Distribution Agreement

In presenting this thesis or dissertation as a partial fulfillment of the requirements for an advanced degree from Emory University, I hereby grant to Emory University and its agents the non-exclusive license to archive, make accessible, and display my thesis or dissertation in whole or in part in all forms of media, now or hereafter known, including display on the world wide web. I understand that I may select some access restrictions as part of the online submission of this thesis or dissertation. I retain all ownership rights to the copyright of the thesis or dissertation. I also retain the right to use in future works (such as articles or books) all or part of this thesis or dissertation.

Signature:

______________________________ _______________

A. Özgür Gürsoy Date

Experience without Subject: Rule-Governed Practices and the Possibility of Critical Historiography in Foucault

By

A. Özgür Gürsoy
Doctor of Philosophy

Philosophy

____
Thomas R. Flynn, Ph.D.
Advisor

____
Geoffrey Bennington, Ph. D.
Committee Member

____
Michael Sullivan, Ph.D.
Committee Member

____
Lynne Huffer, Ph.D.
Committee Member

____
Mark Risjord, Ph.D.
Committee Member

Accepted:

____
Lisa A. Tedesco, Ph.D.
Dean of the Graduate School

____
Date

Experience without Subject: Rule-Governed Practices and the Possibility of Critical Historiography in Foucault

By

A. Özgür Gürsoy

B.A., Trent University, 2000

Advisor: Thomas R. Flynn, Ph.D.

An abstract of

A dissertation submitted to the Faculty of The James T. Laney School of Graduate Studies of Emory University

in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

in Philosophy

2010

Abstract

Experience without Subject: Rule-Governed Practices and the Possibility of Critical Historiography in Foucault

By A. Özgür Gürsoy

In this study I propose to articulate a concept of experience according to which it is already *limit*-experience, where "limit" and "experience" are understood in terms of rule-governed and spatio-temporally indexed practices criterial for both cognitive and practical interactions with ourselves and with the world. Moreover, I propose to locate this concept in the historiography of Foucault and construct its dimensions using Foucauldian conceptual tools. Finally, I discuss Foucault's division of his "methodologies" over the course of his trajectory, avoiding their strict separation—as archaeology, genealogy, and problematization—in favor of their articulation in terms of discursive and nondiscursive practices, where "articulation" stands for neither a purely linguistic, nor logical, nor even causal relation, but traces the contours of an ensemble of historically constitutive and therefore criterial practices. I want to call *that* "genealogy". I then situate this Foucauldian conception with respect to a number of powerful objections I reconstruct on the basis of texts by Habermas, Derrida, Merleau-Ponty and Adorno. I claim that the objections gain their motivation and strength from the constitutive divide between the transcendental and the empirical. Against this position, and at times against the grain of some of Foucault's own formulations, a more faithful characterization of Foucault's trajectory is not so much the conversion into the domain of contingency and particularity of what would otherwise be necessary and universal conditions—historicizing the transcendental—as it is *giving up* the transcendental in the forms it has taken since Kant, and pressing the consequences of this abandonment for a reflection on history, and by extension subjectivity. The result is a problematic and problematizing notion of critique: Foucault's giving up of the transcendental standpoint is *not* a repudiation of reflection; it is rather motivated by the conviction that the moment of self-relation entailed by reflection cannot be anchored in any unreflected given. It therefore has more critical force than an argument which would transcendentally secure the legitimacy of cognitive and normative exclusion by "demonstrating" the irrationality of those who are so excluded, without accounting for the constitutive role our social sanctions play in their very creation.

Experience without Subject: Rule-Governed Practices and the Possibility of Critical Historiography in Foucault

By

A. Özgür Gürsoy

B.A., Trent University, 2000

Advisor: Thomas R. Flynn

A dissertation submitted to the Faculty of The James T. Laney School of Graduate Studies of Emory University

in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

in Philosophy

2010

Acknowledgement

A dissertation is probably too small an achievement to merit acknowledgement. But the effort sustaining the present study has been long and solitary; and so I would like to give thanks to those who have accompanied me: Tom Flynn, for the unwavering support, infinite credit and care he has given me; Geoffrey Bennington, Michael Sullivan, Lynne Huffer, and Mark Risjord, for the interest they have taken in my project and for the generosity with which they offered their time, even on short notice. And even our disagreements have shaped my thinking by the exemplary models they have set up for me, as I tried to find the proper voice for its expression. Stephen Farrelly, Ericka Tucker and Peter Milne, for their friendship on days when I needed it most; Camila Aschner, for never failing to surprise me and for the "beautiful monsters" to which she has introduced me; Mehmet, Aysel and Övünç, for being something like my constellation through rain or shine.

Table of Contents

Introduction ... 1

1. From the Theater of Ideas to the Black Box Emitting Sentences ... 20

1.1 Justification: Transcendental or Historical? ... 24

1.11 Dependence of the Subject ... 26

1.12 Independence of the Subject ... 30

1.2 Phenomenology, or How Do I *Simply Look On*? ... 49

1.21 We Think, Therefore I Am Not ... 53

1.22 Seeing Things (Disappear) ... 63

2. Giving Up the Transcendental: Critical *and* Empirical Discourse? ... 76

2.1 Analytic of Finitude: Kant and the Order of Things ... 80

2.11 What is an empirico-transcendental double? ... 82

2.12 Rights vs. Facts of Knowledge ... 96

2.2 Conditions of Possibility vs. Conditions of Existence ... 109

2.21 Logos in Archaeology. ... 111

2.22 Criteria, Rules, and Tribes ... 117

3. Reasons, Causes, Madness: The Articulation of Discursive and Nondiscursive Practices. ... 133

3.1 Madness in the First Person ... 137

3.11 Mental Illness: Explanation or Description? ... 138

3.12 How *Fundamental* Is Experience? ... 147

3.2 Madness in the Third Person ... 156

3.21 Habermas and the Transcendental Site Where We Meet ... 157

3.22 Derrida and What We Mean When We Say “Lock Them Up!” ... 172

4. Experience of Freedom: Speaking for Oneself. 185

4.1 Talking Sex 187

4.11 The Body and its Sexuality 188

4.12 A *Critical* Ontology? 193

4.2 Am I Free Not to Take Up a Standpoint? 214

4.21 Subjects without Experience 216

4.22 Subjects, Objects, and Mere Plants 234

Limit-Experience: Hegel (without the Absolute) Again? 254

Bibliography 285

List of Abbreviations:

AK *Archaeology of Knowledge*

BC *The Birth of the Clinic*

DE *Dits et écrits: 1954-1988, vols. 1-4*

DP *Discipline and Punish*

EW *Essential Works of Foucault, 1954-1984, vols. 1-3*

FF *The Final Foucault: Interviews, 1966-1984*

FL *Foucault Live*

FR *Foucault Reader*

HM *History of Madness*

HS *History of Sexuality, vol. 1*

HDS *Herméneutique du sujet: Cours au Collège de France (1981-1982)*

IKA *Introduction to Kant's Anthropology*

MF *Michel Foucault: Beyond Structuralism and Hermeneutics, Hubert L. Dreyfus and Paul Rabinow.*

OD *The Order of Discourse*

OT *The Order of Things*

PK *Power/Knowledge: Selected Interviews and Other Writings*

PPC *Politics Philosophy Culture: Interviews and Other Writings, 1977-84*

UP *The Use of Pleasure, vol. 2 of The History of Sexuality*

Note on translations:

I use the English translations of Foucault's works when available and indicate the cases when I modify the translation. I have retained some references to the French originals of *History of Madness*, *Discipline and Punish*, and *The Use of Pleasure*, which are indicated as *HMfr*, *DPfr*, and *UPfr*, respectively. In the case of *L'ordre du discours* (Gallimard, 1971), I use *The Order of Discourse* as its title, but I have retained the page numbers of the English translation by A. M. Sheridan Smith, appended to the *Archaeology of Knowledge*. I use his translation, except when I indicate otherwise.

Introduction

I cannot resist mentioning a scene first narrated to me some years ago. A program for the BBC brings together Searl and Vattimo and, after some discussion, it is clear that they are not seeing the same things, hearing the same problems, or even speaking the same language (in more senses than one). Searle, in order to establish some common starting point, proposes that they talk about inner experience and says: "I have an experience of pain on my back." To which Vattimo, in his Italian accent, responds: "*That's* your inner experience? I pity you!" which, as one might expect, leaves Searle even more mystified.

This scene always makes me laugh, and the following pages contain in part the effort to understand that laughter, that pity, and that mystery (or the absence of mystery). The experience of pain on one's back, as Wittgenstein certainly felt, may be as strange, and as ordinary and mundane, as the experience of madness. These are the starting and ending points of the following study. What then lies in between?

Experience is the word I use when my justifications come to an end and my reasons give out, as Wittgenstein might say. But it is also the word on which I fall when every other word fails me, as if it possesses something indubitable, which moreover would be immediately accessible to me—the ultimate ground. It is no wonder, then, that it has been taken up in a number of not entirely consistent ways, as when one refers to: this patch of white, this paper, this fire, my body; or when Nancy beautifully writes:

> [A]ccording to the origin of the word "experience" in *peirā* and in *ex-periri*, experience is an attempt executed without reserve, given over to the *peril* of its own lack of foundation and security in this "object" of which it is not the subject but instead the passion, exposed like the

> pirate (*peirātēs*) who freely tries his luck on the high seas. In a sense…freedom, to the extent that it is the thing itself of thinking, cannot be appropriated, but only "pirated": its "seizure" will always be illegitimate.[1]

I propose to articulate a concept of experience according to which it is already *limit*-experience, where "limit" and "experience" are understood in terms of rule-governed and spatio-temporally indexed practices criterial for both cognitive and practical interactions with ourselves and with the world. Moreover, I propose to locate this concept in the historiography of Foucault and construct its dimensions using the conceptual tools which can be found therein. Finally, I discuss Foucault's division of his "methodologies" over the course of his trajectory, avoiding their strict separation—as archaeology, genealogy, and problematization—in favor of their articulation in terms of discursive and nondiscursive practices, where "articulation" stands for neither a purely linguistic, nor logical, nor even causal relation, but traces the contours of an ensemble of historically constitutive and therefore criterial practices. I want to call *that* "genealogy".

It may appear, not without reason, that this is an unlikely site to excavate such a concept of experience. But in the introduction to one of the last texts that Foucault authorized for publication, he proposed the following explication of his project: "What I planned, therefore, was a history of the experience of sexuality, where experience is understood as the correlation between fields of knowledge, types of normativity, and forms of subjectivity in a particular culture" (UP, 4). According to this definition, analyzing sexuality as a historically singular experience entails an analysis of the three axes that constitute it. First, there is the formation of the sciences (*savoirs*) that refer to it as object; second, there are systems of power that regulate

---

[1] Jean-Luc Nancy, *The Experience of Freedom* (Stanford: Stanford University Press, 1993) p. 20

its practice; and finally, there are the forms within which individuals recognize themselves as subjects of this sexuality.

A little further in the text, Foucault specifies how such an analysis involves "the games of truth (*jeux de verité*) in their interplay with one another…their interaction with power relations…[and] in the relationship of self with self and the forming of oneself as a subject…" (UP, 6). If games of truth are the "rules according to which what a subject can say about certain things involves the question of truth or falsehood," (DE, 4:632) then it is possible to infer that sexuality as a singular experience is constituted by historically analyzable practices that involve three sets of rules: those which operate at the level of formation of discursive knowledge, those which operate at the level of the exercise of power, and those which determine the forms in and through which the subject constitutes itself.

Experience, then, is the correlation between knowledge, power, and what Foucault will call subjectivation. Even if we leave aside the nature of their interrelations, a problem emerges: is experience constituted or constitutive? The text warrants both readings to the extent to which Foucault says, in this particular context where the object of investigation is sexuality, "an 'experience' *came to be constituted* in modern Western societies, an experience that *caused individuals to recognize themselves as* subjects of a'sexuality'" (*UP*, 4; my italics). The inclusion of a reflexive moment ("recognize themselves as") amplifies this problematic status of experience, which Foucault is explicitly introducing as a concept that retrospectively characterizes the trajectory he has followed from the *History of Madness* on.[2]

[2] This intention is clearly expressed by the set of questions Foucault provides on p. 7: "…when he perceives himself to be mad; when he considers himself to be ill; when he conceives of himself as living, speaking, laboring being; when he judges and punishes himself as a criminal?"

The argumentative strategy I develop is motivated by a "counter-problem": Why do we take *that* to be a problem? In other words, what is the source of the necessity which compels us to seek a theoretical foundation, and distribute "experience" between what would be the transcendentally constitutive conditions and the empirical "conditioneds"? Therefore, I resist the temptation to regard Foucault's work as a cluster of empirical insights in search of their philosopher to organize and justify their historical content.

However, the form that resistance takes and the intelligibility it assumes are far from obvious and entail a number of risks. Specifically, it is not possible to articulate *with full conceptual determination* the standpoint which sustains that resistance, because it is, in some sense that will become clear only gradually throughout the present study, a disavowal of the very points which have a *categorial standing* in modernity. More specifically still, because it entails a complication of the separation into spheres of validity—cognitive truth, normative right, and aesthetic beauty—which are then distributed between the transcendental and the empirical.

If one yields to the temptation, the multiplicity of concepts Foucault marshals across his trajectory—episteme, historical a priori, discursive formation, archive, archaeology, games of truth, genealogy, regimes of truth, techniques of the self, problematization—are so many attempts to provide coherence to what remains one and the same passion: historicizing the transcendental.

Against this position, and at times against the grain of some of Foucault's own formulations, a more faithful characterization of Foucault's trajectory is not so much the conversion into the domain of contingency and particularity what would otherwise be necessary

and universal conditions—historicizing the transcendental—as if all one had to do were the addition of historical variability to transcendental frameworks or schemes; as it is *giving up* the transcendental in the forms it has taken since Kant, and pressing the consequences of this abandonment for a reflection on history, and by extension subjectivity. The following claim Foucault makes crystallizes both the necessity and the difficulty staked by this thesis: “The research that I am undertaking here therefore involves a project that is deliberately *both historical and critical*, in that it is concerned … with determining the *conditions of possibility* of medical experience in modern times…. Here as elsewhere, it is a study that sets out to uncover, *from within the density of discourse, the conditions of its history*” (BC, xix; modified, my italics).

Two tentative conclusions follow: first, the demonstration of the position I am formulating, namely, that Foucault’s philosophical/historical studies are motivated by and carry out the renunciation of the transcendental, demands that a sense be given to the ‘conditions of possibility’ talk that permeates his works and structures his thought; and second, the understanding so provided should account for both the historical and the critical dimensions without presupposing the confusion of the transcendental and the empirical Foucault excoriates in *The Order of Things*. The question is: Does Foucault need a version of the transcendental to ground what would then become his empirical/historical studies, or does he successfully manage to recast the transcendental theme through his non-subjective account of experience?

My argument proceeds in four stages.

First, because I take the apparent necessity of this question seriously—it is not simply a philosophical mistake we can shrug off at will—I trace two lines, running from Kant to Hegel and to Husserl, in order to understand the formation, the stakes and the different embodiments of

the transcendental theme. My interest is restricted to the juridical conception of "deduction" which Kant proposes in order to displace philosophical enquiry from knowledge of substance—the question of fact—to the self-knowledge of the *rights* by which a subject validates its *claims* to knowledge—question of right. I propose an interpretation of the transposition of this theme into the domain of history in Hegel's phenomenology; and I contrast that with Husserl's conception of evidence and transcendental subjectivity.

Second, I offer a reading of the "analytic of finitude," *as a critical argument* in *The Order of Things*, as offering not yet another transcendental or quasi-transcendental argument to the effect that the target epistemic moves are impossible *in principle*, but that we have good reasons to give up trying because they are no longer attractive; and that's because the endless oscillations they generate at best show us that they are not fruitful research programs, and at worst perpetuate a misrecognition of the practices they claim to ground. Therefore, I interpret what the extension of the "analytic" so described might be as not so much specific doctrines as determinate epistemic strategies. So, for instance, the reason why there are few if any logical positivists today is due not so much to its definitive refutation in its global goal and particular details, since there are programs that are sympathetic to and continue aspects of positivism; as it is to its repeated failure to provide the principle (of verification) which its method nevertheless requires.

Foucault's description, however, at times operates at too high an altitude for some of his criticisms to have bite—notwithstanding the brilliance of his "synthesis". Drawing on Paul Franks's discussion of German Idealism, the stakes of which he formulates in terms of the

Agrippan trilemma[3], I "schematize" the analytic of finitude. This enables me to provide a clearer account of why the figures Foucault describes must fail (and in what sense), and to further my account of why the transcendental theme has such a grip on us. According to the Agrippan skeptic, only one of three possible answers are available in response to a why-question: either it will be a brute assertion without a justification, in which case it is itself ungrounded, or it will raise another why-question, in which case it generates an infinite regress, or it will presuppose just what is at issue, in which case it is circular. Hence, the justificatory process triggered by a demand for reasons will either terminate arbitrarily or give rise to a viciously infinite regress or be circular. Unless an answer is available which circumvents this trilemma, our cognitive relation to the world will remain unsatisfied.

In terms of the constitutive divide between the transcendental and the empirical, it is possible to see why the modern attempts to find a satisfactory resolution of this predicament end up confusing the two or lapsing into either circularity or infinite regress. Within this field what counts as an adequate response must be capable of absolute grounding, i.e. it must terminate in an a priori principle from which the conditions for the possibility of all our claims will be derived but which will itself be unconditioned[4].

---

[3] Paul W. Franks, *All or Nothing: Systematicity, Transcendental Arguments and Skepticism in German Idealism*, (Cambridge, Mass.: Harvard University Press, 2005), passim. See in particular Chapter 1.

[4] Although discussions of the Agrippan trilemma tend to focus on the epistemological nature of the claims at issue (that is, reasons for belief), it extends to practical as well as ontic reasons (reasons for why I should do x and reasons for why something is what it is). Franks, *op. cit*., p. 19 The use of the term "ground" reflects that polyvalence. Moreover, Franks traces the demand that physical explanation be kept separate from metaphysical explanation to Leibniz and the success of modern scientific explanations in terms of physical causes alone. This leads to what he calls the "explanatory closure of the physical," the thesis that no nonphysical factors be allowed into explanation of natural phenomena. One consequence of this is a tension between the demands for absolute grounding and for the explanatory self-sufficiency of physical laws, since the latter cannot provide anything absolute. What is significant in this account for my purposes is the emergence of the constraints that a) the transcendental and the empirical must be rigorously kept apart, b) there must be absolute grounding escaping the trilemma, c) nothing empirical can count

The analytic of finitude may then be reformulated as tracing out the epistemic field governed by the structure of this demand. There must be a single absolute first principle to stop the regress of conditions generated by reflection on what makes experience in general possible. However, this principle cannot be homogenous with what it conditions, since it would then be subject to the same conditions as the series it conditions, which is to say that it would no longer be unconditioned. Hence the empirical cannot be grounded on itself.

If, on the other hand, the absolute principle is heterogeneous with what it conditions, then it either is immanent in the series (of conditions) or transcends it. If it is the former, then it is a part of the whole, and hence subject to its law, while somehow standing outside it. Therefore, the only principle that will satisfy the demand for absolute grounding, thereby skirting the Agrippan skeptic, is one which is heterogeneous with and transcending the empirical. Since, however, the principle thus invoked cannot be transcendent in the manner of pre-critical metaphysics, it can only be transcendental.

What this "schematic" rendering of the analytic of finitude entails is that the contradictory demand to keep the transcendental and the empirical from reciprocal contamination, while grounding the latter on the former, condemns the desire for epistemic—but also practical—satisfaction in advance to disappointment. It is in the light of this that the different reinscriptions of Kantian transcendental apperception ought to be perceived

I then draw on Wittgensteinian "grammar" in order to interpret the historical a priori as one possible response to this predicament. Wittgenstein's discussion of criteria, rules, and standards enables me not so much to justify as clarify Foucault's claim that "[historical a priori]

---

as absolute. The consequence is that the self-sufficiency of the empirical is both asserted and withdrawn, in which may be found a prefiguration of the confusions Foucault describes in the analytic of finitude.

is defined as the group of rules that characterize a discursive practice: but these rules are not imposed from the outside on the elements that they relate together; they are *caught up in the very things that they connect*; and if they are not modified with the least of them, they *modify them*, and *are transformed with them* into certain decisive thresholds" (AK, 127, my italics). Two puzzles are sometimes mutually illuminating when juxtaposed. Foucauldian rules, unlike transcendental conditions of possibility, are intimately bound with what they determine and they are capable of historical transformation; and unlike what is merely empirically given, they have the power to determine or modify what they condition.

The rules constituting the historical a priori are necessary, to the extent that they determine what counts as a reason, or a true-or-false statement; in short, what count as the *limits* of the world at a given time and for a particular group of people. But this a priori is at the same time utterly contingent, since the rules "are caught up in the very things that they connect," and are therefore spatially and temporally situated. I then formulate a response to a long standing objection to Foucault's account of rules of formation of discursive practice in terms of criteria and forms of life.

The classic development of this criticism is found in Dreyfus and Rabinow: "If rules that people sometimes follow account for what gets said, are these rules meant to be descriptive, so that we should say merely that people act *according to* them, or are they meant to be efficacious, so that we can say that speakers actually *follow* them;" but since Foucault's account claims to be both a pure description of discursive events (AK, 27) *and* prescriptive determination of

discourse, he locates "the productive power revealed by discursive practices in the regularity of these same practices. The result is the strange notion of regularities which regulate themselves."[5]

It is indeed strange that regularities should regulate themselves, but why? The objection relies on four interrelated claims: 1) One can provide *either* a description of regularities among statements, in which case the rules are invoked only to systematize and give coherence to phenomena; *or* one can give conditions of possibility governing (discursive) phenomena, in which case one must have some account of this *operation on* phenomena in terms of either objective causal laws or subjective norms. 2) One must be able to locate these rules *either* in the consciousness of the speakers (which they reflectively obey and follow) *or* in the objective world (which causes discursive behavior). 3) The only alternative to intentional and causal explanation is the structuralist one, which provides the formal rules of combination of a system of differential elements. 4) Foucault's account is committed to an *essential* separation of discursive from nondiscursive practices.

Against (1), (2) and (3), it should be observed that the alternatives listed are not exhaustive. Consider the case of the grammar of the language which a group of speakers uses. Here we have a set of rules that are descriptive *and* prescriptive: I can understand what an English speaker is saying *only if* I obey the rules of English. And that condition can be satisfied—is *in fact* satisfied—without my reflective awareness of the rules which I follow. And these rules *do not causally* determine what is actually said, at least not in a way captured by mechanical causality. Moreover, the rules governing the formation of statements in a given period, where what is at issue is not the *virtual possibilities* of combination of linguistic

---

[5] Dreyfus and Rabinow, *Michel Foucault, Beyond Structuralism and Hermeneutics*, (University of Chicago Press, 1983) pp. 81 and 84.

elements, but the determination of what constitutes something's falling under a concept—of what counts as something's being this or that kind of object—cannot be analyzed by means of the application of a formal system of rules. Hence it is not a question of structural analysis.

If, however, the charge is that Foucault's conflation of causally or normatively productive rules with the description of mere regularities hinges on his commitment to the explanatory *autonomy* of the discursive, then two claims follow: Either Foucault's insistence on the self-sufficiency and self-determination of the discursive in *The Archaeology of Knowledge* was an overstatement for which he had no justification, or his commitment to such autonomy was already qualified, which qualification he then developed explicitly in later works. I am indifferent between these alternatives in this study, since, in either case, my claim is that the account of rules operative in the definition of experience does not presuppose an irreducible separation in kind between the discursive and the nondiscursive, but brings to light their articulation on one another through the concept of practice.

Third, I offer a reading of the *History of Madness* in order to pursue the "analysis" of experience through rule-governed practices. This may seem like an odd choice: First, its language, and even methodology, are riddled with those of phenomenology and existentialism such as "sensibility," "perception," and "consciousness". Second, even to those who are sympathetic to a project inspired by Foucault, the work is reminiscent of romantic yearnings with its evocation of the primitive purity of madness that would finally speak for itself.

This assessment seems universal among readers of the book as different as Habermas and Derrida, even though it may be based on different reasons. It would then be a sign of progress when Foucault appears to distance himself from the book, which "accorded far too great a place,

and a very enigmatic one too, to what I called an 'experience,' thus showing to what extent one was still close to admitting an anonymous and general subject of history" (AK, 16, modified).[6]

But perhaps this exorcism of phenomenology and existentialism misses the mark, to the extent to which the "enigmatic" concept of experience structuring the *History of Madness* from one end to the other is not that of phenomenology (and probably never was). For here too Foucault uses the vocabulary of conditions of possibility: "In the reconstitution of this experience of madness, a history of the conditions of possibility of psychology wrote itself as though of its own accord" (HM, xxxiv). Moreover, there are three appeals to a "concrete a priori" at key points in the text where Foucault is describing the object of his investigation, one of which is:

> [A] madman is not recognized as such because an illness has pushed him to the margins of normality, but because our culture situates him at *the meeting point between the social decree of confinement and the juridical knowledge* that evaluates the responsibility of the individuals before the law. The 'positive' science of mental illness and the humanitarian sentiments that brought the mad back into the realm of the human were *only possible once that synthesis had been solidly established*. They could be said to form *the concrete a priori* of any psychopathology with scientific pretensions. (HM, 130, my italics)

What is at issue, then, is the articulation of a structure of experience (of madness) which is the condition for the possibility of the myriad ways in which a group of people at a given time and place, a "culture," objectifies madness. And this experience is understood in terms of practices that are both discursive and nondiscursive, as the summary invocation of institutions,

---

[6] See also his well-known identification (and repudiation) of "an explicit theme of *History of Madness*" as "what madness itself might be, in the form in which it presented itself to some primitive, fundamental, deaf, scarcely articulated experience" (*AK*, 47).

knowledge, and practice of confinement in this quotation attests. Furthermore, this structure of experience "is history through and through" (HM, xxxii).

The argumentative strategy I follow at this stage involves two steps, each corresponding to one of these questions. First, I focus on two moments of the history of madness Foucault writes, "the ship of fools" and "confinement," in order to delineate how different types of practices are "articulated" and what such spatial metaphors imply in terms of *explanatory power*. Drawing on texts that are commonly labeled genealogical in relation to the *History of Madness* clarifies what "power" is supposed to be or do in our understanding of phenomena. Second, I situate this account of rules in relation to what has been called the "space of reasons".

A number of significant objections leveled at Foucault provide the frame in which I propose to carry out the development of this aspect of rule-governed practices and defend their status. The defense, following the logic of the analytic of finitude and the Agrippan trilemma, involves two strategies: a) since it is not possible to place oneself explicitly outside the space of reasons without thereby (and implicitly) situating oneself inside it, I show how the concept of experience need not be construed in terms of the inside-outside logic, b) I claim that insistence on this dynamic as a transcendental requirement occludes dimensions of practices that become visible through a Foucauldian account.

Two exemplary challenges provide the occasion for (a) and (b). I claim that there is a symmetry between the objections which Derrida and Habermas present to Foucault, and by extension, to the concept of experience I formulate here. It results from their insistence that the transcendental standpoint must have primacy over the empirical one *by right*. Hence the necessarily oblique nature of the responses I advance: I cannot place myself outside the space of

reasons without thereby impugning my rights, since every right presupposes that one is always already placed inside reason's space. From this perspective, the space of confinement Foucault describes can only appear as a self-defeating criticism of reason in the name of a better reason. And since the figure of that "better reason," in Foucault's story, appears as *madness itself*, beyond the institutionalizing work of reason, Foucault's refusal to offer explicit justification for the standpoint from which *that* history can be written, or his refusal to refer the structure of exclusion to a quasi-transcendental (non-)principle of iteration, necessarily appears as either naivety or willful rebellion.

That necessity is what motivates the insistence of Habermas and Derrida. Against this perspective, I insist that Foucault's refusal is also motivated: the history of madness is simultaneously the history of reason. Therefore, if the *genesis* of the space of reasons is inextricably bound up with the spaces of confinement, the history of that genesis cannot be written from the transcendental standpoint alone. The genitive in "history of madness" should be understood both subjectively and objectively. But the subjective sense refers not to madness itself which would finally speak its primitive purity, but rather to the flipside of *the limits criterial for our own space of reasons*.

If the description of that entanglement necessarily appears as both subjective and objective, that necessity is inscribed not in eidetic or transcendental structures but is the result of historically situated antagonistic relations. Therefore, Foucault's articulation of experience as the matrix of context-bound, but no less constitutive, rules of formation is more attuned to the *historical singularity* of events and the *critical interrogation* of their conditions of emergence.

However, and this is the fourth stage, even if I am correct in claiming that the aim of Foucault's investigations is to bring to light the set of historically specific practices criterial for what counts as knowledge of objects and the proper treatment of subjects, there still remains the question of whether (and why) that should (or could) be called "experience". The question becomes more urgent since the works in which Foucault offers his most explicit definitions of experience are volumes two and three of *The History of Sexuality*, where what is at issue is "a history of the experience of sexuality," (*UP*, 4) but where almost everything Foucault says concerns what people have *said about* sexuality.

Compared with, for instance, Merleau-Ponty's acute and fine-grained descriptions of the lived experience of sexuality, Foucault is particularly vulnerable to criticism if it turns out that he is privileging discursive practices and, as a result, never saying anything except repeating what other people said about everything. Therefore, his account of subjectivity, and how it fits into his accounts of discursive and nondiscursive practices, needs further specification.

A more direct engagement with subjectivity is also required in order to explicate the critical import of Foucault's discourse to the extent to which, in modernity, criticism is motivated by, carried out in the name and grounded on the capacities of the subject, the fundamental one being its spontaneity. The question, bluntly, is: Am I free to give up the kind of reflection constitutive of modernity without thereby rendering freedom itself meaningless and impossible?

I propose to formulate my answers to these two questions through direct engagement with two thinkers, Merleau-Ponty and Adorno. A critical encounter with Merleau-Ponty is motivated by two main reasons: First, in the *Phenomenology of Perception* he thematizes the experience of sexuality in a section titled "The Body in its Sexual Being," and the preface to the

same work offers a succinct discussion of his appropriation of phenomenology. Second, his influence on the early Foucault is unmistakable, both in terminology and methodology.

On the other hand, Adorno, probably more than any other philosopher in the twentieth century—with the possible exception of Derrida—has been sensitive to the recoil of critique on the critic and lodged his thinking in the very space of that complicity between who criticizes and what is criticized. A critical encounter with a significant moment of his work, namely, the reciprocal mediation of subject and object, enables a sharper definition of whether Foucault can claim any sort of legitimacy and efficacy for his practice of history.

I argue that insistence on the fact of our embodiment which, paradoxically, cannot be reduced to any other fact, and which would provide a universal and necessary datum of any kind—ontological or epistemological—fails to grasp Foucault's appeal to "experience" at its proper register—or in any event, at the register where I situate it here. That insistence on the fact of our body as the site of the *universal and necessary experiences* of pain and pleasure, of desire and its frustration, and of hunger, thirst and death is motivated by, I believe, the view that the alternative is either a formalism about the virtues which makes ethics more rational than its actuality can support, or a relativism without recourse. And I want to claim that this insistence is mistaken, from a Foucauldian perspective, *not because* there is no such fact, *but because* it never performs the role this view would have it do.

If Foucault is right that, for instance, Greek antiquity made a very different problem of the appetites and their management, and consequently, did not take the gender of the partner to be a very significant element in their reflection on sexual ethics or hygiene, then it does not *explain* much of anything to refer to the "experience of homosexuality" in ancient Greece—for

there was none in a sense that is salient for modernity; nor does it *justify* what appropriate attitude we should have with respect to homosexuality.

In other words, the appeal to the universality and necessity of ground experiences, or of structures of embodied comportment, or again of the ontological framework subtending my corporeal existence, does not perform any epistemological role, and it does not provide any normative purchase. Therefore, Foucault's reconfiguration of experience in terms of discursive and nondiscursive practices cannot (should not) be taken as a prima facie reason for denying the right to call *that* experience. Nothing of the softness of a caress, the abrasion of a desire, or the intensity of hunger, is lost by referring experience to the conditions mediating the subject's self-relation.

Therefore, my claim is that an understanding of experience as the articulation of discursive and nondiscursive practices, where their articulation is neither a logical, nor linguistic, nor even causal determination, provides a more honest description of human action *precisely because* it refuses to read more rationality into it than is to be found. This articulation concerns rather "that less apparent syntax which causes words and things (next to and also opposite one another) to 'hold together'" (OT, xviii). I have tried to relate this "syntax" to Wittgenstein's "grammar". However, even though I argue against a transcendental reading of Wittgenstein, the opposite risk of that engagement is that critique may then appear only a matter of "this is how we go on"; and critical work would be restricted to the description of the moves "we" make in different language games, and if "they" do not move like us, then they are not one of us.

There are times when that may be all we can or even should say and do. At such times the Foucauldian rejoinder against strategies of exclusion is not to "cry normalization," but to insist

that we realize that *that* is what we are doing, and accept responsibility for the consequences. It therefore has more critical force than an argument which would transcendentally secure the legitimacy of that exclusion by "demonstrating" the irrationality of those who are so excluded, without accounting for the constitutive role our social sanctions play in their very creation. That insistence takes two forms: epistemic, which I discuss in terms of conditions of acceptability and conditions of predication; and normative, which I discuss in terms of power relations and their strategies. Demonstration, then, is complicit with the formation and exclusion of monsters, which does not entail that we would thereby be excused from making distinctions in order to collapse truth and falsehood, right and wrong, into a new night in which all cows are black.

Foucault's giving up of the transcendental standpoint is *not* a repudiation of reflection; it is rather motivated by the conviction that the moment of self-relation entailed by reflection cannot be anchored in any unreflected given. And that includes appeals to immediate intuition, or will, or power, where these are taken as merely given to thought from the outside. There is no unconditioned standpoint, transcendental or empirical, which would provide a refuge for thought outside of the practices constitutive of its forms. And that also implies the inseparability of the forms of thought from what is thought. Therefore, the abandonment of transcendental reflection is at the same time a radicalization of self-reflection.

Perpetual negativity without grounds? I want to say, rather, "back to the rough ground"[7]. In what follows, I try to understand why it is that we resist friction and to motivate the thought that we can only walk if there is friction. And so I provide not a philosophical foundation but a philosophical motivation for the "changing forms revealed by a kaleidoscope," which Borges

---

[7] Wittgenstein, *Philosophical Investigations*, fourth edition (Blackwell Publishing Ltd, 2009) § 107.

requires for his imaginary monsters, and which could just as well be "the slightly dusty archives of pain" that Foucault's histories are.[8]

[8] Jorge Luis Borges, *The Book of Imaginary Beings* (Penguin Classics, 2006) p. xv; Foucault, *HM*, p. xxxvi

> Inasmuchas the new true object issues from it, *this* dialectical *movement which consciousness exercises on itself and which affects both its knowledge and its object, is precisely what is called* experience. *(Hegel,* Phenomenology of Spirit.*)*

1. From the Theater of Ideas to the Black Box Emitting Sentences

In the context of his discussion of how epistemology came to be established as a foundational discipline, attempting to answer the question "how is our knowledge possible?", Richard Rorty claims that the term "experience" has become the epistemologists' name for their subject matter, "a name for the ensemble of Cartesian *cogitationes*, Lockean ideas."[9]This conception of experience, which is said to accompany philosophy-as-epistemology well into the twentieth century despite some modifications, is a philosophical term of art quite distinct from its sense in an expression like "experience on the job". Rorty's overall aim is to render such a conception of experience redundant by denying the coherence of the very problem for which it was intended as a solution.

According to the narrative Rorty constructs, the official self-understanding of philosophy as a discipline distinct from the sciences—as well as from other forms of cultural expression—with a privileged role in accounting for the structure of human knowledge and experience, arises from a number of "confusions": for instance, Locke is charged with having confused explanation with justification, whereas Kant is guilty of confusing predication with synthesis. However, there is an even more overarching confusion, or rather a misguided project, which makes the particular

---

[9] Richard Rorty, *Philosophy and the Mirror of Nature*, (Princeton: Princeton University Press, 1979) p.150

ones possible, *viz.*, the project to model all knowledge on sense perception, and more specifically, on ocular imagery: in short, knowing on seeing.

The fundamental Kantian distinction between concepts and intuitions as two irreducible *kinds* of representations in "inner space," Rorty claims, attests to the fact that Kant does not manage to break free of the Cartesian frame that spawns the conception of experience mentioned above. According to this conception, we are asked simply to *look at* this ensemble (of representations, ideas, impressions, etc.) and see that they fall into two basic kinds, those that are immediately given/presented to the mind and those that represent the activity of thought. However, if we follow Rorty's interpretation, we do not stumble upon such a distinction inevitably when we reflect on our experience, but rather we would not know what counted as "experience" unless we mastered that distinction in advance.

The upshot of the claim is that concepts/intuitions, just as ideas of reflection/ideas of sensation in Locke, and ideas/impressions in Hume, are terms that admit only contextual definitions; and that context in this case is a notion of experience as an "inner space" furnished with items whose causal relations appear problematic. However, this conception of experience in turn is constructed in response to a mistaken view about knowledge which confuses "knowing *that*" with "knowing *of*". And Rorty makes the following speculation about what the history of philosophy would have looked like, were it not for this confusion:

> If Kant had gone straight from the insight that "the singular proposition" is not to be identified with "the singularity of a presentation to sense"…to a view of knowledge as a relation between persons and propositions, he would not have needed the notion of "synthesis." He might have viewed a person *as a black box emitting sentences*, the justification for these emissions being found in his relation to his environment….The question "How is knowledge possible?" would then have resembled the question "How are telephones possible?" meaning something like "How can one build something which does that?" Physiological psychology, rather than

"epistemology," would then have seemed the only legitimate follow-up to the *De Anima* and the *Essay Concerning Human Understanding*.[10]

There are three interrelated points in this passage which constitute a challenge to any enquiry into the concept of experience other than through accepted scientific procedures. First, the statement "this table is black," say, is not to be understood as being presented with a black table, or having the idea or representation of a black table "in the mind"; that is, the judgment whereby I articulate my experience of a black table is not a matter of my mind simply *having* an idea of a black table—and this is the insight Rorty credits Kant. Second, this insight should lead us to think of knowledge not as a relation between a subject and an object, but rather as one between a subject and propositions. The former view remains captive to the misguided project of modeling knowledge on perception, and it misconstrues the paradigmatic case of a knowledge claim as "knowledge *of*"; whereas the latter shifts the "subject matter" of investigation to propositions and *justificatory* practices, that is, to "knowledge *that*". Third, as far as philosophical investigation is concerned, the subject might as well be a "black box emitting sentences," and the questions we might come to ask of this subject are not going to be of a fundamentally different order than the questions we might feel inclined to ask about telephones.

What is at stake in this shift from subjectivity as a theater of ideas to subjectivity as a black box, and how does it come about? What happens to "experience" when it is no longer conceived in terms of representation, but rather it finds its significance solely in the seamless web of sentences? Is it possible to say anything significant about what experience is like and how it is possible in a way that "both goes beyond common sense and yet avoids any need to mess about with neurons, or rats, or questionnaires"?[11]

---

[10] Ibid., p. 152 (My italics.)
[11] Ibid., p. 151

What follows in this chapter is an attempt to provide some answers to these questions through a discussion of what might tentatively be called the theories of experience in Kant, Hegel, and Husserl. It is clear that the writings of any one of these figures would require a separate study on its own in order to do justice to the complicated way in which they articulate what they take to be "experience" in relation to a host of other notions; and in order not to fall back on ready-made labels such as empiricism, rationalism, idealism, materialism. To avoid such pigeonholing as much as possible, and to keep the discussion focused, I will take the subject-object relation, and the role of experience in the imbrication of questions about subjectivity and objectivity, as a guiding thread. This discussion will in turn set the main parameters of the conceptual framework for its recasting through Foucauldian tools in the chapters that follow. Since it could be said that part of the strategy I follow in relation to Foucault's concept of experience parallels that of Rorty, or of some versions of pragmatism, their differences will stand out only against the background of what they criticize.

At this stage, however, one might wonder why Kant, Hegel, and Husserl should be taken to play this role, as opposed to many other alternatives. Even though such choices can be justified only up to a certain point, it is possible to offer some reasons by way of justification. First, since the subject-object relation, and its modalities, is how I propose to approach the concept of experience, the figures referred to all have significant and detailed discussions of this theme. Second, the way in which they approach this theme—for instance, the problem of whether it is possible to make an absolute distinction between what is "given" in experience as opposed to what is "taken," or "made" by the subject—is such that their answers render problematic the very labels of empiricist, idealist, and the like, as appropriate terms of appropriation. Third, it is possible to make a case to the effect that there is a line that could be

traced from Kant to Hegel, on the one hand, and to Husserl, on the other, in order to formulate two significantly different ways in which experience can be "thought". Finally, it is possible to formulate a productive "dialogue" between their conceptions and what Foucault has to say about experience.[12]

1.1 Justification: Transcendental or Historical?

The phrase 'possible experience' occurs frequently throughout the *Critique of Pure Reason*[13] and in some of the key passages where Kant appears to situate the entire critical project in relation to it. Consider, for example, the following:

> In transcendental cognition…this guideline is possible experience… [Transcendental proof] shows that experience itself, hence the object of experience, would be impossible without such a connection [that is, a synthetic a priori connection].
>
> The **conditions of the possibility** of experience in general are at the same time conditions of the **possibility of the objects of experience**, and on this account they have objective validity….
>
> [W]hat is left for us? The possibility of experience, as a cognition in which in the end all objects must be able to be given to us if their representation is to have objective reality for us.
>
> [Pure reason] certainly erects secure principles, but not directly from concepts, but rather always only indirectly through the relation of these concepts to something entirely contingent, namely **possible experience**.[14]

So much emphasis does Kant seem to place on the notion of possible experience that we may reasonably set aside some of his other formulations of what the critical project consists in,

---

[12] These preliminary claims may suggest a view of the history of philosophy in terms that come too close to the "timeless conversation between great thinkers" approach; more specifically, it might be taken to be operating on a conception of history that would seem not only inappropriate in the context of Foucault, but also beg the question by deciding at the outset that there is something definite which can be identified as *experience as such*. This is a problem that will be discussed thematically later in this study, and so my claims should be taken as entailing only a minimum of either ontological or epistemological commitment at this stage.

[13] Immanuel Kant, *Critique Of Pure Reason*, trans. Paul Guyer and Allen W. Wood, (Cambridge University Press, 1998). All references are to this edition and will be indicated by *CPR*, followed by the standard edition pagination.

[14] *CPR*, A782-3/B810-11; B197; A217/B264; A736-7/B764-5 (Emphases in the original.)

and instead limit ourselves to this one: how is experience possible? Since it will be impossible in the context of this study to examine the entire conceptual scaffolding Kant builds in order to answer this question, let alone the many problems of interpretation generated by it, I will attempt to delineate Kant's concept of experience through a reading of the Transcendental Analytic, and in particular, certain aspects of the Deduction.[15]

In the Cambridge edition of the *Critique of Pure Reason*, a footnote is added by the editors to the section heading "Transcendental Analytic, First Book, The Analytic of Concepts," which says that: "The following notes appear at this point in Kant's copy of the first edition."[16]Among these notes is the following:

> We remarked above that experience consists of synthetic propositions, and how synthetic a posteriori propositions are possible is not to be regarded as a question requiring a solution, since it is a fact. Now it is to be asked how this fact is possible. *Experience consists of judgments*, but it is to be asked whether these empirical judgments do not in the end presuppose a priori (pure) judgments….The problem is: *How is experience possible*? 1. What does the understanding do in judgments in general? 2. What do the senses do in empirical judgments? 3. In empirical cognition, what does the understanding, applied to the representations of the senses, do *in order to bring forth a cognition of objects*?…The test for whether something is also experience, i.e., a fact, is *as it were experimentation with the universal propositions under which the particular empirical judgment belongs*. If the latter cannot stand under a *universal rule for judging*, if no

---

[15] This account will require further complication and modification in light of Kant's claims in the *Critique of Practical Reason* and the *Critique of Judgment*; but the relevant aspects of Kant's practical philosophy and his discussions of aesthetics and teleology will be introduced in those parts of this study which treat Foucault. The literature on the *Critique of Pure Reason,* and the transcendental deduction in particular, is immense. I skirt the many thorny problems of interpretation and focus on some key aspects of the subject-object relation and the juridical function of the deduction. Two texts which I found very helpful in grasping some of the Kantian moves I describe are: Henry E. Allison, *Kant's Transcendental Idealism, An interpretation and Defense*, (New Haven: Yale University Press, 1983), especially part 3; Sebastian Gardner, *Kant and the Critique of Pure Reason* (New York: Routledge, 1999), especially parts 2 and 6.

[16] Ibid., p. 202 (My italics.)

> *concept* can be made out of that, then it is a *vitium subreptionis* [vicious fallacy]. Why in superstition and credulity.[17]

These notes, which appear at a point of transition between the Aesthetic and the Analytic, crystallize some of the key problems Kant deals with and the concepts he introduces in these two sections. Around the fundamental problem of "How is experience possible?" are constructed such Kantian terms as understanding/sensibility, concepts/intuitions, and judgment.

1.11 Dependence of the Subject

By this point in the *Critique of Pure Reason*, Kant has established that there is a basic difference to be made, at the most general level of a subject's relation to an object, between an object's being *given* to consciousness and its being *thought* about. Kant uses the generic term representation (*Vorstellung*) in order to designate the most basic element of cognition, that is, anything subjective that can play a role in making judgments or knowledge claims about objects. As such, its extension appears to be as wide as the Cartesian reformulation of "idea". In line with this definition, intuitions are those representations whereby objects are given to us, and concepts are those representations whereby we think about objects. The concept/intuition distinction is both presupposed by and entails a number of others.

Sensibility is the faculty (or cognitive power/function) that enables objects to be given, and the understanding is the faculty that makes thought about objects possible. Intuitions relate to objects *immediately*, whereas concepts relate to them, if and when they do so, *mediately*:[18] It is important to note that the German word for intuition is *Anschauung*, which means "looking

---

[17] The last mysterious question without its mark appears incongruous in this context. I offer an interpretation below to spell out how what Kant has to say about experience may be related more explicitly to this worry concerning superstition and credulity.

[18] "…that through which [a cognition] relates to [objects]…is intuition.… [Objects] are thought through the understanding, and from it arise concepts.…All thought…must ultimately be related to intuitions…since there is no other way in which objects could be given to us" (Ibid., A19/B33).

at".[19]Hence something like the object's phenomenal presence to a subject remains in the term. Kant also writes about intuitions as "singular representations," that is to say, as representations of one particular, individual thing, a single object: hence the immediacy of the relation of an intuition to its object. The intuition/concept distinction, then, reproduces the particular/general distinction, since a concept is, for Kant, by definition general.

A concept can apply to more than one particular, i.e., it may have more than one instantiation. Sensibility, as the faculty of intuitions, is a capacity for receptivity: the subject forms intuitions only through being affected, passively. *Finite subjects*, that is, subjects whose sensibility is subject to the conditions of space and time in Kant's definition, must be *affected* in order for objects to be given to them.

Two other terms should be noted in connection with intuitions and sensibility: First, the "material" aspect of intuition that requires the subject's being affected is sensation, which is a posteriori; second, sensation comprises a manifold, that is, a *multiplicity*. Even though Kant's argument in the Deduction will complicate the series of dichotomies that are introduced here, Kant seems to retain, throughout his critical interrogation of conditions of possibility, the traditional empiricist account of sensation: one aspect of sense experience requires the subject's being somehow impinged upon from the "outside". The understanding, in contrast, is claimed to be spontaneous and represents the *active* element in cognition. On the basis of these foundational distinctions, what I want to understand is the specifically critical claim that subjective agency plays an irreducible role in the constitution of experience.

Since the guiding thread on which I am focusing is the subject-object relation, it is worth recalling the well-known Kantian analogy with Copernicus:

---

[19] It also has the connotations of view, opinion, experience, as in the expression *aus eigener Anschauung*, "from personal, or one's own experience".

> Up to now it has been assumed that all our cognition must conform to the objects; but all attempts to find out something about them *a priori* through concepts that would extend our cognition have, on this presupposition, come to nothing. Hence let us once try whether we do not get farther…by assuming that the objects must conform to our cognition, which would agree better with the requested possibility of an *a priori* cognition of them, which is to establish something about objects before they are given to us.[20]

Kant interprets the problem of cognition, i.e. forming a possibly true or false knowledge claim about objects, in terms of a "connecting" relation of some kind between a subject and an object. It is legitimate to ask what this relation consists in and why it requires an explanation. It appears to be a mysterious relation in need of an explanation because the two poles that are to be "connected" seem utterly heterogeneous and independent of each other: on the one hand, we have objects that have constitutions without any essential reference to subjects; on the other hand, we have subjects whose only point of access to reality so conceived is their ability to somehow represent it.

Now, if we try to understand this "representing" simply as a function of reality's impressing itself on, or impinging upon subjects, then this would seem to presuppose what is in need of explanation: it would imply that subjects have an ability to transform the impression of reality into a representation simply by being *immanently related to* reality. But if, on the other hand, one interprets this fundamental connection as solely the result of the subject's activity, then such a connection would imply the capacity to "reach out" and "read off" the features of reality. If that were the case, however, the only condition accounting for how the subject knows so to "locate" and "read" reality would be, once again, the mere assertion of its immanent connection to reality.

---

[20] Ibid., B xvi

Therefore, Kant's critical interrogation of the conditions of possible experience is motivated by his argument that the assertion of the object as originally independent from the subject must be "dogmatic": any attempt to account for the connecting relation between the two will either presuppose what needs to be explained (and hence be circular), or postulate a further, more fundamental relation, which will generate an infinite regress. Moreover the attempt to avoid these alternatives by invoking a third term, which would be independent of the subject and the object (e.g. God), would require that one have a true representation of this third term; which assumption presupposes, once again, the very connection in need of explanation.

Hence the upshot of Kant's claim is that we cannot simply step outside the subject-object relation (our representations) in order then to offer an independent description of the two sides of the relation. Even if there is a fundamental connecting relation between the subject and the object which allows the latter to become an object *for* the former, in order for the subject to represent *this* relation, it would need to stand outside its capacity for representation; and *that* it cannot do. Therefore, it is the very possibility of objects, *how something can become an object for a subject*, that requires explanation; and Kant proposes that we adopt the "hypothesis" of "objects conforming to our mode of cognition".[21]

The constitution of objects, at the most fundamental level, is going to be a function of how the subject is. And if objects are determined at the most basic level by the subject, this means that the subject is *active* in cognition, i.e. it must be considered as *making it the case that* objects conform to its mode of cognition. It can do this, however, only if it in some sense

[21] The analogy with Copernicus implies that, just as the apparent movement of the sun is to be explained in terms of the movement of the observer, our knowledge of independently existing objects is to be explained in terms of our mode of cognition: the very possibility of knowledge of independent objects is referred to the mode of cognition of the subject. In both cases, we have a redescription of what was taken to be an independent reality as an appearance, dependent on the subject. It is this notion of dependence/independence which will become one of the key components of Hegel's reformulation of what it is for a subject to have experience.

actively produces the object. Then everything hinges on how we are supposed to understand this relation of active constitution/production.[22]I want to see how this theme gets developed by Hegel before I take up again the concept of constitution in Kant in relation to Husserl's version of phenomenology.

1.12 Independence of the Subject

Toward the end of the Introduction to the *Phenomenology of Spirit*,[23] Hegel writes that the stages of consciousness which we "see" unfold before us is the *origination* of ever new objects that present themselves to consciousness without its understanding how this happens, "as it were, behind the back of consciousness" (*PS*, 56). Hence in the movement of consciousness there occurs a moment which is not present to the consciousness comprehended in the experience itself. For us, the phenomenological we, simply looking on, this appears as a process of becoming. And he adds that "… the way to Science is itself already Science, and hence, in virtue of its content, is the Science of the *experience of consciousness*" (Ibid).[24] What is this experience, of which phenomenology is the science? And, how is the experience of reading the *Phenomenology*, the paradoxical "simply looking on," related to that of which it is a science?

Hegel's term for experience in the *Phenomenology of Spirit* is *Erfahren* and *Erfahrung*[25] The root meaning of *Erfahren* is setting out on a journey to explore or get to know something;

---

[22] Rorty, for instance, dismisses any notion of constitution as metaphysical: "It may be shocking to call Kant's account 'causal,' but the notion of 'transcendental constitution' is entirely parasitical on the Descartes-Locke notion of the mechanics of inner space…" (*op. cit.* n. 31, p. 151). And he continues to claim that Kant's use of "ground" instead of "cause" only masks this.The following discussion will show that this claim is not entirely correct.

[23] G. W. F. Hegel, *Phenomenology of Spirit*, (New York: Oxford University Press, 1977) Hereafter *PS*.

[24] The original title for the *Phenomenology of Spirit*, which survived in the first edition, was *Science of the Experience of Consciousness*. Heidegger's reading in *Hegel's Concept of Experience* (Harper Row, 1970) starts off from this observation and tries to establish the subjectivism of Hegel's philosophy.

[25] For the different uses and connotations of the term in German, see Michael Inwood, *A Hegel Dictionary*, (Malden, MA : Blackwell Publishers, 1992) ; on its contrast with *Erlebnis*, Martin Jay, *Songs of Experience, Modern American and European Variations on a Universal Theme*, (Los Angeles: University of California Press, 2005) pp. 9-12.

and *Erfahrung* refers either to this process or to its result. Hence something in the ordinary meaning of *Erfahrung* resonates directly with, or lends itself to a description of, the process of the emergence of new objects of consciousness Hegel describes in the Introduction. The experience undergone by consciousness on its way to science, which phenomenology *is*, is a voyage of discovery. This experience is not specifically empirical, since its primary contrast is not with thought. Rather in contrast with what we, the phenomenological onlookers, know about it, experience refers to what consciousness undergoes and finds out for itself as it moves from one of its "shapes" to the next through their inadequacy[26]: and here "inadequacy" means the internal incoherence between its object and its conception of that object. What is interesting, however, is the implication that, for Hegel, the very transformation of one conception into another, as a result of this realization, itself has an experiential dimension. In other words, it cannot be grasped simply in its logical function.

Hence it is important to distinguish this broader conception of experience from the sense of "empirical" as that which is given to consciousness unprocessed by any conceptual or imaginative activity.[27] As his critique of sense-certainty shows, Hegel agrees with Kant's reflective account of experience. On this view, philosophical reflection must explicate what a subject of experience must be like in order to count as a subject that can "have experiences," where such experiences are empirical representations of objects and where such representing is a function of judgment. Kant's transcendental account lays out the transcendental conditions of possibility of such experience. Even though Hegel claims that Kant's determinations were "arbitrary," especially the *categorial distinction* between the legitimate conceptualization of

---

[26] "The experience of itself which consciousness goes through can, in accordance with its Notion, comprehend nothing less than the entire system of consciousness, or the entire realm of the truth of Spirit" (*PS*, 56).
[27] For instance, Hume's impressions would be just such brute givens, at least on the standard reading of Hume's empiricism.

sensory material one finds in the natural sciences and the application of concepts to transcendent entities (e.g. God), there are three Kantian claims concerning the possibility of experience that he accepts (and modifies in the process).

Being in a subjective state, however momentary or enduring, does not suffice to have an experience of that state.[28] For this to *count as* an experience, I must apply a determinate concept and *take myself to be* in, that is, *judge that* I am in such and such a state. This must be something I do and must know that I am doing. Therefore, the subject of experience must be identical through time: the experience must *belong* to the subject who experiences. Moreover, this belonging together of representations in a subject must be the result of the subject's activity. The relevant unity of representations can only be brought about by the spontaneous activity of the subject, since this concerns the connection of representations according to rules (concepts). Finally, the subject of experience can be the same subject throughout experience, *only if* it could, in principle, become conscious of itself as actively applying such laws. Every perception is the taking of something as some determinate thing, and the Kantian twist which Hegel retains is that, when I perceive an object, I must implicitly take myself as perceiving that (determinate) object. Self-consciousness is a condition of experience, and therefore experience is implicitly reflexive.

---

[28] My discussion of a continuity between Kant's account in the transcendental deduction and the function which Hegel attributes to his phenomenology in the system follows the thesis advanced by Robert B. Pippin in *Hegel's Idealism: The Satisfactions of Self-Consciousness*, (New York: Cambridge University Press, 1989) especially chapter 2. Even though I think that his stress on the epistemological issues connecting Kant and Hegel at times occludes other dimensions of Hegel's thought, I find his development of the "apperceptive theme" through German Idealism lucid and compelling. However, the distinction he sometimes wants to make between an "epistemological Hegel" and a "social-historical Hegel" can no longer be maintained on Hegelian terms, since, if my account is correct, no sense can be given to "reasons" which would abstract from their entanglement with "social sanctions".

However, Hegel criticizes Kant's conception of experience (and its subject) as arbitrary, psychologistic and finite, yet not without preserving its moment of truth. Consider the following passage:[29]

> If I say "I," this is the abstract self-relation, and what is posited in this unity is infected by it, and transformed into it. Thus the Ego is, so to speak, the crucible and the fire through which the indifferent multiplicity is consumed and reduced to unity. This, then, is what Kant calls "pure apperception"….What human beings strive for in general is cognition of the world; we strive to appropriate it and to conquer it. To this end the reality of the world must be crushed as it were; i.e. it must be made ideal.

Hegel's "description" of consciousness in the *Phenomenology of Spirit* is intelligible against the background of his acceptance of the fundamental "idealizing" move which the critical interrogation of conditions of possibility (of experience) entails. He provides a reconstructed, ideal "history" of what a subject would come to regard as the conditions of possibility of its experiences (where experience includes judgment, justification and knowledge), in such a way that this history is determined by a phenomenology of what it would be like to participate in various candidate practices constituting experiences. Even though any actual subject may only have a vague idea of such conditions, such a subject is still *self-consciously* making a judgment about a determinate object or event.

In order better to explicate Hegel's modification of Kant's appeal to the transcendental unity of apperception, that is, the implicitly self-conscious nature of experience, I will consider the following example[30]. Subject S, in accounting for an action, offers a moral justification. What are the conditions that make this a *moral* justification? First, there must be the institution of morality. If there were no such institution, S would merely "think" that he was giving a moral

---

[29] Hegel, *The Encyclopedia Logic, Part I of the Encyclopedia of Philosophical Sciences*, (Indianapolis: Hackett Publishing Company, 1991) pp. 84-85
[30] Pippin, *op. cit.* p. 22

justification. Second, S cannot merely reproduce the words sanctioned by this institution, or offer this judgment as a result of behavioral conditioning, without some self-understanding that *that* is what the institution demands and that fulfilling such a demand is what he is doing[31]. Therefore, S must take himself to be offering such a justification for it to count as one. If we generalize this example to cover all possible experiences, we could say that *unless* a subject *could* become conscious of the rules it applies in unifying its representations, it would not be following rules or representing objects; it would merely associatively produce subjective states. Since the latter are merely associated, they could not count as representations, that is, as having objects or being experiences.

This example crystallizes how a Kantian reflection on experience is inseparable from the question of justification, and hence that of its "deduction"[32]. I want to advance the following claim: Hegel's concept of experience is best understood when fleshed out in terms of his "transposing" of Kant's transcendental deduction into a retrospective historical reconstruction. The central question of Kantian critical philosophy, which subsequent German idealism inherits, is: how can thought successfully determine a priori what is other than thought? And what is at stake in answering this question is nothing less than the possibility of experience.

I want to adumbrate the key moments of Kant's answer.

---

[31] A crucial question is just how much implicit self-understanding one must ascribe to the subject in order for what he does to count as following a rule. In the next chapter I raise some objections to this requirement, which is inseparable from the conception according to which the very notion of experience implies a concern with legitimation.

[32] The key Kantian distinction between "question of fact" and "question of right" occurs at B 116-117. He explicitly identifies his task as that of the deduction of what *legal title* we have to the employment of the categories, i.e. whether we are *entitled* to apply them in experience. Therefore, the question concerning the objective validity of the categories is recast in terms of their justification: subjective conditions of thought will have objective validity, if it can be shown that no object of experience in general would be possible in their absence. And as I claimed above, "possible experience" is the concept which Kant intends to demarcate this legitimacy: the use of the categories is justified within the limits of possible experience. For a discussion of how this theme gets taken up by nineteenth century sociology, see Gillian Rose, *Hegel contra Sociology*, (London: The Athlone Press, 1981).

First, experience is empirical knowledge. So the conditions for the possibility of experience are those which are necessary for our capacity to make possibly true or false (cognitive) judgments about the world and ourselves. Experience of any kind, even that which consists of the internal flow of the subject's mental states, presupposes this *cognitive* ability.[33]Second, this ability in turn requires that the subject unify a manifold, which is a synthetic activity: I cannot simply inspect my mental states to have an experience, but rather must actively bring them to a unity. This activity, however, is complex.

It involves, for instance, the recognition of disparate states as belonging together in one representation and the discrimination between different states in some manifold of intuition. Third, if synthetic activity is necessary, then it must somehow be *constrained*. Or, in other words, there must be normative limitations on the subject's activity of representation. Kant's insight is to deny the object the status of such a constraint, since such a move would beg the question.[34] These objectivity-conferring rules are the conditions under which a *unified, implicitly self-conscious subject of experience* is possible.[35] Finally, these conditions are the pure rules which, prior to any experience, already determine what counts *in general* as an object of experience. Kant calls these pure rules/concepts that are necessary for the possibility of experience "categories". They are objectively valid precisely because there could be no *object* of

---

[33] For instance, judging that such states are flowing in *this* and no other order.
[34] This is why Kant motivates the critical turn by arguing for the infinite regress or circularity of any attempt to ground the subject-object relation on the dogmatic assertion of their independence and immanent connection. Another way in which this point can be made is the following by John McDowell, in the context of a discussion of W. Sellars: "…suppose we want to conceive the course of a subject's experience as made up of impressions, impingements by the world on a possessor of sensory capacities. Surely such talk of impingements by the world is 'empirical description'; [but since] to identify something as an impression is to place it in a logical space [that is other than the normative one]…experience as made up of impressions…cannot serve as a tribunal." *Mind and World*, (Cambridge, MA: Harvard University Press, 2002) p. xv.
[35] The transcendental unity of apperception is just such a subject as formal condition of possibility of experience.

experience unless what is given in a manifold of intuition had *already* been synthesized in accordance with the categories.[36]

Hegel's concept of experience preserves what he takes to be the moment of truth in this brief sketch of the deduction, while cancelling the formal apparatus of forms of judgment on which Kant relies. If the Kantian deduction, by invoking the transcendental unity of apperception, is successful in showing that the objects of experience, in their very givenness, conform to the categories, then it shows, by the same token, that what counts as given in experience is also determined by conceptual conditions. Therefore, it is determined ultimately by the spontaneity of the subject. This, however, renders problematic the peremptory distinction between sensibility and understanding, intuition and concept. The blurring of the concept-intuition dichotomy which is implied by the principle underpinning the deduction is precisely what forms the core of Hegel's repudiation of the thing-in-itself as a superfluous postulation of Kant's uncritical presuppositions. Hegel thereby moves from thought's relation to the pure manifold of intuition to thought's self-determination[37].

Hegel argues that thought's self-determination is what accounts for the ideal nature of experience, because Kant's unquestioned assumption of two distinct cognitive faculties (understanding-sensibility) collapses under the weight of the very terms of the deduction. Throughout the *Critique of Pure Reason* there is a lingering sense that the universal and necessary categorial conditions for possible experience actually determine only *our* experience, i.e. finite creatures with sensible intuition and discursive understanding. The experience which

---

[36] Hence the passage I quoted at the beginning of this section: "The **conditions of the possibility** of experience in general are at the same time conditions of the **possibility of the objects of experience**, and on this account they have objective validity…" (*CPR*, B197).

[37] See Pippin, p. 31: Hegel's repudiation of the concept-intuition distinction does not eliminate the role of the given in knowledge but "radically relativizes to thought the ways in which the given can be taken to be given."

the categories make possible is thereby restricted to a phenomenal world; but this generates the corollary need to anchor the phenomena in a noumenal thing-in-itself, as an irreducible ground. But if we can only ever have *objects* of experience under categorial conditions, then we cannot have legitimate knowledge of things in themselves. Therefore, from a Hegelian point of view, this conception is “psychologistic” and “finite”.

Hegel’s rejoinder then involves two negative claims. First, Kant gratuitously limits subjectivity to consciousness. Second, Kant interprets consciousness as a private spectator of itself and of the world. The positive corrective to these deficiencies in the Kantian account is that subjectivity is Spirit (*Geist*) and that consciousness is communal, public, and socially interactive. Since, however, Hegel still accepts the fundamental Kantian gesture that understands experience as basically reflexive and continues the search for the conditions of its possibility, the result is an uncanny view of the a priori. If there are fundamental notions, which are necessary for cognitive experience and which are neither casual products of objects independent of subjectivity, nor empty forms, the content of which is supplied “from the outside”; then, what can count as such conditions?

The answer involves the Hegelian Notion (*der Begriff*). Hegel’s argument is that there is a level of fundamental concepts presupposed by the possibility of experience, and therefore unrevisable in the light of experience. However, this does not entail for Hegel that this “notional” level is unrevisable *tout court*. This is what renders his account of the a priori uncanny, for the Kantian categories are static forms, whereas Hegel claims that the Notion “moves”[38]: the attempts to make use of any given, determinate pure concept in discriminating objects fail. This failure in turn requires the revision of such a Notion. More specifically, the failure leads to a

[38] See, for instance, *EL*, p. 316 and *PS*, pp. 287, 350.

revision of the Notion's exclusiveness or independence in a way which necessitates an understanding of its relation to concepts that may have initially occurred as its other or contrary.[39] Thus the movement of the Notion is dialectical: *thought revises itself* in an attempt to overcome its difficulties, a process that is purely internal.

Hegel's rejection of the concept-intuition dichotomy is helpful in fleshing out what is involved in this dialectical development of the Notion which determines experience at a deep and peculiarly a priori level. Recall that the key Kantian move, which functions as the linchpin of the deduction of the categories, is that in *any* case of my taking *this* to be P, the *intuited* particular can play no *cognitively* significant role except as an already minimally *conceptualized* particular.[40]

So in any judgment I must have already taken *this* to be *this-such* (e.g. this thing, here, now.) Hegel's denial of sensibility as a disparate faculty, then, involves the claim that neither the interaction between the world and the subject, nor some mental state produced by that interaction, in and of itself, can function independently of the active role of the Notion. Hence a mere intuition, as defined by Kant despite his blurring of it in the deduction, cannot be a non-conceptual item to which concepts are applied from the outside; and so it cannot serve as a grounding reason. Therefore the Hegelian reinterpretation of conceptuality entails that conceptualization of intuition is the conceptualization of what we take to be intuitively given: the intuited content is not simply a brute given, but must be already determined as such in some way.

---

[39] A process which Brian O'Connor calls the horizontal aspect of conceptuality: *Adorno's Negative Dialectic, Philosophy and the Possibility of Critical Rationality*, (Cambridge, MA: MIT Press, 2005) Part 1, section 2.

[40] In other words, the intuited particular is always already minimally conceptualized. McDowell, for instance, sets up this aspect of Idealism in terms of the myth of the given, but in order to rehabilitate a role for receptivity which would be irreducible to its conceptual uptake; see *Mind and World*, p. 8. The difficulty, then, is how exactly to account for the constraint intuitions in this quasi-independent role would impose on spontaneity, once it is granted that intuitions count as constraints on thought only once they have been conceptualized.

The Notion is precisely such a non-empirical, spontaneously self-moving condition of experience. It originally determines the possibility and most basic character of experience. Moreover, once Hegel jettisons the concept-intuition duality, he no longer takes this relativity of objects of experience to our conceptual structure as a limitation. Since there no longer is a possible contrast between our conceptual framework and the world, there can be no such limitation. And, according to Hegel, it is precisely this move which results in the infinity of Absolute Knowledge over and above the finitude of subjective idealism. Finally, then, the problem which Kant generates but cannot satisfactorily resolve is recast: if the phenomenal world is conditioned by our conceptual framework, then a different conceptual framework would entail a different phenomenal world; this is what produces the thing-in-itself as remainder and point of anchorage. Hegel's account, if correct, means that the noumenal world is a "world well lost"[41].

From this perspective, Kant has no way of showing the objectivity of the conditions for an implicitly self-conscious experience of objects. He can only relativize claims about objects to claims about mere phenomena, or he can create an infinite, and hence in a sense impossible, task of their asymptotic convergence. So the reconciliation between subject and object, the need for which is made possible and denied at the same time by the turn to a reflexive account of experience, cannot occur. Hegel regards Kant's attempt as ultimately succumbing to the tragedy of human finitude: by insisting on a fundamental difference between the human and the divine perspectives, we are trapped in the domain of appearances; whereas only a being with intellectual intuition could have access to things in themselves. So in order to make good on his speculative promise that subject and object are identical, that "everything turns on grasping the

---

[41] Pippin, p. 277 and Rorty, "The World Well Lost," *Journal of Philosophy* 69 (1972) pp. 649-666.

True, not only as substance, but equally as Subject" (*PS*, 10), Hegel offers a new theory of subjectivity, i.e. of what it is to be a self-conscious subject in a conceptually mediated relation with objects: an account of Spirit.

In the Introduction to the *Science of Logic*, Hegel writes the following about what he takes to be the task and accomplishment of his phenomenology:

> In the *Phenomenology of Spirit* I have exhibited consciousness in its movement onwards from the first immediate opposition of itself and its object to absolute knowing. The path of this movement goes through every form of the *relation of consciousness to the object* and has the Notion of science for its result. This Notion therefore needs not justification [in the *SL*] because it has received it in that work; and *it cannot be justified in any other way* than by its emergence in consciousness, all the forms of which are resolved into this Notion as into their truth. … [A] definition of science … has its proof solely in the already mentioned necessity of its emergence in consciousness. … *Phenomenology of Spirit* is nothing other than the deduction of [the Notion of pure Science].[42]

In Hegel's own words, then, the *Phenomenology of Spirit* provides us with the elimination of the possible separation between the object and the subject. Thus the progress of consciousness on its "path of despair" offers a "deduction" in order to overcome the reflexive worry that in asserting the conditions of possible experience we are providing only subjective conditions, i.e. describing the subject's criteria for self-certainty. Against such doubts, which still plague the Kantian deduction, Hegel's phenomenological deduction is supposed to establish the objectivity of Spirit's experience of itself, which constitutes absolute knowledge.

In the language of the *Phenomenology of Spirit*, the Absolute is the Notion, and such notionality is the logic of a self-determining subjectivity. Hegel's strategy then is to co-opt the skeptic, and in the process manifest the absolute objectivity of the Notion (its basic structure and

---

[42] Hegel, *Science of Logic*, (New York: Humanity Books, 1969) pp. 48-49.

how it determines actuality at a deep level). Skeptical objections can only arise within an experience determined by some Notion. What this claim implies should be clearer given the discussion of the implicitly reflexive character of experience above. A condition of conscious experience is an implicit Notional presupposition; hence the possibility of consciousness relating itself to objects requires that consciousness take itself to be in some kind of relation to objects in general: there must be a prior normative presupposition of what there is to relate oneself to. And since concepts of particular kinds of objects (empirical concepts) can only be formed through interaction with objects, this Notional criterion of what *counts as* an object cannot be empirically verified or falsified.

Thus Hegel argues that "[c]onsciousness provides its own criterion from within itself, so that the investigation becomes a comparison of consciousness with itself" (*PS*, 53). It is a question of determining whether consciousness's notional assumption about what there is to know, and how consciousness could access it, is in fact what consciousness takes it to be. In other words, the problem concerns whether a certain conception of experience, i.e. the conditions under which a cognitive relation to objects can be established, can in fact account for such a relation to objects. Thus the Notion, at this level of analysis, is a *criterion* for determining the possibility of objects. It is a criterion of (what counts as) an object itself, and as such it is as deep a condition of cognition as can be.

Moreover, Hegel claims that any such notion can only be understood as a function of other possible notions, i.e. any such notion will fail unless transformed and expanded systematically in relation to other notions. Finally, since this movement of the notion determines the basic structure of experience, including the possibility of the *objects* of experience, *actuality*

itself must change. Actuality constituted by the dialectically self-determining Notion is *Wirklichkeit*.[43]

There are, then, five fundamental features of the concept of experience which a line traced from Kant's transcendental unity of apperception to Hegel's Spirit makes visible: First, the subject's cognitive relation to objects is possible *only if* there is a "subjective" presupposition of some notion of objects in general. Second, this presupposition is implicit, but it is nevertheless a reflection of the subject's spontaneous apperception, its taking the objects of its experience to be such objects. Third, in any experience of objects, if and when such a notional condition is inadequate for self-conscious experience, this inadequacy can be determined *internally*, by a description of what such an experience would be like. Fourth, the upshot of this description is that a cognitive relation to objects could not be established with such and such a notional presupposition. And fifth, the subject constituted by (the failed) notion is opposed to or dissatisfied with itself.

The *Phenomenology of Spirit* is therefore the idealized history of Spirit's self-education or self-formation (*Bildung*), tracing the trajectory of the experience of an idealized subject's opposition to itself: the opposition between its self-determining activity and what it is trying to determine. This self-consciousness depends on the *experienced development of the notion*, and not on a table of categories as in Kant.

Hegel refers to this experience as the "dialectical movement which *consciousness exercises on itself* and which affects both its knowledge *and its object*." (*PS*, 55, my

[43] "…as Reason, assured of itself, it is at peace with them, and can endure them; for it is certain that it is itself reality, or that everything actual is none other than itself; its thinking is itself directly actuality…" (PS, 139).

italics).[44]Hegel's concept of experience, then, is temporal and historical precisely because it traces out the movement of the Notion necessary for there to be any experience of particular objects. The question of the legitimacy of any notional determination (shape of consciousness) can only arise relative to other possible notions. To the extent that any notion, in isolation, will fail to adequately establish a coherent relation to objects, experience will be a "path of despair": we can doubt not only the legitimacy of particular claims, but also the implicit notion presupposed for there to be *any* determinate claim.[45]

The overcoming of despair can only be accomplished if our Notions change within a progressively more adequate articulation of the Absolute. Hence experience so understood attests to the necessity of prior self-interpretive activity for consciousness to attain the standpoint of the fully developed Notion. If all basic positions that assume the non-identity of subject and object are experienced as unsatisfactory, the sublation of each opposition (between shapes of consciousness) will result in the identity of subject and object. Therefore, the cumulative development of this process will be teleological, to the extent to which the identity aimed at must be presupposed as already determining the movement through the figures of non-identity.

Because dissatisfaction so understood drives the movement of Spirit, "diremption" is central to the speculative concept of experience. The diremption of subject from object, through the course of the *Phenomenology of Spirit*, takes on different guises; or rather, it serves as the

---

[44] He writes: "*In as much as the new true object issues from it*, this dialectical movement which consciousness exercises on itself and which affects both its knowledge and its object, is precisely what is called experience [*Erfahrung*]" (Ibid).
[45] As "despair," such self-doubt goes beyond Cartesian methodical doubt, since it is a question of there being even merely mental representations, or ideas. Of course, even Descartes, at the beginning of the Second Meditation, writes as if his resolution to consider as false everything which admits of the slightest doubt leads him to something like despair: "It feels as if I have fallen unexpectedly into a deep whirlpool which tumbles me around so that I can neither stand on the bottom nor swim up to the top." *The Philosophical Writings of Descartes*, vol. 2 (Cambridge University Press, 1985) p. 16

most general figuration of a series of divisions such as particular/universal and certainty/truth. For instance, the description of "unhappy consciousness" traces consciousness in its separation from and identity with its timeless, universal other, which consciousness takes to be the truth about itself (*PS*, 119-139). Hegel writes that "what it does not know itself is that this its object, the Unchangeable, which it knows essentially in the form of individuality, is its own self, is itself the individuality of consciousness" (*PS*, 131). Hence the attempt by consciousness to sacrifice its material particular life in order to affirm the universal is self-defeating: First, because the ascetic pleasure consciousness derives from the pain of corporal abnegation keeps the body as a focus of attention; and second, because this renunciation in fact shows sensuous fulfillment as integral to spiritual transcendence.

The coming to be of this realization of the entanglement of the universal and the particular *is* Hegelian experience. The changing relation between subject and object requires that the subject redefine who it is *and* what its object is in response to its failed attempts at relating itself to its other. As the example of unhappy consciousness evinces, experience is at once a recognition and a misrecognition. The negative thrust of this dialectical movement, which is experience, accentuates the failure of any isolated moment to arrive at a satisfactory coherent self-understanding and articulation. However, the teleological development of the Phenomenology means that speculative discourse, which articulates the positive moment of this process, comes to full objectivity only when experiences are given an appropriate narrative order in memory. Narrative recollection, exemplified by the path traversed by consciousness in the *Phenomenology of Spirit*, is open to contingency, while retrospectively and at the same time imposing a closure. It is therefore the sublation of contingency *and* necessity.

The narrative recollection which is the culmination of experience is also a *collective* recollection. Hegel moves away from Kant's transcendental subjectivity, with its formal interpretation of categorial conditions, toward the achievement of some fundamental "like-mindedness" as the condition of knowledge[46]. We thereby shift away from a transcendental deduction toward an account of the *genesis* whereby such like-mindedness is achieved as a *result*. And it is this genetic account that bears the weight of justification, since we can no longer appeal to transcendental conditions. This move then entails the reconfiguration of the problematic of self-consciousness.

Recall the example of the agent who makes a moral judgment. It is possible to generalize it to cover any claim-making and pursue its conditions further. Any claim-making activity can count as a possible objective judgment only within the context of the practice or institution governing such activity. There is such an activity *only if* a community of participants take themselves to be participating in it within norms that define it as the practice it is and no other practice.

Hegel's claim is that we must be able to reconstruct why such participants would come to take such a practice as constraining possible judgments about objects, acceptable facts, legitimate political institutions, etc. The objectivity of the practice at issue will have been established *if* our reconstruction displays a rational inevitability in the development of such progressive self-consciousness. This reconfiguration transforms the pursuit of cognitive experience in general, and knowledge in particular, into participation in a social practice/institution that is rule-governed, collective, and teleological. In order to evaluate the rationality of such practices one

---

[46] I borrow the expression from Jonathan Lear; I discuss his argument in the next section.

must consider such self-consciously held criteria as social norms and possible grounds for mutual recognition.

In Hegel's account, we do in fact get a necessary, progressive negation of the grounds for recognition that are inadequate; for instance, the mere exercise of power as one such ground is shown to generate contradictions which can only be resolved by invoking criteria other than power. Self-consciousness presupposes recognition, and genuine mutual recognition requires a genuinely universal basis of recognition[47]. In Hegel's language, this transformation of self-consciousness points towards an "I that is a We and a We that is an I," that is, Spirit[48]. Spirit then is a community of mutually recognizing individuals. The basic institutions of such a community will be legitimate, *because* they will embody universal recognition. Thus the main thrust of Hegel's transformation is in place: cognitive experience is itself a social institution, and rationality is ultimately explicable in terms of recognition. The subject of experience, then, determining for itself its own fundamental Notions, is Spirit: *a collective, socially self-determining, self-realizing subject*.

The concept of recognition, and its role in Hegel, presents many problems of interpretation. In accordance with the line I have so far traced, and in anticipation of the theme of activity-passivity in the following chapters, I want to focus only on a few salient moments. The section of the *Phenomenology of Spirit* titled "Independence and Dependence of Self-Consciousness,"[49] provides a transition from organic life where there is only a "sentiment" of self to the domain of subjectivity proper: self-consciousness. It is not unreasonable to claim that

---

[47] *PS*, pp. 104-111.
[48] Ibid., pp. 110.
[49] The following discussion is based on *PS*, pp. 104-119, inclusive of the introductory remarks under "The Truth of Self-Certainty".

this section articulates the conditions of emergence of self-consciousness, where condition talk means the *retrospective* recognition of the movement of self-interpretation, through a serious of failed attempts at satisfactory self-identification, as displaying an internal progressive development. That is why Hegel's argument is not vulnerable to a charge of circularity which would accrue to any putative *unconditional* emergence of self-consciousness *through* recognition.

We have two figures. The first one is consciousness passively immersed in "its" object: its only possible mode of object-relation is consumption in response to organic needs. Hegel does not hesitate to call this "negation," since it involves a rudimentary denial of dependency on the object. The satisfaction which the consumption of the object generates is the occasion for self-certainty, however elementary: need implies lack, and lack in turn gives rise to a sense of self through the satisfaction which it makes possible. But since satisfaction so derived is exhausted by and dependent on the negation of the object, it is necessarily transient: each successful creation of a sense of self must be also a failure to the extent to which it destroys the very ground of its emergence. This figure, then, is doomed to the repetition of a cycle of satisfaction and disappointment.

The second figure is consciousness which aims at another desiring consciousness. Since the object cannot sustain the sense of a self, Hegel claims that only another consciousness can be the source of self-certainty.[50] The transitions in the argument at this stage are notoriously hasty, but I think the claim is motivated by the following: if the object cannot ground the subject, because its negation entails its destruction, then only another subject can ground the subject,

[50] "Self-consciousness achieves its satisfaction only in another self-consciousness" (*PS*, 110).

since it alone can potentially *negate itself* without destroying itself.[51] And recognition or acknowledgement is the name for this process.

Therefore, self-consciousness presupposes mutual recognition. But since mutual recognition is not a given and cannot be taken for granted, self-consciousness is an achievement. Or rather, it can only be the result of a process that depends on division, negation, and its sublation. We are to imagine what the primordial encounter between two self-consciousnesses would be like. Since each is aiming at full independence through securing the other's recognition, their interaction is inherently contradictory: the goal of autonomy (as full self-determination), to the extent that it depends on the other's recognition, is untenable. Each aims at independence, which, however, can only pass through and be guaranteed by the *self*-negation of the other. Thus independence and dependence of self-consciousness appear to presuppose and exclude one another.

Hegel discusses a number of strategies in response to this predicament. First, out of fear of losing the ground for recognition, neither is willing to differentiate itself from its other, and so recognition does not really achieve the result for the sake of which it is invoked. Second, one of them breaks the stalemate, and claims universality by negating the particularity of its physical existence: it risks death in a struggle to secure the other's recognition without acknowledging it in turn. But this strategy too fails, for internal reasons: to the extent to which it succeeds in wresting recognition from its other without recognizing it in return, self-consciousness loses the very basis of recognition. Only as freely offered can acknowledgment do the work which mere

---

[51] "[Self-consciousness] can achieve satisfaction only when the object itself effects the negation within itself; and it must carry out this negation of itself in itself…" (*PS*, 109).

consumption of an external object could not; but a coerced recognition soon devolves into mere consumption.

Recognition, then, is bound up with the very concept of Spirit, since, as a collective, socially self-determining, self-realizing subject, it can have *no other ground* than mutual recognition. The appeal to full reciprocity is necessitated by the failure of any other possible grounding relation, so much so that the very possibility of individual self-consciousness presupposes Spirit. In the absence of individuals' recognition of themselves as mutually recognizing, the only recourse available is coercion, and that does not lead to the kind of satisfaction which alone can secure the kind of self that is worthy of the name. But the shift from individuals enmeshed in coercive relations to the "I-We" implies that full autonomy has to be abandoned as a goal, since only through acknowledging its dependence on its other can self-consciousness become a subject proper. Therefore, the practical unity of the social world, embodied in socially sanctioned practices and institutions, is the only context in which freedom can become actual.

1.2 Phenomenology, or How Do I *Simply Look On*?

Phenomenology is central to what philosophical activity is for both Hegel and Husserl. It is not obvious, however, how this is so and what the function of the concept is in their work. For Hegel phenomenology is (only) a necessary moment in the unfolding of philosophy as Science, whereas for Husserl transcendental phenomenology is philosophical activity at its most rigorous. Ultimately the difference turns on the different conceptions of constitutive subjectivity at work in their respective articulations of phenomenology. Nevertheless, there are two relatively uncontroversial points at which the two phenomenologies converge.

First, Husserl and Hegel seem to agree that philosophy must become rigorous science and that it can attain this status only if it is without presuppositions. What counts as "presuppositionless" is a point of divergence between the two thinkers, given their different conceptions of evidence and what the subject of experience is like; however, in some sense that remains to be clarified, both Hegel and Husserl take themselves to be engaged in transforming philosophy into rigorous science adequate to *die Sache selbst*.[52] This is to be possible by transcending the superficial first-order conceptualizations and naïve commitments of natural consciousness in order to articulate a deeper level of experience in conceptual (or essential) form.

For both Husserl and Hegel, phenomenology involves turning against natural consciousness through modulated uses of Kant's transcendental interrogation of conditions of possibility. The steps of these "turns" entail a move from the level of experience in which the primacy of the world (object) is implicitly assumed, to a level of experience governed by the primacy of the subject. In Husserl the *epoche*—or rather, the series of reductions—clears the way for transcendental subjectivity by suspending all belief in the world's existence and its value in providing justifications. The "natural attitude," since it is common to both everyday consciousness and the empirical sciences, must be put out of play, if philosophy is to become a rigorous science. So, for instance, Husserl argues that: "[e]very ordinary appeal to self-evidence, insofar as it was supposed to cut off further regressive inquiry, is theoretically no better than an

[52] "Things themselves," in Husserl, and "subject matter itself," in Hegel. (*PS* pp. 2-3, especially, "*die Erfahrung der Sache selbst*".)

appeal to an oracle through which a god reveals itself.… Every kind of self-evidence is the title of a problem, with *the sole exception of phenomenological self-evidence….*"[53]

And when Hegel proposes to present the unfolding of "natural consciousness" in the *Phenomenology of Spirit*, he means something more or less identical with Husserl's "natural attitude": common sense, everyday empirical consciousness, the natural and the social sciences, and even not yet truly "scientific" philosophy. He claims, for instance, that: "[i]n any case Science must liberate itself from this semblance [i.e. notions such as 'subjective,' 'objective,' 'cognition,' and even 'science,' in their non-reflected immediacy], and it can do so only by turning against it" (PS, 48). Moreover, his description of "natural consciousness," when confronted with the standpoint of genuinely scientific philosophy, as undergoing a kind of despair, and even death, suggests the degree to which the transformation of one into the other is experienced as violence. [54]

Both Hegel and Husserl view phenomenology—and this is the second point of convergence—as a response to a historical "crisis" of some sort.[55] Thus phenomenology, through which philosophy finally becomes rigorous science, is a response to an historical present as the turning point of an unstable process which stands in need of resolution.[56]And they both insist on the necessity of taking the transcendental turn for philosophy to become a rigorous science.

---

[53] Edmund Husserl, *Crisis of European Sciences and Transcendental Phenomenology* (Nortwestern University Press, 1970) pp. 188-189 (my italics)

[54] Cf. his claims that, from the perspective of ordinary consciousness, the standpoint of Science appears as walking on one's head; and that "the familiar, just because it is familiar, is not really understood" (*PS*, 18).

[55] This point is discussed by Merold Westphal in "Hegel and Husserl: Transcendental Phenomenology and the Revolution Yet Awaited," in *Critical and Dialectical Phenomenology*, ed. Don Welton and Hugh Silverman (State University of New York Press, 1987) pp. 103-135

[56] *PS*, p. 4, 6-7; Husserl, in turn, writes the *Crisis of European Sciences*—but it is possible to see his concern with psychologism from *Logical Investigations* on as already prefiguring this sense of crisis—in response to the threat of relativism which he sees as a direct consequence of the type of objectivity presupposed by and consequent on the successes of the natural scientific explanation of the world from Galileo on.

Hence transcendental reflection, which redirects thought from the known object to the knowing subject, is a *necessary moment* of genuine philosophy.

In the Introduction to the *Phenomenology of Spirit*, Hegel states that his task is "an exposition of how knowledge makes its appearance" (*PS*, 49). But this presupposes that one take as an object the phenomenal appearance of knowledge. And this in turn entails that it is possible to distinguish between the observed and the observing consciousnesses. Hegel "conceptualizes" this distinction as one between *what appears to consciousness* and *what appears for us*. The latter, then, is the former's activity. It is in terms of this distinction that Hegel can claim to be speaking from the standpoint of the "phenomenological 'we'," which does not participate in the acts of the consciousness which "we" observe: "we" are the "simply looking on" subject. (*PS*, 54-56)

Despite these general points of convergence between Husserlian and Hegelian phenomenology, there are irreducible differences crucial for their theories of experience. The differences turn on their concepts of evidence and how they position themselves with respect to the reflective turn in philosophy, especially with respect to Kantian transcendentalism. What is of most interest for the question "what is the subject of experience, and how is it related to the objects of experience?" is the way Hegel and Husserl arrive at two different versions of transcendental subjectivity. In order to delineate these differences, I propose to follow a two-step procedure: First, I pursue the theme of collective justification through mutual recognition in relation to Kant and Hegel. Second, I adumbrate the salient features of Husserl's phenomenological investigation of experience in relation to this theme.

1.21 We Think, Therefore I Am Not

Jonathan Lear makes the following claim in "The Disappearing 'We'"[57]:

> If establishing the objective validity of our representations consists in showing that they are all that there could be to being a representation, then one ought to expect that a certain type of reflective consciousness will have an evanescent quality. I do not yet know how to describe this quality without resorting to spatial metaphors. If our representations have objective validity, then one will not be able to continue *looking down* upon them: *that* sort of reflective consciousness must ultimately evaporate. And with it goes the detached perspective on "our representations". It is not obvious, however, that the "We are so minded:" must therefore disappear. Our ability to append the "We are so minded:" represents a *permanent* [my italics] possibility of reflective consciousness. Yet the "We are so minded:" is, like the Kantian "I think," in an important sense empty: we gain insight into who "we" are by considering the representations to which we are willing to append a "We are so minded:" or, by considering which bits of the world we are willing to consider *as representations*. The "We are so minded:" must thus stand in an analogous "master-slave" relation to our form of life as the Kantian synthetic unity of apperception stands to the object of judgment.

On the interpretation Lear wants to motivate, just as Kant needs a "deductive" justification for the categories because there is the skeptical worry that thought and experience might not correspond, Wittgenstein offers a "transcendental deduction" of some sort, on account of the possible conflict between comprehension (of linguistic meaning) and practical ability (of correct use of words). Moreover, just as Kant appeals to what is required for the possibility of (unified) experience, Wittgenstein appeals to the conditions required for the possibility of

---

[57] Jonathan Lear, "The Disappearing 'We'," *Proceedings of the Aristotelian Society*, supp. vol. 58 (1984) p. 241. Lear's argument makes a convincing case for reading a transcendental import into Wittgenstein's appeal to "forms of life". In chapter two, part two, I propose, in relation to Foucault's "historical a priori" and Wittgensteinian "criteria," a number of reasons why this should not be taken as entailing any grounding intention. My concern at this stage is to draw on his interpretation of Kant and Wittgenstein in order to spell out further the kind of legitimation implicated in Hegel's appeal to historical experience.

communication. Therefore, an analogy, albeit not a perfect one, exists between the "I think" which must accompany all my representations, and the "We are so minded:" which must accompany all my comprehensions.

What I find interesting is the extent to which this tracks the line I traced between Kant and Hegel and, if that is correct, what it entails for what justification becomes when transposed into the field of communal and historically varying practices. When Lear argues that "[t]he 'We are so minded:' must thus stand in an analogous "master-slave" relation to our form of life as the Kantian synthetic unity of apperception stands to the object of judgment," I think it is not unreasonable to see there the two aspects of Hegelian phenomenology I emphasized above: First, the Kantian insight that it is impossible to stand outside the subject-object relation constitutive for *our* perspective, in order then to anchor either one in the other, implies that both the subjective and the objective perspectives are somehow necessary. Second, Kant's insistence that this necessity must be nevertheless grounded in formal categories, which presupposes the categorial distinction between concept and intuition, meets the Hegelian rejoinder according to which the two are far less distinct than is required to sustain a formal justification.

Therefore, the move to "We are so minded:" tracks the move to mutual recognition as the only form of legitimation available to—and Hegel would add, needed for—establishing the legitimacy of our fundamental claim-making practices. But what then becomes of the claim for necessity and universality, the two features of the Kantian a priori, through which alone the objective validity of possible experience could be established?

If my description of the stakes of Hegel's confrontation with Kant is accurate, then what is entailed by the claim that one must "see the true not only as substance, but also as subject" is that, even though there is a fundamental identity between subject and object, this identity cannot

be referred to a pre-established harmony, but must be seen as an achievement: in other words, it is constituted, and that constitution cannot be understood otherwise than through the contribution "we" make to experience (as *Erfahrung*). Hence if intuitive experience is conceptually determined, then the meaning, value, and legitimacy of concepts can only be secured through their relation to other concepts—since there is nothing "outside" against which they can be measured. But, as the dialectic of dependence and independence evinces, the "inside" cannot be referred to a single consciousness taken in isolation: thought itself must be seen as embedded in the practical unity of a social life comprising practices, customs, and institutions. This displacement of epistemic and practical validity onto the context of sociality implies that justification itself becomes historical, i.e. it becomes a question of how "we" have come to take certain kinds of life as justified.

I want to interpret what this move amounts to through an argument Lear formulates in relation to Wittgenstein.

> [A] person is *minded* in a certain way if he shares the perceptions of salience, routes of interest, feelings of naturalness in following a rule that constitute being part of a form of life. Then…not only must I be able to attach an "I understand" to each of my representations, but it must be possible for the "We are so minded:" to accompany each of our representations. Thus our representations stand between two distinct claims: the "I understand" and the "We are so minded:"[58]

On the analogy of Kant's "deductive" strategy, what first appears as an *analytic* principle—"we are so minded:" *defines* what it is for something to be a representation of ours—is, from the transcendental perspective, a *synthetic* principle—"we are so minded:" expresses the practical unity of social life which *constitutes* our being *so* minded. Moreover, as the

---

[58] Ibid., p. 229.

representation to which I append "I think" is *not mentioned but used*, the reflective capacity thereby invoked does not entail the subject's stepping outside of all representations to make a claim about one of them: it is itself the formation of another representation. Therefore, "I understand p," is itself an enactment of a form of life, i.e. of being *so* minded: "the 'I understand' shows our participation in a form of life, it does not say anything about a representation which is merely mentioned. Thus when someone says the word 'cube' to me, my experience of comprehension is not legitimated by any feeling or other inner experience….[It] is legitimated by my being like-minded with other 'cube'-users."[59]

Therefore what I referred to as the practical unity of social life is the ultimate horizon of legitimation for the particular ways in which a community continues its activities. *If* experience (as *Erfahrung*) is to be possible, *then* "*we* are so minded:" must be able to accompany all *my* representations, which are thereby *our* representations. The consequent means that there must be a regular relation of agreement between the subjective and the objective, inner and outer. Even though there may be cases when this agreement may be undone, they must be precisely cases of its being *un*done.

Hegel's claim for the a priori function of the Notion is that, since it provides the criterion of what counts as (an object of) experience, it cannot itself be derived from experience. Therefore, there is no empirical justification for or explanation of why "we are so minded". However, Lear argues that "we cannot make any sense of the possibility of being 'other minded',"[60] and I want to claim that the priority of the Notional unity of Spirit in Hegel entails a similar conclusion (and its dialectical twist). For Hegel the conditions for the possibility of experience (so construed) are at the same time fully empirical: who "we" are is revealed to us by

---

[59] Ibid., p. 230.
[60] Ibid, p. 232.

what we (are so minded to) take as who we are: "There can (for us) be no getting a glimpse of what it might be like 'to be other-minded,' for as we try to pass beyond the bounds of our mindedness we lapse into what (for us) must be nonsense: that is, we lapse into nonsense."[61]

However, the Hegelian recourse to the work of memory, the retrospective recollection of what we have been and how we have come to be is precisely what allows the *appropriation* of other-mindedness. To that extent justification through appropriation occurs by means of *expropriation*. Therefore, from a Hegelian standpoint it cannot be said that all we are is the particular ways in which we "go on," beyond the bounds of which there is only nonsense, in so far as Hegel seeks to account for the emergence of sense from nonsense.[62]

Nevertheless the appearance of the "we" is also its disappearance in Hegel too. If the objective validity of *Erfahrung* can only be established by referring it to the practical unity of social life, thereby showing its constitution by the progressive unfolding of Spirit, the "for us" cancels out. In reflectively finding out who we have been and how we have come to be, we thereby come to see that being *our* object is all there could be to being an object. Lear calls a legitimation which does not provide a foundation for what is legitimated "groundless legitimation".[63]His application of this type of legitimation invokes transcendental arguments broadly considered: one establishes the legitimacy of X by showing what it is to be X.[64]I think

---

[61] Ibid.
[62] It is in this sense that, when Lear writes "Wittgenstein…is able to awaken us to the possibility that our form of life is partially constituted by our being so minded without making contrasts with 'other perspectives'," I would like to forward two claims: 1) Since he is not talking about Hegel in this essay, if what he says about Wittgenstein is correct, then it both comes close to and diverges from the Hegelian shift to Spirit, 2) In the next chapter, I want to claim that there is some reason for why his reading of Wittgenstein may not be correct, since the function of "tribe" in the *Philosophical Investigations* is to establish such (fictitious) contrasts. I also want to add that there are places where Lear writes in terms that come close to the Hegelian appropriation of other-mindedness (or alienation) minus the appeal to history. See p. 233, n. 37.
[63] Ibid, p. 233 I discussed the juridical sense of "deduction" in Kant above; what I say here in relation to Lear and Hegel presupposes that sense.
[64] Ibid, p. 222-223: Such a transcendental argument "will answer the question 'How is X possible?' when that question is asked with a straight face rather than a sceptical sneer."

this feature may be captured by providing a schematic formulation: "X is possible, only if…," where the consequent specifies the relevant conditions. Thus the argument seeks to show not what must be the case for some X *recognizable by (for) us* to be possible, but rather what all Xs must be, in order to count as X.

So, for instance, it is not that anything *we could recognize* as "mindedness" has to be *like* our "mindedness," but that there is no concept of being other-minded: "they", if they are to count as minded in any way at all, must be part of "us". For what would it be to consider an other-minded group or individual? It establishes a relationship between ourselves and the other—the subject and the object—such that we must already be treating the other as one of us for it to stand out from among all the features of the social and natural environment as something about which we can ask "Is it like-minded or other-minded?"

However, if consciousness becomes Spirit in Hegel's *Phenomenology of Spirit*, and if the process of experience is the unfolding of that movement, then the proper understanding of this necessity, *at once subjective and objective*, must be placed in history. Therefore, self-relation in relation to an other, some aspects of which I outlined in section one, is both social and historical: social, because the criterial role which the Notion plays in the constitution of experience cannot be abstracted from its function as *social sanction*; historical, because the forms of what comes to play that role and have the relevant (authoritative) force changes historically in a determinate way.

I want to take one moment from the *Phenomenology of Spirit* in order to illustrate what this claim involves and adumbrate a theme which will be important in my interpretation of

Foucault. The immediately relevant section is "Individuality Which Takes Itself To Be Real In and For Itself".[65] Hegel writes:

> It is…equally a deception of oneself and of others if it is pretended that what one is concerned with is the "*matter in hand" (die Sache selbst) alone*. A subject that opens up a subject matter soon learns that others hurry along like flies to freshly poured-out milk, and want to busy themselves with it; and they learn about that individual that he, too, is concerned with the subject matter, not as an *object*, but as his *own* affair. On the other hand, if what is supposed to be essential is merely the doing of it,…the expression of this particular individuality, then equally it is learned by all parties that they all regard themselves as affected and as invited to participate, and instead of a mere "doing"…peculiar to the individual who opened up the subject-matter, something has been opened up that is for others as well, or is a subject-matter on its own account. (*PS*, 251)

The problem in the face of which "consciousness" will suffer at this stage of its *Erfahrung* is "the antithesis of doing and being" (*PS*, 244), as consciousness provides different interpretations of its individuality, which the dialectic of independence and dependence showed to be required for a satisfactory relation to self. For each new self-interpretation of what this individuality comprises, the phenomenological account shows whether it is consistent with its own preconceptions: that is, an account of the conditions under which an individual could identify its *own* content and what "belonging" could mean here.[66]

Hegel's starting point is a conception of individuality "in which…its shape has the significance solely of putting on the shape of individuality; it is the daylight in which consciousness wants to display itself. Action alters nothing and opposes nothing. It is the pure form of a transition from a state of not being seen to one of being seen, and the content [so displayed] is nothing else but what this action is already in itself" (*PS*, 237). Individual

---

[65] The moment on which I focus occurs in subdivision (a) *The spiritual animal kingdom and deceit, or 'the matter in hand' itself (die Sache selbst)*. *PS*, pp. 236-252.

[66] "Let us see whether this Notion is confirmed by experience, and whether its reality corresponds to it" (*PS*, 242).

consciousness so conceived takes itself to be real in and for itself, and dispenses with "all opposition and every condition affecting its action; it starts afresh from *itself*, and is occupied not with an *other*, but with *itself*" (Ibid). The result is a picture of social interaction, for the individual, where he can simply *be* who he is without having to pass through the mediation of a potentially alienating other (law, community, etc.). Hegel's phrase "the spiritual animal kingdom" signifies this social space where individuals take themselves *to be* simply what they are, just as animals (allegedly) are in the animal kingdom with already given specific differences.

Not surprisingly, the spiritual animal is an unsatisfied animal: such (immediate) reconciliation with one's own nature is barred for self-conscious subjects. Since "[c]onsciousness provides its own criterion from within itself, so that the investigation becomes a comparison of consciousness with itself" (*PS*, 53), the dissatisfaction results from the very discrepancy between what consciousness takes to be its doing and its being. The significance and consequence of consciousness's actions cannot be secured by anchoring them immediately in its intentions because "others hurry along like flies to freshly poured-out milk, and want to busy themselves with it" (*PS*, 251): it is the consequences that the action generates, contingently and independently of conscious intention, which determine the meaning of the action. Thus consciousness, once it acts, is taken up by the meanings it cannot control, and appeal to what one is immediately cannot secure the correspondence between what it *does* and what the action *is*.

That consciousness is caught up in a supra-individual context of meanings which it alone cannot determine entails that its action "vanishes" (*PS*, 244-245). But consciousness comes to experience this vanishing of its action as itself vanishing: "If…we consider the content of this experience in its completeness, it is seen to be the vanishing work. What is preserved is not the vanishing: the vanishing is itself actual and is bound up with the work and vanishes with it; the

negative itself perishes along with the positive whose negative it is" (*PS*, 245). "This vanishing of the vanishing" (Ibid), then, is the last ditch effort by consciousness to secure the significance of its individuality by abstracting the meaning of its act both from itself and from its contingent consequences. What it really means, "the matter in hand," or again "the real thing itself," is untouched by what is made of it contingently.

But, Hegel continues, "[t]he truth about this integrity…is that it is not as honest as it seems" (*PS*, 248-249): since consciousness is ineluctably involved in a struggle for recognition, what it takes to be the real thing, uncontaminated by its contingent effects, and what the others take it to be cannot be evaluated independently. Consciousness depends on the others' interpretations (of its action) in order to attach a determinate meaning to *its* action; however, the others' interpretations can only count as meaningful for consciousness through *its own* interpretation.

The stalemate of individuality which is characterized by this dialectical interrelation is inherently ambiguous: "…in this alternation consciousness keeps, in its reflection, one moment for itself and as essential, while another is only externally present in *it*, or is for *others*…thus enters a play of individualities with one another in which each and all find themselves both deceiving and deceived" (*PS*, 250). Therefore, individuality alone cannot secure what it means for its actions to be *its own*, to *belong* to it. The self-relation presupposed by any ascription of what is *proper,* when conceived as occurring independently of other (subjects), leads to an impasse, since *they too* must make something of consciousness's action in order to secure their own sense of individuality. The claim to individuality and the ascription of what is proper is never consciousness's own property.

Therefore the characterization of my action *as* my own, in order to secure my *identity as an individual*, cannot itself be guaranteed by individuals. There must be some supra-individual context, in relating to which I relate to myself, which secures that what I take to be my own is in fact my own. If I could never satisfy myself that what I take to be my interest, or reason, or identity, is in fact my own—and not the impersonal product of an external agency—then the self-relation presupposed by subjectivity could not hold. And Hegel's point is that, I cannot do *that* alone. Hence: "Consciousness learns that no one of these moments is *subject*, but rather gets dissolved in the *universal 'matter in hand'* (*die Sache selbst*); the moments of the individuality which this unthinking consciousness regarded as subject…coalesce into…this particular individuality, [which] is no less immediately universal" (*PS*, 252). Individuality, which is an essential moment of the development of subjectivity, presupposes its realization as Spirit, and without which it disappears.

The transposition of justification to history is required by such "impasses" as the dependence and independence of consciousness and the spiritual-animal individual. What underpins the conflicts so described, and propels their movement, is the requirement that subjectivity be a self-relation that is also a relation to an other: I must confirm my own independence without denying my dependence (on either biological or social life). But all the shapes which this requirement assumes contain a discrepancy between my self-comprehension and my actuality, until one reaches the standpoint of Absolute Knowledge. "History [as] a *conscious*, self-*mediating* process" (*PS*, 492), is not the absolute other of subjectivity: "…Absolute Knowing, or Spirit that knows itself as Spirit, has for its path the recollection of the Spirits as they are in themselves….Their preservation, regarded from the side of their free existence appearing in the form of contingency, is History; but regarded from the side of

their…comprehended organization, it is the Science of Knowing in the sphere of appearance (phenomenology)" (*PS*, 493).

Since the concepts through which we comprehend the past result from that very past, retrospective recollection of history is a form of self-discovery. And since each shape of consciousness articulates a partial truth—revealed through the very gap between its partiality and its claim to be absolute—the sublation of all these shapes, preserving their moments of truth, will be the absolute standpoint; no longer outside of time and history, but precisely their very internalization and remembrance. Moreover, this recollection as justification, if successful, will have imported no assumptions from the outside, because every shape of consciousness is *both* the contradiction between its self-comprehension and its actuality, *and* the movement of its sublation. Hegel's claim, therefore, is that justification can only perform its work *from the inside* and that there is no outside (to Spirit).

1.22 Seeing Things (Disappear)

If the concept that stands out most in Hegel's phenomenology is that of satisfaction, one interpretation of which I traced above, then the central concept for Husserl is that of fulfillment.[67]Husserl's conception of evidence, from the *Logical Investigations* through his transcendental turn to his investigations concerning the historicity of constitution, is modeled on the presence of the intended object in intuition. In the *Logical Investigations*, for instance, even when he is considering "signitive acts"—"merely empty acts," as when I use words without really thinking about what I am saying—are still referred to an ideal of ultimate fulfillment:

---

[67] I should say "the central concept which will be important for the purposes of my comparison," since any claim for such centrality is bound to be tentative.

> "…many elements of fullness count for us—quite apart from anything genetic, for we know full well that these…have an associative origin—as final presentations of the corresponding objective elements. They offer themselves as identical with these last, not as their mere representatives: they are *the thing itself* in an absolute sense…. express universal, essential structures, that is, strictly necessary structures of every conceivable stream of consciousness….The discussion of possible relationships of fulfillment therefore points to a goal in which increase of fulfillment terminates, in which the complete and entire intention has reached its fulfillment."[68]

Moreover, Husserl's conception of truth is bound up with this conception of evidence: "the *full agreement* of what is meant with what is *given as such*. This agreement we *experience* in self-evidence, in so far as self-evidence means the actual carrying out of an adequate identification."[69] Therefore, paradigmatic for Husserl's conception of evidence and truth is the fulfillment of an intention through an act of identification, which is modeled on the self-evidence with which something presents itself to consciousness in perception.[70]

However, Husserl's appeal to intuitive-fulfillment should not be confused with sense-perception, for it is a question of finding the essences of phenomena, and therefore intuition has a broader sense than that which is tied to sensuous experience: "…extended concept of Perception permits…a wider interpretation….[E]ven universal states of affairs can be said to be perceived ("seen," beheld with evidence)."[71]Hence the distinction between sensuous and categorial intuition provides Husserl with the epistemological warrant to describe essences given in intuition.

If the goal of enquiry is the "definition" of essences of various types of acts such as perceiving, imagining, and remembering, by investigating the essential structures of consciousness wherein intentions find fulfillment, then the starting point for such enquiry

---

[68] Edmund Husserl, *Logical Investigations*, (New York: Humanities Press, 1970) p. 761, 762.
[69] Ibid, p. 765
[70] "Any evidence is a grasping of something itself that is, or is thus, a grasping in the mode of 'it itself', with full certainty of its being, a certainty that accordingly excludes every doubt." (*Cartesian Meditations*, p. 15)
[71] Ibid, p. 786.

becomes a problem: we do not see "essences" in ordinary perception. Husserl insists that philosophy worthy of the name be presuppositionless, and therefore the entire trajectory of his development of phenomenology is the ever renewed effort to reflect on a point of departure that would commit the philosopher to no presuppositions. In line with the theme I delineated in the previous sections, I want to focus on one moment of this movement, namely, Husserl's recourse to transcendental subjectivity in *Ideas I.*[72]

Husserl writes: "We begin our considerations as human beings who are living naturally, objectivating, judging, feeling, willing 'in the natural attitude.' What that signifies…can best be [clarified] in the first person."[73]The natural attitude is characterized by existential and validity commitments: Not only do I believe in the existence of the world independently of consciousness, but I also make many validity claims. If, however, we want to bring to light what the different types of claims are *as claims*, thematize them as objects of investigation, without any presuppositions that would prejudge the outcome, then we must suspend the existential and validity commitments; we must perform the phenomenological epoche: "*We do not give up the positing we effected*…[but] *we, so to speak, 'put it out of action,' we 'exclude it,' we 'parenthesize it*'."[74]

What remains "if *the whole world, including ourselves with all our cogitare, is excluded*" is a "*new region of being never before delimited in its own peculiarity*":[75] the sphere of consciousness and what is presented immanently in it. Husserl claims that we are thereby capable of formulating a new eidetic, universal insight into the essence of any consciousness whatever. Moreover the epistemological goal of Husserl's investigations motivates him to

---

[72] Edmund Husserl, *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy*.
[73] Ibid, §27, p. 51 [48]
[74] Ibid., § 31-32, pp. 58-59 [54]
[75] Ibid., § 33, p. 63 [57-58]

designate the reductions, whereby this region of pure consciousness is revealed, as transcendental. And the mental processes which have the character of acts reveal that, universally, "every actional cogito [is] consciousness *of* something." The mark of the mental, then, in its active sense, is intentionality.[76]

Therefore phenomenological analysis consists of describing the modes of givenness of objects revealed in the region of pure consciousness, which becomes visible as the result of a series of reductions.[77]The model of evidence as intuitive fulfillment means that one must retrace intentions back to their founding intuitions. And *there* things are given to us "in person". Moreover, since the region of pure consciousness is without any presuppositions, what the result of investigation reveals can be established with eidetic necessity and universality. However, Husserl also argues that "[a mental process] is never perceived completely, that it cannot be adequately seized upon in its full unity."[78]This is because it is "in flux," and thus even though reflection can "swim along after it starting from the Now-point,"[79] the stretches it has already covered are no longer available to perception.

Consciousness is given over essentially to a temporal flow which is always already anterior to reflective acts. Therefore it cannot be made an object of phenomenological "seeing," since it is the pre-reflective background against which any phenomenon can stand out through reflection. Therefore what motivates Husserl's ever renewed efforts to account for the condition of possibility of phenomenology itself is bound up with this process in which consciousness always plays catch-up with itself: that is, the demand to grasp the essential structures of

---

[76] Ibid., §35, 36, pp. 73-74 [64-65]
[77] Husserl's distinction between phenomenological and transcendental reductions, which I merely note, is complex; but it is also not relevant for my purposes.
[78] Ibid., §44, p. 97 [82]
[79] Ibid.

consciousness and its temporal genesis without objectifying and thereby falsifying it.[80]If the flow of consciousness is anterior to reflection, then reflective categories of subject and object, or "constituting" and "constituted," are no longer appropriate to it.

For Husserl, however, this kind of incompleteness pertains to the essence of the perception of a mental process, and as such it is referred back to "the form of retention" or "the form of retrospective recollection".[81]This "essential incompleteness" provides the first crack in the immanence of the constitution of objectivity by transcendental subjectivity. In his later work Husserl becomes more attentive to the historical dimension of the constitution of objectivity. The pure description of modes of givenness of objects cannot account for the different layers of objectivity and their specific temporality. Since access to some fundamental levels cannot be gained through direct experience, and since, for instance, the essence of a historical event cannot be intuited in principle, Husserl is forced to provide a genetic account of how traditions of meaning are constituted over time and get sedimented in different cultural formations. But because, from the *Logical Investigations* on, Husserl is convinced that only relativism can result from psychologism or historicism, his attention to the essential historicity of objectivity takes a particular direction. I want to look into just one instance.

In *The Origin of Geometry*, Husserl claims that "Science, and in particular geometry, [with the meaning: necessarily embodied in a communal tradition] must have had a historical beginning; this meaning itself must have an origin in an accomplishment: first as a project and

---

[80] It is perhaps in this sense that Merleau-Ponty's claim in the Preface to the *Phenomenology of Perception* (p. xv) becomes intelligible: what the reduction reveals is the impossibility of a complete reduction. I discuss Merleau-Ponty in relation to Foucault in Chapter 4, part 1.

[81] *Ideas I*, p. 97 [82-83]

then in successful execution."[82]He proposes to grasp this beginning through a "regressive questioning" (*Rückfrage*), where "geometry" is a stand-in for "all disciplines that deal with shapes existing mathematically in pure space-time."[83]Therefore the enquiry concerns the constitution of ideal objectivity which must nonetheless be embodied in and transmitted through concrete historical traditions. But the conception of evidence which is to support his "questioning back" remains essentially the same:

> The original being-itself-there, in the immediacy [*Aktualität*] of its first production, i.e. in original "self-evidence," results in no persisting acquisition…that could have objective existence. Vivid self-evidence passes—though in such a way that the activity immediately turns into the passivity of the flowingly fading consciousness of what-has-just-now-been. Finally this "retention" disappears, but the "disappeared" passing and being past has not become nothing for the subject in question: it can be reawakened. [To this passivity reawakened] there belongs the possible activity of a recollection in which the past experiencing [*Erleben*] is lived through….[84]

Since any tradition can only be constituted over time, the phenomenologist must question backwards to reveal the historical sedimentations in experience. The phenomenological attempt to *ground* the genesis of reason and objectivity in history, however, is motivated from the start by the goal of "defining" the very *historicity* of history, i.e. its *essential* structures. Husserl's argument, therefore, starts by assuming the factual existence of a first geometer, and proceeds to specify the conditions under which alone what is given to this psychological individual can acquire intersubjective and objective ideality and validity. The first step involves its expression in linguistic ideality of meaning; and the second step requires the detachment from any actual subjectivity by its embodiment in writing. Only then will ideal geometrical objects become fully

---

[82] Edmund Husserl, *The Origin of Geometry*; my references are to the translation of this text by David Carr, provided in Jacques Derrida, *Edmund Husserl's* ***Origin of Geometry****: an Introduction* (Lincoln: University of Nebraska Press, 1989) p. 159.
[83] Ibid., pp. 171-172, 158 respectively.
[84] Ibid., 163.

virtual, *thereby* securing their persistence through time and space. Even though this makes ideality vulnerable to its corruption by its material embodiment, the permanent possibility of reawakening the original intentions through self-evident intuitions remains.

It is not that Husserl deduces a priori the empirical specificity of any and every cultural and historical practice from an essence. But since the aim is to make manifest the essential structures of *any possible* historical society, etc., in this account empirical facts can only have the status of examples that start off the process of imaginary variation. Intuition of essences de jure precedes every empirical historical investigation. The a priori sense of the historian's activity, starting with the very idea of history, cannot be derived from particular historical formations, since only from the perspective of the former are the latter recognized *as such*. If reflection on history is necessary, it is in order to secure the possibility of re-apprehending the primary evidences originally given to the founder of geometry (or of any scientific or cultural formation). Therefore, the phenomenologist's concession that there is a historical dimension of objectivity is to free phenomenology from the corruption of history. As Husserl says, "in the phenomenological sphere, there are no contingencies, no mere matter-of-fact connections (Faktizitäten); all is essentially and definitely motivated."[85]

The distinction, then, between historicity and history (Historie) wards off the threat of relativism which could accrue to ideal objectivity through its necessary incarnation in and transmission across history:

> Anything that is shown to be a historical fact, either in the present through experience or by a historian as a fact in the past, necessarily has this *inner structure of meaning*….All [merely] factual history remains incomprehensible because, always merely drawing its conclusions

---

[85] Husserl, *Ideas* p. 356.

> naively…from facts, it never makes thematic the general ground of meaning upon which all such conclusions rest, has never investigated the immense structural a priori which is proper to it.[86]

Husserl therefore insists on the necessity of a "concrete, historical a priori," which will provide the ultimate ground on the basis of which any *particular* historical investigation becomes possible. His insistence derives from the conviction that "the problem of genuine historical explanation comes together…with 'epistemological' grounding or clarification."[87]Accordingly, the necessary detour through history remains precisely that: a detour which retains the primacy of his original model: "…to discover, through recourse to what is essential to history, the historical original meaning which necessarily was able to give and did give to the whole becoming of geometry its persisting truth-meaning."[88]Hence the grounding provided by the "universal historical a priori," or "internal history," and bound up necessarily with the "universal teleology of reason,"[89] leads to a phenomenological justification of history far from a historical justification of phenomenology.

Even when Husserl refers to the "life-world as the forgotten meaning-fundament of natural science,"[90] his reinscription of the concept-intuition duality as that between intention and its fulfillment, and the ultimate search for a genuinely presuppositionless starting point, limits the very limitation which the life-world could provide for ultimate grounding through the meaning-bestowing acts of consciousness. The mathematization of the life-world, and its substitution "for the only real world, the one that is actually given through perception, that is ever experienced and experienceable," is now faulted as itself being no longer faithful to the "sources of truly

---

[86] Husserl, *Origin of Geometry*, p. 174.
[87] Ibid.. p. 175.
[88] Ibid., p. 179.
[89] Ibid., p. 180.
[90] Edmund Husserl, *Crisis of European Sciences and Transcendental Phenomenology*, (Northwestern University Press, 1970) § 9, (H).

immediate intuition and originally intuitive thinking."[91]The investigation of the life-world, on the other hand, must be grasped in its pre-scientific and pre-theoretical everdayness: "…*as history teaches us*, there was not always…a civilization that lived habitually with long-established scientific interests."[92]But since the life-world was always there, its essence must be grasped and the pre-scientific interests that "govern it" described.

Thus: "[T]he life-world is a realm of original self-evidences. That which is self-evidently given is, in perception, experienced as 'the thing itself,' in immediate presence, or, in memory, remembered as the thing itself; and every other manner of intuition is a presentification of the thing itself."[93]It is therefore possible in principle to describe the "general structure" of the life-world, despite its relative features: "This general structure, to which everything that exists relatively is bound, is not itself relative."[94]Husserl distinguishes between "the objective-logical a priori" and "the a priori of the life-world". The former is "put out of play" through the transcendental reduction of scientific idealizations, but the latter contains everything we find in the former: the world, prior to its theoretical explanation by the sciences, is already spatio-temporal, causal, etc.; and since the latter is free from the idealizations which can only be built up through a "reference back to the corresponding a priori of the life-world," "[t]his reference back is one of a founding of validity."[95]Therefore, because "among the objects of the life-world we also find human beings," the phenomenological investigation of this "universe of the

---

[91] Ibid..
[92] Ibid., §33, my italics. Here I merely note in passing this appeal to some putative lesson of history. It should be clear, however, that, according to the conception of phenomenology I describe, history cannot really teach anything; or the history which Husserl appears to invoke here could only be history in a very attenuated sense. I take up this issue in the next chapter in comparing Foucault's historical a priori with that of Husserl.
[93] Ibid., § 34, (D).
[94] Ibid., § 36.
[95] Ibid.

subjective," in opposition to all objective sciences, is to be "science of the universal *how* of the pre-givenness of the world, i.e. of what makes it a universal ground for any sort of objectivity."[96]

Husserl's consistent and rigorous thinking through the very presuppositions of phenomenology leads him to push across the limits of the region of transcendental subjectivity, the immanence of which was to be the achievement of transcendental phenomenology. However, his conceptions of evidence, meaning and intention retain a certain hold on the very direction which his trajectory follows from pure consciousness to the life-world as the field of "ultimate grounds" [Gründe].[97]Thus, when he claims that: "[a]ll truth and all judicative evidence…are related back to the primitive basis, experience; and, because experience itself functions *in* and *not beside* the original judgments, *logic needs a theory of experience*—in order to be able to give scientific information about the legitimating bases, and the legitimate limits, of its *a priori*, consequently about its own legitimate sense"[98]; the starting and ending points of the phenomenological conception of experience remains beholden to the primacy of a constitutive consciousness and its meaning-bestowing acts as the ultimate legitimating acts.

In the light of my discussion, however limited, of the "uses of experience" in Kant, Hegel, and Husserl, I focused on one strand that I take to be central for philosophical attempts to say something about experience which would go beyond common sense without, however, messing about with rats, or questionnaires, to use Rorty's phrase. That strand is the theme of activity and passivity and the distribution of agency between subjectivity and objectivity. From the theater of ideas through transcendental apperception to Hegel's "I who is also We," one finds the renewed efforts to account for the reflexivity of experience and follow through its

[96] Ibid., § 38.
[97] Ibid.
[98] Edmund Husserl, *Formal and Transcendental Logic*, (The Hague: Martinus Nifhoff, 1969) pp. 211-212.

consequences. In Husserlian phenomenology, finally, there is the attempt to refer all such reflective distinctions to that region which, anterior to all reflection, sustains all theoretical and practical commitments: "It is that as yet dumb experience…which we are concerned to lead to the pure expression of its own meaning."[99]Hence the ever renewed trials of beginning which Husserl formulates. Rorty's response, as I sketched briefly at the beginning of this chapter, to this entanglement of "experience" with the misguided projects of epistemology, is to drop the concept or refer it to currently accepted scientific practice.

After all, if the subject, for all we care philosophically, is nothing more than a black box emitting sentences, then it is plausible to ask of it only those questions which will be of the same order as the ones we might ask of telephones.[100]Therefore, Rorty's strategy of asserting the superfluity of the subject (and of experience) by denying the very coherence of the problem(s) for which it was intended as an answer appears to be effective. The strategy I will attribute to Foucault in the following chapters is not unlike the one I hint at here. However, I want to indicate briefly what differences one might expect.

Hume had claimed that when he turned back his mind's eye to observe the contents of his own mind, all he could see were various acts of perceiving, remembering, being in this or that state; but the self, which allegedly remained the enduring substance throughout the flow of representations, was nowhere to be seen. However, Kant's awakening from his dogmatic slumber did not neglect to raise a peculiarly poignant question to Hume: when I thus turn back my mind's eye, it may be that all I see is the unceasing flow of this or that state, this or that

---

[99] Husserl, *Cartesian Meditations: An Introduction to Phenomenology* (The Hague: Martinus Nijhoff, 1977) p. 38-39 (The Cairns translation is: "…pure—and, so to speak, still dumb—psychological experience, which now must be made to utter its own sense with no adulteration." I follow the translation of Merleau-Ponty's citation in *PP*, p. xv Alternatively, "*die stumme Erfahrung*" can be translated as "mute experience".)

[100] One option Rorty does not consider is that even if the subject is no more than a black box, it could also be called, by the same token, *no less than* a black box. As I try to show in the case of Foucault, the dimension of self-relation seems to be more resilient than its wishful abandonment supposes.

representation, with no underlying self in sight; but just what is this very I, the “eyes” of which I turn back, with which I see myself seeing this or that? Therefore the critical project, and the very possibility of critique, is bound up with the Kantian insight that, even though the empirical self may be no different from all the other objects which appear to me in experience, the transcendental subject cannot be so easily dissolved into the stream of consciousness; since it seems to be presupposed by the act of dissolving anything at all.

In what follows I articulate many criticisms which may be leveled at Kant from a Foucauldian perspective. Bu at this juncture, a question not unlike the one I just attributed to Kant may be posed to Rorty: Was it just that Kant, or Hegel, or Husserl did not know any better than to remain caught up in the Cartesian net of subjectivity? If, rather, the recourse to subjectivity so construed can only be made intelligible through the historically specific social practices which made it necessary in some sense; and if it is precisely the rigor with which Kant, or Hegel, or Husserl pursued the conditions which had made possible the moves they could make in a determinate field of possibilities; just what does it take for it to become plausible, now, for us, to even think of the subject as a black box, and for its reality to be exhausted by the controlled experimentation on rats in laboratories or the statistical analysis of questionnaires? The answer is, in part, that in modern societies the subject has indeed become a black box. But that becoming cannot be grasped neutrally as a mere result of our finally knowing better; nor celebrated unequivocally as the improvement in conditions of liberty.

> *A discourse attempting to be both empirical and critical cannot but be both positivist and eschatological; man appears within it as a truth both reduced and promised. Pre-critical naïveté holds undivided rule*. (OT, 320)

2. Giving Up the Transcendental: Critical *and* Empirical Discourse?

There is a temptation to regard Foucault's work as a cluster of empirical insights in search of their philosopher to organize and justify their historical content. This temptation should be resisted. However, the form that resistance takes and the intelligibility it assumes are far from obvious and entail a number of risks. Specifically, it is not possible to articulate *with full conceptual determination* the standpoint which sustains that resistance, because it is, in some sense that will become clear only gradually throughout the present study, a disavowal of the very points which have a *categorial standing* in modernity. More specifically still, because it entails a complication of the separation into spheres of validity—cognitive truth, normative right, and aesthetic beauty—which are then distributed between the transcendental and the empirical.

So, for instance, Béatrice Han argues that Foucault succumbs to the very confusion between the transcendental and the empirical, in different modalities, he had charged post-Kantian philosophies to have committed.[101]On this account, the thread binding together the disparate historical studies is Foucault's effort to offer a nonanthropological version of the

---

[101] Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical*, trans. Edward Pile (Stanford: Stanford University Press, 2002), hereafter *BTH*. Han's study is thoroughly researched and forcefully argued. Although I do not agree with her conclusions, and even less with the unargued assumption that Foucault presupposes a philosophical foundation that he cannot provide, the argument of this chapter owes much to her relentless questioning and objections. Another source of motivation for framing some of the elements of my argument is Jürgen Habermas's *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick Lawrence (Cambridge, Massachusetts: MIT Press, 1987), hereafter *PDM*, especially lectures 9 and 10.

transcendental theme he had first analyzed in the introduction he wrote for his complementary thesis, a translation of Kant's *Anthropology from a Pragmatic Viewpoint*, the argument of which supplies the contours of the analytic of finitude articulated in *The Order of Things*. The multiplicity of concepts Foucault marshals thereafter—episteme, historical a priori, discursive formation, archive, archaeology, games of truth, genealogy, regimes of truth, techniques of the self, problematization—are, from this perspective, so many attempts to provide coherence to what remains one and the same passion: historicizing the transcendental.

Against this position, and at times against the grain of some of Foucault's own formulations, a more faithful characterization of Foucault's trajectory is not so much the conversion into the domain of contingency and particularity what would otherwise be necessary and universal conditions—historicizing the transcendental—as if all one had to do were the addition of historical variability to transcendental frameworks or schemes; as it is *giving up* the transcendental in the forms it has taken since Kant, and pressing the consequences of this abandonment for a reflection on history, and by extension subjectivity. The following claim Foucault makes crystallizes both the necessity and the difficulty staked by this thesis: "The research that I am undertaking here therefore involves a project that is deliberately *both historical and critical*, in that it is concerned … with determining the *conditions of possibility* of medical experience in modern times…. Here as elsewhere, it is a study that sets out to uncover, *from within the density of discourse, the conditions of its history*" (BC, xix; modified, my italics).

Two tentative conclusions follow: first, the demonstration of the position I am pushing, namely, that Foucault's philosophical/historical studies are motivated by and carry out the renunciation of the transcendental, demands that a sense be given to the 'conditions of possibility' talk that permeates his works and structures his thought; and second, the

understanding so provided should account for both the historical and the critical dimensions without presupposing the confusion of the transcendental and the empirical Foucault excoriates in *The Order of Things*. That such an account is necessary should be clear from the epigraph of this chapter. The question is: Does Foucault need a version of the transcendental to ground what would then become his empirical/historical studies, or does he successfully manage to recast the transcendental theme through his non-subjective account of experience?

Experience, both the concept Foucault is proposing and the manner in which he is conceptually articulating it, operates in a problematic relation to the separation into spheres of validity (objective knowledge, practical/moral rightness, and aesthetic reflection) and the discursive/subsumptive reasoning this presupposes. It requires a form of reasoning in which forms are *not* indifferent to content, and meaning is *not* abstracted from social practices. This experience is governed by forms that are local, non-topic-neutral, and context-bound. The intelligibility of experience so understood is neither transcendentally constituted nor empirically given, but intimately tied up with the internal connections between its elements.

In short, it involves a binding of conceptual understanding and perceptual experience (if we take ‘experience’ in the Kantian sense). It forecloses conceptual closure by *localizing discourse*, and it makes possible a critical engagement with procedural, formal rationality lodged from the space of a local, context-dependent and particular rationality. To demonstrate all this would be a tall order. What is even more difficult, however, is that, since this experience and its articulation cannot resist the demand for universality indefinitely, the very attempt to flesh it out discursively is fraught. Hence the charges to which Foucault is exposed: from performative self-contradiction to presentism to crypto-normativity to oscillations between the transcendental and the empirical.

I think there is a good response to each of these objections, and the concept of experience provides the matrix from which to provide them. Since what is common to most, if not all, of these criticisms is the claim that Foucault's project, and by extension the concept of experience that is the focus of this study, lacks a *theoretically constituted foundation*, and given the just noted aporia consequent upon discursively articulating what is not susceptible to full conceptual articulation, my argumentative strategy will be twofold.

First, I will attempt to make the demand for theoretical grounding less attractive by sketching an account of why it appears inescapable and why its claim to be exhaustive is deceptive. This part of the argument is the negative moment of what assumes positive shape in Chapter 4 with a more detailed discussion of the concept of recognition and the hermeneutics of the subject. Second, I will chart the three dimensions of experience following, selectively and not always chronologically, the texts where they are either displayed or reflectively discussed. The present chapter focuses on the dimension of knowledge in order to establish a conception of rules, which cannot be captured in terms of the dichotomy between the transcendental and the empirical, which is then developed further in the next chapter. So long as we presuppose the ineluctable validity of the transcendental and the empirical as lying on logically different levels, the Foucauldian project appears as a series of oscillations between the two. However, his concept of experience—centered on a notion of practices—as constitutive of subjectivity is an attempt to think not between or beyond these two, but involves a reconfiguration and rearticulation.

2.1 Analytic of Finitude: Kant and the Order of Things

In the introduction to one of the last texts that Foucault authorized for publication, he proposed the following explication of his project: "What I planned, therefore, was a history of the experience of sexuality, where experience is understood as the correlation between fields of knowledge, types of normativity, and forms of subjectivity in a particular culture" (*UP*, 4). According to this definition, analyzing sexuality as a historically singular experience entails an analysis of the three axes that constitute it. First, there is the formation of the sciences (*savoirs*) that refer to it as object; second, there are systems of power that regulate its practice; and finally, there are the forms within which individuals recognize themselves as subjects of this sexuality.

A little further in the text, Foucault specifies how such an analysis involves "the games of truth (*jeux de verité*) in their interplay with one another…their interaction with power relations…[and] in the relationship of self with self and the forming of oneself as a subject…" (*UP*, 6). If games of truth are the "rules according to which what a subject can say about certain things involves the question of truth or falsehood," (*DE*, 4:632) then it is possible to infer that sexuality as a singular experience is constituted by historically analyzable practices that involve three sets of rules: those which operate at the level of formation of discursive knowledge, those which operate at the level of the exercise of power, and those which determine the forms in and through which the subject constitutes itself.

Experience, then, is the correlation between knowledge, power, and what Foucault will call subjectivation. Even if we leave aside the nature of their interrelations, a problem emerges:

is experience constituted or constitutive?[102] The text warrants both readings to the extent to which Foucault says, in this particular context where the object of investigation is sexuality, "an 'experience' *came to be constituted* in modern Western societies, an experience that *caused individuals to recognize themselves as* subjects of a'sexuality'" (*UP*, 4; my italics). The inclusion of a reflexive moment ("recognize themselves as") amplifies this problematic status of experience, which Foucault is explicitly introducing as a concept that retrospectively characterizes the trajectory he has followed from the *History of Madness* on.[103]

A first approximation to a resolution of this tension is to see that there appears to be an isomorphism of sorts between what Foucault presents as the three axes constitutive of experience (knowledge, power, and subjectivation) and the Kantian separation into domains of validity (objective knowledge, practical/moral rightness, and aesthetic reflection). This appearance is both problematic and not incidental. Problematic, because there are texts where Foucault unequivocally claims that "the episteme has nothing to the with Kantian categories" (*DE*, 2:371); not incidental, because Kant occupies an ambivalent position in *The Order of Things* ("The Kantian critique…marks the threshold of our modernity" (*OT*, 242)) and Foucault will later place his own project in the space opened up by critical philosophy[104].

Therefore, the rearticulation of experience Foucault presents at the end of his trajectory requires reference to and resolution of a key issue he had raised at its beginning: what is the

---

[102] For an interpretation according to which Foucault's invocation of experience in *The Use of Pleasure* reinscribes the transcendentally constitutive subject back into what would have been the purely empirical analyses of genealogy, see *BTH*, Chapter 5, and especially section 1, pp. 152-58. I shall argue that this interpretation misconceives the way in which Foucault grapples with the transcendental-empirical divide.

[103] This intention is clearly expressed by the set of questions Foucault provides on p. 7: "…when he perceives himself to be mad; when he considers himself to be ill; when he conceives of himself as living, speaking, laboring being; when he judges and punishes himself as a criminal?"

[104] See, for instance, "What is Enlightenment?" in PT, pp. 97-119, and the encyclopedia entry on Foucault he himself wrote under the pseudonym Maurice Florence, in *The Cambridge Companion to Foucault*, ed. Gary Gutting, (Cambridge: Cambridge University Press, 1994) pp. 314-319.

relationship between the transcendental and the empirical, and the status of man as an empirico-transcendental double? If experience is somehow both constituted and constitutive, and if this tension is to avoid sheer contradiction (or confusion), then we must look at the texts where Foucault investigated the epistemic space of modernity: the analytic of finitude presented in *The Order of Things* and his *Introduction to Kant's Anthropology*.

2.11 What is an empirico-transcendental double?

The analytic of finitude is the various efforts through which philosophical reflection and the human sciences circle around the ambiguous figure of man, which "did not exist" (*OT*, 308) before the end of the eighteenth century. These "warped and twisted forms of reflection" (*OT*, 343) are a response to the status of man as an empirico-transcendental double, which status is made possible by and is a response to the dissolution of representation as the self-evident ground of knowledge in the classical age. Foucault's well-known analysis of *Las Meninas* helps us understand this transformation, and consequently what is involved in the claim that man is introduced into the epistemic field constitutive of modernity, thereby initiating the analytic of finitude.

Foucault's analysis of Velazquez's *Las Meninas* makes a case for how "in this picture, as in all the representations of which it is…the manifest essence, the profound invisibility of what one sees is inseparable from the invisibility of the person seeing…" (*OT*, 16). The painting becomes the representation of Classical representation and the epistemic space it opens up.[105] At

[105] Foucault's periodization presents a problem, to the extent to which he seems to reproduce the not untypical division into Renaisscance, Classical Age, and Modern Age; that is, roughly, the fifteenth to mid-sixteenth to end of the eighteenth to the 19th century on. For a gloss on this division, see Ian Hacking, *Historical Ontology* (Cambridge, MA: Harvard University Press, 2002) pp. 77-78. In the next chapter, I offer some reasons why the emphasis on

several levels, the structure of the painting is organized around a point exterior to it. We can isolate three elements, superimposed on this point external to but presupposed by the painting, each corresponding to an element of representation: the king and the queen/object represented, the spectator/subject viewing the representation, and the painter/subject representing. There corresponds to each element its represented double in the painting: the image reflected in the mirror and the man standing on the threshold, both situated in the background, and the self-portrait of the artist in the middle-ground.

None of the elements, however, is represented as playing the role it does in the process of representation. The models and the spectator are in the background, the former only a reflection in a mirror; the painter is not in front of the painting that is "Las Meninas". The effort to represent representation, i.e. to thematize the act of representation itself, fails because it is built around an "essential void: the necessary disappearance of that which is its foundation…. [The] subject has been elided" (*OT*, 16). The necessity of this failure constitutes the way knowledge is organized in the Classical age and forms the main steps in Foucault's description.

Classical thought precludes a theory of signification, for this would ask the question "how can we know whether a sign designates what it signifies?" Any answer to this question presupposes that there is something in virtue of which a sign signifies the signified—for instance, "resemblance" plays just such a role in the Renaissance. What is peculiar to Classical thought, and serves as its organizing principle, is that there is no intermediary between sign and signified. There is no doubt concerning whether it represents what it seems to represent, and

---

discontinuities in Foucault's historiography overlooks the extent to which non-global continuities pervade his histories from one end to the other. Ruptures are not incompatible with a historical continuity or traditions; what is incompatible, however, is the epistemological function for which Idealist philosophy of history, or some versions of hermeneutics, appeal to historical or traditional continuity.

precisely because of such transparency the problem of their linkage arises: whether there is an external world, the actual existence of the objects represented, etc.

Because conscious thought is necessarily representative, we cannot ask how consciousness comes to have the capacity to represent: what is taken for granted is that the mind's thoughts have a coherent representational content. Representation as the organizing principle of Classical thought thus eludes scrutiny within Classical thought, since one cannot step back from it in order then to ask how it is possible. If representation were one element in an ordered system, one object of knowledge among others, then it would be possible to place it in a tabular series in terms of its identity with and difference from other elements. However because it is that from which Classical knowledge becomes possible, it withdraws from the field which it opens up for cognition and therefore cannot be an object of cognition.

Now, it is precisely this epistemic configuration that is transformed by the Kantian critique, which "questions the conditions of a relation between representations from the point of view of what in general makes them possible: it thus uncovers a transcendental field in which the subject, which is never given to experience (since it is not empirical) but which is finite (since there is no intellectual intuition) determines in its relation to an object =X all the formal conditions of experience in general" (*OT*, 243). Man consequently appears as both an object produced by the world and a subject who constitutes the world.

This is doubly inscribed in the Kantian critique: first, to the extent to which in his *Logic* we find, in addition to the threefold questioning, "an ultimate one: the three critical questions (What can I know? What must I do? What am I permitted to hope for?) [are then] themselves referred to a fourth, and inscribed, as it were, 'to its account': Was ist der Mench?" (*OT*, 341);

second, to the extent to which the problematic relation Kant's first Critique bears to his *Anthropology* raises the question whether there was already in 1772 "a certain concrete image of man which no subsequent philosophical elaboration would substantially answer" (*IKA*, 19). Reading Foucault's *Introduction to Kant's Anthropology* in tandem with *The Order of Things*, there emerges the outline of an argument which links the dual status of *man as constituting and constituted* with a fault line running through the Kantian corpus.

Kant then both demonstrates the divide between the transcendental and the empirical, and blurs that distinction; and the wager of Foucault's turn to Kant's *Anthropology* is that it enables him to demonstrate whether and to what extent "[t]he *Critique* would…have been inclining toward the *Anthropology* from the beginning…" (*IKA*, 19)[106] If it is the case that there is a Kantian prefiguration of the analytic of finitude, i.e. that Kant both introduces a de jure wedge between the transcendental and the empirical (when he asks about the conditions of possibility of experience, of moral conduct, of judgment), and collapses that very divide by transposing the critical questions onto the question of man, then the analytic of finitude already plagues modern reflection from its inception: the distinction between the constituted and the constituting, and their superimposition.

But why should this be troubling for modern thought? The short answer is that, from the moment when Kant challenges the self-evident status Classical knowledge assigns to representation and questions *by what right* we may be said to have representations with objective validity in the first place, a space opens up by virtue of the novel terms in which this questioning is carried out, i.e. every empirical determination is to be submitted to transcendental reflection

---

[106] Hence the pervasiveness of the question concerning the relationship between Kant's first Critique and his *Anthropology* which runs through Foucault's *Introduction*, of what he calls anthropologico-critical repetition. See especially pp. 106-109.

that seeks to determine its *conditions of possibility and legitimacy*; however, this sharp division between what is de facto and what is de jure structures a field with a certain number of determinate strategies, all of which pivot around human finitude, but none of which successfully accounts for it. Thus begin various forms of reflection that either keep apart the transcendental and the empirical, or collapse one into the other. This answer, however, does not quite express the anxiety which both sustains and dooms in advance the strategies of modern philosophical reflection to come to grips with the recentering on man of the transcendental perspective. Foucault describes these figures under the heading "man and his doubles," and their relation to the transcendental theme requires a fuller account.

The human being as an object of the empirical sciences is finite, which means that it is produced within the networks of empirical determinations of which it is a part. These are the networks which empirical sciences investigate under concepts like economic production, linguistic systems, and physical environment. But transcendental reflection, since it insists on the ineluctability of questioning every empirical determination as to its sources, objective validity and legitimacy, shows that this human being must also constitute the world of which it is nonetheless a part. The Kantian solution consists in making the very finitude of man serve as the condition of possibility of knowledge. Having to experience spatio-temporal and causally interacting objects, i.e. the very constraints imposed by our form of sensibility and categories, makes the objects of experience possible in the first place.

Hence philosophical reflection on knowledge demands that we ground the objective reality of the empirical determinations in the domains of life, labor and language through

recourse to human finitude[107]: "At the foundation of all the empirical positivities, and of everything that can indicate itself as a concrete limitation of man's existence, we discover a finitude…the spatiality of the body, the yawning of desire, and the time of language…. [T]he limitation is expressed not as a determination imposed upon man from the outside, but as a fundamental finitude which rests on nothing but its own existence as fact, and opens upon the positivity of all concrete limitation" (*OT*, 315) The point is that it is precisely and *only through the subject's* desire, body, and expression that the forces of life, labor, and language, which determine it empirically, are constituted in the first place. As the Kantian critique seeks to demonstrate, philosophical reflection must show human finitude to be *self-grounding* by making the finite subject its own foundation. Foucault's terms for this process of attempted self-grounding of finitude are the fundamental and the positive. It is not quite clear what the semantic extension of these terms is, but it is possible to delineate their function within the analytic of finitude.[108]

From the moment when man appears as both object and subject (of knowledge), its identity with and difference from itself becomes a problem: how can such a being ground itself, since nothing can literally precede and produce itself—even in the idealist sense of constitution. The difficulty is expressed by Foucault's gloss on the subject's status in the *Anthropology* in relation to the first and second Critiques: the space in which an anthropology could be formulated is "a space in which self-observation bears not upon the subject as such, nor upon the

---

[107] The three Ls (life, labor, and language) then figure the broader problem of transcendental constitution. As such they indicate an original passivity, the paradoxical nature of which I will describe shortly.
[108] For useful discussions of their meaning, see Thomas Flynn, *Sartre, Foucault, and Historical Reason*, vol. 2 (Chicago: The University of Chicago Press, 2005), pp. 180, 254, 191; Gary Gutting, *Michel Foucault's Archaeology of Scientific Reason*, (Cambridge: Cambridge University Press, 1989), p. 200 ("finitude as founding is fundamental, finitude as founded is positive"); *BTH*, part one, passim. Han draws on Foucault's *IKA*, a text which was not yet translated into English at the time, in order to map out the points of convergence between *OT* and the themes of the originary, fundamental, and a priori.

pure 'I' of the synthesis, but upon 'a I' that is object and present *solely* in its *singular* phenomenal truth. But this 'I-object,' given to sense in the form of time, is no stranger to the determining subject; for it is ultimately nothing more than the subject as it is affected by itself" (*IKA*, 39)[109] Foucault gathers the possible ways of articulating this self-grounding finitude under three rubrics. Each corresponds to different modalities of the fundamental-positive pair: a) the empirical and the transcendental, b) the cogito and the unthought, and c) the retreat and return of the origin.

I think that the empirical and the transcendental, which occur as one version of the analytic of finitude in Foucault's scheme, must be granted a certain privilege by the terms of Foucault's own analysis. His own description of what motivates the particular entanglements and contortions of this pair more generally applies to the analytic at issue: the necessary failure of attempts to collapse the one into the other is what initiates the modern search for "a discourse whose tension would keep separate the empirical and the transcendental, while being directed at both; a discourse that would make it possible to analyze man as a subject, that is, as a locus of knowledge which has been empirically acquired, but referred back as closely as possible to what makes it possible…" (OT, 320).

Kant's question concerning the objective validity of representations requires that there be a sharp distinction between the transcendental, as that which would constitute experience (as empirical knowledge), and the empirical, as all that which would then be seen as the content of

---

[109] I take it that the "subject as such" refers to the noumenal self of the *Critique of Practical Reason*, whereas the "pure I of synthesis" refers to the "I think" of the *Critique of Pure Reason*. The passage continues by noting: "Far from the space of anthropology being that of the mechanism of nature and extrinsic determinations…it is entirely taken over by the presence of a deaf, unbound, and often errant freedom which operates in the domain of originary passivity. In short...a field proper to anthropology is being sketched out, where the concrete unity of the syntheses and of passivity, of the affected and the constituting, are given as phenomena in the form of time."

such knowledge. As I pointed out above, there is an ambiguity even in Kant as to whether such a division can be maintained in its purity. One post-Kantian strategy of tackling this problem is that of reducing the transcendental to the empirical.[110] We may turn towards physiology or biology to provide a positivist grounding of the transcendental aesthetic: knowledge will then be grounded on conditions that are merely empirical, and the relation of condition to what is conditioned will be that of causation. Alternatively, we may turn towards history as the locus of social and economic conditions in order to provide a concrete account of the transcendental dialectic.[111]

Both strategies appear to work at the empirical level alone, but Foucault claims that they presuppose concepts that refer to the transcendental, thereby repeating the figure of man as transcendental subject and empirical object. The claim should not be very surprising—although Foucault's synthesis of the diverse strands involved is ingenious—since it draws on well-known criticisms of what could broadly be called positivism and Marxism, where these are understood not so much as specific doctrines as determinate epistemic strategies.

To the extent that they are epistemic strategies, they presuppose a distinction between knowledge of empirical objects and reflection on the validity and status of this first-order knowledge. By the terms of their own strategies, there must be a distinction between empirical truth and truth of discourse about empirical truth.[112] The proper way to account for the relationship of one to the other is what causes each strategy to founder. For a successful

---

[110] *OT*, pp. 318-322

[111] Foucault's gloss here is instructive for the argument of this chapter, since he comes very close to describing his own project, thereby flirting with reproducing such oppositions as constituted-constituting and transcendental-empirical: "…a *history* of human knowledge which could both be given to empirical knowledge and prescribe its forms" (*OT*, 319).

[112] Foucault says "truth that is of the order of discourse" (*OT*, 320).

reduction, one must be grounded on the other. Positivism reduces the latter to the former, and accounts of a Marxist type—what Foucault calls here eschatological, probably because the achievement of such grounding is seen as the culmination of a historical process—reduce the former to the latter. But as soon as positivist accounts attempt to provide a philosophical account of their reduction of all account-giving to empirical truth, they appeal to principles that transcend their internal confinement to empirical truth. Even though Foucault does not spell out exactly what this would comprise, an instance of such a failure might be, say, that there can be no satisfactory verificationist grounding of the principle of verification.[113]

Eschatological strategies of reduction, on the other hand, ground empirical truth on conditions that are not of empirical order, thereby abandoning their claim to concretion and operation on the empirical level alone. Both strategies then turn out to be self-defeating: either they carry through the project of reducing the empirical to the transcendental (or vice versa), in which case they generate a perpetual oscillation from one to the other; or they leave the distinction between empirical truth and truth of discourse about empirical knowledge untouched, in which case they reproduce the very transcendental divide they seek to overcome.

On the epistemological field structured by this configuration, phenomenology appears as a way to avoid the twin shoals of positivism and eschatology. Foucault's engagement with the strategy phenomenology constitutes is admittedly cursory—he spends little more than a page to

---

[113] If this claim is too strong, a more guarded version is sufficient for my purposes: so far no satisfactory principle of verification has been offered. In fact, the trajectory of logical positivism seems to capture the thrust of Foucault's argumentative strategy in the analytic of finitude quite well. The analytic of finitude, *as a critical argument* in *The Order of Things*, works not by offering yet another transcendental or quasi-transcendental argument to the effect that the target epistemic moves are impossible *in principle*, but that we have good reasons to give up trying because they are no longer attractive; and that's because the endless oscillations they generate at best show us that they are not fruitful research programs, and at worst perpetuate a misrecognition of the practices they claim to ground. The reason why there are few if any logical positivists today is due not so much to its definitive refutation in its global goal and particular details, since there are programs that are sympathetic to and continue aspects of positivism; as it is to its repeated failure to provide the principle which its method nevertheless requires.

dispatch it. Moreover, it is not quite clear which specific doctrines or arguments fall under the term in this context. But at the archaeological level that is at issue here, it may not be necessary to know the extension of the term, since it should be understood as yet another strategy to come to grips with the transcendental theme.[114]Phenomenology recognizes the difficulty of collapsing the distinction between the transcendental and the empirical by reducing one to the other. Instead, it turns to the faithful description of lived experience where the subject is revealed as both transcendental and empirical. Subtle descriptions of the body and cultural formations *as experienced* reveal an irreducible spatiality that makes possible any empirical corporeal comportment and "the immediacy of [culture's] sedimented significations" (*OT*, 321).

Consequently it appears to fulfill the demand to respect the transcendental division, while at the same time accounting for what makes it possible. However, Foucault's claim is that phenomenological descriptions ultimately revert to the empirical. Hence phenomenology suffers the same predicament as reductionist attempts to grapple with man as the empirico-transcendental double.

My contention has been that the transcendental/empirical version of the analytic of finitude is privileged because it puts into play the main elements of the transcendental theme Foucault locates in Kantian critical philosophy and the post-Kantian strategies to find a

---

[114]I discuss the crux of Foucault's real contention against phenomenology later in this chapter. As a pointer in that direction, it is important to note one point at this juncture: referring to the third term through the invocation of which phenomenology would restore the forgotten dimension of the transcendental against various reductionist projects, Foucault says "Actual experience is…both the space in which all empirical contents are given to experience and the original form that makes them possible in general…." (*OT*, 321)The English text has "actual experience," which is not necessarily wrong but potentially misleading. The term Foucault uses is "*le vécu*," which is typically rendered as "lived experience". In light of the distinction introduced in chapter one between *Erfahrung* and *Erlebnis*, this difference makes a difference: phenomenology, in Foucault's description at this point, provides an account of self-grounding finitude by appealing to lived experience as both empirical and transcendental, while at the same time doing justice to their irreducible difference. Since Foucault will shortly claim that this account also fails, his proximity to and difference from phenomenology is intelligible in part through his repudiation of *le vécu.*

successful account of self-grounding finitude. However, his description of this version focuses on the attempts to reduce the transcendental to the empirical. The inversion of this move, namely, the reduction of the empirical to the transcendental constitutes "the cogito and the unthought". The transcendental theme articulated in the pair fundamental/positive centers on the modern conception of man's double status: transcendental subject *and* empirical object. "Cogito and the unthought" traces a series of strategies in response to man's double status that take the form of the human subject *as* experiencing consciousness, which grasps the world in reflective awareness, *and as* the never fully present object of that experience.

Modern cogito, *unlike* the Cartesian cogito, is the attempt at articulating the transparency of pure consciousness as *inherently* related to an unthought that cannot be fully incorporated into reflective awareness or rendered fully conscious. The Cartesian thinking thing, precisely because it is pure consciousness, can infer from the immediate certainty of "I think" to "I am": if we were to transpose the process into the terms of modern episteme, we would say that it superimposes the empirical and the transcendental, and therefore establishes an unproblematic connection between man's reality as reflective consciousness and as object in the world. Any unthought otherness which cannot be reduced to conscious awareness is only temporarily so. When Descartes confronts illusions, dreams, and madness, as dimensions of thought that elude reflective control, he does so only to recover them in the sovereignty of consciousness: even if I am dreaming, I think.

Modern cogito acknowledges itself as *intrinsically* bound to an unthought it cannot so master. In Kant this is inscribed as the thing-in-itself, whereas post-Kantian formulations reinscribe the unthought as a dimension of our own reality, an otherness in which we must come to recognize ourselves. Hence modern strategies strive to preserve the irreducible distance

between the cogito and the unthought in man, while searching for an account of self-grounding finitude. But precisely for this reason "the cogito will not…be the sudden…discovery that all thought is thought, but the constantly renewed interrogation as to how thought can reside elsewhere than here, and yet so very close to itself, how it can *be* in the forms of non-thinking" (*OT*, 324)

Transcendental phenomenology appears, as before, to succeed: phenomenological reduction reveals the empirical realm, including the empirical self, as constituted by the transcendental ego, without thereby making the two ontologically distinct entities. Man as constituting subject and constituted object seems to find, in phenomenological reflection, a stable account. However, this account fails because the transcendental ego opened up by the *epoche* cannot be a pure consciousness, but turns out to be in the manner of the modern cogito, i.e. as itself related to an unthought that it cannot ground. The phenomenological reduction, or the series of reductions, fails to open up and preserve the division between the transcendental and the empirical. Consequently, the transcendental ego in its many phenomenological guises, as constitutively related to an opaque unthought that is its reverse side, repeats rather than resolves the problematic double nature of man: "The phenomenological project continually resolves itself, before our eyes, into a description—empirical despite itself—of lived experience, and into an ontology of the unthought that automatically short-circuits the primacy of the 'I think'" (*OT,* 326; modified).

The third modality of the analytic comprises attempts to anchor finitude in its relation to time (*OT*, 328-335). These take the form of reflections on man's historical reality and its origin. That man, from the first moment of its existence, is given over to a history not of his own making articulates the subject's status as constituted—the positive. If it were possible to recover

the totality of this history as the series of conditions producing the subject, it would be possible to ground man's enigmatic status as the empirico-transcendental double. But unlike a purely natural species, the origin of which would be something other of the same kind, man's origin is essentially other: man, which in this configuration is a being capable of knowing the world of which he is a part, cannot be conceived as *homogenous* with its origin.[115] The origin, as the limit of a series (of conditions) to which it does not belong, perpetually retreats in the very attempt to recover it, since any putative origin as a moment in human history will ipso facto be shown not to be the true origin.

Either the origin of man is a point that lies on human history, in which case it fails to be truly originary, or there is an originary point where man cannot be present as such, in which case it is not man's origin. Anchoring finitude by tracing the series of conditions that produced man to their origin fails because the origin as the limit of human history perpetually retreats.

There is another strategy reflection on man as historical reality employs: if there is history as such, it is only because human consciousness constitutes the world as a temporal series of meaningful actions—the fundamental. Since human action is not merely an event in the causal nexus of nature, philosophical reflection refers to human project as that through which the succession of events becomes historical. The proper origin of man, then, is the point at which such self- and other-constitution occurs. Even though this point will retreat perpetually when pursued in terms of positive finitude—the fundamental meaning of humanity cannot be located empirically—from the perspective of man's constitutive activity, this very retreat of the origin will have been constituted as part of history. Thus begin the modern efforts to recover the

---

[115] See Gutting, *op. cit.*, p. 205, for a useful description of this movement.

original project in and through which man constitutes history. This movement is what Foucault calls the return of the origin (to the present) which would reveal the fundamental meaning of humanity. As such it is tantamount to the recovery of an authentic meaning that would account for the problematic but constitutive status of man's double nature.

These three modalities of the fundamental/positive pair, namely, the empirical-transcendental repetition, cogito and the unthought, and retreat and return of the origin, define the anthropological quadrilateral (*OT*, 335) as the epistemological field within which modern philosophical reflections seek to account for self-grounding finitude, their constitutive problematic.[116]The function of the analytic of finitude in *The Order of Things, as an argumentative strategy* not so much to refute as to de-motivate and undermine the possible moves one can make within this field, is visible in the oscillations described above. Following the fate of what could be called "epistemological figures"—positivism, Marxism, phenomenology, etc.—makes a strong impression which undermines the reflective projects made possible and necessary by the appearance of man as constituting *and* constituted in the wake of the Kantian Critique, and calls into question the search for philosophical foundations for the possibility of knowledge.

However, the wide canvassing and the hasty pace of Foucault's descriptions in these sections somewhat blunt the sting of his criticisms.[117]The effectiveness of the criticism becomes

---

[116] For a diagramming of this quadrilateral, see Flynn, *op. cit.* p. 180. I have been arguing that one 'corner' of this rectangle has a certain privilege over the others as determining Foucault's argumentative strategy here, the sense of which will be further spelled out shortly.

[117] For instance, the return and retreat of the origin runs through a series of figures that culminate with the claim that the return of the origin takes two forms, plenitude and negation of being, that start off the infinite tasks with which we have become familiar. The names Foucault mentions are: Hegel, Marx, Spengler, Hölderlin, Nietzsche, and Heidegger. That is too high an altitude for the force of the criticism to have bite.

more acute if one traces the relative primacy of the transcendental and empirical repetition. I think it is possible to flesh out the transcendental theme by delineating some of the salient arguments we find in both German Idealism and Husserlian phenomenology.[118]This will further clarify two of the contentions of the present chapter: First, it helps us understand why, *pace* Han, the conceptual stake of the various types of investigation Foucault undertakes (archaeology, genealogy, problematization) is not (the impossible task of) a nonanthropological reconfiguration of the transcendental, but rather a giving up of transcendental reflection.[119] Second, it enables one to reach a vantage point from which may be evaluated the question I introduced at the beginning of this chapter: does the concept of experience Foucault articulates succumb to the type of oscillation between the constituted and the constitutive he dismisses in *The Order of Things*?

2.12 Rights vs. Facts of Knowledge

From the moment when experience is questioned as to what makes it possible in general, philosophical thinking in terms of conditions of possibility confronts a constitutive division around which it circles: the subject as empirically limited *and* transcendentally determining. What gives this division its intensity and urgency in philosophical attempts to provide a

---

[118] My argument will follow two classic discussions, while also drawing on the discussion of Kant, Husserl and Hegel in chapter 1of the present study: Dieter Henrich, “Fichte’s Original Insight,” in Darrel E. Christiansen, ed., *Contemporary German Philosophy*, vol. 1, 1982 and “Foundation and System in the *Science of Knowledge*” and “The Paradoxical Character of the Self-Relatedness of Consciousness,” in *Between Kant and Hegel: Lectures on German Idealism* (Harvard University Press, 2008); Peter Dews, *Logics of Disintegration, Post-Structuralist Thought and The Claims of Critical Theory* (London: Verso, 1987), especially Chapter 1.

[119] I qualify this “impossibility” at this point, since it could be plausibly argued, as I shall admit in the next chapter, that the Habermasian and the Derridean appeals to “quasi-transcendentals” count as just such reconfigurations. However, I shall also argue there that ultimately the transcendental stategy motivating their conclusions presents other, but no less intractable, difficulties.

theoretically constituted foundation for knowledge claims is the distinction, employed by Kant in the transcendental deduction, between questions of fact and questions of right (*quid facti* and *quid juris*). This distinction, so central to German Idealism and Husserlian phenomenology, even as they contest its Kantian formulation, thereafter structures the field of epistemological inquiries in terms of the sharp wedge between questions of legitimacy and questions of fact:[120]any empirical limitation can only appear *as such* because it has already been determined by reason at the transcendental level.

In Husserlian phenomenology, for instance, this problematic is inflected yet preserved. To the extent to which any account of consciousness as externally conditioned must be grounded on data presented to consciousness, the distinction between *what is* presented and *the fact that* it is presented secures the irreducible division between the empirical and the transcendental/essential. Causal accounts can never capture the intrinsic meaning of appearances *as* given to consciousness. The series of reductions of the empirical world culminating in the transcendental reduction, since they suspend even the belief that there is an external world independent of consciousness, will reveal the *essential* structures of experience. And precisely because the transcendental reduction will have suspended the naïve beliefs and commitments of the natural attitude, the description of such essential structures will be untainted by contextual, psychological, and historical particularity and contingency. The constituting activity of subjectivity will thereby be shown to satisfy the demand for a theoretical foundation of knowledge claims: the meaning of objectivity must be prior *de jure* to any objective

---

[120] In fact, this distinction is by no means restricted to what Habermas calls philosophies of consciousness, but survives transposition onto the intersubjective register of communicative rationality, as I will show in the next chapter.

investigation. Even when Husserl, in the *Origin of Geometry*, broaches the historical constitution of objectivity, it is from the foundational perspective of the *primacy of juridical conditions*.[121]

Husserl concedes that levels of objectivity are built up genetically and that there are levels which cannot be objects of direct description. He proposes to reach such levels through the retrospective movement of *Rückfrage* in order to uncover their meaning. Since any tradition can only be constituted over time, the phenomenologist must question backwards to reveal the historical sedimentations in experience. But this phenomenological attempt to *ground* the genesis of reason and objectivity in history results in the oscillations Foucault describes in the analytic of finitude: the instability is due to the twin demands of the project to provide descriptions of these historical sedimentations in experience *and* transcendentally ground them.[122]

It is not that Husserl deduces a priori the empirical specificity of any and every cultural and historical practice from an essence. But since the aim is to make manifest the essential structures of *any possible* historical society, etc., in this account empirical facts can only have the status of examples that start off the process of imaginary variation. Intuition of essences *de jure* precedes every empirical historical investigation. The a priori sense of the historian's activity, starting with the very idea of history, cannot be derived from particular historical formations, since only from the perspective of the former are the latter recognized *as such*. This is clearly an inflection of the fundamental movement of Kant's Copernican revolution.

Hence even Husserl's ambition to go beyond the Kantian transcendental reproduces the dynamic between the fundamental and the positive. If reflection on history is necessary, it is in

---

[121] For a forceful expression of this intention in Husserl, see Jacques Derrida, *Edmund Husserl's Origin of Geometry: An Introduction* (Lincoln: University of Nebraska Press, 1989) pp. 112-113.
[122] I should say, "and *thereby* ground them," were the project successful.

order to secure the possibility of reapprehending the primary evidences originally given to the founder of geometry (or of any scientific or cultural formation). Therefore, the phenomenologist's concession that there is a historical dimension of objectivity is to free phenomenology from exposure to the contingency of history. As Husserl says, "in the phenomenological sphere, there are no contingencies, no mere matter-of-fact connections (Faktizitäten); all is essentially and definitely motivated."[123]

But the tension between acknowledging that transcendental consciousness must take account of the contingency of historical and social formations, and insisting that this very contingency be grounded a priori, strains the project to the point where it becomes self-defeating. The phenomenological reinscription of the transcendental theme leads to an irreducible distance between: a) pure validity of logical laws, on the side of which one places eidetic certainty and necessity, and b) facticity of empirical events, where one locates psychologism, history, and specific cultural practices.[124] The insistence that it must be possible *in principle* to separate eidetic unity and transcendental form from the specific (determinate and contingent) experiences in which they are discovered seeks to reduce a dependence on facticity which it simultaneously confirms. To the extent that phenomenological description must start from a factual example that is always historically situated and context-bound, the essences arrived at through imaginary variation cannot erase the trace of this dependence.[125] In the light of this dynamic, Foucault's

---

[123] Husserl, *Ideas* p. 356.
[124] To this extent Husserl remains beholden to the ideal stipulated in the *Cartesian Meditations*, as when he writes: "Naturally everything depends on strictly preserving the absolute 'unprejudicedness' of the description and thereby satisfying the principle of pure evidence, which we laid down in advance" (p. 36).
[125] I think Derrida's treatment of this duality in Husserl is instructive in relation to my claims about Foucault here. For Derrida also argues that the Husserlian attempt to keep separate the ideal unity of meaning and its factual embodiment through the constitutive activity of transcendental consciousness collapses and fractures the latter's immanence. He shows that writing, as a material medium, is a necessary condition for the constitution of ideal objectivity, since in its absence the actual linguistic intersubjectivity Husserl insists on could disappear (as when the founder of geometry and his fellow geometers die). Without the detachment from any actual subjectivity writing

claim that phenomenology perpetually flirts with the very psychologism against which it defines its fundamental project becomes intelligible; and so does the enigmatic remark that phenomenology only fulfills “with greater care the hasty demands laid down when the attempt was made to make the empirical, in man, stand for the transcendental” (*OT*, 321)[126].

There is one other salient way to spell out more fully the “warped and twisted forms of reflection” that comprise the analytic of finitude as empirical limitations are converted into transcendental conditions of their own possibility. No sooner had Kant articulated the foundational logic of critical philosophy than attempts were made to go beyond the limitations of transcendental consciousness, especially by Fichte and Schelling[127]. The peregrinations of the reflection theory of subjectivity, which comprise an important moment of that debate, are of immediate significance for the concept of experience. Kant’s appeal to the transcendental unity of apperception as the formal unity of the thinking subject, without which the manifold of intuitions could not come to possess the unity of experience, and his deduction of the categories as the forms of this subject’s synthetic activity, generated two major sources of dissatisfaction for his immediate successors. The derivation of the categories, which are supposed to be a priori, hence universal and necessary, from the table of judgments leaves much to be desired to secure the claims made on their behalf; and the postulation of the thing-in-itself as the intelligible,

---

makes possible, the ideal objectivity and continuity of knowledge claims could not be secured. That guarantee, however, is indissociable from the possibility of forgetfulness and destruction (Derrida, *op. cit*.). What distinguishes his strategy from that of Foucault is that he sees this failure as the result, not of facticity and historical dispersion shattering the immanence of consciousness, but of a transcendental structure more fundamental, in principle, than consciousness.

[126] See also p. 248 for a clear expression of how Foucault links phenomenology to this problem of giving empirical contents transcendental value: “[Phenomenology] is trying…to anchor the rights and limitations of a formal logic in a reflection of the transcendental type, and also to link transcendental subjectivity to the implicit horizon of empirical contents, which it alone contains the possibility of constituting….But perhaps it does not escape the danger that…threatens every dialectical undertaking and causes it to topple over…into an anthropology,” which, for Foucault, involves a blurring of that very distinction and a confusion between the empirical and the transcendental.

[127] Henrich, *Betwenn Kant and Hegel*, *op. cit.*: for criticism of Kant by Jacobi, et al., see part II, on Fichte, part III, and on Schelling in relation to Fichte, p. 192ff.

unknown and unknowable ground of our experience seems to reintroduce pre-critical metaphysics.

Fichte insists that any attempt to improve on Kant's deficient solutions must follow and not fall short of transcendental deduction, properly understood. What is relevant for my purposes is that his system presents two features that persist throughout modern grappling with the transcendental theme: first, he claims that the irreducible gap between concept and intuition, which is central to Kant's deduction in the *Critique of Pure Reason*, cannot accommodate the structure of experience as the activity of an absolute self, which is how transcendental unity of apperception must be recast, if it is to be the principle of all experience; second, this absolute self, which is self-consciousness presupposed by and constituting the *form and content* of experience, cannot be understood in the standard terms of a theory of reflection.

According to this theory, selfhood implies self-consciousness, and hence it is essentially *reflexive*. But this relation to self is cast as the subject's turning back on itself and grasping its identity with itself. This reflective relation, then, is what produces and accounts for selfhood: since the object grasped by the reflecting subject is the reflection of that very subject itself and not something other than the subject, a self is thereby constituted. This account, however, is circular: the relation of reflection constituting the self at the same time presupposes the self. Unless the reflecting subject was *already* somehow the self, it could not be identical with the object of reflection discovered through that activity. And not unlike the problem encountered in ostensive definitions, since there is nothing inherent in a reflected image to establish a necessary connection with that of which it is an image, the subject must *already* be somehow acquainted with itself in order to recognize *this* image as *his own*. Appeal to a third element to establish the

necessary connection (of identity) generates an infinite regress, since we would then need to know how the subject could recognize *that* element as sufficient for the purpose.

One way out of this reflective account of selfhood is to argue that the self *posits* itself. If the twin dangers of circularity and infinite regress are to be avoided, the self must posit itself in such a way that the subject does not preexist itself but emerges absolutely, and its emergence coincides with a relation to itself. Since the relation to self *and* consciousness of the identity of the relata emerge *at the same time* in this activity, it also implies a fundamental passivity. This interbraiding of activity and passivity is not unlike intellectual intuition, which Kant rules out as a possible mode of cognition for finite subjects with discursive intellects and spatio-temporal sensibility. Fichte's claim, however, is that my consciousness of myself is just such a mode of awareness: it has the characteristic immediacy of intuitions, yet it is nonsensory like the pure forms of the understanding.

Moreover, since this recasting of the transcendental unity of consciousness as absolute self still performs the transcendental function of grounding *all experience*, it cannot itself be demonstrated theoretically. And because this condition cannot itself be theoretically comprehended, it can only be encountered in a mode of awareness comparable to a special type of vision[128]. Self-positing subject—which is precisely what this unique activity is—is an alternative to the reflection theory, but it is still located within the space of the transcendental/empirical divide at the heart of Foucault's discussion in *The Order of Things*. The unconditioned conditions of all (conscious) experience of objects are still implicit in and derived

---

[128] It could be argued that the replacement of discursive rationality with other modes of intelligibility in Husserl and later in Sartre (and perhaps even in Merleau-Ponty) are motivated by considerations similar to those operative in Fichte. For an account of the theory of reflection in German Idealism in relation to deconstruction, see Dews, *op. cit.,* Chapter 2, passim.

from within consciousness. True to the logic of self-grounding finitude, the effort to ground (empirical) knowledge on an absolute foundation circles back to the knowing subject, since only its double nature (as empirico-transcendental) provides the elements that can live up to the requirements of such a foundation.

It could be argued against Foucault that he stacks the deck in favor of his thesis in the analytic of finitude by selecting theories which end up with one version of transcendental subjectivity or another as the absolute grounding principle. Then one would point out other attempts to provide a more satisfactory articulation of the transcendental and the empirical beyond the subject-object dichotomy. Schelling's criticism of Fichte, and his own system, would be exemplary in this regard. However, it is possible to demonstrate that even such formulations of the absolute beyond and prior to the differentiation between subject and object reproduce the logic sketched out above and offer only competing candidates for the epistemic positions opened up by the transcendental turn in critical philosophy.

The demand for a secure grounding of experience in a universal and necessary condition constituting and legitimating any knowledge claim imposes a number of constraints on what can count as such a condition. It must be: a) unique, b) unconditioned, c) heterogeneous with all that is empirical, d) yet actual within experience. Schelling proposes the absolute I as the only principle that can satisfy these constraints. From this perspective, Fichte continues to remain within the ambit of reflection, since he arrives at his first principle by critically reflecting on the conditions of knowledge. He therefore avoids dogmatism at the price of losing the unconditioned character of his principle, because the subject is conditioned by its opposition to the object.

Only a principle which cannot become an object, and hence is never given in consciousness, can ground the subject and the object, instead of deriving one from the other in circular and conditioned fashion. Schelling's name for this principle is absolute I, which is not the transcendental subject but a name for absolute identity itself. But since this claim amounts to the postulation of a nonempirical moment which is unconscious of itself and which enters consciousness only through its effects, and since discursive thought cannot recuperate this moment *in principle*, philosophical thought can only become reflection on this constitutive split. Even insistence on absolute identity in which all oppositions would be cancelled cannot stop this movement, since, as *unobjectifiable* and *unrepresentable* in consciousness, this principle falls within the "Cogito and the Unthought" described above.

The account in chapter one stressed the juridical sense of Kant's transcendental deduction. Its import in relation to the interpretation of the analytic of finitude provided above becomes clear if these arguments from Kant's immediate successors are read as intimately connected to that sense. If one understands Foucault's description of the analytic of finitude as engaging with specific doctrines and theses, then his account appears to run roughshod over a long period of European philosophy and his criticisms remain tenuous. If, however, we recast that account as limning a series of definite epistemic positions and strategies made possible and necessary by the introduction of the subject as an empirico-transcendental double in response to a new configuration of philosophical reflection's knowledge of knowledge, then a few threads binding the modern episteme emerge.

Kant insists that one must distinguish between the transcendental and the empirical senses of philosophical concepts and that it is imperative not to conflate the two. Even though the distinction begins to fray in Kant's own development of this foundational dualism, one

requirement stays in place, in relation to which all modern responses will be structured: that in philosophizing one *must* take up the transcendental standpoint, which is separate from and irreducible to the standpoints we inhabit in everyday engagements with the world or in scientific explanation of those engagements. Failure to respect this distinction between the transcendental and the empirical, then, becomes the source of dogmatism stemming from the (illusory) transcendent standpoint of pre-critical metaphysics. Therefore, the critical project of "deducing" the a priori conditions of experience is inseparable from the demand to *justify* the standpoint one occupies in that very deduction.

Paul Franks, in an important study on German Idealism, formulates its stake in terms of the Agrippan trilemma[129]. According to the Agrippan skeptic, only one of three possible answers are available in response to a why-question: either it will be a brute assertion without a justification, in which case it is itself ungrounded, or it will raise another why-question, in which case it generates an infinite regress, or it will presuppose just what is at issue, in which case it is circular. Hence, the justificatory process triggered by a demand for reasons will either terminate arbitrarily or give rise to a viciously infinite regress or be circular. Unless an answer is available which circumvents this trilemma, our cognitive relation to the world will remain unsatisfied.

In terms of the constitutive divide between the transcendental and the empirical articulated so far, it is possible to see why the modern attempts to find a satisfactory resolution of this predicament end up confusing the two or lapsing into either circularity or infinite regress. Within this field what counts as an adequate response must be capable of absolute grounding, i.e.

---

[129] Paul W. Franks, *All or Nothing: Systematicity, Transcendental Arguments and Skepticism in German Idealism*, (Cambridge, Mass.: Harvard University Press, 2005), passim. See in particular Chapter 1.

it must terminate in an a priori principle from which the conditions for the possibility of all our claims will be derived but which will itself be unconditioned[130].

The analytic of finitude may then be reformulated as tracing out the epistemic field governed by the structure of this demand. There must be a single absolute first principle to stop the regress of conditions generated by reflection on what makes experience in general possible. However, this principle cannot be homogenous with what it conditions, since it would then be subject to the same conditions as the series it conditions, which is to say that it would no longer be unconditioned. Hence the empirical cannot be grounded in itself. If, on the other hand, the absolute principle is heterogeneous with what it conditions, then it either is immanent in the series (of conditions) or transcends it. If it is the former, then it is a part of the whole, and hence subject to its law, while somehow standing outside it. Therefore, the only principle that will satisfy the demand for absolute grounding, thereby skirting the Agrippan skeptic, is one which is heterogeneous with and transcending the empirical. Since, however, the principle thus invoked cannot be transcendent in the manner of pre-critical metaphysics, it can only be transcendental.

What this "schematic" rendering of the analytic of finitude entails is that the contradictory demand to keep the transcendental and the empirical from reciprocal contamination, while grounding the latter on the former, condemns the desire for epistemic—but

---

[130] Although discussions of the Agrippan trilemma tend to focus on the epistemological nature of the claims at issue (that is, reasons for belief), it extends to practical as well as ontic reasons (reasons for why I should do x and reasons for why something is what it is). Franks, *op. cit*., p. 19 The use of the term "ground" reflects that polyvalence. Moreover, Franks traces the demand that physical explanation be kept separate from metaphysical explanation to Leibniz and the success of modern scientific explanations in terms of physical causes alone. This leads to what he calls the "explanatory closure of the physical," the thesis that no nonphysical factors be allowed into explanation of natural phenomena. One consequence of this is a tension between the demands for absolute grounding and for the explanatory self-sufficiency of physical laws, since the latter cannot provide anything absolute. What is significant in this account for my purposes is the emergence of the constraints that a) the transcendental and the empirical must be rigorously kept apart, b) there must be absolute grounding escaping the trilemma, c) nothing empirical can count as absolute. The consequence is that the self-sufficiency of the empirical is both asserted and withdrawn, in which may be found a prefiguration of the confusions Foucualt describes in the analytic of finitude.

also practical—satisfaction in advance to disappointment. It is in the light of this that the different reinscriptions of Kantian transcendental apperception ought to be perceived: from Fichte's attempt to avoid the regress of self-consciousness by insisting on a self-positing activity in which subject and object are identical and of which I am immediately aware in first person self-consciousness; to Schelling's protest that this first principle is not heterogeneous enough to perform the requisite epistemological function and must itself be derived from absolute identity beyond the subject-object dichotomy.

The fundamental-positive pair in Foucault's description stands for the superposition of the transcendental and the empirical in the structured set of responses to this predicament. Consequently it is not a head-on engagement with, much less a refutation of, the figures that may appear therein. It is rather an attempt—the only one available once you no longer take up the transcendental standpoint—to de-motivate the central role human finitude in its double nature assumes in modernity. From this perspective, it matters little whether the transcendental is transposed onto a linguistic register or is inflected towards intersubjectivity. The fundamental, or finitude as ground, makes empirical determinations of the subject work as conditions of possibility of knowledge: it is precisely because the subject is endowed with intuitive sensibility and discursive intellect that empirical knowledge, which is what Kant means by experience in the *Critique of Pure Reason*, is possible and valid.

However, this in turn is possible only by constituting empirical determinations as the positive, or finitude as grounded. Since empirical determinations make sense only against the background of their transcendental conditions, the relation between the fundamental and the positive is inherently unstable: empirical finitude appears as *already* transcendentally grounded in a retrospective movement *and* transcendental finitude only ever encounters itself as

empirically determined. The effort to ground this original passivity in the order of knowledge only defers transcendental finitude as perpetually anterior to itself. The analytic of finitude is a description of the dissatisfaction of the demand to think the empirical concretely and ground it transcendentally, while barring the pre-critical invocation of prime mover or God. The dissatisfaction is due not so much to some failure to comprehend a more adequate position, since the taking up of a place within this site is not a matter of personal whim or intelligence, as it is a function of "the demands laid down when the attempt was made to make the empirical, in man, stand for the transcendental" (*OT*, 321).

The flip side of this, however, is that satisfaction cannot be achieved simply by deciding to no longer take up the transcendental standpoint. Giving up the transcendental cannot simply be an expression of caprice but has to offer some *reasons* why. But this requirement threatens to bring the entire panoply of modern philosophy in through the back door, and make Foucault a captive of the same analytic he disclaims. The above account goes part of the way toward motivating that renunciation: it is a matter of no longer taking as central the knowing subject as transcendentally determining and empirically determined, where this decentring is a matter of denying *the epistemological functions* it performs in the modern episteme. It is also necessary to follow the consequences of giving up the transcendental and articulate a response to what is thereby lost. It is Foucault's rearticulation of the concept of experience that can meet this challenge.

2.2 Conditions of Possibility vs. Conditions of Existence

Recall the definition of experience quoted above: "What I planned, therefore, was a history of the experience of sexuality, where experience is understood as the correlation between fields of knowledge, types of normativity, and forms of subjectivity in a particular culture" (*UP*, 4). Foucault claims that experience so understood implies games of truth, and these in turn are a matter of the "rules according to which what a subject can say about certain things involves the question of truth or falsehood," (*DE*, 4:632). Experience, then, is constituted by historically analyzable practices that involve three sets of rules: those which operate at the level of the formation of discursive knowledge, those which operate at the level of the exercise of power, and those which determine the forms in and through which the subject constitutes itself.

Given the analytic of finitude, the terms Foucault uses—"constitution," "rules," etc.—can be neither transcendental nor empirical, on pain of repeating the confusions implied by the transposition of the transcendental theme on finitude. Foucault's association of this transposition with the emergence of man and anthropology should no longer be puzzling in the light of what has been said so far, since "man" and "anthropology" figure the epistemological strategies which circle around the finite subject as transcendentally determining and empirically determined. Then the difficulty which the definition of experience poses for Foucault can be stated as whether there may be *nonanthropological conditions of knowledge* and, if these conditions are to perform some sort of epistemic role, whether a sense may be given to the *a priori* that avoids the terms of anthropology so understood[131].

---

[131] Or, given the Agrippan trilemma in terms of which I schematized the analytic of finitude: whether a sense may be given to experience that would challenge the assumption that unless one provides an absolute grounding for

The three axes, the correlation of which *is* experience, in a sense yet to be determined, are: knowledge, normativity, and subjectivity. These "domains," or "fields," are then supposed to correspond to the trajectory of Foucault's investigations divided between three distinct methodological principles: archaeology, genealogy, and problematization. It is not inappropriate—and in fact it may necessary—to organize these methods as successive developments of a single historical methodology which Foucault modifies in response to his critics and his shifting interests. One would then go through the considerable terminological drift created in part by the dispersion of Foucault's theoretical formulations across interviews and articles, and one would be tempted to separate fact from fiction in Foucault's efforts to impose retrospective unity on his disparate studies on knowledge in the human sciences, criminology, sexuality, etc.

I propose to follow another line of questioning: is it possible to offer a reading of Foucault's claims in his works, taken as a whole, through the lenses provided by the search for a nonanthropological articulation of conditions of knowledge, which will then afford an affirmative answer? From this perspective, the chronological discrepancies and terminological inconsistencies between Foucault's statements will be important only to the extent to which they facilitate or stymie that search[132]. Finally, such a reading will in part be framed by the criticisms

---

epistemic, practical or ontic claims that meets the requirements discussed above, one must abandon any claim to knowledge as illusory and end up with the well-known Schellingean worry of "an eternal round of propositions, each dissolving in its opposite, a chaos in which no element can crystallize." The Unconditional in Human Knowledge. Four Essays 1794-1796 (Lewisburg: Bucknell University Press) p. 63

[132] One consequence of this is that much that can interestingly be said about Foucault's relation to other thinkers, for instance Bachelard and Canguielhem, or "movements" such as structuralism will remain peripheral to the argument developed here. However, precisely this will enable a no less interesting incorporation of these in the course of what follows.

of Habermas and Han to which I eluded in the introduction to this chapter, since their force derives precisely from the volatile relation between the transcendental and the empirical[133].

2.21 Logos in Archaeology.

The "field of knowledge," structured by the rules of formation of discursive knowledge, which occurs as the first element in Foucault's rearticulation of experience, refers predominantly to the type of analysis Foucault offers in *The Birth of the Clinic*, *The Order of Things* and *The Archaeology of Knowledge*, where the object of enquiry is specified as the *historical a priori*.[134] Foucault's explication of this concept is by no means straight forward, and it is permeated with the language of a priori conditions and rules characteristic of the analytic of finitude:

> [O]n what conditions was Classical thought able to reflect relations of similarity or equivalence between things, relations that would provide a foundation and a justification for their words, their classifications, their systems of exchange? What historical a priori provided the starting-point from which it was possible to define the great checkerboard of distinct identities established against the…faceless [and] indifferent background of differences. (*OT*, xxiv)
>
> [T]he original distribution of the visible and the invisible insofar as it is linked with the division between what is stated and what remains unsaid. (*BC,* xi)
>
> [W]ithin what space of order knowledge [savoir] was constituted; on the basis of what historical a priori, and…what positivity, ideas could appear, sciences be established…only, perhaps, to dissolve…. (*OT* xxi-xxii)

---

[133] A more direct engagement with Habermas is offered in the next chapter.

[134] In order to focus the argument on the terms I have so far pursued, I leave to the side a number of candidates that may equally plausibly be offered as the objects of archaeology such as episteme, archive and order. I think the historical a priori is the concept best suited to delineate Foucault's project in this register, and it avoids some of the pitfalls to which other Foucauldian concepts succumb as he multiplies their number in *The Archaeology of Knowledge,* at times beyond necessity, against his own best nominalist instincts. I will refer to these other concepts shortly in order to explicate the notion of rule common to all of them.

A preliminary step towards unpacking the historical a priori and defining its role within the "constitution" of experience is the apparently innocuous claim that discursive knowledge implies identifications by means of discriminating differences. But the mode in which this activity takes place in everyday engagements with the social and natural world obeys rules different from those governing its production and organization in more systematic groups comprising what we tend to call the standard sciences. Foucault uses *connaissance* to refer to the latter type of knowledge.

From the perspective of his analyses the term does not entail a commitment to the validity or truth of the group of statements so characterized, and examples include biology and astronomy as well as astrology, alchemy, and phrenology. Foucault's argument turns on the claim that the statements (*énoncés*), which *connaissances* comprise, are rule-governed and display a certain kind of regularity. This regularity is what archaeological analysis aims to manifest: "in a society, different bodies of learning, philosophical ideas, everyday opinions, but also institutions, commercial practices and police activities, mores—all refer to a certain implicit knowledge [*savoir*] special to this society. This knowledge is profoundly different from the bodies of learning [*connaissance*] that one can find in scientific books, philosophical theories, and religious justifications, but it is what makes possible at a given moment the appearance of a theory, an opinion, a practice…. It is this knowledge [*savoir*] that I wanted to investigate, as the condition of possibility of knowledge [*connaissance*], of institutions, of practices." (*EW* 2:261-62)

Hence the system of rules constituting the *savoir* of a given period provides the conditions for the possibility of *connaissances* during that period. This preliminary specification poses three questions in relation to the analytic of finitude: a) What is the concept of rule which

is central to *savoir*? b) What is the relationship of "governance," or "regulation," implied by talk of conditions of possibility and asserted to hold between *savoir* and *connaissance*? c) What is the claim to systematicity apparently issued by talking about a *system* of rules?

Foucault's most elaborate answer to these questions is found in *The Archaeology of Knowledge*, where he distinguishes between different levels of rules and the domains they constitute. These levels are articulated by means of five central concepts: discursive formation/episteme, enunciative function/historical a priori, and archive[135]. Foucault's ambition to provide what appears to be an exhaustive theoretical formulation at times compounds his problems, but attention to what role these concepts play enables a more salient understanding of the historical a priori (as I will reconstruct it).

The discursive formation is the set of rules articulating the regularity which obtains between statements at the discursive level, where regularity is a function of objects, different modalities of expression, concepts, or strategies of discourse. However, these types of regularity require a reversal of the standard practice of historical analysis which takes the objects of discourse as existing prior to and independently of discourse. The specificity of studying discursive formations, by attending to what appears as the shared object of a number of statements, for example, is that it dispenses with "things" and substitutes "for the enigmatic treasure of 'things' anterior to discourse, the regular formation of objects that emerge only in discourse" (*AK*, 47). This formation and emergence of objects in turn are to be understood not in terms of correspondence to a referent, but "by relating them to the *body of rules…and thus constitute* the conditions of their historical appearance" (*Ibid*., 48, my italics).

---

[135] What I claim here about the central concepts of archaeological analysis follows Foucault's definitions and discussion in *AK*, Part III "The Statement and the Archive."

But then Foucault introduces the enunciative function, which appears to reproduce this constitution at a higher level: there is a set of rules specifying the conditions a group of signs must satisfy to *count as* a statement. At the *enunciative* level, what matters is neither the referent nor even the object constituted by discourse, but the principle of distribution of possible objects: "[A statement]…is linked…to a 'referential' that is made up…of laws of *possibility*, rules of existence for the objects that are named…and for the relations that are affirmed or denied within it" (*AK*, 91, my italics.). So, for instance, to say of "Colorless green ideas sleep furiously," that it is meaningless is possible only on the basis of a number of restrictions: it does not describe a dream, is not a poetic expression, not the message a covert agent passes to her superior, etc. But supposing that we take this statement as meaningless, it nonetheless has a referential *as* statement: a rule, for example, according to which color or sleep can be neither attributed to nor denied of an idea.

Moreover, the enunciative function provides the rules "determining what position can and must be occupied by any individual if he is to be the subject of [a given statement]" (*AK*, 96). And finally, the enunciative rules specify the associated field of a given statement comprising other statements with which it enters into relations of coexistence, and the type of materiality which inserts the statement into institutions. Only a group of discursive elements meeting these general requirements count as a statement.

Thus the enunciative function specifies the structure common to all statements in a given period, but this is still not the object of archaeology, since "everything is never said; in relation to what might have been stated in a language (*langue*), in relation to the unlimited combination of linguistic elements, statements…are always in deficit…there are, in total, relatively few things that are said [at a given period]" (*AK*, 118-19). Therefore there is a further set of conditions that

select from among the number of statements made possible by the enunciative function only those which *count as* candidates for truth or falsehood. This further set of restrictions, which operate as the principle of selection accounting for the *rarity* of statements, is the historical a priori. What is actually said, historically recognized as a candidate for truth/falsehood, is specified by the rules which comprise the historical a priori. The domain of objects so constituted are unlike the virtual possibilities (of combination) of a formal system of differential elements, which constitute the object of a structuralist analysis; and it is unlike the potentially infinite richness of meaning presupposed, and aimed at, by hermeneutic interpretation. Archaeology, then, seeks to specify the conditions of existence of what is actually said in such a way as to account for their rarity.

These "conditions of operation of the enunciative function" (*AK*, 127) constitute a domain where formal identities, thematic continuities, concepts, and argumentative strategies are deployed. But then Foucault introduces his final set of conditions, the most succinct definition of which is: "I shall call an archive…the series of rules which determine in a culture the appearance and disappearance of statements…their paradoxical existence as *events* and *things*" (*EW* 2:309)[136]. The archive, then, is the "law of what can be said," and it governs the specific regularities of groups of statements in their historical existence.

Therefore Foucault's account of discursive knowledge—which constitutes one element of experience—traces a series of sets of conditions or rules, starting with the discursive formation and ending with the archive. It appears at first blush as if the movement of this series is that of

---

[136] He continues: "To analyze…the general element of the archive is to consider [the facts of discourse] not at all as documents…but as monuments." The former would be to subject discourse to a hermeneutic interpretation to uncover hidden deep meanings, whereas monuments present a surface that is visible. For a restatement of the definition, see *AK*, 128-29.

generalization. But the language Foucault uses also suggests that the relation is that between ground and consequence, each successive term grounding the one preceding it. If that were the case, we would have the movement from the empirical to the transcendental; and since Foucault seems to terminate this movement not in a greater degree of ideality but with "a purely empirical figure" (*AK*, 128), his account would then repeat the confusions constitutive of the analytic of finitude: that which is empirically conditioned comes to work as transcendental condition.

The terms of the historical a priori provide some initial traction on this issue. Foucault is fully aware of the risks he is flirting with and is careful to specify what a priori in this context is *not*[137]. It is not a condition of validity for judgments, and as such it does not perform any legitimizing role; it is not a question of ideal truth which cannot be an object of experience or which may never be actually said; it does not constitute an atemporal structure; it is not pure form imposed from the outside on inert matter/content. It should be clear, against the background of the analytic of finitude, that Foucault wants an historical *a priori* which will elude the endless criss-cross of the transcendental-empirical divide. Hence, it is to be a question of: conditions of emergence and reality of statements; a history that is given, since it is the a priori of things actually said; the history of discourse distinct from its meaning or truth; the rules of transformation of statements which is itself transformable; a historicity of discourse that is not a history tacked on to a formal a priori.

Therefore, whatever *historicizing the transcendental* may mean, it is not a matter of a transcendental scheme or set of rules that is simultaneously empirical. However, it is one thing to insist on this difference and another to show whether and how such a thing as the historical a

---

[137] *AK*, 127-28

priori, which Foucault admits to be a barbarous term (*AK*, 127), may be conceived otherwise than transcendentally and empirically. And since barbarism is never so in itself but only in relation to something else, it has to be possible to make this concept intelligible in terms not entirely alien to those of modernity. I propose to offer one such account through a comparison with a similar problem posed by Wittgenstein's later work.

2.22 Criteria, Rules, and Tribes

A key indication of the dual tasks in the service which Foucault introduces the historical a priori is the following: "[historical a priori] is defined as the group of rules that characterize a discursive practice: but these rules are not imposed from the outside on the elements that they relate together; they are *caught up in the very things that they connect*; and if they are not modified with the least of them, they *modify them*, and *are transformed with them* into certain decisive thresholds" (AK, 127, my italics). This passage crystallizes the peculiar conception of rules with which Foucault is grappling. Unlike transcendental conditions of possibility, these rules are intimately bound with what they determine and they are capable of historical transformation; and unlike what is merely empirically given, they have the power to determine or modify what they condition.

One consequence of this is that designation of the historical a priori as a "pure empirical figure," cited above, can only be another barbarous term, and hence is in need of explanation. My hypothesis is that the historical a priori has important structural affinities with and differences from Wittgensteinian criteria, which provide insight into the problems concerning the transcendental theme. What Wittgenstein says on the subject is arguably more obscure than Foucault's pronouncements, but, since my object is not to engage the thorny issues of

Wittgenstein exegesis, I will follow an interpretation that resonates best with the theme I have so far developed.

Wittgenstein makes a number of Delphic claims about criteria in relation to what he calls grammatical investigation. He says that "grammar tells what kind of object anything is," that "essence is expressed in grammar," and that "'inner' process stands in need of outward criteria."[138]He also describes his mode of investigation as grammatical, which is supposed to yield the criteria governing our language use. The problems pertaining to how, even whether, such criteria are "found" or "produced," whether it is a question of what is implicit being made explicit, and how such criteria determine actual use track those I have articulated in relation to the rules constituting the historical a priori.

Not unlike Foucault's displacement of enquiry from discursive knowledge as consisting solely of true statements onto the conditions of statements as *what come to be perceived as a candidate* for truth *or* falsehood, Wittgenstein's criteria operate at a level in some sense distinct from that of the traditional epistemological project of justification and extension of true judgments: they constitute what governs the human capacity to apply fundamental categories to the social and natural environment. And like archaeological investigation of statements, it is neither a matter of logical analysis nor (simply) equivalent to the grammars of natural languages. The criteria, then, are prior to specific acts of discursive practice such as identifying, naming, judging, and measuring, where what this priority entails is difficult to capture in terms of the transcendental theme. Criteria constitute (make possible and necessary) categorial understanding of the world—and so, prior to criteria, there is as yet no object to identify, judge, measure, etc.—

---

[138] Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe, revised 4th ed. by P. M. S. Hacker and Joachim Shulte (Oxford, UK: Wiley-Blackwell, 2009) § 373, 371 and 580, respectively. All references to Wittgenstein are to this work, unless indicated otherwise.

yet they are immanent in the very practices that are the different modes of human interaction with that world.

What criteria are, and what sense of priority is at issue here, is suggested by Stanley Cavell's contrast between Wittgensteinian grammar and traditional epistemological pursuit, in terms of truth conditions for propositions, of justified true belief[139]. A not uncommon reading of grammatical criteria is that Wittgenstein invokes them against the skeptic in order to secure our claims to knowledge. Criteria, on this interpretation, are precisely "the means by which the existence of something," say another person's pain, "is established with certainty."[140]Criteria are supposed to perform this solely epistemic function by laying down the truth conditions for statements. Contrary to this reading, Cavell insists that Wittgensteinian criteria cannot fulfill this epistemological demand, and that they are not intended to: criteria in fact show the truth of skepticism. I will use his distinction between criteria and standards in order to frame my discussion of how criteria elucidate the sense of rules operative in the historical a priori. Criteria "determine whether something is of the right kind, is a relevant candidate," whereas standards "discriminate the degree to which the candidate satisfies criteria."[141]

Wittgenstein is interested in discursive practices which seek to settle or assess whether something has a particular status/value. Legal reasoning offers a preliminary step towards understanding the conditions of activities where what is at stake is the settling/deciding of something. A judge is not supposed to modify the criteria whereby she judges an individual case.

---

[139] Stanley Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (New York: Oxford University Press, 1979) pp. 11-13. I follow Cavell's discussion of Wittgenstein (especially Part 1, sections 1 and 2), which resonates with what I want to claim about the historical a priori, except where the limits of transformation of criteria are concerned, as I will explain shortly.
[140] Ibid., p. 6
[141] Ibid., p. 11

But it may be controversial whether a given case falls under one or another set of criteria, or even under any set whatever. When the judge decides the case, she is in fact *identifying* the case, since her decision presupposes that she has also decided which criteria, if any, apply to the case. So, for instance, the question is not only whether *Roe v. Wade* is to be settled in favor of one party or the other, but also whether it is to be settled under privacy rights, i.e., whether privacy rights apply to it. Therefore, in a sense that is neither exactly like legislating new law (say by Congress), nor exactly like applying a law already given, she *makes* the law by extending the established criteria, thereby modifying them, from which she begins her deliberation.

Wittgensteinian criteria operate at a level that is both more fundamental and efficacious, and less secure than that of the judge's activity, where application of standards plays a role. Criteria determine what counts as something: to have criteria for x is to know whether in an individual case the criteria apply or do not apply. In relation to nonstandard cases, where there is doubt about application, it may be informative to say that it is both x and not-x. But in the absence of criteria, not even doubt about application can arise, since there is as yet no case with respect to which we may debate available standards. If all knowledge claims presuppose a criterial level, then truth conditional analysis in terms of evidence or reason for belief is not sufficient to account for discursive knowledge, since criteria specify *what counts as evidence or reason*.

The criterial level, then, not unlike the archaeological level, provides the conditions for practices such as identifying, classifying, and establishing differences between objects. The "site," or "mute order," which Foucault evokes in the preface to *The Order of Things* to specify the aim of his enquiry, is where one can locate what is criterial for a given period: "...on what 'table,' according to what grid of identities, similarities, analogies, have we become accustomed

to sort out so many different and similar things?" (*OT*, xix) This 'table' is then "that from which forms of knowledge [*connaissances*] and theories become possible" (*OT*, xx-xxi) Therefore, criteria, like the historical a priori, determine, in a given period, the ways in which people come to know this or that, and what *they cannot fail* to come to know. This suggests that a kind of necessity is operative in the way this determination takes place.

Wittgenstein's name for this level is "form of life," which provides the background of necessities and "agreements" which conditions particular knowledge claims. What kind of necessity a form of life provides is tied up with the Agrippan skepticism to which I referred to schematize the analytic of finitude. There are a number of relevant claims in the *Philosophical Investigations*: "Explanations come to an end somewhere," "Once I have exhausted the justifications…[t]hen I am inclined to say, 'This is simply what I do'," "…how do *I* know [how to continue the pattern]? If that means 'Have I reasons?' the answer is: my reasons will soon give out. And then I shall act, without reasons."[142]Since truth-conditional analysis is not self-sufficient –because what is at stake here is whether anything, and what, counts as evidence or reason for a particular something—the "place" where "explanations come to an end," or where "my reasons give out," cannot be captured in terms of a demand for *empirical* verification of statements.

Hence, even though criteria tell "what kind of object anything is," they are not operational definitions. We learn what our concepts are by means of criteria, and therefore they are necessary prior to particular knowledge or identification of objects. Wittgenstein refers this necessity and priority to the background of systematic agreements between "us," a community of

---

[142] § 1, 217, 211 respectively.

language users[143]. It is this background, as form of life, which is presupposed, accepted, and given.[144]

The example of the judge's activity of decision-making brings into relief how a more fundamental level must be presupposed as being prior to settling particular cases on the basis of pre-established standards. But there is a significant disanalogy with Wittgensteinian criteria. In legal reasoning there is still an authority which could change and issue new criteria in response to a number of factors: for instance, the old ones may no longer be desirable with respect to the activity of judging this or that kind of social issue. This implies that *legitimate* modification of legal criteria is conceivable. However, Wittgenstein's claims about forms of life seem to preclude the possibility of their transformation in these terms. He says: "It is not only agreement in definitions, but also (odd as it may sound) agreement in judgments that is required for communication by means of language."[145] Discursive practice, then, presupposes "agreement in judgments".

But no member of a community, let alone all members, could have agreed to all that is necessary for using language. And since this level of agreement in judgment is presupposed by all linguistic acts, it cannot itself have been arrived at on a particular occasion. It refers to what Cavell calls our "mutual attunement" with respect to language.[146]This attunement cannot itself be a claim or a statement, since claiming or stating something implies that it can be challenged. But such a challenge at the criterial level cannot be a question of stating something false as opposed

---

[143] Here I am interested in tracing the sense of priority and necessity, which I claim characterize the historical a priori as well as Wittgensteinian criteria; the significant differences between the two introduced by this reference to a community of language users will be addressed shortly.
[144] §345 "What has to be accepted, the given, is—one might say—*forms of life*." See also, § 242.
[145]Wittgenstein, §242.
[146] Cavell, *op. cit*., p. 46

to true, or refusing to hear what is so said. Hence appeal to criteria is appeal to community: it is the appeal to the network of necessities on the basis of which what counts as a reason, or as a statement (as possibly true or false), or again as a justification, is constituted. Therefore it is the appeal to what constitutes the community itself: "what has to be accepted, the given, is…forms of life."[147]

The necessity of a form of life implies that it cannot be understood in terms of contingent customs or actual contractual agreements. Wittgenstein hints at "those very general facts of nature," which determine what counts as normal for a group of creatures "we" call human.[148] At first blush, this appears as a naïve appeal to an empirical human nature that provides the ultimate ground of all our practices, which are then understood in behaviorist fashion. In anticipation of what I want to claim about Foucault, I propose to read Wittgenstein's naturalism, if that is what it is, in terms that render problematic how nature is conceived in standard accounts of naturalism.

On the one hand, then, criteria are efficacious and necessary in a way that goes beyond mere custom, or explicit agreement, or even specific convention. It is possible to imagine the practices that are *merely* customary, or contractual, or conventional in this sense as capable of alteration without disrupting a group of people's cognitive and practical engagement with the world. They therefore reach deeper than merely contingent rule-governed practices, where this depth cannot be captured by, or explicated in terms of, individual or collective consciousness. Criteria "go without saying," not because they are ineffable or obscure, but rather because they

---

[147] Wittgenstein, §345.

[148] "If concept formation can be explained by facts of nature, shouldn't we be interested, not in grammar, but rather what is its basis in nature? –We are, indeed, interested in the correspondence between concepts and very general facts of nature." §365

are too obvious and intimately bound with the very possibilities of what can and must be said in a given community at a given time.[149]

On the other hand, criteria are not logically necessary and sufficient conditions which will then render determinate the empirical decidability of knowledge claims under their jurisdiction; nor do they indicate constant correlation. The determination of which they are capable is therefore neither that of logical implication nor causal connection. They determine application of concepts in statements because they specify what it is for there to be an object counting as *this or that kind* of object, or having *this or that* value/status. And since, on this account, what counts as this or that kind of object is ultimately a matter of what "we" call as this or that kind of object, criteria are subject to historical transformation and geographical variation. It could be argued that this account of necessity, which is understood in neither logical nor causal terms, is simply that anthropological sleep decried by Foucault transposed into a linguistic register.

There certainly are passages where Wittgenstein's forms of life appear as ways of going on of particular groups or cultures endowed with transcendental function by virtue of the putative universality of human nature; thus necessity here would amount to no more than making what is empirical, in the human, work as its own transcendental foundation. But I want to claim that this appearance is due to an assumption according to which what count as criteria must perform the

[149] So, for instance, Wittgenstein continues §365, which I just quoted: "(Such facts as mostly do not strike us because of their generality.) [But this does not imply natural science or even natural history] since we can also invent fictitious natural history for our purposes." The qualification I add by "in a given community, at a given time" may seem out of place in the context of Wittgenstein. I want to advance two claims: 1) There is a sense in which criteria, so defined, differ from the historical a priori, which difference I clarify in what follows, 2) The difference, however, need not be an essential one: Wittgenstein's interest is in those practices which display a greater degree of continuity across historical communities or across a given tradition, and his examples are carefully crafted to manifest this; Foucault's interest, however, is in those practices which are more discontinuous in what could be called the Western tradition, where the boundaries are fuzzy—which is compatible with the historical a priori as I reconstruct it—without, however, being meaningless.

epistemological function of securing the certainty of our judgments. It is therefore the assumption that, in response to the Agrippan skeptic, only foundational explanations or justifications, which establish the possibility of *legitimate* knowledge claims, could perform the required task, which is only understood transcendentally. But the place where explanations come to an end and reasons give out is not intended, and more significantly, does not need to be a transcendental ground. It that sense *nothing grounds our practices but the practices themselves*.

Wittgenstein's way of *problematizing* our practices is to refer them to a "tribe," which is to imagine them in unfamiliar contexts where issues of epistemological certainty do not arise and yet they appear ungrounded.[150] So, for instance, it is *not necessary* that a tribe punish those members which it takes as criminals by imprisoning them under conditions of constant surveillance; *nor is it impossible* that it place them in dungeons no light penetrates. But *if* the tribe is to have some kinds of things or activities that will count, for it, as criminals and punishment, *then* it must accept some things as criminals and some activities as punishment. The sense of necessity articulated by the consequent of this conditional is neither logical nor causal, since it does constitute what "we" must take as punishment and yet "we" cannot determine a priori what kinds of activities or entities will count as criminal or punishment: what a tribe takes as necessary is capable of historical transformation.

A long standing objection to Foucault's account of rules of formation of discursive practice should be recast in the light of what I have so far said about criteria and forms of life. The classic development of this criticism is found in Dreyfus and Rabinow: "If rules that people sometimes follow account for what gets said, are these rules meant to be descriptive, so that we

---

[150] See § 6, 200, 282, 385, and 419, where the practices are children "playing trains," calculating, playing a game of chess, language learning, and "having a consciousness". The examples I use in what follows anticipate and carry out the assimilation of criteria to historical a priori.

should say merely that people act *according to* them, or are they meant to be efficacious, so that we can say that speakers actually *follow* them;" but since Foucault's account claims to be both a pure description of discursive events (AK, 27) *and* prescriptive determination of discourse, he locates "the productive power revealed by discursive practices in the regularity of these same practices. The result is the strange notion of regularities which regulate themselves."[151]

It is indeed strange that regularities should regulate themselves, but why? The objection relies on four interrelated claims: 1) One can provide *either* a description of regularities among statements, in which case the rules are invoked only to systematize and give coherence to phenomena; *or* one can give conditions of possibility governing (discursive) phenomena, in which case one must have some account of this *operation on* phenomena in terms of either objective causal laws or subjective norms. 2) One must be able to locate these rules *either* in the consciousness of the speakers (which they reflectively obey and follow) *or* in the objective world (which causes discursive behavior). 3) The only alternative to intentional and causal explanation is the structuralist one, which provides the formal rules of combination of a system of differential elements. 4) Foucault's account is committed to an *essential* separation of discursive from nondiscursive practices.

Against (1), (2) and (3), it should be observed that the alternatives listed are not exhaustive. Consider the case of the grammar of the language which a group of speakers uses. Here we have a set of rules that are descriptive *and* prescriptive: I can understand what an English speaker is saying *only if* I obey the rules of English. And that condition can be satisfied—is *in fact* satisfied—without my reflective awareness of the rules which I follow. And

---

[151] Dreyfus and Rabinow, *Michel Foucault, Beyond Structuralism and Hermeneutics*, (University of Chicago Press, 1983) pp. 81 and 84.

these rules *do not causally* determine what is actually said, at least not in a way captured by mechanical causality. Moreover, the rules governing the formation of statements in a given period, where what is at issue is not the *virtual possibilities* of combination of linguistic elements, but the determination of what constitutes something's falling under a concept—of what counts as something's being this or that kind of object—cannot be analyzed by means of the application of a formal system of rules. Hence it is not a question of structural analysis.

If, however, the charge is that Foucault's conflation of causally or normatively productive rules with the description of mere regularities hinges on his commitment to the explanatory *autonomy* of the discursive, then two claims can be forwarded: Either Foucault's insistence on the self-sufficiency and self-determination of the discursive in *The Archaeology of Knowledge* was an overstatement for which he had no justification, or his commitment to such autonomy was already qualified, which qualification he then developed explicitly in later works. I am indifferent between these alternatives in this study, since, in either case, my claim is that the account of rules operative in the definition of experience does not presuppose an irreducible separation in kind between the discursive and the nondiscursive, but brings to light their articulation on one another through the concept of practice.[152]

The objection secures its thrust through the kinds of responses to the Agrippan skeptic admitted as the only available ones. On that conception, talk of conditions of possibility of

---

[152] I only forward this claim here, which is developed and justified in the next chapter, in order to focus the argument of the present chapter on the development of the concept of experience in relation to the transcendental theme. Since my hypothesis is that the concept of "rules of formation…," or "conditions of possibility…," which permeates Foucault's reconfiguration of experience, runs through the dimensions of power and subjectivation, as well as knowledge, the full extent of what this implies is offered in the next chapter through a reading of the *History of Madness*. Focusing on the concept of rules operative in Foucault's historical analysis of knowledge here enables a more productive development there. All that I want to render intelligible here is how the historical a priori need imply neither the unmediated effectivity of nondiscursive practices nor the seamless mediations of discursive ones.

statements implies grounding what is empirical in what is transcendental. Foucault is then doubly damned, since to insist on an *historical* a priori precludes even empirical grounding of formal rules in natural laws of physics, for instance, those governing how the brain works. He is thereby condemned to describing mere regularities of discursive phenomena. But granting these descriptive regularities the status of conditions of possibility of anything is to become entangled in the very confusion of the transcendental and the empirical.

From this perspective, it could be argued that even reference to Wittgensteinian criteria cannot unravel the historical a priori from what it conditions. For Wittgenstein, at least, the invocation of “those very basic facts of nature” appears to do the requisite grounding. My discussion so far should cast some doubt on the putative foundational function attributed to forms of life: our linguistic practices themselves support and sustain the criteria that make them possible; therefore there is no formal transcendental level. If, however, one insists that linguistic practices are grounded in social practices, which are then determined by facts of human nature, the Foucauldian rejoinder would be: there is indeed a dimension of nondiscursive practices which are articulated with discursive ones, but this articulation is not that which holds between ground and consequence. Since our access to what counts as human nature itself presupposes the application of concepts that are criterial for our time and place, *no epistemological purchase* can be gained by appealing to nature, human or otherwise. But this does not commit one to the view that discursive practices spin in a void, unhinged from everything nondiscursive.

In the light of this, Foucault’s definition of the historical a priori, which provided the preliminary step toward the rearticulation of experience, becomes no less strange but nonetheless intelligible: “[historical a priori] is defined as the group of rules that characterize a discursive practice: but these rules are not imposed from the outside on the elements that they relate

together; they are *caught up in the very things that they connect*; and if they are not modified with the least of them, they *modify them*, and *are transformed with them* into certain decisive thresholds" (*AK*, 127, my italics). The term is barbarous only in relation to the analytic of finitude according to which what has history cannot be a priori. The rules constituting the historical a priori are necessary, to the extent that they determine what counts as a reason, or a true-or-false statement; in short, what count as the *limits* of the world at a given time and for a particular group of people. But this a priori is at the same time utterly contingent, since the rules "are caught up in the very things that they connect," and are therefore spatially and temporally situated.

Unlike Husserl's turn to the historical a priori, to which I referred in relation to the analytic of finitude and which turns out to be suprahistorical, Foucault's analysis of knowledge does not aim to secure the *legitimacy* of particular knowledge claims by referring them to an origin or founding act. To the extent that Husserl claims to demonstrate the *essential* structure of historicity itself, he seeks to show that the recovery of the original self-authenticating intuitions grounding claims to knowledge is possible *in principle*. Against this, the historical a priori constituting one dimension of experience avoids both the "historico-transcendental recourse: trying to seek, beyond all historical manifestation and point of birth, a project which would be withdrawn from any event," and the "empirical or psychological recourse: seeking the founder, interpreting what he wanted to say, detecting implicit meanings which silently slept within his discourse." (*PPC*, 23)

Analogous to the distinction between Wittgensteinian criteria and standards, the historical a priori constitutes the conditions of acceptability of statements in contradistinction to their

conditions of predication[153]. The former are prior to effective determination of a statement as true or false and make the latter possible by specifying what could become, at a time and place, a candidate for effective determination of truth or falsehood. This distinction, however, is not one of opposition or a matter of transcendentally grounding what is empirical, since conditions of acceptability are referred to nothing psychologically, logically, or causally determining. They inhabit the very practices they inform and are grounded on nothing more nor less than the existence of those practices. It is not, therefore, a question of offering a theoretical resolution of the terms of the Agrippan skeptic, since there can be none, at least none which avoids the analytic of finitude. The temptation to resist is precisely the interpretation of historical a priori—and by extension experience (of which it constitutes one dimension)—as offering just such a theoretical grounding. Foucault is not offering a theory, at least unless any characterization of our practices is theory[154].

The Agrippan skeptic is not quite wrong to the extent that: "A proposition must fulfill…conditions before it can be admitted within a discipline; before it can be pronounced true or false it must be…'in the truth'" (*OD*, 224, modified). A statement may be accepted as a candidate even though it is false (say from the standpoint of the conditions operative in another period), or even though no empirical verification at the time is available (say it is a hypothesis awaiting the development of some new technology). Foucault mentions Mendel, the truth of whose statements was not perceived by his contemporaries. He could be judged false only on condition that he first belonged in the truth, but "Mendel spoke the truth…he was not in the truth" (*OD*, 224, modified). Schleiden, on the other hand, whose denial of vegetable sexuality is

---

[153] For the occurrence of "conditions of acceptability," see *PT*, p. 60; Hacking, *Historical Ontology,* chapters 4 and 5; *BTH*, pp. 7 and 200.

[154] I take up the issue of what this entails for the status of Foucault's own writings in Chapter 4.

false from the perspective of current biological accounts, was only committing a disciplined error. Error, therefore, "can only emerge and be identified within a well-regulated process" (*OD*, 223)

The historical a priori orders the space of this truth, which is not that of the determination of true statements and their discrimination from those that are false, but rather of *what can be recognized as* capable of being true or false, of *what can count as* a possible object of effective predication of truth or falsity. And the space of truth defined by conditions of acceptability is transformed historically, such that Mendel could say the truth without being in the truth, whereas Schleiden could be in the truth without saying the truth. Outside this space there are only monsters: "Mendel was a true monster, so much so that science could not even properly speak of him" (*OD*, 224). The ideal reconstruction of the formal conditions for the possibility of legitimate knowledge claims ignores this monstrosity, which rather demands a "teratology of learning" (*OD*, 223).

Teratology implies both that which is marvelous or fantastic, and that which is abnormal, defective and repulsive. This dual implication crystallizes the hypothesis I introduced above, namely, that it is not necessary to presuppose an essential difference in kind between Foucault's analysis of discursive practice, which would correspond to archaeology, and his analysis of nondiscursive practice, which would correspond to genealogy. The concept of rules developed in this chapter extends to the two other dimensions of experience, those of power and subjectivation. *The Order of Things* provides the history of the same, whereas *History of Madness* is that of the other (*OT*, xxiv). The interpretation of the historical a priori in terms of temporal, context-bound rules determining what counts as necessary and what must appear as impossible for a particular group in a given period brings to light how a history of the same, far

from being *categorially and in principle* separated from a history of the other, forms with it an imbrication.

The full extent and justification of this hypothesis requires a further account of practices and what it means for them to be historical, thereby registering the articulation of Mendel's monstrosity on that of those whose abnormality is constituted by and inserted into mechanisms of control. It should be clear, however, that the question with which the chapter opened, namely, whether Foucault needs a version of the transcendental to ground what would then become his empirical/historical studies, or he successfully manages to recast the transcendental theme through a non-subjective account of experience, can be intelligibly resolved in favor of the latter: experience must and can be rethought without reduction to subjectivity by means of an articulation of the conditions of its possibility, where these are neither transcendental nor empirical, at least in so far as these terms are defined by the analytic of finitude.

> *It would be a mistake to believe that organic evolution, psychological history, or the situation of man in the world may reveal these conditions. It is in these conditions…that the illness manifests itself, that its modalities, its forms of expression, its style, are revealed. But the roots of the pathological deviation, as such, are to be found elsewhere. (*MIP, 60*)*

3. Reasons, Causes, Madness: The Articulation of Discursive and Nondiscursive Practices.

The *History of Madness* may appear an unpromising site to excavate a concept of experience through an analysis of rule-governed practices, for two main reasons: First, its language, and even methodology, are riddled with those of phenomenology and existentialism such as "sensibility," "perception," and "consciousness". Second, even to those who are sympathetic to a project inspired by Foucault, the work is reminiscent of romantic yearnings with its evocation of the primitive purity of madness that would finally speak for itself. So much so that Ian Hacking likens the book to Borges's *Don Quixote* penned by Pierre Menard in the twentieth century, identical to that written by Cervantes, yet absolutely different from it[155]. The second one would be stripped of the Romantic illusion that animated the first. Hacking does not say this explicitly, but I think he would be in agreement with Borges's narrator who finds the second Quixote infinitely richer than the first Quixote: after all, the same passage offering mere rhetorical praise

[155] See his foreword to the English translation of *History of Madness*, pp. xi-xii.

of history in Cervantes becomes an explosive thesis when written by "Menard, a contemporary of William James…."[156]

This assessment seems universal among readers of the book as different as Habermas and Derrida, even though it may be based on different reasons. It would then be a sign of progress when Foucault appears to distance himself from the book, which "accorded far too great a place, and a very enigmatic one too, to what I called an 'experience,' thus showing to what extent one was still close to admitting an anonymous and general subject of history" (AK, 16, modified).[157]

But perhaps this exorcism of phenomenology and existentialism misses the mark, to the extent to which the "enigmatic" concept of experience structuring the *History of Madness* from one end to the other is not that of phenomenology (and probably never was).[158] For here too Foucault uses the vocabulary of conditions of possibility: "In the reconstitution of this experience of madness, a history of the conditions of possibility of psychology wrote itself as though of its own accord" (HM, xxxiv). Moreover, there are three appeals to a "concrete a priori" at key points in the text where Foucault is describing the object of his investigation:[159]

> [A] madman is not recognized as such because an illness has pushed him to the margins of normality, but because our culture situates him at *the meeting point between the social decree of confinement and the juridical knowledge* that evaluates the responsibility of the individuals before

---

[156] Jorge Luis Borges, "Pierre Menard, Author of the Quixote," in *Collected Fictions* (Penguin, 1999) p. 94 The passage Borges "compares" is the following: "…truth, whose mother is history, the rival of time, depository of deeds, witness of the past, exemplar and adviser to the present, and the future's councelor." And he continues, in relation to Menard's Quixote: "The final phrases…are brazenly pragmatic."

[157] See also his well-known identification (and repudiation) of "an explicit theme of *History of Madness*" as "what madness itself might be, in the form in which it presented itself to some primitive, fundamental, deaf, scarcely articulated experience" (*AK*, 47).

[158] As in the previous chapter, I am not so much interested in whether Foucault at the beginning of his trajectory already was the one at the end as interpreting the methodology and concepts of that book to construct and justify further the notion of practices which I take to be central to experience. It is not a question of showing what the *History of Madness* really was, and I incorporate exegetical problems only insofar as they advance or stymie that construction.

[159] For the third occurrence, see *HMfr*, p. 472.

> the law. The 'positive' science of mental illness and the humanitarian sentiments that brought the mad back into the realm of the human were *only possible once that synthesis had been solidly established*. They could be said to form *the concrete a priori* of any psychopathology with scientific pretensions. (HM, 130, my italics)

> …does not simply signal a reorganization of the nosographical space, but, underlying the medical concepts, the presence and the workings of *a new structure of experience*. The *institutional form* that Tuke and Pinel designed, the constitution around the mad of a *containing asylum space* where they were to admit their guilt and rid themselves of it, *allowing the truth of their sickness to appear* and then suppressing it…all this now became an *a priori of medical perception*. (HM, 528, my italics)

Finally, there is a parallel to the distinction between "being in the truth" and "speaking the truth," which I analyzed in terms of conditions of acceptability and conditions of predication at the end of Chapter 2. In an appendix to the 1972 edition of the book, Foucault writes: "It will be said not that we were *distant from* madness, but that we were *in the distance of* madness" (HM, 543, emphasis in the original).[160] This almost symmetrical doubling of the language used à propos Mendel suggests that here too it is a question of specifying the rules governing practices constitutive of experience.

What is at issue then is the articulation of a structure of experience (of madness) which is the condition of possibility of the myriad ways in which a group of people at a given time and place, a "culture," objectifies madness. And this experience is understood in terms of practices that are both discursive and nondiscursive, as the summary invocation of institutions, knowledge, and practice of confinement in these quotations attests. Furthermore, this structure of experience "is history through and through" (HM, xxxii). This historical a priori, which the experience of madness articulates, should appear less puzzling in the light of what I have argued concerning

---

[160] "Madness, the absence of an oeuvre," in *HM*, pp. 541-550.

the analytic of finitude. But it also poses new questions, especially given the presence of passages where Foucault glosses his aim as trying "…to recapture, *in history*, this degree zero of the history of madness, when it was undifferentiated experience, *the still undivided experience of the division itself*" (HM, xxvii, my italics).[161] This appears to bring it squarely under the analytic of finitude in the modality of retreat and return of the origin. Consequently, two questions must be answered: First, how are discursive and nondiscursive practices related? Second, what is the concept of rule operative in practices that would not repeat the confusions of the analytic of finitude?

The argumentative strategy I will follow involves two steps, each corresponding to one of these questions. First, I focus on two moments of the history of madness Foucault writes, "the ship of fools" and "confinement," in order to delineate how different types of practices are "articulated" and what such spatial metaphors imply in terms of explanatory power. Drawing on texts that are commonly labeled genealogical in relation to the *History of Madness* clarifies what "power" is supposed to be or do in our understanding of phenomena. Second, I situate this account of rules in relation to what has been called the "space of reasons".

A number of significant objections leveled at Foucault provide the frame in which I propose to carry out the development of rule-governed practices and defend their status. The defense, following the logic of the analytic of finitude and the Agrippan trilemma, involves two strategies: a) since it is not possible to place oneself explicitly outside the space of reasons without thereby (and implicitly) situating oneself inside it, I show how the concept of experience

---

[161] This occurs in the Preface to the 1961 edition of the book, which was dropped from the 1972 edition. The elision and what it means have a convoluted history. I will note only a few salient points relevant to my argument when I consider objections of a Derridean inspiration, not in the terms of Derrida's explicit confrontation with Foucault, but through his criticism of speech act theoretical analyses.

need not be construed in terms of the inside-outside logic, b) I claim that insistence on this dynamic as a transcendental requirement occludes dimensions of practices that become visible through a Foucauldian account.

In *Mental Illness and Psychology* Foucault introduces a theme that remains constant through its different methodological reinscriptions: "[mental illness] is both a retreat into the worst of subjectivities and a fall into the worst of objectivities" (MIP, 56). If his critics are right to insist on the necessity of a reflection of the transcendental type on this constitutive divide of the inside from the outside, it would appear that Foucault's fascination with madness anticipates and recoils on the extreme subjectivism and extreme objectivism of his own "method". I argue that a reconstruction of the "persons" of madness through the concept of experience shows that there is no such coincidence of subjectivism and objectivism, and therefore that insistence relies on problematic assumptions. I hope this will highlight the specificity of the story, so similar to the ones told by Marx and Weber, written by Foucault.

3.1 Madness in the First Person

A first step towards bringing out the specificity of what the experience of madness Foucault refers to might be goes through his earlier engagement with the subject in *Mental Illness and Psychology*.[162]This study is clearly indebted to the dominant modes of description and analysis at

---

[162] The term "experience" appears some 94 times in *History of Madness*, whereas "*le veçu*" appears some 8 times, and its very centrality and pervasiveness make it somewhat amorphous, which is part of the reason why it is criticized in *Archaeology of Knowledge*. *Mental Illness and Psychology* itself has a complex history. It is a largely revised version, republished one year after *History of Madness*, of *Maladie Mentale et Personalité* (Paris: Presses Universitaires de France, 1954), which appeals to a Pavlovian physiology in order to ground the existential thematic of Part 1 on a Marxist account of social contradictions in Part 2. The revised version, which is the one translated into English, rewrites large sections of Part 2 in order to historicize the very object of the study (in light of the *History of Madness*). For a useful discussion of the differences, see Hubert Dreyfus's foreword to the English translation, as

the time, phenomenology and Marxism; but what matters in the work for my purposes is not whether it is an uneasy juxtaposition of existential anthropology and Marxist social history, or a brilliant attempt at their synthesis, so much as the types of explanatory factors Foucault admits and insists on as necessary components of an adequate comprehension of madness, and their transformation. And the key to what those are is visible in the identification of his questions at the outset: "Under what conditions can one speak of illness in the psychological domain? What relations can one define between the facts of mental pathology and those of organic pathology?" (MIP, 1)

3.11 Mental Illness: Explanation or Description?

The first part of the book, which remains relatively unchanged from 1954 to 1962, answers these questions by offering what would be progressively more adequate explanatory schemes: from the mistaken attempt to formulate a metapsychology, anchoring both organic and mental pathology, through the correct incorporation of individual history into psychoanalytic explanation to the disavowal of *all causal mechanical* inquiry in favor of a phenomenological *description* of the specific ontological structures organizing the *style* of one's existence. The 1954 version of Part 2 in turn provides a *casual grounding* of the structures described in Part 1 on actual social practices situated within the contradictory relations made possible by capitalism. There is an uneasiness between the two parts to the extent that Marxist explanation too seems to run afoul of the authentic comprehension of pathology existentially described in Part 1. However, in 1962 this

---

well as Pierre Macherey, "Aux Sources de l'Histoire de la Folie: Une Rectification et Ses Limites," *Critique* 42 (August-September 1986): 753-774 and Frédéric Gros, *Foucault et la Folie* (Paris: Presses Universitaires de France, 1997) pp. 7-28. I will touch on the interpretative issues only insofar as they shed light on the discursive/nondiscursive theme. (References to the 1954 version are indicated as *MMP*.)

problem seems otiose with the repudiation, as explanatory bedrock, of both Marxism and existentialism: they become subservient to "the historical constitution of mental illness" (MIP, 64) where "one must not regard [the] various aspects of mental disease as ontological forms" (MIP, 84-85).[163]

Two series of factors then: on the one hand, we have a necessary moment of *description* that is *irreducible to any causal account* and stands in a problematic relation to causal grounding in the *objective* contradictions of the social world; on the other hand, we have both moments subsumed under a *historical constitution* of their very object, mental illness. Since the latter is supposed to summarize the specific shift and insights signaled through "experience" of madness, it is important to understand what this contrast implies. I think there are four salient points that motivate the methodological innovation of the *History of Madness*.

The first point to note is the criticism of the attempts to discover a metapsychology which look at physiology to find the foundation for both mental and organic illnesses. The argument is based on the premise that "mental pathology requires methods of analysis different from those of organic pathology and that it is only by an artifice of language that the same meaning can be attributed to 'illnesses of the body' and 'illnesses of the mind'" (MIP, 10). Paradigmatic for organic pathology is functional explanation in terms of the relations between isolated and atomic components. However, the unity of human behavior is more than the sum of its parts, therefore its meaning cannot be captured through functionalist abstractions: "…the integration of [human behavior's] segments tends toward a unity that makes each possible, but that is compressed and gathered together in each: This is what psychologists call [in the language of phenomenology]

[163] The passage continues: "…it is only in history that one can discover the sole concrete a priori from which mental illness draws, with the empty opening up of its possibility, its necessary figures."

the significant unity of behavior, which contains in each element…the general appearance, the style, the whole historical anteriority and possible implications, of an existence" (MIP, 10-11). Consequently no explanation that does not take into account this *significant subjective unity* can be correct. And since organic pathology implies a conception of the human as a natural species, fully exhausted through physiological explanations, it cannot be an adequate comprehension of mental pathology.

The second point is that Freudian psychoanalysis succeeds to the extent to which it was Freud's genius "to go beyond the evolutionist horizon defined by the notion of libido and reach the historical dimension of the human psyche" (MIP, 31)*, where the historical dimension is provided by attention to individual case histories*. However, psychoanalytic explanations misconstrue this dimension by reducing it to an evolutionary process, according to which there is a normal development of the human psyche through various stages of biological instincts and where mental pathology is simply regression to past stages. This type of causal explanation is no less an abstraction than the previous one, since it reduces an individual's existence to the normal functioning of its components: "In psychological evolution, it is the past that promotes the present and makes it possible; in psychological history, it is the present that detaches itself from the past, conferring meaning upon it, making it intelligible" (MIP, 30).[164]

According to Foucault's interpretation of this evolutionary logic, mental illness becomes a natural fall into a past stage, where present action appears only as causal reaction to its

---

[164] I think Foucault's argument is effective against the theory of instinctual development which we do in fact find in Freud and which is inseparable from his scientific ambitions. But Freud's own ambivalence in relation to this should also be admitted. The hermeneutic aspects of psychoanalysis cannot be so easily assimilated to its scientific pretensions, and the theory of action and rationality, irreducible to a representational account of the psyche, which psychoanalysis provides, helps illuminate some strands of Foucault's own description of practice (as I argue in the second part of this chapter).

antecedent. What is thereby lost is "the specificity of the morbid personality; the pathological structure of the psyche is not a return to origins; it is strictly original" (MIP, 25-26) Therefore the specificity of pathological behavior can be grasped only if it is understood as an intentional response to the lived world of the individual.[165] Someone is morbid only "insofar as present and past are not linked together in the form of a progressive integration….In contrast with the history of the normal individual, the pathological history is marked by [a] circular monotony" (MIP, 41)

The third point then is the description of these originary structures of lived experience through which an individual constitutes a world. Individual history is not successive mechanical determination, and hence cannot be explained causally. Explanation is abandoned in favor of the description of "both the experience that the patient has of his illness (the way in which he experiences himself as sick or abnormal individual) and the morbid world on which this consciousness of illness opens….The understanding of the sick consciousness and the reconstitution of its pathological world, these are the two tasks of a phenomenology of illness" (MIP, 46).

The relation between the past and the present, as lived by the individual, is circular, which implies that the meaning of the past, and any efficacy it may have in the present, is possible only retrospectively from the perspective of a present interpretation. Pathological behavior then is a strategic response, the meaning of which can be interpreted only on the basis of the shape of the morbid world sustained by the individual's existence. Unless the unique existential structures constituting one's perception of time, space and possibilities of meaning and action are described, we can never understand why one person at *this* time in response to *this*

---

[165] It should be remarked that the term which appears in this connection is "*le vécu*" (MIP, 44).

situation becomes ill, or why another may perceive possibilities where he sees only obstacles. These structures define the *style* of existence for an individual (which Foucault calls “a sort of a priori of existence”). (MIP, 42) At this level, mental illness is not unlike an inauthentic relation to the world, a refusal to appropriate the originary activity by means of which someone sustains his possibilities of meaning and acting and mistakes such active structures for fateful alien conditions.

The fourth point is the insufficiency of even the description of originary existential structures sustaining the morbid lived experience of an individual, and their grounding in actual social conditions. The 1954 version of Part 2 attempts this grounding through a social history inspired by Marx. The individual may be active in giving meaning to her world, but this very activity must be placed in the concrete social world and its contradictions. Explanation then must move from attention to individual case history to the collective history of which the individual is a part. Here Foucault appeals to a number of familiar factors such as the struggle over property following the French revolution and imperial competition. Mental illness experienced by the individual may be described in terms of its existential structures, but “this pathological form is merely secondary in relation to the real contradiction that causes it” (MIP, 83).

Even though the 1962 version drops the more strongly Marxist language, the criticism of “phenomenology of mental pathology” retains the explanatory privilege of such phenomena as competition, class struggle, group rivalry and exploitation (MIP, 82). The essential claim is that social alienation effected through economic, legal, and institutional mechanisms is the condition of possibility of mental alienation. So whether it is a question of explaining mental pathology through a model of regression, or describing its existential structures, it is social history which provides the fundamental conditions of possibility. For instance:

> Neuroses of regression do not reveal the neurotic nature of childhood, but they denounce the archaizing character of the institutions concerned with childhood. What serves as a background to these pathological forms is the conflict, within a society, between the forms of education of the child, in which the society hides its dreams, and the conditions it creates for adults, in which its real present, with all its miseries, can be read. (MIP, 81)

This conflict cannot be captured through a physiological account, and it is irreducible to a biological theory of the instincts. On the other hand, the description of the mentally ill person's "style of existence" is indispensable to accurately understand its uniqueness, but it must ultimately be grounded in the conflicts produced by the development of capitalism.

Consequently, the shift effected by the *History of Madness* is motivated by the explanatory inadequacy of both causal mechanical explanations and phenomenological descriptions. The incarnations of the former in physiological functional or psychoanalytic evolutionary explanations understate the specific reality and efficacy of the *subjective* elements in mental illness; whereas the latter exemplified by phenomenological or hermeneutic existential descriptions and interpretations understate the *objective* social context which produces mental pathology. The 1962 version of Part 2 is illuminating in that Foucault is playing off Marx against Heidegger, and vice versa, in a theoretical field where psychoanalysis trumps physiology, phenomenology trumps psychoanalysis, and Marxist social history provides the ultimate matrix of mental pathology.

However, it is precisely the *insufficiency* of Marxist social historical explanation itself which motivates a reconfiguration of this field. For the attempt to ground ontological structures on social contradictions through the mediation of Pavlovian reflex mechanisms invokes causal principles more mythical than those denounced in the first and second points above. Moreover, this account implies that mental pathology remains an essence, invariant throughout its diverse

cultural and historical manifestations, and hence a socialized replica of physiology's "nature". Organic evolution, psychological history, or styles of existence provide the "forms of appearance" of illness, but its "conditions of appearance" cannot be located there. (MIP, 60) That's why "*the roots of the pathological deviation, as such, are to be found elsewhere*" (Ibid., my italics). But the grounding implied by talk of "roots," when pursued *causally* in terms of objective social contradictions, leads to nowhere.

Foucault's response to this deadlock is to historicize *both* the object *and* the method of analysis. Two demands animate the strategy I described so far: first, the need for a non-reductive account of mental pathology that will preserve both the subjective and the objective dimensions of mental illness; second, the need to provide a theoretical foundation for this account. True to the requirements of the Agrippan trilemma, Foucault's grappling with the true elements of phenomenological descriptions of the lived experience of mental illness *and* its situation in a concrete social world produce two series of conditions. He could construe these sets homogenously, in which case what does the conditioning would be assimilated to what is thereby conditioned; or he could construe them heterogeneously in order to provide an objective grounding. But the causal story that must be told to make this route pan out resuscitates all the bad elements implied by candidate theories.

Therefore it is not unreasonable to suspect that these demands themselves are the source of the problem. I claim that the methodological innovation of the *History of Madness* consists in part of giving up the second demand and reformulating the first one. This reformulation entails five interrelated claims: 1) What *counts as* mental illness is itself historically constituted by discursive and nondiscursive practices, 2) Consequently it has no objectivity apart from such practices, 3) Both the subjective and the objective dimensions articulated above are to be

retained, and therefore the story told will involve *relations of causality and meaning but* 4) Both dimensions are referred to a level of “fundamental experience” that is on the order of neither biology nor biography, 5) What is fundamental about this experience refers neither to a causal nor logical grounding, but rather to its *criterial* function.

Attention to the mode of argumentation Foucault uses illustrates the explanatory import of these claims. If one tries to explain “religious delusion,” one might assert that religion is delusional by nature or that in religious discourse and practice the individual discloses his suspect psychological origins; one might also reduce religious ritual to its function within the field of economic relations and exploitation. It is not unlikely that such explanations would capture some elements of the object of study. But what is thereby left out of the account is the crucial point that “religious delusion is a function of the secularization of society” (MIP, 81). Religious discourse and practice could appear delusional only for a group which no longer permits a seamless assimilation of religious belief into its experience.

Foucault’s appeal to “culture” in order to mark this shift should not obscure the fact that what is at stake here is reference to the conditions of existence criterial for a group’s modes of perception and action. Similarly, infantile behavior could be a refuge for an individual and its reappearance could be perceived as pathological fact only against the background of social practices that establish limits between the individual’s past and present: only on the basis of cultural practices which integrate the past by forcing it to disappear can neurosis as regression become fact.

Phenomenological descriptions capture the irreducible structures through which consciousness articulates its world pathologically. But these structures, which show the absence

of possibilities and the presence of restrictions, are not sustained by the magical causality of a consciousness fascinated by its world. One must also show the effective causality of the real constraints under which individuals find themselves. Therefore the conditions of possibility of mental illness must reflect two dimensions: "Our society does not wish *to recognize itself* in the ill individual whom it rejects or locks up; *as it diagnoses the illness, it excludes the patient*. The analyses of our psychologists and sociologists, which *turn the patient into a deviant* and which seek the origin of the morbid in the abnormal, are, therefore, above all a *projection* of cultural themes" (*MIP*, 60, my italics).

If one can no longer presuppose the independent and anterior existence of mental illness as an ahistorical object, the essence of which is to be reconstituted, the central problem can no longer be an objective causal grounding of subjective structures. Foucault could be sanguine about such a possibility in 1954 only because he had identified the common thread binding both dimensions in "concrete man" (MMP, 2). Reflection on concrete man as transcendentally determining and empirically determined was to provide the ultimate foundation. But the analytic of finitude shows the interminable oscillations to which it leads. Therefore one reason why scientific psychology is suspect is that it presupposes a philosophical anthropology that is inextricably entangled in a confusion of the transcendental and the empirical. But simply "turning, as is so often done, to the 'economic and social context'" (FR, 334) leaves the basic assumption of an already constituted object intact.

Hence the specificity of the methodological shift is to consider "the very historicity of forms of experience," which implies a "'nominalist' reduction of philosophical anthropology" (Ibid.). The relations of meaning discovered by phenomenology are integral to a proper understanding of mental illness as much as the relations of causality discovered by social

historical analysis. But these must be referred to a fundamental experience which will specify the conditions of emergence of the very object of enquiry through an analysis of the practices of exclusion and knowledge. The very conception of madness as mental illness, or deviation from a norm, is itself a cultural product and can only be understood by referring it to the network of practices outside of which it has no existence: "It has been said, only too often, that, until the advent of a positivist medicine, the madman was regarded as someone 'possessed.' And all histories of psychiatry…have set out to show that the madman of the Middle Ages and the Renaissance was simply an unrecognized mentally ill patient" (MIP, 64). But this interpretation falsely assumes that madmen were in fact regarded as possessed and that those who are possessed are in fact mentally ill.

3.12 How *Fundamental* Is Experience?

What then is the fundamental experience of madness which articulates the practices constitutive of what for a given group at a given time counts as "madness"? I will take two moments from its history and my interest will be in bringing into sharper focus its contrast with the explanatory schemes outlined in the four points above. The immediate background is traced by the figure of the ship of fools.[166]The figure crystallizes two contradictory aspects which constitute the very coherence of the experience of madness in the Renaissance.

---

[166] The following discussion is based primarily on "Stultifera Navis" and "The Great Confinement" in *HM* pp. 3-78. Although the criticism by some historians of the history Foucault writes is beyond the scope of this study, I mention in passing a few remarks in anticipation of some common objections: 1) There were no ships of fools, 2) There is no evidence for the relative freedom of the mad in the Renaissance and the medieval period, 3) There was medical treatment of the mad before modern psychiatry, 4) There was no confinement on the scale Foucault argues, especially in England, 5) The Lockean conception of the mad as human beings whose associations of ideas are awry cannot be assimilated to the paradoxical animality described by Foucault in relation to the exhibition of the mad. My reconstruction indirectly addresses (1), (3), (4), and (5) in what follows. The next chapter is in part an answer to (2). For a bibliography on the sources of some of these criticisms, see Tom Flynn, *op. cit.* pp. 3-31 and Gary Gutting,

On the one hand, there is the cosmic experience of madness: madness is the object of an imaginary fear, in the sense that its strange powers are represented through *images* taken as signs of another world, which constantly threatens to invade this one. But precisely because madness figures in imagination, communication with it is possible in principle. The limit it traces is also a surface of contact between two worlds, and to that extent madness can reveal the truth of the world on this side of the limit, and the possibility of a dialectical reversal of the one into the other is admitted as a constant danger. And as danger, its mode of existence still involves participation and is almost equal with reason.

On the other hand, there is the critical experience of madness: madness appears as a figure in moral satire. In the discourse of Renaissance humanism, madness appears from the perspective of the standpoint which constitutes wisdom. Wisdom consists in the knowledge which perceives the madness of reason and the reason of madness: belief in absolute truth discerned by human reason alone is folly, since it forgets its dependence on an order not of its own making; whereas madness is the sign of this dependence and its fragility. And since wisdom entails grasping that reason can be rational only insofar as it uses madness, critical experience still recognizes the danger of going to the other side of this mutual implication, and therefore allows its possibility. The experience is not tragic, however, and it is already distanced in irony.

Confinement then becomes the figure of the experience of madness in the Classical period. There is no longer an objective imagination of madness precisely because madness is only the unreal fantasy of dreams. There is no longer reference to the tragic powers of the world.

"Foucault and the History of Madness," T*he Cambridge Companion to Foucault,* (New York: Cambridge University Press, 1994). Gutting's arbitration at times relies on a strategy of downplaying the arguments concerning the Renaissance experience of madness as nonessential, and hence risk missing a crucial aspect of Foucault's claim: confinement is a specific practice not to be confused with just any locking up of people; "mad people" were locked up before but not confined.

Madness becomes pure opposition, and madman becomes transgressor of social norms. He is confined in spaces created for all figures of unreason. However, there is also the attempt to situate and exhaust madness on the table of species. Therefore, confinement too crystallizes contradictory aspects which constitute the very coherence of the experience of madness in the Classical period: it is simultaneously excluded and included. But this global contrast between the Renaissance and the Classical period touches only the most general characteristics that stand out in Foucault's account. The significance of the shift of domain to "fundamental experience" as the key interpretative term is not visible at this level, and I think the emphasis on what is glossed as "ruptures" in early interpretations of Foucault covers up the intricate linkages that exist in his analyses in the *History of Madness*.[167] Only those linkages establish an account better than the ones criticized above.

The phenomenon, therefore, which demands interpretation, is the confinement, roughly around 1656, of a large number of people in spaces either constructed specifically for that purpose or converted from previous use as lazar houses. This event does not happen overnight, it follows a different pace in different places, but it is a fact to the extent that it represents a distinct type of treatment of a distinct group of people, neither of which existed in the period commonly called the Renaissance. The treatment is confinement, and the people are those of "unreason": a

[167] It is puzzling how the image of Foucauldian historiography, according to which people would live in one episteme for about 100 years only to wake up one fine day to find themselves in another, could exert so much influence for so long. Reading his histories, especially the history of madness, one is rather struck by the subtle continuities that permeate them from one end to the other. I suspect there are two main reasons for this discrepancy: First, Foucault's language in the 1960s tends to emphasize the discontinuity theme, probably in order to better mark off his distance from philosophical historiography, which establishes continuities through the stipulation of teleological or dialectical progress. Second, it is in fact not easy at all to perceive precisely what those continuities are.

classification, no longer intelligible for us, gathering together beggars, vagabonds, libertines, the mad, etc. It is that very *et cetera* which demands interpretation.[168]

Around this fact Foucault constructs a narrative in which one finds the interplay of a number of factors such as philosophical discourse, medical knowledge, physical exclusion through spatial segregation, and moral condemnation. This interplay is then supposed to constitute the experience of madness in the Classical period. Foucault claims: "The economic as well as the moral demand for confinement was the *result* of an experience of work" (HM, 71, my italics). But then he says: "…linked to the experience of madness that *resulted from* this general obligation to work" (HM, Ibid. my italics). A question immediately arises: just what results from what?

To explain the practice of confinement it is necessary to appeal to its economic and social functions. So, for instance, confinement serves the nascent bourgeoisie to control prices and salaries by manipulating the supply of work force. But it also represents a compromise between the religious imperative of charity toward the poor, the institutional representation of which is the Church, and the economic and political imperative to exercise some control over unemployment. It is also necessary to refer to the mechanisms of absolute monarchies, which exercised arbitrary power through such instruments as *lettres de cachet*. Moreover, in the wake of Luther and Calvin, poverty "no longer spoke of glorification of pain, nor of salvation proper to both Charity and to Poverty, but concerned rather the idea of civic duty, and showed the poor

---

[168] And so, in line with what I claimed at the end of Chapter 2, "the history of the other" is not categorially distinct from but articulated on "the history of the same": the *et cetera*, that is, the perception of similarities through discriminating differences, presupposed by scientific and social classifications, is related to practices of exclusion, where that relation cannot be reduced to either a logical or a causal one, and where "exclusion" may be epistemic and/or practical; however, it would be too hasty to equate exclusion with oppression *tout court*. I develop the latter claim in the next chapter.

and destitute to be both a consequence of disorder and an obstacle to it" (HM, 57). Thus poverty becomes the object of a moral experience which condemns it.

To reduce the multiplicity of these factors, which *do* contribute to our understanding of what the confinement of figures of unreason involved, to any one of them at the expense of the others, in order then to postulate a linear causal relation between them, ends up in mythical explanations of the type described above. But more importantly, it mistakes the effect for the cause; or rather, since causal language at this level is not quite appropriate, it must be said that *only against the background of practices* which define a set of behaviors as transgressive relative to social norms *that* a group is *objectified as* in need of confinement. The hotchpotch figures of unreason did present a coherent unified object in the Classical age, and the first important step in Foucault's shift is the acknowledgement of the unique creativity of practices: people are not confined because they are figures of unreason, but the very figures of unreason are constituted through a set of practices and have no existence apart from them.[169]

The second consequential step is Foucault's refusal to refer these practices either to a constitutive consciousness, which would be their ultimate ground of justification and meaning, or to the brute effectivity of material mechanisms. The choice between idealism and materialism loses its natural necessity after the reconfiguration of the Agrippan trilemma, and "experience" as ultimate explanatory term signals precisely this reconfiguration. The language we find in the texts uses the spatial metaphors of vertical and horizontal modes of analysis. The distinction sometimes refers to that between historical materialism, with its establishment of causal

---

[169] Cf., for instance, "Sadism is not a name finally given to a practice as old as Eros: it is a massive cultural fact that appeared precisely at the close of the eighteenth century, constituting one of the great conversions in the Western imagination—unreason transformed into the delirium of the heart….reappears not as a figure of the old, nor as an image, but as discourse and desire" (HM, 361-62).

grounding between infra- and super-structures, and positivism, with its reliance on linear causality.

But the more significant occurrence of the distinction reflects the difference between an empirical analysis in terms of causal relations and a critical questioning in terms of conditions of existence, as I reconstructed them in Chapter 2.[170] In order for confinement as physical act to pick out and enclose *just this* group of people, they had to be marked out as belonging together in a uniform perception. And the priority which this perception has over the specific acts of exclusion is neither logical nor causal, but criterial. But because it is criterial, it involves both discursive and nondiscursive dimensions. Hence Foucault's reference, in tracing the contours of the experience of madness, to medical and philosophical discourse, on the one hand, and concrete acts of exclusion and evaluation, on the other.

We then get a division into four types of conditions, which in turn correspond to two types of practices, discursive and nondiscursive: 1) critical consciousness, 2) practical consciousness, 3) enunciatory consciousness, 4) analytical consciousness.[171] The use of "consciousness" in this classification should not occlude its extension: spatially and temporally indexed, rule-governed practices criterial for a group of people. That these articulate the experience of madness is clear from Foucault's concluding remarks: "A *singular experience* appears…and each element can interact with the other *according to the law that is its own*….This experience is neither practical nor theoretical. It is part of the fundamental experiences in which a culture risks *all* its values—allowing them to face contradiction" (HM, 174, my italics). And despite the fact that the language of discursive and nondiscursive practices

---

[170] The texts are not very perspicuous on this distinction. For an example of the former occurrence, see *AK*, p. ; and for an example of the latter, see *HM*, p. 28.
[171] The Introduction to Part Two, *HM*, pp. 163-174.

is not central in the text itself, that this is the main division articulated by the four types of consciousness is implied by the central thesis of the chapter on confinement: "…a madman is not recognized as such because an illness has pushed him to the margins of normality, but because our culture situates him at the meeting point between *the social decree of confinement* and *the juridical knowledge* that evaluates the responsibility of individuals before the law" (HM, 130).

Different methodological principles and concepts which Foucault proposes should be understood in the light of this project as tracking these two types of practices. The historical a priori is defined in *The Birth of the Clinic* using the vocabulary of an articulation of the "sayable" and the "visible"; and there is a bewildering proliferation of conceptual machinery starting with the *Order of Discourse* through the works typically labeled genealogical: apparatus (*dispositif*), discipline, regime, and power-knowledge, to name a few. I propose, similar to the strategy I followed with respect to the historical a priori, that these concepts be read as continuing the articulation of the criterial level through a sharpening of its content and the dynamic interplay of its elements.[172]

An interesting symmetry between such reinscriptions is thereby displayed. In his analysis of the development of anatomical pathology in modern medicine, the object of enquiry is defined as the "common structure that delineates and articulates what is *seen* and what is *said*" (BC, xix). This structure is then said to constitute the spatialization and verbalization of pathology that are the conditions of possibility of a discourse on disease. The concrete historical analysis in turn specifies a medicine of types, in which the sayable has priority over the visible: diseases are

---

[172] I am aware that this is not entirely accurate when measured against all of Foucault's intentions and some of his explicit statements. This does not impair the reading offered here because it is not my intention to faithfully reconstruct the Foucauldian corpus; and because there is sufficient warrant in what he does say to justify such reconstruction as is offered.

defined a priori and their empirical manifestations in individuals are discounted as secondary and derivative, since no ideal type as such can be given in an individual body. Diagnosis consists in recognizing the already-said of disease in the visible marks of the body.

The transformation of this configuration of the visible and the sayable into that defining clinical medicine at the end of the Classical period can then be described: "medical perception is freed from the play of essence and symptom, and from the no less ambiguous play of species and individuals: the figure disappears by which the visible and the invisible were pivoted in accordance with the principle that the patient both conceals and reveals the specificity of his disease. A domain of clear visibility was opened up to the gaze" (BC, 105). Anatomical pathology is intelligible only against the background of this articulation between seeing and saying—according to which all that is visible is wholly sayable and it is visible because it is sayable—as a disarticulation: the visible is no longer translatable into what can be expressed immediately and without residues, but implies the priority of the invisible over the sayable. Anatomical pathology "[introduces] language into that penumbra where the gaze is bereft of words" (BC, 169).

Since the historical a priori is precisely this articulation of the visible and the sayable, which is capable of a number of transformations, one could expect Foucault's concrete analysis to appeal to both discursive and nondiscursive practices. The transformation whereby it becomes possible to discern medical truth in the opacity of the sick body and the folds of the cadaver goes through the clinic, as an institution for both the teaching and the practice of medicine. And as such it is implicated in a set of measures of social protection. The sayable/visible pair tracks the discursive/nondiscursive pair, which in turn subsumes enunciative-analytical/critical-practical consciousnesses described in *History of Madness*.

Finally, I think some of Foucault's invocations of "power" are demystified when read in light of this symmetry. The texts from the 1970s introduce a new concept, power, which is then related to a number of others such as *dispositif*, regime, and discipline. However, what is crucial is the function it plays in his analyses: "We should rather admit…that power and knowledge directly imply one another; that there is no power relation without the correlative *constitution* of a field of knowledge, nor any knowledge that does not *presuppose and constitute* at the same time power relations" (DP, 27, my italics). Like the articulation of the visible and the sayable, power-knowledge, far from being a substance or ontological principle, refers to the imbrication of discursive and nondiscursive practices. And when Foucault attributes some sort of creative power to it, as when he says that the exercise of power creates objects of knowledge and knowledge entails effects of power, this should be interpreted in light of the criterial function of such practices.[173]Moreover the symmetry I have been tracking finds further confirmation at the level of historical analysis:

> It doesn't much matter for my notion of the apparatus to be able to say that this is discursive and that isn't. If you take Gabriel's architectural plan for the Military School together with the actual construction of the school, how is one to say what is discursive and what institutional? That would only interest me if the building didn't conform with the plan. But I don't think it is very important to be able to make that distinction, given that my problem wasn't a linguistic one. (PK, 198)[174]

---

[173] See *DE* 2:753. Foucault's gloss on "creates" is "makes them emerge," which recalls "conditions of emergence".

[174] An equally clear statement of the same insight occurs in Foucault's discussion of how at a certain moment in the medieval period it became possible to build a chimney inside the house. At that moment all sorts of new relations between individuals became possible. But he claims that it would be wrong to conclude from this that "the history of ideas and thoughts is useless…. What is…interesting is that the two are rigorously indivisible. Why did people struggle to find the way to put a chimney inside the house? ...or put their techniques to this use?...It is certain that this technique was a formative influence on new human relations, but it is impossible to think that it would have been developed and adapted had there not been in the play and strategy of human relations something which tended in that direction. What is interesting is always interconnection, not the primacy of this over that, which never has any meaning" (EW, 3:362).

Therefore referring the massive number of heteroclite and contradictory events to the level of fundamental experience, which *is* the spatially and temporally indexed, rule-governed practices criterial for a group of people, provides a better grid of historical intelligibility, where "better" means: capable of discerning the *historical singularity* of events and *critical interrogation* of their conditions of emergence. But the introduction of power as a specific interpretative dimension poses new questions, which imply two strong objections: 1) What becomes of the rationality of practices so construed? 2) Is it even intelligible to appeal to *rules* in characterizing this criterial level which would be fundamental in relation to what we say and see and do?

3.2 Madness in the Third Person

The intimate connection between knowledge and power may be as old (at least) as Bacon, but this connection is thought within their categorial separation in modernity. Value-neutrality of epistemological analysis presupposes that what makes a statement true and what makes it effective are irreducibly distinct. Against this background, Foucault's attempts to express their mutual implication and articulation are not only false but also unintelligible:

> 'Truth' is linked in *a circular relation* with systems of power which produce and sustain it, and to effects of power which it induces and which extend it. A'regime'of truth. This regime is not merely ideological or superstructural. (PK, 133, my italics)

> Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. (DP, 27)

> Relations of power are *not* in a position of *exteriority* with respect to other types of relationships [e.g. economic, epistemic, sexual] but are immanent in the latter; they are the *immediate effects* of the divisions, inequalities, and disequilibriums which occur in the latter, *and conversely* they are the *internal conditions* of these differentiations. (HS, 94, my italics)

If what Foucault's histories describe are the transformations of criterial practices, both discursive and nondiscursive, and if no categorial distinction between them is to be admitted—which is what their "circular relation," or "internal connection," or "mutual implication" try to articulate—then the immanent rationality of epistemic and practical activities is undermined: cognitive claims to truth and practical claims to rightness would be reduced to the social field marked by coercive relations of force through and through. This is a long standing objection formulated by critics from the 1960s on, but I will focus on one formulation, by Habermas, which I take to be exemplary.[175]

3.21 Habermas and the Transcendental Site Where We Meet

Habermas's critique is exemplary because he does not deny the pertinence of nondiscursive practices to an analysis of discursive forms but insists on the *necessity* of inscribing them in a normative frame, which subsumes strategic relations of force, as their ultimate horizon. From that standpoint, the methodological reduction of truth and rationality which is presupposed by the historical a priori or experience, as I reconstructed them, can only generate self-defeating strategies: refusal to engage in explicit normative justification of one's own standpoint recoils on the concepts deployed from that very standpoint. Therefore, *if* Foucault's history of madness, say, two moments of which are discussed in the previous section, employs the thesis of an articulation between coercive practices of control and epistemic practices, in order then to make visible the complicity of the normative standpoint of modern psychiatry with strategies of domination, *then* the very conceptual language Foucault uses is implicated in that domination.

---

[175] My reconstruction of the argument which I take be a challenge is based on: Jürgen Habermas, *The Philosophical Discourse of Modernity*, *op. cit*. (hereafter *PDM*); *Moral Consciousness and Communicative Action*, (Cambridge: MIT Press, 1999) (hereafter *MCCA*); *Knowledge and Human Interests,* (Boston: Beacon Press, 1972) (*KHI*); *The Theory of Communicative Action*, vols, 1 & 2, (Boston: Beacon Press, 1987) (*TCA*).

For Habermas, however, the cognitive instrumental relation between the subject and the object must be placed in the broader horizon of communicative reason.[176] And Foucault is charged precisely with ignoring that horizon in favor of privileging what is only *one* form of rationality: namely, that of instrumental and strategic relations. Contrary to this narrowing of horizon, restoration of intersubjective interactions to their properly communicative dimension would then permit the expression of normative principles implicit in dialogue. Following the logic of transcendental argumentation described in Chapter 1, we would then get: "Mutual understanding and action coordination are possible *only if* …" where the consequent would articulate necessary conditions with transcendental status.[177]

But since that status is not derived from a theory of faculties of the mind, its principles would not be threatened by the circularity or dogmatism which potentially impugn the Kantian deduction. Habermas's strategy is to derive that status by attending to the necessity implied by having to raise cognitive and practical validity claims in intersubjective dialogue and debate. Since I must raise validity claims not only when I make cognitive claims, but also when I express my intentions or when I make judgments of taste, communicative rationality provides the universal and necessary framework regulating both moral-practical and aesthetic-practical interactions.[178]

Habermas too narrates a history not unfamiliar from Marx and Weber. Its crucial difference from the one told by Foucault is that, relying on some elements of Hegel's

---

[176] For various expressions of this strategy, see *PDM*, pp. 294-327, *MCCA* pp. 1-20, 116-194, *TCA* 1, parts I and III. The criticism of Foucault from that perspective is pursued at length in *PDM* parts IX and X.

[177] For instance, "The quasi-transcendental necessity with which subjects involved in communicative interaction orient themselves to validity claims is reflected only in their being *constrained* to speak and act under idealized conditions" (MCCA, 203).

[178] See *TCA* 1, p. 305 ff for an analysis of validity claims in relation to communicative action. Habermas claims that his analysis of "Please bring me a glass of water" "holds true for *all* speech acts…." p. 307

transposition of deductive function on to retrospective historical narration, it is to perform a *legitimation* of the standpoint of modernity.[179]It has two important moments for my purposes. First, it describes the process whereby practical, cognitive, and aesthetic claims no longer presuppose a foundation in religious or metaphysical worldviews. Second, they rather constitute three spheres of value: morality, science, and art. For Habermas, their categorial separation implies that relations of domination result not from the instrumental nature of rationality as such, but from the colonization of rationalized life-world by economic and administrative systems governed solely by functional imperatives.[180]

Thus part of what Foucault describes through an analysis of the transformation of "work", signaled by the names of Luther and Calvin, namely, morality's gradually becoming something to be administered, is incorporated into Habermas's account; so is the Marx-inspired analysis of class-conflict.[181] But they are both referred to a *colonization* of the life-world, which only impedes the development of the latter's communicative potential. Therefore, power, which Habermas analyzes under media and money, is *external* to the life-world, which harbors the liberating possibilities of self-determination implicit in modernity.[182] The process of secularization which liberates the life-world from the suffocating hold of traditional norms is a positive accomplishment, which is only partially colonized by the norm-free logic of economic and administrative relations. The latter are always secondary and derivate.

---

[179] "Deductive function" here refers to the argument developed in the first chapter of the present study, where its juridical sense in Kant is emphasized.

[180] See *MCCA*, p. 17, *TCA* 2, pp. 194-6 ("completely differentiated validity spheres" p. 196); on the colonization thesis, the following is a typical claim: "…we have to show that the theory of communication can [explain] how it is that in the modern period an economy organized in the form of markets is functionally intermeshed with a state that has monopoly on power, how it gains autonomy as a piece of norm-free sociality over against the life-world, and how it opposes its own imperatives based on system maintance to the rational imperatives of the life-world" (PDM, 349)

[181] The passage quoted in n. 180 continues with an analysis of Marx in this register, and *TCA* 1 engages Weber directly, as well as his occasional contrasting with Marx.

[182] "The Uncoupling of System and Lifeworld," in *TCA* 2, pp. 153-197

Consequently, the positive moment of Habermas's critique claims to incorporate what is good in Foucault, while avoiding what is bad. Concrete historical analysis is accepted as indispensable in order to prevent critique from becoming perpetual negativity, but transcendental reflection is also admitted in order to justify and ground practices by invoking necessary communicative norms. And the conception of knowledge as categorially differentiated underwrites this critical reflection. From this standpoint, Foucault's invocation of power can only appear as an ontological substance, and therefore pre-critical dogma.

Habermas's analysis of scientific knowledge is instructive in relation to this charge. He proposes a sophisticated account of how scientific practices presuppose non- or pre-scientific interests. Interest in technical control grounds empirical-analytical knowledge expressed in causal laws, whereas interest in intersubjective understanding grounds hermeneutics.[183] The former is valid over objectified processes, but its categorial separation from the latter guarantees that the intersubjectivity of action-oriented communication will remain irreducible in principle.

Moreover, the interests in technical control and action coordination are not contingent and arbitrary. These are fundamental orientations grounded in the (self-)reproduction of the human species through work and interaction.[184] Therefore, even though the account appeals to the natural history of *Homo sapiens*, which is contingent, the interests underwriting cognitive and practical practices have a quasi-transcendental necessity. And so the argument I schematized

---

[183] "Empirical analysis discloses reality from the view point of possible technical control over objectified processes of nature, while hermeneutics maintains the intersubjectivity of possible action-orienting mutual understanding," *Knowledge and Human Interests*, p. 191. He continues this passage with a contrast between horizontal level—referred to interpreting foreign cultures—and vertical level—referred to appropriating one's own traditions.

[184] "I term *interests* the basic orientations rooted in specific fundamental conditions of the possible reproduction and self-constitution of the human species, namely *work* and *interaction*" (Ibid., 196) Further down in the passage he claims that "[k]knowledge-constitutive interests can be defined exclusively as a function of the objectively constituted problems of the preservation of life that have been solved by the cultural form of existence as such."

above through "Mutual understanding and action coordination are possible *only if* …" is further justified by Habermas because the antecedent is not up to any one individual. Mutual understanding and action coordination are rooted in fundamental interests, which we cannot choose not to have, on pain of ceasing to be human.

Habermas reinscribes this distinction between two kinds of interest in terms of that between system and life-world in *Theory of Communicative Action*, and the justificatory work of the argument is transposed into a linguistic register.[185] But this modification does not matter so much for what I want to argue. The categorial distinction between the three spheres of value as *constitutive* of modernity's achievement of rationality remains. What provides both a criticism of Foucauldian description of practices and the positive account that would escape its pitfalls is the rational reconstruction of the presuppositions of intersubjective communication: there are claims to which I am implicitly committed when I raise any claim in any of the spheres of value, and all claims so raised are oriented toward intersubjective agreement as their ultimate horizon. That is to say, I am implicitly committed to justifying my claim through reasons. This process of raising claims and justifying them in the reciprocity of a dialogical situation presupposes the goal of consensual resolution of conflict.

Moreover, this resolution is to be effected only through the force of the better argument.[186] But universal consensus, reached through argumentation, as *implicit commitment* presupposed by every claim, is to be distinguished from factual agreement. Factual agreement can establish truth or rightness *only if* speakers implicitly understand the conditions under which their agreement *would* determine truth. And since that can never exist *in fact*, an ideal speech

---

[185] "Intermediate Reflections: System and Lifeworld," in *TCA* 2, part VI.

[186] *TCA* 1, pp. 28, 42, 348 ("the unforced quality that comes to a conviction only through good reasons or grounds"); *PDM*, pp. 130 and 305

situation is necessarily presupposed as *regulative* for all communicative interaction *in principle*. Finally, the ideal speech situation, which would be fully transparent, and hence could only be conceived in the absence of any coercion or distortion, has the factual force of the counterfactual.[187] In a genuine *tour de force*, Habermas argues that I must presuppose the ideal speech situation as *already* holding in order to engage in any genuine conversation. Such is the force of the space of reasons.

There are, then, a genuine consensus and a spurious one, and even though we are only ever mired in the latter *in fact*, the former guarantees the legitimacy and rationality of our interactions *in principle*. It is possible to criticize Habermas's recourse to the necessary and universal presuppositions of communicative rationality based on the Foucauldian themes developed above, on two registers: First, it distorts our understanding of past practices (the register of historical events in their singularity); second, it distorts our understanding of present practices (the register of its critical function). The two distortions both stem from the insistence on the categorial distinction between validity claims, all of which are referred to the "unforced force of the better argument," and nondiscursive practices, which, unless they are already discursively justified, can only enter the fray to the extent to which agreement is not achieved through argumentation.

---

[187] *PDM*, p. 206 : "But the contextualist concept of language, laden as it is with *Lebensphilosophie*, is impervious to the very real force of the counterfactual, which makes itself felt in the idealizing presuppositions of communicative action." *TCA* 1, pp. 30-31 : "The concept of propositional truth is in fact too narrow to cover everything for which participants in argument claim validity in the logical sense. [Therefore] a more comprehensive concept of validity that is not restricted to validity in the sense of truth [is required]. But [this does not imply] that we have to…expunge every counterfactual moment from the concept of validity and to equate validity with context-dependent acceptability." Or again, MCCA, p. 19: "Every agreement, whether produced for the first time or reaffirmed, is based on (controvertible) grounds or reasons. Grounds have a special property: they force us into yes or no positions. Thus, built into the structure of action oriented toward [consensus] is an element of unconditionality. And it is this unconditional element that makes the validity (*Gültigheit*) that we claim for our views different from the mere de facto acceptance (*Geltung*) of habitual practices." In the same passage Habermas is clear that he sees precisely this element as what transcends the specific spatio-temporal occasion.

But what reason is there to suppose that agreement can be underpinned and justified by formal presuppositions? Agreement does not result merely from the giving and taking of reasons, but presupposes the recognition of what is so given and taken *as* reasons. In other words, the important question is not whether I must acknowledge my implicit commitment to the space of reasons so much as what *constitutes* a statement *as* a candidate for rationality, or the conditions that determine what *counts*, in a given time and place, *as* a reason: in short, the criterial level, which cannot itself be evaluated in terms of reasons, since it is constitutive of the very force reasons have contextually.

To be sure, Habermas is sensitive to the fact that it is not possible to simultaneously evaluate the validity of specific claims *and* of the very framework of ideal speech situation which facilitates that evaluation.[188] But his strategy, through the "factual force of the counterfactual," is to inscribe that impossibility in a distinction between de facto and de jure consensus. This ensures that a speaker can always call a former distortion, thereby showing that what passed itself off as speech free from coercion was not *in fact* so. This would imply that the actuality of full transparency can never be established with certainty: hence Habermas's fallibilism. But the *in principle* necessity of presupposing its actuality in any specific situation where validity is at issue is referred to a fact of reason. What results from this is not only the reproduction of the transcendental theme, and the interminable oscillations consequent on it; it is

---

[188] "Only in theoretical, practical, and explicative discourse do the participants have to start from the (often counterfactual) presupposition that the conditions for an ideal speech situation are satisfied to a sufficient degree of approximation. I shall speak of 'discourse' only when the meaning of the problematic validity claim conceptually forces participants to suppose that a rationally motivated agreement could in principle be achieved, whereby the phrase 'in principle' expresses the idealizing proviso: if only argumentation could be conducted openly and continued long enough" (*TCA* 1, 42). Habermas provides a sustained discussion of what this claim involves in *MCCA*, pp. 76-109, where he is trying to justify the principle of universalization itself, without, however, reverting to what he regards as the weakness of Apel's appeal to an "ultimate justification".

also the occlusion of the singularity of the situations in which only *some* statements come to count as reasons and only *some* actions become candidates for certain types of evaluation.

The invocation of *singularity* should not be taken as a mystification, for it concerns nothing more nor less than the very intelligibility of historically situated practices. If Buffon could only see an undifferentiated mixture of myths, fables, and meticulous descriptions of empirical observations in Aldrovandi's writings, this is because, for the latter, *there was no reason* to differentiate what was written from what was seen; what was observed empirically through natural signs were as much inscriptions (*legenda*) as what one read in fables. Hence the coherent and seamless juxtaposition in one period, of what appears unprincipled mixture of fact and fiction from the perspective of another: for Aldrovandi, that an animal has a certain appearance to the naked eye is just as much knowledge of it as the roles it plays in myths. *That* difference cannot be captured by calling him more or less credulous than ourselves: he obeyed different criteria.[189]

Similarly, I could discount as nonsense or the baby-steps of modern science, the bizarre way in which Paracelsus tries to make nature do things which it has no intention of doing; but my discounting would be worse than anachronism: thereby I guarantee that it will never be intelligible how *that* could be taken seriously.[190] To suppose that both Paracelsus and I stand in the same space of reasons which, though it may allow diversity at the level of content, formally underwrites the necessity that we are all issuing validity claims, is at best a vacuous principle, of no use in rendering visible the logic governing his statements; and at worst, precisely by *transcendentally* establishing that we are basically doing the same thing, subject to the same

[189] For Foucault's description of this scene, see *OT*, p. 39.
[190] For Foucault's attempt to render visible what is criterial for Renaissance knowledge, through the categories of convenience, analogy, emulation and sympathy, see *OT*, pp. 17-44.

normative values, it guarantees the empirical misrecognition of what he is doing. And if he does not see and think like I do, this can only prove that he is either ignorant, or that he willfully places himself outside the space of reasons. He thereby abrogates the rights that belong only to the native inhabitants of that space by right. Perhaps, when the self-exiled foreigner is Paracelsus, this may be of little consequence; but we have heard the same argument deployed in relation to foreigners closer to home, and to justify practices definitely not of the order of that which is discursive.

The point on which I am insisting is not only that Habermas's account is too formalistic—though it is. As I indicated above, he also claims that historical analysis is an indispensable element of the full work of justification. His work contains a wealth of historical material, and his analyses are at times conceptually more fine-grained than those Foucault offers, especially given the latter's reticence on what the concept of power entails.[191] But that reticence is motivated, and Habermas sometimes writes as if Foucault simply refuses to appropriate the lessons which any good reader of Kant and Hegel and speech act theory should.

At first blush there may good reason for that condemnation. Foucault's reduction of truth and rationality, and his insistence on the articulation of power and knowledge, fall afoul of the presumption of rationality in terms of which we distinguish between actions and events, reasons and causes. Since I typically interpret an occurrence *as* action only by attributing beliefs and desires to the agent, which then constitute his *reasons*, failure to discriminate categorially between power and knowledge may appear as conflating events and actions. On this interpretation, we can make the requisite distinction only if we assume basic norms of rationality.

---

[191] *The Theory of Communicative Action*, in particular, presents the development of the formal analysis of the pragmatic presuppositions of communicative action through an incorporation of a social historical narrative. But this narrative both presupposes and is supposed to in part vindicate the normative superiority of the modern standpoint.

I think it is here that reference to psychoanalytic theory proves helpful.[192] In his argument against conceptions of the unconscious as a second mind, Jonathan Lear appeals to what he calls "motivated irrationality" as precisely that aspect of behavior which is left out of accounts emphasizing the necessary presumption of rationality.[193] According to one picture of how the unconscious determines behavior, one must assume that there are beliefs and desires which ultimately motivate the individual's action—since otherwise it would merely be a physical event causally determined in space and time—but add that the individual is simply not aware of these motives.

So when faced with inexplicable behavior, I must still attribute a motivational set to the agent which would be sufficient to render his action rational; but since he is not aware that these are his motives, I posit that there must be an unconscious space in which I can locate these reasons. They may be *bad* reasons relative to what one takes as normal, but they are nonetheless *reasons*. For in the absence of beliefs and desires which hang together to form a coherent motivational set, actions dissolve into events. But once we attribute the necessary minimum number of motives, we must multiply our attributions given the holistic nature of motivation on this standard account: the unconscious thereby becomes a second mind on its own, imbued with the magical power to determine the first.

As a result we get two sets of motivations, that which is conscious and that which is unconscious. The actions following from each set make sense individually, since we can

---

[192] This may appear questionable given Foucault's animosity toward psychoanalysis. But nothing in his critical remarks on psychoanalysis impugns the elements which I appropriate in this context. Moreover, his practice of historical criticism converges with some insights of psychoanalytic practice.

[193] The specific theory motivating Lear's argument is Davidson's distinction between events and actions. See, Jonathan Lear, *Freud* (New York: Routledge, 2005), pp. 30-43. I will modify Lear's account slightly in order to develop the argument I have pursued against Habermas's claims.

understand each one as articulating a pattern of desires, beliefs, and intentions. Moreover, each set constitutes reasons, more or less rational, for each action. Therefore the presumption of rationality secures the in principle intelligibility of actions by removing irrationality one level up, in the relation between the conscious and the unconscious sets.

Two cases Lear analyzes, one from Freud and one from his own practice, are instructive in relation to what I want to say about the articulation of power and knowledge.[194] I take these to be two snapshots from the lives of these individuals not unlike the snapshots we find in Foucault's histories.

> [R] is walking along a road on which he knows his lady-friend will later be travelling in a carriage. He removes a stone from the road so that the carriage will not be damaged. A bit later he feels compelled to go back to replace the stone in the road.

So we have two actions: removing and replacing a stone. R himself is puzzled by their incongruence. But this puzzlement does not imply that he does not see himself as acting: he knows what he is doing and when pressed, he can offer justifications. If we follow the standard interpretation of what motivates actions, we will say that he has two sets of reasons, conscious and unconscious. He believes that the stone is a danger to the carriage and he wants to prevent that from happening (conscious); he also believes that his friend does not return his love and he wants to punish her (unconscious). And since the mental is holistic, his unconscious will soon contain an ever increasing number of motives: he believes that this is a good kind of punishment, that failure to return love demands punishment, etc.

Each action is fully explicable in relation to its appropriate motivational set, and what is irrational is the way in which they do not fit together. But this can be understood as a case of

[194] Lear, ibid., pp. 27, 31.

akrasia, or going against one's better judgment. His unconscious motive to replace the stone is stronger than his conscious motive to remove it. Therefore his actions can be fully reconstructed as rational—even if some may consider his unconscious reason a bad one. R's reasons smoothly fit into a *propositional pattern*, but the only problem is that the unconscious one *lacks a name*.

Contrast this case with the following:

> [An] unhappy couple where each partner has, over the years, built up many reasons to be angry at the other. But…in order to stay together each has devised a strategy of keeping the reasons for anger out of conscious awareness. Officially and sincerely, each is not angry with the other. But every now and then a vengeful act slips out—though the partner who acts is not really aware of what he or she is doing.

The crucial difference between these two cases, which the presumption of rationality passes over, is that the couple, unlike R, *do have* an *articulated set of reasons* for being angry. But what they miss is indeed the *awareness* that they are angry. In their case it makes sense to attribute to them a motivational set that would exhibit a propositional pattern: they are *angry that*, but they lack the name for their reasons, and precisely by virtue of that they can simultaneously hold onto their anger *and* remain together as a couple.[195]

But R's actions cannot be assimilated to this conception. He does not understand why he does what he does because he does *not* yet have angry reasons, and not because he has articulated *unconscious* reasons. His action cannot be understood in terms of a propositional attitude: he is *angry at*, but not *angry that*. But this does not imply that his actions thereby become events, pure and simple. He still knows what he is doing and he may offer some rationalization to back up that knowledge. The presumption of rationality may demand that we

---

[195] Lear refers this to the "pre-conscious," which exhibits the same structure as consciousness but the motives are either not presently conscious or they are actively kept out of present consciousness. See ibid., pp. 27, 11.

reconstruct his reasons for him. And it may be that he will *sincerely* appropriate these reasons and come to see his actions as motivated by them.

But we thereby construct a false self for him: he comes to think of himself as having this or that unconscious desire and belief, and then go on articulating all the other unconscious reasons presupposed by these. But the false image of self he builds as a result preserves the image of his rationality only to condemn him to ever more intense repetitions of his irrationality. Against this picture, we must insist that R has neither conscious nor unconscious reasons *and yet* what he does is still an action. He is not consciously *or* unconsciously *angry that* his friend does not return his love, but he is nonetheless angry, and the anxiety consequent on his ambivalence frames his actions. The presumption of rationality covers up this situation *precisely because* it describes the action as more rational than it is. What is thereby occluded is R's motivated irrationality.

I claim that Habermas misrepresents practices just in this way, by reading more rationality into them than there is to be found. He insists, not unreasonably, that we situate the problematic, contested interactions in the space of reasons. Then the presupposition that we must all be committed to discursively justifying the norms governing our validity claims ensures that rational reconstruction of our reasons is possible in principle. Once that work is done, we may continue the process by explicitly evaluating what is so reconstructed: *there are reasons*—conscious or unconscious—and the cases where there is inexplicable behavior may be resolved by showing that they are a function of *inappropriate* or *bad* reasons. Critical reflection brings them to light, and hopefully we will *all* come to agree that they are bad reasons. And when we do not all see *that* in fact, the situation in which that *could* happen is built into our doings and sayings in principle. Once good reasons are named in the process of argumentation, the anxiety

generated by contested claims would disappear; just as R would cease (or should cease) to unconsciously hate when he comes to see that it is motivated by bad reasons.

I should emphasize that I am not arguing from individual to social psychology by analogy; or rather, there is an analogy, but it is not based on putative similarities between individual and collective psyche. In fact, it is *precisely* the picture of action on the presumption of rationality which assumes that Foucault's invocations of power must imply a metasubject, just like its empirical counterpart but somehow pulling all the strings, while remaining invisible to conscious or reflective awareness. What I say above should make it clear that it is only on a *particular* interpretation of what motivation and action must look like, which is mistakenly supposed to be *universal*, that "power" is conceived as a metasubject. Contrary to that supposition, the analogy on which I base my argument is that, in the description and interpretation of both individual and social practices, the distinction between reasons and causes, and therefore that between actions and events, is neither categorial nor exhaustive.[196]

I want to insist, against Habermas's conception, that the Foucauldian articulation of criterial practices provides a better matrix of intelligibility for the interpretation of our history and the critical work on our actuality than the recourse to the normative assumptions of communicative action. Not unlike psychoanalytic interpretation, Foucault too starts from puzzling behaviors, contradictory statements, and incongruent actions.[197] We lock up criminals and the prison appears as the most natural place for their treatment; and yet we all know that

---

[196] I develop this further in the next chapter by unpacking what is involved in Foucault's characterization of strategic action as "intentional but not subjective".

[197] Some of Foucault's claims which appear to characterize the a priori as unconscious, most clearly in the Preface to *OT*, are perhaps more intelligible in light of this than by reference to Bachelard's psychoanalysis of the natural sciences.

prisons create more criminals than they reform. The mad are confined in *Hôpitals Généraux* in the seventeenth century; and yet there is nothing medical about the practice and institution of confinement. The sick body, which for a long time presents nothing but unintelligible opacity to the observing eye, first becomes the site of an immediate articulation of what can be seen and said about disease, and then the hidden source of what is most intelligible about disease; we then look for the truth about life in the immobility of a corpse.

We *could* insist, in the face of all this, that "the life-world is…the transcendental site where speaker and listener meet,"[198] in order then to refer all of our meaningful interactions to the forms of intersubjectivity of possible understanding. That is our prerogative. And it is not unreasonable to highlight the advantages which accrue to grounding the objective and social world on the process of argumentation in which we raise claims, criticize one another, and seek agreement. But inscribing all that in a quasi-transcendental framework to underwrite universality and necessity, though it may propitiate our epistemic and practical anxieties, ultimately misrecognizes the source of our conflicts and the potential for their resolution. It enables us to construct a false image of our society, and thereby rationalize our practices, but we continue be locked in the repeated compulsion of social antagonisms. Referring the latter to the result of merely external forces through a distinction between what *conditions* in fact and what *regulates* in principle is not a work of shedding light but of occlusion.

Enlightenment of good reasons becomes blackmail if we are forced to choose between the de jure validity of communication free from distortion and the de facto entanglements in

---

[198] *TCA* 2, p. 126, which continues : "…where they can reciprocally raise claims that their utterances fit the world (objective, social, or subjective), and where they can critize and confirm those validity claims….In a sentence: participants cannot assume *in actu* the same distance in relation to language and culture as in relation to the totality of facts, norms, or experiences concerning which mutual understanding is possible."

power relations. That is a false dilemma, and the two kinds of practices should be grasped in their reciprocal implication. When Foucault refers to practice as the place “where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and interconnect,” (EW, 3:225) what appears at first blush as a confused amalgamation becomes intelligible in contrast with the life-world as the transcendental place safeguarding subjects’ reciprocal recognition. It is in fact not possible to fully articulate conceptually the relation of mutual implication which holds between power and knowledge. That impossibility, however, is located not in a transcendental necessity but in the very movement Foucault traces in his histories. We *could* study the space of reasons in abstraction from the space of confinement; nothing *in principle* prevents it. But we thereby misrecognize our history and actuality.

3.22 Derrida and What We Mean When We Say “Lock Them Up!”

The exemplary formulation of what I take to be the second possible challenge to experience as the spatially and temporally indexed, rule-governed practices criterial for a group of people is found in Derrida.[199] It stands in a curious relation of symmetry to the first one. Here the charge

---

[199] Derrida’s explicit engagement with Foucault occurs in the forceful criticism, in 1963, of Foucault’s claim, in the 1961 Preface to the *History of Madness* to do an archaeology of a silence by letting the mad speak for themselves. (See “Cogito and the History of Madness,” in *Writing and Difference* (Chicago: The University of Chicago Press, 1978) pp. 31-63. The stakes of that confrontation between the two have a convoluted history and at times dissolve in its vitriol. I will steer clear of that particular confrontation, except to note that the animosity of Foucault’s response, which is undeniable, seems to have led to the prevalent view according to which there is nothing in Derrida’s text to merit such a violent response; the implication of that text, however, is that Foucault the historicist is not capable of grasping the transcendental dimension of Descartes’s cogito, thereby reproducing the naïve objections of ordinary consciousness against the eidetic certainties of the philosopher. My discussion will rather focus on arguments Derrida deploys against speech act theory, which I take to be more pertinent to the account I have constructed. Moreover, my representation of speech acts will contain only as much as is required to recast the account of experience so far developed in that terminology. Those familiar with the texts will realize that there are elements common to both of those engagements, but in order to focus my argument I will not explicitly deal with them. The language and style of Derrida’s argumentation pose interpretive problems which I could bypass in my reconstruction of Habermas’s position. I will not further qualify and justify here the strategy I follow in my deliberation: that can only be done in the course of actually carrying it out. But perhaps that is nothing more nor less than Derrida’s

would be not that Foucault's refusal of categorial separation leads to an *indeterminate* conflation of different types of practices, but that his reference to rules *as such* in characterizing the criterial level results in *too much* determination. Or, in any case, more determination than can be maintained. But that impossibility, not unlike the fundamental thrust of Habermas's argument, is referred not to the contingency of historical practices, but to a quasi-transcendental level; but unlike Habermas's account, this level involves conditions of possibility that are also conditions of impossibility.[200]

The terms in which I constructed Foucault's description of criterial practices may be recast in the mold of speech-act analysis (with a number of modifications, which will be clear only after the presentation of Derrida's argument).[201] The first important innovation of a speech-theoretical analysis of discursive practices is the acknowledgement that not everything cognitively and practically interesting about statements can be grasped by an exclusive attention to their descriptive function. Logical analysis essentializes what is only one function of utterances among many others: it privileges those that are constative, which claim to represent reality and are evaluated as true or false, at the expense of those that are performative, which are not descriptions of reality but the performance of an action. Because explicit performatives, which fit the pattern of "in saying '…,' I thereby…," they are a part of the very reality they purport to describe. Therefore truth-functional analysis does not capture what is specific to their

---

resolution of the predicament according to which one "must break the glass, or better the mirror, the reflection, his infinite speculation….And start to speak" ("Cogito and the History of Madness," *op. cit*. p. 32).

[200] My reconstruction in what follows is based on Jacques Derrida, *Limited Inc* (Evanston: Northwestern University Press, 1988) (hereafter *LI*); *Writing and Difference*, *op. cit.* (hereafter *WD*); *Of Grammatology* (Baltimore: The Johns Hopkins University Press, 1974) (hereafter *OG*). On Derrida's use of the term "quasi-transcendental ," see Geoffrey Bennington, *Derrida* (Editions du Seuil, 2008) pp. 223-236, especially p. 229f against "historicist" readings of this problematic notion.

[201] My reformulation of what I am referring to as the criterial level in terms of speech-act analysis draws on J. L. Austin, *How to Do Things with Words* (Oxford University Press, 1962) (hereafter *HW*); John R. Searl, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge University Press, 1969) (hereafter *SA*).

function. And because they are in some sense constitutive of what they describe, there can be no absolute distinction between these utterances and the situations in which they occur.

Hence they are more like events and actions—keeping in mind what I said above in relation to reasons and causes—than representations. The proper evaluative categories would then be success or failure; or to use a slightly modified version of Austin's wonderful expression, they may be happy or unhappy. Moreover, since constative utterances typically use expressions such as "stating that," and "arguing that," it is possible to rearticulate them in terms of argumentative performatives. The distinction between the *saying* of something and its *doing* is thereby subsumed under the category of speech acts. We may then assimilate Foucault's claims about the *énoncé* to the framework of speech-act analysis.[202]And the implication most pertinent in this context is that speech acts so construed are indexed to their context, i.e. the object is neither the proposition, nor the grammatical sentence, but the utterance in speech-situation. Finally, this utterance-in-situation may be analyzed along three dimensions: locutionary (its semantic and referential values), illocutionary (the kind of act effected in saying the utterance), and perlocutionary (the effects produced by the utterance). And again, the levels of analysis admitted by Foucault may be more or less unproblematically assimilated to this division.

Now, if we pursue an analysis of speech-acts by referring to the context of utterance, and in particular, when we evaluate the illocutionary force of utterances, we must invoke the conditions governing their success/happiness. And since the issuing of utterances is a social activity, these conditions are articulated in *institutional conventions*. If, for instance, the chairman of the jury says "We find the defendant guilty," this will amount to the issuing of a

---

[202] For the discussion of *énoncé* in relation to the historical a priori, see Chapter 2 of the present study.

successful/happy speech act *only if* the institutional framework, with its system of rules defining offices, penalties, acceptable formulations, etc., is already in place: only then does the utterance *thereby make* the defendant guilty. If *I* roam around finding people guilty, this will at best be a disturbance of the air by sound waves, and at worst a disturbance of public order eliciting a call to 911. The upshot is that a system of rules structures the activity by defining the conventions on the basis of which an utterance gets its illocutionary force. To be effective, these rules must be public and definite. But in such a way that my actual knowledge of them becomes a moot point: if the defendant claims that he was not aware of the jury's power to find him guilty, this will not cancel the punishment consequent precisely on that find.

Derrida's argument targets, among other things, the very possibility of there being rules or conventions which could have this constitutive role without remainder, where "without remainder" means exhaustive determination of the meaning, value and force of the practices at issue. The immediate pretext of the argument is Derrida's reading of Austin's characterization of speech acts performed by actors on stage or those found in a poem as hollow and etiolated.[203] Speech acts performed in "fiction" are peculiar for Austin because, even though they do not necessarily fail on account of not fulfilling the conditions defining their success, they do not quite succeed either. So the conditions of success/happiness may still hold, but only in a different way.

---

[203] The passage from Austin is: "a performative utterance will, for example, be *in a peculiar way* hollow or void if said by an actor on the stage, or if introduced in a poem, or spoken in a soliloquy. This applies in a similar way to any and every utterance—a sea-change in special circumstances. Language in such circumstances is in special ways…used not seriously, but in ways parasitic upon its normal use…" (HW, 22). The passage is taken up in *LI*, p. 16ff. I say "immediate pretext," for Derrida considers other passages as well, but this one retains a certain key role in how he structures his argument in "Signature Event Context".

Austin ascribes the possibility of hollow speech acts to their intrinsic repeatability: utterances can be repeated beyond the conditions specifying their normal contexts. This difference is then determined as categorial by Searle, who appeals to intentions of speakers in order to provide theoretical grounding for the distinction in terms of serious as opposed to non-serious speech acts.[204] Since it could be said that the speech acts analyzed by Foucault are serious, or rather, since his talk of systems of rules seem to treat all speech acts as if they were serious, Derrida's argument could undermine the very possibility of describing the historical a priori criterial for a group.

In Derrida's reading, the fundamental thrust of making a categorial distinction between serious and non-serious speech acts implies that the former are taken as normal and the latter as parasitic on what is normal.[205] Thus all copies, quotations, or citations of original performances would only mimic what they repeat. Derrida points out that, despite this distinction, the very determination of speech acts as conventional presupposes that they are repeatable. Speech acts governed by conventions are like rituals and ceremonies in that for a performance to fulfill its conditions of success/happiness—and hence to be the specific speech act that it is—it must be the repetition of an already accepted performance. What is determined exceptional as citation is the general citationality presupposed by all performatives. This general structure of citationality, or iterability, is then the necessary condition of the very possibility of speech acts capable of

---

[204] For the "anchoring" through intentions in relation to sincere/insincere promises, see *SA*, p. 60ff; in relation to reference in real vs. fictional universes of discourse, p. 78ff; in relation to serious vs. non-serious speech acts with respect to the commitment of the speaker to their consequences, see pp. 189f and 197. Searle's argument is more complex than simply invoking intentions as justificatory bedrock, but it is also beyond the scope of what I need for my purposes here.

[205] "Austin thus excludes, along with what he calls a "sea-change," the "non-serious," "parasitism"…all of which he nevertheless recognizes as the possibility available to every act of utterance….[I]s this general possibility necessarily one of a failure or trap into which language may *fall*…? …For ultimately, isn't it true that what Austin excludes as anomaly, exception, "non-serious," *citation*…is the determined modification of a general citationality…without which there would not even be a "successful" performative?" *LI*, pp. 16-17.

identification as such. Therefore, that non-serious speech acts mimic serious ones cannot be the reason for their vacuity: iterability characterizes all speech acts. And Derrida extends the scope of the argument by placing any sign or mark in this logic of iteration.[206]

A number of conclusions follow from this line of reasoning. First, *if* any sign, in order to be identified as a sign, must be capable of repetition in principle, *then* its functioning does not depend on any particular speaker or hearer. Even if it occurs only ever once, that it must be iterable attaches to the very possibility of *that* occurrence *as* the occurrence of a sign. Therefore, its value is independent of the intentions of any particular speakers. Second, if a sign is necessarily iterable, then its identification as the *same as* another sign simultaneously implies its internal difference from itself. It can occur in another time and place *as* the same sign only because it is not identical with itself in the first place. Even if we were to posit an original sign, the first one of its kind, it can function as a sign only because it already looks the same as its possible future repetitions. Finally, because the sign is what it is only on the basis of its difference from itself, it can never be exhaustively inscribed in and determined by a particular context.

The force of this last claim should be understood at the proper level of its generality: if the sign is iterable *in principle*, it can be removed from *any* particular context and reinscribed in

---

[206] "[The] force of rupture is tied to the spacing [*espacement*] that constitutes the written sign: spacing which separates it from other elements of the internal contextual chain (the always open possibility of its disengagement and graft), but also from all forms of present reference (whether past or future in the modified form of the present that is past or to come), objective or subjective….[Is this force of rupture/a force that breaks with its context] limited…strictly to 'written' communication in the narrow sense of this word? [Is it] not to be found in all language…and ultimately in the totality of 'experience' insofar as it is inseparable from this field of the mark…of units of iterability, which are separable from their internal and external context, and also from themselves, in as much as the very iterability which constituted their very identity does not permit them to ever be a unity that is identical to itself?" (*LI*, pp. 9-10).

another.[207] Therefore, even though we only ever find signs in context, *no* context could be the *original, and therefore final,* determination of the value of a sign. And if no linguistic code or social situation could exhaustively determine the meaning and value of a sign, then the historical a priori would be constitutively different from itself, to the extent to which traces of other contexts attach to its status of being the ultimate context of all contexts. And the limits built into its very concept as criterial would then burst open, not because something from the outside would undermine its coherence, but because it is internally different from itself.[208]

I want to advance two responses to this challenge, both necessarily oblique, but I think no less effective: a concession and a counter-challenge.

First the concession. At times Foucault writes as if what is criterial at a given time and place could be totalized into an ordered system. The paradigmatic formulation of this is: "In any

---

[207] *LI*, passim., but in particular, p. 57: "Once again…: what is at stake here is an analysis that can account for *structural possibilities*. Once it is *possible* for X to function under certain conditions (for instance, a mark in the absence or partial absence of intention), the possibility of a certain non-presence or of a certain non-actuality pertains to the structure of the functioning under consideration, and pertains to it *necessarily*….[I]t can happen that a mark can function without the sender's intention being actualized, fulfilled, and present, and which *to this extent* must be *presumed*. Even if this (eventual) possibility only occurred once, and never again, we would still have to account for that one time and analyze whatever it is in the structural functioning of the mark that renders such an event possible….That is possibility qua eventuality. It might, however, also be said: *in fact*, that doesn't *always* happen like that. But at this point, we must pass to possibility qua necessity…and moreover, we must recognize an irreducible contamination or parasitism between the two possibilities and say: 'to one degree or another that always happens, necessarily, like that': by virtue of the iterability which, in every case, forms the structure of the mark…preventing [intention] from being fully present to itself in the actuality of its aim or of its meaning (i.e. what it means-to-say [*vouloir-dire*]."

[208] This is also, not incidentally, one of the elements of Derrida's argument throughout "Cogito and the History of Madness," *op. cit*. It is possible to find a modulated version of it in "Structure, Sign, and Play in the Discourse of the Human Sciences," *WD*, pp. 278-293, where the important point to note is the way Derrida avoids privileging either "interpretation of interpretation," analogous to his insistence on the necessary contamination *between two types* of possibility in the previous quotation from *LI*: "Totalization can be judged impossible in the classical style: one then refers to the empirical endeavor of either a subject or a finite richness which it can never master. There is too much, more than one can say. But nontotalization can also be determined in another way: no longer from the standpoint of a concept of finitude as relegation to the empirical, but from the standpoint of a concept of *play*….[B]ecause the nature of the field—that is, language and a finite language—excludes totalization….[I]nstead of being an inexhaustible field…there is something missing from it: a center which arrests and grounds the play of substitutions"; "For my part, I do not believe that today there is any question of *choosing*…" (WD, pp. 289 and 293, respectively).

given culture and at any given moment, there is always only one episteme that defines the conditions of possibility of all knowledge [*savoir*], whether expressed in a theory or silently invested in a practice" (OT, 168). This is untenable, but it is also not presupposed by the reconstruction I have offered. The historical a priori is not, or should not be understood on the model of, either formal codes articulating the totality of differential relations between its linguistic elements, or the system of explicitly formulated rules publicly available in principle for our consent in order then to become efficacious. That it is not a linguistic system of differential elements should be clear from what has been said so far. The latter possibility, however, needs further clarification.

The discursive and nondiscursive practices criterial for what counts as falling under a concept need not be interpreted on the model of explicit rules that define the practice of, say, playing backgammon, because the sense of conventionality involved in the latter is not the same as that which is effective in the former. The rules of backgammon are constitutive because they define what it is to play that game. They may be collected in a rule book, and if there is any doubt concerning a particular move, it is possible in principle to settle disputes by appealing to it. And the sense of conventionality still retains its sense of that which derives from a coming together or assembly: playing the game presupposes explicit or implicit recognition of the rules' binding force.

So we could say that, to bring the example in line with the reconstruction of Derrida's argument, the performances possible within the game presuppose the existence of the institution of the game: there must already be fully determinate rules defining legitimate roles, available moves, efficient strategies, etc. Therefore if the historical a priori were conceived on the model of conventionality operative in games of this type, then it would be possible to ascribe to

Foucault a theory of institutions as systematic totalities of constitutive rules. But the criterial level is not susceptible to a similar analysis. There was no convention, in this sense, which determined that prisons should be where we lock up the delinquent, or that asylums be the places where we should treat the mad. There *could* be no agreement grounding the appearance of these practices as normative. Hence the determination of which criteria are capable cannot be assimilated to that of contractually binding rules, which can be written down and offered for explicit consent. In line with the mode of analysis I described in relation to the *History of Madness,* we could say that *that* social relations come to be perceived on the model of contractual relations *itself* presupposes historically transformable criteria both governing and immanent in the practices to which Foucault refers. In that sense even institutions are intelligible against the background of criteria. So, for instance, the confinement of the figures of unreason and the way it restructures the social space is intelligible only in relation to the experience of madness Foucault describes.

Yet the rules with which Foucault is concerned are not only descriptions of regularities of behavior in a given context. They govern perceptions, actions, and statements without, however, being explicit prescriptions or causal connections. This partially explains why there can be no empirical verification of Foucault's claims, since the rules he seeks to describe are those which govern what counts as empirical verification.[209]The necessity at issue, however, is neither eidetic nor transcendental. We may no longer want to call this a rule—in which case historical a priori, or episteme, or conditions of acceptability, or *dispositif*, or criteria will do. The crucial point, by any other name, is that they presuppose neither anchoring in intentions of speakers nor integration in a totality of relations.

---

[209] I describe why this is so in the second part of Chapter 2.

But all of this goes only so far, since Foucault's historical analysis still implies putting the text in context. Derrida's challenge should not be confused with the view according to which statements could be true or false, or speech acts happy or unhappy, independently of any context. The upshot of the claim is rather that there is no absolute, foundational context; and that would extent equally to contexts absolute for a given group at a given time and place. And this is very much what the historical a priori looks like. So, for instance, the meaning and value of Descartes's cogito cannot be specified and exhausted by any determinate historical context, even though Descartes is very much *of* his time. What follows is that even though there are institutions, i.e. finite systems of rules constitutive of practices, the internal difference of any system with itself makes full determination impossible *in principle*. In that sense, that which makes *any* system possible *and* its full closure impossible exceeds every context. Foucault, then, would fail to capture precisely the status of this principle, which is referred to the quasi-transcendental status of citationality, or iteration: "ultimately [*en dernière instance*] there is always a police and a tribunal ready to intervene each time that a rule [constitutive or regulative, vertical or not] is invoked in a case involving signatures, events, or contexts…. If the police is always waiting in the wings, it is because conventions are by essence violable and precarious."[210]

However—and this is the counter-challenge—there are practices which are compulsory without necessarily implying full determination. The force of discursive and nondiscursive practices that is salient for Foucault is not that which concerns justification of performances by invoking an institutional framework. That is what the reduction of validity and rationality is supposed to make visible. Nor is it modeled on the brute effectivity of what is physical. But only by appealing to a system of rules which specify the conditions of success of speech acts—part of

---

[210] *LI*, p. 105.

which involves institutional elements—can we do justice to speech acts as events capable of creating or defining new types of behavior and new modes of perception. Against foundationalist attempts to ground our practices in an exhaustive system of reflectively articulated rules, it may be helpful to articulate quasi-transcendental "conditions of their impossibility"; but Foucault's appeals to historical a priori are not motivated by foundationalist ambitions, not even historically modulated ones. He is not interested in grounding meaning and value on some putative presence, but in describing how meaning and value emerge from historically situated practices.[211]

And there *is* meaning and value calling for such description, *to the extent that* what counts as acceptable scientific statement, or right type of treatment, change historically.[212] And that change can only be understood contextually. The concepts which Derrida deploys, such as citationality, shakes foundationalist pretensions by establishing the in principle impossibility of capturing unreason in the conventional structure of any institution; but they pass over the fact that, in a given time and place, only some people are perceived as in need of locking up, and are then locked up. Or rather, they treat this latter fact as only secondary and derivative relative to the quasi-transcendental structures making it both possible and impossible. And the Foucauldian

---

[211] That is why *experience*, as I want to use it, does not imply Derrida's remarks in relation to its concept when he says : "[T]he notion of experience, even when one would like to use it to destroy metaphysics or speculation, continues to be, in one or another point of its functioning, fundamentally inscribed within onto-theology: at least by the value of *presence*, whose implication it can never reduce by itself. Experience is always a relationship with a plenitude, whether it be sensory simplicity or the infinite presence of God" (OG, p. 283). Or again, "For [empiricism] at bottom, has ever committed but one fault: the fault of presenting itself as a philosophy. And the profundity of the empiricist intention must be recognized beneath the naïveté of certain of its historical expressions. It is the *dream* of a purely *heterological* thought at its source. A *pure* thought of *pure* difference. Empiricism is its philosophical name, its metaphysical pretention or modesty. We say the *dream* because it must vanish *at daybreak*, as soon as language awakens" (WD, p. 151).

[212] The risk of "talking past one another" is perhaps greatest at this point, for Derrida anticipates a move similar to what I insist on here: "For it might be said:…[y]ou cannot deny that there are also performatives that succeed, one has to account for them: meetings are called to order…people say: 'I pose a question"; they bet, challenge, christen ships, and sometimes even marry. It would seem that such events have occurred….I'll answer: 'Perhaps'. We should first be clear on what constitutes the status of 'occurrence' or the eventhood of an event that entails in its allegedly present and singular emergence the intervention of an utterance…" (LI, p. 17), where "utterance" brings back the structure of citationality or the logic of iteration. The "to the extent that" in my claim marks my anticipation of this anticipation, and the beginning of its explication.

rejoinder is that such structures are too far removed from the density of historical practices to understand their specificity, and thereby advance a critical interrogation of our actuality.

The symmetry between the challenges presented by Derrida and Habermas results from their insistence that the transcendental standpoint must have primacy over the empirical one *by right*. Hence the necessarily oblique nature of the responses I advanced: I cannot place myself outside the space of reasons without thereby impugning my rights, since every right presupposes that one is always already placed inside reason's space. From this perspective, the space of confinement Foucault describes can only appear as a self-defeating criticism of reason in the name of a better reason. And since the figure of that "better reason," in Foucault's story, appears as *madness itself*, beyond the institutionalizing work of reason, Foucault's refusal to offer explicit justification of the standpoint from which *that* history can be written, or his refusal to refer the structure of exclusion to a quasi-transcendental (non-)principle of iteration, necessarily appears as either naivety or willful rebellion.

That necessity is what motivates the insistence of Habermas and Derrida. Against this perspective, I insist that Foucault's refusal is also motivated: the history of madness is simultaneously the history of reason. Therefore, if the *genesis* of the space of reasons is inextricably bound up with the spaces of confinement, the history of that genesis cannot be written from the transcendental standpoint alone. The genitive in "history of madness" should be understood both subjectively and objectively. But the subjective sense refers not to madness itself which would finally speak its primitive purity, but rather to the flipside of *the limits criterial for our own space of reasons*. If the description of that entanglement necessarily appears as both subjective and objective, that necessity is inscribed not in eidetic or transcendental structures but is the result of historically situated antagonistic relations. Therefore, Foucault's

articulation of experience as the matrix of context-bound, but no less constitutive, rules of formation is more attuned to the *historical singularity* of events and the *critical interrogation* of their conditions of emergence.

However, the force of the challenge of Derrida and Habermas implies that Foucault must say more about two related problems: 1) Could one give up the transcendental, or rather the space of reasons transcendentally grounded? What justification could there be for that renunciation? How does one frame the recoil consequent on that abandonment? 2) Why call *that* experience? The response (but probably not the solution) to both problems demands that one say more about who or what could count as the subject of this experience.

> *…it is not by wishing to escape it that one goes beyond reality.* (*MIP*, 84)
>
> *My name is "L. W." And if someone were to dispute it, I should straightaway make connections with innumerable things which make it certain.* (Wittgenstein, *On Certainty*)

4. Experience of Freedom: Speaking for Oneself.

If I am correct in claiming that the aim of Foucault's investigations is to bring to light the set of historically specific practices criterial for what counts as knowledge of objects and the proper treatment of subjects, there still remains the question of whether (and why) that should (or could) be called "experience". The question becomes more urgent since the works in which Foucault offers his most explicit definitions of experience are volumes two and three of *The History of Sexuality*, where what is at issue is "a history of the experience of sexuality," (*UP*, 4) but where almost everything Foucault says concerns what people have *said about* sexuality. Compared with, for instance, Merleau-Ponty's acute and fine-grained descriptions of the lived experience of sexuality, Foucault is particularly vulnerable to criticism if it turns out that he is privileging discursive practices and, as a result, never saying anything except repeating what other people said about everything. Therefore, his account of subjectivity, and how it fits into his accounts of discursive and nondiscursive practices, needs further specification.

The recourse to subjectivity is also necessary in order to evaluate the epistemic and normative status of the histories Foucault writes. In chapters two and three I raised the question of whether it might be possible to formulate a discourse at once historical and critical without reproducing the incoherent oscillations characteristic of the analytic of finitude; and I suggested that a plausible way to articulate that possibility would be to give up transcendental reflection.

But my strategy so far has been negative in that, I have insisted on the motivation behind that refusal by comparing it favorably with some other alternatives I consider to be particularly strong, and I displayed the intelligibility of the kind of historical discourse consequent on that refusal by offering a reading of the *History of Madness*. But a more direct engagement with subjectivity is required in order to explicate the critical import of Foucault's discourse to the extent to which, in modernity, criticism is motivated by, carried out in the name and grounded on the capacities of the subject, the fundamental one being its spontaneity. The question, bluntly, is: Am I free to give up the kind of reflection constitutive of modernity without thereby rendering freedom itself meaningless and impossible?

I propose to formulate my answers to these two questions through direct engagement with the thought of two thinkers, Merleau-Ponty and Adorno. A critical encounter with Merleau-Ponty is motivated by two main reasons: First, in the *Phenomenology of Perception* he thematizes the experience of sexuality in a section titled "The Body in its Sexual Being," and the preface to the same work offers a succinct discussion of his appropriation of phenomenology.[213] Second, his influence on the early Foucault is unmistakable, both in terminology and methodology. On the other hand, Adorno, probably more than any other philosopher in the twentieth century—with the possible exception of Derrida—has been sensitive to the recoil of critique on the critic and lodged his thinking in the very space of that complicity between who criticizes and what is criticized. A critical encounter with a significant moment of his work, namely, the reciprocal mediation of subject and object, enables a sharper definition of whether Foucault can claim any sort of legitimacy and efficacy for his practice of history.

---

[213] Maurice Merleau-Ponty, *Phenomenology of Perception*, (New York: Routledge, 1962) pp. vii-xxi and pp. 154-174 (hereafter *PP*). My reference to Adorno will draw on a number works, which I cite in the second part of this chapter.

A word of caution is in order: my interest in these comparisons is not to establish structural similarities and differences. The similarities should not be overstated, since it is not surprising that anti-foundationalist strategies, which refuse the syntheses of both idealism and positivism, should share some premises and conclusions; whereas the differences usually amount to little more than showing that one thinker is not the other, and vice versa. I emphasize those claims in both thinkers which, despite their proximity to Foucault, could be construed as challenges to the account I have proposed so far, and for that very reason can sharpen the contrast and clarify the image I want to define. Since (at least) Hegel, the devil is truly in the detail, and I think closer attention helps advance the critical dimension of Foucault's account of experience and subjectivity.

4.1 Talking Sex

There is good reason to claim that Merleau-Ponty is the philosopher who strove the most to do justice to corporeal existence, that is, to the human being as an embodied being. Not only are his phenomenological descriptions meticulous, but also he eschews mere polemic in favor of a judicious incorporation of opposing viewpoints in trying to understand how corporeality can be the mute basis of both the subjective and the objective aspects to reality. But for that very reason, his language is slippery, no sooner offering than withdrawing, asserting and denying. Since that movement is the very richness of his descriptions, and since it cannot be separated from their content and validity claim, I propose to do a close reading of two sections of *Phenomenology of Perception:* "Preface" and "The Body in its Sexual Being".

The former is a very concise articulation of his creative appropriation of key Husserlian claims, and thus it sheds light on some of the methodological issues which I have introduced in

Foucault's relation to phenomenology and existentialism. The latter is a thematic investigation of sexuality, and it thus offers, almost in strict counterpoint to that of Foucault, one way in which sexuality *as* experience can be understood. It therefore raises the question of why Foucault's alternative account could or should be called experience.

4.11 The Body and its Sexuality

The thought I want to understand is the following, and it is worth quoting at length:

> All that we are, we are on the basis of a de facto situation which we appropriate to ourselves and which we ceaselessly transform by a sort of escape which is never an unconditioned freedom. There is no explanation of sexuality which reduces it to anything other than itself, for it is already something other than itself…our whole being. Sexuality, it is said, is dramatic because we commit our whole personal life to it. But just why do we do this? Why is our body, for us, the mirror of our being, unless because it is a natural self, a current of given existence, with the result that we never know whether the forces which bear us on are its or ours—or…rather that they are never entirely either its or ours. (PP, 171)

The central problem of the passage is what could account for our investment in sexuality, why it seems to have such a strong hold on our everyday engagements and theoretical reflections. One reason is presented and dismissed: *We* commit our whole personal life to it; it is something we do which accounts for the fact that sexuality becomes the scene where actions and passions are enacted and which arouses pity and terror. This, however, cannot be a sufficient reason since it does not explain just why we should do this. Unless something in sexuality itself elicited this response by soliciting our attention, our investment in and anxiety in the face of sexuality would be no different from those which are generated by my inability to solve, say, a mathematical equation. But sexuality seems to permeate my entire existence, so much so that my dread (or its

absence) before a mathematical equation is itself to be referred to the structures of my sexual existence.

If my gloss on the question Merleau-Ponty raises is accurate, then his answer is intelligible only in terms of his reinscription of Husserlian themes in an existential register. In the Preface he provides a succinct presentation of these themes. Without doing too much injustice to his language, it is possible to capture them under five headings that articulate how one should understand the phenomenological recasting of: 1) essences, 2) reduction, 3) the role of description in relation to explanation, 4) the "true Cogito", 5) intentionality.

The goal of phenomenological description which governs the "project" is "to elucidate the primary function whereby we bring into existence, for ourselves, or take a hold upon, space, the object or instrument, and to describe the body as the place where this appropriation occurs"(PP, 154). But since this work of phenomenological "elucidation" is typically understood as bringing essences to light, and since Husserl is typically charged with having severed the connection between essence and existence, Merleau-Ponty first undermines that objection by claiming that, contrary to common understanding, phenomenology "puts essences back into existence" (*PP*, vii). This involves understanding both the human being and the being of the world in terms of their facticity. However, since we do not go about defining essences in our everyday activities, one must pass from the *fact* of existence to its *essence*. The putative contradiction entailed by this movement is then resolved through a reformulation of the phenomenological reduction.

According to Merleau-Ponty's interpretation, the reduction is transcendental *and* eidetic. It does lead to *Wesenschau*, the intuition of essences, by abstracting from the facticity of what is

given to consciousness, but this is only a necessary step in order to make existence a theme. Directly relevant to my purposes is the way in which Merleau-Ponty seems to interpret the objection with respect to the separation of essence from existence as entailing reduction to discourse. For he says, by way of discounting it, that seeking the essence of consciousness is not escaping into "the universe of things said" (PP, xv): "Whatever the subtle changes of meaning which have ultimately brought us, as a linguistic acquisition, the word and concept of consciousness, we enjoy direct access to what it designates…. For we have the experience of ourselves…and it is on the basis of this experience that all linguistic connotations are assessed" (Ibid.).

Moreover, he explicitly denies that the reduction is a reduction to transcendental consciousness. Since existence is not the same as awareness of existing, it cannot be reduced to the series of apperceptive syntheses which I could reconstruct retrospectively. Therefore the distinction between the transcendental unity of apperception, as the formal unity of consciousness presupposed by determinate experience of objects, on the one hand, and the empirical self to which everything else about the individual is to be referred, on the other, is untenable. On the contrary, *both* questions of fact *and* of validity are to be referred to our "direct and primitive contact with the world" (PP, vii). Reduction is simply the "slackening [of] the intentional thread" (PP, xiii) whereby I suspend my theoretical commitment to truth and naïve belief in the independent existence of the world[214].

---

[214] Merleau-Ponty refers to Eugen Fink's formulation of the reduction as wonder in the face of the world. He therefore appropriates the reduction as precisely the gesture through which the world is revealed as strange: "Reflection does not withdraw from the world towards the unity of consciousness as the basis of the world; it steps back to watch the forms of transcendence fly up like sparks from a fire" (Ibid). He also claims that therein lies the difference between the Husserlian and the Kantian transcendental. The latter is charged with reducing the world to the immanence of the subject—for the very reason that it "makes use of our relation to the world"—whereas the

Therefore, what is philosophically interesting cannot be explained on the causal model prevalent in natural scientific explanations. *Neither psychology nor sociology* can provide an explanation of individual and collective generation of meaningful experience, since science itself is possible on the basis of the world as it is directly experienced. Explanation is to be replaced by description, for "I am not the outcome or the meeting-point of numerous causal agencies which determine by bodily or psychological make-up. I cannot conceive myself as nothing but a bit of the world, a mere object of biological, psychological or sociological investigation" (PP, viii).

Scientific explanations can account for everything except their own status and meaning, and the latter can only be provided by referring science itself to the matrix of all meaning and value, namely, the life-world as the antepredicative, or pre-reflective, context prior to the reflective division between subject and object. Relative to the life-world, science is a second-order abstraction "as is geography in relation to the country side in which we have learnt beforehand what a forest, a prairie or a river is" (PP, ix). Thus "I am the absolute source" since my existence cannot be explained as exhaustively determined by an antecedent causal chain, physical or social (PP, viii-ix).

This invocation of an absolute source, however, is to be distinguished from the idealist appeal to subjectivity as first principle. According to Merleau-Ponty, idealism misconstrues actual experience when it seeks to find its conditions of possibility: since conditions of possibility are distinct from what they condition, and since experience on this interpretation is nothing other than the unity of my representations, we only ever get *reconstructions*. The subject of this experience is the formal unity of consciousness providing the syntheses which give

---

former shows "the unmotivated upsurge of the world"—precisely because it suspends our familiar acceptance of the world. (PP, xiii-xiv)

coherence to representations. In contradistinction to this reconstruction, phenomenological lived experience remains "within the object".

Since reflection always starts from and presupposes an unreflective experience, what is needed is not construction but description of the antepredicative unity of meaning. Moreover, perception is not a synthesis or a predication, the model for which is provided by determinate judgment. Therefore what descriptions reveal behind reflective thematizations are not the constituting acts of consciousness, but rather "my actual presence to myself": "In the silence of primary consciousness can be seen appearing not only what words mean, but also what things mean: the core of primary meaning round which the acts of naming and expression take place" (PP, xv).

Finally, Merleau-Ponty's recasting of Husserlian themes in an existential register defines the chief achievement of phenomenology as its having united "extreme subjectivism and extreme objectivism in its notion of the world or of rationality" (PP, xix)[215]. The key concept through which the subjective and objective poles are related is that of intentionality. He distinguishes between two types (PP, xviii): intentionality of act—which characterizes judgments and voluntary taking up of positions[216]—and operative intentionality: "that which produces the natural and antepredicative unity of the world and of our life, being apparent in our desires, our evaluations and in the landscape we see, more clearly than objective knowledge, and furnishing the text which our knowledge tries to translate into precise language" (PP, xviii). It is not a question, then, of formulating objective laws, but "a certain way of patterning the world" (Ibid).

---

[215] I discussed the prominence of this conjunction in Foucault in the first part of chapter three.
[216] Merleau-Ponty's gloss on this is: "the only intentionality discussed in the *Critique of Pure Reason*" (Ibid.)

Earlier he had asserted that perception is “not…an act, a deliberate taking up of a position,” (PP, x-xi) but rather the background from which all acts stand out. In that context he even uses the spatial term “field” in order to characterize this prereflective background presupposed by all reflective positions. Now he relates it explicitly to the theme of history: “Whether we are concerned with a thing perceived, a historical event or a doctrine, to ‘understand’ is to take in the total intention…the unique mode of existing expressed…in all the events of [say] a revolution…” (PP, xviii).

His explication of what this “patterning,” or “field,” involves is instructive in relation to Foucault’s account of experience: “that formula which sums up some unique manner of behavior towards others, towards Nature, time and death” (PP, xviii). He goes on, however, to claim that: “Considered in the light of its fundamental dimensions, all periods of history appear as manifestations of a single existence, or as episodes in a single drama—without our knowing whether it has an ending. Because we are in the world, we are condemned to meaning, and we cannot do or say anything without its acquiring a name in history” (PP, xix). The fundamental dimension, then, is that of existence, the structures of which give meaning and value to each gesture and each habit. As examples, Merleau-Ponty offers lapsing into silence due to fatigue or using a hackneyed platitude: they may appear accidental, but they express lack of interest, and to that extent they indicate the adoption of a definite position in relation to a situation. And therein lie their meaning.

4.12 A *Critical* Ontology?

At first blush, then, these five general themes manifest many points of contact with the account of experience I have argued to be operative in Foucault. Its conception of essence is not separate

from existence; therefore, it cannot be charged with (a typical) essentialism. Eidetic reduction is supposed to lead not to transcendental subjectivity as first principle stopping the infinite regress of reasons—in the manner of the Agrippan trilemma—but rather to the pre-reflective level presupposed by all reflective activities. And to the extent that this level provides the field, or fundamental structure, within which gestures and habits, words and behaviors, acquire meaning and value, it resembles a criterial dimension. Moreover, it eschews natural scientific causal explanations and objective laws in favor of description. Finally, the perception of which Merleau-Ponty speaks is not the doing of this or that individual but the result of pre-personal, universal and necessary structures[217].

But a basic difference in orientation brings to light what is unique about Merleau-Ponty's "experience". He approvingly quotes the Husserl of *Cartesian Meditations*: "It is that as yet dumb experience…which we are concerned to lead to the pure expression of its own meaning" (PP, xv).[218] And when he defends phenomenology as "the study of essences," what he takes to be the misunderstanding or criticism to be countered by putting essences back into existence is precisely the reduction to discourse at the expense of what is lived through. For him the virtue of phenomenology is precisely its avoidance of mistaking *discursive* significance for the whole of *significance*. Accordingly, even language must be referred back to that mute but meaningful domain with which we are always already and directly acquainted. The aim of description, once

---

[217] Ultimately, of course, Merleau-Ponty will "situate" these structures at the level of *corporeal existence* as the zero degree of what is subjective and what is objective, as their point of indiscernibility. I address this difference shortly when I compare his account of sexuality with that found in Foucault.
[218] *Cartesian Meditations*, *op. cit*., p. 33

the necessary parentheses are put in place, is to realize "in breaking the silence, that which silence wished for and yet could not obtain."[219]

Hence even though Merleau-Ponty's rejection of a transcendentally constituting consciousness clearly debars appeal to already constituted intentions independently of language; and despite the fact that, by the same token, he does not claim that linguistic expression is a matter of providing merely external cover for intention; all sense as well as nonsense are referred to the embodied subject as the site of "the unmotivated upsurge of the world": "Thought is not in objective time and space but it is nonetheless not without place in the phenomenological world" (PP, xiii). Therefore, it is possible to claim that, for Merleau-Ponty, experience is still a question of a phenomenological silence and pre-linguistic seeing.

But if the pre-reflective level, which provides a foundation[220], however incomplete and lodged in the ambiguity of things themselves, is to be construed as anticipation of all meaning which is brought to linguistic expression only derivatively, then the subject of this experience is a transcendental subjectivity transposed into a hermeneutic register. The structures so described will have the same claim to universality and necessity as the Kantian a priori, to the extent to which cultural and historical formations, to which Merleau-Ponty is exceptionally sensitive, are still "grounded" in the subject for whom phenomenology is an essential possibility: "We shall in ourselves, and nowhere else, find the unity and true meaning of phenomenology" (PP, viii).

---

[219] Merleau-Ponty, *Le visible et l'invisible* (Editions Gallimard, 1964) (hereafter *VI*) See also p. 18, where he identifies the task of philosophy as leading to their expression "the things themselves, from the depth of their silence." All translations from this text are mine.

[220] Merleau-Ponty says: "Phenomenology, as a disclosure of the world, rests on itself, or rather provides its own foundation" (PP, xx-xxi).

In comparison with this, when Foucault defines experience "as the correlation between fields of knowledge, types of normativity, and forms of subjectivity in a particular culture" (UP, 4), he could only be mistaking the map for the territory, just as geography is always a secondary abstraction in relation to my embodied sense of left and right, up and down. But perhaps one could formulate the stakes of Foucault's definition better through the inflection he gives to the question, which initially bears a striking surface resemblance to the one raised by Merleau-Ponty: "Why has sexuality been so widely discussed…? What were the effects of power generated by what was said? What are the links between these discourses, these effects of power, and the pleasures that were invested by them? What knowledge (*savoir*) was formed as a result of this linkage? The object, in short, is to define the regime of power-knowledge-pleasure that sustains the discourse on human sexuality in our part of the world" (HS, 11).

The central problem, then, is that of understanding why we feel so invested in our sexuality and how it appears to permeate all aspects of our activity. However, when Foucault wants to account for the fact that sexuality *is spoken about*, he refers this not to our embodied and mute contact with things themselves, but, as a "discursive fact," to "who does the speaking, the positions and viewpoints from which they speak, the institutions which prompt people to speak about it and which store and distribute the things that are said" (Ibid.). Hence, the background against which our reflective activities acquire meaning is not the antepredicative or pre-reflective structures of human existence, but the "regime" of power-knowledge and the "polymorphous techniques of power" which it articulates. In short, the question is how my problems have been historically formed in a context of cognitive and practical relations, and discursive and nondiscursive practices, such that I have come to recognize my identity in my

sexuality. Before a final encounter with Merleau-Ponty, the methodological assumptions which frame Foucault's question need further clarification.

In a late commentary on the aims of his histories, Foucault specifies that which defines the *History of Sexuality* as the study of "the constitution of the subject as its own object: the formation of the procedures by which the subject is led to observe itself…to recognize itself as a domain of possible knowledge. At issue…is the history of 'subjectivity,' if by that word is meant the way in which the subject experiences itself in a truth game in which it has a relation to itself" (*CC*, 316).[221] This self-relation through which the subject constitutes itself is then spelled out further as entailing "various practices (self-examination, spiritual exercises, avowal, and confession) to apply the game of truth and falsehood to [oneself]…." Such self-constitution is the process whereby a subject comes to recognize itself as a subject of desire, or pleasure, or lust, where this recognition at once involves insertion of the subject as an object in truth games.

The games of truth are the "rules according to which what a subject can say about certain things involves the question of truth or falsehood" (DE, 4:632); therefore when Foucault defines sexuality as a singular experience constituted by historically analyzable practices that involve three sets of rules, besides those which operate at the level of formation of discursive knowledge and those which operate at the level of the exercise of power, there is a third set which determines the forms in and through which the subject constitutes itself. But if it is true that the two meanings of the word "subject," namely "subject to someone else by control and dependence, and subject tied to his own identity by a conscience or self-knowledge," both "suggest a form of power which subjugates and makes subject to [assujettit]" (MF, 212), then it

---

[221] This is the entry Foucault wrote on his work under the pseudonym "Maurice Florence". I refer to the translation provided in the *Cambridge Companion*.

is difficult to see what could possibly distinguish the self-relation specific to this set of rules from those characterizing discursive and nondiscursive practices.

I think the difficulty is in part a result of the almost decade-long period separating the first and the second volumes of the *History of Sexuality* and the shift in emphasis between the two. The first volume, the French title of which is “La volonté de savoir,” belongs to what is commonly called the genealogical period and where the emphasis is on the passivity of the subject in relation to the systems of power and knowledge which constitute it. Hence the language in the passage cited above: “the subject *is led to* observe itself”. The term Foucault uses most commonly to refer to this aspect of constitution is “*assujettissement*”. But in the same passage, Foucault connects this with self-relation and recognition, and this, it would seem, cannot simply be a matter of “subjection to,” to the extent that it strives to refer to an aspect of constitution where some reflective activity on the part of the subject is possible, and in fact necessary, in order to constitute oneself as a subject. The term Foucault uses, not without some ambiguity, to capture this register is “*subjectivation*”.[222]Foucault’s discussion, then, of “forms of subjectivity” as a dimension of experience must somehow capture both activity and passivity in the way the subject makes itself an object. And “recognition” is to be the name of this process whereby individuals constitute themselves as subjects.

---

[222] I shall use the transliteration “subjectivation” when I refer to this aspect. An alternative translation is “subjectification,” which could have been fine for my purposes, but “subjectivation” too has entered common usage in discussions of Foucault, and it helps me to better draw the distinction I have in mind. For two concise occurrences of “subjectivation,” see *UPfr*, pp. 41, 44. “*Assujettissement*,” which I shall translate as “subjection,” is used in *The Use of Pleasure* but as one aspect of Foucault’s reconfiguration of ethics. His definition, however, does not appear to be very clear in view of the distinction. He says: “…mode of subjection [*assujettissement*], that is to say, the manner in which the individual establishes his relation to [the] rule and recognizes himself as linked [comme lié] to the obligation of its realization” (*UPfr*, 38). I suggest one way of disambiguating this usage in the discussion of ethics in the second part of this chapter.

I want to motivate this distinction not as a return to spontaneous subjectivity after what would be its earlier reduction to an effect of systems of knowledge and power, but rather as a recourse, made necessary because a reflective moment of self-relation is required to make intelligible any appeal to subjectivity. From this perspective, it matters little whether Foucault was always aware of this—I believe he was, since all of his dismissals through the 1960s are of a particular conception of subjectivity—or he realized its urgency only later. The main question is whether these two dimensions of activity and passivity can be thought together in the framework I have constructed, or whether Foucault's rearticulation of experience is without recourse in any form of recognizable subjectivity.[223]Since the major contention against Merleau-Ponty's account circles around his appeal to a pre-reflective and direct access which the (embodied) subject has to itself, what is involved in Foucault's account of self-relation becomes central.

Discipline and Punish proposes two poles of analysis, that of subjection and of objectification. Having offered a "nominalist reduction of philosophical anthropology," Foucault brackets scientific, natural or otherwise, appeals to the essence of man as what could be explained through the formulation of objective laws; he now describes the correlation between the techniques of subjection and the processes of objectification. In chapter three I offered one interpretation of how the reciprocal relation of mutual implication which holds between discursive and nondiscursive practices can be understood. The correlation between subjection and objectification becomes intelligible in the light of that interpretation:

---

[223] It should be clear, then, that whether Foucault's contracting of HIV has something to do with his "turn to the subject," or whether the late works are indicative of his "going soft," whatever interest they may have, are external to the line of reasoning I want to pursue here. It is undeniable, even for someone sympathetic to Foucault, that volumes two and three of the *History of Sexuality*, relative to the fire and brimstone style of the earlier works, are somewhat soporific. I want to claim, however, that their motivation lies in Foucault's attention to a reflective moment which is presupposed by subjectivity. For a contrasting view on this point, see Slavoj Zizek, *The Ticklish Subject: The Absent Centre of Political Ontology,* (London: Verso, 1999)

> Relations of power are *not* in a position of *exteriority* with respect to other types of relationships [e.g. economic, epistemic, sexual] but are immanent in the latter; they are the *immediate effects* of the divisions, inequalities, and disequilibriums which occur in the latter, *and conversely* they are the *internal conditions* of these differentiations. (HS, 94, my italics).

> ‘Truth’ is linked in *a circular relation* with systems of power which produce and sustain it, and to effects of power which it induces and which extend it. A‘regime’of truth. This regime is not merely ideological or superstructural. (PK, 133, my italics)

New objects are constituted for knowledge through techniques of subjection, which are in turn extended and supported by normalizing knowledge. Foucault places special emphasis on the development of examination as a specific form of inquiry and its extension across institutions.[224] Through the diffuse application of examination in hospitals, military barracks, schools, and job interviews, individuals are disciplined, i.e. made into docile bodies capable of satisfying imperatives of production. And this disciplinary subjection results in the production of knowledge which objectifies the individual further.

The “genealogy of the modern soul,” then, is a question of showing the reality of the soul as “the present correlative of a certain technology of power over the body”: “[the soul] is produced…around, on, within the body by the functioning of a power that is exercised on those punished---…in a more general way, on those one supervises, trains and corrects…” (DP, 29). The disciplinary individual, unlike the juridical subject of legal contracts, is the product of relations of power “governing our gestures” and “dictating our behavior”; and even though the relation to truth is integral to the constitution of subjects, this truth is “a system of ordered procedures for the production, regulation, distribution, circulation, and operation of statements…

---

[224] *DPfr*, pp. 201, 207-20, 260-64

[which is] linked in a circular relation with systems of power which produce and sustain it…" (FR, 74).

The body, which, for Merleau-Ponty, is the point of non-differentiation of the subjective and the objective, is caught up in a *regime of truth*, where material subjection and ideal objectification mutually support and reinforce one another. On this account, the matrix of practices that provides the intelligibility and orientation of theoretical formulations and reflective actions is not the pre-reflective opening of corporeal existence but the techniques of corporal punishment. Confinement of human beings in the rigidly structured spaces of hospitals, classrooms, factories, and prisons (DP, 227-28), makes possible the emergence of "submissive subjects…and a dependable body of knowledge built up around them" (DP, 295). The body, then, is permeated by relations of force which constitute individuals as objects of knowledge and subjected to power. Similarly, the first volume of the *History of Sexuality* brackets the question of what the reality of sex may be in its natural existence or corporeal lived-through experience (*vécu*), but shows it as "an ideal point made necessary by the deployment of sexuality and its operation" (HS, 155).[225]

Therefore, the criticism which I formulated from the perspective of Merleau-Ponty's phenomenological questioning, namely that Foucault mistakes the map for the territory, has to be turned around: there is no domain of lived-through signification where "[t]hings murmur

---

[225] The French text has: "…made necessary *par le dispositif de sexualité…*" (p. 205). In chapter two I suggested that the concepts Foucault marshals during this period may be brought closer together in the light of how I read the historical a priori as involving both discursive and nondiscursive practices. This reading required the modification of Foucault's own claims about the historical a priori as involving solely discursive systems and their autonomous regulation. The concept of "*dispositif*" (apparatus) can also be assimilated to that of "regime," to the extent to which it designates "…a wholly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid, such are the elements of the apparatus" (PK, 196). What lends further support for this reading is Foucault's specific designation of the discursive element in "regime of truth" as the "discursive regime". Also see his definition of "discipline" in *OD*, pp. 222-23.

meanings our language has merely to extract… [and where] this language was already whispering to us of a being of which it forms the skeleton" (OD, 228). If a regime of truth mediates our knowledge of "things" as well as of our "selves," then there can be no immediate intuitive grasp of already constituted meanings prior to their discursive uptake.

Of course, *that* this is so does not admit of direct proof, in the manner in which Merleau-Ponty could consistently suggest that we should look and see, verify, in ourselves the truth of phenomenology; what Foucault *can* do is to show the ways in which this conception is one among several ways of "eliding the reality of discourse" (*OD*, 227) and offer an alternative conception: Discourses are "practices that systematically form the objects of which they speak. Of course, discourses are composed of signs; but what they do is more than use these signs to designate things. It is this *more* that renders them irreducible to language [*langue*] and to speech. It is this 'more' that [must be described]" (AK, 49).

So Merleau-Ponty is correct in claiming that neither language as a formal system of differential elements nor the reflective selection and formulation of sentences by a speaking subject is sufficient to grasp the actuality of signification; but he is wrong to locate the latter in our mute contact with the world. Or, in the terms of my initial formulation of the question, sexuality does elicit our response by soliciting our attention, but this is because "relations of power had established it as a possible object; and conversely, if power was able to take it as a target, this was because techniques of knowledge and procedures of discourse were capable of investing it" (HS, 98).

Merleau-Ponty's attention to sexuality is motivated by ontological questions, or perhaps the ontological question: "If…we want to bring to light the birth of being for us, we must…look

at that area of our experience which clearly has significance and reality only for us, and that is our affective life" (PP, 154). Sexual experience, then, reveals how being begins to exist for us through desire and love, in order to gain insight into how being exists for us in general. Not unlike Foucault's analyses in the first part of *Mental Illness and Psychology*, sexual pathology provides initial traction on this question.[226] His description of how sexual anomalies are lived as an incapacity shows the inadequacy of explanations in terms of conditioned reflex reactions or ideational associations: "Pathology brings to light, somewhere between automatic response and representation, a vital zone in which the sexual possibilities of the patient are elaborated, in the same way…as are his motor, perceptual and even intellectual possibilities" (PP, 156). The sexual meaning and value of external stimuli derive from the "structure of perception or erotic experience" (Ibid), and it is this structure itself which becomes etiolated or impoverished in pathological sexuality.

The normal cases, however, are those where the body *is not perceived as an object*: it is "subtended" by a sexual schema, "which is strictly individual" (Ibid). This structure of perception is in turn explicated as the power of projection of a sexual world. For the pathological subject, it is the world itself which has ceased to speak to him sexually, or "because the patient no longer asks, of his environment, *this mute and permanent question which constitutes normal sexuality*" (PP, 156, my italics).

---

[226] There is a curious appeal to cases regarded as pathological which runs through many twentieth century reflections on knowledge. Interestingly, it is to be found in Heidegger's emphasis on the hammer's breaking down as the condition of possibility of its becoming present-at-hand (or its *Vorhandenheit* mode of being), as well as in the privileging of sexual anomalies as revelatory of the normal functioning of the human mind and body in naturalist psychology and physiology. See Martin Heidegger, *Being and Time* (New York: Harper & Row, 1962) pp. 48, 97f, 114, 116, 200.

Hence the phenomenological description of sexual experience and its structures is a question of referring sexuality to that power which, below the level of conscious awareness and reflection, synthesizes stimuli and reaction (or behavior) into a situation. And this power of synthesis is located at the level of the body as lived. In *The Visible and the Invisible*, Merleau-Ponty writes "my body, as director [*metteur en scène*] of my perception,"[227] which captures the active role of the *body as perception*. To be sure, this activity is not that of transcendental subjectivity, and Merleau-Ponty, in a beautiful phrase, aims at "the passivity of our activity".[228]He criticizes all efforts that link up passivity and activity only to end up prioritizing one over the other: "either [this priority] extends passivity to their ensemble, which amounts to detaching us from being, for in the absence of a contact of self to self, I am given over to an organization of my thoughts, the premises of which are masked from me, and to a mental constitution which is given to me as a fact; or it restores activity [which reduces the world to thought of world]".[229]

Moreover, his explicit eschewal of prioritizing one term over the other, in favor of the relation of reversibility which binds them together,[230] takes the form of the resolution of an antinomy the key to which is his notion of "flesh".[231]"The flesh of the visible" does not partake of an anthropological investigation, but rather it designates the flesh of being [*l'être charnel*], which, as "presentation of a certain absence, is the prototype of Being, of which our body,

---

[227] *VI*, p. 23
[228] Ibid., p. 221. The following discussion of the theme of activity and passivity are based on pp. 65-66.
[229] Ibid, p. 65.
[230] "…between sound and meaning [*sens*] and speech and what it wants to say [*ce qu'elle veut dire*]…" (Ibid, 188).
[231] Ibid, pp. 177, 181-82, 190, 198.

sensing sensible [*le sentant sensible*], is a variation…and the constitutive paradox of which is already in all that is visible…like my body is at one stroke both phenomenal and objective."[232]

Therefore, Merleau-Ponty resolves the antinomy of activity and passivity by installing their perpetual reversibility in this "degree zero of Being"[233] that is my body. The dichotomy between subject and object is not cancelled through a reduction, and it is not raised through a sublation. Instead, perception as "the background from which all acts stand out, and is presupposed by them" (PP, xi), is the field of this perpetual interplay between the subjective and the objective, intention and expression. And the dramatic actions and passions of my sexuality are only derivative in relation to the ontological structures of my affective life through which Being is revealed through my body. From this perspective, "language is only a regional problem…if one considers the secondary and empirical operation of translation, coding and decoding…."[234]

But prior to all formal systems and conventional meanings, there is *parole parlante*, as the "assumption" of *convention as nature* by the being who lives in language; and which refers to a *langage opérant* "which does not need translation into significations and thoughts [because]…like a weapon, an action, an insult and a seduction, it brings to light all the deep relations of experience [*vécu*] where it is formed."[235] Thus, there is a language interior to that phenomenological domain of silence and which is both activity and passivity. The relation between lived experience and this language (*langage opérant*) is not that between transcendental condition and empirical conditioned. It is rather similar to that between what is implicit and what

---

[232] Ibid, p. 177.
[233] Ibid, p. 150. His invocation of this phrase occurs here as an explicit contrast with the "primitive power to contemplate, pure gaze that fixes things…and essences…."
[234] Ibid, p. 165.
[235] Ibid.

is explicit, to the extent to which it is the "apparition of something there where there was nothing and no other thing."[236] There may be no pre-constituted intention lodged in a transcendental space, but the prevalent model of language for Merleau-Ponty remains that of expression. Sexuality, therefore, can only be conceived as a modality of expression of that intentionality which pertains essentially to my body as living.

If the central insight of Merleau-Ponty's answer to the question of sexuality is that the life of the body (flesh) and the life of the soul are in a reciprocal relation of expression, locked in a perpetual reversibility of the subjective and the objective, then the central insight of Foucault is that, contrary to the infinite and indefinite movement of intention and expression, knowledge *is* produced and subjects *are* locked up in a reciprocal relation of implication between subjection and objectification. And if Merleau-Ponty refers this movement to the zero degree of Being, or again, to *leben* as the "primary process from which…it becomes possible to *erleben* this or that world…" (PP, 160), Foucault refers it to the regime of truth as the generative matrix of the formation of subjects and knowledge.

Merleau-Ponty's project is by no means a typically foundationalist one, since ambiguity and indeterminacy are constitutive of existence (PP, 169), and are therefore inherent in things. But he nonetheless offers the lived experience of corporeal existence as the prereflective ground of all reflective formulations and actions. The result is that the ontology of ourselves—here of the body in its sexual being—becomes the hermeneutic activity wherein meaning is anticipated, confirmed, and disappointed, only to start over again. And because "man is not a machine," but

---

[236] Ibid.

the dialectical exchange between autonomy and dependence, his phenomenological descriptions resonate with our intuitions about how we relate to our sexuality and its activity.

However, it is precisely Merleau-Ponty's inscription of these intuitions in an ontological register[237] that creates problems when interrogated from the standpoint of Foucault's experience. For consider Merleau-Ponty's appropriation of psychoanalysis:

> Whatever the theoretical declarations of Freud may have been, psychoanalytical research is in fact led to an explanation of man, not in terms of his sexual substructure, but to a discovery in sexuality of relations and attitudes which had previously been held to reside *in consciousness*. Thus the significance of psychoanalysis is less to make psychology biological than to discover a dialectical process in functions thought of as 'purely bodily', and to reintegrate sexuality into the human being. (PP, 157-158)

The hermeneutic aspect of psychoanalysis, which reads symptoms not as effects of antecedent causes, but as meanings to be deciphered, enables Merleau-Ponty to enlist it in the service of bringing to light the fundamental dimensions of existence. It is from the perspective of these dimensions that nothing appears as accidental: "There is no doubt at all that we must recognize in modesty, desire and love in general a metaphysical significance…" (PP, 166); or again, "The importance we attach to the body and the contradictions of love are…related to a more general drama which arises from the metaphysical structure of my body, which is both an object for others and a subject for myself" (PP, 167).

Once grasped in the primary ontological structures through which sexuality is interpreted as a free projection of existence, no event can be conceived as externally determined because "the symptom is overdetermined". With the result that, escape from reductionist naturalism is

---

[237] Or better, his provision of an ontological framework for these intuitions, where I intend no dismissal by calling them "intuitions," but want to admit a prima facie counter-intuitive thrust which pertains to Foucault's conception.

purchased by interpreting, say, "frigidity" as the expression of "a *refusal* of orgasm, of femininity or of sexuality" (PP, 158, my italics). Or again, loss of speech becomes the *refusal* of communal existence, or intersubjectivity, and hysteria the flight from situation.

In chapter three, I discussed some of the virtues and flaws of this account of experience. Here I want to focus on one key aspect in the light of what I said in relation to the regime of truth and subjectivity. It is that the "operative intentionality" of the experience of corporeal existence cannot bear the weight Merleau-Ponty places on it when he ontologizes the categories through which subjects come to relate to their sexuality. What motivates his argument is the desire to steer between idealism and empiricism—which is what Foucault also wants to do—but he pursues it in the direction of an ontological framework which does the work of a priori synthesis, gathering external stimuli and subjective behavior into the cohesion of a situation.[238]

It is true that no datum is given to consciousness without appearing as already integrated into a pattern, but his interpretation of what this patterning involves restores the transcendental activity of a subject, (only) in accordance with which what is given must be taken. So much so that forgetfulness, hysteria, frigidity, and all the other categories of sexual behavior, are interpreted as so many ways in which the subject expresses its fundamental projection of a meaningful world.[239]Merleau-Ponty is explicit in not reducing this intentional act to a conscious and voluntary one—and to that extent he is in the neighborhood of Foucault's "intentional and nonsubjective" power relations (HS, 94)—but he underestimates and misconstrues the historical constitution of the categories through which identities are forged and sexuality is experienced.

---

[238] Merleau-Ponty approvingly refers to Freud's comparison of "the accident occurring from outside [with] the foreign body which, for the oyster, is merely the occasion for secreting a pearl" (PP, 158, n. 2): strictly speaking, then, no event is externally determined.
[239] "Forgetfulness is therefore an act" (PP, 162).

One should rather say that:

> The power relation that underlies the exercise of punishment begins to be duplicated by an object relation in which are caught up *not only the crime as a fact* to be established according to common norms, *but the criminal as an individual to be known* according to specific criteria….The processes of objectification originate in the very tactics of power and of the arrangement of its exercise. (DP, 101)

From the level of Merleau-Ponty's ontological interrogation, the perspective reflected in this constitution of the *individual as criminal* can only appear as an empirical fact, similar to the operation of translation which he stated could only be secondary and derivative relative to *parole parlante.* Therefore, despite the fact that he wants to articulate a hermeneutical conception of activity and passivity through their reciprocity, he ends up privileging the moment of activity. "If," he claims, "we conceive man in terms of his experience, that is to say, of his distinctive way of patterning the world…a handless or sexless man is as inconceivable as one without the power of thought" (PP, 170). He thereby elides the specific power of constitution operative in discourses which create the objects of which they speak. The operative intentionality of the body, non-voluntary and non-conscious though it is, misses the way in which the individual "whom we are invited to free, is already in himself the effect of a subjection much more profound than himself….The soul is the effect and instrument of a political anatomy" (DP, 30). In short, what the ontologizing of sexuality, by referring it to the body in its sexual being, cannot grasp are the criterial discursive and nondiscursive practices and their transformations.

It would be premature and presumptuous to say that nothing interesting can be said about the "unmotivated upsurge of the world," or that its ontological structures cannot be defined. But it is important to distinguish Merleau-Ponty's ontological referral of sexuality to "this mute and permanent question which constitutes normal sexuality" (PP, 156) from the "historical ontology

of ourselves" (MF, 237), which Foucault claims to be doing and which refers *that question itself* to the regime of truth through which sexuality is constituted *as* something to be questioned as to its truth and in relation to which we feel compelled to seek knowledge.

A useful way of specifying what this involves and why Foucault feels the need to write its history is through comparison with Martha Nussbaum's proposal to construct an account of non-relative virtues[240]. Starting from Aristotle's claim that "all human beings seek not the way of their ancestors, but the good,"[241] she argues against the view according to which virtue ethics would entail a denial of any "transcultural norms, justifiable by reference to reasons of universal human validity, by reference to which we may appropriately criticize different local conceptions of the good."[242]Her response to this interpretation is to reconstruct Aristotle's account of the virtues as involving, for each candidate virtue, the isolation of a sphere of human experience that figures in *any* human life and in which *any* human being will *have to* make some choices or act in some ways rather than others. The reconstruction of the list of virtues includes: the experience of fear of damage, especially death, correlated with the virtue of courage; experience of bodily appetites and their pleasures, correlated with moderation.[243]

Since the construction of the list starts from putatively universal experiences involving choice, it is not possible to say that "a given society does not contain anything that corresponds to a given virtue. [Nor is it an open question] whether a certain virtue should or should not be included in [a particular agent's] life."[244] People will argue about what an appropriate choice *in*

---

[240] Martha Nussbaum, "Non-Relative Virtues," in *Moral Relativism: A Reader* (Oxford University Press, 2001) pp. 199-226
[241] Aristotle, *Politics*, 1268A39 ff.
[242] Ibid., p. 200.
[243] For the full list, see ibid. pp. 202-203.
[244] Ibid., p. 203.

fact is, but they will then be arguing about the same thing and only advancing competing specifications of the same virtue. She claims that the reference term of each virtue is fixed by its relevant sphere of experience, which she calls "grounding experience".[245] For instance, experiences of harm, deprivation and inequality fix the referent of justice. A ground experience, then, is a domain of human existence in which choice is both non-optional and problematic (since there is de facto disagreement about the specification of what counts as a just act).

Her reconstruction emphasizes the strict division between the demarcation of grounding experiences and the concrete inquiry which specifies what counts as appropriate within each experience. This division enables her to admit a degree of historicity of virtues while grounding their universality. So, Aristotle's inclusion of *megalosuchia*—which is more Greek than Christian, to the extent that, for the latter, the appropriate attitude towards one's own worth is one of humility—in the list of virtues is to be replaced by a more neutral name which stands for the universal experience of the problem concerning one's own worth. Christian humility and Greek *megalosuchia* would then be two competing concrete specifications, but they would only be "rival accounts of one and the same thing."[246]

Nussbaum considers three possible objections to this reconstruction of non-relative virtues. First, the problem may be the same across its cultural and historical incarnations, but this does not guarantee that there will be a single universally valid solution. Second, there are no grounding experiences, since all such putatively primitive experiences are culturally and historically constructed. Third, the construction of virtues suffers from a blinkered historical

---

[245] Ibid.
[246] Ibid., p. 206. She then provides a historical justification of this division by tracing the movement from Aristotle through the Stoics to the Christian fathers which transformed greatness of soul, through the doctrine of the worthlessness of externals, into the Christian denial of the body and of the worth of terrestrial existence.

sense in not being able to imagine a radical utopian society in which the virtues would be superfluous.[247]

Her response to the first objection is: that the virtues are context-sensitive "does not imply that it is right only relative to, or inside, a limited context….It is right absolutely, objectively, anywhere in the human world to attend to the particular features of one's context."[248] Thus some interpretative and contextual differences may be admitted, but if the same context were to be reproduced, the same solution would be the right one. She responds to the second objection by conceding that "there is no 'innocent-eye,' no way of seeing the world that is entirely neutral and free of cultural shaping;" but she insists that it must be possible to identify common features of humanity, two features of which will be "mortality and the body".[249]

Whatever the different cultural interpretations of death across history may be, the fact of our mortality shapes every aspect of more or less every human life. Moreover, prior to any cultural mediation, we are familiar with our embodied existence, since we experience hunger, thirst and desire: "The experience of the body is culturally influenced; but the body itself, prior to such experience, provides limits and parameters…."[250]Finally, the third objection, the paradigmatic statement of which criticizes Aristotle's inclusion of generosity as a failure to imagine a form of social organization without private property, is referred to the tragic structure according to which "all forms of life, including the imagined life of a god, contain boundaries

---

[247] For the first objection, see p. 207; for the second one, see pp. 208-210; and for the third one, see pp. 210-211.
[248] Ibid., p. 213.
[249] Ibid., pp. 215-216, 218.
[250] Ibid., p. 218. What follows, on the next page, is a similar claim about pleasure and pain.

and limits."[251] Therefore it is unrealistic and dangerous, based on human experience, to expect the creation of a social arrangement in which no limits would be needed.

Nussbaum's argument is exceptionally sensitive to the demands of a context-specific understanding of virtue, and strictly speaking, she is not offering an ontological account of experience. But her line of reasoning tracks that of Merleau-Ponty to the extent that she wants to insist on the fact of our embodiment which, paradoxically, cannot be reduced to any other fact. Although in her response to the second objection she withdraws the suggestion that grounding experiences could be a pre-linguistic bedrock; and although her response to the third objection concedes that structural and historically modifiable power relations are endemic features of social contexts; she nonetheless wants to insist on the fact of our body as the site of the *universal and necessary experiences* of pain and pleasure, of desire and its frustration, and of hunger, thirst and death. She insists on this fact, I believe, because she thinks that the alternative is either a formalism about the virtues which makes ethics more rational than its actuality can support, or a relativism without recourse. And I want to claim that this insistence is mistaken, from a Foucauldian perspective, *not because* there is no such fact, *but because* it never performs the role which Nussbaum or Merleau-Ponty would have it do.[252]

In *The Use of Pleasure*, Foucault defines the task of the history of thought as articulating "the conditions in which the human being "problematizes" what he is, what he does, and the mode in which he lives" (*UPfr*, 18), and he links "problematization" to a set of practices. Even more explicitly, he argues: "Problematization doesn't mean representation of a pre-existing

---

[251] Ibid., 222.
[252] There is also the paradoxical repetition, given the Aristotelian background, of a quasi-transcendental distinction between form and content in the conceptual pair "grounding experience" and its "concrete specification," with the result that the universality of *problem* is purchased at the expense of its radical separation from any substantive considerations.

object, *nor the creation by discourse of an object that doesn't exist*. It is the totality of discursive and non-discursive practices that introduce something into the game of the true and the false and constitute it as an object for thought" (*PPC*, 257, my italics). It is not, therefore, a question of denying the existence of human embodiment, its appetites, and its mortality; but rather denying the explanatory *and* justificatory role assigned to them.

If Foucault is right that, for instance, Greek antiquity made a very different problem of the appetites and their management, and consequently, did not take the gender of the partner to be a very significant element in their reflection on sexual ethics or hygiene, then it does not *explain* much of anything to refer to the "experience of homosexuality" in ancient Greece—for there was none in a sense that is salient for modernity; nor does it *justify* what appropriate attitude we should have with respect to homosexuality. In other words, the appeal to the universality and necessity of ground experiences, or of structures of embodied comportment, or again of the ontological framework subtending my corporeal existence, does not perform any epistemological role, and it does not provide any normative purchase. Therefore, Foucault's reconfiguration of experience in terms of discursive and nondiscursive practices cannot (should not) be taken as a prima facie reason for denying the right to call *that* experience. Nothing of the softness of a caress, the abrasion of a desire, or the intensity of hunger, is lost by referring experience to the conditions mediating the subject's self-relation.

4.2 Am I Free Not to Take Up a Standpoint?

Merleau-Ponty refers experience to the "patterning" work which free existential projection does prior to the reflective problematizations of and positions toward actions. This work seems not

unlike that performed by the historical a priori or the regime of truth. But if my argument in the preceding section is correct, a crucial difference is that, from a Foucauldian perspective, the operative intentionality of embodied existence cannot bear that weight or ground that function. If anything only ever becomes a problem demanding a reflective solution within the context of practices, then intentional analysis—however broadly it is understood—which would be grounded on the free projection of the subject, cannot account for the degree to which subjectivity itself is constituted by practices. And appeal to existence or Being as the fundamental, all-mediating background of all determinate meaning and value only occludes that fact.

However, it could legitimately be argued that if the argument succeeds, then it is only by shifting the emphasis to the pole of passivity at the expense of the pole of activity; and it is precisely their reciprocity which motivates Merleau-Ponty to refer them to the degree zero of Being that is my body: for "I never become quite a thing in the world" (PP, 165). In this light, Foucault's distinction between subjectivation and subjection would appear to be swallowed by the implacable operation of ubiquitous power relations. And if that were the case, his claim to be formulating a non-reductive concept of experience would ring hollow.

One could insist that it is the ontological conception of experience which reduces it to a quasi-transcendental subjectivity modulated hermeneutically. But that insistence on its own would remain somewhat disingenuous. There is a quip according to which an alcoholic is someone you do not like who drinks as much as you do; the philosophical charge of reductionism is a bit like that. Hence Foucault has to say more about what subjectivation is, not only to clarify what experience would be, but also to motivate the possibility of a discourse that is both historical and critical. In modernity more than in any other period, the peculiar activity of

critique is conducted in the name and grounded on the capacities of the spontaneous subject. And so, if I am not a bit of the world, Foucault's grappling with the dilemma of whether I am free to give up the kind of reflection constitutive of modernity without thereby rendering freedom itself meaningless and impossible, needs further unpacking.

4.21 Subjects without Experience

In one of his most explicit discussions of the trajectory his histories followed, Foucault says:

> If by thought is meant the act that posits a subject and an object in their various possible relations, a critical history of thought would be an analysis of the conditions under which certain relations between subject and object are formed or modified, to the extent that these relations are constitutive of a possible knowledge. (CC, 314)

Two features stand out from this admittedly laconic passage. First, contrary to what could be called the predominant strategy in the twentieth century of avoiding the subject-object dichotomy, Foucault appears to situate his practice of critical history squarely within their reciprocity. Second, the language he uses—"positing act," "constitution"—is reminiscent of German idealism, a mode of philosophy to which his explicit references are notoriously sketchy. These two features raise a question: Is Foucault's definition of thought one more anthropological repetition of the transcendentally constitutive subject?

A preliminary step toward an answer goes through Foucault's negations. The conditions of possibility of relating subject and object are not formal conditions of relation to a general object X—which seems to target the Kantian formulation; and they are not empirical conditions which enable a subject to become conscious of an already given object—which seems to target empiricist formulations. Rather, "[t]he question is one of determining what the subject must be, what condition is imposed on it, what status it is to have, and what position it is to occupy in reality or in the imaginary, in order to become the legitimate subject of one type of knowledge or another…it is a matter of determining its mode 'subjectivation'" (CC, 315, modified). His examples suggest that the mode of subjectivation is the way in which the subject *relates to itself* under the particular description and normative status constituted by different types of knowledge: subjectivation is different according to whether knowledge is that of exegesis of sacred texts, observation of mentally ill patients, etc.

However: "…the question is also and at the same time one of determining under what conditions something can become an object of possible knowledge, how it could be problematized as an object to be known, to what procedure of division it could be subjected, and what part of it is considered pertinent…its mode of objectivation" (Ibid, modified). It is, then, the mutual implication of subjectivation and objectivation, which is then referred to the "emergence of truth games". And critical history is to be the history of the conditions of emergence of these games, in which it is a matter neither of the discovery of truth nor of its occultation, but of "veridictions".[253]

---

[253] I discuss conditions of emergence (existence) in relation to conditions of possibility in chapter two, part two.

This may be another instance of Foucault's penchant for multiplying concepts beyond necessity. But I think there are two mitigating factors. First, he refers this linkage between forms of subject and types of object to " [what] has constituted for a time, a space, and particular individuals, the historical a priori of a possible experience" (Ibid, 315). Therefore, the new conceptual articulation is consistent with the strategy I have pursued in relation to experience. Second, the mutual implication of subjectivation and objectivation, to the extent that it tracks that of subjection and objectification, is motivated by Foucault's realization that critical discourse, whether his own or that the history of which he writes, presupposes a reflexive moment that allows the possibility of self-relation.[254]

It is important to note a restriction which Foucault imposes on the domain of his critical historiography: what is at issue is only "those truth games in which the subject itself is posited as an object of possible knowledge: what are the processes of subjectivation and objectivation that allow the subject to become, *as subject*, an object of knowledge?" (Ibid, modified, my italics). Therefore, the object domain is to coincide with that of the human sciences.[255]If "man" is that object which, as transcendentally constitutive and empirically determined, is also subject, then the human sciences aim at knowledge of just that conjunction. But since the analytic of finitude shows the epistemological dead ends to which that conception leads; and since attention to the regime of truth establishes the normalizing role knowledge plays; the foundational bedrock

---

[254] I addressed the issue of whether this should be called his "belated realization" or his "explication" of what was already in his early work in the preceding section. What I want to emphasize in this context is that, belated or not, there is a reflexive moment in his definition of experience, and the question is whether he has any right to it.
[255] Which is consistent with the concrete analyses of the *History of Madness* (psychology), *The Birth of the Clinic* (clinical medicine), *The Order of Things* (psychology and sociology), *Discipline and Punish* (criminology), *The History of Sexuality* (psychoanalysis and psychology). This assignation is somewhat schematic and ignores considerable overlap, but part of the claim is precisely that for the human sciences there cannot be a strict and positive demarcation of object-domain, since the object "man" does not exist. (I discuss what that denial entails in chapter two, part one.)

claimed by the human sciences is criticized by Foucault as epistemically unsound and politically suspect. Hence his attempt to bring to light the very historicity of forms of experience as processes of subjectivation and objectivation without seeking to ground those processes on an a priori conception of truth or human nature.

He specifies three methodological implications of this shift to the historicity of forms of experience: First, a nominalism in relation to anthropological universals. This nominalism is motivated by the two-pronged criticism of the human sciences.[256] Second, the avoidance of transcendental reflection invoking the constitutive subject in relation to which the conditions of possibility of objectivity as such are determined. Third, displacement of enquiry onto an investigation of practices, "approaching one's study from the angle of what "was done" (Ibid, 318).[257]

These three claims entail three ways in which Foucault's critical history could potentially be neither history nor critique. First, nominalism in relation to human nature entails skepticism with respect to any nontemporal truth of the subject which could ground possible critique (of the human sciences in particular and of practices in general). Second, circumventing transcendental subjectivity entails reduction to pure objectivity and return to naïve positivism.[258] Third, recourse to practices as an "ultimate" or "fundamental" in some sense threatens to unleash either a transcendentalism with no boundaries or the causal determinism of empiricist materialism. I

---

[256] For a detailed discussion of "methodological nominalism," see Flynn, *op. cit*., pp. 31-48. I think the qualification of Foucault's nominalism as a methodological and not a metaphysical commitment succeeds against those attempts which read Foucault's claims as ontological. But as Flynn points out, an absolute distinction between method and object of enquiry is not tenable in Foucault's historiography. I want to add that even methodological commitment to individuals alone is vulnerable to the type of criticism I will formulate on the basis of Adorno's theory of mediation.
[257] These three "methodological choices" are articulated in *CC*, pp. 317-318.
[258] See *AK*, p. 205ff on one formulation of this difficulty.

want to push these implications as far as they will go and see whether and in what sense Foucault's reconfiguration can be the basis of a possible response. For he says:

> [T]he practices—ways of doing things—that are more or less regulated, more or less conscious, more or less goal-oriented, through which one can grasp the lineaments of both what was constituted as real for those who were attempting to conceptualize and govern it, and of the way in which those same people constituted themselves as subjects capable of knowing... [and] modifying the real. These "practices,"…simultaneously as modes of acting and of thinking… [are the key to] a correlative constitution of the subject and the object. (CC, 318)

I propose to reach a clearer understanding of practices, which, as "modes of thinking" and of "acting," constitute the subject and the object in a relation of mutual implication, through a comparison with Adorno's account of subject-object mediation. The reference to the latter is not arbitrary but is motivated by the fact that Adorno too retains the subject-object relation as the ultimate matrix for an analysis of practices and as the basis of a critical theory. However, since it could be said that he is more sensitive than Foucault is to the implications of critique's recoil on the critic, his very proximity to what I have argued so far provides the occasion for a sharper definition of the contours of "practice" and the evaluation of the critical status of Foucault's histories.[259]

---

[259] There are few studies of what a Foucault-Adorno "confrontation" might look like. Those which do compare the two almost invariably start from the acknowledgement that they are both concerned with the relationship between rationality and power; move through Foucault's claim that "if [he] had known the philosophers of [the Frankfurt School] … [he] would have been so captivated by them that [he] wouldn't have done anything else but comment on them" (EW, 3:274); and finally conclude by Foucault's "repudiation" of both reason and the subject contrary to their critical preservation by the latter. This is not so much false as not very informative, and I hope to complicate this picture, however briefly, in what follows. On Foucault and Adorno, see Axel Honneth, "Foucault and Adorno: Two Forms of the Critique of Modernity," *The Fragmented World of the Social: Essays in Social and Political Philosophy* (State University of New York Press, 1995) pp. 121-131; Peter Dews, *op. cit.*; David Couzens Hoy, "Power, Repression, Progress: Foucault, Lukes, and the Frankfurt School" *Foucault: A Critical Reader*, (Basil Blackwell, 1986) pp. 123-149. On Foucault's own attempt at differentiating his project from that of the "Frankfurt School," see *EW*, 3:272-73; 3:299-300; 3: 328-329.

It could be said of Adorno's discussion of experience what he said in relation to Proust, that "[he] brushed experience against the grain: But 'it's all completely different' would remain stamped with the impotence of the exotic, if its force were not also that of 'this is how it is'."[260] He inscribes experience in a structure of subject-object mediation, which he explicitly characterizes as dialectical, but where "[t]he pendulum of the dialectic has come to a standstill."[261] He insists on the possibility of unreduced/undiminished experience where the reciprocity between subject and object would exclude the domination of one over the other; but he fully recognizes its historical impossibility: "One might say that experience is the union of tradition with an open yearning for what is foreign. But the very possibility of experience is in jeopardy. The break in the continuity of historical consciousness… [leads to] a historical moment that…is ready to subscribe to the status quo, even by mirroring it where it opposes it."[262] I want to first provide an account of the epistemological underpinning of some of his claims, before I turn to a critical evaluation of Foucault.

Brian O'Connor, in explicating Adorno's appropriation of Kant's thesis with respect to things-in-themselves, argues that what is at work is the articulation of a critical materialism which implies "*both* that the subject does not passively receive meanings from the object, *and* that the activity of the subject is circumscribed by the determinate independence of the object."[263] This critical maintenance of both activity and passivity within the structure of

---

[260] Theodor W. Adorno, "Short Commentaries on Proust," in *Notes to Literature*, vol. 1 (New York: Columbia University Press, 1991), p. 181.
[261] Adorno, "Trying to Understand Endgame," Ibid, p. 269. Also see "Introduction to Benjamin's *Schriften*," *Notes to Literature,* vol. 2, p. 228.
[262] Adorno, "In Memory of Eichendorff," Ibid, p. 55.
[263] Brian O'Connor, *Adorno's Negative Dialectic, Philosophy and the Possibility of Critical Rationality*, (Cambridge: MIT Press, 2004) p. 20. O'Connor provides a lucid account of subject-object mediation as the structure of unreduced experience in Adorno. However, his thesis that Adorno's strategy is transcendental generates the risk that there is little to distinguish this from Kant: what in Kant is mediated priority of subject becomes, in Adorno, the mediated priority of object. Contrary to this, I want to argue that Adorno cannot provide a normative justification of

mediation is in response to the "subjectivism" of idealism and the "objectivism" of positivism. Mediation, Adorno argues, is that relationship whereby subject and object "reciprocally permeate each other," or again, "constitute one another as much as—by virtue of such constitution—they depart from each other."[264]Therefore, subject and object are not two independent substances which are then placed in a relationship with one another, but they are constituted through their very mediation.

But just as crucial for Adorno's account is that the epistemological separation of subject and object is not merely a function of philosophical confusion: "[their] separation is both real and illusory: true, because in the cognitive realm it serves to express the real separation, the dichotomy of the human condition, a coercive development. False, because the resulting separation must not be hypostasized, not magically transformed into an invariant."[265]Failure to appreciate the mutually mediated status of the subject and the object in any account of experience will lead to contradictions in the very attempt to theoretically ground that account.

So, for instance, the idealist hypostatization of the transcendental subject must simultaneously posit its existence as an object. The subject does not exist in a private space outside of any conditioning by its environment and no sense can be given to "constitution" without reference to empirical existence: "The solidity of the epistemological I, the identity of self-consciousness, is visibly modeled after the unreflected experience of the enduring identical

---

the thesis he wants to push, and the attempt to provide one for him, admirable though it is, inevitably ends up transforming what is unique in Adorno into an expanded version of idealism. One must rather give up the transcendental and take responsibility for the consequences. What responsibility may here mean is not easy to articulate, but I hope to motivate its possibility through a comparison with Foucault's account of experience. On O'Connor's transcendental reading, see ibid. passim, but especially p. 55.

[264] Theodor W. Adorno, *Negative Dialectics*, (London: Routledge, 1973) (Hereafter *ND*) pp. 139 and 174 respectively.
[265] Theodor W. Adorno, "Subject and Object," in *The Adorno Reader*, (Malden: Blackwell Publishers, 2000) p. 139 (Hereafter, *SO*).

object. Even Kant essentially relates it to that experience" (Ibid, 148). But symmetrically, the object itself cannot be thought without the subject either: "After an elimination of the subjective moment, the object would come diffusely apart like the fleeting stirrings and instants of subjective life" (Ibid, 149). In other words, what Adorno is grappling with here through the notion of the reciprocal mediation of subjectivity and objectivity can be seen as articulating two moments: First, the object cannot be reduced to its conceptual uptake, or to the meaning-giving activities of the subject; second, there is no immediate access to the nonconceptual properties of the object, on which one must nonetheless insist.[266]

The second moment is Adorno's thesis regarding "the priority of the object": "Subjectivity changes its quality in a context which it is unable to evolve on its own. Due to the inequality inherent in the concept of mediation, the subject enters into the object altogether differently from the way the object enters into the subject. An object can be conceived only by a subject but always remains something other than the subject…" (*ND*, 183).[267]It is beyond the scope of this study to unravel what the meaning and force of this thesis may be[268]; but two points relevant to my purposes could be drawn from it. First, part of what Adorno is getting at is that objects have irreducible nonconceptual properties which are nonetheless meaningful. That is to say, the subject's conceptual activity is not the only source of meaning of experience. Second,

---

[266] What Adorno says, à propos the phenomenological critique of empiricist sense-datum theory of perception, shows the dual demands on which he insists: "But if Gestalt theory correctly objects to Hume and the psychology of association that 'there are' no such things as unstructured, more or less chaotic 'impressions' isolated from one another at all, then epistemology must not stop there. For data of the sort that epistemology cites Gestalt theory as appropriately describing simply do not exist. Living experience is just as little acquainted with the perception of a red 'Gestalt' as it is with the ominous red percept. Both are the product of the laboratory." (*Against Epistemology: A Metacritique*, [Cambridge: MIT Press, 1983], p. 159.) (Hereafter, *AE*)

[267] Or again: "What is known through consciousness must be something; mediation aims at the mediated. But the subject, the epitome of mediation, is the How—never the What…" (*SO*, 142).

[268] For a fine-grained attempt at making sense of the thesis of priority using the sources of contemporary "analytic philosophy," see Jay M. Bernstein, *Adorno: Disenchantment and Ethics*, (New York: Cambridge University Press, 2001), Chapter 6, and "Re-enchanting nature," in *Reading McDowell* On Mind and World, (New York: Routledge, 2002)

the object gains its conceptual qualities only through its socially and historically specific mediation by the subject. The first point marks a divergence from Foucault's account and brings Adorno into a qualified proximity to Merleau-Ponty to the extent that he too offers a "thicker" account of embodied experience imbued with epistemological and justificatory functions.[269] I want to focus on the second point.

Adorno's explication of what the social and historical dimension of conceptual mediation involves is: "[The] immanent generality of something is objective as sedimented history. This history is in the individual thing and outside it; it is something encompassing in which the individual has its place….The history locked in the object can only be delivered by a knowledge mindful of the historic positional value of the object in its relation to other objects" (ND, 163). Sedimented in the object, then, is the history of the meanings which have been deposited therein through intersubjective practices.

But, unlike Husserl's appeal to sedimentation of meaning in the life-world, across (or precisely on the basis) of which it is possible in principle to recover the original self-evident intuitions that would secure the rationality of knowledge, Adorno refers this to the social totality, "something encompassing in which the individual has its place," and where the "positional value" of the object is determined. Moreover, even though the object's meaning and value is determined by the social totality—the context of discursive and nondiscursive practices—no one individual can be taken as a constitutive source. Social meaning and value sedimented in the object confronts the individual as independent of his activity. Thereby, a degree of passivity is incorporated in the very concept of social totality.

---

[269] I discussed one possible response to what this may entail for the concept of experience I am arguing for in the preceding section.

Characteristically, however, Adorno's affirmation of this claim is not without a negation:

> What shows up faithfully in the doctrine of the transcendental subject is *the priority of the relations*—abstractly rational ones, detached from the human individuals and their relationships—that have their model in exchange. If the exchange form is the standard *social structure, its rationality constitutes people*; what they are for themselves, what they seem to be to themselves, is secondary. They are transformed *beforehand* by the mechanism that has been philosophically transfigured as transcendental. (SO, 141, my italics.)[270]

> [But] society is immanent in experience, not an *allo genos*. *Nothing but the social self-reflection of knowledge* obtains for knowledge the objectivity that will escape it as long as it obeys the social coercions that hold sway in it, and does not become aware of them. Social critique is a critique of knowledge, and vice versa. (SO, 143, my italics.)

I want to tease out what I take to be the three implications of what Adorno is claiming here: First, social reality is constituted by historical practices, and to that extent the shape of reality—"actuality" in the Hegelian sense—is determined through human activity, conceptual and otherwise. Second, this social reality, and the totality of relations which it comprises, is constitutive for any given individual, to the extent that the history "locked in objects" is not a function of willful projection and cannot be modified through voluntary individual action. Finally, the claims of (1) and (2) are referred to and intelligible through the structure of reciprocal mediation of the subject and the object, which structure, moreover, is that of experience.

These three claims can then be brought to bear on the three points I outlined above in relation to Foucault's account of subjectivity, namely, nominalism with respect to

---

[270] Earlier on the same page, he writes: "[Psychological individuals] have little to say in the world, having on their part turned into appendages of *the social apparatus* and ultimately ideology. The living human individual, as he is forced to act in the role for which he has been *marked internally as well*, is the homo oeconomicus incarnate, closer to the transcendental subject than to the living individual for which he immediately cannot but take himself" (my italics).

anthropological universals, the repudiation of transcendental subjectivity, and the critical history of practices. First, two points of convergence: the meaning and value of objects can only be understood in terms of the relational social context in which they are located, and the subject is implicated in that very knowledge of objects. Moreover, the structure of experience is precisely this historically specific and determinate mutual implication of subject and object.

However, from an Adornian perspective, nominalism with respect to the subject appears as the subject's *dissolution* into the totality of relations constitutive of it. And if that is correct, then Foucault would be breaking out of the structure of experience as mediation, thereby generating epistemological contradictions and normative confusions:[271] "Nominalism denies society in concepts by disparaging it as an abbreviation for individuals" (*SO*, 151); and "the very term 'particular person' requires a generic concept, lest it be meaningless" (Ibid, 139). In other words, Foucault's nominalism could be charged with dissolving the very individual it seeks to understand.

Furthermore, despite Adorno's trenchant criticism of transcendental subjectivity; and despite his claim that far from being a fixed essence, subjectivity itself is *determinable* (not only determining) and is transformed along with objectivity; he nonetheless insists that any *rational* comprehension of this circular relation and transformation be understood in the medium of conceptual reflection: "One of the motives of dialectics is to cope with [what is evaded] by usurping a standpoint beyond the difference of subject and object—the difference that shows how inadequate the *ratio* is to thought. By means of reason, however, such a leap will fail. We cannot, by thinking, assume any position in which that separation of subject and object will

---

[271] An influential version of such an objection is articulated by Nancy Fraser, "Foucault on Modern Power: Empirical Insights and Normative Confusions," *Praxis International* 3 1982

directly vanish, for the separation is inherent in each thought. It is inherent in thinking itself" (ND, 85).[272] From this perspective, it might appear that the standpoint from which Foucault is articulating *his own discourse* entails invocation of an immediacy, from which he is debarred rationally.

Finally, the displacement of critical interrogation on to the domain of practices—as defined by Foucault—could be charged with "sociologism," which would parallel the epistemological problems of psychologism. The parsing of this criticism, from an Adornian perspective, is doubly complicated because of Adorno's own commitment to referring both objective and subjective formations to the context of their social and historical genesis. On the one hand, "[e]mpirical social research cannot evade the fact that all the given factors investigated, the subjective no less than the objective relations, are mediated through society."[273]Therefore, only a dialectical investigation of society would be adequate to the internal contradictions and antagonisms of society.

He too is careful not to appeal to relations of production, or class conflict, or market exchange, as the explanatory bedrock of society's antagonisms; nevertheless, from the perspective of his insistence on social mediation of all determinations, Foucault's claim to be a "happy positivist," merely describing individual power relations would appear to mistake as natural or ontological what is in fact his own methodological assumption of giving reality only to atomic individuals. Even more forcefully, Foucault's appeal to a historically specific regime of truth, only relative to which the validity claims it makes possible could be intelligible and must

---

[272] The passage ends with: "Today, as in Kant's time, philosophy demands a rational critique of reason, not its banishment or abolition." If what I claim in what follows is correct, however, Adorno's own "rational critique of reason" is far from unproblematically marked off from what its simple abolition would amount to.
[273] Adorno, "Sociology and Empirical Research," in *Adorno Reader*, *op. cit*. p. 189.

be evaluated, could appear an instance of that "childish relativism [which] would deny the validity of formal logic and mathematics and treat them as ephemeral because they have come to be" (ND, 40).

The reason why this charge is doubly complicated is that, Adorno himself writes as if the law of noncontradiction, for instance, could be exhaustively referred to the context of its genesis:

> Genetically logic presents itself as an attempt at integration and solid ordering of the originally equivocal—a decisive step in demythologization. The law of non-contradiction is a sort of taboo which hangs over the diffuse. Its absolute authority…directly originates in the imposition of the taboo and in the repression of powerful counter-tendencies. As a 'law of thought,' its content is prohibition: Do not think profusely. (AE, 80)

There appears to be an almost perfect isomorphism between this passage and the one where Foucault claims that:

> [I]n every society the production of discourse is at once controlled, selected, organized, and redistributed according to a certain number of procedures, whose role is to avert its powers and its dangers, to cope with chance events, to evade its ponderous, awesome materiality. (OD, 216)

And when Foucault continues, in the same essay, to list the rules of exclusion which are constitutive of the production and distribution of discourse, he includes, along with forms of prohibition and the division between reason and madness, the opposition between the true and the false; and so, he would seem to be guilty of the same charge which Adorno both raises and seems to commit.

Whatever the implications of this ambivalence for Adorno may be, there is one recourse for motivating and justifying the critical thrust of his reflections which is not available to Foucault. In Excursus I of *Dialectic of Enlightenment* titled "Odysseus or Myth and Enlightenment," Adorno traces the contradictions of modern social organization and the

domination inherent in intersubjective relations to the repression of inner nature presupposed by the very development of subjectivity, or that aspect of it which claims self-identity.[274]The emergence of self-consciousness through the denial of its dependence on nature entails the internalization of external coercion by the subject. Adorno calls this process "the introversion of sacrifice," and it is what makes the process of enlightenment a *dialectical* process.

Not unlike Nietzsche's account, in the Second Essay of the *Genealogy of Morals*, of the development of "conscience" through the "turning inward" of those instincts which are prohibited from external discharge[275], Adorno invokes the organization and limitation of drives presupposed by the development of a self-identical ego. This limitation is then internalized and reproduced as the internal division of the self from itself: "The antithesis of thought to whatever is heterogeneous to thought is reproduced in thought itself, as its immanent contradiction" (ND, 146) Therefore, Adorno can provide qualified justification for his critical practice which, as *immanent critique*, diagnoses the contradictions resulting from the theoretical and practical efforts to assert the full autonomy of the subject.

Moreover, Adorno's insistence on the inevitability of subject-object mediation enables him to offer qualified *normative* justification for his critique. The development of industrial capitalism increases the repressive constraints imposed on the subject and further impoverishes

---

[274] Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment, Philosophical Fragments*, (Stanford: Stanford University Press, 2002) p. 40ff. The book is co-authored with Horkheimer, but I ignore what that might entail in what follows.
[275] Friedrich Nietzsche, "On the Genealogy of Morality," in '*On the Genealogy of Morality' and Other Writings* (Cambridge University Press, 2006) "Second Essay: 'Guilt', 'bad conscience' and related matters," p. 35ff

its spontaneity; and to that extent self-preservation, for the sake of which the domination and denial of external nature was undertaken, becomes self-renunciation.[276]

But spontaneity remains a potential of subjectivity. The dialectical account of the *natural historical emergence* of the subject entails *both* that instinctual life contains a moment of sensuous happiness *and* that their limitation has a moment of freedom (because enjoyment presupposes a minimum of independence from nature). And since subjectivity is simultaneously freedom and domination, repression and happiness, Adorno avoids positing a static opposition between what would be the spontaneous diffusion of the instincts and the repressive identity of the subject: identity contains an ineliminable moment of non-identity, and the non-identical, however indeterminately, provides that in the name and on the basis of which critique operates.

This recourse to a speculative account of the natural historical emergence of the subject "grounds" two series of mutually conditioning claims. On the one hand, Adorno is in full agreement with Foucault that the type of power relations in contemporary societies produces socialized subjects which are *objects*: their spontaneity—let alone autonomy—does not count as a determining instance of social life. On the other hand, "[t]he undifferentiated state before the subject's formation was the dread of the blind web of nature, of myth" (SO, 140). Therefore dissolution of the subject would result in a slavery worse than that operative in socialized society.

Because his account of subjectivity insists on the necessity of holding onto this tension and not resolving it in favor of either pole of the opposition, the potential of a utopian resolution

---

[276] Where self-renunciation assumes the paradoxical form of narcissism, since the subjects so constituted demand—and in some instances find—immediate satisfaction of desires and needs produced and sustained by the "culture industry". Adorno's detailed discussion of this theme is in *The Culture Industry* (Routledge, 2001).

is immanent in the very dialectical relation between the individual and society. Since the latter can only reproduce itself through the former, resistance is possible in principle, however attenuated it may be. Adorno refuses to determine the conditions of what such a resolution would be, since, to the extent that the attempt would presuppose identification on the basis of present categories complicit with domination, it would betray its object in its very assertion. Nevertheless, without the invocation of its (logical and practical) possibility, subjectivity would dissolve into the bundle of social relations constitutive of it, and critique would remain without recourse.[277]

Hence even though Adorno refrains from specifying what cognitive and practical relations without domination would be like, he secures his *right* to call domination by its name by appealing to the possible sublation of the structure of subjectivity which, *up until now in history*, has been one of internal and external domination of difference and non-identity. Therefore if emancipation is possible, its path passes through the subject: "If [the subject] were liquidated rather than sublated in a higher form, the effect would be regression—not just of consciousness, but a regression to real barbarism" (SO, 140).[278]In comparison with this, when

---

[277] His ambivalent assessment of Benjamin's writings could then be brought to bear on the risk which I concede here attaches to Foucault's *experience*: "Before his Medusan glance, man turns into the stage on which an objective process unfolds. For this reason [his] philosophy is no less a source of terror than a promise of happiness," *Prisms* (The MIT Press, 1983) p. 235; see also p. 233

[278] I emphasize "up until now in history" in order to convey the same point at which I hinted earlier when I called in question a "transcendental" reading of Adorno's immanent critique. It is beyond the scope of this study to fully justify the stakes of this claim, so I only note that: Adorno does not (or cannot) inscribe subject-object mediation which underwrites his argument here in any structure resembling the Kantian interpretation of the a priori nor its historical transposition through a Hegelian appeal to a teleological conception of history. The appeal to universality and necessity, which would be the essential features of such a move, were he to make it, cannot be grounded through immanent critique. Hence his appeal to the context of social practices and the qualification of his "theses" by history. It is this dimension which brings his "negative dialectics" in proximity to Foucault's "historical ontology": because the sublation of which he speaks cannot be achieved through a determinate negation, his "dialectic" cannot be assimilated to its Hegelian version—at least to its standard interpretation; just as, because Foucault refers theoretical and practical formations to historical practices which constitute them, his "ontology" cannot be assimilated to its Heideggerian version—at least to its standard interpretation. Adorno's playing off of Kant against

Foucault claims that the individual "whom we are invited to free, is already in himself the effect of a subjection much more profound than himself" (*DP*, 30), he could be charged with pulling the rug from beneath his own feet, to the extent to which it seems to eliminate the only normative ground he could claim for a *critical* history.

Moreover, the dialectical process of mediation which Adorno calls experience can account for its "withering" under conditions of advanced capitalism and administration without denying that it *could* be undiminished: "Not least to blame for the withering of experience is the fact that things, under the law of pure functionality, assume a form that limits contact with them to mere operation, and tolerates no surplus, either in freedom of conduct or in autonomy of things, which would survive as the core of experience, because it is not consumed by the moment of action."[279] Or again, the disappearance of the continuity of historical experience turns it into "a timeless succession of shocks, interspaced with empty, paralyzed intervals," and thereby destroying the space of experience as "the lag between healing oblivion and healing recollection" (Ibid, 54).

Thus, it is not that Adorno opposes a diminished experience to an undiminished one, but rather, in accordance with the structure of mediation, he argues for an *internal* connection between a form of subjectivity which would preserve the moment of reflective unity without denying its dependence on alterity, or its own inherent non-identity, *and* its historical distortion through mechanisms of domination. In the light of this "withering," when Foucault approvingly identifies the effective concept of experience in "Nietzsche, Bataille, and Blanchot" as having the "function of wrenching the subject from itself, of seeing to it that the subject is no longer

---

Hegel, and vice versa, is mirrored by Foucault's playing off of Heidegger against Marx, and vice versa; and both moves are strategic.

[279] Adorno, *Minima Moralia: Reflections on a Damaged Life*, (New York: Verso, 2005) p. 40.

itself, or that it is brought to its annihilation or dissolution" (EW, 3:241), he could only be ratifying a social process that has already accomplished such a "desubjectivation" (Ibid).

Therefore, what one could call Adorno's "subjects without experience," which can only be discerned reflectively through the aporetic thinking of what experience has become, confronts Foucault's "experience without subjects" (EW, 3: 248), which articulates the limits constituted by historical practices. And from the perspective of immanent critique, Foucault's appeal to "limits" appears as either a hypostatization of contemporary social relations, i.e. as an ontological affirmation of the reification of subjectivity; or an ungrounded appeal to immediacy, i.e. as the affirmation of a pure essence grasped in intuition.[280]For if the subject is entirely constituted by power, and since constitution presupposes some kind of subject, power itself seems to become a metasubject; and if the "normalization" of subjects in modernity through psychiatric or incarcerational practices is bad in some sense, this could only be called by that name on the basis of what these subjects *would* be in the absence of such normalization or distortion.[281] Theoretical justification and normative grounding, then, appear to be unavoidable, if Foucault's histories are also going to be critical; and the price he pays for giving up the transcendental is either full adaptation to the very coercive mechanisms he describes, or the loss of the critical dimension by no longer speaking the language of reason.

---

[280] For example, Foucault's claim to be writing a history of madness itself in the 1961 Preface to the *History of Madness*; or the enigmatic appeal to "a different economy of the body and its pleasures" (HS, 159) ; but also see *FR*, pp. 296-297.

[281] Different versions of these charges are formulated in Habermas, *Philosophical Discourse of Modernity*, *op. cit*.; Charles Taylor, "Foucault on Freedom and Truth," in *Foucault: A Critical Reader* (Wiley-Blackwell, 1991) (hereafter *FCR*).

4.22 Subjects, Objects, and Mere Plants

I want to take up the discussion of "subjectivation" I introduced above and complicate it by incorporating the force of these objections, which I believe acquire urgency when framed by Adorno's negative dialectics and its proximity to and difference from historical ontology.[282]When Foucault introduces "subjectivation" in the context of his *History of Sexuality*, what he is interested in are "the conditions in which the human being "problematizes" what he is, what he does, and the mode in which he lives" (*UP*, 18)This is then taken as constituting the domain of "ethics" (*UP*, 36-45). He distinguishes this from "morals," which, as a broader category, studies the moral code comprising the rules which specify what is and is not permitted, what has positive or negative value, what is tolerated or shunned. In relation to this code, it is possible to study people's actual behavior as it conforms to this code, or not; or one could offer philosophical justifications for the rules contained in it. Unlike the former, which can be called a "sociology of morals," and the latter, which is moral philosophy,[283]Foucault is interested in the way in which the individual constitutes herself as a moral subject of her own actions.

Ethics as "relation to self" comprises four dimensions[284]: First, "ethical substance," which is that part of oneself or one's behavior taken as the relevant domain for ethical judgment: for instance, whether the emphasis is placed on feelings, desire, intention, or reason. Second, "the mode of subjection," which is the way in which someone is incited or invited to recognize her moral obligation: for instance, whether obligation is conceived as divine law, rational

[282] Part of my argument takes up the one I formulated in relation to Habermas in chapter three, part two.
[283] On this distinction, see Arnold Davidson, "Archaeology, Genealogy, Ethics," *FCR*, p. 228.
[284] "Rapport à soi"; see UPfr, passim, but in particular, pp. 13, 40, 44, 239.

imperatives, or social habit. Third, "practice of self,"[285] which is the type of work the individual is to perform on herself in order to become an ethical subject: for instance, the kind of asceticism implied by self-deciphering examination in monastic communities, or self-help books in contemporary societies. Fourth, "telos,"[286] which is the kind of being to which we aspire when we behave morally: for instance, purity, immortality, or self-mastery.

Therefore, Foucault inscribes "relation to self," the reflexive dimension which I claimed above as motivating his discrimination between subjection and subjectivation, within the fourfold articulation of ethical substance, mode of subjection, self-forming activity, and telos of the self. What this articulation allows is the comprehension of how the same prohibitions may give rise to different types of ethical self-constitution, or of the different types of activity and passivity entailed by similar moral codes.

I want to advance the following claim: When Foucault defines experience as the correlation between fields of knowledge, types of normativity, and forms of subjectivity, and he specifies the last dimension as subjectivation; the reflexive relation to self thereby articulated on the dimensions of knowledge and power is all one can (or should) ask for from a discourse that claims to be *both historical and critical*. This point is at once simple and complex:

> If now I am interested…in the way in which the subject constitutes himself in an active fashion, by the practices of self, these practices are nevertheless not something that the individual invents himself. They are patterns that he finds in his culture and which are proposed, suggested and imposed on him by his culture, his society and his social group. (FF, 11)

Experience, in this configuration, becomes the name for epistemic and practical engagements of the subject with the object. But the "opposition" between activity and passivity, which I pursued

---

[285] "Pratique de soi," or self-forming activity; see UPfr, pp. 12, 42, 44, 84.
[286] "Téléologie du sujet moral"; see UPfr, pp. 39, 54.

throughout this chapter, cannot be resolved in favor of one term over the other. Foucault's strategy is to write the history of the determinate relations between subjects and objects, and those relations, as constituted by discursive and nondiscursive practices, *is* the structure of experience.

However, Foucault's reference to the subject and the object is not motivated by a metaphysical belief in their primacy; it rather involves a strategic negotiation. So when he defines thought as "the act that posits a subject and an object in their various possible relations" (CC, 314), and continues to argue that "[t]hought is not what inhabits a certain conduct and gives it its meaning; rather, it is what allows one to step back from this way of acting or reacting, to present it to oneself as an object of thought and question it as to its meaning, its conditions and its goals" (EW, 1:); he is including the possibility of a critical subject in the very definition of experience. What thereby emerges is neither unique nor novel, to the extent that the capacity to "step back" from one's activity—to acquire a minimum distance with respect to it—in order then to interrogate it, is an old philosophical chestnut. What *is* interesting in this formulation is that no ground for this capacity is admitted other than the very context of practices in which the critical subject is always already enmeshed. And "mesh" is an apt metaphor because the effort to give primacy to either activity or passivity, in order to provide a theoretical foundation and a normative ground for one's considered judgments, not only results in contradictions of its own, but also results in an illusory conviction of critical efficacy.

It could be said, however, that this reference to practices still skirts the issue: either it simply replaces other foundational terms, such as discourse, or power, or regime, or *dispositif*—

in which case it reproduces the confusion between the transcendental and the empirical;[287] or it simply refuses to enter the space of reasons—in which case there is no reason why anyone should take Foucault's histories seriously. It appears as if Foucault cannot even escape between the horns of this complex dilemma, to the extent to which the disjunction seems exhaustive of the possibilities: it is *categorial* for modernity. I argued for one way in which the disjunction may be denied at the end of the previous chapter. Here I want to push the difficulty even further, and I think it goes as far back as (at least) Aristotle. The passage is wonderful, and it is worth quoting at length.

> [H]e whose subject is being must be able to state the most certain principle of all things. *This is the philosopher*, and the most certain principle of all is that regarding which it is impossible to be mistaken; for such a principle must be both the best known…and non-hypothetical….It is, that the same attribute cannot at the same time belong and not belong to the same subject in the same respect; *we must presuppose, in the face of all dialectical objections, any further qualifications which might be added*….For it is *impossible for anyone to believe* the same thing to be and not to be, as some think Heraclitus says; for what a man says, he does not necessarily believe….Some indeed demand that even this [principle] shall be demonstrated, but *this they do through want of education*. For it is impossible that there should be demonstration of everything: there would be an infinite regress, so that there would still be no proof. *But if there are things of which one should not demand demonstration these persons cannot say what principle they regard as more indemonstrable than the present one*….We can, however, *demonstrate negatively* even that this view is impossible, *if our opponent will only say something*; and *if he says nothing, it is absurd to attempt to reason with one who will not reason about anything*, in so far as he refuses to reason. For such a man, as such, is seen already to be no better than a mere plant.[288]

It is sufficient, then, that someone *say anything*, for the principle of noncontradiction to be demonstrated negatively: even the denial that the principle of noncontradiction is true would

---

[287] For example, "power" would be the transcendental condition of possibility, and "biopower" or "pastoral power," would be its empirical and historically varying content.
[288] Aristotle, *Metaphysics* IV. 3, 1005b8-34, IV. 4, 1006a5-22 (*Complete Works*, vol 2 (Princeton University Press, 1984)

be tantamount to presupposing its truth. Therefore, in any debate with reason, one has already taken the side of reason, unless one decides to be "a mere plant". So much so that, Aristotle seems to deny the very possibility of anyone's actually being able to deny the principle. There is a slippage or shift which occurs about midway through the first half of the passage: the principle, which concerns properties of things ("subjects"), is applied to *beliefs about* things. If Heraclitus in fact affirmed the contrary of the principle, as "some think," then he could not have *really* believed it, "for it is impossible for anyone to believe the same thing to be and not to be". Therefore, one can say or do something determinate only if one has either affirmed or denied something; and if one denies the principle of noncontradiction, he would have to *both affirm and deny* that very denial.[289]*Everyone* knows this—if she knows anything at all—but it is the philosopher who can state it.

Against the background of this "negative demonstration," Foucault appears to be either a plant, or, if he insists that he is saying something, he could not really believe what he says—or he says what he does not really believe. Granted that this dilemma imposes itself with this peculiar force on its opponent: just why must it be a question of being "for" or "against" the principle of noncontradiction?[290]In other words, why should referring the validity of such a principle to the context of social behavior in which it originates and operates be equivalent to its denial?

There are, of course, the familiar and plausible arguments against psychologism and sociologism. But I do not think that Foucault's invocation of a "fundamental experience,"

---

[289] In fact, Aristotle makes this point with even more force: "It follows that all would then be right and all would be in error, and our opponent himself confesses himself to be in error—And at the same time our discussion with him is evidently about nothing at all; for he says nothing. For he says neither 'yes' nor 'no,' but both 'yes' and 'no'; and again he denies both of these and says 'neither yes nor no'" (Ibid., IV. 4, 1008a8-33).

[290] Foucault's grappling with this issue in the context of a reading of Kant and the Enlightenment is in *PT*, p. 110.

comprising practices, entails either of these positions: he is not reducing validity to mental states, and he is not reducing it to "collective states". The claim is rather that validity is only ever formulated in statements, and statements are only ever produced in socially and historically determinate contexts. In other words, the production of statements that could become candidates for validity is a social practice and cannot be understood independently of the needs and desires of those who issue them; but furthermore, those very needs and desires are themselves interpreted through historically transformable practices. This means only that validity cannot be situated outside the processes of subjection and objectification I described above.

If one generalizes from this relation between validity and practices to questions of objectivity, it could be said that neither the constitution of the subject nor the formation of the object can be placed outside the conditions of their emergence. And a Foucauldian rejoinder to the dilemma would be that only on the basis of external assumptions about objectivity can one insist on its inevitability. For instance, both the motivation and the ultimate support for Aristotle's negative demonstration is his substance-attribute metaphysics. That is to say, his conception of reality constrains his conception of thought, and vice versa: it is the belief in their mutually grounding harmony which sustains Aristotle's effort. More generally, insistence on absolute objectivity no less than on absolute subjectivity must account for how such an absolute could ever be *recognized by empirical subjects*. From this perspective, it is precisely a concept such as "regime of truth" which avoids questionable appeals to immediacy.

If my argument is successful, it establishes not that questions of rationality, or even of truth, are only a function of the brute effectivity of physical constraints, but that the statement and evaluation of objectivity, *as an act of thought*, presuppose criteria of what counts as objective (or rational). In chapter two I argued for one way in which such criteria can be

understood. Here I only want to emphasize that these criteria are neither a function of individual psychology nor sociology—as theoretical disciplines, these themselves presuppose just those criteria which they claim to ground—but are immanent in the very practices which they define.

And that means: it is not necessary to insist that the only sense which objectivity can have is one where it has an independent constitution, requiring nothing but secondary recognition and reflective ratification. Foucault may not be able to justify or refute a principle such as that of noncontradiction; but neither can Aristotle: its demonstration, *as demonstration*, presupposes the very conclusion it claims to justify. If one insists, however, that Aristotle is not simply begging the question, since the question is not one of offering a *positive* demonstration for the principle, then it could be argued, a fortiori, that Foucault is not refuting what we take to be our most basic principles. In fact he is trying to show precisely why they have such a strong grip on us. And to that extent he is "accounting for" exactly that which remains unaccounted in any insistence on absolute objectivity or subjectivity.

Therefore, when Foucault claims that "the exercise of power creates objects of knowledge, makes them emerge….The exercise of power perpetually creates knowledge, and inversely, knowledge entails effects of power" (DE, 2: 753), what is at stake is the production of *true* knowledge, and not knowledge that would be false on that account. Moreover, his claim is not that "power" as such is bad, for the simple reason that "power as such does not exist" (EW, 3: 336). He is only interested in how "intentional and nonsubjective" (HS, 94) power relations structure and restrict the field of what can be done, which does not imply that they determine what will or must be done. So, for instance, when Beatrice Han argues that "The Foucauldian analysis of subjectivity… [oscillates] in a contradictory manner, between a definition of subjectivity as 'self-creation' [and] the need…to go back to the practices of power of which

subjects are not masters and are usually unaware" (BTH, 172), this is because she insists that subjectivation and subjection can only be understood as absolute activity and absolute passivity, respectively. But if the two poles are mediated by discursive and nondiscursive practices, then the insistence appears as a false dilemma.

I want to take one example from Foucault's description of how apparently secondary and empirical techniques of notation, registration, and statistical measurement were effective in constituting the "individual":

> One is no doubt right to pose the Aristotelian problem: is a science of the individual possible and legitimate? A great problem needs great solutions perhaps. But there is the small historical problem of the emergence, toward the end of the eighteenth century, of what might generally be termed the 'clinical' sciences, the problem of the entry of the individual (and no longer the species) into the field of knowledge; the problem of the entry of the individual description, of the cross-examination…into the general functioning of scientific discourse. To this simple question of fact, one must no doubt give an answer lacking in 'nobility': One should look into these procedures of writing and registration…and a new type of power over bodies. [It is] in these 'ignoble archives', where the modern play of coercion over bodies, gestures and behavior has its beginnings. (FR, 202-203)[291]

Foucault's interest, then, is not in the individual as the putative raw material for molding through subjection; and when he adds that subjectivation concerns the "forms and modalities of the relation to self by which the individual is constituted and recognizes himself as subject" (UP, 12), he is not positing the existence of an ahistorical substratum which would assume different historical shapes according to mechanisms of subjection and modes of subjectivation. The claim

---

[291] In relation to Adorno's thesis concerning the "withering of experience," it should be noted that where Adorno sees a decline in individuality through more intensified adaptation to the anonymity of administered social and economic life, Foucault sees progressive individuation through a different type of power relations. Adorno's claim of decline, however, is that of the spontaneity of subjects, and that is compatible with what Foucault is claiming here. But the Foucauldian rejoinder is that, the diagnosis of this state of affairs does not imply the postulation of what spontaneity itself, outside the normalizing mechanisms of modern disciplines, might be.

rather entails that there is no unconditioned ground or foundation for the different self-interpretations through which individuals problematize what they say and do in historically restricted fields of possible actions. Subjectivity so construed is, not unlike most hermeneutic conceptions, relative and without an absolute center. But unlike most hermeneutic conceptions, no appeal to a deep meaning or truth of the subject, which would always be anticipated in advance and which would always occlude itself, is at work.

However, even these oblique ways in which the possibility of a critical history, or "critical ontology of ourselves" (FR, 50), is motivated leave one somewhat dissatisfied. One rhetorical device on which I relied in order to motivate that possibility and its intelligibility betrays that unease: several times, in order to discount through acknowledgement a particular implication suggested by some Foucauldian claim, I wrote "At first blush this may appear as…." But why blush in the first place?

The reason is that, it seems almost self-evident that any talk of domination presupposes a prior definition, however indeterminate, of freedom: in the absence of something spontaneous, neither domination nor freedom seems to have sense.[292] Therefore, Foucault's refusal to distinguish between ideology and legitimate knowledge, or the absence of a principled distinction between good power and bad power, seems to undermine any critical thrust his histories could have. Adorno, faced with a similar difficulty, opts for an immanent critique which strives to hold up the idea of reason itself to its historical development as instrumental rationality, without pretending that this idea could be secured through the regulative ideal of communicative rationality.

---

[292] And Foucault does want to draw a distinction between power relations and domination: "The problem is…to acquire…the practice of the self, that will allow us to play [the] games of power with as little domination as possible" (EW 2: 298).

Rather, his admission of a qualified naturalism—only accessible through the negative mediation of the subject by the object and vice versa—which struggles to make visible the dominated (suppressed) moment of non-identity (sensuous particularity) through the contradictions which *that suppression itself* generates, at least lodges his critique in the refuge that contradictions provide. And since this means that resistance, however attenuated, is always possible, "the standpoint of redemption" (MM, 247) in face of despair provides some normative justification for the claims of critique, while accepting, without subterfuge, the critic's complicity with what she criticizes. Hence the inimitable and perpetual oscillations between her responsibility and her guilt, possibility and impossibility, exemplified in Adorno's own writings:

> To gain [critical] perspectives without velleity or violence, entirely from felt contact with its objects—this alone is the task of thought. It is the simplest of all things, because the situation calls imperatively for such knowledge, indeed because consummate negativity, once squarely faced, delineates the mirror image of its opposite. But it is also the utterly impossible thing, because it presupposes a standpoint removed, even though by a hair's breadth, from the scope of existence, whereas we well know that any possible knowledge must not only be first wrested from what is…but is also marked, for this very reason, by the same distortion and indigence which it seeks to escape. (Ibid.)

But what if not even "consummate negativity" reflects the mirror image of its opposite (any more), and what if the absolute, negative or otherwise, elicits only a yawn, even when the word is uttered with "no doubt"?[293] The predicament in which Foucault finds himself is perhaps more similar to this than that which negative dialectics articulates. However, the flipside of this "deflation" of the absolute, if that is what it is, is a paradoxically more sanguine assessment of *actual* possibilities. In relation to Habermas's ideal speech situation, Foucault claims that: "I

---

[293] Samuel Beckett, "Endgame," *Dramatic Works*, The Grove Centenary Edition, (New York: Grove Press, 2006) p. 93

have always had a problem insofar as he gives communicative relations…a function that I would call ‘utopian’. The idea that there could exist a state of communication that would allow games of truth to circulate freely, without any constraints or coercive effects, seems utopian to me. This is precisely a failure to see that power relations are not something that is bad in itself, that we have to break free of” (EW 1: 298). It is therefore not a question of deflating utopian notions because of their impracticability—that would amount to misunderstanding the very critical function for the sake of which they are invoked; rather, it is motivated by the recognition that a society without power relations would not be a society with unconstrained intersubjectivity, but the total elimination of all meaningful activity.

At the end of the passage I quoted from *Minima Moralia*, Adorno states: “[B]eside the *demand* thus placed on thought the question of the reality or unreality of redemption itself hardly matters” (MM, ibid, my italics). Granted that Foucault’s difference from the insistence on the refuge which the standpoint of redemption provides does not stem from its reality or unreality; still, how can he make sense of that *demand* itself, since it is an inherently normative concept?[294]

It is perhaps the peculiar force of this question which accounts for Foucault’s inscription of his “critical ontology” in the lineage of Kantian critique and the Enlightenment. For Kant had “found it necessary to deny *knowledge* in order to make room for *faith*” (CPR, Bxxx). The three questions, which it is the task of critical philosophy to answer, are: What can I know? What must I do? What may I hope? (CPR, A804-5/B832-3). I delineated what the Kantian answer to the first question is, and how it conditions and sustains modern attempts to articulate the activity and passivity of the subject, in chapter one. However, Kant himself goes beyond the perspective

[294] I offer one part of a possible answer to this question in the conclusion; here I focus on one of its dimensions in order to bring the discussion of this chapter to a conclusion.

opened therein. The antinomies establish the impossibility of transcendent knowledge; but the compulsion under which the subject seeks such knowledge is not referred to its irrationality or ignorance: “our unquenchable desire to find a firm footing beyond all bounds of experience” (CPR, A 796/B824) is inscribed into the very constitution of reason. Moreover, the very possibility of moral value itself seems to require a standpoint beyond possible experience. A brief attention to the *Groundwork for the Metaphysics of Morals* is sufficient to adumbrate the basic dimensions of this requirement relevant to what I want to say here.[295]

For Kant all rational-activity is rule-governed activity. What this means is that we need to distinguish between arbitrary “performances” from genuine actions. A genuine action is one which is done for the sake of an end; it is action in view of an end. This also means that the agent is able to formulate his action in terms of a rule. A maxim, in Kantian parlance, is precisely such a rule: it is the subjective principle which articulates the different components of an action and serves as the basis of one’s actions. The question Kant asks himself is what makes an action have moral worth. And his answer, rather bluntly put, is that the agent *must choose* to be guided in the selection of her ends by her desires.[296] Therefore, the requirement of reflexivity which Kant imposes on experience finds its parallel in his conception of practical agency.

For an action to have moral worth, the agent must *make* it her maxim, say, to tell the truth *because* it is her duty to do so; or *because* it is what is *required* of her as a rational moral agent; or again, *because* it makes a *claim* on her. Such an agent is said to act *for the sake of duty*, or *from duty*. It can in fact be the case that by telling the truth the agent may be accomplishing other ends, such as her happiness or that of the community, but the important thing is that *if* the action

[295] Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Cambridge University Press, 1998) (hereafter *GMM*).
[296] See *GMM*, pp. 11-16 and 19.

is to have moral worth, *then* it must be done for the sake of duty: the agent chooses to tell the truth, because she conceives of it as a moral obligation.[297]

The upshot of this insistence on reflective agency is Kant's claim that *if* we are to have genuine moral obligations, *then* we must conceive of ourselves as *autonomous* beings.[298] And the invocation of autonomy is comprehensible as a consequence of Kant's Copernican revolution, which I traced out in chapter one. If critical philosophy debars positive *theoretical* knowledge of God as unavailable for beings of discursive intellects and sensible intuitions, then traditional religious grounds for introducing moral value into the world can no longer have force. By the same token, no immediate intuition of value survives the disenchantment of critique. Moreover, since Kantian nature is only the formal unity of representations, where that unity is a function of mechanical causality (as a category of the understanding), objective teleology, that is, conceiving the existence of natural purposes independently of the constitution of subjectivity, also falls under the critical bar.

Only a "utilitarian" understanding of morality would seem to be available to the human animal in a world thus flushed of its own normativity. But Kant, as always, surprises one's expectations by arguing that what matters in morality is not happiness but acting so as to become worthy of happiness.[299] Since any appeal to mechanical determination of the will by the causality of desires I happen to have can only be a posteriori—and therefore contingent and particular; and since the very concept of duty implies that it is unconditional (hence a priori, which implies its necessity and universality); action, if it is meaningful at all, can only be conceived under the condition of freedom as self-determination.

---

[297] Ibid., p. 15
[298] Ibid., p. 55
[299] See *CPR*, A808/B836; *GMM*, pp. 12-14 and 19-20.

It is therefore, and again, a question of the foundational division of the transcendental and the empirical which motivates and justifies Kant's reconfiguration of what constitutes morality. Nothing empirical is sufficient to generate the unconditional necessity of the moral law, because the content of experience exhibits only a series of conditioned objects. And it is precisely the confusion of the transcendental with the empirical which condemns all attempts to justify morality either *transcendently*—by invoking God, say—or *empirically*—by appealing to contingent desires subjects happen to have.

Justification then, to follow the line traced out in chapter one, is based not on the object—some independent conception of the good—but the subject—the reflexive capacity of the will. I may value many things: health, wealth, good-looks, etc. But if I conceive of myself as determined solely and immediately by means of such empirical ends—Kantian "inclination"—then I would be no different from a leaf suspended on a branch which cannot act otherwise, once the relative strength of forces acting on it is given: "pull of gravity is greater than push (up by the branch)" equals "I fall". Therefore what the Kantian transcendental turn opens up is the necessity entailed by how a good will must be determined: the rational agent, if "she" is to be rational, or an agent, must abstract from all personal desires and inclinations as possible motives for "her" actions, and focus on the thought of duty alone as the sole determining factor for "her" will.

When I tell the truth not because of some desire or inclination (even ones we would think of as legitimate ones such as the desire to make others happy), but because I take truth-telling to be what is morally required of me, as making a demand and claim on me, this is like taking truth-telling as a law. And since I have abstracted from all personal desires in the formulation of my maxim, it has the *form* of a law, valid for everyone. What this means for the motive of action, for what it is in such a case that "moves" me to tell the truth is: the thought *that my maxim has the*

form of a law is the sole incentive for my action. And *that* is acting solely out of respect for the law.

From the perspective of the transcendental standpoint—that which such a law, the "categorical imperative," presupposes—it matters little whether freedom as self-determination is *in fact actual*: the reality of transcendental freedom is a "merely speculative question, which we can leave aside so long as we are considering what ought or ought not to be done" (CPR, A801/B829). Whether I am *in fact* free or not, in the sense implied by this account of morality, the categorical imperative is valid for me *as rational being*.

I want to emphasize the degree to which Kant's introduction of moral value and *the good*—normativity beyond the effectivity of physical constraint or utility—*through* the moral *law* (and *not* vice versa), is bound up with the necessity to hold the transcendental and the empirical standpoints apart.[300] The sublime moment of Kantian ethics is that, though it is made possible and necessary by the critical limits imposed on theoretical knowledge—which can only be of *phenomena*—its necessity requires the postulation of what transgresses those limits—the postulation of *noumena*. And the very "empty" impersonality of the categorical imperative, regardless of whether my freedom is actual, is what makes *rational reflection an expression of freedom*.

Kant is offering an independent conception of and justification for morality—independent of both religion and the pursuit of happiness. His view is based on a notion of human dignity that is a function of the human being as a rational free agent.[301] According to this

---

[300] This is probably not a controversial claim about Kant, but it is important to the intelligibility of the Foucauldian position I have been pursuing.
[301] See *GMM*, p. 23

conception most of our desires (inclinations)—including the one for happiness, which in fact can be seen as a blanket term for all our empirical ends—are discounted, or rather, are rendered irrelevant because a moral law cannot be binding for a rational free agent simply in virtue of the contingent desires she happens to have. Thinking of one's self as deciding under the sway of such desires turns such a self into the leaf that gets pushed and pulled in every which way by the forces acting on it now and again. It is precisely our capacity to abstract from such desires, and make it our maxim whether or not to be determined by them, that opens up the space for freedom.

Schematically put, Kant is saying: you are not simply determined to act in this or that way because you happen to have a desire to achieve this or that; you *choose to make* it your maxim to be so determined.[302] To use truth-telling as an example again: it is not that you tell the truth simply because you happen to want to contribute to communal happiness; you *choose to make* communal happiness the kind of end requiring your action. This is what makes us autonomous beings for Kant. And autonomy so understood becomes *self-determination*, *self-legislation*, or again *giving the law to oneself*.

The categorical imperative tells you that you must act only in accordance with a maxim that can be universalized, i.e. that can be seen as a universally valid law *binding for all rational beings*. It is precisely this capacity, for Kant, that makes the moral law something which is legislated by the rational agent "herself": the law on the basis of which we act is not found written outside on some granite block by God; and it is not laid down by our corporeal nature, which imposes the force of this or that desire; but, as the *categorical* imperative, it is written by

---

[302] For a good account of what the radical reflexivity of Kant's concept of autonomy entails (in the framework of Lacanian psychoanalysis), see Alenka Zupancic, *The Ethics of the Real: Kant, Lacan* (Verso, 2000).

us *as* rational beings. Therefore, allowing myself to be determined by any other end is *heteronomy*, that is being *determined by something external, other*.

It was already Hegel who leveled the charge that Kant's ethics lacks any substantial content.[303] The objection is that no substantial conclusions about how to act follow from a formal principle of rationality: a purely rational will, so completely isolated from all corporeal desires and concrete circumstances of action, will have no basis for making any decisions about how to act. Why, we may wonder, Kant so radically deprives the will of any determining motivation other than respect for the law; why would anybody regard any action that is not done strictly for the sake of duty, but rather in some way motivated by other desires, as inherently suspicious, lacking genuine moral worth?

The answer is that, since, for Kant, all empirical desires are contingent and subjective, only by reflectively detaching myself from them, that is detaching myself from my present interests and concerns as this particular individual, can I attain an objective, universal standpoint—the only standpoint that can generate objective laws binding for all rational agents. And what the categorical imperative tells us is precisely to regard ourselves as one moral agent among others, untainted by the subjective coloring of our desires and interests.

The upshot of the objection, then, is to insist on the fact that, from such a detached perspective, one will have no motivations left for acting in this *rather than* that way. However, one could argue, it is precisely the formality, and hence the substantive emptiness of the

---

[303] For a defense of Kantian formalism transposed into a linguistic, communicative register by Habermas, see "Morality and Ethical Life: Does Hegel's Critique of Kant apply to Discourse Ethics?" *Moral Consciousness and Communicative Action*, *op. cit*. In chapter three, I offer an objection to the Habermasian strategy involved here without necessarily impugning its formalism. In this section, however, I am interested in the formal aspect of the transcendental/empirical divide, as it relates to the problem of justification and its standpoints.

categorical imperative that Kant considered to be the supreme achievement of his conception of ethics.[304] Then a Kantian defense might be that the point is not to generate motivations, but to *offer rational justification* for the ones we already have, *from a perspective that is outside these motivations*.[305] It is precisely this concern with justification (and more broadly, legitimation) which would condemn the Foucauldian definition of ethics—as the articulation of ethical substance, mode of subjection, self-forming activity, and telos of the self—as hopelessly empirical, and therefore contingent: not only can it offer no self-grounding, thereby establishing the universality and legitimacy of some fundamental principles, it cannot even make a principled distinction between right and wrong.

But perhaps one should reverse the terms of the argument: *either* it is not possible to offer such justifications from the objective standpoint—because it is so abstract—*or* the putative objective standpoint will smuggle precisely those motivations into its perspective which it ends up endorsing, in which case it would be self-deception, though a comforting one, to consider it objective.

The Kantian insistence on the constitutive divide between the transcendental and the empirical is set up to secure *the self-grounding of reason* that is critique. That self-grounding depends on: first, the invocation of the conditions for the possibility of a unified, implicitly self-conscious subject of thought and action; and second, on the essential unity and teleology of

---

[304] Habermas takes just this achievement to be important in the essay referred to above, passim. The stronger version of the claim would be: it is precisely the formality of the moral law which makes the concrete richness of substantive identities possible in modernity—as opposed to, say, the stifling imposition of societal roles in antiquity or medieval Europe.
[305] Christine Korsgaard, *Sources of Normativity* (Cambridge University Press, 1996) See pp. 12-13, 15, and 61.

reason.[306] In the light of what I said above, I want to claim that Foucault provides us with the conditions of actuality of *self-relation without self-grounding*. This is what accounts for both his proximity to and difference from the Kantian lineage:

> [W]e have to give up hope of ever acceding to a point of view that could give us access to any complete and definitive knowledge of what may constitute our historical limits. And from this point of view, the theoretical and practical experience we have of our limits and of the possibility of moving beyond them is always limited and determined….But that does not mean that no work can be done except in disorder and contingency. (FR, 47)

Therefore, the exclusive and one-sided emphasis on the problems of justification and legitimation occludes another, no less important question: "…if the Kantian question was that of knowing what limits knowledge has to renounce transgressing…the critical question today has to be…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?" (FR, 45). And I want to add that the import of this question is ethical to the extent to which it refuses to accept the terms of the challenge according to which suffering will matter only in so far as it is argumentatively justified.

The "historical ontology of ourselves" (Ibid.), contrary to what one might expect from an ontology, is an ethics. The articulation of the criterial discursive and nondiscursive practices which determine the historically specific limits of what we think and say and do, is also the opening up of the space of freedom (as possible transgression). If, however, the charge is that the sheer contingency of the space thereby made possible is devoid of any normative foundation, and hence cannot even justify why and which suffering should matter, the Foucauldian rejoinder is:

---

[306] *CPR*, Axiii: "In fact pure reason is such a perfect unity that if its principle were insufficient for even a single one of the questions that are set for it by its own nature, then this [principle] might as well be discarded, because then it would not be up to answering any of the other questions with complete reliability."

suffering *should not require* justification. If one persists in demanding a justification for the force of this “should not”, on account of the constitutive divide between the transcendental and the empirical, then the response would be: no amount of argumentation in the world could pick up the slack generated by that divide. And if one does not already accept the non-transcendental necessity of that “should not”, ethics could only be the (sometimes subtle and sometimes crass) cruelty of the imperative: Justify your despair!

> *They said to me, Here's the place, stop, raise your head and look at all that beauty. That order! They said to me, Come now, you're not a brute beast, think upon these things and you'll see how all becomes clear. And simple! They said to me, What skilled attention they get, all these dying of their wounds.*
>
> *And the horizon? Nothing on the horizon? What in God's name could there be on the horizon?* (Beckett, *Endgame*, pp. 150, 113)

Limit-Experience: Hegel (without the Absolute) Again?

In defense of the historical function of Foucault's work, given its problematic status in relation to the standards of academic historiography, Garry Gutting claims that the *History of Madness* could be called a "Phänomenologie des Kranken Geistes," and adds: "not entirely facetiously."[307] I want to advance that comparison entirely with a straight face. Two factors immediately speak against such a proposal: First, Foucault's explicit references to Hegel in general, and the *Phenomenology of Spirit* in particular, are few and far between; and when he does thematize Hegel and "the dialectic", his remarks are almost always negative.[308]Second, his methodological reflections tend to privilege qualities that are opposed to the properties commonly attributed to

[307] Gutting, "Foucault and the History of Madness," *Cambridge Companion to Foucault*, *op. cit*., p. 66
[308] For his relatively less hostile but still sketchy discussions of the *Phenomenology of Spirit*, see *L'herméneutique du sujet, cours au Collège de France.* 1981-1982 (Gallimard/Le Seuil, 2001), pp. 30, 467, 505-506; *HMfr* pp. 69, 437, 642-643, 659. His negative remarks in general make me think that when Foucault says "Hegel" or "dialectic", most of the time he is thinking "Sartre" and "historical materialism". It is no wonder that he was influenced by Althusser, whose interpretation of Marx excoriated the humanist appropriation of Hegel: see, Louis Althusser, *For Marx* (Verso, 2006).

dialectical thought: spatial and not temporal, contingent and not necessary, empirical and not transcendental.[309]

But Foucault also writes that any distance traveled in relation to Hegel "assumes that we are aware of the extent to which Hegel, insidiously perhaps, is close to us; it implies a knowledge, in that which permits us to think against Hegel, of that which remains Hegelian. We have to determine the extent to which our anti-Hegelianism is possibly one of his tricks directed against us, at the end of which he stands, motionless, waiting for us" (AK, 235). I think Foucault's sensitivity to this difficulty is motivated by more than his desire to pay tribute to Jean Hyppolite.[310]

My defense of Foucault's account of experience in terms of rule-governed practices, following the logic of the analytic of finitude and the demands of the Agrippan trilemma, involved two strategies: a) since it is not possible to place oneself explicitly outside the space of reasons without thereby (and implicitly) situating oneself inside it, I tried to show how the concept of experience need not be construed in terms of the absolute separation of the inside from the outside, b) I claimed that insistence on this dynamic as a *transcendental* requirement occludes dimensions of practices that become visible through a Foucauldian account. My description of what I take to be Hegel's transposition of "deductive" function into history and his

---

[309] Which is why, in one sense, it is so easy to (dialectically) co-opt Foucault. In Bataille's succinct expression, it is impossible to escape the Hegelian system, since the system makes the absence of a relation into a relation—and Bataille himself tries to find a "language" for "inner experience"that will not immediately devolve into the Hegelian immediate (L'expérience intérieure [Gallimard, 2002] pp. 96, 127-145). Moreover, because opposition is the paradigmatic relation in dialectical thinking, the series of binary terms I list here would, if we follow the logic of sublation, become partial moments of an ultimate synthesis. It is this logic that I want to render problematic.
[310] The citation is from Foucault's inaugural lecture at Collège de France, *The Order of Discourse*, and Foucault was replacing Hyppolite's former chair.

move from self-consciousness to Spirit would then seem to follow squarely these two strategies. And therefore Foucauldian genealogy would appear Hegelian *Erinnerung* by other means.[311]

What, then, are the differences that make a difference? The claim I want to advance in conclusion is that experience is *already limit*-experience, and what that entails is intelligible through its articulation in terms of rule-governed criterial practices, which I have tried to develop. Moreover, I think that the critical thrust of Foucault's historical discourse lies therein.

That critique is intimately connected to a worry about and the demarcation of limits is not news: if Kant is right to frame the question of experience in terms of *our rights*, rather than *its fact*, then nothing empirical or transcendent can limit reason's claims from the outside; therefore the only legitimate philosophical path—one which would go beyond common sense, without messing about with neurons, as Rorty says[312]—becomes that of reason's self-critique. The reflexivity of conscious experience, which Kant presupposes and seeks to vindicate transcendentally, determines from the outset the direction that critique will take: the problem of knowledge becomes that of self-knowledge. Hence the peculiar circularity of transcendental arguments, by means of which we vindicate our rights to that which we already (take ourselves to) possess in fact. However, if this movement does not merely beg the question, it is because "possible experience," the centrality of which I emphasized in chapter one, turns out to be the limiting concept.

---

[311] My discussion of Foucault's division of his "methodologies" over the course of his trajectory avoided their strict separation—as archaeology, genealogy, and problematization—in favor of their articulation in terms of discursive and nondiscursive practices. In conclusion, I will use "genealogy" as the name for this enquiry which seeks to trace the contours of an ensemble of historically constitutive and therefore criterial practices.
[312] See chapter 1, introductory and concluding remarks, of the present study.

The techniques of examination, then, which occupy Foucault so centrally in *Discipline and Punish*,[313] are not too far removed from what for Kant is the essence of critique: the *self-examination* of reason, whereby its claims concerning that which falls inside the limits of possible experience are justified, but only at the price of renouncing its rights on what falls outside such limits. And transgression is to be *revealed and punished* by the same movement which reason must but cannot forego, through the tangle of contradictions any claim to knowledge beyond possible experience generates. The theme of self-reference is thus inscribed at the core of the critical project. The *Critique of Pure Reason* is the tribunal, and it is reason itself which issues the verdict on its own limits. And as *antinomial*, the contradictions that accrue to transgression indicate not that reason comes up against something other which it cannot grasp, but that reason is at odds with itself because it seeks "firm footing" there where there are no grounds.[314]

One must be cautious, however, not to move too quickly from the centrality of examination to the problem of freedom and domination. Just as something in our experience makes us suspicious toward the intricate balancing act through which Kant links up our freedom to the status of our epistemic and practical rights as rational beings of a certain kind; we must pose the question why to what Foucault says in relation to a key moment in the history of madness, which will be repeated in different configurations in so many limit-experiences: "Freed from the chains that had ensured that it was a pure object of the gaze, madness was paradoxically stripped of its essential liberty, which was that of solitary exaltation; it became responsible for what it knew of its truth, and was imprisoned in its own gaze, which was constantly turned back

---

[313] *DPfr*, pp. 201, 217ff, 220, 260-264

[314] Kant says: "[our] unquenchable desire to find a firm footing beyond all bounds of experience" (CPR, A 796/B824), and he writes about "the humiliation reason feels" when its pure use yields no positive results and when it therefore "requires discipline".

on itself, finally chained to the humiliation of being an object for itself" (HM, 499). Why should it be humiliating to be my own object, when an entire philosophical tradition locates the very exercise of my freedom there?

It is difficult to answer this question, not least because it concerns the nodal point where questions of epistemology and questions of morality intersect. Perhaps, by way of getting an initial traction on it, one should reverse the question and take up again the line I traced in chapter one from Kant to Hegel: Why should it be liberating, or an expression of autonomy, to determine oneself? Or rather, why does freedom find its definition in autonomy? The short answer, which I developed at the end of chapter four in Kantian terms, is that, according to the idealist conception of subjectivity, nothing else could count as its determining ground without its having already determined it as such: i.e., nothing could count as a reason unless the subject takes it as a reason, on pain of heteronomy, or determination through another (or any other).

However, and already in the idealist conception itself, autonomy so understood comes under a certain amount of strain which it cannot contain, since self-relation is possible only through relation to some other. The Hegelian rejoinder I adumbrated expresses the pressure which the subjects' placement in a social situation and in relation to one another creates. If self-consciousness presupposes recognition, and if genuine mutual recognition requires a genuinely universal basis of recognition, then Spirit must be conceived as a community of mutually recognizing individuals.[315]

---

[315] *PS*, pp. 104-111.

In Hegel's language, this transformation of self-consciousness points towards an "I that is a We and a We that is an I," that is, Spirit[316]. And the fundamental institutions of such a community will be legitimate, *because* they will embody universal recognition. Hence the force of Hegel's transformation of the Kantian opening: cognitive experience is itself a social institution, and rationality is ultimately explicable in terms of recognition. The subject of experience, which determines for itself its own fundamental practices, becomes Spirit, i.e., *a collective, socially self-determining, self-realizing subject*.

If, as Hegel says, "[self-consciousness] can achieve satisfaction only when the object itself effects the negation within itself; and [if] it must carry out this negation of itself in itself" (PS, 109), the dialectical relation thereby articulated expresses a necessary presupposition of (individual) subjectivity: the object cannot ground the subject, because its negation entails its destruction, therefore only another subject can ground the subject, since it alone can potentially *negate itself* without destroying itself. And recognition or acknowledgement is precisely the Hegelian name for this non-destructive self-negation. Moreover, its necessity and universality is underwritten by *the determinate negation* of the alternative moves available to agents who must confront the implications of their sociality. Therefore, Hegel, if successful, would achieve an immanent grounding of subjectivity and the legitimacy of its epistemic and practical activities, not through a denial of its dependence on some other, but precisely by insisting on the mutual implication of dependence and independence.

Phenomenology then is the narrative of the strategies that seek to provide a satisfactory relation to self in and through its relation to another. And Hegel's conception of *determinate*

---

[316] Ibid., pp. 110.

negation expresses how these strategies must fail for internal reasons, and in so doing, bring to light the conditions required for full satisfaction. One moment is key in relation to Foucault: if we take the strategies to be essentially and basically relations of power, Hegel's "looking on" already appears to have anticipated their emergence and disappearance: to the extent that "I" succeed in wresting recognition from "my" other without recognizing it in return, "I" lose the very basis of recognition. Only as freely offered can acknowledgment do the work which mere consumption of an external object could not; but a coerced recognition soon devolves into mere consumption. That is, I lose myself along with my other.

From this perspective, the "humiliation of being my own object" that Foucault *describes* in the above quotation *must also be* a criticism of one possible mode of self-relation; and *as criticism*, it must explicate and defend its own presuppositions. Furthermore, it cannot do this without at the same time adumbrating what could be in some sense a better form of self-relation. And it *must* do this *because* Hegel seems to have anticipated even that strategy which would refuse it, as when he provides the famous description of the Stoic figure: "Whether on the throne or in chains, in the utter dependence of its individual existence, its aim is to be free, and to maintain that lifeless indifference, which steadfastly withdraws from the bustle of existence, alike from being active as passive, into the simple essentiality of thought."[317]

---

[317] *PS*, p. 121 And of course Hegel's claim that such a shape of consciousness could only appear in a time of universal fear and bondage *and* culture finds its echoes in not uncommon interpretations of the mood of post-war Paris. One could insist that Foucault, in the passage at issue, is only describing a particular configuration, namely the birth of the asylum in contrast with Classical confinement, and that his concern is precisely that asymmetrical relationship between psychiatrist as medical authority and the patient as object of knowledge (HM, 499f). However, the question then becomes why that description should have any value beyond its own boundaries, and more importantly, why *that* relationship should seem paradigmatic of epistemic and practical interactions in modern societies at large.

Foucault the Modern stoic? Perhaps. In any event, a more fruitful way of reading Foucault's claim passes through his stated aim of conducting a "*critical* ontology of ourselves as a historico-practical test of the limits we may go beyond…as *work* carried out by ourselves on ourselves as free beings" (FR, 47, my italics). This "critical ontology" is a *genealogy* because "it will separate out, from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking" (Ibid, 44) the ways in which we do. And such a 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" (Ibid, 50, my italics).

The critical ontology of ourselves, then, which Foucault proposes at the end of his trajectory, resonates with the *history of limits* he proposed at its beginning:

> We could write a history of limits—of those obscure gestures, necessarily forgotten as soon as they are accomplished, through which a culture rejects something which for it will be the Exterior; and throughout its history, this hollowed-out void, this white space by means of which it isolates itself, identifies it as clearly as its values. (HM, xxix)
>
> To interrogate a culture about its limit-experiences is to question it at the confines of history about a tear [*déchirure*] that is something like the very birth of its history. (Ibid.)

I want to underline three terms, namely, critical work, genealogy, limit-experience, and briefly discuss each one as the site of a contestation between Foucault and Hegel.

When Foucault identifies his histories as part of "a critical ontology of ourselves"—as work which "we perform on ourselves"—he might be already within the ambit of the progression Hegel narrates in the *Phenomenology of Spirit*. For the very principle of that narration is the *labor of the negative*, which, moreover, consciousness is said to perform on itself, to the extent that "[c]onsciousness provides its own criterion from within itself, so that the investigation

becomes a comparison of consciousness with itself" (PS, 53); and therefore, "consciousness suffers this violence at its own hands: it spoils its own limited satisfaction" (Ibid., 51). This constitutes the main "methodological" improvement of Hegelian phenomenology over against what he calls "argumentation," which knows only how to say "[t]hat something is *not* the case," and hence remains only negative insight: "In order to have a content once again, something new must be taken over from elsewhere….[and therefore] this insight is the negative that fails to see the positive within itself" (PS, 36).

Speculative thought, however, accounts for the very negativity of its object, and thereby goes beyond it: "the negative belongs to the content itself, and is the *positive*, both as the *immanent* movement and determination of the content, and as the whole of this process" (Ibid). Determinate negation, therefore, is the *positive result* emerging from the process of negation.[318] In less lofty terms, every determinate claim presupposes some fundamental criterion of what is really there to judge, or what counts as right action, or again, some implicit presupposition about what any claim-making involves; but, short of the absolute standpoint, each such presupposition generates contradictions or, if we ascribe to Hegel a weaker conception of dialectical transitions than he at times seems to want, at least inconsistencies, for *purely internal reasons*.

Or, even more bluntly put, our classifications of nature and identifications of ourselves change on the basis of the internal failure of previous categorizations of the same: new criterion presupposes internal inconsistency of the previous ones, which presuppose undischarged

---

[318] See also p. 51, where Hegel argues to the effect that skepticism which fails to attain the speculative standpoint and takes its result as merely false, "pure nothingness," abstracts "from the fact that this nothingness is specifically the nothingness of that *from which it results*. For it is only when it is taken as the result of that from which it emerges, that it is…the true result; in that case it is itself a *determinate* nothingness, one which has a *content*….[Hence] in the negation the transition is made through which *the progress* through the complete series of forms *comes about of itself* [my emphasis]."

assumptions, which eventually lead to ultimate consensus as the only basis for objective justification. Therefore, there are no meta-rules grounding our first order rules, but rationality is *self-correcting*.

Thus Hegelian phenomenology achieves the truly presuppositionless standpoint, not by excluding every claim which admits of the slightest doubt, and not by reducing every claim to the immanence of transcendental subjectivity, but by including, in advance and exhaustively, the totality of presuppositions. It displays the *immanent rationality* of Spirit by articulating the possible strategies through which subjects aim at full satisfaction and fail.

Failure, then, is already accounted for within Hegel's account of what would count as success. The conceptual revisions—where "conceptual" refers to a criterial level—which consciousness "performs," are the *self-revision of thought* because their principle is the internal discrepancy between what consciousness takes as its standard of objectivity and the object itself. What consciousness implicitly presupposes as its standard of objectivity is not identical with what it takes to be its objects, and so long as that identity, which the absolute standpoint knows to be the identity of subject and object, is not achieved, each shape of consciousness will exceed itself and lead to another one *with new content*, *because* it is *already* divided from itself.

One could say, therefore, invoking Adorno, that *critical work*, understood dialectically "is the consistent sense of non-identity. It does not begin by taking a standpoint. My thought is driven to it by its own inevitable insufficiency, by my guilt of what I am thinking" (ND, 5); but add that, for Hegel, the labor of the negative as speculative is precisely *the accumulation of all shapes of consciousness*. What makes absolute knowledge absolute, that is unconditional, is just its inclusion of all conditions that fall short of grasping the identity of subject and object. Hence

the overcoming of dissatisfaction through mutual recognition is achieved when we come to realize our complicity with it: if we look rationally at the world, the world will look rationally back.[319] The immense power of Hegel's thought drives from his refusal to make cognitive and practical satisfaction a question of immediate intuition—say, of *some one thing* called the absolute—rational or otherwise, but the sublation (*Aufhebung*) of one-sided and *internally limited* partial standpoints.

Therefore, the absolute standpoint is complete not because there is nothing more to learn empirically, but because it is the very inclusion of exclusion, i.e., the recognition that mutual recognition is all the ground necessary and sufficient to legitimate the practices, cognitive or otherwise, of self-realizing and self-determining subjects. That is why the dialectic of dependence and independence I discussed in chapter one "ends" only when the "slave" becomes free-citizen through the negativity of work. And the work of history is the achievement of such a fundamental like-mindedness between subjects who recognize one another *as* recognizing each other.

So when Foucault claims that "[t]he idea of *bios* as a material for an aesthetic piece of art is something which fascinates me," (FR, 348) and that it might be possible to articulate a relation to oneself where the main task would be "to build [my] existence as a beautiful existence" (Ibid,

---

[319] Hegel, *Lectures on the Philosophy of World History* (Cambridge University Press, 1981) p. 29 The full translation by Nisbet reads: "Whoever looks at the world rationally will find that it in turn assumes a rational aspect; the two exist in a reciprocal relationship."

354), he might be giving voice to the "beautiful soul"[320] denounced by Hegel, precisely because an aesthetics of existence would shun the power of the negative:

> But that…*what is bound and actual only in its context with others*, should attain an existence of its own and a separate freedom—this is the tremendous *power of the negative*….Death, if that is what we want to call this non-actuality, is of all things the most dreadful, and to hold fast to what is dead requires the greatest strength. *Lacking strength, Beauty hates the Understanding* for asking of her what it cannot do. But the life of Spirit is not the life that shrinks from death and keeps itself untouched by devastation, but rather the life that endures and maintains itself in it. It wins its truth only when, in utter dismemberment, it finds itself. It is this power...only by looking the negative in the face, and tarrying with it. *This tarrying with the negative is the magical power that converts it into being*. This power is what we [call] *Subject* [as] that being or immediacy *whose mediation is not outside of it but which is this mediation itself*. (PS, 19) (My italics)

I want to claim that what Foucault's invocation of an aesthetics of existence involves is not a denial of or "shrinking from" negation, rational or otherwise, but the denial of the negation of negation. That is, Foucault refuses to grant negativity a primacy in how we come to revise our classifications and identifications of the world and of ourselves. The reason why "aesthetics" so understood nonetheless involves a negative moment is that it is inseparable from problematization: "Problematization doesn't mean representation of a pre-existing object, nor the creation by discourse of an object that doesn't exist. It is the totality of discursive and non-discursive practices that introduce something into the game of the true and the false and constitute it as an object for thought" (PPC, 257). That is, constitute it as an object for moral reflection, scientific knowledge, and political analysis. Therefore, "[t]he work of the history of

---

[320] See *PS*, pp. 383ff, 400, 406-407

thought would be to rediscover at the root of…diverse solutions the general form of problematization that has made them possible" (EW, 1:118).

So, for instance, it is a question of determining how sexuality becomes an object of knowledge and that domain where we seek the truth about ourselves, when in Greek and Roman antiquity it occupied, more or less, the same level as that of diet and health. Two points need underscoring: First, Foucault's "return to the Greeks" is not in order to retrieve some form of ideal or new paradigm from what would be the genuinely free practices of antiquity (relative to the disciplinary aspect of modernity). Foucauldian "history of the present" stretches further back in time because the dimension of self-relation in experience, and not that of power and knowledge, becomes the explicit object of enquiry later on his trajectory. Therefore, antiquity becomes interesting only to the extent that the organization of social life is not as rigidly organized by disciplinary and normalizing discursive and non-discursive practices.

In this sense, Deleuze is on the mark in his "negations" when he says that:

> "A process of subjectivation, that is, the production of a way of existing, can't be equated with a subject, unless we divest the subject of any interiority and even any identity. Subjectivation doesn't even have anything to do with a "person": it is a particular or collective individuation characteristic of an event….It is a mode of *intensity*, not a personal subject. It is a specific dimension without which we can't go beyond knowledge or resist power…." (Deleuze, *Negotiations*, pp. 98-99, modified)

Subjectivation aims to trace the contours of "some event" which cannot be that of the interiority of subjectivity, whatever its modalities. But when Deleuze continues to say that subjectivation is a question of the constitution of ourselves as a self "beyond knowledge and power," the claim goes awry in its assertion of the positivity and possibility of a region "beyond power and

knowledge".[321]In that sense, there is nothing beyond power and knowledge. But rather than ontologizing that nothing as the *Dasein*, or for-itself, or transcendental subject, Foucault inserts it into the interstices of the articulation of knowledge and power, as that self-relation which is not sufficiently consistent or substantial for it to provide a self-grounding.

Second, Foucault's problematization of Greek antiquity does not constitute a return because his concern is not to establish a metahistorical continuity: "What must be grasped is the extent to which what we know of [the generality of problems in a tradition]…constitute[s] nothing but determinate historical figures, through a certain form of problematization that defines objects, rules of action, modes of relation to oneself" (FR, 49). Therefore, it is not a question of anthropological invariants or chronological variations; nor is it a "deduction" or justification of transformations. In that sense, it differs from Hegel's interest in Greek antiquity. When Hegel reads Sophocles, for instance, he is concerned with showing how the Greek ethical life *had to* collapse under the weight of its own contradictory presuppositions, because it could not account for and provide the free individual subjectivity which it nonetheless demanded.[322]

When Hegel approvingly quotes Sophocles to the effect that "[b]ecause we suffer, we acknowledge we have erred" (PS, 284), this forms one of the dialectical reversals through which Spirit is led to a progressively more inclusive and adequate conception of what individuality demands; that is, to a more satisfactory conception of itself. Foucault's "genealogy of the modern subject," however, is not interested in legitimation, which is the primary concern for Hegel's recourse to history. The realization of freedom through the dialectical implication of the

---

[321] I think Deleuze is partially aware of this in "Desire and Pleasure," *FI*, pp. 183ff. Also see *Foucault* (University of Minnesota Press, 1988) p. 94ff In line with what I have said about "exprerience," I propose a somewhat different interpretation of "Foucault as cartographer," which Deleuze discusses on p. 23ff
[322] See, among others, PS, pp. 284f.

universal and the particular, *as* Hegelian experience, is simultaneously the retrospective justification of the path Spirit has traversed. Since the changing relation between subject and object requires that the subject redefine who it is *and* what its object is in response to its failed attempts at relating itself to its other, experience is at once a recognition and a misrecognition. And the negative thrust of this dialectical movement accentuates the failure of any isolated moment to arrive at a satisfactory coherent self-understanding and articulation.

However, the teleological development of Hegelian experience means that speculative discourse, which articulates the positive moment of this process, comes to full objectivity only when experiences are given an appropriate narrative order in memory. Narrative recollection, the Hegelian *Erinnerung*, exemplified by the path traversed by consciousness in the *Phenomenology of Spirit*, is open to contingency, while *retrospectively and at the same time* imposing a closure. It is therefore the sublation of contingency *and* necessity.

The narrative recollection which is the culmination of experience is also a *collective* recollection. Hegel moves away from Kant's transcendental subjectivity, with its formal interpretation of categorial conditions, toward the achievement of some fundamental "like-mindedness" as the condition of knowledge. We thereby shift away from a transcendental deduction toward an account of the *genesis* whereby such like-mindedness is achieved as a *result*. And it is this genetic account that bears the weight of justification, since we can no longer appeal to transcendental conditions. This move then entails the reconfiguration of the problematic of self-consciousness. Hegel's claim is that we must be able to reconstruct why participants in intersubjective situations would come to take this or that practice as constraining possible judgments about objects, facts, and legitimate political institutions.

The *necessity* of each transition between different shapes of consciousness is a function of his reconfiguration of objectivity as *Wirklichkeit*: the practice at issue will have been established *if* our reconstruction displays a rational inevitability in the development of such progressive self-consciousness. This reconfiguration transforms the pursuit of cognitive experience in general, and knowledge in particular, into participation in a social practice that is rule-governed, collective, and teleological. In order to evaluate the rationality of such practices one must consider such self-consciously held criteria as social norms. And retrospectively justified criteria will constitute the basis for mutual recognition.

There is a sense in which Foucault's historiography, the *History of Madness*, say, would be a *Phenomenology of Spirit* without the last chapter; or a sense in which *The Order of Things*, for instance, would be a "socialized" *Science of Logic*, listing the unfolding of the most fundamental concepts structuring social reality—actuality: not "Being, Nothing, Becoming…" but "Resemblance, Order, History…." That would be Hegel's infinite proximity to any inquiry which historicizes the transcendental and conceives of knowledge and action on the basis of social institutions, i.e., as social practice. But genealogy's refusal of the standpoint of legitimation also constitutes an infinite distance to the extent that it is not so much a historicizing of the transcendental as its renunciation. History then becomes "the concrete body of becoming; with its moments of intensity, its lapses, its extended periods of feverish agitation, its fainting spells; and only a metaphysician would seek its soul in the distant reality of an origin" (EW, 2: 373).

If "truth or being lies not at the root of what we know and what we are but the exteriority of accidents" (Ibid., 374), then no amount of retrospection will pick up the contingency of the moment of emergence and convert it to a rational necessity: "As it is wrong to search for a

descent [*Herkunft*] in an uninterrupted continuity, we should avoid accounting for emergence [*Entstehung*] by appeal to its final term; the eye was not always intended for contemplation, and punishment has had other purposes than setting an example. These developments may appear as a culmination, but they are merely the current episodes in a series of subjugations" (Ibid., 376).

This "hazardous play of dominations" (Ibid., 376-377) takes place in a non-place, because there is no common place where the adversaries confront one another. However, I think it would be a mistake to take such an invocation of the "endlessly repeated play of dominations" as a celebration of violence: it rather designates the unavailability of a ground, i.e., an epistemic or practical reason, which could justify or serve as a basis for mutual recognition. In other words, it should be understood as framing our interactions by a concept of interpretation that is deprived of the recourse to an absolute standpoint: there are no criteria for our criteria, but only further practices; that is, only interpretations of interpretations.

Historical inquiry then becomes "*wirkliche Historie*" (Ibid., 379f): It refuses totalization and closure; it does not seek subjective recognitions or reconciliation; and it gives up teleological imposition of unity. But perhaps the best way to describe the stakes of "effective history" is: "The dead. The body count. We don't like to admit the war was even partly our fault 'cause so many of our people died. And all the mourning's veiled the truth. It's not 'lest we forget,' it's 'lest we remember.' That's what all this is about — the memorials, the Cenotaph, the two minutes' silence. Because there is no better way of forgetting something than by commemorating it."[323]

The genealogist, then, is the one who will say "That's what all this is about," or: "[he] will know what to make of this masquerade…he will push [it] to its limit and prepare the great

---

[323] Alan Bennet, *History Boys: A Play* (Faber & Faber, 2006)

carnival of time where masks are constantly reappearing. No longer the identification of our faint individuality with the solid identities of the past, but our 'unrealization' through the excessive choice of identities" (EW, 385-386). And so it will be an "experimentation on ourselves" (Ibid., 388).

But if history displays only the endless installation of "[violence] in a system of rules and thus proceeds from domination to domination," what sense could one give to "That's what all this is about," and how can one understand the call to experimentation with the limits that define us, without contingency collapsing into mere arbitrariness? Does not the very concept of rule rule out experimentation so understood? In short, is it only a question of will?

Foucault's giving up of the transcendental standpoint is *not* a repudiation of reflection; it is rather motivated by the conviction that the moment of self-relation entailed by reflection cannot be anchored in any unreflected given. And that includes appeals to immediate intuition, or will, or power, where these are taken as merely given to thought from the outside. There is no unconditioned standpoint, transcendental or empirical, which would provide a refuge for thought outside of the practices constitutive of its forms. And that also implies the inseparability of the forms of thought from what is thought. Therefore, the abandonment of transcendental reflection is at the same time a radicalization of self-reflection.

If we simply insist on the separation between the transcendental and the empirical as constitutive for thought as such, then Foucault's histories must conform to the following schema: a hyper-empiricism, which historicizes all content, and a hyper-transcendentalism, which blindly posits a transcendental form (episteme, power, *dispositif*, regime, etc.). And the latter would be

worse than any we find in German idealism, since it is cut off from any reflective relation to the subject (hence its blindness).

Against this insistence, one must offer a different type of reflection on limits and rules, and their normative hold on how we think and speak and act. I have attempted to show how this different type of reflection is not the opposite of what would be its transcendental counterpart; and I have tried to understand why it nonetheless appears, from the transcendental perspective, as mere stammering or stumbling, that is, somehow self-defeating. You cannot respond to Zeno by walking from here to there; or set up an actual race between the tortoise and Achilles—though that would be fun; or again, refute Berkeley by kicking a stone.[324] But you can formulate alternative ways of thinking about experience such that it would already be limit-experience.

Kant turns geographer in a beautiful section of the *Critique of Pure Reason* titled "On the impossibility of a skeptical satisfaction of pure reason that is divided against itself"[325]:

> The sum total of all possible objects for our cognition seems to us to be a flat surface, which has its apparent horizon, namely that which comprehends its entire domain and which is called by us the rational concept of unconditioned totality. It is impossible to attain this empirically, and all attempts to determine it *a priori*…have been in vain. Yet all questions of our pure reason pertain to that which might lie outside this horizon or in any case at least on its borderline. (CPR, A759-760/B788-789)

"The famous Hume," Kant continues, "one of these geographers of human reason," "[expelled these questions] outside the horizon of human reason, which however he could not determine" (Ibid.). Hume, then, is at fault for merely limiting "our understanding without

---

[324] A wonderful presentation of these paradoxes are: "The Perpetual Race Of Achilles and the Tortoise" and "A New Refutation of Time," in Jorge Luis Borges, *Selected Non-Fictions* (Penguin, 2000).
[325] *CPR* A758-769/B786-797, where it is a question of "the discipline of pure reason in polemical use" no less.

drawing boundaries for it," (A767/B795) whereas the critique of pure reason should prove from principles "not merely the **limits** but rather the determinate **boundaries** of [itself]" (A761/B789).[326]

Hume is right when he claims that the judgment according to which the sunlight's illumination of the wax also melts it, could only be learned from experience; but he goes awry when he "falsely infer[s] from the contingency of our determination in accordance with the law the contingency of the law itself, and he [confuses] going beyond the concept of a thing to possible experience [which is a priori]…with the synthesis of the objects of actual experience, which is of course always empirical" (A766/B794). In other words, that it is the sun's warmth which melts the wax is contingent and particular, i.e., empirical; but that something must have preceded its melting in accordance with a constant law is necessary and universal, i.e., a priori. Because skepticism fails to appreciate this distinction, it can never be "itself satisfying for questions of reason, but [it is] preparatory for arousing its caution and…securing it in its rightful possessions" (A769/B797).

The clearest expression of how bounds differ from limits is found in *Prolegomena to Any Future Metaphysics*:[327] "Bounds (in extended beings) always presuppose a space existing outside a certain definite place and inclosing it; limits do not require this, but are mere negations which affect a quantity so far as it is not absolutely complete. But our reason, as it were, sees in its

---

[326] Kant calls the accomplishment of this drawing of boundaries the third step of pure reason, where the first step is its "dogmatic childhood" and the second step is skeptical, "sharpened by experience"; the third step, however, "pertains only to the mature and adult power [männlichen] of judgment." It would be interesting to trace out this attachment of the dialectic to "maturity," since Plato too is careful to restrict it by age and experience (see *Republic*, trans. G. M. A. Grube (Hackett Publishing Company, 1992) p. 205 What is curious is that Kant explicitly contrasts this drawing of boundaries with what would be the "censorship of reason," when Plato's appeal is in tandem with the "need" for censorship.

[327] Kant, *Prolegomena to Any Future Metaphysics* (Hackett Publishing Company, 1977), "On the Determination of the Bounds of Reason," 350-365 (I cite the marginal pagination.)

surroundings a space for the cognition of things in themselves, though we can never have determinate concepts of them and are limited to appearances only" (352). Therefore, "in all bounds there is something positive" (354), and we know this because "transcendental ideas have urged us to approach [the limits], and thus have led us…to the spot where the occupied space (viz., experience) touches the void (that of which we can know nothing)" (Ibid.). The bounds of pure reason, then, as limits of pure reason in a positive sense, can be conceptually determined and known.

Critique is that activity of thought which already leads to that "point or line of contact" (Ibid., 353) between the inside and the outside, and therefore, already in Kant, the determination of our rightful claims to knowledge require spatial metaphors, to the extent that the very reflexivity of reason implies talk of an inside and an outside. In other words, Kant is already a cartographer, since he recognizes the necessity of mapping the boundaries of knowledge. If such a mapping is possible, however, experience, in some sense, already points beyond itself, not because we could *have experience* (sensuous intuition) of that which transcends experience, but because our reason inherently forms concepts of totalities of conditions. The bounds of experience cannot be grasped from the outside—since that space is void, uninhabited, or inhabited only by illusory monsters—but we can know them from the inside. How then do I place myself on the borderline?

For Kant this requires an intricate balancing act—and it is possible to see the beginning of the interminable oscillations of the analytic of finitude here, at the limits of critique. I want to mention two moments: First, "[e]xperience, which contains all that belongs to the sensory world, does not bound itself; it only proceeds [from one conditioned thing to another]…But the setting of a boundary to the field of experience…is still a cognition which belongs to it even at this

point, and by which it is neither confined within the sensible nor strays beyond the sensible, but only limits itself..to the relation between what lies beyond it and what is contained within it" (Ibid., 360) In other words, experience does not tell me where it ends—its boundary is not empirical—but I can know *a priori* that *and* where it ends.

Second, I can know the outside only from the inside because the space of experience is constituted by *our* categories, where "we" are rational beings with discursive intellects and sensible intuitions. Even though the inside and the outside, the transcendental and the empirical, touch only liminally, they are anchored in the double status of man as transcendentally determining and empirically determined, that is, as subject and object of knowledge. Hence Kant's separation of the transcendental and the empirical standpoints as two irreducible dimensions of human finitude is linked up with the anthropological theme, to the extent that each standpoint is both attached to and distinct from its counterpart.

Kant says: here are the edges of the map, and outside there are only monsters. But the necessity of the antinomies is inseparable from the drawing of boundaries: "metaphysics leads us toward bounds in the dialectical attempts of pure reason (..stimulated thereto *by the nature of reason itself*)" (Ibid., 353, my italics). The Hegelian rejoinder is not far off: "The main point that has to be made is that antinomy is found not only in the four particular objects taken from cosmology, but in all objects of all kinds, in all representations, concepts, and ideas" (EL, 42) What this implies is:

> The being that is kept firmly distinct from the determinacy, *being-in-itself*, would be only the empty abstraction of being. In being-there the determinacy is one with being and is at the same time posited as negation; this determinacy is *limit*….Thus, otherness is not something-indifferent outside it, but its own movement. In virtue of its quality, *something*

> is first *finite* and secondly *alterable*, so that the finitude and alterability belong to its being. (EL, 148)

The limit, therefore, is not something external to what it limits, to the extent that as a *determinate* something, it is what it is only within, that is, on the basis of its limit. From this perspective, then, the Kantian attempts at inscribing critique within the stable framework of a series of dualities—concept/intuition, intelligible/sensible, etc.—is futile, since liminality permeates existence. Limit, therefore, is both constitutive of what it limits *and* its negation. It is dialectical, i.e., *as constitutive*, it is a nothing that *is*; or again, something is in itself the other of itself.[328]

Dialectical thought internalizes the transgression of limits as alteration—one form of which will be conceptual revision—because "the inner contradiction with which being-there is burdened from the start, and which drives it beyond itself" ensures that "[s]omething becomes an other, but the other is itself a something, so it likewise becomes an other, and so on *ad infinitum*" (Ibid., 149). But as speculative, the infinity implied by this movement is distinct from "spurious/negative" infinity, which is the infinite progression of "ought" that is at the core of Kantian—and Fichte's—"moral progress," the asymptotic approach to fulfilling the commands of duty—with happiness deferred to the afterlife—or the infinite extension of scientific knowledge—without ever knowing "things in themselves". (Ibid, 150-152)

Genuine infinity, however, which it is the task of speculative logic to articulate, is not this movement from one mediation to its other and back, "one damn thing after another," as one might say; rather, it "remains at home with itself in its other" (Ibid.) The teleology of reason, in

---

[328] And lest someone begs to differ, Hegel adds: "Those who are too squeamish toward the finite achieve nothing real at all, but remain in the realm of the abstract and peter out" (Ibid.)

its historical transposition, is this movement of Spirit, through figures of its self-alienation, until it arrives at the satisfaction of self-reconciliation. It is in this sense that Hegel can confidently claim that "every genuine philosophy is idealism" (Ibid, 152), to the extent that genuine satisfaction—epistemological, practical, and aesthetic—is not possible unless one comes to accept the ideality of every finite determination.

Moreover, this movement is rationally motivated, to the extent that it is the achievement of a "we": a community of mutually recognizing free individuals, who determine for themselves and through the inadequacy of their past practices, a shared form of life, the institutions of which structure the practical unity of their social existence. There is no other to community so understood, since its very historical achievement is supposed to have already accounted for *anything* that could even *count as its other*. If, as Hegel says, "*something* is first *finite* and secondly *alterable*, so that the finitude and alterability belong to its being" (EL, 148); and if, moreover, it is precisely for that reason that it can be infinite; then, otherness as such cannot be comprehended on the basis of an exclusion: exclusion is always already inclusion; such is the trick of reason.

I want to situate Foucault's limit-experience on this line, but "beneath the sun of the great Nietzschean quest, [to] confront the dialectics of history with the immobile structures of the tragic" (HM, xxx).[329]The strange "histories" Foucault writes, then, are the site of this

---

[329] "Limit-experience" itself has a convoluted history, and its interpretation in relation to Foucault usually elicits comparison with Karl Jaspers and his concept of *Grenzsituationen,* (*Psychologie der Weltanschauungen* [Berlin: Springer, 1919], cited in Eugene Webb, *Worldview and Mind: Religious Thought and Psychological Development* [University of Missouri Press, 2009] p. 15; Battaille and "inner experience," (*L'experience interieure* [Gallimard, 1978]). These comparisons often draw on Foucault's own brushes with "limit-experiences": a not very successful discussion is in James Miller, *The Passion of Foucault* (Harvard University Press, 2000), and a more nuanced and careful discussion can be found in Martin Jay, "The Limits of Limit-Experience: Bataille and Foucault" in *Cultural Semantics: Keywords of Our Time* (University of Massachusetts Press, 1998) pp. 62-79. Jay also mentions the invocations of similar "experiences" during the inter-war period in Germany, specifically Ernst Jünger's *Kampf als*

confrontation: "…in the history of madness [sic.] I was investigating the way in which a culture can determine in a massive, general form the difference that limits it, I am concerned [in *The Order of Things*] with how…a culture experiences the propinquity of things, how it establishes the *tabula* of their relationships and the order by which they must be considered" (OT, xxiv). And he can write those histories because "[f]rom the limit-experience of the Other to…the conceptions of the Same, what is available to archaeological analysis is…the threshold that separates us from Classical thought" (Ibid.)

When Foucault invokes Borges as having motivated *The Order of Things*, and starts by quoting the "Chinese encyclopedia," which divides animals into "(a) belonging to the Emperor, (b) embalmed, (c) tame…(k) drawn with a very fine camelhair brush, (l) et cetera, (m) having just broken the water pitcher…" (OT, xv)[330], this is because the fundamental question of a history of the same concerns the ground on (the basis of) which we establish the validity of our classifications, as "when we say that a cat and a dog resemble each other less than two greyhounds do, even if both are tame or embalmed, even if both are frenzied, even if both have just broken the water pitcher" (OT, xix). What justification do we have when we designate *that* "table of categories" impossible?

What Borges's "fable" shows, in the guise of a merely exotic taxonomy, are the *limits of our own classifications*, the network of necessities according to which we cannot think *that*. This

---

innere Erlebnis (1922), p. 73. Heidegger, of course, has something to do with all such occurrences of "limit-experience" in the twentieth century; see, for instance, his discussions of anxiety in section 40 (p. 228ff) and of authentic being-towards-death in section 53 (p. 304ff) in *BT*, *op. cit*. Habermas's hasty charges of *Lebensphilosophie* are perhaps intelligible against this backdrop. I want to propose a different interpretation— in line with the concept of experience I developed—one according to which experience is already limit-experience, and not its static and confining other. By the same token, limit-experience is more mundane than some of its lyrical evocations might suggest.

[330] Borges's account is in "John Wilkins' Analytical Language," *Selected Non-Fictions*, *op. cit*. pp. 229- 233

confrontation with limits is the source of Foucault's "laughter," which "shatters all the familiar landmarks of [his] thought" (OT, xv). But why laugh?

I have referred the massive number of heteroclite and contradictory events constituting our history to the level of fundamental experience; and I proposed that this be understood in terms of the spatially and temporally indexed, rule-governed practices criterial for a group of people. My contention has been that this provides a better grid of historical intelligibility, where "better" means: capable of discerning the *historical singularity* of events and *critical interrogation* of their conditions of emergence. I want to add: it also explains the uneasiness we feel before this "laughter," since it seeks to articulate a type of affirmation which is grounded neither in the recognition of truth understood as correspondence to an independent reality, nor in the mutual recognition of subjects understood as rational autonomous beings. It forgoes both the quasi-transcendental presuppositions of communicative action and consensus, and the dialectical development and rational reconstruction of a self-realizing community.

Gillian Rose claims that "[n]either positive nor negative, [Foucault's] affirmation is without determination or characteristic; it does not represent an encounter with the power of another but an ecstasy of blind laughter or blinding tears, which…is simply that old familiar despair."[331]But I think she is mistaken, for two reasons: First, this affirmation does not deny reflection, or self-relation, or even negation, but only a particular conception of negation which seeks to recover "what we have lost over the last half-century…in the second degree, by means of the analysis of…analyses" (AK, 202). Therefore, it is neither a question of what one could call writing the history of reason in terms of a reason without history, nor the denial of subjectivity,

---

[331] Gillian Rose, *Dialectic of Nihilism: Post-Structuralism and Law* (Wiley-Blackwell, 1991) p. 207

but of “[freeing] history from the grip of phenomenology,” as well as denying satisfaction to “all transcendental narcissism” (Ibid., 203). In other words, it is only the denial of the dilemma according to which a particular conception of rationality would seal itself against all empirical conditioning in advance, and say: “either it does not reach us or we claim it” (Ibid., 206).

Second, there *is* something of despair in Foucault’s laughter; he says as much himself: “The uneasiness that makes us laugh when we read Borges…” (OT, xviii) And just what should be so bad about “that old familiar despair”? The “uneasiness” is related to the “distress of those whose language has been destroyed: loss of what is ‘common’ to place and name” (Ibid., xix). Some aphasiacs, Foucault informs us, are consistently unable to arrange colored skeins of wool into any coherent pattern on top of a table:

> [A]s though that simple rectangle were unable to serve in their case as a homogenous and neutral space in which things could be placed….Within this space in which things are normally arranged and given names, the aphasiac will create a multiplicity of tiny, fragmented regions in which nameless resemblances agglutinate things into unconnected islets....But no sooner have they been adumbrated than all these groupings dissolve again…so the sick mind continues to infinity, creating groups, then dispersing them again….” (Ibid., xviii)

I know of no better description of how Foucault’s historiography itself patterns its “material,” and therefore of the experience of reading his histories. Foucault the aphasiac?

Perhaps. But perhaps this form of historical aphasia is precisely our fundamental experience. The interstices separating and juxtaposing our categories is where monstrosity lurks. These monsters are not exactly on the order of what is fictional—*fabula*, or fabulous—since that has its own place in our categories. Rather, what is *liminal* about experience, thereby making it already limit-experience, is the utter contingency of the practices, discursive and non-discursive,

that sustain our classifications and identifications. No transcendental ground, not even a historically modulated one, can account for the ways in which we think and act and speak, if "accounting" is understood as rational legitimation. In that sense, there is no accounting for the ways in which we count—on one another, but also on the world.

If it is Borges's *fiction* which helps us to this "realization," it is not surprising that there is something fictional about Foucault's histories. For it is possible to assert that, not unlike Borges, he too "dispenses with the least obvious, but most compelling of necessities; he does away with the *site*, the mute ground upon which it is possible for entities to be juxtaposed" (OT, xvii). But if history so understood *does* something more than what we, perhaps too easily, call "fiction," it is because it makes it possible to see "a worse kind of disorder than that of the incongruous, the linking together of things that are inappropriate…[namely] the disorder in which fragments of a large number of orders glitter separately in the dimension, without law or geometry, of the *heteroclite*…in sites so very different from one another that it is impossible to find a place of residence for them, to define a *common locus* beneath them all" (Ibid., xvii-xviii)

I said: "discursive *and nondiscursive* practices". For it is also a question of force and of power. My claim has been that an understanding of experience as an articulation of two "types" of practices, where their articulation is neither a logical, nor linguistic, nor even causal determination, provides a more honest description of human action *precisely because* it refuses to read more rationality into it than is to be found. This articulation concerns rather "that less apparent syntax which causes words and things (next to and also opposite one another) to 'hold

together'" (OT, xviii).[332] I have tried to relate this "syntax" to Wittgenstein's "grammar". However, even though I argued against a transcendental reading of Wittgenstein, the opposite risk of that engagement is that critique may then appear only a matter of "this is how we go on"; and critical work would be restricted to the description of the moves "we" make in different language games, and if "they" do not move like us, then they are not one of us.[333]

There are times when that may be all we can or even should say and do. At such times the Foucauldian rejoinder against strategies of exclusion is not to "cry normalization," but to insist that we realize that *that* is what we are doing, and accept responsibility for the consequences. It therefore has more critical force than an argument which would transcendentally secure the legitimacy of that exclusion by "demonstrating" the irrationality of those who are so excluded, without accounting for the constitutive role our social sanctions play in their very creation. That insistence takes two forms: epistemic, which I discussed in terms of conditions of acceptability and conditions of predication; and normative, which I discussed in terms of power relations and their strategies. Demonstration, then, is complicit with the formation and exclusion of monsters, which does not entail that we would thereby be excused from making distinctions in order to collapse truth and falsehood, right and wrong, into a new night in which all cows are black.

---

[332] A very good formulation of what I take to be a similar point from another angle is found in Michel Serres, "The Geography of the Incommunicable: Madness," in *FI*: "…the work of Foucault is in no way a history (or a chronicle) of psychiatry, in as much as the recurrent exploration…does not bring presciences to light. It is an archaeology of the subject who is sick in the most profound sense, that is to say, more than a generalized etiology, in that it reveals the conditions of knowledges indissolubly linked to conditions of sickness….This *Folie et Déraison* is thus…a history found in the mirror of the asylum's microcosm, disfigured certainly, silent and pathetic, but rigorously organized….This hallucinatory mirror does not open a space of virtual images, but rather discovers the originary terrain of cultural processes, the forgotten latencies in human works." pp. 55-56

[333] Rorty, for instance, opts for an unquestioned separation between the private and the public in order to resolve a similar difficulty: "The vocabulary of self-creation is necessarily private…the vocabulary of justice is necessarily public and shared," *Contingency, Irony, Solidarity* (Cambridge: Cambridge University Press, 1989) p. xiv. The separation, however, results in the impoverishment of both (what are then called) "aesthetic creation" and "moral/legal action".

Nonetheless, there is something tragic about this, and even tragedies have a denouement. But perhaps tragedy here should only be understood in its contrast with both dialectics and rational reconstruction: it is the denunciation of that rationality which magically transforms differences into oppositions, in order then to make negation determinate by the teleology of a closed system. In short, it is the refusal of facile and final syntheses. The work so constructed "is not a critical history which aims to demonstrate that behind…so-called knowledge there is only mythology, or perhaps nothing at all…. [But it is rather] the problematization of something which is real, but that problematization is something which is dependent on our knowledge…techniques, social relations and economical processes" (FL, 418).

A Bradleyan epigraph from *Minima Moralia* reads: "Where everything is bad it must be good to know the worst" (MM, 83). But why? What good could come out of knowledge, the content of which would be exhausted in its reflection of the badness of the totality? Conversely, how could the totality be all bad, so long as it still allows space for at least one statement "everything is bad"? Perhaps it is against the backdrop of this difficulty that Foucault's disclaimer becomes intelligible: "My point is not that everything is bad, but that everything is dangerous" (FR, 343); and his appropriation of the critical tradition as "the patient labor giving form to our impatience for liberty" (Ibid., 50). A historical critique of this type is necessarily unsatisfactory, since it disavows both transcendental and empirical grounding; and therefore, it is necessarily problematic and fragile, since it depends *only* on what it criticizes, making its cooptation possible in principle.

But perhaps this fragility is precisely what harbors its *indeterminate negativity*. Kant invoked the transcendental as precisely that dimension of thought which, in a world where one no longer speaks with gods or sees natural purposes, makes freedom theoretically possible and

practically necessary. But its grounding in a formal normative framework—it matters little whether that is inscribed in a doctrine of faculties or the norms of communicative action—secures the enlightenment of good reasons only to blind us to how we can also be *blinded by good reasons*. And that is because it thereby renders secondary and derivative the question of good life. Or rather, that question is no sooner raised than forgotten, formal and ideal, like the point of its mark. Freedom too is *of* this world, and if it is not a *thing*, this is not because its possibility is secure in principle, nor because its actuality is visible in fact, but because we keep on making a problem of what we say and think and do, without knowing whether it will continue or whether it has ended already.

Bibliography

Adorno, Theodor W., *The Adorno Reader*, Brian O'Connor ed., (Wiley-Blackwell, 2000).
---. *Critical Models: Interventions and Catchwords* (Columbia University Press, 1998)
---.*Culture Industry*, 2nd ed. (Routledge, 2001)
---. and Max Horkheimer, *Dialectic of Enlightenment* (Stanford University Press, 2007)
---. *Notes to literature volume one,* trans. Sherry Weber Nicholson, ed. Rolf Tiedeman (New York: Columbia University Press, 1991)
---. *Notes to literature volume two,* trans. Sherry Weber Nicholson, ed. Rolf Tiedeman (New York: Columbia University Press, 1992)
---. *Minima Moralia: Reflections on a Damaged Life* (Verso, 2006)
---. *Negative Dialectics*, 1st ed. (Routledge, 1990)
---. *Prisms*, (The MIT Press, 1983)

Allison, Henry E. *Kant's Transcendental Idealism: An Interpretation and Defense* (Yale University Press, 2004)

Althusser, Louis, *For Marx* (Verso, 2006)

Aristotle, *Complete Works of Aristotle, Volume 2* (Princeton University Press, 1984)

Armstrong, T. ed, *Michel Foucault : Philosopher* (1st ed. Routledge, 1991)

Austin, J.L. *How to Do Things with Words: The William James Lectures Delivered in Harvard University in 1955,* 2nd ed. (Oxford University Press, 1976)

Bataille, Georges. *L' Experience Interieure* (Gallimard-Jeunesse, 1978)

Beckett, Samuel. *The Dramatic Works of Samuel Beckett: Volume III* (Grove Press, 2006)

Bennett, Alan, *The History Boys: A Play* (Faber & Faber, 2006)

Bennington, Geoffrey, *Derrida* (Editions du Seuil, 2008)

Bernstein, J. M. *Adorno: Disenchantment and Ethics* (Cambridge University Press, 2001)

Borges, Jorge Luis. *Borges: Collected Fictions,* 1st ed. (Penguin, 1999)
---. *Borges: Selected Non-Fictions*, 1st ed. (Penguin, 2000)
---. *The Book of Imaginary Beings*, (Penguin Classics, 2006)

Cavell, Stanley. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (Oxford University Press, 1999)

Davidson, Arnold I. ed. *Foucault and His Interlocutors* (University of Chicago Press, 1998)

Deleuze, Gilles. *Foucault* (University of Minnesota Press, 1988)

---. *Negotiations 1972-1990*, (Columbia University Press, 1997)

Derrida, Jacques, *Edmund Husserl's "Origin of Geometry": An Introduction* (University of Nebraska Press, 1989)
---. *Limited Inc*, 1st ed. (Northwestern University Press, 1988)
---. *Of Grammatology*, (The Johns Hopkins University Press, 1998)
---. *Writing and Difference*, (University of Chicago Press, 1978)

Descartes, Rene, *The Philosophical Writings of Descartes: Volume 2*. (Cambridge University Press, 1985)

Dews, Peter, *Logics of Disintegration: Poststructuralist Thought and the Claims of Critical Theory* (Verso, 2007)
Dreyfus, Hubert L. and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, 2nd ed. (University of Chicago Press, 1983)

Gros, F., *Foucault et la folie* (Presses Universitaires de France, 1997)

Fichte, Johann Gottlieb, *The Science Of Knowing: J.g. Fichte's 1804 Lectures On The Wissenschaftslehre* (State University of New York Press, 2005)

Flynn, Thomas R., *Sartre, Foucault, and Historical Reason, Volume Two: A Poststructuralist Mapping of History* (University Of Chicago Press, 2005)

Foucault, Michel. *Surveiller et punir, Naissance De La Pris* (Gallimard, 1998)
---. *Aesthetics, Method, and Epistemology*, *Essential Works vol. 2* (New Press, 1998)
---. *Discipline & Punish: The Birth of the Prison* (Vintage, 1995)
---. *Ethics: Subjectivity and Truth, Essential Works vol. 1* (New Press, 2006)
---. *Histoire de la folie a l'age classique* (Gallimard, 1972)
---. *History of Madness*, trans. Jean Khalfa (Routledge, 2009)
---. *Introduction to Kant's Anthropology,* trans. Kate Briggs (Semiotexte, 2008)
---. *L'Ordre du Discours* (Gallimard, 1971)
---. *Maladie mentale et personalité* (Paris: Presses Universitaires de France, 1954)
---. *Mental Illness and Psychology* (University of California Press, 2008)
---. *Order of Things: An Archaeology of the Human Sciences* (Routledge, 200)
---. *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984* (Routledge, 1990)
---. *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977* (Pantheon, 1980)
---. *The Archaeology of Knowledge & The Discourse on Language* (Pantheon, 1982)
---. *The Final Foucault* (The MIT Press, 1988)
---. *Foucault Live: Interviews, 1961-84*. (Semiotext(e)), 1996)
---. *The Foucault Reader* (Pantheon, 1984)
---. *L'Hermeneutique du sujet: Cours au Collège de France* (Seuil, 2001)
---. *The History of Sexuality, Vol. 1: An Introduction* (Vintage, 1990)
---. *The History of Sexuality, Vol. 2: The Use of Pleasure* (Vintage, 1990)
---. *The History of Sexuality, Vol. 3: The Care of the Self* (Vintage, 1988)
---. *Histoire De La Sexualite 2: L'Usage Des Plaisirs* (Gallimard, 1984)

---. *The Politics of Truth (Semiotex*t, 2007)
---. *Power*, *Essential Works vol. 3* (New Press, 2001)

Franks, Paul W. *All or Nothing: Systematicity, Transcendental Arguments, and Skepticism in German Idealism* (Harvard University Press, 2005)

Gardner, Sebastian, *Kant and the Critique of Pure Reason* (Routledge, 1998)
Gutting, Gary. *Michel Foucault's Archaeology of Scientific Reason: Science and the History of Reason* (Cambridge University Press, 1989)
---. ed., *The Cambridge Companion to Foucault* (Cambridge University Press, 1994)

Habermas, Jürgen, *Knowledge and Human Interests* (Beacon Press, 1972)
---. *The Philosophical Discourse of Modernity: Twelve Lectures* (The MIT Press, 1990)
---. *The Theory of Communicative Action, Volume 1: Reason and the Rationalization of Society* (Beacon Press, 1985)
---. *The Theory of Communicative Action, Volume 2: Lifeworld and System: A Critique of Functionalist Reason* (Beacon Press, 1985)

Hacking, Ian, *Historical Ontology* (Harvard University Press, 2004)

Han, Béatrice, *Foucault's Critical Project: Between the Transcendental and the Historical* (Stanford University Press, 2002)

Hegel, G. W. F., *Hegel: Elements of the Philosophy of Right* (Cambridge University Press, 1991)
---. *Lectures on the Philosophy of World History* (Cambridge University Press, 1981)
---. *Science of Logic* (Routledge, 2004)
---. *Phenomenology of Spirit* (Oxford University Press, 1979)
---. *The Encyclopaedia Logic: Part 1 of the Encyclopaedia of Philosophical Sciences with the Zusatze* (Hackett Publishing Company, 1991)

Heidegger, Martin, *Being and Time* (HarperOne, 1962)
---. *Hegel's Concept of Experience* (Harper and Row, 1970)

Henrich, Dieter, *Between Kant and Hegel: Lectures on German Idealism* (Harvard University Press, 2008)

Honneth, Axel, (*The Fragmented World of the Social: Essays in Social and Political Philosophy*. State University of New York Press, 1995)

Hoy, David ed., *Foucault: A Critical Reader* (Wiley-Blackwell, 1991)

Husserl, Edmund, *Cartesian Meditations: An Introduction to Phenomenology* (Martinus Nijhoff Pub., 1977)
---. *Crisis of European Sciences and Transcendental Phenomenology,* trans. David Carr (Northwestern University Press, 1970)
---. *Formal and Transcendental Logic* (Martinus Nijhoff, 1966)

---. *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy: First Book: General Introduction to a Pure Phenomenology* (Springer, 1983)
---. *Logical Investigations, Vol. 2* (New edition. Routledge, 2001)

Inwood, Michael, *A Hegel Dictionary* (Wiley-Blackwell, 1992)

Jay, Martin, *Cultural Semantics: Keywords of Our Time* (University of Massachusetts Press, 1998)
---. *Songs of Experience: Modern American and European Variations on a Universal Theme* (University of California Press, 2006)

Kant, Immanuel, *Critique of Pure Reason* (Cambridge University Press, 1999)
---. *Groundwork of the Metaphysics of Morals* (Cambridge University Press, 1998)
---. *Practical Philosophy* (Cambridge University Press, 1999)
---. *Prolegomena to Any Future Metaphysics That Will Be Able to Come Forward As Science with Kant's Letter to Marcus Herz* (Hackett Pub Co, 2002)

Korsgaard, Christine M, *The Sources of Normativity* (Cambridge University Press, 1996)

Lear, Jonathan *Freud* (Routledge, 2005)
---. “The Disappearing 'We'.” *Proceedings of the Aristotelian Society, Supplementary Volumes* 58 (1984): 219-258.

McDowell, John, *Mind and World* (Harvard University Press, 1996)

Merleau-Ponty, *Le visible et l’invisible*, *suivi de notes de travail* (Gallimard, 1991).
---. *Phenomenology of Perception* (Routledge, 2002)

Miller, James, *The Passion of Michel Foucault* (Harvard University Press, 2000)

Moser, Paul K. and Thomas L. Carson, eds. *Moral Relativism: A Reader* (Oxford University Press, USA, 2000)

Nancy, Jean-Luc, *The Experience of Freedom* (Stanford University Press, 1994)

Neuhouser, Frederick, *Fichte's Theory of Subjectivity* (Cambridge University Press, 1990)

Nietzsche, Friedrich, *'On the Genealogy of Morality' and Other Writings* (Cambridge University Press, 2006)

O'Connor, Brian, *Adorno's Negative Dialectic: Philosophy and the Possibility of Critical Rationality* (The MIT Press, 2005)

Pippin, Robert B. *Hegel's Idealism: The Satisfactions of Self-Consciousness* (Cambridge University Press, 1989)
---. *Modernism as a Philosophical Problem: On the Dissatisfactions of European High Culture*

(Wiley-Blackwell, 1999)

Plato, trans. G. M. A. Grube, and C. D. C. Reeve, *Republic*, second ed. (Hackett Publishing Company, 1992)

Rorty, Richard, *Contingency, Irony, and Solidarity* (Cambridge University Press, 1989)
---. *Philosophy and the Mirror of Nature* (Princeton University Press, 1981)

Rose, Gillian, *Dialectic of Nihilism: Post-Structuralism and Law* (Wiley-Blackwell, 1991)
--. *Hegel Contra Sociology (*Verso, 2009)

Roudinesco, Elizabeth, et al., *Penser la folie: Essais sur Michel Foucault* (Galilee, 1992)

Schelling, Friedrich Wilhelm Joseph Von. *Unconditional in Human Knowledge: Four Early Essays* (Associated University Press, 1980)

Searle, John R., *Speech Acts: An Essay in the Philosophy of Language* (Cambridge University Press, 1970)

Smith, Nicholas, ed. *Reading McDowell: On Mind and World* (Routledge, 2002)

Welton, Donn, ed. *Critical and Dialectical Phenomenology* (State University of New York Press, 1987)

Wittgenstein, Ludwig, *On Certainty* (Wiley-Blackwell, 1991)
---. *Philosophical Investigations*, 4th ed. (Wiley-Blackwell, 2009)

Zizek, Slavoj, *The Ticklish Subject: The Absent Centre of Political Ontology* (Verso, 2009)

Zupancic, Alenka, *Ethics of The Real: Kant, Lacan* (Verso, 2000)