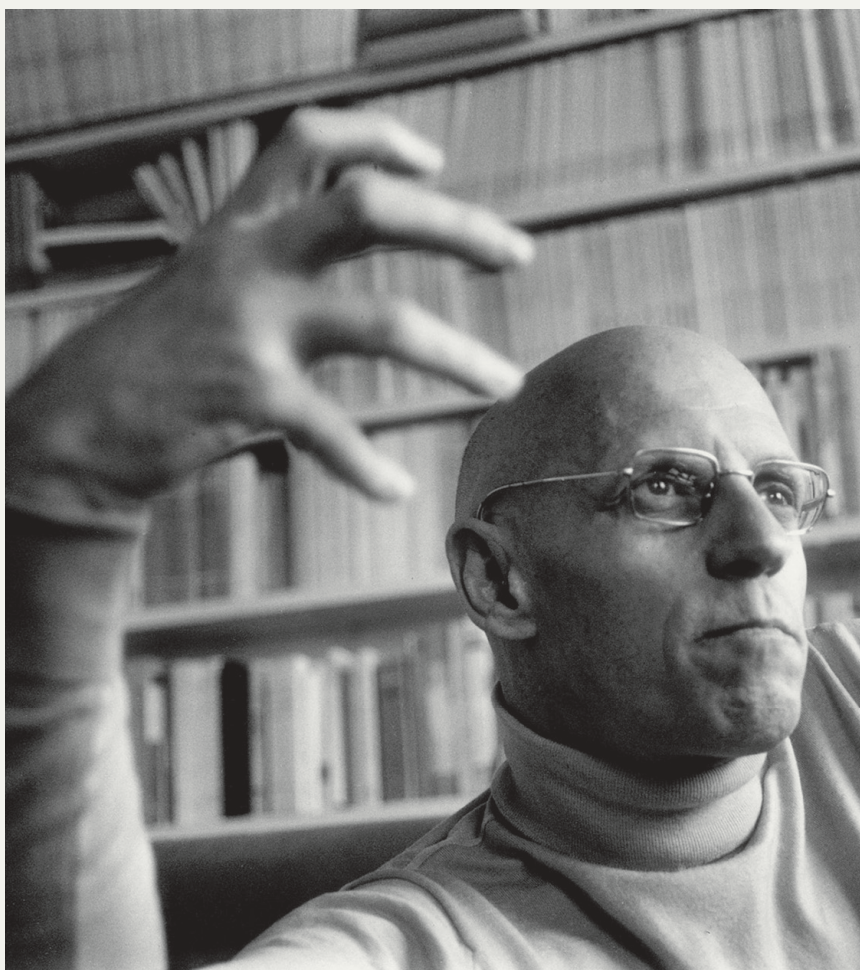




MODERN
CLASSICS

Michel Foucault Power

Essential Works 1954–84



Power

One of the most provocative and influential thinkers of the twentieth century, Michel Foucault (1926–84) exposed the systems of power inherent in all aspects of society with his revolutionary studies of sexuality, madness and punishment. He had an enormous impact on many fields including literary criticism, philosophy, history, psychoanalysis, the history of science and the sociology of knowledge.

Foucault was Professor of History of Systems of Thought at the Collège de France in Paris, and wrote frequently for French newspapers and reviews. Among his many publications are *Madness and Civilization* (1962); *The Archaeology of Knowledge* (1972); *The Birth of the Clinic* (1973); and *Discipline and Punish* (1975). The three volumes of *The History of Sexuality* published during his lifetime were *The Will to Knowledge* (1976), *The Use of Pleasure* (1984) and *The Care of the Self* (1984); the fourth volume, *The Confessions of the Flesh*, was published posthumously in 2018. His *Essential Works* are published in three volumes as *Ethics; Aesthetics, Method, and Epistemology*; and *Power*, and the lectures he gave at the Collège de France in 1975–6 are collected in the volume *Society Must Be Defended*.

James D. Faubion is Professor of Anthropology at Rice University in Texas. He is the author of *Modern Greek Lessons: A Primer in Historical Constructivism* and also edited *Aesthetics*, the second volume in the *Essential Works of Foucault* series.

The introduction is by Colin Gordon, editor of *Power/Knowledge* and *The Foucault Effect*. He lives in England.

Series Editor Paul Rabinow is Professor of Anthropology at the University of California at Berkeley. His previous books include *The Foucault Reader* and *Michel Foucault: Beyond Structuralism and Hermeneutics* (with Herbert L. Dreyfus).

MICHEL FOUCAULT

Power

Essential Works of Foucault
1954–1984: Volume Three

Translated by Robert Hurley and others

Edited by James D. Faubion



PENGUIN BOOKS

PENGUIN CLASSICS

UK | USA | Canada | Ireland | Australia
India | New Zealand | South Africa

Penguin Books is part of the Penguin Random House group of companies
whose addresses can be found at global.penguinrandomhouse.com.



Penguin
Random House
UK

Selections from *Dits et écrits 1954–1984*, eds. Daniel Defert and François Ewald, with
the assistance of Jacques Lagrange, first published by Editions Gallimard 1994
This collection first published with new translations in the USA by the New Press 2000
First published by Allen Lane 2001
Published in Penguin Books 2002
This edition published 2020
001

Copyright © Editions Gallimard, 1994
Compilation, introduction and new translations copyright © the New Press, 2000

The note on terms and translations on pp.xlii–xliii is
an extension of this copyright page

Printed and bound in Great Britain by Clays Ltd, Elcograf S.p.A.

A CIP catalogue record for this book is available from the British Library

ISBN: 978-0-241-43508-3

www.greenpenguin.co.uk



Penguin Random House is committed to a
sustainable future for our business, our readers
and our planet. This book is made from Forest
Stewardship Council® certified paper.

CONTENTS

Series preface by <i>Paul Rabinow</i>	vii
Acknowledgments	ix
Introduction by <i>Colin Gordon</i>	xi
Note on Terms and Translations	xlii
Truth and Juridical Forms	1
The Politics of Health in the Eighteenth Century	90
Preface to <i>Anti-Oedipus</i>	106
Truth and Power	111
The Birth of Social Medicine	134
Lives of Infamous Men	157
About the Concept of the “Dangerous Individual” in Nineteenth-century Legal Psychiatry	176
Governmentality	201
Questions of Method	223
Interview with Michel Foucault	239
“ <i>Omnes et Singulatim</i> ”: Toward a Critique of Political Reason	298
The Subject and Power	326
Space, Knowledge, and Power	349

Contents

The Risks of Security	365
What Is Called “Punishing”?	382
Interview with <i>Actes</i>	394
The Political Technology of Individuals	403
Pompidou’s Two Deaths	418
Summoned to Court	423
Letter to Certain Leaders of the Left	426
The Proper Use of Criminals	429
Lemon and Milk	435
Open Letter to Mehdi Bazargan	439
For an Ethic of Discomfort	443
Useless to Revolt?	449
So Is It Important to Think?	454
Against Replacement Penalties	459
To Punish Is the Most Difficult Thing There Is	462
The Moral and Social Experience of the Poles Can No Longer Be Obliterated	465
Confronting Governments: Human Rights	474
Index	477

S E R I E S P R E F A C E

Michel Foucault provides a splendid definition of work: “That which is susceptible of introducing a significant difference in the field of knowledge, at the cost of a certain difficulty for the author and the reader, with, however, the eventual recompense of a certain pleasure, that is to say of access to another figure of truth.”¹ Diverse factors shape the emergence, articulation, and circulation of a work and its effects. Foucault gave us intellectual tools to understand these phenomena. In Michel Foucault’s *Essential Works*, we use these very tools to understand his own work. Though he intended his books to be the core of his intellectual production, he is also well known for having made strategic use of a number of genres—the book and the article to be sure, but also the lecture and the interview. Indeed, few modern thinkers have used such a wide array of forms in so skillful a fashion, making them an integral component in the development and presentation of their work. In this light, our aim in this series is to assemble a compelling and representative collection of Foucault’s written and spoken words outside those included in his books.

Foucault died on June 25, 1984, at age fifty-seven, of AIDS, just days after receiving the first reviews of the second and third volumes of *The History of Sexuality*, in the hospital. A year previous to his death, when he was showing no signs of illness, he had written a letter indicating that he wanted no posthumous publications; through the course of complex negotiations between those legally responsible to him, intellectually engaged with him, and emotionally close to him, it was decided that this letter constituted his will. He left behind, as far as we know, no cache of unpublished texts; we must conclude, then, that his papers were “in order.” Ten years later, Editions Gallimard published *Dits et écrits*, well over three thousand pages of texts, organized chronologically. The editors, Daniel Defert and François Ewald, sought to collect all of Foucault’s published texts (prefaces, introductions, presentations, interviews, articles, interventions, lectures, and so on) not included in his books. We have made a selection, eliminating overlapping or rep-

etition of different versions of similar materials. Likewise, a number of the lectures and courses will in time be published separately in English.

What we have included in this and the previous two volumes are the writings that seemed to us central to the evolution of Foucault's thought. We have organized them thematically. Selecting from this corpus was a formidable responsibility that proved to be a challenge and a pleasure. Many of these texts were previously unavailable in English. In broad lines, the organization of the series follows one proposed by Foucault himself when he wrote: "My objective has been to create a history of the different modes by which, in our culture, human beings are made subjects. My work has dealt with three modes of objectification which transform human beings into subjects."² In Volume One, following his course summaries from the Collège de France, which provide a powerful synoptic view of his many unfinished projects, the texts address "the way a human being turns him- or herself into a subject."³ Volume Two is organized around Foucault's analysis of "the modes of inquiry which try to give themselves the status of the sciences."⁴ Science, for Foucault, was a domain of practices constitutive of experience as well as of knowledge. Consequently, this volume treats the diverse modes of representations, of signs, and of discourse. Finally, Volume Three contains texts treating "the objectivizing of the subject in dividing practices,"⁵ or, more generally, power relations.

Paul Rabinow

NOTES

- 1 Foucault, "Des Travaux," in *Dits et écrits* (Paris: Gallimard, 1994), vol. 4, p. 367.
- 2 Foucault, "The Subject and Power," in *Michel Foucault: Beyond Structuralism and Hermeneutics*, 2d ed., Hubert Dreyfus and Paul Rabinow (Chicago: University of Chicago Press, 1983), p. 208.
- 3 Ibid.
- 4 Ibid.
- 5 Ibid.

ACKNOWLEDGMENTS

I would like to thank Zeynep Gursel for her role in editing this volume. Thanks, too, to Mia Fuller for her help with the translations and for her bibliographical sleuthing. Paul Rabinow and I offer special thanks to Colin Gordon, who selected the texts for the volume and provided us with a draft of the introduction. Mr. Gordon was to have served as editor, but was unable to complete the project. I have accordingly emended the manuscript, and we have jointly revised Mr. Gordon's introductory essay for publication here.

—JDF

INTRODUCTION

Foucault did not characterize himself as a political theorist or philosopher and wrote no text intended to sum up his political thought. As Isaiah Berlin correctly observed, Foucault was not a Left intellectual at all, if by that one means a thinker with a political manifesto to put forward. Foucault was, however, a person whose work contains a powerful, original, and coherent body of political ideas, which it is well worth trying to see in full and as a whole, for he was a courageous, ingenious, and creative political actor and thinker. This volume assembles Foucault's own writings and interviews on the questions of power and the political from the last twelve years of his life, when he became, in France and sometimes beyond, an increasingly influential figure as a thinker with a public voice—what in France is called an “intellectual.” “Power” was not the rubric of a separate compartment in Foucault's work, so it is preferable by far to read this volume in company with *Essential Works of Foucault, 1954–1984* volumes I and II, *Ethics and Aesthetics, Method, and Epistemology*. Later on we will try to sketch the intrinsic links between Foucault's thinking about these other axes of concern.

The pieces collected here fall into an interesting variety of categories. There are interviews where Foucault is explaining a recent book (see pp. 429, 435, and 443)—and, sometimes, as in the extended discussion with Trombadori (see pp. 239), answering to a critical inquisition on a much longer passage of his career. These papers stand as small but strategic connecting blocks within the

edifice of Foucault's research—the paper on the “Dangerous Individual,” for example, and the Tanner lectures (see pp. 298) setting out the notions of “pastoral power” and “governmental rationality.” The four Brazilian lectures from 1974 on (“Truth and Juridical Forms,” published here in English for the first time) fill a different kind of gap by providing a Nietzschean prologue and variant working draft for the book *Discipline and Punish*, published in France a year later. The 1976 interview with two Italian friends, “Truth and Power,” and the 1982 papers on “The Subject and Power,” published by two American friends, are successive, classic statements—the latter certainly definitive—of Foucault's whole interest in the topic of power and his view of how power can be studied. There are debates, like the discussion with the group of historians in “Questions of Method,” where critical thrusts are parried or sidestepped but, more importantly, where positions are cogently argued on the way intellectual and ethico-political ends and responsibilities can, and should, connect with one another. Another group of discussion-interviews features exchanges of ideas about what is to be done in some problem areas of public policy touched on in his critical and investigative writings, such as penal justice or the reform of the welfare state (see pp. 365, 394, 459, and 462).

One thread running through these discussions is a series of statements on the role of intellectuals—what Foucault thinks they may or should not do, what should and should not be expected from them. He considers how the public function and the utterance of expert or thinker may be connected at the deepest or most universal level, at least within the Western tradition, to the vocation of philosophy and the public role of the “truth-teller” (the theme explored in some of his last lectures, entitled “The Courage of Truth”), to the problems of power (including the power of truth) and to what he views as the persistent idea in Western culture of a necessary linkage between the “manifestation of truth” and the “exercise of sovereignty.” In some of these pieces Foucault discusses, in immediate and practical terms, how intellectuals and citizens should deal with the holders of governmental power (see pp. 394, 443, 454, and 474).

Last but not least, we have included a series of some of Foucault's

shortest (and potentially most ephemeral) writings, the writing of the intellectual in action: letters, manifestos, or newspaper articles published to intervene in or address a live political issue—such as the right to abortion, the death penalty and judicial scandal, revolts and liberties in Spain, Poland, and Iran, a political extradition, law-and-order policy, the boat people. Some contextual information, compiled by Foucault's excellent French editors, François Ewald and Daniel Defert, has been included to set the contemporary and local background of some of these interventions. It is never easy to predict how far such writings will retain their original force across distances of time and space. Moreover, anyone who cares for Foucault and his work must feel some diffidence about the risks of any hagiographic commentary that glamorizes or attributes exemplary status to the intellectual role as he practiced it. But the issues Foucault wrote about are still quite recognizable and relevant. Some of the stereotyped views of Foucault still current in the English-speaking academic world have portrayed him as a thinker incapable of coherent practical action or viable moral utterance. The comprehensive curriculum vitae documented in *Dits et écrits* clearly shows the opposite to be the case. It is a matter of history that the Socialist government elected in 1981 abolished the death penalty, liberalized the law of political asylum, and introduced reforms to penal justice and the rule of law. Foucault was, by general consent, one of the voices within France over the previous decade that seemed to have most effectively stirred the Left politicians' reforming will around these subjects.

One of the most arresting of these documents to reread today is "Letter to Certain Leaders of the Left," written in 1978. This concerns the West German lawyer Klaus Croissant, who defended the members of the Baader-Meinhof left-wing terrorist organization. On being charged by the West German authorities with complicity with his own defendants, Croissant sought asylum in France. The conservative French government, with minimal procedural delay, extradited Croissant to the West German police, and proceeded to prosecute the private French citizens who had sheltered the fugitive lawyer in France. Foucault asked the (unnamed) French politicians of the Left—principally, no doubt, François Mitterrand—to declare their position, as a would-be government, on this affair.

His article emphasized, with feeling, the fundamental value and sanctity of actions of private solidarity and moral comfort to political fugitives.

THE EMERGENCE OF POWER

Foucault's work in the seventies was an innovation, and perhaps the most real and important one of its time. It was, perhaps, so innovative that its contribution could be accepted and used only within a Left transformed and renewed beyond recognition. In the short term, political events seemed to take a different turn. The period around 1977–80 in France was one in which the politico-intellectual space formed by the Communist Party, its Maoist, anarchist, and Trotskyist rivals, and their respective cadres, fellow travelers, dissidents, and renegades, passed through a process of rapid contraction, not to say implosion. Although Foucault did not like to play the role of ideological traffic policeman, he was one of the most prominent thinkers to make clear during this period the view that Left values do not prohibit one from being anticommunist or compel one to desire revolution.

Discipline and Punish brought Nietzsche to the aid of Marx; what *Capital* had done for the study of relations of production, it proposed to do for relations of power—duly recognizing, of course, the profoundly material interconnection of the two factors. In his analysis of trends of penal-reform thought in England and France in the late eighteenth century, Foucault is explicit about the economic interests driving the pursuit of more efficient policing and penal policies, for example, in the London docks. What, however, was controversial about an analysis suggesting that techniques of power such as discipline and supervision have, as techniques, their distinct existence as historical factors was the readily available inference that the same techniques of power may be made to serve more than one political or social interest. The fateful point in Foucault's analysis of the origin of the modern penitentiary prison is the quote from Jeremy Bentham, remarking that his model Panopticon prison would work equally well to control its prisoners regardless of who occupied the darkened supervisory space of its central control tower. The relevance of the point to the history of communist states and parties did not need further spelling out to be grasped by Fou-

cault's readers. Yet Foucault's main point was not about the nature of communist power but, rather, about the presence in modern history of a repertoire of techniques of power which do not bear the distinctive emblem of the regime—socialist, communist, fascist—that uses them. From legislation against dangerous minorities to concentration camps, Foucault points out that the liberal, democratic West has generally been in the vanguard of technical invention, and its experts—for example in criminology—have not uncommonly shared their expertise with other regimes concerned with the same problems. One of the messages of Foucault's book is, therefore, that the apparent neutrality and political invisibility of techniques of power is what makes them so dangerous.

In nineteenth-century France, he argues, bourgeoisie and police used a "divide and rule" tactic against the urban masses, cultivating and heightening the gap between the respectable proletarianized "plebs," who had passed through the training school of factory discipline, and the lumpen category of the criminal, marginal, and precarious fringes of the reserve army. Prisons and police, Foucault argued, worked deliberately to create a well-defined criminal subclass that could be drawn upon when needed for strike-breaking or counterrevolutionary violence. Encouraged by Marx and Engels, the working class came to value the regime of the factory as its training school as a disciplined political force, while taking correspondingly less interest in the fate of the lumpen marginals and the problems of penal justice. In the France of the early seventies, Foucault evidently saw as consequences of this historical legacy the marked lack of sympathy of the old communist Left for some of the causes and struggles in which he then found himself actively involved.

Foucault was interested in the possibility of gaining, helped by historical analysis, new and more effective political ways of seeing. These new ways of seeing concerned, in particular, the relations of power and knowledge, and their respective relation to "the subject." He said in 1975: "I have been trying to make visible the constant articulation I think there is of power on knowledge and of knowledge on power. We should not be content to say that power has a need for a certain discovery, a certain form of knowledge, but we should add that the exercise of power creates and causes to emerge new objects of knowledge and accumulates new bodies of

information. . . . The exercise of power perpetually creates knowledge and, conversely, knowledge constantly induces effects of power."¹ The knowledges that Foucault particularly studied within this scenario were the theories and disciplines that, in French parlance, had come to be grouped over the past two centuries under the heading of the "human sciences"—knowledges such as psychology, sociology, psychiatry, psychoanalysis, and criminology, together with some aspects of medicine. In *Discipline and Punish* and *The History of Sexuality* Volume One, as earlier in *Madness and Civilization* and *The Birth of the Clinic*, he was intent to show how closely the emergence of these forms of knowledge was enmeshed in the problems and practices of power, the social government and management of individuals. Early in his work, Foucault had pointed out that the idea of a scientific knowledge of the person as an individual is a relatively recent modern project. Here, he set out to show how in recent Western history the knowable individual has been the individual caught in relations of power, as that creature who is to be trained, corrected, supervised, controlled.

This analysis was not without a perceptible and astringent critical edge. Foucault wrote as an admirer and continuer of Nietzsche's genealogy of morals, tracing the mundane and ignoble historical origins of Western ideas and values. Foucault's project was certainly not the discrediting or devaluation of science in general. Indeed one of his aims was to break with a Marxist theory of ideology that denounced those forms of false bourgeois knowledge designed to mask the realities of exploitation in capitalist society (while, conversely, identifying the true path of Marxist science with the just cause of the proletariat). Foucault was interested in the role of knowledges as useful and necessary to the exercise of power because they were practically serviceable, not because they were false. He had developed for this purpose an analysis of "discourses," identifiable collections of utterances governed by rules of construction and evaluation which determine within some thematic area what may be said, by whom, in what context, and with what effect.

In *Discipline and Punish*, Foucault draws from this kind of analysis some caustic conclusions about our ways of existing and knowing ourselves as individuals. The dignity and gravity of our self-concern as human "subjects," knowing and knowable beings, coexists with and is rooted in a less noble aspect of our modern

condition as individuals whose conduct and normality is subject to constant and pervasive supervision.

Foucault's work subverts and challenges a certain modern version of enlightenment, made up of morally and intellectually validated schemes of social improvement, therapy and order, which operate by identifying and correcting various forms of individual deviation from a norm. From the viewpoint of a contemporary culture where the right to deviate is being vigorously asserted by a set of new social constituencies, his analysis casts a new and sometimes cold light on a series of modern alliances between moralization, science, and power. It is, in a way that is characteristic and perhaps paradigmatic of its time, an exercise in extending our capacity for suspicion, or at least for vigilance and doubt.

Foucault wanted to generate doubt and discomfort, and to help stimulate a wider process of reflection and action leading to other and more tolerable ways of thinking and acting. Not surprisingly, especially in the period of his growing international celebrity following the publication of *Discipline and Punish*, all this generated considerable controversy and criticism, some of it acrimonious and polemical. One section of international academia is content to this day to assert that Foucault considered truth to be no more than an effect of power, that his thought is a wholesale and nihilistic rejection of the values of the Enlightenment, that he and his work are incapable of contributing to any form of rational and morally responsible action. Readers can find in this volume Foucault's own responses to such charges, and reach their own conclusions, but I will provide a few basic clarifications here. Foucault convincingly disavows any general intention through his analyses of discrediting or invalidating science in general, or any specific science: the implication of psychiatry, for example, in institutions and practices of power "in no way impugns the scientific validity or the therapeutic effectiveness of psychiatry; it does not endorse psychiatry, but neither does it invalidate it."² Some of his work in the sixties is about the definition of the successive thresholds of scientificity which a discourse or domain of knowledge may pass through in the course of its historical development. For a large part of his work, Foucault is demonstrably in close intellectual proximity to the kind of history and philosophy of science practiced in France by his predecessor and mentor Georges Canguilhem. Foucault is not a relativist or a

solipsist, but he does not believe that knowledge confers ultimate acquaintance with reality, or that means of verification used to determine truth are available to us in forms which we know to be definitive. Truth, Foucault says, is “a thing of this world”—meaning that truth exists or is given and recognized only in worldly forms, through actual experiences and modes of verification; and meaning also that truth is a serious matter and a serious force in our world, and that there is work for us to do in investigating the presence and effects of truth in the history of our societies.

From time to time, as we have seen, Foucault found it necessary to disavow any direct attempt through his work to refute or discredit currently existing forms of knowledge or disciplines such as psychiatry or criminology, whose historical origins are touched on in *Madness and Civilization* and *Discipline and Punish*. He does on occasion express a clear opinion that the human sciences are not, and are probably not capable of becoming, sciences in the same epistemological sense as the physical sciences, and *The Order of Things* contains a famous speculation that the human sciences as we know them could disappear. Even here, though, it is important to realize that Foucault is not using scientificity as a judicial category. The human sciences are not to be condemned because they are not sciences like physics, and their possible disappearance is not predicated on the emergence of a more genuinely scientific alternative. Foucault insists that a historical analysis of its origins has no forensic bearing on the evaluation of a form of knowledge. Commenting on the irate reactions of some psychiatrists or criminologists to his book, he remarks that a physicist might be intrigued if a historian were able to demonstrate the implication of his science’s beginnings in some odious or sordid episode of human history but would by no means feel thereby threatened in terms of the scientific value or status of his own work.

One of the key clarifying points Foucault makes is that what is most interesting about links between power and knowledge is not the detection of false or spurious knowledge at work in human affairs but, rather, the role of knowledges that are valued and effective because of their reliable instrumental efficacy. Foucault often uses the French word *savoir*—a term for knowledge with connotations of “know-how” (a way to make a problem tractable or a material manageable)—for this middle sort of knowledges, which

may fall short of rigorous scientificity but command some degree of ratification within a social group and confer some recognized instrumental benefit. The reason the combining of power and knowledge in society is a redoubtable thing is not that power is apt to promote and exploit spurious knowledges (as the Marxist theory of ideology has argued) but, rather, that the rational exercise of power tends to make the fullest use of knowledges capable of the maximum instrumental efficacy. What is wrong or alarming about the use of power is not, for Foucault, primarily or especially the fact that a wrong or false knowledge is being used. Conversely, power and the use of knowledge by power are not guaranteed to be safe, legitimate, or salutary because (as an optimistic rationalist tradition extending from the Enlightenment to Marxism has inclined some to hope) the knowledge that guides or instrumentalizes the exercise of power is valid and scientific. Nothing, including the exercise of power, is evil in itself—but everything is dangerous. To be able to detect and diagnose real dangers, we need to avoid equally the twin seductions of paranoia and universal suspicion, on the one hand, and the compulsive quest for foundationalist certainties and guarantees, on the other—both of which serve to impede or dispense us from the rational and responsible work of careful and specific investigation.

THE PRODUCTIVITY OF POWER

The two ideas that came to guide Foucault's own investigation were those of the *productivity of power* (power relations are integral to the modern social productive apparatus, and linked to active programs for the fabricated part of the collective substance of society itself) and the *constitution of subjectivity through power relations* (the individual impact of power relations does not limit itself to pure repression but also comprises the intention to teach, to mold conduct, to instill forms of self-awareness and identities). In addition to contesting the neo-Marxian idea, current at the time, that (bourgeois, capitalist) power is maintained partly through the propagation of pseudo-knowledges or ideologies, Foucault also wanted to challenge the neo-Freudian idea that power acts like a lawgiver that forbids and represses.

For some, this seems to lend itself to the objection that Foucault

so far exaggerates the effectiveness or success of the panoptic schemes of society's would-be programmers as to produce a dystopian vision of modern society in which aspirations for progress are either hopeless or discredited. Foucault's answer was already implicit in the closing words of *Discipline and Punish*: "In this central and centralized humanity . . . we must hear the rumble of battle." Awakening ourselves to the real world of power relations is awakening ourselves to a world of endemic struggle. The history of power is also a memory of struggles and therefore, potentially at least, a reawakening to refusals and new struggles—not least by showing how contingent and arbitrary the given conditions of the present are which we so readily take for granted.

Much could be, and has been, written about the method of inquiry Foucault practiced since *Discipline and Punish*. One can identify some of the features of this method which Foucault himself felt were important. One key point is the emphasis on the *mobility* of the objects analyzed: specific kinds of human practice that change over time and the events that punctuate and shape their history. A second feature is the *multiplicity* of objects, domains, layers, and strata involved in the network of cause and determination Foucault tries to trace—as well as the absence of a privileged or fundamental causal factor. A third important feature of the power-knowledge frame of analysis was the *intentionality* and *reversibility* of the social realities that power-knowledge relations contribute to producing and shaping: these realities, as Foucault put it, always contain in themselves a certain necessary ingredient of thought—thought that analysis can show to be contingent and contestable. Foucault was always at pains to say that resistance is an endemic fact in the world of power relations. Yet, for some readers' tastes, he did not give the right answers about who or what resists power, and why. Although he was passionately exercised by the question, he may have thought it had no single, definitive answer, because the answer is everywhere: There is always something in the social body, and in each person, which evades or wrestles with others' attempt to act on our own ways of acting. Foucault annoyed some political commentators with his Nietzschean refusal to say, in general terms, what principle legitimates a just resistance—here as elsewhere, he was an anti-foundationalist. But we may guess he did not entirely agree with Tocqueville who, reflecting on "the source of this passion for po-

litical liberty,” concluded that the question must in some sense necessarily remain unanswered: “Do not ask me to analyse this sublime taste: it is one which can only be experienced.” Foucault’s need to understand, for instance, what motivated a dissident in the Soviet bloc to risk his or her life in a nonviolent act of refusal was, as we will try to show, a powerful motive of his later political and ethical investigations.

THE HYPOTHESIS OF WAR

The question Foucault set out to explore in his 1976 lectures at the Collège de France was, indeed, characteristic of the political conjuncture of the period and the intentions of his preceding work to contribute to it. It was the testing of the validity of what might be called the “hypothesis of war”—the idea that the notion of war or struggle could serve as the tool par excellence of political analysis. These remarkable and astonishingly rich and original lectures are due to appear shortly in a complete English-language edition (following earlier editions in Italy and France) and cannot be adequately summarized here.⁵

The course began with two lectures (subsequently well-known, through publication in Italian and English) in which Foucault defined his current positions in methodology, criticized the dominance in political theory of juridical notions of legitimation, political justice, and rights, and rehearsed in sympathetic terms the heuristic idea, already developed in *Discipline and Punish*, that politics can be regarded as war continued by other means.

In the event, the continuation and conclusion of the course did not quite provide the philosophical celebration of a Nietzschean-Leftist militant ideal that the opening lectures might have led one to expect (or fear). Foucault’s way of showing the “hypothesis of war” at work was to do a genealogy of its proponents, starting from the English and French authors of the seventeenth and eighteenth centuries (notably John Lilburne, Henri Comte de Boulainvilliers, and Abbé de Mably) who produced militant rewritings of national history focused on interpretations of historical conquests (Roman, Frankish, and Norman) and the historical wrongs committed and suffered in and following these warlike episodes by the ancestors

of the social classes and estates of the contemporary nation. Characteristic of these authors was the denunciation of the false legal titles to sovereignty claimed by the victors, and the call for a final battle to throw off the yoke of conquest. Foucault succeeds in tracing a strand of influence from these writers, by way of the ideas of the French Revolution, down to the French historians of class struggle who influenced Marx, but also down to nineteenth-century theories of racial struggle. By their conclusion, then, the lectures not only provided the promised historical celebration of militant thought but also exposed the limitations and immense dangers of that style of thought through its implication for the history of revolutionary class warfare and state racism. As Foucault makes it into the object of a historical analysis (albeit one couched as a “eulogy” [*éloge*]) the idea of a militant critique that exposes power relations in their nakedness and uncovers as their actual basis the arbitrariness of a primal act of usurpation becomes problematic as to both its reliability and its consequences. *Discipline and Punish* contains a line of argument in which one might sense a faint trace of Lilburne or Boulainvilliers, to the effect (crudely summarized) that progressive Western societies have ostensibly operated for two centuries on principles of liberty and the rule of law, while effectively operating on a basis of coercive *dressage* and disciplinary order. Foucault continued for several years to develop in both analytical and polemical modes his concern—especially during the continuing period of conservative government in France up to 1981—that the coupling of “law” and “order” in current governmental practice and policy was incoherent and uncontrolled, and therefore both unworkable and dangerous. For a polemical statement, see the *Le Monde* piece “Lemon and Milk;” for a historical analysis, see “About the Concept of the ‘Dangerous Individual’ in Nineteenth-century Legal Psychiatry.”

On the other hand, though, beginning around the time of the socialist–communist Left’s defeat in parliamentary elections in 1978, Foucault’s work carries a message to a constituency on the Left that an oppositional discourse of pure denunciation was likely to prove neither analytically effective nor electorally convincing.

GOVERNMENTALITY

Foucault's lectures at the Collège de France in 1978 and 1979, one of which, "Governmentality," is reproduced here (together with some later American lectures—"Omnes et Singulatim" and "The Political Technology of Individuals"—which recapitulate much of this material), were in part an immediate response to a contemporary political fact, namely, the striking simultaneous ascendancy in Western Europe in the governments of Helmut Schmidt and Valéry Giscard d'Estaing of the discourse and doctrine of economic neoliberalism. After a period around 1970 when conservatives had diagnosed symptoms of a "crisis of governability" in the discrediting of elected politicians and the expansion of civil disobedience and protest, and following the impacts on Western economies of the two oil price "shocks" of 1973 and 1976, these governments appeared in a striking fashion to have reconquered a kind of pedagogical ascendancy and a claim to lead, confronting their citizens with the realities and disciplines of the market and tutoring them in the duties of economic enterprise.

Three ideas or shifts of thought come together in these lectures. First, Foucault shifts the focus of his own work from specialized practices and knowledges of the individual person, such as psychiatry, medicine, and punishment, to the exercise of political sovereignty by the state over an entire population. Second, he addresses *government* itself as a practice—or a succession of practices—animated, justified, and enabled by a specific rationality (or, rather, by a succession of different rationalities). In the context of modern Europe, this leads him to particularly attentive analyses of liberalism and neoliberalism. Lastly, he advises his audience that socialism historically lacks a distinctive concept and rationale for the activity of governing, a fact that places it at a damaging disadvantage in confronting its contemporary political adversary. A Left that cannot show it knows how to govern or has a clear conception of what governing is will not be likely to achieve power.

Foucault's thinking about "governmentality" was advanced by an important intellectual friendship with his contemporary and fellow professor at the Collège de France, Paul Veyne. Veyne, a historical sociologist of classical antiquity, had recently published *Le Pain et le Cirque*, a study of the practice of public benefactions in Hellenic

and Roman society. Veyne's key idea was that, even if comparative analyses show that human societies manifest a certain number of shared, universal structures and behaviors, the meaning of some of these seeming universals is an extremely variable, contingent, and local construction, which it is a task of empirical and historical analysis and interpretation to reconstruct in its various constitutive aspects—the identity and role of the actor, the perceived content of the activity, its intended goal, and the human or other material objects on which it is conceived to work and act.

Foucault had been working, in the footsteps of Nietzsche, on just such a differentiating, decomposing, periodizing form of analysis of such apparently timeless and universal practices as the management of the insane, or the practice of punishment. At this point in his career, he was (as he publicly acknowledged) stimulated and encouraged by Veyne's work to address in a similar way the historical meanings of the "macro" practice of government. Veyne, in turn, credited Foucault with an important contribution to the methodology of his own profession, in an essay called "*Foucault révolutionne l'histoire*."⁴ Veyne's essay stresses, in particular, the anthropological variability Foucault discerns between the way different historical practices of government identify their human objects—a flock to be herded or tended, the inhabitants of a territorial possession, a human population, or a civil society. Applied in this field, this type of analysis has the same effect as elsewhere—it increases our awareness of the role of construction and the constructed in governmental landscapes and institutions, and of the way in which habit leads us to accept these constructions as facts of nature or universal categories.

The new way of analyzing power which Foucault had proposed in *Discipline and Punish* and *La Volonté de savoir* was described and framed as a "microphysics"—a study of the forms and means of power focused on individuals and the details of their behavior and conduct. As a choice of method this was, in large part, a function of the material and questions examined, and therefore not—a caveat Foucault was often obliged to repeat—a universal recipe prescribed for every form of political analysis. Foucault was interested here in showing that power "comes from below," that is, that global and hierarchical structures of domination within a society depend on and operate through more local, low-level, "capillary" circuits

of power relationship.⁵ Another methodological principle was a refusal to treat “power” as a substantive entity, institution, or possession, independent of the set of relationships in which it is exercised. This did not mean that Foucault regarded the forms of sovereign political power operating on a global social scale as derivative or in some sense illusory phenomena. In *La Volonté de savoir*, for instance, continuing earlier discussions of this theme in *Madness and Civilization* and *Birth of the Clinic*, he discusses the developing concern in early modern Europe for coordinating the government of individuals with the government of a human collectivity understood as a *population*; part of the privileged role of the theme of sexuality in the knowledge–power of modern societies, he argues, is as a junction point between individual regulation of conduct and questions of demographics.

Often in his books Foucault makes connections between criticism and transformation at the level of political institutions and innovation and reform within local practices of regulation and normalization—the different effect of the French Revolution on public health and the government of the insane, for example, and the linkage of late eighteenth-century criticisms of despotic government to proposals for more effective forms of penal justice and social assistance. Foucault’s sure and confident touch in tracing this kind of connection set a new standard for an important area of historical inquiry, thoroughly informed by research but with a sharpness of focus and a range of synthesis seldom previously found in professional historiography. Introducing into his work the theme of governmental rationalities was partly a matter of providing himself with a fully satisfactory way of drawing together the levels of “micro” and “macro” analyses of power. The “microphysical” emphasis of the seventies books was, in part, an argument for the primacy of analyses of practice over analyses of institutions—explaining the origin of the prison, for example, on the basis of analysis of the changing meaning assigned to the practice of punishing. Analyzing governmental practices and their rationalities, he argued, could provide similar gains in empirical understanding, beyond a political analysis focused only on the study of state institutions. But this was not the only innovative feature of these analyses.

We can see some of the latter more clearly after considering one of the major new texts translated in this volume, dating from a few

years earlier. In his 1974 lectures in Brazil, "Truth and Juridical Forms," Foucault gives an introduction to his work of that period on power and knowledge through a commentary on a passage in Nietzsche, and on Sophocles' *Oedipus Rex*. He draws on the work of his mentor Georges Dumézil on the social structure of early Indo-European societies to interpret the drama of Oedipus as enacting the fall of a certain model of political power—the rule of the early Greek "tyrant," which Foucault considers a Western offshoot of the Assyrian model of kingship in which knowledge (wisdom, expertise) and the function of political rule are conceived as an indivisible unity. Sophocles' drama, like the philosophy of Plato, is a rebuttal of the claim of the ruler to an intrinsic and proprietary form of knowledge. Greek philosophy asserts the autonomy of truth from power, and affirms the permanent possibility of an external, critical challenge to power in the name of truth.

Foucault never defines his own position as subversive of philosophy. But he does position himself in this discussion within the heritage of Nietzsche presented as the thinker who transforms Western philosophy by rejecting its founding disjunction of power and knowledge as a myth. Foucault does not mean by this, as some of his critics have chosen to suppose, that power cannot be criticized, or that there are no intrinsic criteria for establishing claims to know; he is saying, rather, that the actual forms of Western politics and Western rationality have both, from the time of the Greeks to our own present, incorporated features not dreamed of (or at any rate only intermittently perceived and investigated) in the pre-Nietzschean canon of Western philosophy.

Some of these features are directly addressed in Foucault's 1978–79 lectures on the forms of rationality intrinsic to Western practices of government. One of these is the concept of pastoral power. Plato's dialogues consider but discard the conception of political rule (known to Greek culture as a concept of older Eastern monarchies) as an individualized care for the ruled, like the care of the shepherd for his flock. Such an individualized care, Plato writes in *Statesman*, exceeds the capability of the mortal sovereign. The "shepherd game" of pastoral care remains incompatible, in Greek political thought, with the "city game" of the polis and the free citizen. Foucault thinks it is the special accomplishment of the West, through the penetration of the pastoral ecclesiastical government

of the Church into secular political culture, to have merged or hybridized these two traditions. Key topics of Foucault's analyses here (afterward summarized in the Stanford lectures "*Omnes et Singulatim*: Toward a Critique of Political Reason") are the doctrines of government in early modern Europe of *raison d'état* and the *Polizeistaat* or "police state." *Raison d'état* has in Foucault's interpretation something of the character of the expertise of the Greek tyrant: it is the reason that is intrinsic to the state and the practices of governing, not derived from the transcendent rule of wisdom or justice, and not assimilated to the conventions of custom or tradition which legitimate sovereign rule. The *Polizeiwissenschaft* (science of police), elaborated especially in the new German territorial states in the period following the Thirty Years' War, is reason of state translated into a program of exhaustive, detailed knowledge and regulation of a population of individual subjects. It amounts to a secularized pastoral (equipped, in some of its proposed forms, with a secular version of the Christian confessional), but where the care of the individual's life and happiness is attuned to maximizing the health and strength of the state. This is government with the motto *omnes et singulatim*—of all and of each. It represents the modern, biopolitical and "daemonic" fusion of pastoral and polis. As Foucault puts it, it is a power that both individualizes and totalizes.

It is very easy to see the historical and thematic continuity of some of this discussion with the chapters in *Discipline and Punish* in which Foucault traces the genesis of techniques of discipline and exhaustive surveillance (such as the police regulations for plague-infested cities) later found in their fullest elaboration in penitentiaries and other closed carceral spaces of the nineteenth century. One of the more provocative implications of that book was that carceral order might be the underside, or the unacknowledged truth, of liberal societies characterized by individual rights, constitutional government, and the rule of law. One of the most interesting elements of Foucault's lectures on governmental rationality is his recognition of the original and durable impact of liberalism, considered precisely as an innovation in the history of governmental rationality.

Foucault in fact takes the meaning of liberalism in governmental thought to be the equivalent of a Kantian critique. Liberalism is a critique of state reason, a doctrine of limitation, designed to mature

and educate government by displaying to it the intrinsic limits of its power to know. Liberalism advocates an “economic government”—a government, in other words, that economizes on the use of resources and effort to achieve its ends, and, more particularly, accepts that to govern well is to govern less. It makes a kind of Copernican revolution in political knowledge: the state ceases to be either the natural subject or the natural object of political knowledge; the knowledge necessary to guide its actions, to be imparted to it (from however close range) by the discipline of political economy will concern the intrinsic regularities and processes of an objective, social, and economic reality distinct from and independent of the state.

Investigating the adventures of modern government as liberal constitutional governments addressed in the context of an emerging industrial society and the agendas of social order and security deriving from the era of the police states, Foucault and his co-researchers were able to weave together the “microphysical” and “macrophysical” strands of power-knowledge analysis with remarkable success and effect, providing a greatly enriched framework for the contemporary history and problems of Western democratic societies. While Foucault’s concerns led him in other directions after 1979, this genre of investigation, although as yet apparently limited in its influence on mainstream political theory and history, has produced significant and continuing results.

How did this new departure mark a difference or an advance in terms of Foucault’s thinking on politics and power? One view could be that it led him to the true adversary or problem—government. As he was to write in an open letter to Mehdi Bazargan: “Why, in the expression ‘Islamic government,’ should one throw suspicion first of all on the adjective ‘Islamic’? The word ‘government’ is enough, on its own, to awaken our vigilance” (see p. 438).

We could also say that the problematic of government seemed to Foucault to provide a more helpful way to address the relation between power and freedom. The notion of government encapsulated the key insight that power, understood as form of action on the actions of others, only works where there is some freedom. Some of the key concepts deployed by rationalities of government, he suggested—for example, the notion of “civil society,” in eighteenth-century Britain—are best understood as functioning neither as

juridical theorems nor as empirical abstractions but, rather, as inventions serving purposes of negotiation, “transactional realities.” In the case at hand, “civil society” served as a bridge between what had been found to be the discordant orders of political obedience and economic interest; it was a vehicle for “the common interplay of relations of power and all those things that ceaselessly escape their grasp.”⁶

For Foucault, government means “the conduct of others’ conduct,”⁷ perhaps the paradigmatic form of power, but also, surely, a form that had a specific interest for him, and whose distinctiveness has to do with a certain ethical component in the rationale of the activity and its intended targets: the notion of concern for a way of living or of life conduct. As Foucault was aware, Max Weber had posed the same ensemble of problems—life conduct as one of the sectors of rationalization in the history of the West; the troubling capacity of secular government to interest itself in the “soul of the citizen”; and the legacy, dating from the roots of the Reformation, of the rejection of pastoral government for its excess of prescriptions for living.⁸ As Foucault had suggested in the closing pages of *The History of Sexuality* Volume One, he saw contemporary societies as the scene of a comparable historical explosion of dissenting “counterconducts.”

LEGITIMATION, LAW, AND RIGHTS

Political philosophy, from Aristotle to Rawls, includes theories and doctrines about the best form of government, the form and nature of political sovereignty, the foundations of legitimate rule, political justice, and the nature and basis of rights. In his lecture of January 1976 and in *La Volonté de savoir*, Foucault formulates a sharp and resonant critique of the themes of law and rights as the established language in which much of our political culture continues to conceptualize the foundations of political sovereignty, the way power is exercised, and the terms in which it can be challenged.

He thinks this mistake is a kind of anachronism. As he had described it in earlier lectures and in the Brazil lectures of 1974 reproduced here, the medieval monarchy indeed initially consolidates its power by confiscating a monopoly in dispensing justice, in the process redefining crime itself and establishing, following an ear-

lier practice of ecclesiastical government, a new form of power-knowledge in jurisprudence, the form of the judicial inquiry or *enquête*. His thesis (later restated in *Discipline and Punish*) is that, from the early modern period, secular government has acquired additional techniques of power-knowledge, focused around the different (originally ecclesiastical) technique of the examination, the investigation and questioning of the individual. All Foucault's analyses in the seventies of techniques of discipline, *raison d'état*, and the police state are linked by their characterization as procedures and techniques of power which dispense with or bypass the credentials and processes of law. Foucault's period of intense involvement in post-1968 militant politics was directed, especially in relation to the prison, at developing and promoting the antidisciplinary orientation of radical struggle. As a consequence, both in debate with the radical liberal Noam Chomsky and with some French Maoists, he is sometimes sharply critical of the languages of rights or justice as ways to articulate the resistance and rejection of actually existing forms of power. (Behind the dispute with Chomsky, Foucault is also conducting another philosophical dispute with the grounding of the language of natural right in a human nature—and, consequently, with the allied notion of power as the repression of the true, original form of that nature.)

But in other senses, Foucault had long known that the law was in some ways his enemy's enemy, and thus possibly his ally. The history of how the institutions of psychiatric internment came to be founded in the moment of triumph of constitutional liberalism had been, in part, the history of a hidden defeat of law by order: the displacement, in the eighteenth century, of forensic scruple over the legal competence and responsibility of legal subjects by the more summary criteria of the orderly and disorderly conduct of social subjects. The history of the birth of the prison Foucault was writing in the early seventies was, similarly, the story of modern penal practice as a defeat of law, the exercise of an uncontrolled, parajudicial power within the closed space of the penitentiary. There is no paradox, then, in the fact that he found himself often acting in alliance with radical lawyers and forming a relationship of mutual respect with their new post-1968 organization, the *Syndicat de la Magistrature*.

By 1976, Foucault had also moderated his idea that the language

of rights was of no value to political struggle. He argued, in concluding his second 1976 lecture, that one should look “toward the possibility of a new form of right, one which must indeed be anti-disciplinarian, but at the same time liberated from the principle of sovereignty.” This meant that political action can be given rational form without immediate recourse to theories of the fundamental legitimation of power, but also that concepts of rights can exist and be created without requiring foundational juridical premises: they can be created and affirmed through invention and struggle.⁹ We shall see below how he later elaborated his views on the creation of rights.

Foucault wanted, then, to move both the descriptive and prescriptive functions of political analysis away from the “juridico-discursive” language of legitimation. To try to put the matter as simply as possible: he does not think that all power is evil or all government unacceptable, but does think that theorems claiming to confer legitimacy on power or government are fictions; in a lecture of 1979, he expresses sympathy with the view of earlier political skeptics that “civil society is a bluff and the social contract a fairy tale.” This does not mean that the subject matter of political philosophy is evacuated, for doctrines of legitimation have been and may still act as political forces in history. But his analytic quarrel with legitimation theory is that it can divert us from considering the terms in which modern government confers rationality, and thus possible acceptability, on its activity and practice. This is the main reason why he argues political analysis is still immature, having still not cut off the king’s head.¹⁰

The deployment and application of law is, for Foucault, like everything else, not good or evil in itself, capable of acting in the framework of liberalism as an instrument for economizing and moderating the interventions of governmental power, necessary as an indispensable restraint on power in some contexts, uses, and guises; it is to be resisted as an encroaching menace in others. In his governmentality lectures, Foucault investigates the evolution, from the era of the police states through the development of parliamentary liberal government, of the ambiguous and dangerous hybridization of law with a rationality of security and with new theories of social solidarity and social defense. This historical analysis and diagnosis informs Foucault’s commentary on the civil liberties

politics of seventies France, with its distinctive contemporary recrudescence of *raison d'état* and the police state. But at the same time, in a way we tend not to think of as typically French, he dryly mocked and debunked the excesses of what he called “state phobia”—the image of the contemporary state as an agency of essential evil and limitless despotism. The state, he said, does not have a unitary essence or indeed the importance commonly ascribed to it: what are important to study are the multiple governmental practices that are exercised through its institutions and elsewhere. (In a lecture describing the seventeenth-century theory of *raison d'état*, Foucault characterized it as a doctrine of the “permanent coup d'état”—a piquant choice of phrase, because it had been the title of a polemical book written against de Gaulle by François Mitterrand. We know that Foucault did not share the view, common in the French Left, of de Gaulle's government as an antidemocratic putsch with crypto-fascistic tendencies.¹¹ The Left, he also suggested, should expect to win elected power not by demonizing the state (never a very convincing platform for a socialist party) but by showing it possessed its own conception of how to govern.

Two of Foucault's unfulfilled plans, shortly before his death, were a book of interviews with Didier Eribon on the governmental incompetence of the French socialist party in the twentieth century (Daniel Defert cites Foucault as asking the question, in July 1983, “Do the Socialists have a problematic of government, or only a problematic of the state?”), and (jointly with his friend Robert Badinter, socialist Minister of Justice) for a new center for research on the philosophy of law.¹² One has the impression from Foucault's 1979 lectures on German neoliberalism that he is intrigued by aspects of their conception of the role of law: these authors advocate an activist and constructive legal policy, designed to stabilize and secure, independent of state intervention, the artificial and autonomous market “game” of a society composed of enterprising, self-shaping individuals. Badinter has recorded that, in their last discussions together, Foucault “stressed the importance of better understanding the importance of the rule of law and its architectural function in a secular, multicultural society, transcending the normative role to serve as the keystone in the arch of the social edifice—supported by opposing forces while ensuring the balance of the whole.”¹³

Three key formulations can be drawn from Foucault's discussions from the early eighties of the positive problem in current politics. *Security and autonomy*: In his discussion with the trade union official Robert Bono, Foucault speaks of the need for a new flourishing of governmental inventiveness to reshape the welfare state so that older demands (and achievements) in the area of individual social security are satisfied conjointly with new demands of personal autonomy. A condition of achieving such solution, he argued, would be a reduction of the "decisional distance" between the forums making and applying social policies and those whom the policies affected. *Capacities and dominations*: At a slightly more abstract level, in one of his texts discussing Kant's "What is Enlightenment?", Foucault speaks of the problematic of maximizing capacities while minimizing domination: "How can the growth of capabilities be disconnected from the intensification of power relations?"¹⁴ *Relational rights*: He thought that a concern felt in gay culture but with a wider social presence was the "impoverishment of the relational fabric" in society. We know, he suggested, how to demand rights for individuals or groups, but we do little to extend the rights of forming relationships. Foucault called for the creation a generalized set of rights (including adoption) for the recognition of relationships between individuals of whatever age or gender. In his discussion with Bono, he also argued the cause of another neglected, and strictly individual, right—the right to suicide.

A POLITICAL ETHIC

In a 1976 interview, Foucault described and advocated a changed way in which intellectuals might act and intervene publicly in political matters. They would no longer try to speak as what he called the "master of justice and truth," qualified to pronounce authoritatively on key public issues on the basis of a universal and global wisdom and knowledge. He thought this kind of universal intellectual was being, and needed to be, replaced by what he called the specific intellectual, the scientist or expert qualified—such as the nuclear scientist Robert Oppenheimer—to alert the public and warn of dangers in a specific problem area about which he or she knew professionally.

It is not clear that Foucault fitted his own definition of the specific

intellectual, even if the areas he intervened in politically were matters of personal experience or concern. Later on, he talked more about the specific role of the intellectual in terms of his own activity and ethics—not, certainly, in order to present his own choices as exemplary, but to declare, in considered terms and often with almost epigrammatic brevity, the reasons for those choices. He summed up his view of this role in May 1984: “The work of an intellectual is not to form the political will of others; it is, through the analyses he does in his own domains, to bring assumptions and things taken for granted again into question, to shake habits, ways of acting and thinking, to dispel the familiarity of the accepted, to take the measure of rules and institutions and, starting from that re-problematization (where he plays his specific role as intellectual) to take part in the formation of a political will (where he has his role to play as citizen).”¹⁵

In a series of lectures and short texts from 1978 to 1984, Foucault discusses his fascination with a short article by Kant, written in 1783 for the periodical *Der Berlinische Monatsschrift*, and entitled “What is Enlightenment?” Foucault presents this text as a point of emergence of a new kind of figure or role in our culture, the philosopher as journalist. Kant, in Foucault’s reading, identifies the Enlightenment, *Aufklärung*, as an event or process occurring in the contemporary world which is of capital importance in the history of thought and human history in general, consisting of a commitment by humanity to the free use of reason, liberating itself from the state of “self-imposed tutelage,” under the motto “dare to know.” Foucault relates this article to another short piece by Kant, also intended for a public audience, commenting on the significance of the French Revolution for the prospects of human progress. Kant, writing in 1798, while positively characterizing the Revolution as an event in which a free people adopts a mode of government of its own choice and which excludes the possibility of waging aggressive war, detaches the question of the eventual happy or unhappy outcome of the French Revolution itself from what he sees as its value as a sign of progress. The evidence of this value, Kant says, is not the outcome of the event itself for its own protagonists but, rather, the “sympathy bordering on enthusiasm” it inspires in other, external, disinterested witnesses and observers. It is this reaction, rather than the event by itself, that testifies unmis-

takably to a disposition in humanity toward progress which Kant judges certain, in time, to prevail.

In the course of this set of commentaries, Foucault himself subscribes quite explicitly to the aspiration and motto of Enlightenment as Kant states them, albeit without sharing Kant's confidence that humans will in fact ever attain rational maturity in the Kantian sense. He writes that "we are fortunately committed to a rationality that is unfortunately traversed by intrinsic dangers." But he also focused attention on something he finds quite interesting and distinctive in the Kantian texts, to which he evidently attaches exemplary and programmatic value, namely, the quality of philosophical interest, attentive curiosity, and concern with respect to contemporary events which Kant's articles both exemplify and thematize. He finds appearing first in Kant the notion that what is occurring in the present time is something which critically affects, implicates, or concerns our own identity as rational and reflective beings; a process which may also involve, or provoke, our own participation in the reinvention or redefinition of what we are.

Foucault was reticent about theorizing modernity. Indeed, at one point he told an interviewer he was unclear what the word "modern" (let alone "postmodern") actually means. One can identify two significant places where he does use the term. One, undoubtedly tinged with the full force of Nietzschean sarcasm, is his characterization of the investigation in *Discipline and Punish* as a "genealogy of the modern soul," the soul here in question being the form of subjectivity which Foucault presents as invented or instilled by the modern social disciplines of individualized surveillance and normalization. The second appears in the article where he moves from Kant's "What is Enlightenment?" to discuss Baudelaire's conception of the self-inventing modern personage of the artist-dandy-*flâneur*, who manifests a distinctive form of the "heroism of modern life." Foucault picks up from Baudelaire, widens, and endorses the idea that a mode of living can in itself be a valid creative product. "Why should this lamp be a work of art, and not my life?"⁶

It is clear that Foucault's point in these texts is not to advocate a culture of aestheticized narcissism: the two volumes of the *History of Sexuality* that he completed just before his death are entirely focused around the existence in classical antiquity of an "aesthetics of existence," explicitly moral in its content and motivation, which

he thinks provides a possible alternative model, as a form of ethics, to the (Christian) model of morality as obedience to a code of commandments and prohibitions. His interest in the invention of a modern way of life conduct has particularly to do with the way an identity, a set of commitments and adherences, can be transformed and remade through work, encounters, and engagements with a present. He narrates the shared experiences on a postwar, noncommunist French Left, which found and then questioned its identity as a group precisely through the experiences of revulsion, concern, and divided sympathies generated by such international events as Hungary in 1956, the Algerian War, and the question of Israel and Palestine, and through the doubts and reappraisals, notably concerning the desirability of Revolution itself, these experiences characteristically prompted. "Since 1956," he said in 1977, "philosophers have no longer been able to think history by means of pre-established categories. They therefore have to resensitize themselves to events. Philosophers must become journalists."

In his *Le Monde* article "Useless to Revolt?," addressing the question whether the brutal character of the Ayatollah Khomeini's theocratic rule in Iran discredited the action of those (like himself) who reported sympathetically on the ideas of those who had campaigned to overthrow the shah, Foucault defended himself against earlier critics. The intellectual observer's duty and role, he contends, is not to weigh the justness or political prudence of others' struggles, but to pay attention to their singularity, to give a hearing to their protagonists' reasons, to the reasons why some risk death by nonviolent action to refuse a way of being governed. In one of his most notable political statements, a manifesto text in support of the Vietnamese boat people entitled "Confronting Governments: Human Rights", he affirms the universal solidarity of the governed, which grounds rights and obligations of solidarity, exercised and fulfilled in our time through new forms of governmental action. He formulated this ethical concern at the time of the declaration of martial law in Poland in 1981: "In abandoning the Poles, he wrote, "we abandon a part of ourselves."

Foucault's work suggests that the governmental relation needs to be remoralized, from both sides. He set out some ideas on this in his interview welcoming the socialist election victory in 1981. He spoke of a "logic of the Left," an agenda for political reform based

in a new respect for those who govern for the governed, the acceptance that the conduct of government must be rationally justified to and accepted by those whom it affects, and a practice, on the side of the governed, of participative cooperation with government, without unconditional complicity, compliance, or subservience—neither shoulder to shoulder, nor on bended knee, but, as he put it, “*debout et en face*,” upright and face to face. In the event, Foucault mostly found that the French Socialist party, after having renewed its electoral appeal by co-opting many of the new radicalisms of the post-1968 era, preferred once in power a more traditional role for its loyal intellectuals, as its public advocates and defenders. He voiced his intense irritation when the President’s press attaché complained about what was called the “silence of Left intellectuals”—characteristically retorting that the government’s difficulties were related to its distaste for dialogue with those who might help it to perform more competently.

THE RIGHTS OF THE GOVERNED

In November 1977, as we have seen, Foucault commented publicly on the case of the extradition from France to West Germany of Klaus Croissant, defense lawyer of the Baader-Meinhof terrorist group. He criticized, specifically, the suppression of due process in the extradition hearings in support of the apparent intention of the German state to suppress the right of free defense for its accused. He does not condone the Baader-Meinhof group’s actions, or equate their situation with that of the Eastern dissidents (he cross-refers here to the trial of Anatoly Sharansky taking place at this time in the Soviet Union). Instead, he discusses, in more general terms, the right to defense, the condition of the dissident, and the law of asylum in terms of a more general *right of “the governed.”* This right, he says, “is more precise, more historically determined than the rights of man, while it is wider than the right prescribed in administrative law and the right of the citizen.” He speaks of the changing concept of the “political” offense in the context of modern totalitarianism, and the shift from the typical nineteenth-century figure of the political émigré, treated with prudent respect as the potential future ruler of his country, to the “perpetual dissident”—the person “who is in global disagreement with the system he lives in, ex-

presses this disagreement with the means available to him, and is prosecuted for doing so.” The question of rights here is “not centered on the right to take power but on the right to leave, to be free, to leave, to not be persecuted—in short, on legitimate self-defense in relation to government.” He speaks here of the value and desirability of extending, at any contingent opportunity, the rights of the governed, as the rights “of those who no longer want to be governed, or, in any case, not to be governed here, in this way, by these people.”

A few years later, in 1981, Foucault wrote and delivered a short statement at an international conference in Geneva on the problem of piracy and the situation of the Vietnamese boat people.¹⁷ Foucault describes the event as a meeting of private individuals with no qualification to speak out other than “a difficulty in bearing things which are taking place.” Comparing this initiative to other previous one such as the Plane for El Salvador and Amnesty International, he identifies three principles that provide, in his view, their shared direction.

The first principle is the existence of an international citizenship with the right and duty to react against abuses of power committed against anyone and by anyone: “After all, we are all governed, and as such, are joined by solidarity.”

The second principle is to deny governments the right, because of their claim to act in the general good, to write off human miseries due to their action or negligence as an item in a general account of profits and losses.

The third principle is to reject the division of labor, favored by governments themselves, which assigns the role of pious indignation and ineffectual talk to the governed, and that of effective action to governments. Governments, he remarks, themselves often show a marked preference for ineffectual talk in place of action: private initiatives such as Amnesty, Terre des Hommes, and Médecins du Monde have established the right and capacity of private individuals to intervene effectively in the world of international policy.

DISSIDENCE AS DISSENT

In the earliest of his documented commentaries on “What is Enlightenment?,” a talk given to an audience of philosophers in May

1978,¹⁸ Foucault characterizes the critical attitude as *the will not to be governed*—or, at any rate, as “the will not to be governed thus.” Foucault characterizes the late medieval and early modern period of the fifteenth and sixteenth centuries as marking the expansion across secular societies of the Christian idea of pastoral government and the direction of conscience: the idea that each individual should be governed in a relationship to truth, composed of dogma, individualizing knowledge, and individual examination and confession. Foucault here characterizes the critical attitude as par excellence taking the form of the will not to be governed: “a sort of general cultural form, at once a moral and political attitude, a way of thinking, etc., which I would simply call the art of not being governed or again the art of not being governed like that, or at that price.”

Foucault traces, as manifestations of this attitude, the development of modern critical domains of knowledge, challenging point by point the grounds of an unacceptable pastoral government: biblical theology, the juridical theory of natural right, and the pursuit of the means of certainty in the face of authority. If government, then, is “a social practice of subjecting individuals by mechanisms of power which lay claim to truth,” critique will be “the movement by which the subject assumes the right to question truth on its effects of power, and power on its effects of truth,” “the art of voluntary nonservitude, of considered nondocility.” Kant defined Enlightenment in 1784 as the decision of humanity to escape a certain state of tutelage in which it was retained by external authority, a tutelage consisting in an incapacity of humanity to make use of its own understanding except under exterior guidance, and which Kant also characterized as a lack of decision and courage. At the same time, Foucault notes, the boldness of Kant’s concept of *enlightenment* was balanced by the caution of his agenda for *critique*: daring to know will mean, in philosophy, understanding the limits of our capacity to know. Foucault then proceeds to locate his own power-knowledge analyses within post-Kantian critiques of the abuse or distortion of knowledge by power. Yet, in abandoning the primary concern with criteria of legitimation in favor of a descriptive inquiry into conditions of acceptability and acceptance, he recenters them back onto the agenda of enlightenment and the critical attitude, namely, “a certain decided (*décisioire*) will not to be governed.”

Foucault said in one of his last interviews: nothing is more unten-

able than a political regime which is indifferent to truth; but nothing is more dangerous than a political system that claims to prescribe the truth. The function of 'truth telling' is not made to take the form of a law, just as it would be vain to imagine that it inhabits, as of right, the spontaneous play of communication. The task of truth telling is an endless work: respecting it in its complexity is an obligation no power can dispense with. Unless to impose the silence of servitude.¹⁹

COLIN GORDON

NOTES

- 1 From 1975 interview, "Interview on the prison: the book and its method," collected in volume 1 of *Dits et écrits*, p. 752. Cf. "The Ethics of the Concern for Self as a Practice of Freedom," interview with H. Becker et al. in *Ethics, Subjectivity, and Truth (Essential Writings, Vol. 1)* (New York: New Press 1997), p. 296: "when I talk about power relations and games of truth, I am absolutely not saying that games of truth are just concealed power relations—that would be a horrible caricature" (translation amended). For more clarification on this point, see James Faubion's introduction to volume 2 in this series.
- 2 "The Ethics of the Concern for Self," p. 296.
- 3 Foucault's own summaries of the courses may be found in volume 1 of this series.
- 4 Added as an appendix to the second edition of Veyne's book *Comment on écrit l'histoire*: not included in the English translation.
- 5 In his 1974 lectures "Truth and Juridical Forms," and also in "Lives of Infamous Men," Foucault further suggests that innovations in forms of social control—including the origins of policing—arose partly through initiatives or demands of minority religious groups and the humbler strata of society.
- 6 Collège de France lecture, 4 April 1979.
- 7 Cf. "Preface to *The History of Sexuality*, vol. 2," in volume 1 of *Essential Works*, p. 203. Translated as "guiding [their] conduct."
- 8 For a fuller discussion, see Colin Gordon, "The Soul of the Citizen: Max Weber and Michel Foucault on Rationality and Government," in S. Whimster and S. Lash, eds., *Max Weber, Rationality, and Modernity* (Boston: Allen and Unwin, 1987).
- 9 "Two Lectures: Lecture Two, 14 January 1976," *Power/Knowledge*, Colin Gordon, ed. (New York: Pantheon, 1980), p. 118.
- 10 See, eg., "Questions of Method," p. 238 this volume.
- 11 "*Phobie d'état*," *Libération* 30 June / 1 July 1984. Extracted from Foucault's Collège de France lecture of 31 January 1979, omitted from republication in *Dits et écrits*.
- 12 Daniel Defert, "Chronologie," in *Dits et écrits*, vol. 1, p. 62–63.
- 13 "Au nom des mots," in Foucault, *Une Histoire de la vérité* (Paris: Syros, 1985), p. 73–75.
- 14 "What Is Enlightenment?" in *Essential Works*, volume 1, p. 317.
- 15 From "*Le souci de la vérité*" ("The Concern for [or, Care for] the Truth"), in volume IV of *Dits et écrits*, pp. 676–77.

- 16 From "On the Genealogy of Ethics: An Overview of a Work in Progress" (*Essential Works* volume 1, p. 261).
- 17 "Confronting Governments: Human Rights," in this volume. For the background and influence of this text, see David Macey, *Lives of Michel Foucault*. (New York: Pantheon, 1993), pp. 437–38; for his earlier involvement in the question, *ibid.* p. 412–14.
- 18 "Qu'est-ce que la critique? Critique et *Aufklärung*," *Bulletin de la Société Française de Philosophie* 84.2 (April–June 1990), pp. 35–63. The text is one of those excluded from republication in *Dits et écrits*, as "*parutions posthumes non authentifiées par M. Foucault ou par les éditeurs.*" (I am grateful to Dominique Seglard for pointing out this text to me.)
- 19 "Le souci de la vérité," interview with François Ewald (1984), *Dits et écrits*, volume 4, pp. 668–78.

NOTE ON TERMS AND TRANSLATIONS

This volume comprises essays, lectures, interviews, and position papers that Foucault wrote or gave between 1972 and 1984. Some of these are already well known in English (indeed, a few were originally published in English), but the majority are not. As we did in producing the first and second volumes of the series, we have called upon Robert Hurley to translate all the selections that remained in French. Once again, we have undertaken a careful review of the selections that have already appeared in translation, editing them for terminological consistency and conceptual accuracy. As much as possible, we have also sought to preserve the stylistic and tonal diversity of the selections, the occasions, and the audiences, all of which differ markedly from one instance to the next.

For all the complexities of Foucault's thought and usage, his "political vocabulary" largely allows of straightforward translation. One can readily gloss *pouvoir* as "power," *la gouvernementalité* as "governmentality," and so on. The difficulties that arise are for their part much the same as those that arose with the texts collected in the first and second volumes. As Colin Gordon notes in his introduction, and as I have discussed at length in my introduction to the second volume, *savoir* and *connaissance* register distinctions in French that are often blurred in English. Both denote "knowledge," but *connaissance* might often require glossing as "cognition," or "recognition," or "learning," or "expertise." Suffice it to say that when Foucault couples "knowledge" with power, as either knowledge-power or power-knowledge, he always uses *savoir*, never *connaissance*. In the earlier volumes, we often decided to translate *assujettissement* as "subjection," registering what we identified as a technical usage of the term in Foucault's writings on sexuality and ethics. In this volume, its gloss is virtually always the more standard "subjugation." In this case, however, as in many others, we have clarified our choices by providing the French in brackets.

* * *

The editors are grateful for permission to reprint the following copyrighted material. Every possible effort has been made to contact the copyright holders for permission to reprint .

English translations of "Truth and Power" and "The Politics of Heath in the Eighteenth Century" reprinted from *Power/Knowledge*, edited by Colin Gordon. Copyright © 1972, 1975, 1976, 1977 by Michel Foucault. This collection copyright © 1980 by The Harvester Press.

English translations of "Governmentality" and "Questions of Method" reprinted from *The Foucault Effect: Studies in Governmentality*, with two lectures by and an interview with Michel Foucault, edited by Graham Burchell, Colin Gordon, and Peter Miller. Chicago: University of Chicago Press, 1991. Reprinted by permission of the University of Chicago Press.

English translation of "Preface" by Michel Foucault reprinted from *Anti-Oedipus* by Gilles Deleuze and Felix Guattari, translated by Helen Lane, Mark Seem, and Robert Hurley. Translations copyright © 1977 by Viking Penguin, Inc., English language translation. Used by permission of Viking Penguin, a division of Penguin Putnam Inc.

English translation of "The Political Technology of Individuals" reprinted from *Technologies of the Self: A Seminar with Michel Foucault*, edited by Luther H. Martin, Huck Gutman, and Patrick H. Hutton. (Amherst: The University of Massachusetts Press, 1988), copyright © 1988 by the University of Massachusetts Press.

English translation of "About the Concept of the 'Dangerous Individual' in 19th Century Legal Psychiatry" reprinted from *International Journal of Law and Psychiatry*, Volume I, 1978, pages 1-18. Reprinted by permission of Elsevier Science.

English translation of "Omnes et Singulatim: Towards a Criticism of 'Political Reason' " reprinted from *The Tanner Lectures on Human Values, Volume II*, edited by Sterling McMurrin. Reprinted courtesy of the Trustees of the Tanner Lectures on Human Values and the University of Utah Press.

English translation of "The Subject and Power" from *Michel Foucault: Beyond Structuralism and Hermeneutics*, edited by Paul Rabinow and Hubert Dreyfus, with an afterword by and an interview with Michel Foucault. 2nd edition. Chicago: University of Chicago Press, 1983. Reprinted by permission of University of Chicago Press.

English translation of "The Risks of Security" from *History of the Present*, spring 1986, published by Paul Rabinow. Original French language interview from *Sécurité Sociale: l'enjeu*. Paris: Syros, 1983.

TRUTH AND JURIDICAL FORMS*

I

What I would like to tell you in these lectures are some things that may be inexact, untrue, or erroneous, which I will present as working hypotheses, with a view to a future work. I beg your indulgence, and more than that, your malice. Indeed, I would be very pleased if at the end of each lecture you would voice some criticisms and objections so that, insofar as possible and assuming my mind is not yet too rigid, I might gradually adapt to your questions and thus at the end of these five lectures we might have done some work together or possibly made some progress.

Today, under the title "Truth and Juridical Forms," I will offer some methodological reflections to introduce a problem that may appear somewhat enigmatic to you. I will try to present what constitutes the point of convergence of three or four existing, already-explored, already-inventoried series of inquiries, which I will compare and combine in a kind of investigation. I won't say it is original, but it is at least a new departure.

The first inquiry is historical: How have domains of knowledge been formed on the basis of social practices? Let me explain the point at issue. There is a tendency that we may call, a bit ironically, "academic Marxism," which consists of trying to determine the way in which economic conditions of existence may be reflected and expressed in the consciousness of men. It seems to me that this form of analysis, traditional in university Marxism in France, ex-

hibits a very serious defect—basically, that of assuming that the human subject, the subject of knowledge, and forms of knowledge themselves are somehow given beforehand and definitively, and that economic, social, and political conditions of existence are merely laid or imprinted on this definitely given subject.

My aim will be to show you how social practices may engender domains of knowledge that not only bring new objects, new concepts, and new techniques to light, but also give rise to totally new forms of subjects and subjects of knowledge. The subject of knowledge itself has a history; the relation of the subject to the object; or, more clearly, truth itself has a history.

Thus, I would especially like to show how a certain knowledge of man was formed in the nineteenth century, a knowledge of individuality, of the normal or abnormal, conforming or nonconforming individual, a knowledge that actually originated in social practices of control and supervision [*surveillance*]. And how, in a certain way, this knowledge was not imposed on, proposed to, or imprinted on an existing human subject of knowledge; rather, it engendered an utterly new type of subject of knowledge. The history of knowledge domains connected with social practices—excluding the primacy of a definitively given subject of knowledge—is a first line of research I suggest to you.

The second line of research is a methodological one, which might be called “discourse analysis.” Here again there is, it seems to me, in a tradition that is recent but already accepted in European universities, a tendency to treat discourse as a set of linguistic facts linked together by syntactic rules of construction.

A few years ago, it was original and important to say and to show that what was done with language—poetry, literature, philosophy, discourse in general—obeyed a certain number of internal laws or regularities: the laws and regularities of language. The linguistic character of language facts was an important discovery for a certain period.

Then, it seems, the moment came to consider these facts of discourse no longer simply in their linguistic dimension, but in a sense—and here I’m taking my cue from studies done by the Anglo-Americans—as games, strategic games of action and reaction, question and answer, domination and evasion, as well as struggle. On one level, discourse is a regular set of linguistic facts,

while on another level it is an ordered set of polemical and strategic facts. This analysis of discourse as a strategic and polemical game is, in my judgment, a second line of research to pursue.

Lastly, the third line of research that I proposed—and where it meets the first two, it defines the point of convergence where I will place myself—is a reworking of the theory of the subject. That theory has been profoundly modified and renewed, over the last several years, by a certain number of theories—or, even more seriously, by a certain number of practices, among which psychoanalysis is of course in the forefront. Psychoanalysis has undoubtedly been the practice and the theory that has reevaluated in the most fundamental way the somewhat sacred priority conferred on the subject, which has become established in Western thought since Descartes.

Two or three centuries ago, Western philosophy postulated, explicitly or implicitly, the subject as the foundation, as the central core of all knowledge, as that in which and on the basis of which freedom revealed itself and truth could blossom. Now, it seems to me that psychoanalysis has insistently called into question this absolute position of the subject. But while psychoanalysis has done this, elsewhere—in the field of what we may call the “theory of knowledge,” or in that of epistemology, or in that of the history of the sciences, or again in that of the history of ideas—it seems to me that the theory of the subject has remained very philosophical, very Cartesian and Kantian; for, at the level of generalities where I situate myself, I don’t differentiate between the Cartesian and Kantian conceptions.

Currently, when one does history—the history of ideas, of knowledge, or simply history—one sticks to this subject of knowledge, to this subject of representation as the point of origin from which knowledge is possible and truth appears. It would be interesting to try to see how a subject came to be constituted that is not definitively given, that is not the thing on the basis of which truth happens to history—rather, a subject that constitutes itself within history and is constantly established and reestablished by history. It is toward that radical critique of the human subject by history that we should direct our efforts.

A certain university or academic tradition of Marxism has not yet given up the traditional philosophical conception of the subject. In

my view, what we should do is show the historical construction of a subject through a discourse understood as consisting of a set of strategies which are part of social practices.

That is the theoretical background of the problems I would like to raise.

Among the social practices whose historical analysis enables one to locate the emergence of new forms of subjectivity, it seemed to me that the most important ones are juridical practices.

The hypothesis I would like to put forward is that there are two histories of truth. The first is a kind of internal history of truth, the history of a truth that rectifies itself in terms of its own principles of regulation: it's the history of truth as it is constructed in or on the basis of the history of the sciences. On the other hand, it seems to me that there are in society (or at least in our societies) other places where truth is formed, where a certain number of games are defined—games through which one sees certain forms of subjectivity, certain object domains, certain types of knowledge come into being—and that, consequently, one can on that basis construct an external, exterior history of truth.

Judicial practices, the manner in which wrongs and responsibilities are settled between men, the mode by which, in the history of the West, society conceived and defined the way men could be judged in terms of wrongs committed, the way in which compensation for some actions and punishment for others were imposed on specific individuals—all these rules or, if you will, all these practices that were indeed governed by rules but also constantly modified through the course of history, seem to me to be one of the forms by which our society defined types of subjectivity, forms of knowledge, and, consequently, relations between man and truth which deserve to be studied.

There you have a general view of the theme I intend to develop: juridical forms and their evolution in the field of penal law as the generative locus for a given number of forms of truth. I will try to show you how certain forms of truth can be defined in terms of penal practice. For what is called the *inquiry*—the inquiry as practiced by philosophers of the fifteenth to the eighteenth century, and also by scientists, whether they were geographers, botanists, zoologists, or economists—is a rather characteristic form of truth in our societies.

Now where does one find the origin of the inquiry? One finds it in political and administrative practice, which I'm going to talk about; one also finds it in judicial practice. The inquiry made its appearance as a form of search for truth within the judicial order in the middle of the medieval era. It was in order to know exactly who did what, under what conditions, and at what moment, that the West devised complex techniques of inquiry which later were to be used in the scientific realm and in the realm of philosophical reflection.

In the same way, other forms of analysis were invented in the nineteenth century, from the starting point of juridical, judicial, and penal problems—rather curious and particular forms of analysis that I shall call *examination*, in contradistinction to the inquiry. Such forms of analysis gave rise to sociology, psychology, psychopathology, criminology, and psychoanalysis. I will try to show you how, when one looks for the origin of these forms of analysis, one sees that they arose in direct conjunction with the formation of a certain number of political and social controls, during the forming of capitalist society in the late nineteenth century.

Here, then, is a broad sketch of the topic of this series of lectures. In the next one, I will talk about the birth of the inquiry in Greek thought, in something that is neither completely a myth nor entirely a tragedy—the story of Oedipus. I will speak of the Oedipus story not as a point of origin, as the moment of formulation of man's desire or forms of desire, but, on the contrary, as a rather curious episode in the history of knowledge and as a point of emergence of the inquiry. In the next lecture I will deal with the relation of conflict, the opposition that arose in the Middle Ages between the system of the *test* and the system of the inquiry. Finally, in the last two lectures, I will talk about the birth of what I shall call the examination or the sciences of examination, which are connected with the formation and stabilization of capitalist society.

For the moment I would like to pick up again, in a different way, the methodological reflections I spoke of earlier. It would have been possible, and perhaps more honest, to cite only one name, that of Nietzsche, because what I say here won't mean anything if it isn't connected to Nietzsche's work, which seems to me to be the best, the most effective, the most pertinent of the models that one can draw upon. In Nietzsche, one finds a type of discourse that

undertakes a historical analysis of the formation of the subject itself, a historical analysis of the birth of a certain type of knowledge [*savoir*]¹—without ever granting the preexistence of a subject of knowledge [*connaissance*]. What I propose to do now is to retrace in his work the outlines that can serve as a model for us in our analyses.

I will take as our starting point a text by Nietzsche, dated 1873, which was published only after his death. The text says: “In some remote corner of the universe, bathed in the fires of innumerable solar systems, there once was a planet where clever animals invented knowledge. That was the grandest and most mendacious minute of ‘universal history.’”²

In this extremely rich and difficult text, I will leave aside several things, including—and above all—the famous phrase “that was the most mendacious minute.” Firstly and gladly, I will consider the insolent and cavalier manner in which Nietzsche says that knowledge was invented on a star at a particular moment. I speak of insolence in this text of Nietzsche’s because we have to remember that in 1873, one is if not in the middle of Kantianism then at least in the middle of neo-Kantianism; the idea that time and space are not forms of knowledge, but more like primitive rocks onto which knowledge attaches itself, is absolutely unthinkable for the period.

That’s where I would like to focus my attention, dwelling first on the term “invention” itself. Nietzsche states that at a particular point in time and a particular place in the universe, intelligent animals invented knowledge. The word he employs, “invention”—the German term is *Erfindung*—recurs often in these texts, and always with a polemical meaning and intention. When he speaks of invention, Nietzsche always has an opposite word in mind, the word “origin” [*Ursprung*]. When he says “invention,” it’s in order not to say “origin”; when he says *Erfindung*, it’s in order not to say *Ursprung*.

We have a number of proofs of this, and I will present two or three of them. For example, in a passage that comes, I believe, from *The Gay Science* where he speaks of Schopenhauer, criticizing his analysis of religion, Nietzsche says that Schopenhauer made the mistake of looking for the origin—*Ursprung*—of religion in a metaphysical sentiment present in all men and containing the latent core, the true and essential model of all religion. Nietzsche says this is a completely false history of religion, because to suppose that

religion originates in a metaphysical sentiment signifies, purely and simply, that religion was already given, at least in an implicit state, enveloped in that metaphysical sentiment. But history is not that, says Nietzsche, that is not the way history was made—things didn't happen like that. Religion has no origin, it has no *Ursprung*, it was invented, there was an *Erfindung* of religion. At a particular moment in the past, something happened that made religion appear. Religion was made; it did not exist before. Between the great continuity of the *Ursprung* described by Schopenhauer and the great break that characterizes Nietzsche's *Erfindung*, there is a fundamental opposition.

Speaking of poetry, still in *The Gay Science*, Nietzsche declares that there are those who look for the origin, the *Ursprung*, of poetry, when in fact there is no *Ursprung* of poetry, there is only an invention of poetry.² Somebody had the rather curious idea of using a certain number of rhythmic or musical properties of language to speak, to impose his words, to establish by means of those words a certain relation of power over others. Poetry, too, was invented or made.

There is also the famous passage at the end of the first discourse of *The Genealogy of Morals* where Nietzsche refers to a sort of great factory in which the ideal is produced.³ The ideal has no origin: it too was invented, manufactured, produced by a series of mechanisms, of little mechanisms.

For Nietzsche, invention, *Erfindung*, is on the one hand a break, on the other something with a small beginning, one that is low, mean, unavowable. This is the crucial point of the *Erfindung*. It was by obscure power relations that poetry was invented. It was also by pure and obscure power relations that religion was invented. We see the meanness, then, of all these small beginnings as compared with the solemnity of their origin as conceived by philosophers. The historian should not be afraid of the meanness of things, for it was out of the sequence of mean and little things that, finally, great things were formed. Good historical method requires us to counterpose the meticulous and unavowable meanness of these fabrications and inventions, to the solemnity of origins.

Knowledge was invented, then. To say that it was invented is to say that it has no origin. More precisely, it is to say, however paradoxical this may be, that knowledge is absolutely not inscribed in

human nature. Knowledge doesn't constitute man's oldest instinct; and, conversely, in human behavior, the human appetite, the human instinct, there is no such thing as the seed of knowledge. As a matter of fact, Nietzsche says, knowledge does have a connection with the instincts, but it cannot be present in them, and cannot even be one instinct among the others. Knowledge is simply the outcome of the interplay, the encounter, the junction, the struggle, and the compromise between the instincts. Something is produced because the instincts meet, fight one another, and at the end of their battles finally reach a compromise. That something is knowledge.

Consequently, for Nietzsche knowledge is not of the same nature as the instincts, it is not like a refinement of the instincts. Knowledge does indeed have instincts as its foundation, basis, and starting point, but its basis is the instincts in their confrontation, of which knowledge is only the surface outcome. Knowledge is like a luminescence, a spreading light, but one that is produced by mechanisms or realities that are of completely different natures. Knowledge is a result of the instincts; it is like a stroke of luck, or like the outcome of a protracted compromise. It is also, Nietzsche says, like "a spark between two swords," but not a thing made of their metal.

Knowledge—a surface effect, something prefigured in human nature—plays its game in the presence of the instincts, above them, among them; it curbs them, it expresses a certain state of tension or appeasement between the instincts. But knowledge cannot be deduced analytically, according to a kind of natural derivation. It cannot be deduced in a necessary way from the instincts themselves. Knowledge doesn't really form part of human nature. Conflict, combat, the outcome of the combat, and, consequently, risk and chance are what gives rise to knowledge. Knowledge is not instinctive, it is counterinstinctive; just as it is not natural, but counter-natural.

That is the first meaning that can be given to the idea that knowledge is an invention and has no origin. But the other sense that could be given to Nietzsche's assertion is that knowledge, beyond merely *not* being bound up with human nature, *not* being derived from human nature, isn't even closely connected to the world to be known. According to Nietzsche, there is no resemblance, no prior affinity between knowledge and the things that need to be known.