives on critique, language, and subjectivity might provide insights into contemporary democratic politics. I argue that Wittgenstein and Foucault engage in specific, practice and language-oriented philosophical critique,

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distinguishing it from the primarily theory-driven conceptualizations of democracy found in contemporary philosophy. The concept of practical critique that I outline here is built upon three key principles: an anti-foundationalist understanding of philosophy as a fundamentally practical activity, an anti-referentialist view of language as an activity grounded in public rules (practices), and an anti-Cartesian perspective on subjectivity as a process of confessional self-formation. I argue that the philosophico-political perspective emerging from the concept of practical critique can offer valuable insights into our understanding of democratic politics today.

In referencing Wittgenstein and Foucault, my aim is not to propose a systematic comparison or advocate for a shared theoretical approach. Instead, I intend to explore certain 'family resemblances' between selected concepts that could help us see some elements of contemporary democratic theory and politics in a new light. In this interpretative exercise, I will, on the one hand, juxtapose Foucault's critical project with Wittgenstein's therapeutic approach to language. On the other hand, I will identify potential political applications of Wittgenstein's concepts by considering them in the context of Foucault's politically engaged critique.

The paper is divided into four parts. In the first part, I will analyze the concept of philosophy as a practical critique. I will explore three axes that reveal the complementary and shared aspects of Wittgenstein's and Foucault's projects: their relationship to Kantian critique, their method of analyzing the singularity of events or particular cases, and their transformative orientation within philosophical critique. In the second part, I will discuss Wittgenstein's idea of language games and Foucault's concept of discourse within the common framework of the publicness of rules and practices, as well as their critique of private and inner sensations. Moving on to the third part, I will reference Wittgenstein's and Foucault's concepts of confession, parrhesia, and autobiography to illustrate how 'confessional subjectivity,' resulting from their approaches, offers an alternative to the Cartesian view of subjectivity. Finally, in the concluding part, I will draw upon Wittgenstein's and Foucault's concepts of practical critique and the publicness of language to challenge the dichotomy between agonistic and deliberative politics. I will also suggest potential applications of this approach for critiquing the classical liberal view of the public/private distinction.

PHILOSOPHY AS 'PRACTICAL CRITIQUE'

The best way to introduce the problem of critique in Foucault and Wittgenstein is to refer to one of the most spectacular philosophical debates of the XX century: a mostly virtual discussion between Habermas and Foucault concerning the understanding of critique, modernity, and power. One of the main objections Habermas had against Foucault's 'genealogical historiography,' raised in *Philosophical Discourse of Modernity*,[2] concerned the

[2] Jurgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures* [1985] (1987), 248.

problem of its 'relativist self-denial,'[3] which was an effect of a 'performative contradiction'[4] implicit in his critique. According to Habermas, Foucault's critique accuses all knowledge of being inspired by power, and, as a consequence, it contradicts itself because any critique has to refer to normative foundations ultimately. Therefore, Habermas calls Foucault 'cryptonormativist.'[5] To put it briefly, he suggests that either we accept, to some degree, Kant's philosophical project or we have to fall into irrationalism.[6]

The questions raised by Habermas are, in a way, crucial for understanding today's dilemma of philosophical critique. His objections could be reduced to one fundamental doubt: is it possible to conduct any philosophical critique if we dismiss Kantian claims to the universality of principles of reason and deprive our critique in this way of its rational foundations? I argue that the critical-practical-therapeutic approach, which we can find in Foucault and Wittgenstein, offers a positive answer to this question and, in a way, avoids 'Habermas' blackmail.'

Foucault introduces the concept of 'practical critique' (*critique pratique*) in his reflection on the Enlightenment and modernity. As he presents it, he aims to transform the Kantian negative task of critique (searching for the limits of reason) into the positive task of transgressing concrete limitations that currently constrain our thoughts and actions by exposing their contingency.[7] As he announces, he substitutes 'the analysis of rarity for the search for totalities, the description of relations of exteriority for the theme of the transcendental foundation.'[8] Foucault's method weakens the transcendental moment by taking into account the inevitable historicity of events and introduces practice as its essential point of reference and object of the study of discourse.[9]

This point is well elaborated in Foucault's methodological manifesto, *Archeology of Knowledge*, where he refers to such concepts as 'positivity,' 'historical a priori,' or 'the archive,' describing the primary unit of discourse – *l'énoncé*. This is an openly Kantian moment in his work, but most of all it is Bachelardian. In the spirit of Bachelard and Canguilhem, for Foucault the *a priori* in discourse refers not so much to the condition of validity of judgements, as in Kant, but rather to the condition of 'reality for statements.'[10] Bachelard believed that the highest manifestation of human rationality is science, and studying scientific concepts is the best way to understand what rationality is. In Bachelard, human rationality has a historical character (because the scientific concepts are historical – they are constructed by the scientist), and our rationality is not a uniform and monolithic object, that is, it is not universal. His conception rejected the possibility of looking at the history of science from the perspective of cosmic time (so, simply speaking,

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[3] Habermas, *The Philosophical Discourse of Modernity*, 281.
[4] *The Philosophical Discourse*, 281.
[5] *The Philosophical Discourse*, 202
[6] We could call this 'Habermas' blackmail,' a contemporary version of 'the blackmail of Enlightenment,' see Michel Foucault, "What is Enlightenment?" [1983], in *The Politics of Truth,* ed. Sylvère Lotringer (2007), 109.
[7] Foucault, "What is Enlightenment?," 113.
[8] Michel Foucault, *Archaeology of Knowledge* [1971] (2002), 141 (later cited as *AK*).
[9] Amy Allen, "Foucault and Enlightenment," (2003).
[10] *AK*, 143.

he rejected objectivism in history) and put stress on historical discontinuities, 'breaks,' 'errors,' and 'obstacles' in the development of scientific disciplines, which could not be viewed as a cumulative and linear progress towards truth.[11]

Foucault deems that the *a priori* of actual statements could be found within the 'archive,' constituting 'a body of anonymous, historical rules, always determined in the time and space that have defined a given period, and for a given social, economic, geographical, or linguistic area, the conditions of operation of the enunciative function.'[12] Importantly, besides the purely linguistic rules behind the production of statements, Foucault also emphasized the role of non-discursive (economic, political, institutional) practices[13] in constituting discursive formations. Foucault labeled such practices as 'extradiscursive dependencies.'[14] Therefore, the archive is not transcendental, unlike in the Kantian model, but historical and temporal.

This weakening of the transcendental moment through historically situated practical critique is directly addressed by Foucault's concept of 'eventualization'[15] (*événementialisation*), introduced in his lecture for the French Philosophical Association in 1978, "What is Critique?," and developed in a couple of interviews. The concept represents a recurring motif throughout Foucault's work, reflecting his philosophical grounding in the epistemological history influenced by Canguilhem, as well as his view of history as a discontinuous process marked by shifts and breaks. In "What is Critique?," against the *Annales* historians, Foucault indicates a need to return to a focus on the 'singularity' of events with the aim of breaching the self-evidence of our practices.[16] This is to be done by 'rediscovering connections' which can be identified between 'mechanisms of coercion and elements of knowledge.'[17] Foucault opposes eventualization to what he calls 'investigation into the legitimacy of historical modes of knowing' based on value judgments and truth-reference, which he ascribes to Kant, Dilthey, and Habermas.[18] Instead, Foucault offers a 'systematic reduction of value' (he calls it a nihilistic approach)[19] in his eventualization procedure and proposes a 'polyhedron of intelligibility,'[20] which draws on analyzing the existent practices according to multiple processes constituting them. In other words, eventualization is to expose how it came to be that some practices are recognized as accepted or true, taking into account the operation of coercion mechanisms.

[11] Gaston Bachelard, *The Formation of the Scientific Mind: A Contribution to a Psychoanalysis of Objective Knowledge* [1938] (2002).
[12] *AK*, 131.
[13] *AK*, 68.
[14] Michel Foucault, "History, Discourse, Discontinuity" [1968], in *Foucault Live: (Interviews, 1961-1984)*, ed. Sylvère Lotringer (1996), 38.
[15]Michel Foucault, "What is Critique?" [1990], in *The Politics of Truth*, 59; Michel Foucault, "Impossible Prison," [1980] in *Foucault Live*, 277.
[16] Foucault, "Impossible Prison," 277.
[17] Foucault, "What is Critique?," 59.
[18] "What is Critique?," 58.
[19] "What is Critique?," 60.
[20] "Impossible," 278.

However, another aspect of Foucault's practical critique renders it practical in a more direct sense. From his early writings onward, Foucault openly expressed skepticism toward the traditional notion of theory as a universal foundation to be applied in practice. In an interview with Deleuze, he concurred with Deleuze's perspective that '…theory does not express, translate, or serve to apply practice: it is practice. But it is local and regional, as you said, and not totalizing.'[21] From this viewpoint, he also perceives the role of the intellectual, who must engage in their 'specific' domain (such as the hospital, the asylum, the laboratory, the university, etc.) and refrain from making prophetic pronouncements of universal truths about humanity.[22] This stance, however, does not imply that Foucault rejects all emancipatory discourse. Clearly, he departs from the Marxist notion of liberation as a process applicable to all of humanity or its essence (*Gattungswesen*). Still, he takes the political engagement of intellectuals in bringing about 'concrete freedom' or 'possible transformation'[23] very seriously. Examples of this kind of activity can be found in works like *Discipline and Punish* or *History of Sexuality*, where he actively engages in the practice of dispelling illusions regarding our understanding of power, particularly the traditional notions of 'juridical monarchy' or 'sovereignty.'[24] In political theory, 'cutting off the head of the king' means making us aware of forms of power that are not revealed by these conventional views and that can intensify relations of domination. By emphasizing the historicity of 'coercion mechanisms' (or simply power) in relation to our knowledge and practices, Foucault underscores the transformative moment of practical critique. Recognizing contingency in what has been accepted and presented to us as necessary and inevitable allows us to see how the limits on our thought and action have been produced in specific historical moments. This also highlights the contingency of our practices and the possibility of change. Foucault's eventualization is to lead to 'desubjugation'[25] or 'the opening up of the space of freedom'[26] by pointing at possibilities of thinking, acting, or governing in a different way.

I will now present the themes related to critique and practice in Wittgenstein's therapeutic philosophy, drawing connections to the areas I discussed within Foucault's concept of practical critique. These areas include the relationship to Kantian critique, analysis of the singularity of events, and challenging their necessity, and the transformative moment.

Many interpretations of Wittgenstein's philosophy note affinities with the Kantian project and directly ascribe a kind of transcendentalism to Wittgenstein's philosophy.[27]

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[21] Michel Foucault, "Intellectuals and Power" [1972], in *Foucault Live*, 75.

[22] Michel Foucault, "Truth and Power" [1977], in *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977,* ed. Colin Gordon (1980), 126-128.

[23] Michel Foucault, "Critical Theory/Intellectual History" [1983], in *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*, ed. Lawrence D. Kritzman (1990), 36.

[24] Michel Foucault, *The History of Sexuality. Volume 1* [1978] (1978), 88-89.

[25] "What is Critique?," 47.

[26] Foucault, "Critical Theory," 36.

[27] Hannah Pitkin, *Wittgenstein and Justice: On the Significance of Ludwig Wittgenstein for Social and Political Thought* (1972); Eric Stenius, *Wittgenstein's Tractatus; a Critical Exposition of Its Main Lines of Thought* (1960).

The transcendental interpretation of the *Tractatus* as the search for the conditions of possibility of the meaningful use of language seems to be an unquestioned interpretation of Wittgenstein's early philosophy. However, ascribing Kantian provenance to his later philosophy seems to be less obvious since the limits of sense are set there not by logic but by grammar. In Wittgenstein, the relation between grammar and language is identical to the relation between the description of a game (rules) and the game itself.[28] Consequently, the command of a language does not consist in being able to explain its grammatical rules but, rather, in speaking the language itself, i.e., in being able to communicate with others. In this approach, the rules of the game or grammar are appropriate to the game or grammar itself and serve no purpose outside of the game or language. Therefore, the rules of grammar, like the rules of any game, are both arbitrary and autonomous. Grammar is a convention grounded in the actual practice of using words. This insight is supported by Wittgenstein's claim that 'grammar is not accountable to any reality. It is grammatical rules that determine meaning (constitute it) and so they themselves are not answerable to any meaning and to that extent are arbitrary.'[29]

Indeed Kant and Wittgenstein (and Foucault as well) shared an interest in curbing the metaphysical pretensions of philosophy and dispelling some illusions of reason, but if we accept that grammar is a convention grounded in the actual practice of using words, an autonomous and arbitrary system, then it would be difficult to defend the existence of synthetic *a priori* truths as true descriptions of the world.[30] According to Wittgenstein, 'language must speak for itself,'[31] and this excludes any universal claims and final (external) justifications of our knowledge. This 'water-downing' of transcendental arguments,[32] similarly as in Foucault, both indicates the importance of some Kantian themes in Wittgenstein and how his work transgresses the Kantian project.

Wittgenstein describes the philosophers' tendency to refer to universal claims and final justifications as a 'craving for generality'[33] and associates it with philosophers' tendency to imitate the scientific method, which for him constitutes one of the main sources of philosophical puzzlements. For Wittgenstein, philosophical problems are not empirical ones but rather conceptual confusions generated by misunderstandings concerning our use of language, which can be solved through gaining insights into the workings of our language. Therefore, Wittgenstein assumes an anti-theoretical stance, replacing the search for scientific explanations with the search for understanding, which consists in 'seeing

[28] Ludwig Wittgenstein, *Philosophical Grammar* (1974), 60.
[29] Wittgenstein, *Philosophical Grammar*, 184.
[30] P. M. S Hacker, *Wittgenstein: Comparisons and Context* (2013), 49.
[31] Ludwig Wittgenstein, *The Collected Works of Ludwig Wittgenstein. Philosophical Grammar* (1998), 40, 63.
[32] Hacker, *Wittgenstein: Comparisons*, 53.
[33] Ludwig Wittgenstein, *The Blue and Brown Books: Preliminary Studies for the "Philosophical Investigations"* (1969), 18 (later cited as *BBB*).

connections'[34] and studying 'particular cases.'[35] He calls this philosophical attitude the 'perspicuous representation'[36] of our grammar.

Wittgenstein contends that the effective use of language requires clarity because of our persistent inclination to misconstrue and distort language due to our illusions, desires, superstitions, or disquietudes.[37] This tendency of human misguidance through language becomes most conspicuous in the connection between language and mental 'pictures,' which forcefully intrude upon our thoughts and imaginations.[38] In his later writings, particularly in *On Certainty*, Wittgenstein frequently employs the notion of the 'world picture' (*Weltbild*),[39] borrowed from Spengler, as a 'system,' akin to the rules of games, which molds our perceptions and way of speaking about the world.[40] According to Wittgenstein, this *Weltbild* is not the result of deliberate or rational contemplation; rather, it closely resembles the concept of a language game and the form of life. It serves as an 'inherited background,'[41] 'a framework through which we look at [things]',[42] and has the capacity to captivate our thoughts and actions.[43] All these mental images and world pictures shape our conceptual framework, guiding us to perceive and envision the world in a predetermined manner, deeming it as natural and indispensable.

Wittgenstein associates the potential for liberation from the picture captivity with the perspicuous representation of our grammar. The capacity to perceive other connections in the picture enables us to see things differently and to free ourselves from the pictures that captivate our thoughts and actions. 'The clarification of our language's grammar is emancipating, enhancing our personal freedom of thought…'[44] Therefore, Wittgenstein conceives of philosophy not as a formulation of statements or a theory but as an activity, a practice, with the goal of bringing clarity to our grammar. The condition of freedom, understood as the capacity to control one's actions, is the understanding of the meaning of one's actions. This can only be achieved through the clarity in one's conceptual framework.[45] Consequently, this philosophical exploration of concepts is inherently practical, serving as a transformative self-examination that enables us to change our perspective and, by doing so, expand our ability to govern our own thoughts and actions.[46] In essence, it broadens our freedom.

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[34] Ludwig Wittgenstein, *Philosophical Investigations* [1953] (1968), §122 (later cited as *PI*).
[35] *BBB*, 17.
[36] *PI*, §122.
[37] *PI*, §109-111.
[38] *PI*, 178.
[39] Ludwig Wittgenstein, *On Certainty* (1969), §§93-96, §167 (later cited as *OC*).
[40] Hans Sluga, *Wittgenstein* (2011), 69.
[41] *OC*, §94.
[42] *PI*, §114.
[43] *PI*, §115.
[44] Gordon Baker, *Wittgenstein's Method* (2011), 196.
[45] Thomas Wallgren, "Radical Enlightenment Optimism: Socrates and Wittgenstein," in *Wittgenstein and Plato*, ed. Luigi Perissinotto and Begoña Ramón Cámara (2013).
[46] David Owen, "Genealogy as Perspicuous Presentation," in *The Grammar of Politics: Wittgenstein and Political Philosophy*, ed. Cressida J. Heyes (2007).

PUBLIC LANGUAGE

There are at least three clear affinities between Foucault's and Wittgenstein's views on language. Both share their interest in language or discourse as central points of reference for their philosophical methods. Consequently, they both pay much attention to the connection between language and practice and the idea of the publicness of language.

Ian Hacking situates Foucault and Wittgenstein in a relatively broad tradition of philosophers who consider language to be central for philosophical reflection and essentially public. Hacking contends that 'language went public' at the time of Hamann, who believed 'that there is no such thing as a person except what is constituted in a social setting, characterized by a unique historical language. Language is essentially public and shared; it is prior to the individuation of one's self…'[47] The idea of the publicness of language is, first of all, oriented against the representationalist view of language, which considers words essentially as 'signs for ideas' serving to help the recollection of previous thoughts (as in Hobbes, for example). The conception of language as public excludes the possibility of strictly personal language as a language of monological subjectivities reflecting private experiences or thoughts. In this perspective, language becomes a public space, 'the space of things which are objects for us together,'[48] enabling not only the expression but also the constitution of phenomena central to human life.

Many interpreters recognize Foucault as one of the architects of 'discourse theory' or 'discourse analysis.'[49] His nominalist account of discourse is aimed, as he puts it, to avoid, on the one hand, the structuralist idea of language as a closed structure or system independent of parole;[50] and, on the other hand, the hermeneutic tendency of searching for hidden and fixed meaning.[51] Of course, Foucault's relationship both with structuralism and hermeneutics (including phenomenology as well) was much more complex than that which can be inferred from his explicit statements. His early writings, with *The Order of Things* as a climax, shared many important characteristics with structuralism. However, starting from the *Archaeology of Knowledge*, Foucault began clearly to distance himself from the idea of fixed structures underlying language and knowledge. According to Foucault, discourse is basically a *practice* that forms the objects that are being spoken about.[52] It consists of actual statements ('discursive events') in their multiplicity, dispersion, and natural regularity, which an archaeologist can only capture.

In order to emphasize this 'positive'[53] nature of discourse, Foucault introduces the concept of 'discursive practices,' understood as historically and culturally specific sets of rules organizing and producing different forms of knowledge. Discursive practices

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[47] Ian Hacking, *Historical Ontology* (2002), 135-136.
[48] Charles Taylor, *Human Agency and Language* (1985), 264.
[49] Diane Macdonell, *Theories of Discourse: an Introduction* (1986); David Howarth, *Discourse* (2000); N. Akerstrom Andersen, *Discursive Analytical Strategies: Understanding Foucault, Koselleck, Laclau, Luhmann* (2003).
[50] See *AK*, 219-221; "Critical Theory," 22-23.
[51] *AK*, 122-124.
[52] *AK*, 49.
[53] *AK*, 141.

constitute an 'archive,' which could be compared to the grammar of a language in Wittgenstein, which, as a set of rules constituted by the practices of using language, allows certain statements to be made. The archive determines which statement could 'appear' and which would be excluded as erroneous; it is a condition of existence for actual statements. As mentioned earlier, it is important to note that Foucault insists on the existence of extra-discursive practices that include 'institutions, political events, economic practices and processes,'[54] and which also have their share in constituting an archive.

The key concept here is the concept of practice, which we can define as 'regularity or regularities of behavior, usually goal-directed, that are socially normatively governed.'[55] According to Foucault, the rules of which practices are composed must necessarily have a public, regular, and linguistic character. This means that individual practices and rules require the existence of other practices and rules that make up a community. There is no such thing as private practice. The role of subjectivity or individuals in discursive practices in archeology is reduced to 'subject positions' understood as spaces from which one speaks and observes in a discursive formation, which may be filled in certain conditions by various individuals or other subjects. These spaces are defined by specific institutional settings, legal regulations, professional hierarchies and other relations.[56] The archive's functioning appears here as a social sanction of the publicity of statements or 'serious speech acts.'[57]

The discussion of the connection between language and practice and on the publicness of language are also leading themes of Wittgenstein's reflection. One of the core motives of his philosophy, both early and late, is a conviction expressed in the *Tractatus* that 'All philosophy is "critique of language."'[58] This stance is also expressed in Wittgenstein's motto of philosophical therapy, which he defines as an activity aimed at bringing language back from a metaphysical to its everyday use.[59] The 'practice turn'[60] in Wittgenstein's later work is most of all based on the idea that it is a practice that determines the form of our language and thought. Describing a 'language game' as a 'form of life,' a practice related to the use of words,[61] Wittgenstein rejected his own earlier objectivist or reifying view of language, whereby he had claimed that words have their fixed meaning situated outside of language ('objects' connected to 'propositions' through common 'logical form'). The reference to the form of life indicates that language games

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[54] *AK*, 68.
[55] Todd May, *Reconsidering Difference: Nancy, Derrida, Levinas, and Deleuze* (1997), 52; Mark Olssen, "Wittgenstein and Foucault: The Limits and Possibilities of Constructivism," in *A Companion to Wittgenstein on Education: Pedagogical Investigations*, ed. Michael Peters and Jeff Stickney (2017), 312.
[56] *AK*, 53-58.
[57] Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (1982), 48.
[58] Ludwig Wittgenstein, *Tractatus Logico-Philosophicus* [1921] (1992), 4.0031.
[59] *PI*, §116.
[60] Kjell S. Johannessen, "The Concept of Practice in Wittgenstein's Later Philosophy" (1988).
[61] *PI*, §23.

are 'interwoven' with non-linguistic activities and that this non-linguistic, social or cultural[62] context is essential to understanding our language.

The idea of the publicness of language is a consequence of Wittgenstein's 'anthropological' view of language as a shared human activity analogous to a game and his anti-Cartesian, communal view of subjectivity. Wittgenstein's view underscores its public and communal nature, its rule-governed character, and the importance of normative aspects and shared customs in the practice of language.[63]

Wittgenstein's concept of 'language game' uses the analogy to a game to illuminate that language, like a game, has rules that govern its use, and to use it correctly, language users must adhere to rules to engage in meaningful communication. He distinguishes between mere regular behavior and 'rule-following,' which is not just a matter of behaving in a certain way; it is a practice that must be learned and involves a 'commitment' to the rule.[64] This introduces a normative aspect to rule-following[65] and requires establishing criteria for the correctness of behavior. For some expression or behavior to be recognized as rule-following, it must have a communal context, that is, there must be someone who will be able to recognize it as conforming to the rule or failing to conform to it. Therefore, to be able to apply the rules, follow rules, and obey them, we need 'the common behavior of mankind,'[66] exemplified by 'customs (uses, institutions).'[67]

The community-oriented conclusions of Wittgenstein's considerations on rule-following are also supported by his reflection on private sensations, which is called the 'private language argument.' Wittgenstein questions the idea that we can have a truly private language in which words refer to our inner, subjective experiences (such as pain). He argues that if a language cannot be understood by others, it cannot function as a language at all. Language, he suggests, is inherently public and relies on shared conventions and practices. When I say, 'I am in pain,' I am not making a statement based on my behavior; I am not describing anything, but I am expressing my experience. Similarly, when attributing pain to someone else based on their behavior, one is not describing their internal state but expressing one's interpretation of their condition.[68] If we understand private language as one in which words refer to what can only be known to the person speaking and as such cannot be understood by another person,[69] then we have to admit that this kind of language is not a rule-governed language; in fact, it is not a language at all. Hence, language is essentially a 'system of communication' rather than

[62] *BBB*, 134.
[63] *PI*, §§207-208.
[64] Ludwig Wittgenstein, *Lectures, Cambridge 1930–1932, from the notes of John King and Desmond Lee* (1980), 40.
[65] Sluga, *Wittgenstein*, 115.
[66] *PI*, §206.
[67] *PI*, §199.
[68] Sluga, *Wittgenstein*, 73. Cf. *PI*, 178.
[69] *PI*, §243.

one of representation,[70] and an activity that establishes a public space where we constitute and express ourselves and phenomena constitutive of human forms of life.[71]

In both conceptions, language is understood as diverse and multiple practices established through and in accordance with rules, which are understood as a range of interactional and necessarily public norms. Meaning is generated within the context of a language game in Wittgenstein, and discourse in Foucault. However, while Wittgenstein emphasizes that rules are shaped through the everyday use of language, he is not concerned with potential distortions of these rules caused by extra-linguistic mechanisms of coercion. In this context, Foucault's reflection on discursive exclusions can be understood as a critical practical complement to Wittgenstein's private language argument. Foucault's research into rules aims to demonstrate how they are produced through the workings of power and practices of exclusion. He draws attention to the various forms of discursive exclusions, such as prohibition, division, rejection, or the establishment of true/false oppositions.[72] In this sense, Foucault illustrates how discourse is established by excluding certain practices from the realm of what is considered public. In this context, 'public' refers to that which is sanctioned as scholarly, rational, socially/economically useful, true, and so on. Foucault's great achievement is his interest in the other side of discourse or the public, themes excluded by our rational and civilized Western thought. Although Wittgenstein is also interested in the limits of sense established either by logic or later by grammar and everyday use, he is not quite interested in going beyond those limits, or, to put it differently, he is not interested in asking about the processes of domination present in our everyday language.

CONFESSIONAL SUBJECTIVITY

Wittgenstein's and Foucault's reflections on the publicness of language, rules, and practice have significant implications for the understanding of subjectivity and reflection on the self, which are central topics of modern philosophy. Both philosophers challenge the traditional Cartesian 'picture' of subjectivity and the belief that introspection is the primary source of knowledge, providing the mind with privileged, direct access to its own thoughts and experiences. In this section, I will focus on interconnected themes that specify fertile ground for introducing the concept of 'confessional subjectivity' in Wittgenstein and Foucault. I will draw upon the concepts of 'confession' (found both in Wittgenstein and Foucault), 'parrhesia' (elaborated by Foucault), and 'autobiography' (explored by Wittgenstein). These concepts will be used to propose an 'aspectival change' in the view of subjectivity. This shift is based on recognizing the transformative, public, and self-formative aspects inherent in human forms of life.

[70] *BBB*, 81.

[71] Taylor, *Human Agency*, 264.

[72] Michel Foucault, "The Order of Discourse" [1971], in *Untying the Text: A Post-Structuralist Reader*, ed. Robert Young (1981).

The issue of subjectivity has been one of the central themes in Foucault's interests since his early writings. Even in *Madness and Civilization*, where he traces the history of madness and its relationship with reason, he believed that the subject is not a fixed, essential, or transcendental entity but rather a historically contingent construct that can be de-centered and transformed by historical events and shifts in discourse. In this context, Foucault views Descartes as one of the architects of the modern exclusion of madness from the realm of reason.[73] His early writings were focused on tracing 'techniques of objectification,' the processes through which various aspects of human experience and existence are transformed into objects of knowledge within a given historical, cultural, and political context. We can see this approach in *The Order of Things*, where objectifications of Man in language, life, and work emerge, as well as in his later works, such as those dealing with prisoners or the subject of sexuality. Foucault considers subjectivity in the close relationship with power and knowledge, encapsulated in his concept of 'power-knowledge.'[74] Subjectivity plays a dual role in this framework— it is both a product of historical power relations and the primary agent through which power accesses knowledge and exercises control over the population. This dynamic signifies a mutual exchange and support between power and knowledge rather than a one-way relationship.

More or less since *The History of Sexuality*, Foucault became more interested in expanding his studies of subjectivity on techniques of subjectification rather than objectification, or 'technologies of the self,' which

> permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality.[75]

Foucault reveals a 'prehistory' that underlies contemporary 'technologies of the self' in early Christianity. In this context, he also identifies the emergence of desire as a subject and the production of elements that define today's apparatus of sexuality. His primary focus lies on the practice of confession, which he describes as 'one of the West's most highly valued techniques for producing truth'[76] and a central element of *scientia sexualis*. Since the Middle Ages, 'Western man has become a confessing animal,'[77] driven by religious obligations to introspect, gain insight into one's inner workings, acknowledge one's shortcomings, identify temptations, and understand desires. It was a shared duty for everyone to open up about these aspects, whether to God or within their community,

[73] Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* [1961] (1988), 199.
[74] Michel Foucault, *Discipline and Punish: The Birth of the Prison* [1975] (1995), 27-28.
[75] Michel Foucault, "Technologies of the Self" [1982], in *Technologies of the Self: A Seminar with Michel Foucault*, ed. Luther H. Martin, Huck Gutman and Patrick H. Hutton (1988), 18.
[76] Foucault, *The History of Sexuality*, 59.
[77] *The History of Sexuality*, 59.

thereby engaging in public or private self-examination and confession,[78] which could take spoken or written forms ('self writing'[79]: diaries, letters, self-narratives, autobiographies, etc.).[80] However, confession was for Foucault not only a means of self-examination but also a way of constituting oneself. By knowing oneself, examining oneself, and truly expressing one's inner reality, one becomes a subject for oneself.[81]

The concept of confession, crucial according to Foucault for understanding our 'confessing societies,' with psychoanalysis as one of our dominating forms of life, was supplemented, or rather replaced, by the concept of parrhesia. This concept was introduced and elaborated upon in several late lectures, especially at the Collège de France and UC Berkeley in 1983. This 'shift'[82] in Foucault's late thought was related to his growing interest in the political and critical dimensions of telling truth to power. The focus on parrhesia brings him back to ancient Greece and Rome, where he finds the first formulations of this political technique in Euripides or Plato. 'Parrhesia' is a form of free and fearless speech, telling the truth to the public, which is based on a certain relationship between the speaker and what they say,[83] and involves the risk related to telling the truth in public.[84] Foucault underscores the crucial role of parrhesia in democracy. On the one hand, it serves as an instrument of democratic vigilance, functioning as a counterbalance to potential authoritarian tendencies, governmental policies, or societal norms challenging the foundations of democratic governance. On the other hand, following Plato, we should distinguish 'good' parrhesia from 'bad' parrhesia; the latter consisting in 'saying anything one has in mind, without any distinction, without taking care of what he says,' or other, more dangerous forms of public speaking, such as flattery or demagogy,[85] which could be dangerous to democracy itself. However, Foucault sees in parrhesia a counter-hegemonic practice which is able to subvert relations of domination and transform individuals or collectives in order to achieve a 'concrete freedom.'

In contrast to Foucault, Wittgenstein did not formulate any positive notion of subjectivity. His perspective on this matter emanated from his reflection on language. Nevertheless, Wittgenstein's stance, characterized by its anti-Cartesian and anti-objectivist tenets, conceives of the human subject as related to a language game and as a manifestation of a form of life, thereby exhibiting noteworthy parallels with Foucault's view of subjectivity. After *Tractatus*, Wittgenstein was openly skeptical towards the Cartesian view of subjectivity characterized by a self-transparent, autonomous, and

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[78] Foucault, "Technologies of the Self," 40.

[79] Michel Foucault, "Self Writing" [1983], in *Ethics: Subjectivity and Truth*, ed. Paul Rabinow (1997).

[80] Michel Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress" [1983], in *Ethics: Subjectivity and Truth*, 277; Bob Plant, "The Confessing Animal in Foucault and Wittgenstein," *Journal of Religious Ethics* 34:4 (2006).

[81] Nicolas Rose, *Governing the Soul: The Shaping of the Private Self* (1990), 240.

[82] Philippe Büttgen, "Foucault's Concept of Confession," *Foucault Studies* 29 (2021), 8.

[83] Michel Foucault, *Discourse and Truth and Parrēsia*, ed. Henri-Paul Fruchaud, Daniele Lorenzini, and Nancy Luxon (2019), 40.

[84] Foucault, *Discourse and Truth*, 42.

[85] *Discourse and Truth*, 41, 113.

substantive self. He maintained that 'there is no such thing as the subject that thinks or entertains ideas.'[86] This critical standpoint regarding Cartesian philosophy persisted throughout his later writings after the 'practice' or 'anthropological' turn. According to Wittgenstein, 'I' does not refer to some immaterial, bodiless entity which has a 'seat in our body.'[87] In *Philosophical Investigations*, he explicitly articulated this critique, asserting that '"I" does not designate a person, "here" does not denote a place, and "this" is not a proper name.'[88] Wittgenstein's anti-Cartesian stance is further reinforced through his reflection on private language and rule-following, wherein he disavows the notion of a solitary, monological subject endowed with unmediated access to its inner sensations and experiences and capable of articulating them in a personal linguistic idiom. For Wittgenstein, the 'I' is not an 'object' and cannot be a constituent of the world at all.[89]

In *Culture and Value*, Wittgenstein asserts that 'really one should write philosophy only as one *writes a poem*.'[90] This declaration, along with numerous other reflections on literature and art in Wittgenstein's oeuvre, has prompted questions within Wittgenstein scholarship regarding the interplay between his style and his philosophy or method. Authors such as Cavell[91] or Pichler[92] claim that style and philosophy in Wittgenstein are intimately related and draw attention to the form of Wittgenstein's writings as a prerequisite for understanding his philosophy. In this context, a connection emerges between Wittgenstein's literary style and his understanding of subjectivity, particularly his form of life as a philosopher:

> Work on philosophy—like work in architecture in many respects—is really more work on oneself. On one's own conception. On how one sees things. (And what one expects of them.)[93]

Wittgenstein's writing style could be characterized as 'confessional.' It is closely linked to his philosophical way of life, which he regarded as a form of self-constitution or 'writing the self.'[94] He alludes to confession in both a personal sense and in terms of its language game. Throughout his lifetime, he diligently maintained notebooks and diaries, where philosophical contemplations were frequently interwoven with personal remarks and reflections on his own life. The motif of confession accompanied him in difficult moments in life, for example, when he decided to confess his mistakes to his closest friends and later to the family or when he appeared in Otterhal in 1936 to apologize personally to

[86] Wittgenstein, *Tractatus*, 5.631.
[87] *BBB*, 69.
[88] *PI*, §410; Hans Sluga, "'Whose house is that?' Wittgenstein on the self," in *The Cambridge Companion to Wittgenstein*, ed. Hans Sluga and David Stern (2018), 321.
[89] Sluga, "'Whose house is that?'," 328.
[90] Ludwig Wittgenstein, *Culture and Value* (1980), 28.
[91] Stanley Cavell, "The Investigations' Everyday Aesthetics of Itself," in *The Literary Wittgenstein,* ed. J. Gibson and W. Huemer (2004).
[92] Alois Pichler, *Style, Method and Philosophy in Wittgenstein* (2023).
[93] Wittgenstein, *Culture and Value*, 24.
[94] Michael Peters, "Writing the Self: Wittgenstein, Confession and Pedagogy," (2000), 354.

children he had hurt.[95] He was obviously influenced by the confessional style of Augustine and Tolstoy. As Monk notes, Wittgenstein begins the *Investigations* with a quote from Augustine's *Confessions* not only to illustrate primitive language learning but also because 'for Wittgenstein, all philosophy, in so far as it is pursued honestly and decently, begins with a confession.'[96]

One of the modes of confessional writing considered by Wittgenstein was autobiography. In fact, the idea of organizing *Philosophical Investigations* as an 'album' or 'landscape'[97] follows the format of 'philosophical autobiography.'[98] However, Wittgenstein's view of autobiography was quite far from the traditional understanding of confession or autobiography, as we find, for example, in Rousseau, who declares, 'I cannot deceive myself about what I have felt.'[99] Wittgenstein would respond: 'Nothing is so difficult as not deceiving yourself.'[100] He did not believe that confession could be a straightforward means of self-expression and self-revelation and was quite skeptical about the possibility of the true expression of one's own inner thoughts and experiences.[101] Instead, he highlights the intricate relationship between the language game and the representation of personal experiences:

> The criteria for the truth of the *confession* that I thought such-and-such are not the criteria for a true *description* of a process. And the importance of the true confession does not reside in its being a correct and certain report of a process. It resides rather in the special consequences which can be drawn from a confession whose truth is guaranteed by the special criteria of *truthfulness*.[102]

Both for Wittgenstein and Foucault, telling the truth within confession deviates from the classical understanding of truth as correspondence. According to Foucault, confession is a site where truth is produced, shaped, and controlled. The truth emanating from confession is not objective or absolute; instead, it is contingent upon the institutional and political dynamics within which it unfolds. Similarly, in Wittgenstein's perspective, understanding confession involves participating in a distinct language game specific to confession itself, where the criteria for truth may differ from those found in other language games. While Wittgenstein remains aloof from any political engagement, Foucault convincingly illustrates how confession and parrhesia become a central element of the democratic form of life. For both philosophers, confession serves as a means of subjectivity formation, which I refer to as 'confessional subjectivity'—in Wittgenstein as a

[95] Monk, *Ludwig Wittgenstein: The Duty of Genius* (1990), 367-372.
[96] Monk, *Ludwig*, 366.
[97] *PI*, viii.
[98] Pichler, *Style*, 47.
[99] Jean-Jacques Rousseau, *The Confessions: And, Correspondence, Including the Letters to Malesherbes* [1782] (1995), 234.
[100] Wittgenstein, *Culture and Value*, 39.
[101] *PI*, 221.
[102] *PI*, 222.

philosophical way of life related to the 'contextualization of self-writing,'[103] and in Foucault as 'technology of the self'.

CONCLUSION: PRACTICAL CRITIQUE AND DEMOCRATIC POLITICS

I will now explore some implications of Wittgenstein's and Foucault's practical critiques for the understanding of democratic politics today. Following Wittgenstein and Foucault, I aim to situate my reflection on democratic politics within the context of a 'particular case' of the political developments in East/Central Europe. This region celebrated the end of Soviet-sponsored state totalitarianism and the implementation of a new political liberal-democratic order thirty years ago. These events were heralded as a grand victory of the free democratic world and, for some, were equal to the end of politics as such. Today, however, many countries in the region are governed by autocratic populist leaders who mobilize nationalist sentiments through the production of external and internal enemies, oligarchical arrangements, and public corruption. This way of corrupting democratic politics by ostensibly building on the democratic premise of the majority rule while rejecting the principle of the rule of law was recently referred to by Agnes Heller in the context of Hungary as a 'new tyranny.'[104] However, its reach is wider, and other European and non-European countries seem to be following suit. Therefore, I propose that the current situation in Central Europe serves as an important 'laboratory of populism,' with developments in the region acting as a significant indicator for the Western world in the near future. I argue that Foucault's and Wittgenstein's practical critiques could be particularly fertile in the current evident crisis of the democratic project; a crisis which concerns not only actual democratic politics but also democratic theory itself.

The architecture of practical critique is built on three pillars: the understanding of philosophy and language as critical practice, the publicness of language, and the confessional subjectivity. I argue that all these pillars support democratic politics more than any other form of politics. The practical approach in democratic theory critically addresses the over-theorized reflections on democracy that not only deepen the gap between democratic theory and practice but also fail to explain the divergence between the needs and demands of the people, the democratic subject, and the aims and interests of current political representation and institutions. Populist leaders in Central Europe have correctly identified the shortcomings of existing democratic theory and practice, proposing simple solutions that replace the elitist language of liberal theory with simplistic oppositions, such as those between corrupt elites and 'ordinary' people. This populist solution has activated and radicalized the conflictual potential of politics, capturing the emotions and imagination of the people. However, the accurate diagnosis has ultimately been translated into an inherently anti-democratic strategy that poses a

[103] Bela Szabados, "Autobiography after Wittgenstein," *The Journal of Aesthetics and Art Criticism* (1992), 50, 1, 6.
[104] Agnes Heller, "Hungary: How Liberty Can be Lost," *Social Research* 86:1 (2019).

threat to liberal democracy itself, as it replaces the principles of the rule of law, human rights, and protection of minorities with the simplistic concept of majority rule, paving the way for authoritarianism and the elimination of plurality and diversity.

The practical critical approach, grounded in the concepts of practice, the centrality of language, and its public nature, illuminates a deeply democratic and critical potential within Foucault's discourse and Wittgenstein's language games. By highlighting the communal and participatory nature of language—where understanding and meaning are collectively constructed rather than imposed by any single authority—and emphasizing the inherent multiplicity and diversity of language, both conceptions pave the way for a more democratic interpretation of politics and, consequently, for more democratic politics itself. I propose two crucial areas where the interplay between Wittgenstein's emphasis on everyday language and Foucault's focus on domination and exclusion in practical critique reveals its democratic potential. First, if we agree, as I believe most democratic theorists do today, that language is an essential element in understanding democratic politics, then practical critique, which brings to the fore the key role of our everyday language in politics, becomes essential for re-engaging in dialogue with fellow citizens within the realm of democratic theory. This approach departs from the universalistic claims of post-Kantian political theory and philosophy and calls for in-depth anthropological and dialogical research into the understanding of ordinary language and practices within current democratic forms of life. Second, maintaining constant vigilance against and exposing any exclusionary practices, including the appropriation (or privatization) of language and the public sphere by populist tyrannical states, is crucial for reclaiming the public sphere as a cornerstone of democratic politics. The ability to resist domination, enabled by making the oppressive practices or 'mechanisms of coercion' visible, along with the democratic potential inherent in citizens' efforts to 'deprivatize the public' by constant 'work on themselves,' represent deeply democratic responses to the current anti-democratic tendencies in Central Europe's politics. I will explain these two claims by referring to the debate on the language of democratic theory and the possible extension of the understanding of the public.

Accepting the anti-foundational and anti-theoretical stance of practical critique allows us to see 'new connections' in the mainstream picture of democratic theory appropriated by a dispute between deliberative and agonistic views of democracy. On the one hand, the deliberative ideal of achieving rational agreement among free and equal participants in the conversation of humanity, which legitimizes norms and rules for our social and political coexistence, is hardly defensible in a time when politics has become impassioned, aggressive, and unpredictable, disregarding all the rules and expectations that have governed liberal democracies since the 1970s. On the other hand, liberal and leftist politics today clearly struggle to mobilize the emotions of people with a positive vision of a better future built upon principles of equality and social justice. With remarkable success, the tools of political strategy proposed by agonistic theorists have been appropriated by populist leaders and turned back against liberal democracies. The left-populist solution

recently advocated by Mouffe,[105] which alludes to the 'horseshoe theory' and aims to regain popular support from the radical right, could, if put into practice without a clear and positive agenda, likely devolve into a competition with the radical right involving public corruption and the manipulation of people's emotions. This could lead to the emergence of a new form of populism that poses a threat to liberal democracies.

If we look at this debate from the perspective of Wittgenstein's and Foucault's views of language as mutually complementary, we can gain important insights into the functioning of language and discourse in democratic politics which are overlooked by both deliberative and agonistic perspectives. Foucault's concept of discourse shares one crucial characteristic with Habermas' discourse ethics: they both view discourse as practice extending beyond ordinary language. Foucault regards statements as 'serious speech acts'[106] which have undergone some form of institutional testing to qualify as candidates for truth. Habermas similarly perceives practical discourse as a language that transcends the 'sea of cultural taken-for-grantedness,'[107] necessitating engagement in rational argumentation as a prerequisite for reaching consensus. Both concepts fail in this way to recognize Wittgenstein's therapeutic lesson regarding the scrutiny of our meanings and concepts in the light of their everyday use. Wittgenstein's reflections on rules as inherent in our linguistic practices indicate that rules and norms are not instituted top-down through rational engineering but rather emerge as 'abridgments of practices'[108] rooted in the common form of life. This aspect of discourse is also neglected by proponents of agonistic democracy, who adopt an all-encompassing concept of discourse as the 'meaningful totality,'[109] thereby blurring the distinction between linguistic and non-linguistic practices and veering towards linguistic idealism. Nevertheless, it is essential to consider something that both Wittgenstein and Habermas overlook but which Foucault underscores: comprehending how 'coercion mechanisms' embedded within our practices contribute to shaping and regulating our language games. I refer to this problem as 'the appropriation of the public sphere.'

In the context of a 'particular case' (or 'event') of Eastern and Central Europe, it is possible to pose a question often ignored in the context of discussions on the public sphere: how is the public sphere possible when the public is systematically appropriated by the populist state and when the dominating ideology negates or obstructs the expression of some identities, rendering them 'private' in a sense? Wittgenstein's and Foucault's notions of language and discourse suggest two significant points in this context. First, both conceptions suggest an inseparable connection between the public and language. It is a language that allows for the appearance of the space of common things

[105] Chantal Mouffe, *For a Left Populism* (2018).
[106] Dreyfus and Rabinow, *Michel Foucault*, 48.
[107] Jürgen Habermas, "A Reply to my Critics," in *Habermas: Critical Debates,* ed. John B. Thompson and David Held (1982), 272-273; James Tully, *Public Philosophy in a New Key: Volume 1, Democracy and Civic Freedom* (2008), 47-62.
[108] Chantal Mouffe, *The Democratic Paradox* (2000), 69.
[109] Ernesto Laclau, "Discourse," in *A Companion to Contemporary Political Philosophy*, eds. Robert Goodin and Philip Pettit (1993), 545.

which are accessible to all and whereby we are able to constitute ourselves. Second, as implied in their discussion of confession, the extension of the public into the private does not necessarily entail the rejection of human freedom, as is suggested in classical liberal or neoliberal views (as in Hayek,[110] for example). In fact, quite the opposite: our everyday language, the ways in which we 'write ourselves' or publicly convey our thoughts through parrhesia, serves as the arena where our self can be constituted and freedom actualized, provided that we have clarity in our concepts and actions. In this sense, reclaiming publicness is linked to expanding the public onto the private, or 'deprivatization of the public,' a process in which the private, understood as the 'appropriated public,' becomes a linguistic reservoir of democratic identity and autonomy.

This challenges the traditional Habermasian understanding of the public sphere as a unitary space independent of the state and beyond the private, where public consensus is negotiated through free, unconstrained, and rational discussion of the public good.[111] The multiplicity of language games and forms of life, along with the dispersion and diversity of discursive practices that shape our everyday language and rules that must be observed in order to engage in communication, is reflected in the multiplicity of forms of publicness in which citizens take action. The public sphere that emerges from this view is an open space of discursive multiplicity and diversity where practices of exclusion or oppression can be made visible and challenged or resisted. Since all language is essentially public, it is impossible to conceive of spaces that would be deprived of publicness. The practical critique demonstrates that even extensive appropriation of the public by a populist aggressive state will always produce multiple areas of the private, which will become the reservoir for reclaiming the public in the future, thereby becoming a new impulse for reviving democratic politics.

To conclude, in this paper, I explore the intersections between Michel Foucault's and Ludwig Wittgenstein's philosophies, developing a framework I term 'practical critique' to understand democratic politics. This approach is grounded in the belief that the public nature of language, the critical practice of philosophy, and the notion of confessional subjectivity offer a new lens through which to view democracy. Through my analysis, I argue that embracing the diversity and public aspect of language can rejuvenate democratic engagement, steering us beyond the stalemate between agonistic and deliberative politics towards a richer, more inclusive conception of the public sphere. I emphasize the critical relevance of this combined philosophical perspective in tackling the current challenges facing democracies, especially in light of the rise of populism and authoritarian tendencies. By combining Foucault's and Wittgenstein's insights, I propose a renewed commitment to the core values of democracy, advocating for a re-engagement

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[110] Friedrich A. Hayek, *The Constitution of Liberty* (1960), 315.

[111] Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* [1962] (1989); Jurgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* [1992] (1996).

with its foundational tenets through a careful and practical critique of language, power, and subjectivity. This, I believe, holds the promise of restoring democratic discourse and practice at a time when both are sorely tested by the complexities of modern political landscapes.

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ARTICLE

Foucault's Hegel Thesis: The "Tragic Destiny" of Life and the "Being-There" of Consciousness

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ABSTRACT. In this paper, I offer an intellectual-historical reading of Foucault's unpublished master's thesis. In contrast with other recent scholarship on the pre-1961 period of Foucault's career, the purpose of this paper is to grapple with the philosophical content of this thesis on its own terms, distinguishing it as far as possible from his mature work. This allows forgotten concepts to re-emerge in the course of reading the text and for a novel engagement with such neglected facets of Foucault's oeuvre. Indeed, the key concept which I argue emerges from Foucault's early thesis is that of language as the être-la of thought. By closely following Foucault's Husserlian reading of Hegel, and his response to Eugen Fink's paradoxes of phenomenology, it is possible to see how Foucault briefly lands upon a novel kind of scepticism about the reality of history and minds. In the same way, I will also show why Foucault was unable to fully develop or commit to these sceptical positions during this part of his career. The article concludes by briefly suggesting contrasts between my reading of this early text and the way Foucault's oeuvre is more generally understood.

Keywords: French Hegelianism, Jean Hyppolite, early Foucault, Husserl, Eugen Fink

INTRODUCTION[1]

Foucault completed his *diplôme d'études supérieures* under the supervision of the Hegel scholar Jean Hyppolite in 1949, writing a thesis entitled *La Constitution d'un transcendantal dans la Phénoménologie de l'esprit de Hegel.*[2] Until recently, the text of Foucault's thesis was thought lost; however, in 2013 a box containing Foucault's papers, including early

[1] This paper is adapted from the first chapter of my PhD thesis. See Oliver Roberts-Garratt, "The Philosophy of the Early Foucault (1949-1954)," PhD thesis, Exeter University, 2022.

[2] Michel Foucault, *La Constitution d'un transcendantal dans la Phénoménologie de l'esprit de Hegel* [1949], unpublished text accessed at *Bibliothèque National de France* (BnF, NAF 28803, box 1), hereafter "*LC*" in page citations (my translation).

material from the 1940s and 1950s, was obtained by the *Bibliothèque National de France.*[3] This material includes some versions of the thesis mentioned above, several incomplete drafts, plans, and appendices along with an abstract and an extended bibliography. These papers, which I have recently been able to consult, will form the basis of this paper.[4]

Foucault's thesis puts forward an interpretation of Hegel's *Phenomenology of Spirit* as the narrative in which the transcendental conditions of experience come to be imposed by the historical movement of dialectic. As implied by its title, Foucault's thesis implies a reading of Hegel akin to the ones Robert Pippin and others would put forward later.[5] Like Pippin, Foucault reads the *Phenomenology* not as a straightforward repudiation of the Kantian system but as a kind of historization of it. However, Foucault's interests diverge from Pippin's since he is not only concerned with explanations for the possibility of knowledge (*à la* Kant) but also with explanations for the possibility of experience as-such. Thus, the main feature of Foucault's thesis is its use of the Husserlian concept of a genetic phenomenology as an explanation of how the transcendental ego both constitutes experience as a whole at the same time as being constituted by the multiplicity of its experiences. In this essay, I will describe some contextual detail that may illuminate the real-world stakes of this highly-abstract thesis, as well as detailing the steps that Foucault takes in formulating his interpretations of Hegel and Husserl.

However, I am not interested in reconstructing the trajectory of Foucault's intellectual development, a topic that lies outside of the remit of this paper. I do not wish to recapitulate intellectual-historical scholarship that has already been done by Stuart Elden, Elisabetta Basso, Arianna Sforzini, and others.[6] Nor will my approach exactly resemble that of Pierre Macherey or Jean-Baptiste Vuillerod, both of whom have devoted more space to detailed, philosophical readings of Foucault's thesis, viewing it through the lens of Foucault's later ambivalence towards Hegelianism.[7] Although the first part of my paper describes the French Hegelian, post-WWII milieu in which Foucault wrote this text, I hope to direct attention away from a purely contextual or intellectual-historical understanding of Foucault's early work in terms of its continuity. One limitation of focusing on the continuity of Foucault's oeuvre is that it tends to reduce early works to mere historical curiosities. That is, the overemphasis on Foucault's intellectual trajectory risks diminishing unfamiliar aspects of his early work in favour of those parts that resemble more familiar, later writings. This can prevent an appreciation of the novel – or even mutually opposing

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[3] Stuart Elden, "Do We Need a New Biography of Michel Foucault?," *American Book Review* 39:2 (2018): 12.

[4] I have limited myself to the typed version of the thesis, referring to the other papers where they offered clarification. The typed version is labelled incomplete, though from reading it through, it simply seems to have been paginated inconsistently.

[5] Robert Pippin, *Hegel's Idealism: The Satisfactions of Self-Consciousness* [1989], (1999), 6.

[6] For example, see Stuart Elden, *The Early Foucault* (2021); Elisabetta Basso "Foucault's Critique of the Human Sciences in the 1950s: Between Psychology and Philosophy," *Theory Culture & Society* 40:1-2 (2020), 71-90; Elisabetta Basso, *Young Foucault. The Lille Manuscripts on Psychopathology, Phenomenology, and Anthropology, 1952–1955* (2022); and Arianna Sforzini, "Foucault and the History of Anthropology: Man, before the 'Death of Man'," *Theory, Culture & Society* 40:1-2 (2020), 37-56.

[7] Jean-Baptiste Vuillerod, *La naissance de la anti-hégélianisme. Louis Althusser et Michel Foucault, lecteurs de Hegel* (2022); Pierre Macherey, "Did Foucault Find a 'Way Out' of Hegel?" *Theory, Culture & Society* 40:1–2 (2023), 19–36.

– positions that Foucault entertained during his career. Thus, I eschew the notion that Foucault's thought is best conceived of in a linear trajectory from early to mature works, so I will avoid engaging in questions of continuity here in order to let the text speak for itself, as far as possible.

My approach to this text therefore permits a further step, that is, to analyse and to work with ideas that Foucault only partially developed himself. To that end, my paper's middle sections deal with the themes of the ineffable and the foundations of philosophy, as Foucault conceives them in this text, so as to elaborate upon what is only half-developed in the text itself. *La Constitution* could be summarily described as attempting to reconcile the fact that there exists something called "philosophy" with the idea that it is pre-conditioned by some other, as-yet-undetermined, state of affairs which is not itself philosophical. What is noteworthy in this text is its sustained engagement with German idealism and phenomenology, particularly Edmund Husserl and Eugen Fink – something which is largely absent in other, better known, texts. Here, Foucault's concern with the question of philosophy's outside, or its conditions of possibility, involves an amalgamation of Kantian and Hegelian concepts and terminology, which are also supplemented with ideas borrowed from Husserlian phenomenology. The middle sections of this paper are therefore given over to describing Foucault's use of these.

What I draw out of this text is Foucault's early conception of language as the 'being there' (*être-là*) of consciousness.[8] Briefly, this phrase denotes the idea that consciousness is real only because it is concretised in language (or speech, '*parole*').[9] According to Foucault's thesis, because consciousness is only manifested in particular instances of language, it cannot be defined as an abstract, disembodied collection of cognitions, meanings or norms. In turn, I will try to outline some of the unsaid implications of this position, particularly the questions it raises about the kind of things history and minds are. However, we will also see that Foucault does not follow this position through to its fullest consequences, choosing instead to gloss over the sceptical problems it raises. Rather, in this Hegelian phase, he remained wedded to the concepts of dialectic and historical progress, which prevented him from posing such questions at this point in his intellectual career.

Indeed, within Foucault's formulations on the being-there of language and consciousness, there is a kind of hyper-empiricist scepticism. Such a scepticism reverses the typical post-Kantian procedure of seeking normative foundations for truth claims or otherwise. If, as Foucault claims, consciousness is nothing but the empirically-given being-there of language, then a question poses itself, one which Foucault only superficially recognises in this text. The sceptic is 'he who is doubtful not of what consciousness thinks, but of what consciousness is, the scepticism which fears not the failure to recognise things, but the failure to recognise consciousness everywhere that it expresses itself'.[10] In other words, the question posed is: what possible basis can there be to assert the reality of abstract norms of reasoning that are usually taken to govern consciousness within post-Kantian

[8] *LC*, 99.
[9] *Ibid.*
[10] *LC*, 98.

thought? What kind of things are relations (of identity, modality, conditionality, *etcetera*)? If consciousness is real only to the extent that it is manifested concretely in particular instances of language (marks, sounds, gestures, *etcetera*), one might question whether identity, modality, conditionality, quality, *etcetera* are meaningful (transcendentally ideal) categories that reach out to tangible (empirically real) states-of-affairs; or (to speak in Hegelese) whether they are Ideas whose fully-realised content is latent in our immediate experience; or, indeed, whether this is all empty verbiage. As we will show, Foucault inadvertently asks this question without satisfactorily explaining how Kant's categories or Hegel's Ideas are anything more than the sounds and signs that are supposed to mark out their existence. The broader consequence of this scepticism might be to ask what basis our political world-views have in concrete reality: what validity do our interpretive categories of world-history have, such as cause and effect, the notion of influence or progress, the grouping together of discrete phenomena into coherent events such as the French revolution, the Cold war, *etcetera*? If we follow Foucault's reasoning in this text to its undeveloped conclusion, one might critique the reification of such events and ask to what extent history, in its practice and in its material traces, is anything other than words, noises, stuff, the mere being-there of language.

Thus, the first section of this paper will reconstruct the French Hegelian context required to make sense of Foucault's interests during this period. The second will describe how and why Foucault uses Husserlian phenomenology as a supplement to Hegel's philosophy of history. In the following sections, I will show how this Husserlian-Hegelian theoretical marriage generates the scepticism we described above, how Foucault's attempt at resolving it fails, and how this reveals a kind of cosmic arrogance at play within French Hegelianism more generally. Finally, I will reflect on the value of these sceptical problems and suggest some further directions for research regarding their significance for modern political theory and philosophy.

FRENCH HEGELIANISM: IDEOLOGY AND THE INEFFABLE

Foucault's thesis may be understood in the context of French Hegelianism; in particular, the writing of Jean Hyppolite. His comments much later suggest that even if he eventually moved away from Hegelianism, he still regarded Hyppolite's insights as holding a great deal of importance for his own research. After succeeding Hyppolite at the *Collège de France* in 1969, Foucault states:

> to make a real escape from Hegel presupposes an exact appreciation of what it costs to detach ourselves from him. It presupposes a knowledge of how close Hegel has come to us, perhaps insidiously. It presupposes a knowledge of what is still Hegelian in that which allows us to think against Hegel; and an ability to gauge how much our resources

> against him are perhaps still a ruse which he is using against us, and at the end of which he is waiting for us, immobile and elsewhere[11]

It is to Jean Hyppolite that Foucault credits these questions and something like an answer to them: 'he tirelessly explored for us and ahead of us, this path by which one gets away from Hegel'.[12] More pertinently, Foucault explains how Hyppolite's reading of Hegel gave rise to a series of impasses which he considered 'the most fundamental problems of our epoch'.[13] These aporias, as Foucault understood them, arise through philosophy's attempts to describe its own limits or even to say what it cannot say:

> it had to take up the singularity of history, the regional rationalities of science, the depth of memory within consciousness – not in order to reduce them but in order to think them […] If philosophy is in this repeated contact with non-philosophy, what is the beginning of philosophy?[14]

Here, one may ask in what sense did Foucault consider these bloodless questions to be 'fundamental' and what answers, if any, was he able to give? If we are to judge the solutions Foucault gave in their fullest light, it would be well to have a grasp of how – or even *if* – he came to grasp these questions in the late 1940s. Others have shown the parallels between the themes which preoccupied Jean Hyppolite and the kinds of analysis of historical structures familiar from Foucault's archaeological period.[15] However, where his later texts offer brief allusions to Hegel, *La Constitution* offers us the most direct insight into how Foucault understood these topics. One would imagine that *La Constitution* says some of what was left unsaid in Foucault's inaugural lecture and elsewhere. In his study, Macherey argues that Foucault's comments reveal a fundamental continuity between the masters' thesis and the question of experience as it appears in Foucault's *History of Madness* and later archaeological works. The masters' thesis and the mature works are both seen to pose the question of the reciprocal relationship between how words and things are connected in experience and the historical-conditions of the experiences which license this connection.[16] Yet, it might be more profitable to ask what significance these questions have outside of the endeavour of grasping Foucault's thought for its own sake. That is, what is the political import of these 'fundamental problems'; what does the problem of the ineffable have to do with contemporary politics? One might reasonably have asked this of Foucault in 1969 – but perhaps today also.

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[11] Foucault, "The Order of Discourse" [1970], in *Uniting the Text: A Post-Structuralist Reader,* ed. Robert Young (1981), 74.
[12] Ibid.
[13] Ibid., 76.
[14] Ibid., 75.
[15] Giuseppe Bianco, "La Dialectique Bavarde et le Cercle Anthropologique," in *Jean Hyppolite : Entre Structure et Existence,* ed. Guiseppe Bianco (2013), 119, 122-125.
[16] Macherey, 25.

The answer given by various intellectual historians seems to be that for the French Hegelians (and by extension Foucault) in 1949, the theme of immediate experience was connected in some way to the recent world-wars and to the rise of communism. That is, Hegel's *Phenomenology of Spirit* offered the conceptual tools to understand the process, or dialectic, which leads from immediate experience to ideological/political tyranny. For Jean Hyppolite in particular, Hegel's text describes the fundamental instability of an individual's pre-linguistic experience; its tendency to morph into oppressive thought-forms in the course of its linguistic mediation. Thus, according to Michael C. Roth, Hyppolite's earlier thought (of the 1930s and 40s) foregrounds the concreteness of what seems purely formal in Hegel's writing: progress and freedom are shown as the products of conflict, war, and death, in other words.[17] Similarly, Vincent Descombes claims this period in French intellectual history is centred around a concrete understanding of the Hegelian concept of negativity. For example, Alexandre Kojève's 'terrorist conception of history' is centred around the risk inherent to philosophy: that of conjuring the universality of an idea (or ideology) at the expense of the immediacy of individual human consciousness, a process correlated with political tyranny.[18] John Heckman also points out that for the generation of scholars who preceded Foucault, the interpretation of Hegel was paramount for understanding the rise of communism as a political force in the world. Hyppolite's 'phenomenological analysis of the negativity of actual conditions' led to an ambivalence towards Marxism and to a rejection of the 'strongly fatalistic, and therefore theological overtones' that were expressed in certain interpretations of Marx and Hegel (e.g., those of Brice Parain and Georges Bataille) but also in the real-world behaviour of the *Parti Communiste Français* and events in Stalinist Russia.[19] Put otherwise, the French Hegelians before WWII seem to have understood ineffable experience as part of a historical dialectic in which the immediacy of individual experience is pitted against its own mediation in collective morality, political ideology, and resultant forms of tyranny. For the young Foucault, the constitution of a transcendental in Hegel's philosophy might therefore be related to the same topics. Yet, as we will see, Foucault's way of articulating these concerns (death, negativity, and ideology) in his masters' thesis is completely abstracted from any obvious political context.

The end of the second world war precipitated a new question of how to make sense of the horror of the war and the state bureaucracies that enabled it. Here, Martin Heidegger's "Letter on 'Humanism'" is taken by many to account for the nascent antihumanism of the late 1940s among the French Hegelians.[20] Roth summarises what was at stake both for philosophy and for humanity according to the French Hegelians: 'What counts as history for the Hegelian will be all actions that *do* connect historicity and history, the individual

[17] Michael C. Roth, *Knowing and History* (1988), 24.

[18] Vincent Descombes, *Modern French Philosophy* (1998), 14.

[19] John Heckman, "Introduction," in Jean Hyppolite, *Genesis and Structure of Hegel's Phenomenology of Spirit* [1949] (2000), xxx.

[20] Leonard Lawlor, "Translator's Preface" in Jean Hyppolite, *Logic and Existence* [1953] (1997), ix; Roth, *Knowing and History*, 58-60.

and the whole. Establishing the connection *for us* however, will be a task laden with great moral and political risks for the philosopher writing in the 1940's'.[21] Reading *Genesis and Structure,* Roth understands Hyppolite as presenting the theoretical aspect of political terror and as de-emphasising the role of human agency: 'if we are able to understand our past by virtue of a logic (some structure that this past necessarily fits into) our major philosophical problems will be concerned not with the content of the historical but with the form and power of this structure.'[22] In other words, history begins to appear inhuman and absolute. The driving force of history is no longer human agency but an impersonal logic that works through the human. For the atheistic humanism of the '30s and early '40s, the question is how to make sense of human autonomy if history is no more than a function of inhuman processes.[23]

Likewise, Stephanos Geroulanos notes that Heidegger's replacement of 'man' with 'Dasein' prompted Hyppolite to reject an anthropological reading of Hegel in favour of an 'ontology of the human subject'.[24] According to this new perspective in the late 1940s, 'man is assaulted both from within and without – […] reconstructed both as the prey of history's interplay with a self-effacing individuality and as the space of play of the Absolute'.[25] Leonard Lawlor, Gary Gutting and Giuseppe Bianco all draw parallels between Hyppolite's antihumanism in the 1950s and Foucault's mature work. According to all three, the mature Foucault inherited the idea that language displaces human agency but rejected Hyppolite's notion of history as fully-determined in advance by an inhuman, mechanistic 'logic'.[26] For these commentators, the Foucault-Hyppolite link is made by drawing comparisons between Hyppolite's work of the 1950s (especially *Logic and Existence* published in 1953) and Foucault's archaeological period of the 1960s.

Here, however, it is best to limit our reading to Hyppolite's pre-1949 work which Foucault used whilst writing his diploma thesis. Foucault's bibliography mentions Hyppolite's *Genesis and Structure* from 1946, as well as two papers on Hegel's Jena period from the mid-1930s.[27] Of particular interest is Foucault's frequent reference to the 'tragic destiny'[28] of human consciousness, a theme echoed from *Genesis and Structure.* Geroulanos summarises that, in contrast to later work, Hyppolite's philosophy of the forties is tragic in the sense that history pays no heed to the particularity of individual human experiences; the tragedy being that their individuality is condemned from the outset to be

[21] Roth, *Knowing and History,* 45.
[22] *Ibid.*, 57.
[23] There are good reasons to suspend judgement about the connection Roth and Heckman make between the war, global communism, and the details of Hyppolite's theory of history, though I shall not go into those here.
[24] Stephanos Geroulanos, *An Atheism That is Not Humanist Emerges in French Thought* (2010), 300.
[25] *Ibid.*
[26] Bianco, "La Dialectique Bavarde," 112-113; Lawlor, "Translator's Preface," xiii-xiv; Gary Gutting, *Thinking the Impossible* (2013), 34.
[27] "Bibliography," in *LC.*
[28] *LC*, 57.

forgotten or covered over by recorded history.[29] Only in the later, properly-antihumanist phase of Hyppolite's thinking does an 'ontology of the human subject' explain away the individuality of human experience as the mere product of an inhuman logic of history.[30]

In *Genesis and Structure*, which Foucault's thesis cites, Hyppolite still retains his tragic, rather than antihumanist conception of history. The tragedy unfolding in Hegel's *Phenomenology of Spirit* is the individual's alienation from their own experience in the course of humanity's dialogue with itself, about itself. As Hyppolite writes, 'self-consciousness as reflection signifies the break with life, a break the full tragedy of which will be experienced by unhappy consciousness'.[31] The key characteristic of self-consciousness, according to this reading of Hegel, is that it makes the knower into a mere object of knowledge. Knowledge, as a kind of disembodied thing, takes on cosmic dimensions as it is divorced from any particular human knower and begins to direct human affairs as if from outside. In the same book, Hyppolite applies this interpretation to one of Hegel's examples, the phase of Spirit exemplified historically in Romantic individualism:

> In this visible world where the heart's desire is separated from order, I am incessantly in conflict with myself. *Either* I resign myself to obeying an alien order and live deprived of self-enjoyment, absent from my acts, *or* I violate that order and find myself deprived of the consciousness of my own excellence.[32]

Through this dilemma, the Romantic individual comes to understand the religious notion of a divine law as 'an illusory order' and to replace it with their own, human law; 'the individual must replace it with the order of his heart: the law of the heart must be realised in the world'.[33] However, the liberation of the self through the 'law of the heart' is doomed to fail: 'No sooner is it realised than it escapes the particular heart that gave it life'.[34] The 'tragedy of human action' is that as soon as it becomes self-aware, formalised as law, and thus universalised, it exceeds the agency of any individual human being. This loss of individual agency is what constitutes Hyppolite's tragic philosophy of history. The tragic impetus animating history is the pathos of humanity's self-awareness of its limitations and its hubristic attempts to transcend those limitations and to become free and self-determining.

THE *PROBLÉMTIQUE* OF GERMAN IDEALISM

Here we turn to Foucault's thesis itself. With these readings of the French Hegelians freshly in-mind, one might expect to find Foucault covering the same kinds of topics, i.e., the importance of understanding the second world-war, or the rise of Soviet communism

[29] Geroulanos, *Atheism*, 300.
[30] *Ibid.*
[31] Jean Hyppolite, *Genesis and Structure,* 162.
[32] *Ibid.*, 286.
[33] *Ibid.*
[34] *Ibid.*

in terms of the Hegelian dialectic of immediate experience, or similar. What one finds instead is a highly abstract text, little concerned with the lived-significance of recent historical events, focused instead on the paradoxes of a total, systematic history of thought. One finds no references to historical sources or texts apart from figures from the history of philosophy, i.e., Spinoza, Leibniz, Herder, Kant, Fichte, Hegel, Marx, *etcetera*; no reference to prisons, hospitals, or asylums; no mention of Stalinist terror, nationalism, or Nazi concentration camps; that is, no contact with philosophy's outside, except in abstraction. Initially, the thesis is oblique to the perspective of political thought, focused as it is only on the reality that there exists philosophy, to phrase it awkwardly. Of course, it may seem curious to make such a comparison between a piece of writing intended for an audience of examiners and other French-Hegelians' writings that were addressed to a wider public. It is natural that Foucault would avoid making this kind of explicit political commentary in an exam designed solely to assess his scholarly abilities. Nevertheless, once we have reached the end of this paper, it will be clearer how Foucault's thesis appears to respond to his elders' concerns. Effectively, it provides an argument for how philosophy – and Hegelianism in particular – can avoid being accused of a spurious neutrality; of pretending to stand both inside and outside of the world it comments upon. Without explicitly saying so, perhaps without even meaning to do so, Foucault will furnish a justification for his elder colleagues' political declarations on the basis of their material embodiment within the real (i.e., pre-philosophical) world. However, we will also see how Foucault's characterisation of the Hegelian dialectic undercuts this justification.

More positively, I hope to draw out some of the unintended consequences of Foucault's argumentation, particularly its scepticism. In particular, Foucault's thesis unwittingly asks us to consider: how can disparate, minor occurrences (or immediate experiences) be gathered together in language, that is, under a name (the French revolution, the third Reich, the cold war), without that name being a falsification of those occurrences, or without distorting our understanding of the processes that bought them about? If the movement from immediate experience to tyranny is a function of language, what is the ontological status of that function in-itself?

La Constitution opens by gesturing towards familiar problems of circularity in the philosophical systems of Kant and his idealist forebears. Namely: how philosophers are to account for the appearance of philosophy in the world, if the world is encompassed, in its entirety, by a philosophical system; what conditions must be met for this endeavour to yield anything meaningful? Foucault's first move is to suggest that philosophical systems do not manifest in abstraction but rather in some given place and time, 'The essential condition of a problematic would therefore be the definition of a transcendental which makes possible a world of historical experiences not effectively realised, but always realisable.'[35] To give a concrete example of our own, even if it had never 'effectively' appeared, a book like Kant's first *Critique* must nonetheless have had an ostensible, 'historical' time in which it could have appeared. Foucault's reference to the possibility of a world makes the phenomenological point that all experiences, philosophical or otherwise, must be an

[35] *LC*, 3.

experience of something. Thus, using the same example again, the first *Critique* must have had a given 'world' of which it could be the 'historical experience'.

Further, Foucault states that dialogue (such as that between Kant and Schelling, Schelling and Hegel, *etcetera*) is the historical *sine qua non* of the existence of philosophy as-such. Foucault expresses this idea in the form of a task:

> A general problematic [*problématique*] that will determine the conditions by which is possible a history of philosophy – not systematic, but systematising -, depends, thus, on the constitution of a historical transcendental where the real question [*la question effective*] takes the universal and necessary form of a philosophical problem.[36]

To put it otherwise, the German idealists' very acknowledgement of the problem of philosophy's history can only have been possible under certain conditions that they were unable to describe for themselves. The description of these conditions constitutes the *problématique* that Foucault aims to delimit. Here, Foucault describes the *problématique* of German idealism as a set of unstated premises which articulate, at the most basic level, the preconditions for the philosophical problem of German idealism's circularity:

> To show that a problem is possible, one must bring out the necessary foundation of its possibility; in this case it is a matter of showing how the possibility of a circle between a problem and its problématique found themselves upon the necessities even of philosophical thought.[37]

Here, then, to define a *problématique* is to question the terms of a philosophical question and its expected answers. The *problématique* of German idealism is articulated in the presumption that history and philosophy can each fully explain how the other is possible. Philosophy tries to ground the possibility of history in the 'universal and necessary form of a philosophical problem'.[38] Conversely, the history of thought tries to ground philosophy in terms of the reality ('*la question effective*') of particular occurrences, such as the datable publication of an author's work or other context. Both perspectives presume that their answers can, in principle, be exhaustive and internally-consistent. German idealism's conjunction of philosophy and history is self-undermining: each term cancels out the other by trying to go one level deeper, as it were.

Once this *problématique* has been mapped out, Foucault proposes a first step towards resolving its central paradox. As he puts it, one unjustly 'prejudges' what philosophy ought to be able to tell us by expecting an answer that will once-and-for-all settle the question of a choice between historical and philosophical modes of human self-awareness.[39] The choice offered is that of between the 'immobility' of a solution and the 'mobility' of a position which acknowledges the circularity of German idealism but does not simply abandon it on that account.[40] Even if the *problématique* of German idealism is a chicken-

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[36] *LC*, 4.
[37] *LC*, 6-7.
[38] *LC*, 4.
[39] *LC*, 6
[40] *LC*, 6

and-egg quandary, it is still a worthwhile exercise to go one level deeper and to 'bring out the necessary foundation of its possibility;' so long as one does not make the error of presuming to have dissolved the relevant problems.[41] To this end, Foucault will try to develop a (Husserlian) phenomenological approach which aims to ground the paradox of German idealism in the solidity of phenomenal experience. Foucault's abstraction from any particular historical occurrences seems to be justified, then, in the idea that one cannot talk about the particularities of history without understanding what one is doing when talking about history in general. Thus, Foucault's phenomenology of language will show how lived-experience is something quite separate from thought or political agency, for only in the concrete traces of language is thought's being-there manifested. But what Foucault will fail to realise is that if thought and experience are divorced, one cannot maintain the Romantic faith in the power of language. The word is no longer a window to the soul, nor a key to the past, nor a vehicle of communion with God; it is simply another inert thing.

Foucault's restatement of the problem (i.e., the philosophy of history vs. the history of philosophy) in phenomenological terms de-emphasises the human experience of history in favour of a description of the structure out of which it *originates*. Concluding his preliminary remarks, Foucault asks three questions which his essay will set out to answer:

1. What are the limits of the field of phenomenological exploration, and to which criteria must experience answer, that would serve as the point of departure for reflection?

2. At which arrival point does this regressive exploration end, and where is the summit of the transcendental realm in which experience is constituted?

3. What are the relationships of this transcendental world with the actuality of the world of experience beginning from which reflection is deployed, and for which it must account?[42]

Contained here is the assumption which Foucault sets out to justify in his introduction, namely, that philosophy has an origin or 'point of departure' that it must start from. The third question here suggests that his approach will not be concerned with conditions of possibility of scientific knowledge *à la* Kant's first *Critique* but with the 'world of experience'. That is, Foucault will give a phenomenological description of the givenness of the world in experience, emphasising this above the search for normative conditions of knowledge claims. Thus, we might anticipate that Foucault's essay will try to locate the original impetus of philosophical thought in the pre-reflective experience of 'the actuality of the world' he mentions in question three. Yet, I will show that in retaining a formalistic/idealist philosophical viewpoint on this question, *La Constitution* is not able to grapple with this 'actuality' in any satisfactory way.

La Constitution superimposes the Husserlian sense of the term 'phenomenology' onto the Hegelian one. Thus, Foucault's 'phenomenology' will not only ground history in phenomenal experience but also in a linear narrative of philosophy's historical emergence *à*

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[41] *LC*, 6-7

[42] *LC*, 13.

la Hegel. Foucault therefore identifies the problem of establishing the critical distance necessary for such an endeavour:

> This first knowledge is the Phenomenology, which is not therefore a pure and simple propaedeutic clarifying the system; it integrates itself with the system because it follows necessarily from the idea of a system; more than a supplementary explication, it is a preliminary difficulty which rears up immediately from the idea of a system.[43]

If phenomenology is to resolve the problem of philosophy's self-consciousness, it cannot be understood as something separate from philosophy but as philosophy's attempt to describe its own historical conditions or zero-degree. The reconciliation of the two perspectives cannot be achieved solely through Hegelian means, since in trying to resolve 'the resistance of the idea of system to experience', the *Phenomenology of Spirit* simply displaces this opposition in such a way as 'to give birth to a perpetual confusion, where [historical] experience is ceaselessly returned to its knowledge, and vice versa'.[44] To put it otherwise, Hegel's *Phenomenology of Spirit* and *The Science of Logic* are supposed to present two aspects of the same thing: the coming into being of a philosophical self-consciousness. Yet, according to Foucault's argument, an all-encompassing history of philosophical thought cannot at the same time be an exhaustive philosophy of history. Foucault therefore proposes to describe 'the constitution of a transcendental as the milieu of knowledge and mediation of non-knowledge with knowledge'.[45] If Hegel's phenomenology is of any value, it will need to be supplemented by another phenomenology which accounts for the historical genesis of philosophy in different terms again. This other theory poses the existence of an impersonal background, a 'milieu' within which philosophy, but also pre-philosophical experience, can appear as historical events.

Foucault shifts from the Hegelian to the Husserlian lexicon in order to describe this, referring to the distinction between a constituting and a constituted ego. In *Cartesian Meditations*, which Foucault cites in his bibliography, Husserl describes the foundation of phenomenal experience of the ego as originating in a 'cogito': a gathering-together of plural experiences 'manifold cogitata' into a single *"I think"*.[46] The constituted ego manifests itself through, and is thus identical with, each and every phenomenon of which it is conscious. Similarly, in Foucault's thesis, the constituting ego refers to an impersonal and chaotic flux of intuitions that are not initially joined together in any way; this ego 'loses itself in the multiplicity of its experiences'.[47] Conversely, the constituted ego recognises itself as passively 'constituted' in this plurality of experiences. This process is characterised as 'the act of the transcendental ego [*du moi transcendantal*]'.[48] The constituted ego is conditional upon the existence of a world capable of being experienced rather than the

[43] *LC*, 41.
[44] *LC*, 53.
[45] *LC*, 53.
[46] Edmund Husserl, *Cartesian Meditations* [1931] (1960), 43 (Husserl's emphasis).
[47] *LC*,100.
[48] *LC*, 100.

other way around. For Foucault, then, the history of philosophy is put-together out of a multiplicity of heterogeneous experiences.

On this basis, one can understand Foucault's interest in both Hegel and Husserl. The existence of an impersonal, multifarious world of experiences is what Foucault understands as the necessary condition for the (Hegelian) history of philosophy: it is

> the constituting ego who lose themselves [sic] in the multiplicity of experiences only to find each of themselves, fundamentally, as the totality of experiences. This recognition of the constituting in the constituted is the act of the transcendental ego, and its expression is the Phenomenology of Spirit;49

A grammatical mistake in this sentence seems to indicate (whether by accident or not) the ideas we have already touched upon. The subject of Foucault's sentence is singular ('*le moi constituant*') but the verb is conjugated as plural, 'they […] themselves' ('*se perdent eux-mêmes*'). This error expresses a similar idea to Husserl, namely, that the history of consciousness does not originate in a single experience but in a multiplicity of them. Husserl supplements Hegel, according to *La Constitution*, by showing that the history of (philosophical) consciousness does not have a simple origin. In other words, the history of consciousness cannot appear as the unfolding of a singular event except retrospectively.

THE 'TRAGIC DESTINY' OF LIFE

It is useful to note that Foucault's position is a hodgepodge of Husserl's and Hegel's vocabulary and not quite faithful to the details of either theory. As I will show in this section, the melding of two different phenomenologies generates a tension in Foucault's thesis between the scepticism we sketched above and the more traditional idealism one associates with Hegel.

For Hegel, the history of thought is governed by principles which are immanent to those historical processes and which appear only in them. The history of the mind is the process through which brute-reality comes to be self-aware, and to have some more-or less complete understanding of itself, as 'the True, not only as Substance, but equally as subject'.[50] For Hegel, the world and its history are rational without anything external that causes them to be so. Contrastingly, Husserl's account of the origin of consciousness assumes an ontological separation between the objects and the internal structure of experience. Husserl writes that 'Any "Objective" object, *any object whatever* (even an immanent one), points to a *structure, within the transcendental ego, that is governed by a rule*'.[51] The normative aspect of thought is prior to its givenness in any particular experience: 'the systematic *unfolding of the all-embracing Apriori*' is 'innate in the essence of a transcendental subjectivity'.[52] If the objects of experience imply the rule-governed activity of a knowing subjectivity, that is because they are distinct from the activity of knowing; they point to it,

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[49] *LC,* 100.

[50] G.W.F. Hegel, *Phenomenology of Spirit* [1807] trans A.V. Miller (1977) Section 17, 10.

[51] Husserl, *Cartesian Meditations*, 53, (<90>).

[52] *Ibid*., 155, (<181>).

but they are not identical with it. In insisting on this separation of knowledge from known, Husserl inserts a distinction into his version of phenomenology that Hegel was intent upon dissolving. By conflating the positions of Husserl and Hegel, Foucault's thesis opens up the possibility of philosophical scepticism about the reality of minds, consciousness, and history as a continuous process – and closes it down at the same time. In Husserl's vacillation there is room for scepticism, one which would differentiate our truth (experience as rule-governed) from the truth, inaccessible as it may be. For Hegel, however, this separation is unacceptable. *La Constitution* puts forward its own position, therefore, that is not exactly faithful to Hegel nor to Husserl.

La Constitution puts this hodgepodge concept of the transcendental milieu to work by arguing that a persistent theme of Hegel's writing is the conflict between 'life' and 'destiny'.[53] The Frankfurt writings introduce the idea that life, and conscious reflection upon life, are at once distinct from one another but also necessarily united, 'a spirit [*esprit*] that opposes itself to the abstract multiplicity of living things.'[54] This produces an antagonism between minds and bodies, a 'separation that opposes me to myself, even unto war against myself'.[55] The vital thing to observe here is the mutual dependence of opposing terms that should cancel each other out: thought is materially dependent on non-thought; conscious beings must have some form of engagement with their own reality as living organisms. This gives rise to the theme of a 'tragic destiny' in which the simultaneous disjunction and conjunction of thought with life condemns human consciousness to perpetual inner conflict.[56]

According to Foucault, this theme carries over into the *Phenomenology of Spirit:* 'How, in moving from empirical experiences as the reflection on myself where one becomes conscious of a destiny, to reach a transcendental subject that renders these experiences possible'.[57] In other words, Foucault asks how the *Phenomenology of Spirit* is able to describe the development from the most basic to the most complete forms of consciousness without assuming one perspective over another. The difficulty is not solely a matter of Hegel's mode of exposition but a more concrete problem of how living organisms come to experience themselves as such: 'it is about a subjective circularity […], a difficulty one would call ontological, if this term didn't refer to a sphere of reflection foreign to this discussion.'[58] The relationship between life and historical (tragic) destiny is identical to that of between the body and the mind: one cannot exist without the other; history is only history by virtue of its bodily manifestation. Foucault introduces this idea with an existentialist/phenomenological turn of phrase: life 'is the being-there [*être-là*] of consciousness, its manner of being in the world'.[59] Consciousness is constrained to be embodied; it must have a both a time and a place. Without a body of any kind, it is simply not there. Consciousness cannot exist in pure abstraction as the content of a disembodied mind. Rather,

[53] *LC*, 57.
[54] *LC*, 55.
[55] *LC*, 57.
[56] *LC*, 57.
[57] *LC*, 58.
[58] *LC*, 59.
[59] *LC*, 59.

it always has the character of being externalised, communicated, or represented and so is always temporal and spatial; consciousness is always something spoken, written or at the very least thought by somebody at some time and in some place. The fundamental, phenomenological characteristic of consciousness, then, is that it is not just *be*, but *be-there*.

From this standpoint, phenomenology approaches the body as the necessary, but not sufficient, condition of the mind and of its history. As Foucault writes, life and conscience are 'effected by a complex relation of partial dependence and partial independence'.[60] Hence, *La Constitution* considers the 'contingency' by which living beings came to be endowed with consciousness.[61] Yet, in this very act, according to Foucault, the contingency is dissolved since it is impossible to think of life, whether sentient or not, without thinking. This idealist philosophical move licenses Foucault's reformulation of the main question of Hegel's *Phenomenology*: 'what is the genetic relation between the transcendental subject and the empirical subject?'[62] The relation of life and destiny is not reciprocal since thought is not only a necessary but also a sufficient condition of life. That is the sense in which their relation is 'genetic': the transcendental subject generates the empirical subject. Life is not life unless it is consciously grasped as such; although there can be no thought without life, there cannot even be the thought of life without thought. Therefore, to engage with a history of thought is already to grapple with the tragic destiny of life – tragic, because the painful scission of living beings and their self-consciousness is contained in the very fact that life can be conceptualised.

It is for this reason *La Constitution* brings into play the version of Husserl's constituted/constituting ego as described above. For Husserl and Foucault alike, the transcendental is something impersonal, composed of a series of discrete experiences, at the same time as this composition is an act achieved in advance. As we saw, for Foucault, the transcendental ego is constituted by stitching together the series of lived-experiences into a coherent whole. Without the series of moments that it passes through, there is no narrative flow to the history of thought, no material content that could give body to its own internal logic. History has no logic to it if there are no events to which this logic applies: hence, 'constituted' ego. As we have just seen though, for Foucault, to work with the material of these experienced events, their embodied-ness, temporality, spatiality, is already to be lost in thought. If the events of history can appear to follow one another, it is only because they appear against the background in which they are thought as-one. Experiences are woven together by a single thread, namely, that of the transcendental, 'constituting' ego.

However, we do not learn anything from this mere positing of a transcendental ego. By this point, we, as readers, have perhaps long-since formed the impression that *La Constitution* is engaged in a hopelessly circular task: philosophy originates in a history; history originates in experiences; experiences originate in thought; thought originates in a transcendental subjectivity, and so on *ad nauseum*. Foucault tries to summarise his point of view in an abstract included with his thesis in a way that moves us ever-so-slightly forward:

[60] *LC*, 59.
[61] *LC*, 59-60.
[62] *LC*, 61.

> Considered in its totality knowledge is a transcendental "milieu" in which the constituting subject is the ego [le moi] and the constitutive structure, the concept. The transcendental unity is an "I know"[63]

We may note two things. Firstly, we learn that the stitching-together of discontinuous experiences into a continuous whole is embodied in the mundane act of announcing "I know". Foucault uses the indefinite article 'an' ('*un "Je sais"*'), which suggests that knowledge does not originate prior to any particular experience but only in the everyday act of speaking. To say "I know" is an instance of something commonplace, but this is in fact the crucial point: 'language, it is the speech [*parole*], it is the being-there [*être-là*] of the Spirit'.[64] In the simple, repetitive experience of stating "I know", the transcendental milieu is constituted.

Secondly, we move beyond the mere positing of an act of constitution to the insight that the structure of this act is 'the concept'. What "I" claim to know is always something. If the ego both establishes and expresses itself by uttering "I know something", this implies the existence of a shared vocabulary of concepts and of an addressee. This mutual recognition between living, conscious beings constitutes a condition of the possibility of knowledge in general – no one can be said to know something if others are not also capable of acknowledging it as true. Here, *La Constitution* diverges from Husserl's essentially solipsistic conception of other minds. As Husserl asks, 'What are others, what is the world for me? – constituted phenomena merely something produced in me. Never can I reach the point of ascribing being in the absolute sense to others.'[65] Contrastingly, Foucault's explicit assertion that language is the *sine qua non* of subjective consciousness prevents him from reaching Husserl's conclusion. The question of other minds is redundant if the mind is only manifested in the concrete being-there of language.

This has a further consequence in that the constitution of a transcendental subjectivity is fundamentally linked both to the dialogical and the generative aspects of language for Foucault. One speaks, but always to an addressee, using concepts that are a matter of agreement or disagreement. Consciousness embodies itself in speech, in writing, *etcetera*, yet this is never a mere *fait accompli*. Language multiplies itself, finding 'its negation […] in the following utterance' and it contradicts itself, 'finding its truth in another utterance that denies and overtakes it'.[66] One person speaks, another replies; one person says "yes", the other says "no". The transcendental ego manifests itself in the ongoing contestation of one word by another. In this sense, consciousness and language are only singular things to the extent that one describes them using the singular nouns 'consciousness' and 'language'. In reality, these things multiply and differentiate themselves to infinity in the ongoing fact of speech.

A sceptical question emerges: what sense is there to the idea of minds as distinct entities if they are only manifested in speech? Furthermore, if Hegel (and Foucault) are concerned with the historical unfolding of self-consciousness, this scepticism extends into a doubt

[63] "Abstract," in *LC*.
[64] *LC*, 99.
[65] Husserl, *Cartesian Meditations*, 52 fn, (<238>).
[66] *LC*, 104.

concerning history itself. If history is only manifested in the discontinuity and the multiplicity of instances of speech, then it is not so much the unfolding of a singular self-consciousness as its disintegration into a formless manifold of nows. History would then only be a real thing in that it is designated by a singular noun. In emphasising the multiplicity, non-identity and non-continuity of its instantiations, the temporal character of self-consciousness begins to appear illusory. Self-consciousness' capacity to gather the past, present, and future together in the form of a singular history is undermined by the concrete, multifarious fact of its own speech. History begins to lose its historical character: the question that arises here is whether the philosopher/historian can gather the numerically distinct 'traces' of the past without appealing to a metaphysical one-ness that is beyond them. It should be obvious that any appeals to normative limits or to Kantian syntheses of the manifold would be question-begging since it is precisely the nature of these limits or syntheses that are in question. If Foucault is to overcome this scepticism here, it will be necessary to show what the "I"'s continuity is in the distinct instances of saying "I know". This would imply showing what it is about past occurrences, whose plural traces historians/philosophers lay claim to, that justifies them in referring to history as the singular object of their enquiry. This question applies just as much to Foucault's own later genealogical 'history of the present' as it does in the Hegel thesis.[67] However, we will see in the following sections that Foucault does not fully acknowledge the implications of this sceptical position, even if he does momentarily recognise its force.

FINK'S PARADOXES AND THE "BEING-THERE" OF THOUGHT

So far, we have seen that Foucault's aim is to find the point in Hegel's *Phenomenology of Spirit* at which philosophy reaches the threshold of its historical existence: it seeks its own condition of possibility in an origin before which it has no being. Utilising what it calls a phenomenology, *La Constitution* finds that if philosophy has its historical condition in something non-philosophical, that 'something' is the brute fact of language. History and thought are not founded upon language's semantic or even syntactical qualities but, more fundamentally, upon its tangible there-ness. Just now we anticipated a sceptical moment in the argument of *La Constitution*, for if consciousness is nothing but language, what are individual human beings to do with their sense of self or with the idea that they have a history or a reflective autonomy which they realise in the world? Language threatens to mortify thought; the naïve, pre-reflective, language of the mundane menaces philosophy with irrelevance. In the following, we will see that according to Foucault, Hegel's strategy for sidestepping this threat is simply to project philosophy into everything in the guise of the dialectic. Yet, this solution is unsatisfactory since, by doing so, philosophy never really approaches its own history, limits, or conditions (i.e., everything that precedes or evades conscious reflection) but only itself.

With all the foregoing, the problem now changes: the question is no longer how a transcendental ego and its contents mutually condition one another. Rather, a new paradox

[67] Foucault, *Discipline and Punish* [1975] (1991), 31.

emerges. Language, as the only interface between thought and non-thought, oscillates in its status between condition and conditioned. Language is 'but one domain of the field of experience'.[68] Yet, transcendental enquiry, as the expression of philosophy's self-knowledge, must do so in the medium of language:

> The content of the *Phenomenology*, which has guided us to this point, to the constituting ego, returns once more to its point of arrival, in the same form in which it expresses itself: how has philosophy been able to enunciate the knowledge which it finds itself with?[69]

Language is at once the condition of possibility of the transcendental ego, whilst also being conditioned by it as one of its contents. Being at once a mere content of the subjective experience and its condition of possibility, language renders transcendentalism self-defeating, 'if it wants to express itself, the constituting ego must be the opposite of itself'.[70] Language is a subset of what is included in experience, but experience is a subset of what is expressed in language.

The paradox Foucault identifies above echoes those described in Eugen Fink's 1933 essay "The Phenomenological Philosophy of Edmund Husserl and Contemporary Criticism", which is cited in *La Constitution's* bibliography.[71] To summarise, Fink's paradoxes concern the communicability of phenomenology's insights, given that its methodology demands the direct experience of the phenomenological *epoché* rather than mere communication of its results: 'communication […] has the meaning of a provisional transmission of phenomenological knowledge whose purpose is that of leading the other to the performance of the reduction on his own'.[72] Phenomenology demands the suspension of precisely those mediating norms of reason it seeks to ground in the immediacy of the *epoché*: 'all ontic forms of identity are unable to define "logically" the constitutive identity of the transcendental and human egos'.[73] Thus, Fink and Foucault alike acknowledge the problem of scepticism that any totalising philosophy encounters when faced with its own discourse as an object of enquiry. Philosophy describes the world as if from outside yet only manifests itself inside that same world. Fink's response to the problem is simply to reaffirm the difference between philosophy and the world and to think of phenomenology as a meta-language that is somehow ontologically different from normal language. But this response is obviously insufficient: phenomenology is somehow different from ontic language, but what is the nature of this "somehow"?

Foucault's answer is different to Fink's; nevertheless, he is just as reluctant to accept the consequences of his initial observation. For Foucault, the appearance of philosophy's transcendental presumption results from a mistaken, representational understanding of what language does. Language, according to *La Constitution*, should not be understood as

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[68] *LC*, 90
[69] *LC*, 91
[70] *LC*, 93
[71] "Bibliography," in *LC*.
[72] Eugen Fink "The Phenomenological Philosophy of Edmund Husserl and Contemporary Criticism" [1933], in *The Phenomenology of Husserl: Selected Critical Reading,* ed. R.O. Elveton (2020), 134.
[73] *Ibid.*, 136.

a doubling of the thing which it is about. There is no mystical relationship between signifier and signified. Thus, to affirm that language is the being-there of consciousness is not equivalent to saying that language replaces or doubles the reality of immediate-experience. In contrast to Fink and Husserl, Foucault posits that there is no such thing as immediate experience that is not already linguistic:

> This liaison of thought to the word must not be envisaged as an incompletion, as an imperfection of thought: the word is nothing but that aspect of thought by which it is a being-there: there are not two things for thought, to be thought and to be a determined existence; the two do nothing but constitute its total reality.[74]

Philosophy's relation to language is not really a relationship at all, since they are two things that are not really distinct from each other. The history of philosophy originates in the fact that all thought is embodied in 'the word'. The relationship between experience and language is that of quasi-identity since the former only exists as embodied by the latter. However, this is only a quasi-identity. The distinction between thought and language is said to be a false one, yet Foucault is constrained to describe two aspects of the same entity: there are 'not two things', and yet 'the two […] constitute its [thought's] total reality.'

In other words, Foucault's solution generates a performative contradiction. If 'the consciousness of self is perfectly adequate to its own language',[75] that is, if language and thought are one thing, why does Foucault find himself forced by that very language to describe two things? Arguably, the point of view Foucault is expressing here encompasses both perspectives, resolving the antithesis of language and experience by showing it to be a false one. However, this *Aufhebung* does not get around the problem inherent in claiming that language and consciousness are 'perfectly adequate' to one another whilst maintaining a distinction in the very same sentence. Rather, what is shown in this analysis is Foucault's refusal – like Fink's – to follow the paradoxes of transcendental thought through to their ultimate conclusions.

Here we touch on the question, once again, of philosophy's relevance. If Hegelian philosophy is in any way relevant to the real world, that is because the young Foucault will force it to be so. If philosophy has a history, that is only because it projects itself into a world that has no intrinsic relation to it, which existed long before it and which can get along just fine without it. The account of Hegel given in *La Constitution* is one in which the distinction between thought and language is denied without fully committing to the idea that they are equivalent. This is because it must leave room for the 'dialectic' and for the projection of reason onto reality.

What does Foucault understand by dialectic, then? In *La Constitution,* dialectic is a process of gathering together distinct instances of self-consciousness, i.e., speech, writing, *etcetera*. The history of thought is not the progressive unfurling of incorporeal abstractions, ready-made and lying-in wait. Rather, it is the process of language's continual self-negation. Foucault writes:

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[74] *LC,* 94.
[75] *LC*, 94.

> At the level of language were revealed two modes of the overtaking of determinations one by another: for one part, we have seen that each utterance [parole] found its truth in another which denied and overtook it; but this "vertical" transcendence was doubled by a "horizontal" transcendence by which each utterance found its negation purely and simply in the following one.[76]

This horizontal and vertical transcendence suggests two things: firstly, that the history of thought contains numerically-distinct instances of speech. As we already saw, Foucault understands history as a transcendental milieu; an impersonal consciousness that manifests through the conduit of the human speech organ in the numerically distinct instances in which one says, "I know". Considered as individual events, determined by their numerical difference, each instance of saying "I know" is discontinuous with what precedes and follows it. One utterance follows from the next in such a way that it is always possible – providing one speaks the language – to discern one word from the next. The duration of each word is bounded either by silence or by another word which it is not: this is the 'horizontal' transcendence of language. The 'vertical' transcendence is the propensity of each utterance to limit the others by negation: "yes" and "no" are not only numerically distinct sounds or signs but mutually exclude one-another; one is a continuation of the other only in the manner of its negation. As Foucault states, this series of negations is precisely where 'transcendental investigation finds itself joined to a pure and simple historical becoming'.[77]

Secondly, the history of thought can only be established on the basis of its remaining corporeal traces. As Foucault puts it, this trace is the word:

> This liaison of thought to the word must not be envisaged as an incompletion, as an imperfection of thought: the word is nothing but that aspect of thought by which it is a being-there [être-là]: there are not two things for thought, to be thought and to be a determined existence; the two do nothing but constitute its total reality'.[78]

The tangibility of history, in the form of what is written, recorded, or otherwise preserved, embodies both the vertical and horizontal order we saw above. The relation of thought to language does not consist of the latter conveying the former's meaning. Rather, the word is embodied, and it finds itself so alongside other words, as one word said after another. Foucault reaffirms this by equating this aspect of language with speech: once again, 'it is language [*langage*], it is speech [*parole*], it is the being-there of the Spirit'.[79] Language does not become meaningful by representing reality to the mind. Rather, language is an autonomous thing (or better, things) in no need of human justification, and its function as such is characterised only by the relations between its elements of agreement, disagreement and numerical differentiation.

[76] *LC,* 104.
[77] *LC,* 104.
[78] *LC,* 94.
[79] *LC*, 99.

The history of thought comes about through a process, and that process is the Hegelian dialectic, in which the discontinuity of language finds its continuity. That is, despite inviting certain comparisons, *La Constitution* contrasts with the later, archaeological phase and its emphasis on historical and linguistic discontinuity. Here, Foucault implicitly assumes that speech, as the historical trace of thought, is inherently related to other speech, and that Hegelian dialectic is composed out of discreet instances of speech. Much as the transcendental milieu is composed out of distinct cases of the utterance "I think", dialectic is also articulated in a similar way. Foucault argues that dialectic is embodied as an entity in its own right:

> language is itself dialectic, or rather it is the dialectic, since the dialectic is this negative movement of which consciousness, in the immediate, recognises its prey, but which is nothing more at bottom but the activity of the consciousness itself, than the dialectic [which] knows nothing in reality but language.[80]

The difference, then, between transcendental subjectivity as "I think" and as dialectic is that difference between the definite and indefinite article. There are many instances of "I think"; there is only one dialectic, 'the' dialectic. Nonetheless, Foucault stresses that dialectic is also something embodied. If the dialectic were incorporeal or atemporal, it would represent an absurdity: 'if the dialectic were posed as a determining principle of the real from the start: this would be to admit the worst kind of apriorism'.[81] The dialectic cannot simply be posed without explanation as the motor of history; instead, it must find its basis in the corporeal reality of language. For this reason, the dialectic ought to be derived empirically since it is more or less identical with something in the physical world. This "more-or-less" is significant: the dialectic cannot exist prior to words, as it is only identifiable in language; yet it is not identical with any one of these words, either.

The dialectic's ontological dependence on the plurality of speech is contrasted by the singularity of its synthesizing role. Foucault writes that the dialectic will not be 'enclosed in the real nor idealised in empty thought, it will be the proper nature, the veritable determination of the understanding'.[82] Thus, it is embodied in language but is not quite identical with this embodiment; it is not 'empty' abstraction, yet it predicates to something other than itself its 'proper nature'. Dialectic is characterised not as an object or attribute but as a process: again, 'the negative movement by which consciousness, in the immediate, recognises its prey'.[83] The dialectic is in language, but it is not language; it is what incorporates each *parole* into the next. In this sense, despite what we just mentioned concerning the discontinuity of the history of thought, *La Constitution* undoes this by its definition of dialectic. The history of thought is incarnated in words – words which negate and contradict each other, which are not continuous with one another, yes; but as their unbroken thread, the dialectic once again binds each scribble and each sound to what it is

[80] *LC*, 100.
[81] *LC*, 101.
[82] *LC*, 101.
[83] *LC*, 100.

not. Philosophy liberates what precedes it in language only to corral it once more within the dialectic.

Foucault's Hegel thesis is still, therefore, trapped in the 'ideological use of history' disparaged in *The Archaeology of Knowledge*.[84] There is a world of difference between *La Constitution* and the more explicitly political writings of the other French Hegelians, Existentialists and the rest who were writing in the late 1940s. Nonetheless, what all of these texts have in common is an attempt to make themselves relevant, to make philosophy into the hidden truth that has always been implicit within reality, and, as the *Archaeology* puts it, to 'restore to man everything that has unceasingly eluded him for over a hundred years.'[85] The mature Foucault never specifies which ideology he is criticising, here, yet there are plenty of reasons to believe that Foucault's later invective can be directed at his own earlier writing, along with that of the French Hegelians, Marxists and Catholics who inhabited that earlier milieu.

PATHOS, DEATH, AND THE MESSIANIC ROLE OF PHILOSOPHY

This 'ideological use of history' is well hidden in *La Constitution*. Nevertheless, the attempt to 'restore to man everything that has unceasing eluded him' can be seen in his recuperation of non-human, non-conscious reality within thought. This is exemplified in the relationship *La Constitution* poses between philosophical *versus* everyday language. Pre-reflective speech is supposed to represent the material condition of possibility of philosophy, yet it is revealed in the course of the dialectic that the one is simply the other:

> but there must be acknowledged in the Phenomenology two juxtaposed languages, one which would be the expression of the different experiences of the conscience, and the other which would be the veritable expression these experiences inserted into the totality of experience; it would be necessary to distinguish empirical language of Hegel borrowed from living language and a philosophical language which would borrow from the tradition or forged from its pieces.[86]

Foucault credits this insight to Alexandre Koyré's essay "Note on Hegelian language and terminology". As Russel Ford summarises, Koyré's central claim in this paper is that the difficulty of Hegel's written style is not merely an idiosyncrasy but vital to his method of showing that the entire reality of history is already latent in the ideal movement of language. Where the everyday style of expression represents a pre-reflective naivety, the Hegelian idiom reveals a logic which is not readily discernible in ordinary language.[87] It is the job of (Hegelian) philosophy, then, to restore human consciousness' link to the real world by showing that the real world is already perfectly contained in its ideal form in language.

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[84] Foucault, *The Archaeology of Knowledge* [1969] (2011), 15.

[85] *Ibid.*

[86] *LC*, 96.

[87] Russel Ford, introduction to "Hegel and Kierkegaard," in *Jean Wahl. Transcendence and the Concrete: Selected Writings*, ed. Alan D. Schrift and Ian Alexander Moore (2017).

As Koyré remarks at the end of his piece, 'the best commentary on Hegel remains, until the arrival of a new order, a good, *historical* German dictionary.'[88] In other words, Koyré understands the *Phenomenology of Spirit* as capturing history through traces that remain of its perpetually shifting self-consciousness. It would be pointless for Hegel to develop a metalanguage (an outside perspective) for this purpose as to do so would travesty the historical reality that is already latent in everyday speech:

> fixing and isolating the diverse significations confounded or reunited by language, separating thus philosophical thought from spiritual values and from the life of the spirit incarnated in language, it ends up arresting thought; at its atomisation, at its fixation; that is to say, at its death.[89]

Philosophy puts itself at the ultimate risk in returning to everyday vocabulary. If it defines a 'univocal and reciprocal relation between a term and its signification',[90] philosophy becomes obsolete as soon as everyday usage changes since this change would be reflective of a change in reality's self-consciousness. Yet if philosophy asserts everyday language as the true discourse of reality upon itself, it renders itself equally redundant. This risk is ameliorated by posing the necessity of a philosophical style of writing which shows what is only latent in the movement of language. The difference between thought and language cannot truly be dissolved: one is in constant need of a philosophy that recuperates the differences into itself. Philosophy is never at risk, because it is always there, in every agreement, disagreement and compromise, whether it is acknowledged or not.

Foucault's thesis has a similar way of reducing philosophy's risk of death. The turn to language leads to scepticism. This moment in the history of thought is exemplified by 'he who is doubtful not of what conscience thinks, but of what conscience is, the scepticism which fears not the failure to recognise things, but the failure to recognise conscience everywhere that it expresses itself'.[91] Philosophical conscience fears the loss of itself once it recognises that it can only express itself in the medium of language. One has access only to language as the embodiment of thought but not to the immediate experience of the thinker. Language embodies thought, but language is somehow not the same as thought. Thus, 'conscience, in language, abandons itself completely in death'.[92] This death must – paradoxically – be endured, if the transcendental subject is to come into being. Language

> Expresses the absolute knowledge and the constituting ego which loses itself in the multiplicity of its experiences, only to rediscover itself at the bottom of each of them as the totality of these experiences. This recognition of the constituting in the constituted is the

[88] Alexandre Koyré, "Note sur la langue et la terminologie hegeliennes," *Revue Philosophique de la France et de l'Étranger* 112 (1931), 439 (my translation ; Koyré's emphasis).
[89] Ibid., 414.
[90] Ibid., 413.
[91] *LC*, 98.
[92] *LC*, 98.

> act of the transcendental ego and its expression is the Phenomenology of Spirit; language is thus the ego [le Moi] which is made Word, the Logos of the Spirit [93]

This transformation of the living, individual consciousness into an inanimate object is its tragic fate. And much like the hero of a tragedy, the constituting subject experiences 'pathos'; 'Passion wherein it risks death, and even where it knows death, since at each moment it recognises itself as error'.[94] However, much as Koyré says, the philosopher of absolute knowledge is never really at risk of death. Philosophy projects itself into language as such and raises itself to the level of God, 'the death of a carnal God is never anything but the advent of a spiritual God'.[95] Philosophical consciousness is no longer just consciousness but something heroic; it is not just heroism of regular mortal humanity doomed to its own tragic fate but the messianic (arm-chair) heroism of the human turned God.

We thus begin to recognise something distasteful in the insistence upon philosophy's political relevance. As we mentioned right at the start of this paper, the philosophy of the French Hegelians was, by their own accounts, concerned very much with death in the literal sense. For Kojève, Merleau-Ponty, Hyppolite and the rest, negation was not a mere abstraction but something very real and present; Stalinist purges, Nazi occupation, death-camps and the advent of nuclear warfare all fresh in the mind. Yet, to talk of political relevance here is a ruse as Hegelian philosophy does not so much make sense of history as justify philosophy's own existence on the basis of pointless suffering and violence. Merleau-Ponty's 1947 *Humanism and Terror* does little hide this fact, insisting, as it does, that events in Stalinist Russia parallel the stages of Spirit in Hegel's *Phenomenology*, and that such ordeals would be a necessary prelude to the realisation of the 'rational state' and to the expansion of 'man's relations to man'.[96] Hyppolite's 1949 *Genesis and Structure* at least limits itself to the French Revolution and ancient Greece in its rehearsal of these kinds of analysis.[97] Foucault's thesis effectively offers a theoretical justification of this idea: if history is encoded in language, and language is dialectical, then history must be dialectical. The role of the philosopher is prophetic, the passage of history is apocalyptic, and the coming of absolute knowledge is a messianic event. To repeat, 'language is thus the ego [*le Moi*] which is made Word, the *Logos* of the Spirit'.[98] But such historical occurrences as wars are surely not reducible to the concatenation of different signifiers; nor, surely, do we credit someone as God simply because they open their mouth to speak.

CONCLUSIONS

Nevertheless, there is something novel and worthy of attention in *La Constitution.* Time and time again in *LC*, Foucault touches on the theme of scepticism yet never allows this scepticism to inform his understanding of history as the place where so-called origins are

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[93] *LC*, 100.
[94] *LC*, 100.
[95] *LC*, 99.
[96] Maurice Merleau-Ponty, *Humanism and Terror* [1947] (1998) 67, 102, 150.
[97] Jean Hyppolite, *Genesis and Structure,* 334-368, 461-462.
[98] *LC*, 100.

found. If the history of thought is nothing but a series of traces, words, sounds, marks, and symbols, then the question of an origin undermines itself: what is an origin, on this model, other than yet another trace?

Such questions would, in turn, problematise a certain use of history that is close to the heart of many Foucauldians today. Many authors interpret the mature Foucault's method of doing history as primarily of ethical importance – I offer only a small sample of two here, but others could certainly be given. For instance, Lynne Huffer claims that we bear an ethical responsibility with respect to the future, and that even the most ancient, pre-human traces of past extinctions and violence indicate what this responsibility is: 'This archival fossilisation of matter opens up the recoiling moment of ethics as a question'.[99] Similarly, Claire Colebrook indicates that Foucault's emphasis on the granularity of archival documentation over the continuity of narrative history offers a 'counter-ethics' to the general post-Kantian philosophy of history, in which the relationality of past and present, individual and society is held paramount.[100] But equally, as *La Constitution* briefly suggests, the accumulation of such evidence (archival, fossil or otherwise) may be a meaningless process, preserving the meaningless traces of a meaningless past; the (re-)constitution of a transcendental milieu from these traces may well reveal nothing more than their own being-there. From the French Hegelians, we learn that the discharge of these ethical duties – if indeed they are such – may lead us equally to misery as to salvation. Yet, we receive no convincing explanation from them, or from Foucault, as to why such processes should be understood dialectically. The value of Foucault's masters' thesis, then, is that it entertains, if only very briefly, very obliquely, this question concerning the meaningfulness of the term "relationality" as an explanation of what words, human experience, and history are/do. One reaches the limits of language, for no answer is capable of transcending its own being-there.

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[99] Lynne Huffer "Foucault's Fossils: Life Itself and the Return to Nature in Feminist Philosophy," *Foucault Studies* 20 (2015), 124-125.

[100] Claire Colebrook, "A Cut in Relationality: Art at the End of the World," *Angelaki* 24:3 (2019), 177-178.

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ARTICLE

Luther and Biopower: Rethinking the Reformation with Foucault

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ABSTRACT. In this article, we propose an alternative Foucauldian reading of Martin Luther's thought and early Lutheranism. Michel Foucault did not mention the Reformation often, although he saw it as an amplification of pastoral power and the governing of people's everyday lives. We aim to fill the gap in his analysis by outlining the disciplinary and biopolitical aspects in Luther and early Lutheranism. Therefore, we also contribute to the ongoing debate regarding the birth of biopolitics, which, we argue, predates Foucault's periodisation. Our approach to tackling these questions is three-pronged. First, we establish the context by highlighting a few Reformation-era examples of the conceptual opposite of biopower, namely, sovereign power. Second, we scrutinise the disciplinary aspects of early Lutheranism, underscoring the fact that disciplinary institutions appear to subject people to new models of behaviour. Third, we describe the biopolitical undercurrents in Luther's thought and its early reception. We argue that the reformer's views on issues such as marriage and poor relief appear to carry a biopolitical significance before the alleged birth of biopolitics.

Keywords: Michel Foucault, the Reformation, biopolitics, disciplinary power, Martin Luther, Lutheranism

INTRODUCTION

In this article, we seek to highlight instances of biopower, or disciplinary power and biopolitics, in Martin Luther's thought and early Lutheranism. More specifically, our aim is to help develop Michel Foucault's reading of the Reformation and to gather additional evidence to support the claim that the timeline of biopower extends further than Foucault presumed in the first part of *The History of Sexuality* and the relevant lecture series.[1] Our analysis of Luther

[1] Michel Foucault, *The History of Sexuality, Vol. 1, An Introduction* [1976] (1978), 141. See also Michel Foucault, *"Society Must Be Defended": Lectures at the Collège de France 1975-1976* [1997] (2003), 244-245. For claims regarding an

is Foucauldian in the sense that we continue to utilise the French philosopher's toolkit; however, we have chosen to apply it in a manner that seeks to correct his periodisation of biopower. It is well known that Foucault established his revolutionary genealogy of this life affirming power somewhat hastily before leaving the question aside to pursue his other, mostly unrelated interests. This ground-breaking, yet brief analysis left behind many gaps, one of which we wish to explore further.

By biopower, we refer to the allegedly modern technology of power which Foucault analysed during the latter half of the 1970s. It consists of two interrelated strata: first, anatomo-politics or discipline, which focuses on optimising the usefulness and docility of individual bodies,[2] and, second, biopolitics, which regulates the larger population and the phenomena associated with it – including but not limited to health, reproduction and life expectancies.[3] According to Foucault, power manifested itself in a radically different manner before the seventeenth century emergence of disciplinary power and the eighteenth century emergence of biopolitics. This was the era of sovereign power, which revolved around death.[4] More specifically, the sovereign used their power to either kill or to abstain from killing – or simply to extract resources from their subjects.[5] Thus their grasp on life was exceedingly limited.

We do not disagree with Foucault's *definition* of these terms – only his periodisation. We are attempting to antedate the history of biopolitics to the Reformation era by showcasing that the socio-political changes ushered in by Luther and early Lutheranism fit the description of disciplinary power and biopolitics before their claimed emergence. Hence, we end up arguing that the existence of biopower coincides with an era that is commonly seen as the pinnacle of sovereign power. Although the biopolitical optimisation of life should still be regarded as the conceptual opposite of the sovereign's deathly might, this does not prevent the two from co-existing during the same historical period. As Foucault notes, the "new" manifestation of power does not replace the "old" one entirely, as witnessed by their hand in hand operation through state racism – or the biopolitical exclusion of certain parts of the population.[6] Further, as we attempt to showcase in this article, both sovereign power and biopower were clearly rampant during the era of the Reformation.

The work on biopower was by no means Foucault's final attempt at explaining the genealogy of modern power. Very soon after completing the first volume of the *History of Sexuality*, the French thinker would move on to construct another approach, which was centred around the notion of governmentality, which he discusses most famously in his *Security, Territory, Population* (1977-1978) lecture series. This approach can be described as an extended history of governing people in ways that fall outside the sovereign power model. The second

extended history of biopolitics, see Mika Ojakangas, *On the Greek Origins of Biopolitics. A Reinterpretation of the History of Biopower* (2016), 1-4; Sergei Prozorov, "When Did Biopolitics Begin? Actuality and Potentiality in Historical Events," *European Journal of Social Theory* 25:4 (2022), 540-541.

[2] Foucault, *History of Sexuality*, 1:139. Before integrating it to the analysis of biopower, Foucault had already dealt with disciplinary power in *Discipline and Punish*, which precedes *History of Sexuality 1* by a year. See Michel Foucault, *Discipline and Punish. The Birth of the Prison* [1975] (1977).

[3] *History of Sexuality*, 1:139.

[4] Ibid., 135–136.

[5] Ibid.

[6] Foucault, *"Society Must Be Defended,"* 241–256.

genealogy begins with "Judeo-Christian" pastoral power (discussed in more detail below)[7] and leads up to *raison d'État*, and eventually police (science), which begins to finally grasp the novel notion of population.[8] In *The Birth of Biopolitics* (1978–1979) lectures, Foucault continues by describing liberalism as a new type of self-limiting governmentality with notable ties to the question of the population.[9]

Taking cues from those who have claimed that the second approach offers an alternative genealogy to the birth of biopower,[10] we attempt to understand pertinent parts of governmentality through the notion of biopower. This is made possible by analysing the emergence of biopower as a pre-seventeenth and -eighteenth century event. In other words, our task in this article is, on the one hand, to read Luther as a biopolitical thinker and, on the other hand, to use our reading to point out the historical inaccuracy of Foucault's analysis of biopolitics while preserving the notion's mostly solid definition. However, we wish to bring an additional degree of coherence to his protean analysis of power relations by stretching the concept of biopower so that it applies to relevant early modern instances of governmentality; more specifically, those which are aimed at optimising life – especially early Lutheran pastoral power. What makes Luther such a suitable figure to discuss in this instance – beyond the fact that his socio-political thought seems to exemplify biopower before its alleged advent – is that applying the notion of biopower to his thought and its reception allows us to pinpoint both the strong and weak qualities of the Foucauldian notion. We would like to argue that the ensuing adjustments can help sharpen the instruments found in the Foucauldian toolkit even further, and that doing so can aid others traverse the contested history of biopower with greater ease.

The need to fill the gaps of Foucault's analysis also applies to his ideas regarding the Reformation. It appears that whenever the French philosopher discusses Christianity, he often means Catholicism. In fact, certain scholars have gone as far as to claim that Christianity and Catholicism are *almost* equivalent to him.[11] "Almost" is the key word here because although it is obvious that the Reformation is by no means Foucault's main focus, he does discuss it sporadically in his course lectures,[12] including *Security, Territory, Population* (1977–1978), *On the Government of the Living* (1979-1980), *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice* (1981), his final course *The Courage of Truth* (1984), the lecture "Christianity and Confession" (1980), which he gave in Dartmouth and Berkley, and the public discussion titled "Discussion of 'Truth and Subjectivity'" (1980), which was also held at Berkley. In addition, he touches on the Reformation and Counter-Reformation in his books, ranging from *Madness and Civilization* to *The History of Sexuality*. Let us highlight a few of his most relevant arguments.[13]

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[7] Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-1978* [2004] (2009), 123-125.
[8] Ibid., 278, 326.
[9] Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France,* 1978–1979 [2004] (2008), 20–22.
[10] See Alessandro Fontana and Mauro Bertani, "Situating the Lectures" [1997], in *"Society Must Be Defended": Lectures at the Collège de France, 1975–76*, by Michel Foucault (2003), 273–274.
[11] Mika Ojakangas, "Lutheranism and Nordic Bio-politics," *Retfærd* 38:3/150 (2015), 5–23.
[12] For an overview of Christianity in Foucault's later lectures, see Chris Barker, "Foucault's Anarchaeology of Christianity: Understanding Confession as a Basic Form of Obedience," *Philosophy & Social Criticism* 0:0, 1–24.
[13] One of the anonymous reviewers has kindly informed us that the Bibliothèque nationale de France hosts pertinent archival material from Foucault's unfinished *History of Sexuality* volume on Christianity titled *La Chair et le corps*, which he later abandoned to work on what we now know as the series' posthumously published concluding volume, Michel Foucault, *Confessions of the Flesh. The History of Sexuality, Volume 4* [2018] (2021). The material in

Foucault's arguably most famous attempt to explain the concurrence of religion and power takes place in *Security, Territory, Population*, where he claims that Christianity had adapted the model of pastoral power – or the metaphor of the watchful shepherd – from previous eastern Mediterranean influences.[14]

> The shepherd counts the sheep; he counts them in the morning when he leads them to pasture, and he counts them in the evening to see that they are all there, and he looks after each of them individually. He does everything for the totality of his flock, but he does everything also for each sheep of the flock.[15]

This manifestation of power affects *omnes et singulatim*, each and every one at once.[16] According to Foucault, the Western conception of (religious) authority should be hence understood as a model of power that regulates its subjects on both individual and general levels. This model is totalising, or as Foucault notes in "Omnes et Singulatim: Towards a Criticism of 'Political Reason'" (delivered in 1979): "Everything the shepherd does is geared to the good of his flock. That's his constant concern. When they sleep, *he* keeps watch".[17] It is well known that the shepherd's two-fold approach is similar to that of biopower, where the microlevel approach of discipline focuses on individual bodies whereas the macrolevel of biopolitics captures the entire population.[18] Therefore, it is no surprise that pastoral power and the ensuing larger history of governmentality[19] have been argued to act as the genealogy of biopower.[20] The discussion regarding pastoral power is also relevant to our specific question. Foucault claims that the Reformation and the Counter-Reformation intensified pastoral power in both its spiritual and temporal forms: "The pastorate had never intervened so much, had never had such a hold on the material, temporal, everyday life of individuals; it takes charge of a whole series of questions and problems concerning material life, property, and the education of children".[21] Our hypothesis is that at least some of this novel kind of hold on material life can – and should – be captured through the notion of biopower.

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question includes additional engagement with Luther. Unfortunately, we could not make it to the archives; however, we wish to convey the fact that the published works do not provide the complete picture of Foucault's treatment of Luther and the Reformation and that the archival material could be used to supplement it as well as our claims. Foucault's unpublished engagement with Luther can be found in Paris, Bibliothèque nationale de France, NAF 28730, Box 88, Folder 3, 95–109, 120–122, 143–145, Folder 4, 162–170, and Folder 10, 430.

[14] Foucault, *Security, Territory, Population*, 123-125.

[15] Ibid., 128.

[16] Ibid., 128-129.

[17] Michel Foucault, "Omnes et Singulatim: Towards a Criticism of 'Political Reason,'" in *The Tanner Lectures on Human Values, Vol. II,* ed. Sterling M. McMurrin (1981), 62.

[18] *History of Sexuality*, 1:139.

[19] Antoon Braeckman has argued that the Reformation should be understood as the linkage between pastoral power and governmentality. See Antoon Braeckman, "The Protestant Ethic and the Spirit of Governmentality: An Unwritten Chapter in the Genealogy of the Modern State," *Critical Horizon. A Journal of Philosophy and Social Theory* 23:2 (2022), 134-135.

[20] See Fontana and Bertani, "Situating the Lectures," 273–274.

[21] *Security, Territory, Population*, 229–230; see Jussi Backman, "Self-Care and Total Care: The Twofold Return of Care in Twentieth-Century Thought," *International Journal of Philosophy and Theology* 8:3 (2020), 280. Foucault explains that the Reformation era "pastoral revolts" led to "a kind of re-integration of counter-conduct within a religious pastorate organized either in the Protestant churches or in the Counter Reformation". *Security, Territory, Population*, 303–305; see Barker, "Foucault's Anarchaeology of Christianity," 12.

In *Wrong-Doing, Truth-Telling*, Foucault addresses the Reformation in relation to the conflict "between the hermeneutics of the self and the hermeneutics of the text".[22] More specifically, he argues that the new Protestant way of theorising the Scriptures moves the focus away from an institutional authority and toward the self by attempting to amalgamate two distinct approaches to "the truth of the text, I would find it within me; and what I would find within myself would be the truth of the text".[23] Jouni Tilli continues by highlighting the fact that this shift also reverses the roles in the pastoral relationship – although telling the truth remains a constant in Christianity,[24] the confessing (truth-telling) subject of Catholicism becomes a searcher for the truth of the self in Protestantism, whereas the priest assumes the role of a truth-teller.[25] Hence, the Reformation and the translation of the Bible into the vernacular appear to usher in the gradual rise of a new conception of the individual, whose conduct is no longer shaped only by centralised power structures; instead, their life is now conducted in a novel manner that emphasises the truth found within oneself.

In "Discussion of 'Truth and Subjectivity'", Foucault goes on to provide a few additional remarks on the relationship between the truth and the self. He argues that Luther was the one to highlight this connection, which was virtually non-existent in Catholicism, and that he was keen on combatting "the juridical tradition established in the Catholic Church".[26] Foucault continues by stating that this legal and political tradition was comprised of various forms of confession, as witnessed, for example, in public penitential ceremonies and novel juridical arrangements, which culminated on the criminal confession, and which all had their ties to the Inquisition.[27]

In *On the Government of the Living*, Foucault makes similar points by claiming that in Protestant theology, "we have a certain way of linking the regime of avowal and the regime of truth that precisely enables Protestantism to reduce the institutional and sacramental practice of penitential avowal, even to the extent of nullifying it".[28] Indeed, one of the key doctrinal elements of Protestantism has to do with the fact that the mediatory role of the priest is no longer necessary. The faithful share a universal priesthood – they can read the Bible and act upon its recommendations. This affects the role of confession, as Foucault notes in *The History of Sexuality* 1. During the Counter-Reformation, the Roman Church had ramped "up the

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[22] Michel Foucault, *Wrong-Doing, Truth-Telling. The Function of the Avowal in Justice* [2012] (2014), 168.

[23] Ibid., 169. Note that in his 1980 lecture "Christianity and Confession", Foucault emphasises the fact that the two systems are not identical. "Even after Luther, even in Protestantism, the secrets of the soul and the mysteries of the faith, the self and the Book, are not in Christianity enlightened by exactly the same type of light. They demand different methods and put into operation particular techniques". Michel Foucault, "Christianity and Confession," in *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College* (2016), 55–56.

[24] See Michel Foucault, *On the Government of the Living: Lectures at the Collège de France 1979-1980* [2012] (2014), 311.

[25] Jouni Tilli, "Preaching as Master's Discourse: A Foucauldian Interpretation of Lutheran Pastoral Power," *Critical Research on Religion* 7:2 (2019), 124.

[26] Michel Foucault, "Discussion of 'Truth and Subjectivity,'" in *About the Beginning of the Hermeneutics of the Self: Lectures at Dartmouth College* (2016), 95.

[27] Ibid., 95–96. In a response to another question during the same discussion, Foucault also claims that "Luther and the Counter-Reformation are at the root of modern literature, since modern literature is nothing else but the development of self-hermeneutics". Ibid., 110.

[28] Foucault, *On the Government*, 85.

rhythm of the yearly confession",[29] imposed "meticulous rules of self-examination",[30] and "attributed more and more importance in penance".[31] While dealing with the role of confession within the discourse on sex, he writes that "with the rise of Protestantism, the Counter-Reformation, eighteenth century pedagogy, and nineteenth century medicine, it gradually lost its ritualistic and exclusive localization".[32]

Jussi Backman underscores the Protestant theologian's despise of the "ascetic and monastic practice as an attempt at 'justification through deeds'"[33] as another element of the Reformation discussed by Foucault. Indeed, in *The Courage of Truth*, Foucault emphasises Luther's doctrine of *sola fide* and the associated argument against the need for asceticism: "The formula of Protestantism is to lead the same life in order to arrive at the other world. It was at that point that Christianity became modern".[34] This modern, Protestant way of life is mundane and unassuming – for example, the faithful are no longer required to go on pilgrimages or told to purchase indulgences. Congregations are still led by shepherds tasked with guiding their flocks; however, they no longer require any acts beyond faith. All the above-mentioned changes make it plain to see that the Reformation (and the Counter-Reformation as well as the simultaneous first steps of the modern state) altered the subject radically in the early modern age.[35]

Mika Ojakangas has made additional remarks regarding Lutheranism, pastoral power and biopolitics. He argues that although Lutheranism itself was not particularly biopolitical, it still played an important role in the history of biopolitics.[36] More specifically, he claims that predominantly Lutheran countries provided an exceptionally fertile soil for the development of the welfare state and the implementation of eugenic sterilisation laws, which were stunted in predominantly Catholic and Calvinist countries. According to Ojakangas, the differing responses stem from two geometrically opposed approaches to pastoral power – Lutheran states started to criticise the active Christian pastoral model as early as the 17th century, deciding to, instead, leave secular matters to the state, which allowed their biopolitical programmes to reach unprecedented heights.[37] Therefore, Ojakangas criticises Foucault by stating that Christian pastoral power should not be regarded as the basis of modern biopolitics but as a hindrance to it.[38] Again, Ojakangas argues that this does not mean that Lutheranism (or any other form of Christianity) per se should be regarded as exceedingly biopolitical – in fact, the exact opposite is true as biopolitical advances continued to be criticised by the members of the Lutheran clergy.[39] Lutheranism simply diminished the anti-biopolitical religious pastoral elements and opened up wider, secular avenues for governing, which allowed for the return of the Greco-Roman approaches that were focused on optimising the population. These

[29] *History of Sexuality*, 1:19.
[30] Ibid.
[31] Ibid.
[32] Ibid., 63.
[33] Backman, "Self-Care and Total Care," 280.
[34] Michel Foucault, *The Courage of Truth (The Government of Self and Others II): Lectures at the Collège de France 1983-1984* [2008] (2011), 247. See "Self-Care and Total Care," 280.
[35] Michel Foucault, "The Subject and Power," *Critical Inquiry* 8:4 (1982), 782.
[36] Ojakangas, "Lutheranism and Nordic Bio-politics," 5–23.
[37] Ibid.
[38] Ibid.
[39] Ibid.

biopolitical ideas had thrived during antiquity, met significant resistance during the rise of early Christianity and started to make a gradual return during the Renaissance.[40]

Unlike Ojakangas, we do not focus on the religious factions' later role as enablers or inhibitors of modern biopolitical developments. Our Foucauldian reinterpretation of Luther and early Lutheranism focuses primarily on the time of the Reformation. Furthermore, we argue that although secular pastoral governing is of course exceedingly different from religious pastoral governing, they both remain manifestations of pastoral power, and as Foucault also argued, the Reformation intensified both.[41] Therefore, our hypothesis is that the intensified temporal forms of pastoral power can be regarded as something pertaining to the genealogy of modern biopower.

Our approach to the topic is three-pronged. Firstly, we provide a few examples of Foucauldian sovereign power roughly from the era of the Reformation. We do so to establish the opposite of what we are looking for and to highlight the fact that biopower was by no means an omnipresent occurrence and that its diametrical opposite was still exceedingly commonplace. Secondly, we seek to offer a deeper understanding of the less-discussed split between disciplinary power and sovereign power by highlighting examples of discipline in Luther's era – some time before the classical period, or the time of the technology's rapid development according to Foucault's analyses.[42] We claim that the reformed subjects' behaviour is moulded through various disciplinary institutions, including the church and the school. Thirdly and finally, we discuss the fact that Luther's theology allows him to make arguments on sociopolitical questions, which appear to include clear biopolitical undertones. We dedicate two chapters to discussing these biopolitical aspects, which are related to sex, marriage and reproduction as well as poor relief and taking care of social issues in a centralised manner.

THE SPECTACLE OF DEATH

Before describing the disciplinary and biopolitical undercurrents in Luther and early Lutheranism, we shine a light on the historical context by examining a few examples of the opposite of what we are looking for, namely the technology of power that Foucault calls sovereign power. This allegedly older technology of power is embodied by the authority of a commanding figure such as a king, a prince or even a pope and, more specifically, it is linked to their right to kill law-breaking subjects as a means of displaying their might.[43] Bearing in mind probably the most famous example of sovereign power, the graphic execution of the failed regicide Robert-François Damiens, as described vividly in the beginning of Foucault's *Discipline and Punish*,[44] we highlight three additional instances that occurred shortly before and during the Reformation.

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[40] Ibid.

[41] *Security, Territory, Population*, 229–230.

[42] *History of Sexuality*, 1:140. Note that a few years earlier Foucault maintained that disciplinary arrangements of power had already existed during the Middle Ages although sovereign power was still ubiquitous. Michel Foucault, *Psychiatric Power: Lectures at the Collège de France 1973-1974* [2003] (2006), 79.

[43] *Security, Territory, Population*, 130.

[44] Foucault, *Discipline and Punish*, 3–6.

The first of our three examples is the *auto da fé* ("act of faith") rituals, which took place between the fifteenth and nineteenth centuries and culminated in fully-fledged spectacles of death. *Autos da fé* were public punishments and executions of heretics and other heterodox individuals, which were acted out by secular authorities in cooperation with the Inquisition. These ceremonies, which "were held in a spacious city square",[45] instilled fear in the subjects and revealed how powerful and closely intertwined the church and state were in mediaeval and early modern Spain, Portugal and the colonies. Marvin Lunenfeld goes as far as to claim that the connection between state authority and ecclesiastical power constituted a "pedagogy of fear", which reminded dissenters of the consequences of their actions.[46]

> The need for such a pedagogy emerged when [the joint Catholic Monarchs] Fernando and Isabel undertook consolidation of their domains. All through the twisting historical path leading towards that moment Iberia had been unique in Europe for having Muslims, Christians, and Jews living in close proximity […]. An internal religious conquest forced all non-Catholics to convert or be expelled. To dominate this rapidly changing situation the crown designed a subservient inquisitorial tribunal, which a compliant papacy let the monarchy control.[47]

The second example is provided by the notorious sixteenth century philosopher, and Luther's contemporary, Niccolò Machiavelli, who recommends the new prince to rely on spectacular death to showcase his power.[48] More specifically, in the seventh chapter of *The Prince*, the Florentine Secretary describes the brutal execution of Remirro de Orco by Cesare Borgia. Remirro, who was Borgia's henchman, had been tasked with re-establishing the order and security in the region of Romagna whose rulers were ineffective and causes of disunity. Remirro's solution was to spill blood, which helped increase Borgias "prestige".[49] However, this display of cruelty had other, undesirable consequences. According to Machiavelli, Remirro became a problem for Borgia, whose subjects were upset by the use of such violence.[50] The Duke solved the issue by having his henchman killed, mangled and displayed publicly, consequently winning over the people's favour through a wise display of sovereign power.

> Having found the occasion to do so, one morning at Cesena he had Messer Remirro's body laid out in two pieces on the piazza, with a block of wood and a bloody sword beside it. The ferocity of such a spectacle left that population satisfied and stupefied at the same time.[51]

[45] António José Saraiva, *The Marrano Factory. The Portuguese Inquisition and Its New Christians 1536–1765* [1969] (2001), 100.
[46] Marvin Lunenfeld, "Pedagogy of Fear: Making the Secret-Jew Visible at the Public *Autos de Fe* of the Spanish Royal Inquisition," *Shofar. An Interdisciplinary Journal of Jewish Studies* 18:3 (2000), 77.
[47] Ibid., 78. Albeit briefly, Foucault mentions the burning of heretics as an instantiation of sovereign power in Michel Foucault, *The Punitive Society: Lectures at the Collège de France 1973-1974* [2013] (2015), 11.
[48] Niccolò Machiavelli, *The Prince* [1532] (2008), 26-27.
[49] Ibid., 27; see Andrea Di Carlo, "Early Modern Masters of Suspicion" (2022), 106–108.
[50] Machiavelli, *The Prince*, 27.
[51] Ibid.

There are striking similarities between the *auto da fé* and Remirro's demise – even though the latter was not religiously motivated. On both occasions, the public spectacle of death underscores how mighty and authoritative those using sovereign power are. No wonder that Yves Winter claims that Machiavelli considers violence as "a political tactic" that has become "thinkable".[52] Victoria Johnston re-emphasises Winter's contention by claiming that "cruelty through spectacle is a tool that can be used by the ruler to varying degrees of success".[53] Say that we took Machiavelli's rendition of the story for granted; in that case, Remirro's cruelty did not lead to a desirable outcome – at least from his own perspective – conversely, it appears that Borgia's use of violence was successful.

Our third and concluding example of sovereign power during the time of the Reformation has to do with the controversy of the anti-Trinitarian and anti-paedobaptist Spanish polymath Michael Servetus (also known as Miguel Servet), which led to his 1553 demise at the stake in Geneva. For context, Geneva had followed the French Reformist John Calvin's guidelines while forming its government, but the reformer himself had started to face increased opposition in the city.[54] This is when the controversial Servetus made his visit to Geneva, where he was soon captured and placed on trial. Calvin's secretary acted as the *de jure* accuser in the case, most likely because the local laws required that the accuser, too, was held captive for the duration of the legal process.[55] Calvin wanted Servetus dead but argued that it would be more humane to have him beheaded instead of burned.[56] His latter wish was not granted. Even so, the affair acted as "a turning point"[57] in the reformer's career, and "Soon Geneva was firmly in Calvin's control".[58] In other words, Calvin's use of moral and religious authority in having a heretic executed helped him consolidate his authority – regardless of whether this was his intention.

These examples highlight the fact that the age of the Reformation and the years leading up to it were dotted with spectacular displays of sovereign power – again, understood here in the Foucauldian sense as a way of showcasing power through the negation of life. Furthermore, these and other similar examples of sovereign power and the associated spectacular death seem to appear in secular, religious and mixed contexts. However, we argue that this was not the only way that power was used during the Reformation. Indeed, power appears to have been manifested in ways that were not necessarily negative, hierarchical or deathly. As we highlight in the upcoming chapters, Lutheranism employed a more dispersed "form" of power that did not necessarily stem downwards from a single sovereign entity. Moreover, many of such interventions targeted peoples' everyday lives in maximising, optimising and even affirmative ways. Although they continued to be accompanied by religious arguments, many of them were linked to primarily secular problems. Next, we focus on a few ideas and

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[52] Yves Winter, *Machiavelli and the Orders of Violence* (2018), 2.
[53] Victoria Johnston, "Machiavelli's Conception of Religion and its Relevance to his Political Philosophy in *The Prince*," *Ipso Facto. The Carleton Journal of Interdisciplinary Humanities* 1 (2022), 54.
[54] Carter Lindberg, *The European Reformations, 2nd ed*. (2009), 243–247.
[55] Ibid., 254.
[56] Ibid.
[57] Ibid., 255.
[58] Ibid.

practices related to disciplining the lives of individuals in Luther's writings and early Lutheranism.

LUTHERAN DISCIPLINE

In this chapter, we argue that the technology of power that Foucault calls discipline – or the anatomo-politics of the body – did not emerge during the seventeenth century, for the simple reason that it was already in operation in sixteenth-century Wittenberg, where Luther was acting as a minister. When describing disciplinary power in *Discipline and Punish*, Foucault claims that it regularises and standardises behaviour.[59] He highlights the school as one of the sites of this "supervising, hierarchizing, rewarding"[60] power, which – we claim – is also visible in Luther. *Discipline and Punish* even includes a depiction of a school among the other appendaged pictures that provide visual examples of disciplinary power. The image in question is Hyppolite Lecomte's lithograph depicting a classroom and a teacher instructing his pupils how to spell,[61] which was a standardised and necessary activity that helped ensure the well-being of the nascent liberal society.

There is something strikingly similar in the German painter Lucas Cranach's altarpiece in Wittenberg, although it predates Foucault's dating of disciplinary power. The altarpiece, which includes four painted panels laid out in the formation resembling the letter T within a cross-shaped frame, offers a great summary of Lutheran theology: the two biblically sanctioned sacraments (the Lord's Supper in the upper central panel and baptism on the left-hand side) play a major role. However, we would like to dwell on the only panel situated underneath the three others and directly below the Lord's Supper. Here, Luther is preaching the Gospel from his pulpit, with his congregation listening to him attentively, while Christ on the Cross appears between the pulpit and the faithful.

Surely, the painting accounts for Luther's Christocentric faith, but there is also more to it. As is the case with Lecomte's lithography included in *Discipline and Punish*, the austere church and congregation of the altarpiece showcase what a Lutheran service ought to look like: the Gospel is more important than the ceremony and Christ should be the sole focus of the congregants.[62] Bonnie Noble contends that "local figures and quotidian rituals in the picture so obviously reciprocate the people and events within the church […]".[63] Imagine the congregation as the school in the lithograph. The minister acts as a normalising teacher and the congregants are his pupils. Now, combine this with the fact that the Reformation shapes the faithful in a novel manner – they no longer simply recite prayers passively in Latin; instead, they have now acquired at least some of the characteristics of a modern subject.

[59] *Discipline and Punish*.
[60] Ibid., 108.
[61] Michel Foucault, *Surveiller et punir. Naissance de la prison* (1977), n.p., Illustration 10. Note, that at least some of the English editions omit a few of the illustrations – including this one.
[62] Joseph Leo Koerner, *The Reformation of the Image* (2004), 252.
[63] Bonnie Noble, "The *Wittenberg Altarpiece* and the Image of Identity," *Reformation* 11:1 (2006), 87. Cf. Koerner, *The Reformation of the Image*, 125-139.

Further, as Foucault argues, people's everyday lives were now controlled at an unprecedented level.[64] Tilli reinforces this point by stating that "A comprehensive self-examination and control gained ground"[65] and that the Protestants initiated this change in a "hierarchically supple"[66] manner that still managed to control individual lives more profoundly than the Catholic approach, which remained focused on the importance of personal confessions. For the Protestants, preaching was now the key to spreading information, achieving faith and, therefore, salvation.[67] The fact that preaching is performed publicly (unlike the personal confession) emphasises the church's political nature:[68] "in the Lutheran adaptation of the theological and economic paradigm, governing takes place through preaching. Preachers are overseers, ensuring that society as a whole leads a godly life, and no sphere or person is beyond their grasp".[69] Tilli's argument mirrors Foucault's contention that disciplinary power needs visibility to work.

> Disciplinary power, on the other hand, is exercised through its invisibility; at the same time it imposes on those whom it subjects a principle of *compulsory visibility*. In discipline, it is the subjects *who have to be seen*. Their visibility assures the hold of the power that is exercised over them. It is the fact of being *constantly seen*, of being *able always to be seen*, that maintains the disciplined individual in his subjection.[70]

Previously, we used the school as an analogy for the Lutheran sermon, but early Lutheranism was also looking to apply similar changes to schools as such. Luther wrote a famous foreword to an agreement proposing the adoption of a "common chest", or the centralised use of funds, for the common good in the German town of Leisning. The ensuing agreement (which was not written by Luther himself) includes several interesting ideas regarding schools. Not only was the schoolmaster "required to train, teach, govern, and live"[71] in a manner that upheld "the honorable and upright Christian training and instruction of the youth, a most essential function",[72] but this office was to be placed under "constant and faithful supervision"[73] by higher-ranking authorities that would make necessary interventions on a weekly basis. It is interesting to note that not only are the children governed and moulded in a very specific manner, but the schoolmaster's actions and life itself were to be supervised as well. This implies the existence of multiple levels of surveillance.

Therefore, we argue that Lutheranism already included a disciplinary element, meaning that it employed the double mechanism of "submission and use […]: there was a useful body and

[64] *Security, Territory, Population*, 229–230
[65] Tilli, "Preaching as Master's Discourse," 117.
[66] Ibid., 118.
[67] Ibid., 119–120.
[68] Ibid., See Giorgio Agamben, *The Kingdom and the Glory. For a Theological Genealogy of Economy and Government* [2007] (2011), 144–149.
[69] "Preaching as Master's Discourse," 124.
[70] *Discipline and Punish*, 143. Our emphases.
[71] Martin Luther, *Luther's Works, Vol. 45, The Christian in Society II* (1962), 188.
[72] Ibid.
[73] Ibid.

an intelligible body".[74] In other words, it instigated an understanding of the body based upon usefulness and docility, where the more useful the body would be, the more docile it would have to be.[75] Discipline makes the use of power more dispersed and, by extension, more effective. These basic elements of disciplinary power are also underscored in Luther's written doctrines, for example, when he outlines the fathers' role in guiding the behaviour of his children in his *Large Catechism* (1529). Here, he asserts that

> it is the duty of every father of a family to question and examine his children and servants at least once a week and to ascertain what they know of it [the Catechism], or are learning, and, if they do not know it, to keep them faithfully at it.[76]

Luther goes on to demand that "the young learn the parts which belong to the Catechism or instruction for children well and fluently and diligently exercise themselves in them and keep them occupied with them".[77] Children and servants are docile bodies who are taught and made to recite prayers. Congregates, children and servants all adhere to this power system, which does not require codified power relationships as disciplinary power acts and can be dispersed in a broad variety of ways.

Even penitential institutions, the key topic of *Discipline and Punish*, are present in early Lutheranism, at least as an analogy for marriage. Steven E. Ozment offers an intriguing summary of a 1524 marriage service by Johann Bugenhagen, who also officiated Luther's wedding the following year. Here, matrimony is seen as "a penitential institution in which the wife freely accepts the pain of childbirth and subjection to her husband, and the husband the pain of daily labor and worry over his family's well-being".[78] In other words, one ought to be willing to auto-discipline oneself through the pains of married life. We discuss marriage further in the next section, which deals with biopolitical elements in Luther's thought.

LUTHER ON SEX, MARRIAGE AND REPRODUCTION: BIOPOLITICS BEFORE THE BIOPOLITICAL ERA

Luther did not shy away from tackling temporal socio-political issues, including but not limited to the detrimental prevalence of celibacy and begging. Although he was a theologian whose views on socio-political issues appear to stem primarily from his interpretation of the Scriptures,[79] he also employed other, secular, arguments to deal with worldly problems. In this and the ensuing chapter, we focus on these mundane lines of reasoning. That said, we have no intention of downplaying the primary, religious arguments, which acted as the foundation for his wider project.

[74] *Discipline and Punish,* 136.
[75] Ibid.
[76] Martin Luther, *The Large Catechism of Martin Luther* [1529] (2018), 12.
[77] Ibid.
[78] Steven E. Ozment, *When Fathers Ruled. Family Life in Reformation Europe* (1983), 8; see Johann Bugenhagen, *Wye man die / so zu der Ehe greyffen / Eynleitet zu Wittenberg* (1524); see also John McKeown, *God's Babies. Natalism and Bible Interpretation in Modern America* (2014), 86–87.
[79] Eike Wolgast, "Luther's Treatment of Political and Societal Life," in *The Oxford Handbook of Martin Luther's Theology*, ed. Robert Kolb, Irene Dingel and L'ubomír Batka (2014), 397-413.

We focus on two particularly interesting cases: Luther's polemics against the unwarranted glorification of celibacy, which we examine in this current chapter, and his desire to amend poor relief, which we discuss in the next chapter. Many of Luther's most notable texts regarding these topics are compiled in two specific volumes of the English collection of his works, namely, volumes 44 and, in particular, 45, which have fitting subtitles: *The Christian in Society* I and II.[80] We use these two volumes, Luther's other texts related to the abovementioned topics and the prevailing secondary literature to analyse the biopolitical undercurrents of the Reformer's arguments.[81]

The first, at least partially biopolitical cluster in Luther's texts we would like to discuss has to do with marriage and procreation. These themes appear often in Luther, who argues that God created the sexes in a manner that forces them to multiply and stresses that this is not simply a command but rather a "divine ordinance".[82] The fact that human beings have sexual organs, perform sexual acts and reproduce are innate and natural occurrences similar to other mundane bodily functions including eating, sleeping, urinating and defecating, which no earthly authority (including the pope) can control.[83] Moreover, trying to fight this ordinance is virtually impossible and results in the sexual urges seeping through other, sinful avenues.[84] Marriage is the only way to guard against these sins, and it ought to be championed as a means of preventing damnation.[85] Luther goes as far as to compare the state of marriage to a hospital where incurably sick (sinful) people are kept from becoming even sicker.[86] After getting married, the husband and wife are free to perform sexual acts as they please, or as Jane E. Strohl sums up Luther's position, although moderation remains important, there ought to be no rules that limit marital intercourse – including when and how it should be performed.[87]

Many of Luther's arguments regarding sex are varying attacks against the Catholic church's policies, which – the reformer argues – glorified celibacy, placed allegedly devilish or demonic impediments on marriages and solicited dispensations for granting certain kinds of matrimonies, which it otherwise banned.[88] Let us tackle these issues individually, starting with celibacy. Luther argues that only a few special groups are truly exempted from the Biblical ordinance of being fruitful and multiplying. More specifically, one needs to be a eunuch

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[80] Martin Luther, *Luther's Works, Vol. 44, The Christian in Society I* (1966) includes the pertinent work "A Sermon on the Estate of Marriage," 3–14; Luther, *Luther's Works, Vol. 45* includes: "The Persons Related by Consanguinity and Affinity who Are Forbidden to Marry According to the Scriptures," 7–9; "The Estate of Marriage," 17–50; "An Exhortation to the Knights of the Teutonic Order That They Lay Aside False Chastity and Assume True Chastity of Wedlock," 141–158; "Ordinance of the Common Chest, Preface," 169–178; and "That Parents Should Neither Compel nor Hinder the Marriage of Their Children and That Children Should Not Become Engaged Without Their Parents' Consent," 385–394.

[81] The other highlighted texts include "The Babylonian Captivity of the Church", which appears in Martin Luther, *Luther's Works. American Edition, Vol. 36* (1959), 11–126 and "Open Letter to the Christian Nobility", which appears in Martin Luther, *Works of Martin Luther. The Philadelphia Edition, Vol. 2* (1915), 61–165.

[82] *Luther's Works*, 45:18.

[83] Ibid., 18, 155; Luther, *Works of Martin Luther*, 2:122.

[84] *Luther's Works*, 45:18.

[85] Luther, *Luther's Works*, 44:9, 390–391.

[86] Ibid., 9.

[87] Jane E. Strohl "Luther on Marriage, Sexuality, and the Family," in *The Oxford Handbook of Martin Luther's Theology*, ed. Robert Kolb, Irene Dingel and L'ubomír Batka (2014), 370–382.

[88] Luther, *Luther's Works*, 36:97–98; *Works of Martin Luther*, 2:120.

in one of three senses of the word: 1) impotent or barren from birth, 2) made so by other human beings, or 3) called to celibacy by God while remaining otherwise fit for marriage.[89] This final category requires special grace and is exceedingly rare.[90] There is also a fourth, all too common way of practising celibacy – the one based on human vows, which the reformer considers foolish, against the divine ordinance, invalid, prone to hidden sin and something that ought to be annulled.[91]

Luther also attempts to dismantle a wide array of other unnecessary obstacles to marriages. He attacks the "vulvas and genitals-merchandise"[92] ran by Rome, which, again, deemed certain matrimonies illegal but nevertheless granted them in exchange for money. The reformer argues that such marriages should be made open to every Christian.[93] No human law can invalidate a wedlock, and only polygamy and the specific kinds of marriages between close relatives which are forbidden in the Scriptures ought to remain prohibited.[94] This means, for example, that "a blind and dumb person"[95] should be able to marry. Criminal activity should not be considered an impediment to marriage either; instead, lawbreakers ought to be punished in a way that does not lead to the additional sin that accompanies unmarried life.[96] A Christian should also be able to marry a pagan because "marriage is an outward, bodily thing, like any other worldly undertaking. Just as I may eat, drink, sleep, walk, ride with, buy from, speak to, and deal with a heathen, Jew, Turk, or heretic, so I may also marry and continue in wedlock with him".[97] Furthermore, Luther argues that although a father should be able to have a say on whom his child is to marry, he cannot prevent them from marrying altogether.[98] Instead, a father is always obliged to provide for his children's well-being, whether it comes to sustenance, sleep or reproduction.[99] In other words, reproduction is a matter of well-being that needs to be satisfied just like other human needs.

Luther goes on to highlight the corporeal nature of sex and reproduction even further. One of the reasons why getting married is so important is because "fornication destroys not only the soul but also body, property, honor, and family as well [...] it consumes the body, corrupts the flesh and blood, nature, and physical constitution".[100] This implies once again that bodily wellbeing is at stake – and because Luther is suggesting an intervention to improve it – his stance is undoubtedly biopolitical. The reformer doubles down on the detrimental bodily effects of abstinence by stating that

[89] *Luther's Works*. 45:18–21.
[90] *Luther's Works*, 44:9.
[91] *Luther's Works*, 45:19–22, 155.
[92] *Luther's Works*, 36:98–99. Luther discusses the pope's extensive list of forbidden marriages and his own, shorter list based on the Bible on many occasions, e.g., *Luther's Works*, 45:7–9, 22–23; *Works of Martin Luther*, 2:128. His arguments here appear solely religious.
[93] *Works of Martin Luther*, 2:123.
[94] *Luther's Works*, 36:98; *Works of Martin Luther*, 2:123; see McKeown, *God's Babies*, 86.
[95] *Luther's Works*, 45:30.
[96] Ibid., 26.
[97] Ibid., 25.
[98] Ibid., 391–392.
[99] Ibid.
[100] Ibid., 43.

> Physicians are not amiss when they say: If this natural function is forcibly restrained it necessarily strikes into the flesh and blood and becomes a poison, whence the body becomes unhealthy, enervated, sweaty, and foul-smelling. That which should have issued in fruitfulness and propagation has to be absorbed within the body itself. Unless there is terrific hunger or immense labor or the supreme grace, the body cannot take it; it necessarily becomes unhealthy and sickly. Hence, we see how weak and sickly barren women are. Those who are fruitful, however, are healthier, cleanlier, and happier.[101]

On a similar note, one should enter wedlock at a young age – not only because it is difficult to begin a new chaste life after first living in sin[102] but also because men aged 20 years and women aged 15–18 years "are still in good health and best suited for marriage".[103]

The stakes get even higher when Luther argues that marriage is not only useful to the "body, property, honor and soul of an individual but also to the benefit of whole cities and countries, in that they remain exempt from plagues imposed by God"[104] – some of which he considers brand new. Walther I. Brandt, the editor and translator of the quoted text, "Estate of Marriage", relates Luther's statement to syphilis, which had started its documented spread in Europe during the reformer's lifetime.[105] Advocating for early and chaste marriages appears as an obvious way of dealing with this unprecedented predicament.

Luther is not satisfied with merely describing the current state of marriages and reproduction but seeks to change how these issues are handled. Further, he argues that these are tasks for the civil government, which ought to intervene to a wide variety of sexual questions including frigidity[106] and prostitution.[107] Because marriage is a bodily thing, it makes sense that the matter of divorce is also handled by civil authorities.[108] This does not mean that divorces should be granted without a valid reason, such as one of the partners being unfit for marriage[109] – and even then, Luther offers a curious alternative to the divorce: a fit female partner could arrange a secret marriage with the unfit (impotent) male partner's close relative so that she can have her "life and […] the full use of her body"[110] without becoming adulterous. On a similar note, committing adultery is another reason for terminating a marriage. The innocent partner is free to marry again,[111] but the guilty party ought to be killed by the temporal authorities – or if they are lenient and soft – at least be made to flee to a distant country.[112] That

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[101] Ibid., 45–46.
[102] Ibid., 44.
[103] Ibid., 48.
[104] Ibid., 44.
[105] Ibid., 44n44.
[106] Ibid., 34.
[107] *Works of Martin Luther*, 2:160–162.
[108] *Luther's Works*, 45:32, 45.
[109] Ibid., 29–30, 45.
[110] *Luther's Works*, 36:103–104, 45:18.
[111] *Luther's Works*, 36:105, 45:30–31.
[112] *Luther's Works*, 45:32–33. Luther's depiction of the adulterer is curiously similar to Giorgio Agamben's notion of the *homo sacer*: "whoever commits adultery has in fact himself already departed and is considered as one dead". Ibid., 32; see Giorgio Agamben, *Homo Sacer. Sovereign Power and Bare Life* [1995] (1998), 7–8. However, Agamben's adaptation is much closer to the Foucauldian notion of sovereign power than it is to biopolitics, which places the

is, unless the innocent partner wishes to continue the marriage, in which case the guilty party should still be punished publicly.[113]

It is plain to see that Luther wishes to remove all impediments to sexual intercourse and reproduction – if the acts are not prohibited by the Scriptures. This is part of the reason why John McKeown has argued that the theologian was a *social natalist* who lived in a time that followed a period of declining population.[114] However, it is important to note that Luther was not a natalist in the sense of the word that later natalists would necessarily subscribe to – he "does not exclude the mundane reasons for desiring offspring, but these are not his focus".[115] Further, he was not necessarily interested in increasing the absolute population size rather than merely preserving it,[116] which has not stopped later Protestant natalists from mining his texts for quotes.[117] Despite all of this, it is important to note that although Luther believed in the eminent end of this world, he still exhibits

> a worldly pragmatism desiring sufficient reproduction for the survival of humankind and the nation. Anyone born into the pre-modern situation of high premature mortality would, if concerned for society's welfare, advocate high fecundity. Social natalists go a step further and claim that the necessity of preventing population decline should have priority over individual preferences. It would be fair to identify Luther as a social natalist of this type, though it did not much occupy his attention.[118]

Again, Luther's general approach is primarily religious. Even his more secular arguments often stem from notions such as the divine ordinance and the prevention of sin. Nevertheless, he made the aforementioned practical arguments that seem to complete and strengthen his theological approach. Therefore, we would like to argue that the proposed socio-political interventions include a, perhaps secondary yet distinctly noticeable, biopolitical undercurrent of caring for the physical wellbeing of the population – regardless of whether the size of the said population was to be increased or simply maintained. The significance of this stance cannot be dismissed by arguing that this was not Luther's *primary* concern. It appears to have occupied his attention enough for him to return to it repeatedly.

BIOPOLITICS OF POOR RELIEF AND THE COMMON CHEST

The second major set of biopolitical interventions in Luther's thought that we wish to explore is connected to the revamping of poor relief and the centralised use of common funds as a means of solving various socio-political challenges. Luther's desire to remodel poor relief

two thinkers in an "impossible dialogue". See Mika Ojakangas, "Impossible Dialogue on Bio-power: Agamben and Foucault," *Foucault Studies* 2 (2005), 6-7.

[113] *Luther's Works*, 45:32–33.

[114] *God's Babies*, 103.

[115] Ibid., 98.

[116] Ibid., 104–105; see also John McKeown, "Receptions of Israelite Nation-building: Modern Protestant Natalism and Martin Luther," *Dialog* 49 (2010), 133–140.

[117] *God's Babies*, 77–78.

[118] Ibid., 103.

seems to stem once again from his antipathy toward a certain Catholic custom, more specifically, begging, which he sees as a deceitful practice that "hurts the common people"[119] and hence ought to be terminated in all its forms.[120] This ultimatum goes also for the mendicant houses, which should all be consolidated into a single well-provided institution that would allow for a better way of taking care of the needy.[121] The physical spaces that mendicant houses and monasteries occupy should in turn be converted into schools and, if need be, homes.[122]

Poverty and suffering had been considered ideals to strive for during the Middle Ages because they signalled one's closeness to Christ.[123] A case in hand is Saint Francis of Assisi, the founder of the Franciscans and the son of a wealthy merchant, who renounced his father's possessions in a bid to imitate Christ.[124] The Reformation reverses the discourse on poverty, as Foucault, too, notes in *Madness and Civilization*.[125] This reversal leads to poverty being regarded as something akin to sin.[126] Lutheranism is able to reject begging because of the doctrine of *sola fide*, which removes an eschatological need for "good deeds" as salvation is now attainable through faith alone. The Calvinist stance on poverty appears even more radical. The doctrine of double predestination emphasises the fact that only God knows who are predestined to eternal salvation, and material wealth acts as the signal of this election.[127] In sum, poverty represents a theological danger to both of these Reformist branches; therefore, it is not something that should be celebrated.[128] We argue that these seemingly aporophobic sentiments – and the general anxiety regarding one's salvation – led to a fertile soil for biopolitical advancements, at least in Luther's case.

If begging was to be terminated, the problem of poverty would require another solution. According to Luther, "Every city could support its own poor"[129] and make sure "who were really poor and who not".[130] This implies that authorities ought to gather information regarding the needy. In fact, the reformer goes as far as to sketch out an idea that cities could have a special "overseer or warden who knew all the poor and informed the city council or the priests what they needed".[131] This is not to say that the idle poor should be made rich through hardworking people's labour; instead, "It is enough if the poor are decently cared for, so that they do not die of hunger or of cold".[132] Working hard and escaping idleness remain the keys to achieving the necessities of life.[133] However, since some people are not able to work, there ought to be a "safety net" that ensures a decent life for everyone.

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119 *Works of Martin Luther*, 2:135.
120 *Luther's Works*, 45:176; *Works of Martin Luther*, 2:134.
121 *Works of Martin Luther*, 2:115–116.
122 *Luther's Works*, 45:175.
123 Jacques Le Goff, *Saint Francis of Assisi* [1999] (2003), 44.
124 Margaret R. Miles, *The Word Made Flesh. A History of Christian Thought* (2005), 50.
125 Michel Foucault, *Madness and Civilization* [1961] (1989), 126.
126 "Lutheranism and Nordic Bio-politics," 11.
127 This is the famous thesis espoused by Max Weber in his *Protestant Ethic and the Spirit of Capitalism*. Cf. Max Weber, *The Protestant Ethic and the "Spirit" of Capitalism and Other Writings* [1904] (2002), 68-70.
128 Foucault, *Madness and Civilization*, 127.
129 *Works of Martin Luther*, 2:134.
130 Ibid.
131 Ibid., 134–135.
132 Ibid., 135.
133 *Luther's Works*, 45:48.

Again, Luther proposes that the needy should be provided with care from centralised public funds or, more specifically, a "common chest".[134] He expresses his support for such a solution in several instances, including his previously discussed preface to the "Fraternal Agreement on the Common Chest of the Entire Assembly at Leisnig".[135] The main text (which, again, was not written by Luther himself) provides a wealth of additional details on the topic. For example, those who are unable to work and are inflicted by poverty because of sickness or advanced age are to be sustained "so that their lives and health may be preserved from further deterioration, enfeeblement, and foreshortening through lack of shelter, clothing, nourishment, and care".[136]

The sick and the old are by no means the only ones who are to be provided with care. As mentioned earlier, the agreement also states that the teaching and governing of children as well as the supervision of these duties are also related to the common chest.[137] More specifically, impoverished orphans are "provided with training and physical necessities".[138] Further, boys that show promise in intellectual skills are to be discovered and supported while the rest are prepared for manual work.[139] Meanwhile, orphaned girls receive help in the form of "a suitable dowry"[140] that allows them to marry. Therefore, the use of centralised funds is intertwined with the Lutheran goal of maximising the number of marriages, which we discussed in depth in the previous chapter. In addition to serving the individuals belonging to these specific groups, the common chest also offers benefits on the macrolevel as it helps secure "the general welfare of our parish"[141] by allowing the storage of an ample amount of food "for bodily sustenance in times of imminent scarcity".[142] In other words, it helps secure the well-being of both the needy individuals and the larger population.

As we have pointed out, Luther appears as an enthusiastic champion for marriages and reproduction as well as an outspoken proponent for establishing secular governing that is aimed at achieving, among other things, public well-being.[143] Furthermore, these two questions are connected – effective poor relief helps attain more marriages. Hence, we stand in agreement with Ojakangas in that although Luther, Lutheranism and the associated notion of leaving the governing over worldly matters to secular authorities did not signal the beginning of biopolitical ideas and practices – as such ideas and practices were already in use in classical antiquity – Lutheranism still managed to offer a fertile ground for the return of these biopolitical elements and the birth of novel biopolitical advancements.[144] It is no surprise that

[134] Ibid., 172–173.
[135] For the preface see ibid., 169–178; for the main text, see ibid., 176–194.
[136] Ibid., 189. Foucault notes that "the Reformation, which left municipal administrations in charge of welfare and hospital establishments", sped up the conversion of lazar houses (houses for lepers) into hospitals. *Madness and Civilization*, 6.
[137] *Luther's Works*, 45:188.
[138] Ibid., 190.
[139] Ibid.
[140] Ibid.
[141] Ibid., 191.
[142] Ibid.
[143] See also Wolgast, "Luther's Treatment of Political and Societal Life," 397–413.
[144] "Lutheranism and Nordic Bio-politics," 6, 21.

Lutheran countries would go on to develop the welfare state model[145] and become pioneers in population statistics.[146]

Going further than Ojakangas, we assert that it is plain to see that Luther's thought and early Lutheranism also include aspects pertaining to the specific intersection of power and life that is known today as biopolitics. In other words, we would like to argue that Luther's political statements exhibit unmistakable biopolitical elements before the alleged biopolitical era.[147] This assertion provides further support to claims that Foucault's periodisation of the phenomenon at hand needs to be amended.[148] Although biopolitics did not yet saturate the entire political landscape during Luther's era, nor was the optimisation of life viewed as the primary objective of virtually all politics, Luther's socio-political arguments still managed to include significant biopolitical aspects.

A WAY FORWARD: BIOPOWER BEFORE BIOPOWER

Foucault famously claims that the emergence of the two strata of biopower, discipline and biopolitical regulation, coincides respectively with the seventeenth and eighteenth centuries.[149] However, as we have showcased in this article, one can clearly witness examples of both technologies of power in Luther's era. In other words, we assert that the operation of biopower commenced some time before Foucault presumed it did. As mentioned, the French philosopher approximates such a stance when he makes the promising statement that the era witnessed an unprecedented level of interventions into peoples' everyday lives on both religious and mundane levels.[150] We have chosen to argue that many of these interventions ought to be examined as examples of biopower for the simple reason that they seek to govern, mould and optimise human beings both individually and as parts of the larger population.

More specifically, the first of the two technologies of biopower, disciplinary or anatomo-political power, is asserted on the Lutheran congregates, who are now able to study the Bible in the vernacular and are instructed to approach the truth in a novel manner – within themselves, and, therefore, experience the rise of a new kind of subjectivity. Furthermore, the technology of discipline touches people's lives through various dispersed and less centralised power dynamics that manifest in places such as churches and schools as well as in art and even the institution of marriage. All these institutions subjugate Lutheran subjects to novel models of behaviour. Hence, we argue that early Lutheranism includes a discernible disciplinary aspect.

The second strata of biopower, biopolitical governing of the population, is also noticeable in Luther, whose views on marriage, reproduction, poor relief and the common chest appear to include distinctly biopolitical elements before the phenomenon's birth according to

[145] Ibid.

[146] Peter Sköld, "The Birth of Population Statistics in Sweden," *The History of the Family* 9:1 (2004), 5–21.

[147] See Samuel Lindholm, *Jean Bodin and Biopolitics Before the Biopolitical Era* (2024), 122–127.

[148] See Ojakangas, *On the Greek Origins*, 4.

[149] *History of Sexuality*, 1:139

[150] *Security, Territory, Population*, 229–230.

Foucault's hastily established initial timeline – which we are by no means the first to criticise.[151] As mentioned, in Luther's thought, sex and marriage are bodily issues that are tied to wellbeing and require political interventions. For example, marriages ought to be facilitated and the population kept at least at a stable level through social natalism. Further, the poor ought to be taken care of with centralised funds, which ensures that their wellbeing does not deteriorate. This appears to signal a burgeoning social policy program *avant la lettre*. Although we have no desire to assert that Luther's biopolitically charged suggestions represent the very core of the theologian's line of reasoning, they still offer additional evidence to the claim that the history of biopolitics is not tied solely to the modern *episteme* but, instead, dates back at least to early modernity. Conversely, even though making secular, political and natalist interventions into issues such as sex, marriages and reproduction was not Luther's primary focus, he, nevertheless, included such arguments. Therefore, we claim that his socio-political thought contained an unambiguous biopolitical aspect.

Hence it appears to us that Luther and early Lutheranism employed both strata of biopower, discipline and biopolitical regulation, in a noteworthy manner. Such findings beckon us to correct both the faulty periodisation of biopower as a seventeenth- and eighteenth-century occurrence and Foucault's promising, yet somewhat narrow reading of Luther's era as the impetus to amplified governing over people's everyday lives. Moreover, we argue that completing these inquiries – and understanding their shared connection – can open new avenues for research, which may in turn help broaden the understanding of the still relevant manifestations of power. In other words, continuing this path may help us grasp how these technologies of power operate today – and some of the key similarities and differences between their manifestations throughout the different historical eras.

Although this article offers an initial push to reading Luther as a biopolitical thinker – and consolidates many of the pertinent discussions regarding Foucault and Luther as a means of establishing such a reading – it can only scratch the surface. In other words, there is still plenty of work to be done. Our suggestions for future research include investigating the biopolitical elements in Lutheranism as a wider phenomenon, including, for example, Philip Melanchthon's texts, and in the context of other Reformist churches, such as the Church of England. We would not be surprised if a close analysis of Calvinism would produce some similar results as well.

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[151] Agamben is famous for speculating that the phenomenon's origin is absolutely ancient. Agamben, *Homo Sacer*, 9. Ojakangas gathers heaps of evidence to support the claim that the origins of biopolitics lie in classical Greece. Ojakangas, *On the Greek Origins*, 1–4.

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