
Foucault and critique: Deploying agency against autonomy

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ABSTRACT

Foucault argues the subject is a function of regimes of power/knowledge. The claim seems to be valid as the composed one that all agency is influenced by its social context: the subject is not autonomous. The claim is not valid as the excitable one that all actions and beliefs are fixed by their social context: the subject is an agent who can make choices and act creatively against a given social background. This essay then sets out to explore the normative implications of a composed reading of Foucault through his work on governmentality and an ethic of care for the self. To begin, a composed reading is shown to be sufficient to sustain the critical force of genealogy. Then it is shown to support an ethical preference for power that recognises the other as an agent rather than violence. Finally it is shown to support an ethical preference for technologies of the self that resist the normalizing effects of modern power.

KEY WORDS: subject; power/knowledge; agent; governmentality; care for the self

RESUMO

Foucault afirma que o sujeito é uma função nos domínios do saber e do conhecimento. A afirmativa parece ser válida como a que diz que a ação é influenciada pelo seu contexto social: o sujeito não é autônomo. A afirmação não é válida tanto quanto aquela que afirma que todas as ações e crenças são fixadas pelo contexto social: o

sujeito é um agente que pode fazer escolhas e agir criativamente, contrariando o conhecimento social consolidado. Este ensaio propõe investigar as aplicações normativas, numa dupla leitura de Foucault através de suas obras sobre “governamentalidade” e a ética do conhecimento de si. Para começar, a dupla leitura mostra-se suficiente para sustentar a força crítica da genealogia. Depois ela se apresenta para apoiar a preferência ética pelo poder que reconhece o outro como agente e não como violência. Finalmente, apresenta-se para apoiar a preferência ética pelas tecnologias do “eu” que resiste aos efeitos normalizadores do poder moderno.

PALAVRAS-CHAVE: sujeito; poder/conhecimento; agente; governamentalidade; cuidado com o “eu”

“There is no sovereign, founding subject, a universal form of subject to be found everywhere”: “the subject is constituted through practices of subjection, or, in a more autonomous way, through practices of liberation.”¹ A hostility to the subject runs throughout Foucault’s oeuvre. Indeed, he himself said, “it is not power, but the subject, which is the general theme of my research”; and he described as his main aim the attempt “to create a history of the different modes by which, in our culture, human beings are made subjects,” and so to efface the idea of the self-constituting subject.² In his early work, Foucault portrayed the subject as a construct of social languages or epistemes.³ Later, however, and especially following his research for *Discipline and Punish*, he portrayed the subject as a product of regimes of power/knowledge, the will to power, and other such things.⁴ From about 1970 onwards, therefore, Foucault argued that

1 FOUCAULT, M. *An Aesthetics of Existence*. Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984. ed. L. Kritzman. London: Routledge, 1988. p. 50.

2 FOUCAULT, M. The Subject and Power. In: DREYFUS, H.; RABINOW, P. *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: University of Chicago Press, 1982. p. 209-208.

3 See FOUCAULT, M. What is an Author? In: *Language, Counter-Memory, Practice: Selected Interviews and Essays*, ed. D. Bouchard. Oxford: Blackwell, 1977. p. 113-38; and, on the historical context of the idea of the subject FOUCAULT, M. *The Order of Things: An Archaeology of the Human Sciences*. London: Tavistock, 1970.

4 FOUCAULT, M. *Discipline and Punish: The Birth of the Prison*. trans. A. Sheridan Smith. London: Tavistock, 1977. He discussed the shift in his work in: FOUCAULT, M. *Truth and Power*. In: *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. C. Gordon et al. Brighton, Sussex: Harvester, 1980. p. 109-33.

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“the individual is an effect of power.”⁵ The first issue I want to address is the nature of the relationship between the subject and social power. Doing so, I hope, will enable me later to examine the role of Foucault’s theory of power as a basis for ethical critique. Throughout I will be more interested to use Foucault than to interpret him. I will concentrate on exploring an ethic one might build on a stance to the subject inspired by aspects of his work, rather than on a detailed analysis of the changes, tensions, and imprecision found in his view of the subject.

THE SUBJECT AS AGENT

To begin, therefore, let us look at power/knowledge and its role in constructing the subject. Foucault postulates a historical series of regimes of power/knowledge, all of which are incommensurable with one another, and each of which sustains a different type of subjectivity. All knowledge arises out of a power complex: regimes of power define what counts as a meaningful utterance, what topics are to be investigated, how facts are to be produced, and the like. Equally, however, all regimes of power are constituted by discursive formations: regimes of knowledge define who does and who does not have the intellectual authority to decide issues, how information should be gathered about whom and by who, and the like. Power and knowledge always imply one another: they interpenetrate within specific regimes that provide the modes of subjection, and also liberation, through which subjects constitute themselves. Foucault argues that ideas such as subjectivity, personality, and the soul are just part of a specific discursive formation produced by the operation of a specific power complex on the body. Here one can see Foucault’s *Discipline and Punish* as an attempt to analyse the way power works on the body through external controls, and his *History of Sexuality* as an attempt to analyse the way it does so through internal controls. The former work looks at the rise of the modern system of surveillance in prisons, schools, factories, hospitals, and so on.⁶ Modern power relies on constant supervision and control of individuals in accord with a certain concept of normality. The later

5 FOUCAULT, M. Two Lectures. In: *Power/Knowledge*, p. 98.

6 FOUCAULT, *Discipline and Punish*.

work looks at the extension of a confessional technology of the self from a religious domain to social life as a whole.⁷ Individuals police themselves by examining, confessing, and regulating their own thoughts and behaviour in accord with a certain concept of normality. Even if Foucault sometimes appears to put too much emphasis on the body at the expense of things such as the law, the crux of his position is clear: society, conceived as a specific regime of power/knowledge, defines the subject, conceived in terms of both the norms by which we try to live and the techniques by which we try to ensure we do so. The individual is the arbitrary construct of a social formation. Society gives us the values and practices by which we live.

Foucault's analysis of the social construction of the subject might seem merely to recapitulate a concept already familiar to us as socialisation. Actually, however, his critique of the subject cuts deeper than this. Foucault argues that power is ubiquitous so a subject can come into being only as a construct of a regime of power/knowledge. No society, culture, or practice possibly could be free of power. No individual possibly could constitute himself as an autonomous agent free from all regimes of power. This is why, to return to our starting point, Foucault rejected the concept of the "sovereign, founding subject" for one of "the subject" as "constituted through practices."⁸ Even when individuals appear to live in accord with commitments they have accepted for themselves, they really are only examining and regulating their lives in accord with a regime of power. Foucault's view of the subject, therefore, precludes an idea often seen as the core of liberalism, the Enlightenment Project, or modernity; it precludes the idea of the individual coming before, or standing outside of society. Indeed, Foucault argues that our view of the subject as an autonomous agent derives from our having so internalised the technique of confession that we see it falsely as a way of unlocking our inner selves rather than rightly as a way of defining ourselves in accord with a social formation. He says: "the obligation to confess is now relayed through so many different points, is so deeply ingrained in us, that we no longer perceive it as the effect of a power that constrains us; on the contrary, it seems to us that truth, lodged in our most secret nature,

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7 FOUCAULT, M. *The History of Sexuality*, trans. R. Hurley. New York: Pantheon Books, 1978-86). v. 1. *An Introduction*.

8 FOUCAULT, *Aesthetics of Existence*, p. 50.

9 FOUCAULT, *History of Sexuality*, p. 60.

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demands only to surface.”⁹

10 Compare BEVIR, M. The Individual and Society. *Political Studies*, n. 44, p. 102-14, 1996.

11 See respectively RORTY, R. Postmodernist Bourgeois Liberalism. *Journal of Philosophy*, n. 80, p. 583-89; 1983. And SANDEL, M. *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press, 1982. Of course, even where American philosophers such as Rorty agree with Foucault, there are important differences in their styles, and so perhaps content. Moreover, similar differences of style distance Foucault's own work from my treatment of it.

According to Foucault, the individual subject is not an autonomous agent, but rather a social construct. To consider the validity of his view of the subject, I want to distinguish autonomy from agency.¹⁰ Autonomous subjects would be able, at least in principle, to have experiences, to reason, to adopt beliefs, and to act, outside all social contexts. They could avoid the influence of any norms and techniques prescribed by a regime of power/knowledge. This concept of the autonomous subject resembles the idea of a “sovereign, founding subject” that Foucault vehemently rejects: autonomous subjects, at least in principle, could found and rule themselves uninfluenced by others. Agents, in contrast, exist only in specific social contexts, but these contexts never determine how they try to construct themselves. Although agents necessarily exist within regimes of power/knowledge, these regimes do not determine the experiences they can have, the ways they can exercise their reason, the beliefs they can adopt, or the actions they can attempt to perform. Agents are creative beings; it is just that their creativity occurs in a given social context that influences it.

If we take Foucault’s hostility to the subject to be a critique of autonomy, it seems to me to be reasonable. Certainly many recent trends in social and moral philosophy, such as post-modernism and communitarianism, have emphasised the implausibility of the autonomous subject who stands outside of society.¹¹ They have done so, at least in part, because of the impact of holism on contemporary philosophy. If all experiences and all reasoning necessarily embody theoretical assumptions, the subject can reach beliefs only in the context of an existing web of beliefs; and if the subject can have experiences and exercise his reason only in relation to a prior set of theories, we can not conceive of his doing so unless we take him to have done so, at least initially, in the context of a set of theories made available to him by his community. Holism implies, therefore, that the subject could not, even in principle, have experiences or

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12 If power denotes an opposition to autonomy, perhaps we should question the appropriateness of using a term as loaded as “power” to denote what might seem more akin to a neutral social influence. On the advantages of Foucault’s use of the term power, see HOY, D. Power, Repression, Progress: Foucault, Lukes, and the Frankfurt School. In: _____. *Foucault: A Critical Reader*. Oxford: Basil Blackwell, 1986. p. 123-47.

13 A though numerous commentators have argued Foucault’s work presupposes a sort of individualism, and, of course, one could try to unpack such individualism in terms of agency. On the individualism of Foucault’s work, see, for example, LENTRICCHIA, F. *Ariel and the Police: Michel Foucault, William James, Wallace Stevens*. Madison: University of Wisconsin Press, 1988. p. 20-30.

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exercise his reason outside all social contexts. The subject can not be autonomous.

However, if we take Foucault's hostility to the subject to be a critique of agency, it seems to me to be unreasonable. A rejection of autonomy need not entail a rejection of agency: we can say the subject always sets off against a social background that influences him, and still insist he then can reason and act in creative, novel ways so as to modify this background. Indeed, we must allow for agency if only because we can not individuate beliefs or actions by reference to the social context alone. Different people adopt different beliefs and perform different actions against the background of the same social structure, so there must be at least an undecided space in front of these structures where individuals decide what beliefs to hold and what actions to perform. If some beliefs and actions are not shared by everyone in a given episteme or regime of power/knowledge, we can not individuate every belief and action by reference to that episteme or regime of power/knowledge in the way we would need to if we were to reject agency. We must allow, therefore, that the subject is an agent, even if not an autonomous agent.

Many of the difficulties, but also some of the excitement, of Foucault's work, derive, I believe, from his characteristic elision of the distinction between autonomy and agency. Sometimes, when he talks of the ubiquity of power or the implausibility of the idea of a founding subject, he appears to reject only autonomy, but at other times, when he describes confession as self-regulation in accord with a regime of power or the individual as a mere effect of power, he appears also to reject agency.¹² One might distinguish, therefore, between an excitable Foucault opposed to the subject as agent and a composed Foucault opposed only to autonomy. No doubt the excitable Foucault, who sees the individual solely as a product of social power, is a more familiar figure.¹³ He uncompromisingly pronounces the subject dead, and portrays the self as a construct of an episteme, disciplinary matrix, or some such. He writes histories that deliberately exclude references to intentional and novel performances by individuals. Nonetheless, the composed Foucault,

14 See respectively FOUCAULT, M. Governmentality. In: Burchell, G.; Gordon, C.; Miller, P. *The Foucault Effect: Studies in Governmentality*. London: Harvester Wheatsheaf, 1991; and FOUCAULT, M. The Ethic of the Care for the Self as a Practice of Freedom. In: BERNAUER, J.; RASMUSSEN, D. *The Final Foucault*. Cambridge: Massachusetts Institute of Technology Press, 1988. p. 1-20.

15 His first significant account of genealogy was FOUCAULT, M. Nietzsche, Genealogy, History. In: *Language, Counter-Memory*, p. 139-64. Earlier he had described his approach as archaeology, on which see FOUCAULT, M. *The Archaeology of Knowledge*. trans. Smith, A. Sheridan. New York: Pantheon Books, 1972.

who allows the subject to constitute himself within the context of a regime of power, does appear occasionally, especially in the final writings on governmentality and an ethic of care for the self.¹⁴

Crucially, these two Foucaults provide us not only with different views of the relationship of the subject to social power, but also, therefore, with different resources for critique. The main issue I want to address is the extent to which a composed Foucault might provide us with normative resources for critique far richer than those associated with the excitable Foucault. Perhaps we will lose some of the seductive charm of Foucault's work when we construct a more composed ethic out of aspects thereof; indeed, given that some of the excitement of his work derives from its *aporias*, contradictions, and elisions, any attempt to deal with these problems necessitates a loss of some of that excitement. Nonetheless, if we are to build a coherent and acceptable ethic using his work, we clearly have to confront its *aporias*, contradictions, and elisions, even though we might thereby lose something.

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THE ERROR OF MODERNITY

A crucial feature of Foucault's archaeological and genealogical studies is the critical light they cast on modernity.¹⁵ The targets of his critical histories are what we broadly might call an enlightenment view of knowledge and a liberal view of freedom. The enlightenment view of knowledge encapsulates a faith in a neutral reason going to work on pure experience. The individual can avoid, or overcome, local, subjective prejudices so as to obtain objective knowledge of the world as it is. Modernity represents itself, following the enlightenment, as based on universal and objective knowledge of the world. The liberal view of freedom evokes areas of life, often defined by rights, where the individual should not be subject to any social constraint. Modernity represents itself, following liberalism, as based on the defence of individual liberty against social power. The enlightenment view of knowledge and the liberal view of freedom are tied to one another in presupposing that the individual can stand outside of society. Modernity, therefore, enshrines a faith in an autonomous subject who can avoid local prejudices and who can be freed from social constraint.

16 See, in particular, for genealogical studies, FOUCAULT, *Discipline and Punish*; and FOUCAULT, *History of Sexuality*, v. 1; and, for an archaeological one, FOUCAULT, M., *Madness and Civilisation: A History of Insanity in the Age of Reason*. trans. R. Howard. London: Tavistock, 1965.

17 See FOUCAULT, *History of Sexuality*, v. 1, p. 5-13.

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Foucault, in contrast, argues that the subject can not be autonomous, so modernity is masquerading as something it is not. His archaeological and genealogical studies reveal as an illusion the self-understanding of modernity.¹⁶ They show us that our modern society neither enshrines a universal reason nor defends an individual liberty in the way we might think it does. On the contrary, because both enlightenment reason and liberal freedom are impossible, when we moderns describe our society in these terms, we hide, and so intensify, the way modern reason excludes other forms of thought and the way modern power dominates the individual. Consider, for example, Foucault's analysis of modern power. He argues that the modern individual is just as dominated by a regime of power as were his predecessors. The only difference is that where earlier forms of power were public and intermittent, modern power is local and continuous. Modern power takes the form of the gaze – we are normalized through surveillance in schools, factories, hospitals, and the like. Indeed, we deploy practices such as that of confession so as to regulate and normalize ourselves in accord with the modern regime of power. The only effect of all our liberationist discourses, with their impossible, liberal view of freedom, is to mask the way in which modern power thus dominates us.¹⁷

The main critical force of Foucault's work lies, therefore, in the way it pricks the pretension of modernity. Archaeology and genealogy provide us with ways of uncovering the real nature of societies that see themselves as objectively rational and as protective of individual liberty. They can show us that the enlightenment idea of a universal reason actually represents one historically specific form of reason among many, and that by masquerading as a universal form it manages to delegitimise the others. And they can show us that the liberal view of freedom actually represents a normalizing

18 See, among many, HABERMAS, J. *The Philosophical Discourse of Modernity*. Cambridge: Polity Press, 1987. p. 266-93.; Fraser, N. Foucault on Modern Power: Empirical Insights and Normative Confusions. In: *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory*. Cambridge: Polity Press, 1989.; PHILP, M. Foucault on Power: A Problem in Radical Translation?, *Political Theory* 11 (1983), 29-52; and TAYLOR, C. Foucault on Freedom and Truth. In: *Philosophical Papers*. v. 2: *Philosophy and the Human Sciences*. Cambridge: Cambridge University Press, 1985. p. 152-84. For a different critique of Foucault, based on a Derridean position, see KEENAN, T. The 'Paradox' of Knowledge and Power: Reading Foucault on a Bias. *Political Theory*, n. 15, p. 5-32, 1987.

19 Attempts to defend objectivity without adopting universalism include BERNSTEIN, R. *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis*. Philadelphia: University of Pennsylvania Press, 1983.; and BEVIR, M. Objectivity in History. *History and Theory*, n. 33, 328-44, 1934.

force, and that by masquerading as liberating it manages to implicate us in the process of normalization. Here our composed reading of Foucault can generate this critique of modernity in much the same way as can an excitable reading. Our composed Foucault rejects autonomy, so he denies the very possibility of the individual standing outside of society in the way presupposed by an enlightenment view of knowledge and a liberal view of freedom. Moreover, once we thus reject the self-understanding of modernity, we will go on to ask, what is the real basis of modernity, and how does its self-understanding obscure its real basis? I do not want to suggest that a rejection of autonomy leads us inexorably to Foucault's conclusions about the nature of modern reason and modern power. On the contrary, someone might accept something akin to his critique of autonomy only to disagree profoundly with the particular way in which he unpacks modernity. All I want to say is: a rejection of autonomy gives us a critical perspective on modernity akin to that of Foucault. A rejection of the possibility of autonomy allows us critically to challenge any theoretical or social formation, such as those associated here with the enlightenment and liberalism, that presupposes such autonomy.

Crucially, however, our composed Foucault can avoid the *aporias* so many critics point to in the excitable Foucault. The main criticism of Foucault is that he cuts the ground from under his feet: in rejecting the possibility of reason and freedom, he leaves himself no epistemological or normative grounds on which to build his own histories with their ethical connotations.¹⁸ The problem seems insurmountable for the excitable Foucault with whom we are so familiar. In contrast, a composed Foucault, who defended agency and so local reasoning, would have resources on which to draw in order to escape these *aporias* and even open up further forms of critique. To develop a suitable epistemology, our composed Foucault might devise an account of local reasoning that gave us grounds for accepting a body of knowledge as objectively valid, at least temporarily.¹⁹ And to develop a suitable ethic, our composed Foucault might use an account of agency so as to distinguish acceptable from unacceptable forms of power.²⁰

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20 Compare Fraser's conclusion that "what Foucault needs, and needs desperately, are normative criteria for distinguishing acceptable from unacceptable forms of power." FRASER, *Foucault on Modern Power*, p. 33.

21 FOUCAULT, *Discipline and Punish*. This criticism is raised by DEWS, P. *Logics of Disintegration: Post-structuralist Thought and the Claims of Critical Theory*. London: Verso, 1987. p. 188.

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What I want to do next is to explore the latter possibility in relation to Foucault's final work on governmentality and an ethic of care for the self. Before I do so, however, let me recapitulate the position as I see it. Foucault argues that power is ineliminable in a way that undermines the very idea of the autonomous subject: the individual necessarily exists in a prior social context which influences him. The undifferentiated concept of power he deploys stands, therefore, as a critique of modernity, where modernity is understood in terms of an ideal of autonomy. But in so far as his undifferentiated concept of power implies all subjects and all knowledge are mere products of social power, it leaves us no grounds on which to assert an alternative ideal to the modern one of autonomy. To overcome this problem, we need to differentiate between types of power, and we need to do so in terms of a suitable concept of agency. Can we find a composed Foucault who does something like this in his work on governmentality and an ethic of care for the self?

POWER AS A CRITIQUE OF VIOLENCE

Foucault introduced the concept of governmentality as he came to emphasise the positive role played by power in the processes by which people have constructed themselves. Although he always allowed for this positive role in his theoretical work, his historical studies of biopower – of how modern power controls our bodies – tell a story of the ceaseless and unlimited domination of social power over individuals. His account of power in modern prisons, for example, focuses almost exclusively on the ways in which governors and other official figures dominate inmates; it ignores the ways in which inmates are influenced (perhaps even constructed) by other parts of the social background, such as their fellow prisoners.²¹ Actually, however, if we understand the ubiquity of power as an expression of the fact that the subject always exists in a social context that influences his agency, then we must allow that any regime of power will provide him with resources for challenging social norms as well as pressures to follow them. Foucault allowed for this most obviously in his analysis of governmentality. He argued that the modern regime of power incorporates all of sovereignty, discipline,

22 FOUCAULT, *Governmentality*. Also see FOUCAULT, M. Politics and Reason. In: *Politics, Philosophy, Culture*, p. 57-85.

23 FOUCAULT, *Power/Knowledge*, p. 186.

24 FOUCAULT, *The Subject and Power*, p. 214.

and government.²² Prior to the middle of the sixteenth century, power took a monarchical form based on the sovereignty of the Prince over what he owned. Thereafter the collapse of feudalism, the Reformation, and the Counter-Reformation established new forms of social power. Indeed, the modern state arose as the sovereign power of the Prince over his territory was augmented by forms of power exercised on subjects. These new forms of power were a disciplinary police-power and a governmentality incorporating a pastoral-power. Sovereignty relies on the prohibition and punishment of acts using intermittent, negative, and repressive forms of power. Discipline refers to a type of power akin to that Foucault had explored in his history of prisons, so the idea of police-power points to apparatuses of security that intervene to secure the efficient management of docile bodies. Governmentality, in contrast, refers to the way in which the modern state combines sovereignty and discipline with a type of power akin to that Foucault had analysed in his study of confession, so the idea of pastoral-power points to the entry into the public realm of the Christian notion of the shepherd tending the individual conscience by techniques such as self-examination and confession.

Whereas Foucault's study of discipline focused on "the objectivizing of the subject", his theory of governmentality gives more space to "the way a human being turns him – or herself – into a subject."²³ Whereas forms of discipline go to work on bodies, the concept of governmentality requires us to pay more attention to the way in which the consciousness of the subject develops only under the influence of a social context. As Foucault said, his final work explores a modern form of power that "cannot be exercised without knowing the inside of people's minds, without exploring their souls."²⁴ No doubt, as Foucault often suggested, pastoral-power can understand, manipulate, and so control consciousness in a way that mirrors the impact of discipline on the body. As Foucault also recognises, however, we can not understand pastoral-power solely as a type of discipline or domination. Whereas biopower, the discipline of the body, can control the subject without his collusion, pastoral-power has to pass through the consciousness of the subject, and, in doing so, it necessarily creates a basis for resistance. Indeed, we loosely can identify discipline with violence and pastoral-power

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25 Foucault, *The Subject and Power*, p. 220.

26 *Ibid.*, p. 220.

27 *Ibid.*, p. 221.

28 *Ibid.*, p. 221.

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with power as influence. Here violence controls people by acting directly and immediately upon their bodies. It is the form of power associated with sovereignty and discipline. Laws, rules, and norms are set up, and people who infringe them are punished with violence - beaten, incarcerated, and the like. Violence might confront resistance, but it can not allow resistance since it operates by dominating, by forcing others to conform: "if it [violence] comes up against any resistance it has no other option but to try to minimize it."²⁵ Pastoral-power, in contrast, must flow through the consciousness of the other in such a way that the other internalises the relevant laws, rules, and norms so as to regulate himself. It must operate not as a direct, immediate form of domination, but rather as a type of influence; and because it must work by convincing the other of the rightness of certain acts, it must treat the other "to the very end as a person who acts."²⁶

Perhaps we might say, therefore, that power or pastoral-power recognises the value of the subject as an agent, whereas violence or discipline attempts to extinguish the capacity of the subject for agency. Although Foucault, of course, never describes things in quite these terms, he does come remarkably close to doing so. In particular, he defines violence, in contrast to power, as aiming at domination or as a physical constraint that denies the ability of the other to act: "where the determining factors saturate the whole there is no relationship of power," rather "it is a question of a physical relationship of constraint."²⁷ Similarly, he defines power, in contrast to violence, as able to come into play only where people have a capacity to act, perhaps even a capacity to act freely: "power is exercised over free subjects, and only insofar as they are free," by which "we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse compartments may be realized."²⁸ If we thus accept that power always treats the subject as an agent,

29 If we use the concept of power to indicate the impossibility of autonomy, as I think Foucault does, then we will say that because power is ubiquitous, it is morally neutral. See, for example, FOUCAULT, *Truth and Power*, p. 131-33. If, however, we use the concept of power to refer to a form of social influence that recognises the agency of the other, as I suggest Foucault also does, then we can make normative distinctions between power and things such as violence. There is nothing pernicious, therefore, in the fact that Foucault uses the term power ambiguously in an ethically neutral and also an ethically charged way. Contrast RORTY, R. *Moral Identity and Private Autonomy*. In: Canguilhem, G. ed. *Michel Foucault Philosophe: Rencontre Internationale Paris, 9, 10, 11 Janvier 1988*. Paris: Seuil, 1989. p. 388.

30 FOUCAULT, *Ethic of Care*, p. 18.

whereas violence always attempts to extinguish the capacity of the subject for agency, we can see why Foucault's later work on power emphasises that power, unlike violence, necessarily entails a capacity for resistance. To treat someone as an agent, one has to recognise that they can do other than one wishes - they can resist one.

Power can exist only where people have a capacity to act freely, and so only where they can resist that power. Perhaps, therefore, we should define as violent any relationship - whether overtly violent or not - in which an individual has his action determined for him. Violence manifests itself in any relationship between individuals, groups, or societies, in which one denies the agency of the other by seeking to define for them actions they must perform. Power, in contrast, appears in any relationship - although no overtly violent relationship could meet the following requirement - in which an individual does not have his action determined for him. Power manifests itself whenever individuals, groups, or societies, act as influences on the agency of the subject without attempting to determine the particular actions the subject performs. Here a rejection of autonomy implies that power is ineliminable, while a defence of agency implies that power need not degenerate into violence. Foucault's final work on the nature of governmentality suggests, therefore, that society need not consist solely of the forms of discipline he had analysed earlier. Society might include an arena in which free individuals attempt only to influence one another.

I hope my discussion of Foucault's theory of governmentality has pointed to the way in which a distinction between violence and power might provide us with normative resources for social criticism absent from his earlier work. Provided we are willing to grant that the capacity for agency has ethical value - and this seems reasonable enough - we will denounce violent social relations and champion instead a society based on a more benign power.²⁹ We will favour forms of power that recognise the other as an agent, and so provide openings for resistance. As Foucault suggested, we will judge societies against an ideal of "a minimum of domination."³⁰ A good society must recognise people as

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31 See, in particular, the essays collected in Diamond I.; Quinby, L. eds. *Feminism and Foucault: Reflections on Resistance*. Boston: Northeastern University Press, 1988.

32 FOUCAULT, *Ethic of Care*, p. 20.

33 FOUCAULT, *History of Sexuality*, v. 1. Here Foucault can seem to be following a number of New Left thinkers, most notably MARCUSE, H. Repressive Tolerance. In: Wolff, R.; Moore Jr, B., eds. *A Critique of Pure Tolerance*. Boston: Beacon Press, 1965. p. 81-117. What distinguishes Foucault from these other thinkers is, however, his - I think admirable - refusal to postulate a given human nature to be liberated from repression.

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agents: it must encourage forms of resistance. What is more, of course, if we are to recognise people as agents and encourage forms of resistance, we must tolerate, perhaps even promote, difference. Most discussions of the sort of ethics post-structuralism might sustain, especially in relation to feminism, highlight the ideas of a recognition of the other and a tolerance of difference.³¹ What I hope I have added to these discussions is the suggestion that one way of generating these values is to treat Foucault's concept of governmentality as implying a recognition of the subject as an agent but not an autonomous agent. No doubt important questions remain to be answered. Questions such as: can we devise criteria by which to determine the extent of violence within a society? how should we promote resistance? and can we make further relevant distinctions between forms of violence or even between forms of power? It seems clear already, however, that Foucault provides us with a point of departure from which to address these questions. His concept of governmentality encourages us to look at social formations to see how they provide possibilities for agency and resistance understood as key forms of human freedom. As he himself said, "the notion of governmentality allows one, I believe, to set off the freedom of the subject and the relationship to others, i.e., that which constitutes the very matter of ethics."³²

ETHICS AS A CRITIQUE OF MORALITY

A key question raised by my account of a composed Foucault's concept of governmentality is: what constitutes a worthwhile form of agency? To appreciate just how vital this question now has become for us, we need only to recall the strength of Foucault's critique of the normalizing effect of modern power. Modern power is not violent since it passes through the consciousness of the individual in a way that entails a recognition of the other as an agent. Nonetheless, Foucault consistently argues that individuals in modern society typically use their agency only to regulate themselves in accord with social norms.³³ Far from resisting the normalizing effects of power, they act so as to promote them. Moreover, Foucault clearly regards this as a bad thing, complaining, in particular, of the state having taken over the techniques of pastoral-power. Sometimes his distaste for the normalizing effects of mod-

34 FOUCAULT, *The Subject and Power*, p. 216.

35 FOUCAULT, M. *History of Sexuality*. v. 2. *The Use of Pleasure* & v. 3: *The Care of the Self*.

ern power even leads him to imply it is worse – more damaging – than overt violence. After all, violence is at least visible and honest, whereas modern power renders us insipid and uniform while pretending to liberate our true, inner selves. Power might be preferable to violence in that it recognises the other as an agent, but if the strength of modern power is such that the other uses his agency only to normalize himself, then perhaps we should prefer an honest violence to a deceitful power. It is this possibility that gives urgency to the question of what constitutes a worthwhile form of agency. We need forms of agency that resist not only the overt violence so often associated with the state, but, at least as importantly, the normalizing effects of a pastoral-power taken over by the modern state. As Foucault insisted, “the political, social, philosophical problem of our days is not to try to liberate the individual from the state, and from the state’s institutions, but to liberate us both from the state and from the type of individualization which is linked to the state.”³⁴ His work on an ethic of care for the self provides us with suggestions as to the types of resistance we need to develop in order to sustain such liberation.

Foucault distinguished here between morality and ethics. Morality refers to sets of rules that specify what individuals should or should not do. Ethics, in contrast, refers to the ways in which individuals conduct themselves in relation to such sets of rules. Whereas a morality seeks to impose certain requirements and restrictions on the individual, an ethic constitutes a practice through which an individual can negotiate his relationship to such requirements and restrictions. To define an ethic, therefore, we have to describe an orientation towards a set of rules, rather than a set of rules as such. Foucault developed his distinction between ethics and morality by equating the former with Ancient Greece and the later with Hellenic Rome.³⁵ Although the thought and practices of classical Greece included codes of conduct, the emphasis fell not on these codes, but on personal style as manifested in the creative interpretation of these codes. Thus, Ancient Greece provided the individual with considerable freedom in relation to social norms: its morality consisted of a loose set of rules, an open system of laws, that individuals could develop in a variety of ways through their

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36 FOUCAULT, *Aesthetics of Existence*, p. 49.

37 Contrast RORTY, *Moral Identity*, p. 390; and, more generally, Rorty, R. *Contingency, Irony, and Solidarity*. Cambridge: Cambridge University Press, 1989.

38 “Liberty is the ontological condition of ethics. But ethics is the deliberate form taken by liberty.” FOUCAULT, *Ethic of Care*, p. 4.

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own ethical behaviour. In systems such as that of classical Greece, morality provides a flexible setting in which one is free to develop one's own "ethic of existence," and so "to affirm one's liberty" by giving "one's own life a certain form."³⁶ This ethical orientation of the Greeks began to give way to the stern morality of today in Hellenic Rome. It was then that codes and rules came to be seen as more important than conduct and style. The individual lost any real latitude of interpretation with respect to codes of conduct. Today social norms no longer constitute a loose framework that we interpret through our ethical conduct. They stand rather as rules, imposed on us from outside – rules we must obey if we are to avoid punishment – and this means we have lost all real freedom in relation to the morality by which we are governed.

Clearly Foucault's distinction between ethics and morality reminds us that we can develop suitable forms of resistance only if we have the space in which to do so. In addition, however, it points to a need to move away from various things that scholars often take to be characteristic of modernity, including both a technocratic or utilitarian rationalism and a stress on the right as the domain of law, towards things such as an emphasis on the art of living or the good as a type of ethical conduct. To say this is not to distinguish a public realm governed by law or morality from a private, poetic realm of ethical conduct. On the contrary, it is to insist on the centrality of ethical conduct in the public, as well as private, sphere.³⁷ Morality, in any sphere, represents a set of imposed rules, to follow which is not truly to exercise one's agency, not to be free, but only to regulate oneself. Agency and freedom really appear only when we question moral rules by interpreting them creatively in an ethics, although equally we can develop an ethics only because we possess a capacity for agency and freedom.³⁸ We are agents, but we exercise our agency properly only when we resist the pressures of normalization by challenging a morality through our personal, ethical conduct.

39 Ibid., p. 11.

40 "The critical ontology of ourselves has to be considered as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them." FOUCAULT, M. What is Enlightenment? In: *The Foucault Reader*, ed. by RABINOW, P. Harmondsworth: Penguin Books, 1984. p. 50.

41 For the ensuing criticisms, see especially HABERMAS, *Philosophical Discourse of Modernity*, partic. p. 266-93. Also see, for the first one, WOLIN, R. Foucault's Aesthetic Decisionism. *Telos*, n. 67, p. 71-86, 1986; and, for the second one, Hiley, D. Foucault and the Question of Enlightenment". *Philosophy and Social Criticism*, n. 11, p.63-84, 1985.

Foucault unpacked the idea of ethical conduct – the form of agency that resists normalization - in terms of a certain aesthetic relation to self. Ethical conduct consists of a relation to self such that one devises a personal style to enhance one’s beauty and pleasure in life. From my point of view, the key idea here is of ethics as a questioning activity. Foucault’s idea of an aesthetics of existence suggests that we use our agency so as to resist normalizing pressures when we question the limits of the traditions and practices we inherit. He rejects autonomy by refusing to assume that we can pose such questions from any sort of genuine, pre-social human nature. But he defends agency by recognising the value of our questioning the norms we inherit from the position we happen to occupy. Although we are not autonomous beings able to discover ourselves or to reach a neutral standpoint, we are agents capable of producing ourselves and of questioning any received standpoint. Thus, the freedom we attain in ethical conduct is not a liberation of a true self from all social influences, but rather an ability to modify ourselves in the context of the social influences at work on us. As Foucault said, the subject “constitutes himself in an active fashion, by the practices of the self,” but these practices are “not something that the individual invents by himself.”³⁹ As agents, we can draw on the resources society makes available to us to question received norms. We escape the normalizing effects of modern power by exploring limits to authorised forms of subjectivity – by questioning our inheritance – and thus developing an ethics of conduct informed by our personal style. This is why Foucault argues that we are free in so far as we adopt the ethos of enlightenment as permanent critique.⁴⁰ This is why we assert our capacity for freedom by producing ourselves as works of art.

I have suggested that we see Foucault’s concept of an aesthetics of existence as an assertion of the importance of using our capacity for agency to question all received identities. If we read Foucault in this way, we can rescue him, at least to some extent, from the two criticisms raised most often against his ethics.⁴¹ The first criticism is that his emphasis on aesthetic self-production privileges the experience of a bohemian elite. Sometimes Foucault really does seem to fetishise the aesthetic practices of the dandy, as when he uses the work of Bataille to fill out his concept of transgression, or equates his ethic with the practice of Baudelaire.⁴² Nonetheless, if we unpack his concept of an aesthetics of existence not as a stylized art-form, but as the

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42 See respectively FOUCAULT, M. A Preface to Transgression. In: *Language, Counter-Memory*. p. 29-52; and FOUCAULT, *What is Enlightenment?*

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use of one's agency to question social norms, then we can push such dandyism to the margins of his position. His central position here would be that we should question established identities and norms so as to produce ourselves through our conduct. The fact that he uses the word "aesthetic" has little significance. It expresses little more than a concern to avoid the conventional terms of moral debate with their problematic relationship to both the idea of autonomy and a focus on rules not conduct. It expresses a conviction that we can question identities and norms only from our particular location, not a neutral one, and only to create ourselves, not to discover ourselves. There is, of course, no doubt that social structures provide different groups with different opportunities for agency – and Foucault does not pay sufficient attention to the critical force of the idea of equality of opportunity – but this does not mean that resistance must be aesthetic in the usual sense of that term.

The second criticism of Foucault's ethics is that it privileges a narcissistic relationship to self over social relations. Here too Foucault's entanglement with dandyism lends real credence to his critics. Once again, however, if we unpack his concept of an aesthetics of existence in terms of the questioning of social norms, we can push dandyism to the margins of his position. His central position here would be that we should be free to join, or stand apart from, struggles made on behalf of any collective to which we are supposed to belong; we should be free to reject all imposed identities. We can enter into social relations to pursue co-operative endeavours, but it matters that we should decide, critically and for ourselves, whether or not we wish to be part of any particular co-operative endeavour. We can work together for shared ends, but we should do so in accord with identities we have produced for ourselves, not ones others have defined for us. The fact that Foucault emphasises the relation to self, not the relation to others, expresses perhaps little more than his suspicion of all prescribed identities. It expresses his concern to avoid conventional languages of social action with their representation of certain identities – class, gender, race, nationality – as in some sense natural or privileged.

43 FOUCAULT, *What is Enlightenment?* p. 46.

44 FOUCAULT, *Aesthetics of Existence*, p. 49.

45 Compare, for example, CONNOLLY, W. *Beyond Good and Evil: The Ethical Sensibility of Michel Foucault*. *Political Theory*, n. 21, p. 365-89; 1993. and THIELE, L. *The Agony of Politics: The Nietzschean Roots of Foucault's Thought*. *American Political Science Review*, n. 84, p. 907-25, 1990.

46 FOUCAULT, *Aesthetics of Existence*, p. 310-12.

I hope my discussion of Foucault's ethic of care for the self has suggested how an analysis of different forms of agency or resistance might provide us with normative resources for a type of social criticism absent from his earlier work. Here Foucault's work encourages us to identify, and to place value upon, forms of agency that resist the normalizing effects of modern power. We will want agents to produce themselves by critically interrogating social norms and given identities so as to develop their own personal style. We will want them to "give new impetus" to "the undefined work of freedom" by separating out "from the contingency that has made us what we are, the possibility of no longer being, doing or thinking what we are, do or think."⁴³ What is more, of course, if we are to encourage people to produce themselves in this way, we must ensure that norms and identities come across less as a fixed set of categories than as a flexible framework to be explored and challenged. A good society must look to ethical conduct more than to any given moral system. It must resemble ancient Greece more than Hellenic Rome (at least as Foucault describes them) since ethical conduct can thrive only in the "absence of morality" understood as universal rules.⁴⁴ Several discussions of the sort of ethics post-structuralism might sustain highlight the ideas of a permanent critique of given identities and a shift from rules to conduct.⁴⁵ What I hope I have added to these discussions is the suggestion that one way of defending these values is to treat Foucault's ethic of care for the self as an analysis of the types of agency by which we can resist the normalizing effects of modern power. No doubt important questions remain to be answered. Questions such as: to what extent can we do away with morality in favour of ethics? how can we encourage people to produce, not regulate, themselves? and should we distinguish between types of ethical conduct? Although a composed Foucault provides a point of departure from which to address such questions, his work is unlikely

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47 DUMM, T. *Michel Foucault and the Politics of Freedom*. Thousand Oaks: Sage, 1996; SIMON, J. *Foucault and the Political*. London: Routledge, 1995; and HALPERIN, D. *Saint Foucault: Toward a Gay Hagiography*. New York: Oxford University Press, 1995.

48 Foucault explains:

Transgression does not seek to oppose one thing to another, nor does it achieve its purpose through mockery or by upsetting the solidity of foundations... Its role is to measure the excessive distance that it opens at the heart of the limit and to trace the flashing line that causes that limit to arise. Transgression contains nothing negative, but it affirms limited being - affirms the limitlessness into which it leaps as it opens this zone of existence for the first time. But correspondingly, this affirmation contains nothing positive: no content can bind it, since, by definition, no limit can possibly restrict it.

FOUCAULT, *Preface to Transgression*, p. 35-6.

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to provide answers to them. The problem here is that he tried only to show “how social mechanisms up to now have been able to work,” and to leave “to the people themselves... the choice of their own existence”; he deliberately avoided saying “what people ought to be, what they ought to do.”⁴⁶ Surely, however, we should say something about the choices people might make. Even if we should avoid any morality that prescribes what people must be, we should evoke a flexible framework in which they can make their choices, a flexible framework that excludes some forms of conduct – wife-beating, Nazism, etc. – from the category of the ethical.

A COMPOSED FOUCAULT

The problems of using Foucault to help us to distinguish between types of conduct takes me back to the contrast between a composed and excitable Foucault. To conclude, I want briefly to consider the import of reading Foucault as I have done. If we are to adopt the position here associated with a composed Foucault, we might have to accept the loss of some of the seductive excesses commentators often highlight in his ethic. Any loss would centre on the concept of transgression. Recently scholars such as Thomas Dumm and Jon Simon have unpacked Foucault’s idea of freedom by reference to that of transgression in a way that complements the emerging account of Foucault as a gay saint defending heterodox bodily practices.⁴⁷ Here the recognition of the impossibility of closure, together with the perceived need to avoid appealing to either the subject or moral rules, leads to the promotion of transgressions as the only remaining sites for moments of freedom. Thus, freedom comes to consist in breaking limits that themselves change in part because of the ways in which they are broken. To act ethically is to be excessive, to transgress current rules of behaviour.⁴⁸

Although there is something seductive and appealing about such a defence of transient rebellion devoid of positive content, there are also clear problems with it. For a start, subjects presumably could not transgress all social rules if they were mere products of regimes of power/knowledge. Yet if subjects are able to transgress because they possess a capacity for innovation, then surely freedom

⁴⁹ See, for example, Kateb, G. *The Inner Ocean: Individualism and Democratic Culture*. Ithaca: Cornell University Press, 1992; and FLATHMANN, R. *Wilful Liberalism: Voluntarism and Individuality in Political Theory and Practice*. Ithaca: Cornell University Press, 1992.

should be tied primarily to this capacity and only indirectly to the transgressions that express it. In addition, there seems to be no reason why we should value transgression, for, as many critics argue, the excitable Foucault appears to leave himself no grounds on which to build an ethic. Finally, we surely can not accept that all behaviour contrary to existing norms should be regarded as ethical. Yet once we evoke grounds for distinguishing good and bad transgressions, then transgression itself is unlikely to remain the cornerstone of our theory of freedom.

If we are to avoid these problems, we need to work with a composed Foucault. To explain the possibility of transgression, we need to introduce the capacity for agency. To explain the value of transgression, we need to portray it as an expression of agency in a world where the impact of a normalizing power makes agency highly vulnerable to various forms of distortion. And to distinguish good transgressions from bad we need to appeal to the impact different actions have on the space for agency left to others. Even if such a composed reading of Foucault lacks some of the excitement of others, that seems a small price to pay for the advantage of a noticeably more coherent and defensible ethic.

Perhaps, however, the loss of excitement need not be so great. Certainly a composed Foucault still provides, as we have seen, a trenchant criticism of modernity and liberalism, for even liberals who confront Foucauldian themes sympathetically still often retain a concept of autonomy or, at the very least, fail to allow sufficiently for the fragility of agency when confronted by normalizing power.⁴⁹ Moreover, a composed Foucault retains a powerful concern with transgression and heterodox bodily practices. A recognition of the value of agency and the way it is denied by violence and corroded by power leads to a concern that individuals should explore and challenge social rules through their conduct. Quite how much of the seductive excess of Foucault's work we will retain depends, however, on the answers we give to questions such as: how strong is the normalizing effect of modern power? what moral rules do we need to protect the space for agency of others? and what distinctions should we make between types of ethical conduct? What I have emphasised is the importance of approaching all these questions, and other Foucauldian themes, in the context of a denial of autonomy and affirmation of agency. We can retain much of the seductive

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50 See respectively CANQUILHEM, G. *On Histoire de la Folie as an Event*, trans. Hobart, A. *Critical Inquiry*, n. 21, 1995, partic. p. 285-286; GUTTING, G. *Michel Foucault's Archaeology of Scientific Reason*. Cambridge: Cambridge University Press, 1989.; and DREYFUS; RABINOW. *Michel Foucault*.

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charm of Foucault's work on governmentality, an ethic of care for the self, and transgression; but, if we are to avoid various well-known aporias, confusions, and ambiguities in his work, we need to do so in the context of a particular concept of the subject; we need to accept that acts of transgression are valuable not so much in themselves as because they embody a capacity for agency.

Although I have been concerned to use Foucault rather than interpret him, the notion of a composed Foucault most apparent in his final work points us towards a particular view of his intellectual development. Certainly much of his work does not fit my composed reading: his work up until *Discipline and Punish*, with its extreme hostility to the subject, scarcely fits at all, and even his final work contains passages that do not fit well. If we ignore the ambiguities in his final work, however, we will find my composed reading

51 On continuity, see FLYNN, T. Foucault as Parrhesiast: His Last Course at the College de France. In: BERNAUER; RASMUSSEN, eds.

52 This essay first appeared in *Political Theory*, n. 27, p. 65-84, 1999.

