

ARTICLE

Freedom, Truth, and Possibility in Foucault's Ethics

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Paul Rabinow, editor of this new series, *Essential Works*, as well as editor of the first volume in this series, *Ethics*, suggests in his introduction that "Foucault may well be remembered as one of the major ethical thinkers of modernity."¹ Even for those who deem Foucault to be a seminal thinker of the twentieth century, such a claim might appear peculiar, especially for those likely to agree with Paul Veyne (an important influence on Foucault and prominent historian of antiquity), when he says that "Foucault constructed for himself such a singular conception of morality that there is a real problem: within his philosophy, was an ethics for Foucault even possible?"²

While it is true that Foucault in his last works did turn to the ancient Greeks (and Romans) in order to examine a certain number of practices that some of them engaged in with specific regard to the way these practices enacted a particular way of relating to oneself, and which Foucault himself characterized as "ethical," such an attempted "genealogy of ethics" would hardly qualify him as being "one of the major ethical thinkers of modernity," if only because of the restricted scope of his enquiry. In fact, Foucault accepts the characterization of what he was doing in the last two volumes of the *History of Sexuality* as being engaged in writing a "genealogy of ethics," a suggestion made by Hubert Dreyfus and Rabinow during an interview that has become a key document in discussions concerning what has come to be called the "later Foucault." The point was to distinguish what Foucault was doing from a genealogy of *morals* or the establishment of moral codes (a point we will return to). Note, however, how Foucault immediately glosses the suggestion. He says: "Yes, I'm writing a genealogy of ethics. The genealogy of

1 Paul Rabinow, "Introduction: The History of Systems of Thought," in Michel Foucault, *Ethics: Subjectivity and Truth. The Essential Works of Michel Foucault 1954 – 1984*, ed. Paul Rabinow, trans. Robert Hurley and others (New York: The New Press, 1997), xxvi.

2 Paul Veyne, "The Final Foucault and his Ethics." *Critical Inquiry* 20 (Autumn 1993), 2.

the *subject* as a subject of ethical actions, or the genealogy of *desire* as an ethical problem."³

I think this gloss is important because it immediately re-situates the work currently engaged in with the earlier project as outlined in the first volume of the *History of Sexuality*. All three volumes are contributions to a genealogy of the *desiring subject*, which of course is the object of "sexuality" understood "as a historically singular form of experience."⁴ For Foucault, a full genealogical investigation of such a singular form of experience as sexuality would involve examining how such a

complex experience...conjoins a field of knowledge [connaissance] (with its own concepts, theories, diverse disciplines), a collection of rules (which differentiate the permissible from the forbidden, natural from monstrous, normal from pathological, what is decent from what is not, and so on), and a mode of relation between the individual and himself (which enables him to recognize himself as a sexual subject amid others).⁵

The latter two volumes differ from the first in shifting the focus from the relations of power that contribute to the constitution of the desiring subject via its insertion into domains of knowledge and normative schemes to an examination, via an exploration of Greek and Roman "ethical" practices, of different modes of relating to one's self. Thus, the latter two volumes can be seen as continuing Foucault's overall project. However, what was surprising about them was Foucault's choice not to explore the modes of relating to self exhibited by *modern* subjects, but rather to delve into the particular ethical practices of Greek and Roman antiquity. What are we to make of this change of historical context? How significant is it?

Presumably, when Rabinow suggests that Foucault "may well be remembered as one of the major *ethical* thinkers of modernity," he is referring to what Foucault does with his exploration of these particular ethical practices. Isn't there a risk here of overestimating the significance of Foucault's discussion of "ethics" in these later works? Indeed, might not Foucault's preoccupation with specifically Greek ethics, at the end of his life, have been motivated by a kind of personal curiosity⁶ (perhaps nourished by

3 Michel Foucault, "On the genealogy of ethics: an overview of work in progress", in Foucault, *Ethics*, 266, my emphasis.

4 Michel Foucault, "Preface to *The History of Sexuality* Volume Two", in Foucault, *Ethics*, 199.

5 Foucault, "Preface", 200.

6 As he himself famously put it in the Introduction to *The Use of Pleasure*, trans. Robert Hurley (New York: Pantheon, 1985), 8: "As for what motivated me, it is quite simple; I would hope that in the eyes of some people it might be sufficient. It was curiosity – the only kind of curiosity, in any case, that is worth acting upon with a degree of obstinacy: not the curiosity that seeks to assimilate what it is proper for one to know, but that which enables one to get free of oneself."

his friendship with Paul Veyne⁷), a refreshing, re-invigorating change of focus, rather than the search for a coherence lacking in his earlier work?⁸ Or should we see it as a more explicit attempt to engage philosophy as a “spiritual exercise,” something that may nevertheless be said to have implicitly animated his earlier histories, as Todd May has argued?⁹

Foucault’s own explanation is more specific. It was a question of gaining sufficient distance to be able to disengage his thought from our present “complex experience” of sexuality in order to isolate and focus on the particular mode of relating to self. He writes:

In order better to analyze the forms of relation to the self, *in and of themselves*, I found myself spanning eras in a way that took me farther and farther from the chronological outline I had first decided on, both in order to address myself to periods when the effect of scientific knowledges and the complexity of normative systems were less, and in order eventually to make out forms of relation to the self different from those characterizing the experience of sexuality.¹⁰

It is precisely within this effort to make out *different* forms of the relation to the self that Foucault’s status as an “ethical thinker” lies. Judging by the work of those who, like William E. Connolly, continue this project of thinking of ethics in terms of how one relates to oneself and how this impacts on the way one is prepared to relate to others, thus developing a different kind of ethical

7 The article cited above by Paul Veyne is an important document for getting a sense of Foucault’s shift of interest.

8 For an excellent discussion of how Foucault’s concern with “ethics” is continuous with his more explicitly political considerations, cf. Jean-François Pradeau, “Le sujet ancien d’une éthique moderne. À propos des exercices spirituels anciens dans *l’Histoire de la sexualité* de Michel Foucault” in Frédéric Gros (coord.) *Foucault : le courage de la vérité* (Paris : Presses universitaires de France, 2002), 131-154. Pradeau also makes the case that Foucault was perhaps less successful in this exploration than is sometimes assumed by his supporters.

9 May quite convincingly argues, it seems to me, that if we *return* to Foucault’s histories – especially *Madness and Civilization* and *Discipline and Punish* – it is because they do not only instruct us about past practices and thereby throw light on present practices; they actually serve “as reminders of who we are and how we got to be that way, and, even more important, of the contingency of both. We might return to Foucault’s histories for much the same reason Marcus Aurelius returns to the truths of Stoicism in his meditations: to keep calling ourselves back to what we need to remember in order to construct a meaningful life in a world that often pulls us in unhelpful directions.” Todd May, “Philosophy as a Spiritual Exercise in Foucault and Deleuze.” *Angelaki: Journal of the Theoretical Humanities*, Vol. 5, No. 2 (August 2000), 227.

10 Foucault, “Preface”, 204.

*sensibility*¹¹, Foucault's contribution to contemporary ethical thought is considerable.

However it is still not clear how such developments in ethical thought that focus on relations to the self, specifically as these relate to the experience of "sexuality," warrant the claim that Foucault "may well be remembered as one of the major ethical thinkers of *modernity*." Rabinow's claim comes at the end of a paragraph that reads as follows:

Since the Enlightenment, while demand for an ethics has been incessant, the philosophical fulfillment of that demand has been notably scarce. This impasse has led to many fundamentalist projects, none of which has achieved any general acceptance, even among the philosophers and moralists. Such a meager harvest has also led to the categorical or partial rejection of such projects. Foucault himself argued in *The Order of Things* that there could be no moral system in modernity, if by "moral system" one meant a philosophical anthropology that produced firm foundations concerning the nature of Man and, thereby, a basis for human action.¹²

The argument would then be that the reason Foucault may be remembered as one of the major thinkers of modernity is because of his contribution to fulfilling *philosophically* this long-lasting demand for an ethics.

In order to evaluate his contribution in these terms, it might be useful to contrast it with the contribution of another philosopher who is indisputably a major ethical thinker of modernity, indeed a key figure in the demand for an ethics suitable to modern conditions, namely Immanuel Kant. However, before going on to do this, it should be noted that if it is true, as Rabinow claims, that the *philosophical* fulfillment of the demand for an ethics has been scarce, the "incessant" demand for ethics has provoked any number of other responses, chief of which may indeed be the ubiquity of the various explicit and codified references to "ethics" within mainstream cultural structures (media, schools, hospitals, private corporations, government). Anyone who has had occasion to sit on an "ethics committee" or on an "ethics board" as these have sprung up in our contemporary institutional landscape will no doubt agree with Alain Badiou that there is something distasteful and stultifying about the conception of ethics that informs such practices. Worse than a practical waste of time, their vague reference to values and codified

11 Cf., William E. Connolly, "Beyond Good and Evil: The Ethical Sensibility of Michel Foucault," *Political Theory*, Vol. 21, No. 3 (1993), 365-389 as well as *The Ethos of Pluralization*. (Minneapolis: The University of Minnesota Press, 1995). It should be mentioned that the "sensibility" Connolly articulates is as much inspired by Nietzsche as it is by Foucault, such that it describes less a "Foucauldianism" than, as Connolly himself puts it, a "Fou-connoism." (368) Needless to say, this in no way diminishes its significance and importance.

12 Rabinow, "Introduction", xxvi.

appeals to principles can indeed be seen, as Badiou suggests, as a form of nihilism and a threat to thoughtfulness.¹³

What to do, then? Badiou himself shows how we must think *against* “ethics” (as an object of concern) by folding ethics back into thought, by showing how it is nothing other than the *singular* process of the confrontation with the truth of particular situations and living *up* to them (that is, not submitting to them blindly or, as Badiou says, animalistically), seeing in them the possibilities afforded by faithfulness to that truth. Similarly, with Foucault, ethics needs to be referred back to forms of *thoughtfulness*. This is the basic reason for turning to the ancient Greeks. Certain ancient Greek practices manifest to us a singular thoughtfulness about how one relates to oneself *truthfully*. Thus, Foucault, like Badiou, sees in ethics a certain mode of relating to truth within our practical lives.

Kant becomes relevant here not principally because his work is at the heart of those deontological efforts that, along with their competing utilitarian calculations, fuel the heated but less than fruitful discussions that pass as “applied ethics” today. Kant’s effort to articulate the foundations of what he himself characterized as the “Metaphysics of Morals” should be seen as the (term for term) backdrop of Foucault’s own attempt at a “Genealogy of Ethics.” Foucault’s discussion of the singular practices of the ancient Greeks in their “use of pleasures” and “care of the self” is meant to challenge precisely those foundations (or the attempt to establish such foundations). It does so by challenging us to rethink the way we relate freedom and truth, a relation that was at the heart of Kant’s project as well. In order to underline this pairing of Kant and Foucault on the question of freedom and truth as these are meant to inform (give shape to) our lives, we need only look at the articles both thinkers wrote as a response to the question: “What is Enlightenment?”¹⁴

Both Kant and Foucault stress the same idea: that of *maturity* understood as a *release* from the “self-incurred tutelage” (the expression is Kant’s) that otherwise characterizes so much of our lives. Such tutelage is displayed in our willingness to abandon ourselves to the rule and governance of others (in our jobs and our leisure, in the articulation of our aspirations and

13 Cf. Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, trans. Peter Hallward, (New York: Verso, 2001), especially Chapter 3. The sense Badiou gives to nihilism has to do with the way contemporary “ethics,” in its dismissal of both the precedence of Good over Evil and the affirmation of Truths, merely focuses its efforts on suffering and death. For a good discussion of how Badiou’s work can be seen as intersecting with Foucault’s, cf., David Pakerow, “The Evental Site of Resistance: Badiou as Supplement to Foucault.” www.sspp.us/Protected-Essays/2004-APA-Pakerow.doc

14 Immanuel Kant, “What is Enlightenment?” in *Kant On History*, ed. Lewis White Beck, (Indianapolis: Bobbs-Merrill Educational Publishing, 1963), 3-10. Michel Foucault, “What is Enlightenment?” *Ethics*, 303-319.

fears). This emphasis on maturity as a release from a self-imposed situation insists on a conception of maturity that distinguishes it from a developmental process of maturation (as we characterize organic growth, for example) and links it instead to a *break* from such processes through the courageous assumption of our freedom (and I mean “assumption” here in the sense of supposing *and* as a taking up or appropriation). To be mature, then, is to see the truth of our situation, namely, that we are indeed free to do as we will, that any tutelage we continue to undergo is self-incurred, that is, willed by us to continue, because, as Foucault says concerning Kant’s understanding of Enlightenment: “Men are at once elements and agents of a single process. They may be actors in the process to the extent that they participate in it; and the process occurs to the extent that men decide to be its voluntary actors.”¹⁵ In a word, as the sentence immediately preceding that quotation states: “Enlightenment must be considered as a process in which we participate collectively and as an act of courage to be accomplished personally.”¹⁶ The “enlightened” truth we must confront is that we are free, even if, in our freedom, we choose to remain under tutelage and refuse to “grow up” into mature adulthood.

To be ethical, according to this view, is to behave as a mature adult, which for Kant means to be autonomous or self-legislating. It is here, of course, where Foucault begins to move away from Kant in his thinking about the articulation of freedom and truth. Kant links freedom and truth through the notion of autonomy, such that what we might call our “ethical selves” are constituted through our freely relating to truth by integrating the moral law into our actions. That is, for Kant, our actions, like anything else in the world, are governed by laws (and if one concentrates on their effects, then one will readily see how they obey the laws of nature; for example, pressing on the accelerator and driving through a red light will result in a collision if other cars engage the intersection at the same time, and the relative speed of both vehicles will determine the nature of the impact). However, because freely undertaken, those actions are also subject to a will that can, if it wishes to be moral, be self-legislating, that is, it can submit itself to its *own* law.

Of course, Kant’s account here becomes notoriously ambiguous: if we are to say that the will, *if it wishes to be moral*, can be self-legislating, we cannot mean to suggest that “wanting to be moral” counts as a *reason* for submitting to the moral law. For Kant, strictly speaking, one cannot have a reason (considered as something independent of one’s will) to be moral and still be considered as an autonomous self-legislating agent because one’s will would thereby be determined by something other than itself, in this case, a reason. Terry Pinkard calls this the “Kantian Paradox” that arises “from Kant’s

¹⁵ Michel Foucault, “What is Enlightenment?”, in Foucault, *Ethics*, 306.

¹⁶ Foucault, “What is Enlightenment?”, 306.

demand that, if we are to impose a principle (a maxim, the moral law) on ourselves, then presumably we must have a *reason* to do so; but, if there was an antecedent reason to adopt that principle, then that reason would not itself be self-imposed; yet for it to be binding on us, it had to be (or at least had to be “regarded” to be, as Kant ambiguously stated) self-imposed.”¹⁷

I do not want to get into all the problems and questions such a paradoxical mode of understanding our agency raises, but merely to point out how it relates freedom to truth. For Kant, the basic “fact” of our freedom (basically that we are willful creatures) should be understood in the context of our ability to know the truth (that is, we are also creatures who contribute ascribe conditions of objectivity to our experience of the world). To know the truth is to understand the lawfulness that governs the world; to be free in such a world is to impose lawfulness on one’s actions in the world. A mature adult differs from a child in understanding both the way the world works (i.e., lawfully) and that his/her willfulness will truly be his/hers *own* only if he/she submits it to such lawfulness. This is what it means to be autonomous, to be able to have one’s willfulness submit to a thoughtfulness characterized by lawfulness.

Foucault, like all of us (children of these “modern” times!), is concerned with autonomy in the sense that he is not prepared to give his life over to some authority to do so with it as it pleases. But his concern with autonomy is critical in a way that distinguishes itself from Kant’s. If, like Kant (and like Badiou), Foucault sees that our ethical lives continue to be informed by a sense that our experience of the world is characterized (discursively) by our freely relating ourselves to the truth, he is critical of the attempt to do so via the concept of lawfulness.¹⁸ His turn to the Greek experience of ethics, his “genealogical enquiry,” is meant to throw new light on the way we freely relate to the truth by providing a contrast. The Greeks freely related to the truth within their experience not through the self-imposed submission of their wills to universal lawfulness but through *self-mastery*. Foucault is quite explicit in *The Use of Pleasure*¹⁹ of the link that existed between this notion of self-mastery and the notion of freedom. Foucault is interested in it precisely because of the way freedom is understood as “a certain form of relationship of

17 Terry Pinkard, *German Philosophy, 1760-1860: The Legacy of Idealism*, (Cambridge: Cambridge University Press, 2002), 59.

18 Foucault, of course, is hardly alone in this; for a good discussion of how Foucault’s concern with ethics relates to Lacan’s similar critique of Kant, cf., John Rajchman, *Truth and Eros: Foucault, Lacan, and the Question of Ethics*. (New York: Routledge, 1991), especially, 55-61.

19 Michel Foucault, *The Use of Pleasure*, trans. Robert Hurley. (New York: Pantheon, 1985). For a more extensive discussion of the arguments in the last two volumes of *The History of Sexuality* in connection with the themes of this paper, cf., my “Foucault on History and the Self.” *Laval Théologique et Philosophique*, Vol. 54, No. 1 (1998), 143-162.

the individual with himself"²⁰; a form of relationship that provides a contrast to that relationship as it is found, for example, in Kant, where the individual is called upon to distinguish within himself a willfulness heteronomously tied to inclination and interest and a willfulness autonomously expressed through duty. In the Greek ethical experience as articulated by Foucault, the concern with freedom as self-mastery does not oppose a determinism that lurks at the heart of natural inclination (nor for that matter a pre-Kantian divine predestination), but rather a kind of self-enslavement (*esclavage de soi par soi*). The freedom promised by and through self-mastery is not one conceptualized in terms of "liberation" or the lifting of constraints (as freedom is conceptualized within the "repressive hypothesis" that Foucault discussed in the first volume of the *History of Sexuality*²¹) but rather as "a power that one brought to bear on oneself in the power that one exercised over others."²²

Thus, the contrast Foucault's genealogical investigation provides is an individualizing ideal as opposed to the universalizing one found in Kant's conception of autonomy. That is, within this Greek experience "[t]he individual fulfilled himself as an ethical subject by shaping a precisely measured conduct that was plainly visible to all and deserving to be long remembered."²³ Foucault is outlining a possible experience of ethics that is based on an individual's creating a work of art out of his or her life, one that is meant to contrast with the (in)subordinate mode of living typical of the moral life, which rests on the conception of a divided self pulled in opposite directions. The ethical self, as opposed to the moral self, needs to work on itself not in order to counter something (inclinations, passions, what have you), but in order to give that self a kind of shape that, recognized as admirable or worthy, can then truly be called one's own (in the sense of being distinct from others).

It is here, through Foucault's insistence on *ethics* and the practices that constitute them as a contrast with *morality* and the codes or prescriptions it seeks to instantiate, that many see the possibility for a new *ethos* within our late-modern condition. For example, William E. Connolly insists on distinguishing morality from ethics by pointing out how the notion of morality is inextricably tied to the notion of *order*, as in "moral order," that which we are supposed to appeal to, or refer to, when considering the morality of our actions, or our lives as we strive to live them. Connolly points out how we tend to relate ourselves to that order basically in two ways, both captured in the word itself. It can be used as a verb (to order) such that we place ourselves under its *command*, under "an order emanating from an

20 Foucault, *The Use of Pleasure*, 92.

21 Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley. (New York: Vintage, 1990).

22 Foucault, *The Use of Pleasure*, 93.

23 Foucault, *The Use of Pleasure*, 91.

authoritative source that cannot be superseded.”²⁴ But, of course, we can also relate ourselves to “order” considered as a noun, which then refers to a structure or design *within* which we place ourselves, “an inherently harmonious design to which things may be predisposed or toward which they tend when they are on the right track.”²⁵ Connolly wants to call a *morality* those views that correspond or appeal “to one or both of these types” of order to contrast them with an *ethics* which “strives to inform human conduct without drawing on either as described.”²⁶

It is in this context that Foucault’s reconsideration of Greek ethical practices is taken up and in which we can recognize a concern with living one’s life as one’s own (or becoming the subject of one’s life and activities and not merely the pawn of unrecognized forces – or, in the words of the Greeks, of not becoming a *slave* to one’s life) that strives to be *ethical* without appealing to a moral order.

Connolly is quite good at showing how those whose thinking remains committed (however self-critically if not tenuously) to a concept of moral order have seen Foucault’s investigations as threatening. (Think for example of the preoccupation with Foucault evidenced by Charles Taylor, Jürgen Habermas and Alasdair MacIntyre,²⁷ all of whom insist on retaining a conception of moral order in the face of the “destructiveness” of Foucault’s approach). Why are Foucault’s historical investigations into practices that attempt to develop ways of relating to one’s life that remain committed to both freedom and truth deemed to be threatening?

The threat stems from the fact that those critics of Foucault intent on sustaining some conception of moral order in their thinking are also committed to a form of thinking intent on sustaining conditions of *objectivity* (objectivity being in the sphere of knowledge what order is in the sphere of action or activity), whereas a conception of ethics as a practical relation to self can hardly be said to promote and sustain the conditions of objectivity. And without objectivity, there can be no hope of folding rational thought into our lives, and without rational thought, well, then, all hell breaks loose. Order collapses. All fall back on their own individual resources. Misunderstanding

24 William E. Connolly, *The Augustinian Imperative: A Reflection on the Politics of Morality*, (London: Sage, 1993), 35.

25 Connolly, *The Augustinian Imperative*, 35.

26 Connolly, *The Augustinian Imperative*, 35. One might like to include the work of Bernard Williams in the effort to distinguish a concern with ethics from that “peculiar institution” of morality. Cf., Bernard Williams, *Ethics and the Limits of Philosophy*, (Cambridge: Harvard University Press, 1985), especially chapter 10.

27 Charles Taylor, “Foucault on Freedom and Truth,” in *Philosophy and the Human Sciences: Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985), 152-184; Jürgen Habermas, *The Philosophical Discourse of Modernity*, Cambridge: The MIT Press, 1990; Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopedia, Genealogy, and Tradition*, (Notre Dame: University of Notre Dame Press, 1990).

reigns. The powerful take advantage of their privileged position. No resistance is possible. This is too quickly stated, of course, but one must concede that the slopes leading to and from “morality” tend to be slippery indeed. In any case, the point is that there is more to ethical life than “morality,” as Foucault’s genealogical investigations attempt to show.

But what exactly is Foucault showing us when he shows us the structured approach of these particular practices that he neither endorses nor admires? He shows us that a critical approach to the examination of the conditions of possibility of ethical experience should, if it truly wishes to be autonomous (or, one might say, if it autonomously wishes to be truthful, that is, true to its actual, present experience), recognize the contingency of those conditions. Put another way, Foucault is being faithful to Kant’s Copernican revolution, which showed us how “objectivity” itself is constituted through the structures of subjectivity; however, he refuses to “transcendentalize” the analysis of those structures by having them account for experience “as such.” In fact, his project can be seen as decoupling ethics from epistemology and reconnecting it to politics, or more precisely, to the formation of a political sensibility that sees truth(fulness) in a certain kind of freedom, as opposed to seeing our freedom confirmed or granted by a certain kind of (mode of relating to the) truth. Michael J. Shapiro articulates Foucault’s move here quite well:

Foucault’s ethical problematic remains Kantian insofar as he is interested in freeing subjects from their self-incurred tutelage, as well as from the forms of power producing the pedagogies of that tutelage; but his solution is not a move to a transcendental mode of critique. Instead of raising the questions about the conditions of possibility for the apprehension of experience in general – the Kantian mode of questioning – he treats the specific historical emergences of the discourses within which subjects and things become potential objects of experience and within which some loci and modes of enunciation are privileged while others are excluded. Accordingly, the “rarity” of discourse for Foucault, that is, the economy of presence and absence it contains, entitling some speakers while silencing others, and enabling some identities while disabling others, requires a Kantian style of reflection, but one that is focused on the economies of discourse rather than on the epistemic conditions of possibility for shared experience. This kind of reflection encourages inquiry into the specific historical moments and encounters that challenge the distribution of assets and liabilities resident in official or prevailing discourses.²⁸

Note that such inquiry is of “specific historical moments.” I would like to pause here to consider more carefully the specificity of the “historical” in

28 Michael J. Shapiro, “Affirming the Political: Tragic Affirmations versus Gothic Displacements,” in *The Politics of Moralizing*, edited by Jane Bennett and Michael J. Shapiro, (New York: Routledge, 2002), 237.

Foucault's inquiries and begin to sketch another reading of Foucault's concern with ethics.

The description given thus far of the significance of Foucault's considerations of ethical practices of relating to self has emphasized what might be called a "general ethical attitude" or ethos that could perhaps serve as an *alternative* ethics to those based on moral codes or appeals to some kind of moral order. Let me call this the "methodological/prescriptive" appropriation of Foucault's investigations and insights. I believe this approach to be fruitful and important.

However, I would like to insist on another reading of Foucault's explorations of the ethical practices of relating to oneself, one that is less "methodological/prescriptive" (asking and responding to what we can *do*, ethically-speaking) and more "ontological/historical" (asking and responding to what we *are*, ethically-speaking). This reading, instead of pushing beyond Kant in the direction of a Nietzschean sensibility, rather challenges Kant's moral law from the space of a Hegelian insistence on the (historical) realization of freedom.²⁹

Such a reading requires that we resist the temptation to see in Foucault's refusal to "transcendentalize" the analysis or examination of the conditions of possibility of shared experiences, as noted by Shapiro above, a concomitant project of "historicizing" them, the latter presumed to give rise to the project of articulating the various historical a priori (that one might call *epistemes*) that discontinuously chop up a careful examination of the historical record. That something like this is to be found in Foucault's *The Order of Things*,³⁰ Foucault's most "epistemological" work, is undeniable. However, Foucault's subsequent interest in "power" and "ethics" demonstrates the decoupling mentioned above, and rather than see in Foucault's continued use of historical investigation an attempt to "historicize" the *examination* of conditions of possibility, one should see in them an attempt to *actualize* them. There is a clear shift from epistemology to ontology, to the self-constitution of a world as present in specific configurations of discursive regularities. Ethics in such a context consists of facing or "living up" to that which in those configurations allows us to be self-critical (i.e., mature) and to foster such an ethos of self-critique that for Foucault consists "in a critique of what we *are*

29 Placing Foucault within a Hegelian orbit will no doubt be hotly contested by many Foucauldians (including Connolly), but I think needlessly so. Foucault is not Deleuze; his unflagging commitment to a thinking informed by history cannot help maintaining some common ground with Hegel. I develop some of this common ground in my "Foucault after Hyppolite: Toward an A-theistic Theodicy." *The Southern Journal of Philosophy*, Vol XLIII, no. 1 (2005), 79-93.

30 Michel Foucault, *The Order of Things*, trans. A. Sheridan. (New York: Random House, 1970).

saying, thinking, and doing, through a historical ontology of ourselves.”³¹ He speaks of an historical *ontology* because it is precisely through what is said, thought, and done within a particular discursive regime that our selves are constituted, are brought into being (examples that render this process explicit: the discursive regimes of the nineteenth century constituting the “homosexual” and the “delinquent”).

It is true, as the “methodological/prescriptive” approach has emphasized, a self-critical attitude or ethos is one which does not merely submit to what is “said, thought, and done” within a particular regime, but rather is one where one takes it upon oneself to analyze and to reflect upon the limits imposed by that regime. What this means for Foucault is that,

“if the Kantian question was that of knowing [savoir] what limits knowledge [connaissance] must renounce exceeding, it seems to me that the critical question today must be turned back into a positive one: In what is given to us as universal, necessary, obligatory, what place is occupied by whatever is singular, contingent, and the product of arbitrary constraints?”³²

And we need to think of “arbitrary” here in the precise (time-honored and typically French revolutionary) sense of despotically imposed and without justification, that is, without the justification that an adult could acknowledge and fold into his or her life.

But here we need to note that Foucault wants to go a step further. Ethical life is not merely a question of acknowledging what can be “maturely” considered as justified constraints. Ethical life can also mean *testing* those constraints and limits and transforming “the critique conducted in the form of necessary limitation into a practical critique that takes the form of a possible crossing-over [franchissement].”³³ Note that the “crossing-over” (or perhaps better, “moving-beyond”) Foucault talks about is a *possible* one. My suggestion here is that we need to understand this notion of possibility in the strict logical sense insisted on by Hegel as something that on the one hand *opposes* necessity (this is specifically alluded to in the quotation above and is the focus of the methodological/prescriptive approach), but on the other hand is something that gives way to *actuality*.³⁴ That is, possibility contrasts with necessity but also with actuality (the merely possible is not yet actual; the actual is no longer merely possible). The idea of a critique focused on a *possible* “crossing-over” is an active (or what, following Judith Butler, one

31 Foucault, “What is Enlightenment?”, 315. My emphasis

32 Foucault, “What is Enlightenment?”, 315.

33 Foucault, “What is Enlightenment?”, 315.

34 For a discussion of the logical relations between “actuality”, “possibility” and “necessity” see Book Two, Section Three, Chapter 2, in Hegel’s *Science of Logic*, trans. A.V. Miller (Atlantic Highlands: Humanities Press International, Inc., 1989), 541-550.

might call a “performative”³⁵) critique of what counts as discursively necessary in order to test where within that discursive necessity there may be possibilities that might be *actualized against the necessities* imposed arbitrarily by the discursive regime, that is, enacted from within those regimes in such a way that they might become other than what they *are*.

Foucault’s ethics needs to be dynamically understood and in that sense they may be usefully contrasted with Hegel’s ethics understood as a response to the insufficiencies he believed were evident in Kant’s conception of moral autonomy.³⁶ What follows is too brief to be satisfactory and will raise more questions than it will answer but is worth pursuing because it points, I think, in a fruitful direction for understanding the relevance of Foucault’s ethics.

There has been much work recently showing how Hegel’s conception of spirit is best understood as his attempt to account for the normative structure of human “mindedness” as displayed through our discursive commitments and inferential patterns of reasoning.³⁷ Pinkard, who has emphasized Hegel’s conception of the “sociality of reason,”³⁸ shows how Hegel’s resolution of (or response to) what he calls the “Kantian paradox” – namely, how to conceive of a *binding* form of *self-rule*³⁹ – is to conceive of

35 Cf., Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1989) and *Bodies that Matter: On the Discursive Limits of “Sex”* (New York: Routledge, 1993).

36 I should note immediately that the appeal to Hegel here is *not* the appeal that Žižek calls the “pseudo-Hegelian” critique, which in fact is not an advance on Kant as far as thinking through “ethics” is concerned. He writes: “According to the standard pseudo-Hegelian critique, the Kantian universalist ethic of the categorical imperative fails to take into account the concrete historical situation in which the subject is embedded, and which provides the determinate content of the Good: what eludes Kantian formalism is the historically specified particular Substance of ethical life. However, this reproach can be countered by claiming that the unique strength of Kant’s ethics resides in this very formal indeterminacy: moral Law does not tell me what my duty is, it merely tells me that I should accomplish my duty, i.e., it is not possible to derive the concrete norms I have to follow in my specific situation from the moral Law itself-which means that the subject himself has to assume the responsibility of “translating” the abstract injunction of the moral Law into a series of concrete obligations.” Slavoj Žižek, “Kant and Sade: The Ideal Couple.” <http://www.egs.edu/faculty/zizek/zizek-kant-and-sade-the-ideal-couple.html>

37 For good discussions of this reading, see Robert B. Pippin, “Naturalness and Mindedness: Hegel’s Compatibilism.” *European Journal of Philosophy* 7:2 (1999), 194-212; Terry Pinkard, “Virtues, Morality, and *Sittlichkeit*: From Maxims to Practices.” *European Journal of Philosophy* 7:2 (1999), 217-238; and Robert Brandom, “Some Pragmatist Themes in Hegel’s Idealism.” *European Journal of Philosophy* 7:2 (1999), 164-189.

38 Terry Pinkard, *Hegel’s Phenomenology: The Sociality of Reason* (New York: Cambridge University Press, 1994).

39 The “paradox” is nicely captured by Kenneth Baynes in the following questions: “Doesn’t a rule have to have a certain independence from my own will in order to bind my will? And if rules are thus independent doesn’t that constitute a form of

freedom as the (historical) development of a normative space within which freedom “realizes itself” or becomes actual. That is, for Hegel, according to Pinkard, “we must ask under what kinds of developmental and social conditions we can be said to be the authors of the law to which we are subject.”⁴⁰ Concretely, this means that “the institutions and practices under which I am both formed and form myself must themselves be seen to be such that I can identify with them and understand the demands they impose not as external to me but as internal to the very development that makes me who I am, all of which is, of course, another way of stating that I cannot understand who I am outside of my own past and my involvement with others.”⁴¹

What I would like to suggest is that Foucault essentially accepts this Hegelian “resolution” of the Kantian paradox in the sense that his approach does not think freedom as a pure postulate, but rather emphasizes its historical forms of deployment. However, Foucault radicalizes its “ontological” import by emphasizing its political dimension *before* folding ethics back into its self-constituting dynamic. Hegel’s project, even as formulated by Pinkard, remains epistemologically driven by self-knowledge or self-understanding (“I cannot *understand* who I am outside of my own past...”), which of course is a perfectly intelligible way to conceptualize a process of *realization* (of freedom). However, Foucault’s insistence is not on such an “epistemic” realization, but rather on an “ontological” realization as *actualization* (of freedom).

It is within this context that we can best understand Foucault’s focus on power-relations. Instead of speaking in terms of spirit, whether subjective, objective, or absolute (distinctions themselves driven by epistemic considerations) in order to account for the normative space within which our lives unfold, Foucault speaks of power-relations as those that structure normative space in a way that shows how it is *actualized* through what we think, say and do.⁴² Thus, Foucault agrees with Kant and Hegel that “modernity” offers a normative space within which institutions and practices are *self-imposed*, part of “my internal development,” which is to say that the development of my identity is constituted through institutional and other discursive practices that are deployed “internally” through what “I” think, say, and do. However, by characterizing the “realization” of this normative space of self-development in terms of power-relations (and the freedom such

heteronomy?” Kenneth Baynes, “Freedom and Recognition in Hegel and Habermas.” *Philosophy & Social Criticism* 28:1 (2002), 4.

40 Terry Pinkard, *German Philosophy, 1760-1860: The Legacy of Idealism*, 284-285.

41 Pinkard, *German Philosophy*, 285.

42 For a good discussion of Foucault’s analytics of power as they relate to questions of normativity, cf., Kory P. Schaff, “Agency and Institutional Rationality: Foucault’s Critique of Normativity.” *Philosophy & Social Criticism*, Vol. 30, No. 1 (2004), 51-71.

a notion of power both presupposes and enables⁴³), Foucault allows us to envisage the *permanent* possibility of the contestation of its effective limits through the very process of this self-actualization, that is, those “*events* that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying.”⁴⁴

It is *within* the normative space of discursive commitments that Foucault conducts his genealogical investigations. The point of these investigations is to loosen the hold that what we think, say, and do within our discursive regimes has on us enough to enable us to see that their necessities are in fact necessary in the specific, historically determinable sense of being particular possibilities that *have been* actualized. And these necessities (understood as actualized possibilities) will remain necessary as long as they continue to be effectively actualized in what we continue to think, say, and do. The genealogical investigations are meant to show how our tutelage to our particular discursive regimes is self-incurred and that to become mature adults (i.e., agents who do not merely think, say, and do as they are told) we

43 Foucault is explicit about the connection between power and freedom: “Power is exercised only over free subjects, and only insofar as they are “free.” By this we mean individual or collective subjects who are faced with a field of possibilities in which several kinds of conduct, several ways of reacting and modes of behavior are available. Where the determining factors are exhaustive, there is no relationship of power: slavery is not a power relationship when a man is in chains, only when he has some possible mobility, even a chance of escape. (In this case it is a question of a physical relationship of constraint.) Consequently, there is not a face-to-face confrontation of power and freedom as mutually exclusive facts (freedom disappearing everywhere power is exercised), but a much more complicated interplay. In this game, freedom may well appear as the condition for the exercise of power (at the same time its precondition, since freedom must exist for power to be exerted, and also its permanent support, since without the possibility of recalcitrance power would be equivalent to a physical determination).” Michel Foucault, “The Subject and Power,” *Power: Essential Works of Foucault, 1954-1984, Vol. 3*, ed. James D. Faubion (New York: The New Press, 2000), 342.

44 Foucault, “What is Enlightenment?”, 315. My emphasis. Compare Foucault’s use of the notion of freedom here with Pippin’s reading of Hegel: “freedom is understood by Hegel to involve a certain sort of self-relation and a certain sort of relation to others; it is constituted by *being* in a certain self-regarding and a certain mutually related *state*. Such states are active, involve deeds and practices, but are understood to be free by being undertaken in certain ways, not by having some special causal conditions.” Robert B. Pippin, “What is the Question for which Hegel’s “The Theory of Recognition is the Answer?” *European Journal of Philosophy*, Vol. 8, No. 2 (2000), 156. I don’t think it is much of a stretch to see in Foucault’s “ethics” a movement of thought that resembles that of this “non-metaphysical” Hegel. If Foucault resists the notion of a *state* of “recognition,” it is no doubt because it still rings too much of “reconciliation” with what is, something his commitment to “possibility” leads him to challenge. The emphasis on the constitutive role of *events* within this ontological/historical approach can also lead to a more sustained discussion of Badiou. However, I must leave that for another time.

need to test the necessities of our regimes by working out the *real* possibilities they contain, that is, those whose actualization depends on our mature efforts to assume and enact the conditions of our lives, and not merely to submit to what we are made to think, say, and do.

It is interesting to note that even though moral *theorists* have largely been unimpressed by Foucault's genealogical efforts, have even been quite hostile to them, seeing in them a kind of nihilistic aestheticism, in more practical terms, Foucault's work has been taken up by all kinds of people – educators, social workers, health-care workers, activists⁴⁵ – who, in dealing with the institutional “necessities” that confront them, perhaps are thus enabled to see that their very commitments to and within those institutions are the ontological/historical ground of the possibilities for free action that nevertheless remain open.

And if the possibility of free action is at the heart of ethics, and if Foucault's work helps us recognize and test that in more than theoretical terms, then perhaps Rabinow's claim about Foucault's status as a major ethical thinker of modernity is not without warrant.

45 Here is a sample of discussions showing Foucault's relevance to various institutional and practical dynamics: for health care and bioethics, cf., the special issue of the *Journal of Medical Humanities*, Vol. 24, Nos. 3-4 (2003); for social work, cf., Adrienne S. Chambon, Allen Irving, Laura Epstein, eds., *Reading Foucault for Social Work*. (New York: Columbia University Press, 1999); for education, James D. Marshall, *Michel Foucault: Personal Autonomy and Education*. Dordrecht: Kluwer, 1996.