

MICHEL FOUCAULT, PHILOSOPHER? A NOTE ON GENEALOGY AND ARCHAEOLOGY¹

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My title formulates a question that is mainly addressed to myself. Less elliptically formulated, it would read as follows: please explain why you, a professor in philosophy, have published over the years so many pages in which you kept referring to the work of someone who has authored a series of historical works on topics which, at first sight, have hardly any bearing on the discipline which your institution pays you to do research in. Whence this attraction to studies on madness, crime or sexuality? Wasn't one book enough to make you realize that however enticing a reading such works may be, they bring little, if anything, for philosophy as such?

I imagine my inquisitor wouldn't rest if I were to point out to him that he seems badly informed and apparently unaware of the fact that Foucault by now has come to be accepted as an obvious part of the philosophical canon for the past century. Should I manage to convince him to take up a few of the books presenting his thought to philosophers, he would no doubt retort that what he had been reading mainly consisted of summaries of the aforementioned histories, and for the rest of exactly the kind of arguments that gave rise to his suspicion: accusations of nihilism, relativism, self-contradiction, critique without standards... And worse, if I were honest, I would have to agree that for all the fascination that it exerted on us philosophers, Foucault's work also put us before a deep, and by now familiar embarrassment. It did indeed transgress the usual boundaries of the discipline and it lured many of us into foreign ground or discussions that, in hindsight, seem dated, sterile and deserve to be remembered as examples that show that the art of reading on which philosophy prides itself, may not have been at its best in the books (Habermas, Honneth, Merquior ...) – my imaginary addressor seems to have been consulting.

What follows will then be an attempt to develop this little dialogue by explaining how I, for my part, see the philosophical stakes in Foucault's work and its relevance to the contemporary debate in which, as I shall try to show, it occupies two positions that are each other's exact contrary, thus displaying one of the many fissures that seem to run through the board on which contemporary philosophy is making its moves. These two positions are connected to two phases in Foucault's development: the so-called archaeological one and the subsequent turn to genealogy. *The Order of Discourse* (1971) is the turning point between these two; for archaeology I will mainly call on *The Order of Things* (1966), and genealogy will be discussed briefly by way of *Discipline and Punish* (1975).² Both books present themselves as histories, – the first dealing with the human sciences, the second focussing on the birth of the prison – [5] and they both deal with roughly the same periods (1500-1900), which they divide in roughly the same manner (pre-classical, classical and modern ages). Characteristically the transition between these ages is seen as very abrupt, happening "almost instantaneously" (DP 116), a period of at most twenty years marking the end of one kind of reasoning and the rise of another. And yet, the difference between them seems more important than their overlap and it seems to be prompted much more by the change of

position (from archaeology to genealogy) than by the (apparent) change of topic. Let me start with some brief observations on *Discipline and Punish*.



As one will remember, the book describes three consecutive regimes of punishment: torture; punishment as representation; imprisonment. Each of these has its particular aims and its own point of focus: the body of the offender; the soul of the criminal and his audience; and finally, the delinquent. They all had their own techniques: a bloody marking of the body which was exposed to the wrath of the sovereign for the damage done to him by the crime for which he thus took revenge; a semio-technique where each punishment had to serve as a reminder of how the cost of transgression always outweighed its benefit so that the risk of it being repeated was minimized by its visible disadvantage; finally, a whole array of disciplines collected in the prison system and directed not so much against the crime or toward the conversion of the criminal, but toward the personality behind him that had to become normalized by studying and observing its behaviour and its evolution within the walls of a secluded cell in which it would be exposed to a permanent control and a strict schedule of disciplinary behaviour imposed on it.

The spectacle of the scaffold as a theatre of revenge; the garden of laws as a balanced economy of examples; the grey and uniform penalty of the prison in which the only variety in punishment was reduced to the duration of confinement. Between them, what changed was not just the meaning of the transgression, but the transgression itself which Foucault suggests is nothing apart from the grid in which it becomes defined as what it is. The same theft of a bread became a different sort of object in each of the three regimes: “the division between the permitted and the forbidden has preserved a certain constancy [...]. On the other hand, ‘crime’, the object with which penal practice is concerned, has profoundly altered: the quality, the nature, in a sense the substance of which the punishable element is made, rather than its formal definition” (DP 17). This is the ‘historical nominalism’ Foucault had famously praised Nietzsche for: “Knowledge”, he had learned there, “is not made for understanding; it is made for cutting”.³ Punitive knowledge is but another case in point: its way of knowing, the given regime of truth under which it operates, displays a history that in each of its periods cuts out a new kind of object and each time gives rise to an entirely new object, a new “substance”.

The caesura that in the course of these three or four centuries is the most dramatic is the one in which punishment which had known different regimes of visibility under torture or those who pleaded for its reform (DP 9), ceases to be public. With the rise of the prison, “at the beginning of the nineteenth century [...] the great spectacle of physical punishment disappeared [in both its forms, RV]; the tortured body was avoided; the theatrical representation of pain was excluded from punishment. The age of sobriety in punishment had begun” (DP 14). And one might add: it has not stopped since, this age is still our own, with the prison being our *heterotopia* behind whose walls we gratefully hide our characteristic “shame to pass sentence” (DP 304). With this withdrawal from the public’s eye a new kind of age has emerged that, again, is still with us today: the panoptic eye that sees without being seen and that needn’t even exist for it to control and normalize us whilst we imagine being watched as in our most everyday routines where there always seems a lens that films or could be filming our misdemeanours. Indeed, as Foucault suggests in the last chapter of his book, our age has become so entrenched by all sorts of techniques of normalisation and control, that the locus of its true problem seems to have shifted from the prison “to the entire social body” (DP 298) which seems so taken up in the grids of a ‘disciplinary network’ that it could almost dispense with the prison as such (DP 306). The maze of power has become so refined, its order so thorough, that it would seem that the only point from which one can try to resist its subjugation, lies outside of any order, seeking support in the energies and the vitality of the body “itself” (*le corps lui-même*) (DP 24, 26)⁴, by freely roaming around and trying to live ‘nomadically’, like the case of the youngster memorated in the journal *La Phalange* of august 1840 for whom Foucault seems to express a kind of affection, who lived “the life of the savage, [...] from day to day and with no tomorrow” (*La Phalange*, quoted DP 292). He was “everything except order” (*ibid.*)



Reading these moving pages, the almost pathetic testimony behind them, reminded me of the famous lines with which *The Order of Discourse* had, a few years before, portrayed a similar case, but in an entirely different register: “Mendel spoke the truth, but he was not ‘within the true’ of the biological discourse of his time: it was not according to such rules that biological objects and concepts were formed. [...] Mendel was a true monster, which meant that science could not speak of him” (ODis, 61). No sentiment, but a mere description. The archaeology from which this example sprung, had no place for intellectual heroes. Béasse – the boy whose case had been so vividly portrayed in *Discipline and Punish* – was both a victim and an example. Mendel is neither. He simply is ‘outside the true’: “within its own limits, each discipline recognises true and false propositions, but it pushes back a whole teratology of knowledge beyond its margins. [...] In short, a proposition must fulfil complex and heavy requirements to be able to belong to the grouping of a discipline; before it can be called true or false, it must be ‘in the true’, as Canguilhem would say” (ODis, p. 60). To be sure, Foucault adds, that when later, a new order of discourse had been established, new requirements had come to hold and a new way of being ‘in the true’ had come to being. Mendel was able to enter into the true and that then his propositions appeared (in a large measure) correct. But he never expresses approval or disapproval over this; he doesn’t describe this change as a progress. There is no sentiment, not the slightest trace of an apologue. The change of “constraints” from one discursive regime to another does not yet have the connotation which genealogy was going to hear in it. The message is a different one.

Archaeology is more than a history of changing discursive regimes. What it aims to show is rather that our speech too, in its endeavour to formulate the truth, is governed by a system of rules and constraints that binds it to a discursive synthesis whose source lies outside our subjectivity. The regimes it describes “are not so much limitations imposed on the initiative of the subjects as the field in which that initiative is articulated (without however, constituting its center)”.⁵ The subject, in other words, is *decentered*, its truth claims can only be validated if they conform to a discourse that determines what can be heard and what will be laughed away.⁶ Listening to what is said is not a matter of a subjective initiative, of one’s willingness to hear. Our capacity for hearing and judging the truths that claim to be such is already preformed by discursive conditions beyond our reach. We can, of course, with hindsight, reconstruct these conditions for past discursive regimes. *The Order of Things* was doing exactly that: it showed, for example, that Paracelsus or Aldrovandi, however strange, naïve and disordered their writing may strike us today, were, in fact, formulating their propositions in strict accordance to the rules of formation that characterized the episteme or the discourse of the Renaissance. These rules, Foucault writes, constitute “a *positive* unconscious of knowledge: a level that eludes the consciousness of the [individual] and yet is part of [their] discourse” (OT xi). And there is, for us too, in the speech that we thought we were fully controlling, such a positive unconscious at work, eluding our grasp but no less efficient. Our disdain for these clumsy Renaissance attempts thus backfires at us: we too stand under “a” true, but – and *this* is the critical point of archaeology – we don’t have access to our own “archive” (AK, 171).

Rather than giving voice to a simple-minded relativism, where a subject affirms that everything is of equal value to her, that nothing attracts her more than other possibilities, and that, in the end, everything leaves her indifferent, archaeology points to the precise contrary: there are things that no longer speak to us, because the terms on which we could take them seriously, have changed *and* have been replaced by other terms which as long as they rule, will elude us. Our indifference is the result of the presence, within our speech and our hearing, of rules which make a difference for us. The suggestion is *that* there are such rules, but there is no indication of *what* they are. This awareness affects our position as a subject: subjectivity is not cancelled, but shown to be dependent.⁷ The specific discursive form it takes to count as a subject whose speech is worth listening to has as its reverse side an incapacity to fully enter into other such discursive regimes even whilst understanding how they are structured. It doesn’t suffice to classify these other regimes as no ‘real options’ for us and to regard the differences between us and them as merely ‘notional’.⁸ This distinction between a notional relativism and a stronger one where the alternative does consist of a real option for us, misses the point that archaeology is making: the fact that our intellectual understanding of another discourse is not the same as our being able to

take it serious on its own terms or to trade ours in for it, implies that there is a discursive grip on us that our understanding cannot suffice to emancipate us from. We too have discursive roots and the most worrying thing about them is that we find ourselves rooted without us being able to formulate or get a grip on *what* they are.

The consequences of this message become even more apparent if we change the scene from a history of our own culture to intercultural contact: here too one could argue that so-called cultural relativism is a misnomer of sorts. For that would suppose a neutral stance from which all cultures are equal. But our stance isn't neutral: we can understand the structure of other cultures, we can come to realize that what structures them is no less cultural than our own, but this intellectual realisation that there are other possibilities and that ours is but a contingent one amongst many doesn't suffice to make us able to give up our own and enter the other. What is our own exceeds our grasp and the realisation of its contingency does *not* do away with its absoluteness. It is precisely this oxymoron of a contingent absolute that archaeology aims to confront us with and, in this, its message is not indifference, but the more disquieting one that there is something about us which does *not* leave us indifferent. This something is part of who we are, opaque and inaccessible, but no less operative.⁹ What we considered to be our own culture, turns out to be less transparent and less accessible than the word suggests: onwiness is not something we own (in the sense of possess), but a mark we are bearing, without us being able to read it.



This emphasis on the decentred structure of the subject is completely absent from genealogy. The message here is that, if, like Mendel, one falls outside of a discourse or of 'a' true, this is because the rules that stipulate the difference between what lies within and what without, are never neutral. They are always the rules of those who by imposing them managed to exclude, rule out and marginalise the adversary party. Truth, genealogy teaches us, is never neutral, what counts as truth and claims to be above the parties, is always the result of a battle in which those who are slain, lose the right to speech: "truth is essentially part of a relationship of force, of dissymmetry, *decentering*, combat, and war".¹⁰ Truth does not belong to peace, it is not the ideal realm of a consensus, but an instrument in an ongoing battle: "war is the motor behind institutions and order [legal order or any other order of discourse]. In the smallest of its cogs, peace [legal peace or the peace of consensual truth] is waging a secret war. To put it in another way, we have to interpret the war that is going on beneath peace; peace is itself a coded war. [...] a battlefield runs through the whole of society, continuously and permanently, and it is this battlefield that puts us all on one side or the other. There is no such thing as a neutral subject. We are all inevitably someone's adversary" (SMD, 50-1).

Decentering here doesn't point to the ontological constitution of the subject. It simply means that one has suffered a defeat from which one can recover by resisting the reigning order of law or of truth and by showing that its presumed neutrality, the equality of all before the law, is a lie underneath which the rumble of an ongoing war goes on. Truth is always to the benefit of one party and to the detriment of another. It is deeply political and politics is but a war continued by other means: "It is not a matter of emancipating truth from every system of power", the genealogist teaches us, "but of detaching the power of truth from the forms of hegemony, social, economic and cultural, within which it operates at the present time. The political question, to sum up, is not error, illusion, alienated consciousness or ideology; it is truth itself".¹¹

If one returns to *Discipline and Punish* with these quotes in the back of one's mind, one understands that the book one has been reading is a sort of guerilla manual, a counter-history that shows, for example, that the history of the Enlightenment has a dark side to it that its historians willingly left out of the picture. The so-called humanitarianism in the name of which enlightened reformers protested against the atrocities of the "despotism of the scaffold" (DP 74), merely served to hide from the public's eye the establishment of new, and much more insidious 'political economy' of the power to punish (DP 81), designed to better and more efficiently respond to offences against the law: "The reform of criminal law must be read as a strategy for the rearrangement of the power to punish, according to modalities that render it more regular, more effective, more constant and more detailed in its effects, in short, which increase its effects while diminishing its economic cost [...] and its political

cost (by dissociating it from the arbitrariness of monarchical power)” (DP 80-1). The price for becoming equal subjects before the law, was that each and everyone was made to enter in its maze, exposed to a permanent control (Bentham’s plans for the Panopticon were written at this time (1787)) that ensured that the subjugation under the rule of law became interiorized and lived as one’s own legal subjectivity (DP 202).

It would thus be wrong to conclude, for example, that Foucault is implicitly defending the *trias politica* with its strict division between the powers of government, parliament and justice when in describing the rise of the prison, he shows how this separation of powers is under threat of an apparatus which “goes beyond the mere privation of liberty” and “increasingly becomes an instrument for the modulation of the penalty” (DP 244 ff.). Once within the prison walls, the convicted offender is turned into a delinquent who is distinguished from the former “by the fact that it is not so much his act as his life that is relevant in characterizing him” and in determining his effective sentence (DP 251). “Delinquency”, Foucault notes, “is the vengeance of the prison justice. It is a revenge formidable enough to leave the judge speechless. It is at this point that the criminologists raise their voices” (DP 255).

To simply read in this a protest against the corruption of the *trias politica* would be “hypocritical and naive” (DP 276). For in raising to the defence of the legal system, one would find oneself taking the side of a law that “was made for the few and brought to bear upon others” (*ibid.*): “in the courts society as a whole does not judge one of its members, but a social category with an interest in order judges another that is dedicated to [what it considers from its point of view to be, R.V.] disorder” (*ibid.*). And one would forget that “the prison, apparently failing, does not miss its target, [but] on the contrary, reaches it” by “producing” delinquency: “[the] process that constitutes delinquency as an object of knowledge is one with the political operation that dissociates illegalities and isolates delinquency from them” (DP 277). It is not symmetry that matters for Foucault, but a denunciation of the “war in the filigree of peace”¹²: his interest lies “in the battle cries that can be heard beneath the formulas of right, in the dissymmetry of forces that lies beneath the equilibrium of justice”, – in short the genealogist aims to “rediscover the blood that has dried in the codes” and to see it flow again (SMD, 56). We must hear, Foucault writes, just before breaking off his book on the prison, “the distant roar of battle” (DP 308) in what presents itself as peace. We must choose sides and fight.



Reshaping Foucault according to the tradition of immanent critique in one or other of its Frankfurt school forms would thus seem to fit ill with his programme. Nor does one find any other indication in it as to the banner under which one should march against the reigning order. It is perhaps no accident that it is disorder rather than an alternative order to which we find ourselves referred to in the case of Béasse or others. As I have shown elsewhere¹³, Foucault’s criticism of the human sciences is inconsistent with the major new concepts (like power’s productivity, power-knowledge etc.) that his genealogy introduces and ultimately falls back into exactly the model he wanted to break away from: the appeal to an “itself” that like in the case of madness (“la folie elle-même”) would be suppressed by power, returns at crucial points in *Discipline and Punish* and stands in blatant contradiction to the historical nominalism that wanted to reconceive power as truly productive: “We must cease once and for all [!, R.V.] to describe the effects of power in negative terms: it ‘excludes’, it ‘represses’, it ‘censors’, it ‘abstracts’, it ‘masks’, it ‘conceals’. In fact, power produces; it produces reality; it produces domains of objects and rituals of truth. The individual and the knowledge that may be gained of him belong to this production” (DP 194).

It would seem, then, that of the two alternatives that we have briefly reviewed, archaeology is the more attractive one. It implies a reconsideration of subjectivity that, to my mind, allows for a much more radical development of Foucault’s views than genealogy’s ‘return’ to a subject for whom its decenterment is not constitutive but the mere effect of others occupying the centre which it could and should re-occupy in its turn. To make this somewhat personal preference for archaeology over genealogy a bit more palpable for those who haven’t been treading my own path, let me try to show how and where in *Discipline and Punish* the analysis goes off in a direction opposed to the one it ought to have taken if it were to have stayed in the vicinity of the earlier works.

The dividing point between these two orientations is the notion of a symbolic order as it has been used in French philosophy after Saussure. Archaeology defends some version of it, genealogy casts it aside altogether. This notion of the symbolic implies minimally that the order it generates is more than a mere mirroring of what precedes it. It is ‘underdetermined’ by the reality that it orders. In fact, the symbolic can only impose its order upon that reality to the extent that it is more than a mere reflection, expression or manifestation of that reality. In heideggerian parlance, one could say that the symbolic is, like Being, ‘without ground’ and must be, for it to be able to do its work. Far from being a mere substantive, the symbolic is a *nomen actionis*, a verbal noun: it does something, it symbolizes by impressing its grid on a reality that, without it, would remain either unarticulated or whose articulation would not carry the same (symbolic) weight. The symbolic order, then, is in that sense arbitrary, without a firm foundation in the ‘pre-symbolic’.

It is this arbitrariness that archaeology stood to defend under various names (*episteme*, archive, discursive rules of formation, i.e. rules for imposing a form on its ‘subject’-matter in the two senses of the term: its object-domain and the position of access to it). Genealogy, as we have seen, proceeds under a different assumption: behind the seeming arbitrariness (i.e. ungroundedness) of orders, there always lurks a hidden ground – the arbitrary will – the *arbitrium* – by which one party manages to impose the conditions for its freedom on another one. This is the exactly opposite sense of the same term as it was used in archaeology. Arbitrariness there meant ‘ungrounded’ for reasons of principle. In genealogy it means ‘grounded’, but it takes the genealogist’s ‘counter-history’ to trace the *Herkunft* of what, *prima facie*, appeared to be without grounds.¹⁴ Genealogy and archaeology thus correspond to the two readings that Heidegger, in his famous lectures on the ‘principle of reason’, showed it allowed for.¹⁵ They are on the two sides of a rift that, as I have shown elsewhere¹⁶, cuts through the board on which the debate in contemporary philosophy is making its moves. That rift seems to run right through the one name of the author – Foucault – to which classical readings of the work published under that name have tried to cling in an attempt (of which they were, no doubt, largely unaware) to avoid the cleft that is thus opened in the ‘ground’ they stood to hold. Inevitably, the attack did not come from where it was expected. As I will try to show by turning a last time to *Discipline and Punish*, it came from within their own ranks.



When Foucault, in his first chapter, describes how torture was to give way to a new and, at first sight, softer regime of punishment in which “the body as the major target of penal repression disappeared” (DP 8), he notes in a phrase that only upon rereading attracted my attention: “The disappearance of public executions marks therefore the decline of the spectacle; but it also marks a *slackening of the hold on the body*” (DP 10, my italics). “One no longer touched the body”, he explains, “or at least as little as possible, and then only to reach something other than the body itself” (DP 11).

From the context it is clear that the contrast painted here concerns the two ends of the spectrum – torture and imprisonment – but as the rest of the book will document, punishment already during the reform had become more reticent to affect the body, and no longer thought of itself as “the art of unbearable sensations” (*ibid.*). One need only contrast the guillotine – “one death per condemned man” (DP 12) – to the “thousand deaths” (*ibid.*) the regicide Damiens had to die, so vividly described in the opening pages of the book. Although Foucault nowhere mentions it, it seems as if he regrets this disappearance of punishment as a spectacle and “the functions of its ceremony gradually ceasing to be understood” (DP 9). For however disproportionate the vengeance of the sovereign in his revenge on the body of his offender, the visibility of it all – its strictly public character – implied a certain risk: at times the crowd could turn against the executioner and thus against the Crown whose sovereignty he was to restore “by manifesting it” at its most terrifying and “spectacular” (DP 48). The public execution did not serve, as it would for the reformers, “to re-activate justice” (DP 49). It “re-activated power” (*ibid.*). But it could, and at times was, defied: “out of the ceremony of the public execution, it was this solidarity [of those present to it] much more than the sovereign power that [risked] to emerge with double strength” (DP 63). Rather than frightening the crowd gathered around it, the public execution always ran the risk of reinvigorating them and seeing them turn against the sources of power. Hence the change in its

technology reformers came to advocate: punishment had to become less exuberant, but more cost-effective: it should strike “at the soul rather than the body” (DP 16, quoting De Mably, 1789). As Foucault notes, with this move, “a new character came on the scene, masked. It was the end of a certain tragedy; comedy began, with shadow play, faceless voices, impalpable entities. The apparatus of justice must now bite into this bodiless reality [i.e. the soul]” (DP 16-17).

I cannot help but sensing a certain regret in these lines. *Discipline and Punish* is an angry book, but at times it seems also a work of mourning. Recall the sad beauty of the pages in which the last chain gangs that crossed France in the summer of 1836 are described. “Though vanquished by the law, the army of disorder promised to return” (DP 262). And that it did not, the reader notes, seems due to the fact that “the symbolic outlet” for both the shame and pride of the besieged, henceforth became blocked. In June 1837 prisoners were no longer allowed to hold their “travelling fair” (DP 260), but were instead stowed away in “a carriage conceived as a moving prison” (DP 263), a Panopticon on wheels.

If one links the pages on normalisation, control and discipline in which the microphysics of power that is going to evolve after the prison hijacked the reform, to the description of the eclipse of these ceremonies (the chain gang, the scaffold), one is reminded of a terminology that Foucault does not employ but that could help explain what he is describing and protesting here. Indeed, the transition from the scaffold to the garden of laws the reformers wanted to construct, seems not unlike the *disincorporation of power* which Claude Lefort saw happening when the French revolution decapitated Louis XVI.¹⁷ And similarly the “carceral archipelago” (DP 297) in which power seems to have entered and subjugated the bodies which it came to discipline and normalize without them even noticing, reminds one of the *reincorporation of power* that characterizes according to Lefort totalitarianism.¹⁸ Between these two, Lefort locates the one regime for which the division of society is the normal state. But of the two events leading to its rise – the decapitation of Louis XVI and the declaration of human rights – the first is not mentioned at all by Foucault and the second is only evoked as having as its reverse side the disciplinarisation of the body which, as we have seen, on Foucault’s account almost seamlessly leads to normalisation. What Lefort sees as a consecutive change between symbolic orders, is ‘unmasked’ by genealogy as being no more than the façade behind which power hides its true mechanism. As a result, Foucault has no longer a basis from which to contest the positivisation of law¹⁹ that takes place when power starts penetrating and encapsulating the bodies from within. And a nostalgia which he knew he could not afford, overtakes his analysis which mislocates division in the regime which preceded the one he never names: democracy.



Interestingly, this ‘mislocation’ seems, with hindsight, already pre-programmed in a brief passage early on in the book where Foucault, after respectfully referring to Kantorowicz’ analysis of ‘The king’s two bodies’²⁰, suggests that “we should analyse what might be called, in homage to Kantorowicz, ‘the least body of the condemned man’” (DP 29): “In the darkest region of the political field the condemned man represents the symmetrical, inverted figure of the king”, as portrayed by Kantorowicz. Whereas the king in the person of the sovereign had, on Foucault’s interpretation a “surplus [of] power” (*un plus de pouvoir*) because of his legal status, those subjected to his punishment were marked with “less power” (*un moins de pouvoir*, DP 29), and hence with a less glorious body than his. What Kantorowicz had shown in his book is that in those regimes which Lefort labels as ‘theological-political’, the king owed his power to a transcendent source (e.g., God, or Reason, or Natural Law) which put him in the position of head of a ‘body politick’ with whom he was connected in a mystical union similar to the one Christ and the pope as his representative on earth had with the members of his Church. Hence, the king was, beside his mortal physical person, also the carrier of an immortal body which coincided with the first. An attack on the king was therefore an attack on each of these two bodies and hence also an attack on the ‘body politick’ with which he was mystically united. Political power, according to Kantorowicz’s analysis, is more than the empirical result of a meeting of forces, where one party proves to be stronger than the other. Political power is a symbolized power which operates and gets a meaning within a symbolic regime. It is through such a symbolisation that, in the case of the theological-political regime we are reviewing here, a legitimate

sovereign is distinguished from an illegitimate one: whereas the latter would merely act on his own whim, the position of the former is “absolute but not arbitrary”, “it is absolute, but not despotic, inasmuch as the king in his ‘body of grace’ [i.e. the immortal body] is the nation”²¹, for the reasons just explained. This distinction is lost in the use that Foucault makes of Kantorowicz. Note how the above mentioned ‘homage’ takes its start: “If the surplus power possessed by the king *gives rise to* the duplication of his body, has not the surplus power of the condemned man given rise to another kind of duplication [i.e. the doubling of his body by his ‘soul’ we discussed earlier]?” (DP 29).

Kantorowicz had argued exactly the contrary. It was the duplication of the king’s body that gave rise to something which was, as it were, added on to mere empirical force and imposed its form on it: the legitimacy of sovereign power and its ensuing position within a society that understood its unity through the constitutive metaphor of the body. This metaphor is original, or rather originating: it doesn’t speak in a more elegant way about a reality that could also be approached more directly and be named more literally. The reality it names is shaped by the very process of naming it that way – the metaphor is not a symbol for an already given something, but symbolically shapes it – it is a symbolisation. Power could, of course, be ‘understood’ by way of different metaphors (as with democracy which drops the metaphor of the body or with totalitarianism which takes it up again), but what distinguishes it from brute force is always the way it is symbolized. Genealogy, as we have seen, has no room for symbolisation and Foucault therefore certainly wasn’t ‘mis’reading Kantorowicz by accident: in ignoring the symbolic dimension of the king’s body, he could not but see in it, as Flynn writes, “the empirical place from which power is exercised and manifest” (*ibid.*).

This conflation of the symbolic and the real is, one might surmise, what ultimately prevented Foucault from doing more than describe the new ‘dangers’ of normalisation in which a reader who doesn’t lack this distinction, would recognize a tendency reminiscent of what happens in totalitarianism’s reincorporation of power. In these regimes the incorporation rests on a disavowal of the difference between the transcendent and the immanent. Society is seen as already in unity, but its unity is not derived from a symbolizing source but the mere and ideal result of the objective laws that govern its reality from within. *Discipline and Punish* could, along these lines, be reinterpreted as a warning against certain processes that are, within democracy itself, effectively at work to undermine the distinction between the level of reality and the symbolisation upon which democratic regimes are premised. When power enters the body of society or the bodies within it and starts controlling them from within, totalitarianism is at the door. To bar it, more than a sense of danger is needed. That this ‘instinct’ was the only one Foucault was left to appeal to, is perhaps the ironic consequence of his genealogy’s descent: it sprung from an all too human moment of distraction – a ‘mere’ reading error –, but one heavy with consequences. There is an unhappy side to Foucault’s ‘happy positivism’. One would be ill-advised to simply share the sense of doom that it, to my mind, unnecessarily inculcated on its readers.

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NOTES

- 1 This is a slightly modified version of the opening lecture at the international Foucault Spring School which was organized at the K.U.Leuven 17-19 March 2008.
- 2 The dates are those of the French publications. I shall refer to these texts as ODis, OT and DP respectively, using the following editions: *The Order of Discourse (Inaugural Lecture at the Collège de France, given 2 December 1971)*, in R. YOUNG (ed.), *Untying the Text: A Post-Structuralist Reader*. Boston, London and Henley, 1981, p. 48-78; *The Order of Things. An Archaeology of the Human Sciences*. London, Tavistock, 1977; *Discipline and Punish. The Birth of the Prison*. New York, Pantheon Books, 1977.
- 3 M. FOUCAULT, 'Nietzsche, Genealogy, History', in Id., *Language, Counter-Memory, Practice. Selected Essays and Interviews* (ed. D.F. Bouchard). Ithaca N.Y., Cornell University Press, 1980, p. 139-164; citation: p. 154.
- 4 In my *Michel Foucault. Genealogy as Critique*. London/ New York, Verso, 1995 I have argued that expressions like this, although strictly incompatible with the productivity of power which Foucault is stressing from DP onwards, are more than a remnant of the pre-genealogical problematic at work in his *History of Madness* (1961), but have the status of a lapsus that is necessitated by the problems he has with his genealogical 'problematic'. See in particular p. 54-73 and p. 117-135. In her 'Foucault and the Paradox of Bodily Inscriptions' (*The Journal of Philosophy*, 1989 (86:11), p. 601-607, Judith Butler signals a similar incompatibility between "the assumption of a 'rebellious energy' that temporally and ontologically precedes repression" (p. 604) and Foucault's stress on the productivity of power in DP. Butler locates the tension, however, between the article on Nietzsche on the one hand, and DP on the other. She overlooks its presence in DP itself. Needless to say, Butler and I do not draw the same consequences from this observation.
- 5 M. Foucault, *The Archaeology of Knowledge* (1969). London, Tavistock, 1972, p. 209. Abbreviated as AK.
- 6 One should distinguish between a 'thick' and a 'thin' sense of hearing in this context. It is the former that I am using here.
- 7 This is rightfully stressed by J. Lacan coming to Foucault's aid in the discussion that followed the original French delivery of 'What is an Author?' at the *Société Philosophique (Bulletin de la Société française de Philosophie*, 1969 (64), p. 104).
- 8 The terms between single quotation marks are Bernard Williams'. See e.g. his 'Relativism and Reflection', in B. WILLIAMS, *Ethics and the Limits of Philosophy*. Cambridge Mass., Harvard University Press, 1985, p. 156-173.
- 9 I have given a more systematic account of this 'decentering of the subject' in my *Truth and Singularity. Taking Foucault into Phenomenology* (Phaenomenologica nr. 155). Kluwer, Dordrecht, 1999 and in its sequel volume *The Inhuman Condition. Looking for Difference after Levinas and Heidegger* (Phaenomenologica nr. 175). Kluwer, Dordrecht, 2004.
- 10 M. FOUCAULT, "Society Must Be Defended". *Lectures at the Collège de France 1975-76* (ed. M. Bertani & A. Fontana). London, Allen Lane, 2003, p. 53. Abbreviated as SMB.
- 11 M. Foucault, 'Truth and Power', in Id., *Power/Knowledge. Selected Interviews and Other Writings 1972-1977* (ed. C. Gordon). New York, Pantheon Books, 1980, p. 109-133; citation: p. 133.
- 12 M. Foucault, 'War in the Filigree of Peace. Course Summary' [of SMB], *The Oxford Literary Review*, 1980 (4:2), p. 15-19.
- 13 See the book quoted in note 3 above, especially p. 54 ff.
- 14 On Nietzsche's use of *Herkunft* which Foucault translates as 'descent', see his 'Nietzsche, Genealogy, History', *loc. cit.*, p. 145-148.
- 15 Cf. M. Heidegger, *Der Satz vom Grund*. Pfullingen, Neske, 1986 (1957¹).
- 16 *Lof der Zichtbaarheid. Een uiteiding in de hedendaagse wijsbegeerte* [In Praise of Visibility. An Outroduction into Contemporary Philosophy]. Amsterdam, SUN, 2007, p. 116-135.
- 17 On democracy see, e.g., C. Lefort, 'The Question of Democracy', in Id., *Democracy and Political Theory*. Cambridge, Polity Press, 1988, p. 9-20.
- 18 C. Lefort, 'The Image of the Body in Totalitarianism', in Id., *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (ed. J.B. Thompson). Cambridge Mass., MIT Press, 1986, p. 292-306.
- 19 I borrow these terms from Lefort's description of what happens in totalitarianism, e.g., "The dimension of law and the dimension of knowledge tend to be effaced, in so far as they do not, as we know very well, belong to the order of things which are socially (or indeed psychologically) conceivable, in so far as they cannot be located in empirical social life, in so far as they establish the very condition of human sociability. A kind of *positivisation* of the manifest law takes place through intense legislative, legal activity, at the service of the totalitarian state; and a sort of *positivisation* of manifest knowledge takes place through intense ideological activity – ideology becoming that enterprise of phantasy which tends to produce and to fix the ultimate foundations of knowledge in every sphere" (*ibid.*, p. 299-300). In *The Origins of Totalitarianism* H. Arendt similarly notes that "totalitarian lawfulness [...] executes the law of History or of Nature without translating it into standards of right and wrong for individual behaviour. [...] The law of Nature or the law of History, if properly executed, is expected to *produce* mankind as its end product. [...] Totalitarianism] claims to make mankind itself the *embodiment* of the law" (p. 462 of the Harvest Book one volume edition by Harcourt, Inc., San Diego – New York – London, 1976).
- 20 E.H. Kantorowicz, *The King's Two Bodies. A Study in Mediaeval Political Theology*. Princeton, N.J., Princeton University Press, 1957. Incidentally, Foucault misspells Kantorowicz's name and has it end on -tz.

21 B.C. Flynn, 'Foucault and the Body Politic', *Man and World*, 1987 (20), p. 65-84; citation p. 70. The rest of this paragraph and the next are highly indebted to Flynn who first pointed to Foucault's 'odd' use of Kantorowicz.