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"The 'flybottle' was shaped by prehistory, and only archaeology can display its shape."

— Ian Hacking

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Introduction

The dissertation examines to what extent and in what form the notion of autonomy can be salvaged as a conceptual centerpiece of moral and political philosophy after rejecting the problematic metaphysical foundation Kant suggested for our distinctively human capacity to be the source of the rules we follow in reasoning. By formulating an original interpretation of the so-called regress of rules argument, I seek demonstrate, *contra* the Kantian tradition, that it is incoherent to view autonomy as a self-standing capacity of beings who act on the basis of representations rules. I argue that the regress of rules entails the following metanormative result: exercising autonomy through rational self-legislation cannot be the source of normativity because the capacity of a subject to act on the basis of representations of rules is necessarily embedded in and governed by an implicit *normative* bedrock of a social practice the subject does not endorse. Thus, in short, it is a central goal of the dissertation to establish that autonomy presupposes heteronomy. The resultant novel understanding of why and how the capacity for self-legislation is metaphysically dependent on heteronomous forces in a social practice imposes then a principled constraint on the task of rethinking the notion of autonomy in moral and political philosophy today. In particular, the dissertation seeks to explain why autonomy should be acknowledged as an ideal and how the normative status of that ideal should be understood, given that it is *not* the essence of rational beings to be fully autonomous.

To that end, I develop an alternative account by formulating an original interpretation of Michel Foucault's philosophical work. This interpretation explains how Foucault's seemingly disparate studies of "archaeology of knowledge," "genealogy of power," and "ethics as the self's relation to itself," in fact, explore interconnected aspects of the new conceptual space that is grounded in the above metanormative result. Most importantly, I show in exegetical detail that

"archaeology of knowledge" and "genealogy of power" examine the distinctive features of the implicit normative bedrock of a discursive practice from two related perspectives. With archaeology Foucault brings into relief the functioning of this implicit normative bedrock as a form of knowledge-how ("savoir") that remains unconscious although it is shared by the different participants of a discursive practice. Genealogy, in turn, examines how the unconscious dispositions of this knowledge-how are created through relations of power — actions on the actions of others — and how, therefore, its different constellations are embedded in historical transformations of social practices. Thus the dissertation has an exegetical goal to show that Foucault's central but notoriously controversial theses such as "the death of man" and the claim that there is an essential connection between knowledge and relations of power can be justified in terms of the rule-following regress although Foucault himself never attempted to do that.

Building on this interpretation, I then argue that the modified conception of autonomy in Foucault's ethical work provides a uniquely compelling starting point for attempts to vindicate the notion of autonomy as the highest *normative* principle in moral and political philosophy after rejecting the idea that full autonomy is the essence of rational beings. The decisive advantage of the Foucaultian approach to autonomy over the contemporary strategies of Kantian constructivism and constitutivism is that only the Foucaultian approach, as I elaborate it, acknowledges and responds to the metanormative result of the rule-following regress. This is crucial for two reasons. First, without understanding why and how a limitation to the full autonomy of subjects arises from the very *structure* of reasoning as a discursive practice, yet always with a specific *historically changing* content whose consequences for the lives of the subjects involved vary accordingly, one misses the key source of motivation for defending autonomy as an ideal for rational beings. Second, one is bound to misunderstand the normative status of autonomy as such an ideal if one fails to recognize the reasons that make the full attainment of that ideal impossible. Together these two shortcomings, I argue, perpetuate contemporary variations of Kant's problematic view that the failure to attain full

autonomy is always a psychological problem that plagues *human* subjects because they are not *fully* rational beings. In contrast, the dissertation shows that self-constitution through rational reflection is an endless task because the normative structure of reasoning cannot be made fully explicit even though any given norm of a practice can be represented and thus brought into the purview of rational evaluation.

In the end, the overarching argument of the dissertation targets the prominent idea that rational beings are *constitutively* autonomous, namely that as rational beings their actions are necessarily based on representations of rules they endorse. On the contrary, my interpretation of the regress of rules reveals that it is a constitutive fact about the structure of reasoning that rational beings cannot be fully autonomous. According to the view I defend, the normative status of the idea of autonomy should be understood only as an ideal that functions as a *regulative* principle in the specific Kantian sense. This means that the idea of full autonomy represents a practical *ideal* for rational beings without attributing the idea thus represented to any object, specifically not to rational beings as such. On this view, the justification for acknowledging autonomy as such an ideal does not come from the Kantian thought that rational beings as such are fully autonomous, which is undermined by the regress of rules. Instead, the motivation is grounded in my interpretation of Foucault's work, which illustrates he stakes of having the scope of one's autonomy narrowed down by heteronomous forces that are integral to reasoning as a discursive practice.

The structure of the dissertation follows the structure of the overarching argument I have outlined above. I begin by asking in Chapter 1, "The Regress of Rules and the Idea of Autonomy," what the metanormative result of the rule-following regress entails when it is transposed from theories of conceptual content in the philosophy of language and mind to the side of practical philosophy and especially with a view to the metaphysical foundations of rational agency. To use Brandom's terms, the metanormative result of the regress of rules is that the fundamental form of

the normative is norms that are *implicit* in a social practice, in contrast to norms that are *explicitly* represented as rules. I will argue, against Brandom's account, that the structure of this implicit normative bedrock must exhibit a conformity of I-we sociality — a shared form of life, as Wittgenstein puts the point — that is brought about by producing a conformity of dispositions of concept use through linguistic training. To motivate an understanding of this conformity as *second nature* I rely on Sellars's analysis of these socially acquired dispositions as "pattern governed behavior" that functions as a distinctive type of causal nexus between the Kantian dualism of accidentally lawful natural processes, on the one hand, and intentionally rule-governed rational processes, on the other. Because the *habitual* component second nature introduces to reasoning is not just a transitory feature of linguistic training but a general structural component of reasoning as a discursive practice — the way in which concept-users perceive, infer, and act — the very idea that rational beings are autonomous needs to be reconsidered. Kant's notion of autonomy, the positive concept of freedom, as a metaphysically self-standing type of causality is undermined by the regress of rules. The question then becomes how we should understand the very idea that rational beings are autonomous given that they are necessarily governed by the causal nexus of pattern governed behavior whose normative structure is not represented in a discursive practice and therefore neither endorsed by the participating subjects.

The interpretation of Foucault's philosophy I formulate through Chapters 2–4 is meant to show that Foucault's philosophical work is unified by a sustained attempt to understand and diagnose the distinctive type of constraint the structure of discursive practices as based on an implicit normative bedrock generates to the autonomy of the participating subjects. I argue that *this* constraint is primarily what Foucault means by 'power'. More specifically, in Chapter 2 I vindicate Foucault's notion of archaeology of knowledge from the putatively devastating criticism by Hubert Dreyfus and Paul Rabinow that the archaeological project is based on an incoherent conception of the rules of the discursive practices it purports to study. After showing that Foucault is entitled to

the view that a discursive practice is governed by an implicit and historically evolving normative bedrock, I explain in Chapter 3 how the fundamental status of this implicit normative bedrock motivates his reconceptualization of power in terms of actions on the action of others. Although the scope of Foucault's conception and analyses of power extend beyond the implicit normative bedrock of discursive practices, I seek to show in Chapter 4 that only by grasping how that bedrock constitutes a particular type of constraint on the autonomy of the participating subjects can one appreciate the specificity of Foucault's conception of a critique as a decidedly *diagnostic* project. I argue that the motivation for a critique, thus understood, arises from the way in which the habitual enactment of the implicit norms of a practice — their status as pattern governed dispositions of second nature — confers a status of obviousness to those implicit norms and thus turns them into, to borrow Foucault's expression, *the present limits of the necessary.*

Thus it will turn out that the challenge of rethinking the autonomy of subjects in the context of this unavoidable limitation that arises from the structure of reasoning as a discursive practice is not a problem that is specific to Foucault's philosophy and others could avoid. For in addition to having elucidated the problem by providing an interpretation of Foucault's philosophy I have grounded it in the regress of rules argument. However, Foucault's sensitivity to the problem makes his attempt to rethink ethics in terms of a modified notion of autonomy a particularly compelling starting point for a systematic philosophical inquiry into the notion of autonomy in moral and political philosophy after rejecting the view of rational beings as essentially fully autonomous. Starting then from the particular way in which Foucault's approach adopts and transforms the problem of self-incurred minority in Kant's philosophy, I argue in Chapter 5 that the idea of autonomy should be understood as a *regulative* idea for rational beings in the specific Kantian sense of an ideal that exerts a normative force but is not attributed to any object, in particular not to rational beings as such. But the efficaciousness of that ideal presupposes that subjects are never, in fact, definitively trapped by "the present limits of the necessary". To explain how these limits can be

overcome I rely on Brandom's account of reason's expressive power to turn the fundamental knowledge-how of a discursive practice into knowledge-that by *representing* what one does when one makes inferential transitions between claims (or from claims to actions). Thus the socially acquired linguistic capacity to act on the basis of representations of rules is also what enables subjects to represent and consequently to critically evaluate the implicit norms that govern the use of that representational capacity itself. Finally, I argue that Foucault's critical concern with the human sciences is motivated by another distinct type of limitation to the autonomy of subjects that is only perpetuated and exacerbated by attempts to refine the conceptual norms involved by making them explicit. By thus offering an interpretation of what Foucault means by "politics of truth" I argue that the very idea of approaching human subjects as objects of *theoretical* reasoning, paradigmatically in the human sciences, limits the scope of autonomy of the subjects.

1   The Regress of Rules and the Concept of Autonomy

In the wake of Wittgenstein's *Philosophical Investigations*, the consequences of the rule-following regress have been studied extensively in connection with theories of conceptual content in the philosophy of language and mind but little attention has been devoted to the regress of rules in connection with moral and political philosophy.[1] The guiding thought of this study is that thinking through the consequences of the regress of rules will have thoroughgoing consequences to our understanding of the normative foundations of practical reason and, therefore, of rational agency, especially in connection with the conception of the subject we rely on in moral and political philosophy. To begin with, I seek to show in this chapter that the regress of rules undermines the Kantian conception that a rational being is essentially fully autonomous, namely acting exclusively on the basis of rules it endorses. I will argue that the regress of rules reveals the idea of such being to be incoherent because the causal nexus of autonomy — acting on the basis of representations of rules one endorses — requires a metaphysical foundation in a different type of causality that constitutes the ability, knowledge-how, to act on the basis of representations of rules. In other words, the goal of my interpretation of the regress of rules is to show that Kant's metaphysical account of autonomy as the distinctive causality of rational processes in fact presupposes heteronomy. Exploring, elaborating, and defending the consequences of that result will then be the principled task of this study. In the rest of this chapter I will articulate an account of the heteronomous forces in which the capacity for autonomy is embedded in terms of norms that are implicit in a social practice and explain the metaphysical dependence of rational beings on this implicit normative bedrock in terms of second nature that is acquired through linguistic training in a a social practice.

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[1] Particularly influential in placing the topic of rule-following at the center of attention in the philosophy of language and mind was Saul Kripke's *Wittgenstein on Rules and Private Language*, Cambridge, MA: Harvard University Press, 1982.

1. The Regress of Rules

Kant made it a philosophical commonplace to view reasoning as rule-following.[2] But Kant was also the first to register a potentially interminable regress of rules that threatens to undermine the very possibility of rationality, thus understood. In the *Critique of Pure Reason*, discussing the transcendental power of judgment, Kant introduces the threat of a regress as follows:

"If the power of understanding in general is explained as the faculty of rules, then the power of judgment is the faculty of *subsuming* under rules, i.e., of determining whether something stands under a given rule (*causus datae legis*) or not. General logic contains no precepts at all for the power of judgment, and moreover cannot contain them. *For since it abstracts from all content of cognition*, nothing remains to it but the business of analytically dividing the mere form of cognition into concepts, judgments, and inferences, and thereby achieving formal rules for all us of the understanding. Now if it wanted to show generally how one ought to subsume under these rules, i.e., distinguish whether something stands under them or not, this could not happen except once again through a rule. But just because this is a rule, it would demand another instruction for the power of judgment, and so it becomes clear that although the understanding is certainly capable of being instructed and equipped through rules, the power of judgment is a special talent that cannot be taught but only practiced."[3]

The regress of rules reveals that acting on the basis of representations of rules is possible only against some background knowledge regarding how the representations are followed *correctly*. This knowledge-how cannot consist in additional representation of rules, however, because the same requirement that one must know how to apply a given rule correctly also pertains to all additional representations of rules one introduces. Therefore, reasoning as rule-following is possible only against a background of knowledge-how that does *not* exist in a representational form.[4]

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[2] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, 4:427.

[3] Immanuel Kant, *Critique of Pure Reason*, A132/B171–A133/B172. Original emphasis.

[4] Lewis Carroll provides a classic formulation of the regress of rules in "What the Tortoise Said to Achilles?" *Mind*, 4 (1895), 278–80.

To avoid the regress, Kant's solution is to attribute the necessary background knowledge to the power of judgment. That is why Kant concludes that the power of judgment is not determined by representations of rules. Instead, the background knowledge is incorporated into the power of judgment as unrepresented know-how, whose exercise, Kant emphasizes, "is a special talent that cannot be taught but only practiced." Not only is the power of judgment not amenable to be taught be means of representations of rules. According to Kant, the power of judgment is essentially an *unacquired* capacity, a 'Naturgabe,' that readily varies from one individual to another like other psychological properties. In his 1793 essay "On the common saying: That may be correct in theory, but it is of no use in practice," Kant reiterates the role of the power of judgment as the crucial regress-stopper and indicates its liability to psychological variation, as follows:

"A sum of rules, even of practical rules, is called *theory* if those rules are thought as principles having a certain generality, so that abstraction is made from a multitude of conditions that yet have a necessary influence on their application. Conversely, not every doing is called *practice*, but only that effecting of an end which is thought as the observance of certain principles of procedure represented in their generality.

It is obvious that between theory and practice there is required, besides, a middle term connecting them and providing a transition from one to the other, no matter how complete a theory may be; for, to a concept of the understanding, which contains a rule, must be added an act of judgment by which a practitioner distinguishes whether or not something is a case of the rule; and since judgment cannot always be given yet another rule by which to direct its subsumption (for this would go on to infinity), there can be theoreticians who can never in their lives become practical because they are lacking in judgment, for example, physicians or jurists who did well during their schooling but who are at a loss when they have to give an expert opinion."[5]

This view of the power of judgment as a natural talent illustrates just one possibility for conceptualizing the unrepresented background of know-how whose indispensable structural role the regress of rules has brought into focus. A more recent and explicitly naturalistic version of the psychological strategy is found in Jerry Fodor's argument for a "language of thought hypothesis."[6]

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[5] Immanuel Kant, "On the common saying: That may be correct in theory, but it is of no use in practice," in enlight*Practical Philosophy*, Cambridge University Press, 1996, p. 279.

[6] Jerry Fodor, *The Language of Thought*, Harvard University Press, 1975.

Relying on the regress of rules Fodor concludes that reasoning must be based on fundamental representations of rules that are instantiated in and implemented by the human brain, so that their application be independent of further representations of rules.[7] Thus the implicit recourse to empirical psychology in Kant's solution might be elaborated into an explicitly naturalistic approach that postulates a neurological grounding for reasoning as rule-following and seeks an evolutionary explanation of the fundamental representational capacities of the human brain. A sharply divergent strategy, in turn, which attributes explanatory primacy to a social practice over individual psychology, is defended by Wittgenstein who concludes from the regress of rules that reasoning as rule-following must be based on socially acquired but *not* represented knowledge as to how to participate in shared practices.[8]

In any event, the upshot of the regress of rules is that the fundamental norms for understanding representations cannot themselves be represented. Following Robert Brandom's terminology, I shall designate this property of norms to be *un*represented by saying that the norms are *implicit*.[9] The regress of rules alone does not show how the implicit bedrock of understanding should be understood. The regress only reveals the requirement for an ability to use concepts correctly without representing the relevant standards of correctness. It is a further question whether this ability is an innate biological property of an individual or something acquired through training in a social practice. Either way, the key point is that this fundamental ability must be causally independent of representations of rules. One's ability to understand and act on the basis of

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[7] Fodor, *The Language of Thought*, chapter 2.

[8] Ludwig Wittgenstein, *Philosophical Investigations*, Blackwell, 1953, especially §§ 192—202.

[9] This is not exactly how Brandom uses the term 'implicit', however. In Brandom's work the two distinctions 'representations of norms/unrepresented norms' and 'conceptually articulated norms/conceptual unarticulated norms' coincide. A consequence is that all representations of norms are, for Brandom. conceptually articulated. It is far from clear, however, that pictures of arrows on signposts, for example, are *conceptually* articulated representations of norms. Nothing in my argument hinges on this issue, but, to avoid misunderstanding, I want to note that I define norms that are implicit as norms that are not represented *without* specifying the type of representation. Thus, because arrows on signposts *are* representations of norms, these norms are not implicit, whatever role concepts might play in them.

representations of rules is a product of biological or social forces, or both. This means that reasoning as rule-following is a capacity that only living beings can have.

My interpretation of the regress of rules is best understood as a transcendental argument for necessary condition of rational agency understood as the capacity to act on the basis of representations of rules. Thus my argument proceeds from that conception of rational agency to its necessary dependence on a normative background of heteronomous forces that are created and sustained through reasoning as an essentially social practice. This means that the argument proceeds exactly in the opposite direction than Kant's argument for autonomy at the outset of the third section of the *Groundwork*. Kant holds that *rational* processes and *natural* processes must be causally distinct from one another because otherwise the normative character of reasoning would be overridden by deterministic forces of nature. Kant's conception of autonomy is meant to provide the distinct type of causality that pertains to rational processes alone. However, it is important to see that this conception of autonomy, which Kant calls "a positive concept of freedom," is introduced only in response to the challenge one encounters given the assumption that rational processes must be casually distinct from the causality of nature. According to this crucial assumption, reasoning is free in the negative sense that "it can be efficient independently of alien causes *determining* it".[10]

Kant argues at the beginning of the third section of the *Groundwork* that the positive concept of freedom — autonomy — follows from the negative concept of freedom. Otherwise, Kant argues, rationality would not exist. Underlying this inference is Kant's assumption that all causality must exhibit lawfulness of a universal form. Though Kant then quickly proceeds to assert "the reciprocity thesis" between the positive and negative concepts of freedom, which means that they mutually imply one another, it is important to note that his argument finds its starting point in the negative concept of freedom, which, in turn, remains unmotivated. My argument, in contrast, proceeds from the concept of positive freedom — from acting on the basis of representations of

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[10] Kant, *Groundwork of the Metaphysics of Morals*, 4:446.

rules — to the conclusion that the negative concept of freedom, that is, lack of external constraint, picks out a metaphysically incoherent property. It is such a free rational being, completely unaffected by external forces, that is an *Unding*.[11] And it is this subject of negative freedom Kant needs to relegate to the noumenal realm and endow with a metaphysically self-standing capacity for autonomy. As I have indicated, however, Kant simply assumes this problematic conception of a rational being as the starting point of his argument for autonomy. So, if that starting point is undermined, then Kant's argument for autonomy as the distinctive causality of rational processes fails. So when I say that the regress of rules undermines Kant's conception of autonomy I mean the metaphysical account of the distinctive type of causality Kant attributes to rational processes.

It is important to distinguish this specific notion of autonomy from another perhaps more common use of the term. The two aspects of autonomy we need to distinguish concern respectively the *justification* and the *possibility* of normative constraint. As I have already indicated, autonomy as the causality of freedom is Kant's proposal to account for the very *possibility* of reasoning as acting on the basis of representations of rules. In this regard, the key thought is that rules of reasoning exert an authority on rational subjects because subjects acknowledge the rules as authoritative. According to Kant, the rules are not discovered in nature but they are constituted by subjects through a process of lawgiving that is internal to the activity of reasoning itself. Only that way, Kant maintains, can subjects be governed by constraints that are normative, as opposed to forces of nature. Thus the activity of lawgiving that rational subjects bring about by means of their presupposed autonomy is the source of normativity for Kant in a metaphysical sense. However, Kant transposes the model of self-legislation to this metaphysical function from its originally justificatory role in modern political philosophy, where autonomy was introduced as the criterion for the *legitimacy* of the normative constraints a legal system imposes on its subjects. In this sense, the idea of autonomy provides the ultimate justificatory standard that expresses the conditions under

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[11] Kant, *Groundwork of the Metaphysics of Morals*, 4:446.

which subjugation to external constraint is *legitimate*: only insofar as the constraint is acknowledged as legitimate by the one whom it constrains. Locke's doctrine of implicit consent and Rousseau's account of the general will are different versions of this strategy to appeal to the autonomy of political subjects as the ultimate grounds of legitimacy in the constitution of legal constraints.[12]

The key insight these political and metaphysical discussions of autonomy share is that the authority of norms depends on the approval of the subjects who are constrained by the norms. In other words, norms are *attitude-dependent*. Whereas Locke and Rousseau, among others, argued against the tradition of natural law that the legitimacy of legal constraint depends on the *attitude* — consent, endorsement, approval — of those being constrained, Kant maintains that, in general, normative constraint, which defines rational processes in contrast to natural processes, is constituted by the autonomous lawgiving of rational subjects. Following Kant, I hold that norms are attitude-dependent. But I also acknowledge that the regress of rules undermines Kant's particular view of the metaphysical foundation of this attitude-dependence, namely his conception of autonomy as a distinctive type of causality that belongs to rational process but is causally detached from natural processes. The central question, then, is how to rethink the metaphysical foundation of the attitude-dependence of norms.

2. Norms Implicit in a Social Practice

In particular, the challenge is how to understand the attitudes on which norms depend. These attitudes themselves are normative in the sense that they either approve or disapprove a given norm. According to Kant's model of lawgiving, these normative attitudes are understood in terms of judgments. To make such a judgment is for a subject to both represent a norm and to assess its

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[12] John Locke, *Two Treatises of Government*, Cambridge University Press, 1988. Jean-Jacques Rousseau, *The Social Contract and other late political writings*, Cambridge University Press, 1997.

propriety. As we have seen, however, knowing how to make these judgments cannot be exhaustively determined by judgments of norms. Normative attitudes represented as judgments of propriety presuppose normative attitudes that are not represented. These latter, *implicit* normative attitudes are instead promoted *practically* by using concepts one way rather than another. Using a concept one way rather than another is to *treat* the chosen usage as correct. The normative attitude that gets promoted thus, by doing something, is causally efficacious although it it unrepresented. And, in this sense, using concepts is an implicit way of assessing proprieties and promoting normative attitudes. "In order to respect the lessons of Wittgenstein's pragmatism about the normative, assessing must be understood as something *done*; the normative attitude must be construed as somehow implicit in the practice of the assessor, rather than explicit as the endorsement of a proposition."[13] Thus it turns out that the attitude-dependence of norms requires that norms be fundamentally based on normative attitudes that are implicit in a practice. Therefore, the foundational role Kant attributed to autonomy as the causality of reasoning in fact presupposes a foundation that consists of implicit normative attitudes.

The question that immediately arises at this point, however, is whether the attitude-dependence of norms undermines the objectivity of norms. The concern is only amplified by the fact that the attitude-dependence of norms must be fundamentally based on normative attitudes that are implicit in a practice. For, as we have seen already, this means that the distinction between *performance* and *assessment* of its propriety collapses. Implicit normative attitudes are promoted by using concepts one way rather than another. By using concepts in a particular way one also *treats* that way of using them as correct. The worry is that one thus appears to lose the very idea that performances could be *incorrect*. But the possibility of error is the hallmark of the normative, so a

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[13] Robert Brandom, *Making It Explicit: Reasoning, Representing, and Discursive Commitment*, Harvard University Press, 1994, p. 33.

meta-normative view that renders the possibility of error unintelligible must be wrong and will need to be rejected.

Brandom's account of the social-perspectival structure of a discursive practice is meant to explain how the possibility of error and thus the very idea of normative constraint can be retained after acknowledging that normativity is based on normative attitudes that are implicit in a practice. The key idea is to retain the crucial distinction between performance and its assessment by multiplying the number of perspectives from which the normative structure of a discursive practice is constituted. Each of the participating subjects has her own perspective. Interpreting the performances of other participants and, crucially, keeping score of what others are committed to and entitled to based on what they do and say is, according to Brandom, an activity that every participant of a discursive practice undertakes. Importantly, Brandom holds that this activity of deontic scorekeeping is something each participant undertakes from her own perspective. Locating deontic scorekeeping explicitly in the tradition of theories of interpretation that are structured exhaustively in terms of I-thou sociality, namely by relations between individuals, Brandom argues that this commitment to methodological individualism is required precisely in order to retain the possibility of error and, in that sense, the objectivity norms.

Brandom motivates this methodological individualism especially in response to the failure of theories of communal assessment to combine the attitude-dependence of norms with the possibility of error. If a community as a whole determines what is correct, then whatever it takes to be correct *thereby* becomes correct. Thus the crucial distinction between performance and its assessment collapses on the level of a community and the very idea of normative constraint evaporates. In contrast, Brandom's individualist approach construes the social structure of a discursive practice in terms of relations between different individuals, not as a collective agreement. Accordingly, it is performances and attitudes of individuals that make up the primitive explanatory resources of Brandom's account: "Assessing, endorsing, and so on, are all things we individuals do and attribute

to each other, thereby constituting a community, a 'we'."[14] For Brandom, the very idea of a community, that there is something in common between the different perspectives that connects them, is supposed to emerge only as a result of the scorekeeping activities. Brandom sums up this consequence of his methodological individualism, as follows: "Its basic building block is the relation between an audience that is attributing commitments and thereby keeping score and a speaker who is undertaking commitments, on whom score is being kept. The notion of a discursive *community* – a we – is to be built out of these *communicating* components."[15] As Brandom acknowledges, this approach presupposes that individuals can communicate and understand each other. "Deontic scorekeeping is the form of *understanding* involved in communication. It is a kind of interpreting. But it is implicit, practical interpretation, not explicit theoretical hypothesis formation."[16]

Thus the fundamental implicit ability to understand is attributed to the activity of deontic scorekeeping in Brandom's theory. By exercising this ability individuals interpret the performances of one another and, accordingly, attribute commitments and entitlements to one another each from their own perspective. The objectivity of norms, understood as the possibility of everyone being mistaken, including the community as a whole, is secured by the distinction between *de re* and *de dicto* ascriptions of a normative score in the context of this perspectival structure of scorekeeping.[17] Without going into the details of this solution I want to stress that, even if it works, it remains unclear how Brandom can vindicate his entitlement to the notion of an implicit understanding he attributes to the scorekeeping individuals. Scorekeeping is "deontic" in the sense that it consists of ascribing *normative* statuses — commitments and entitlements — to other individuals based on what they do and say. As we have seen, however, Brandom holds that scorekeepers ascribe these

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[14] Brandom, *Making It Explicit*. 39.

[15] Brandom, *Making It Explicit*, 508.

[16] Ibid. Added emphasis.

[17] Brandom, *Making It Explicit*, especially chapter 9.

normative statuses on the basis of their *own* implicit understanding of the normative significance of a given performance. But where does this implicit understanding come from? Given Brandom's methodological individualism, he treats the implicit normative attitudes of scorekeepers as explanatorily primitive. These attitudes that scorekeeping individuals evince as they interpret one another and assign normative scores accordingly are thus understood as features of individual psychological that are liable to the full range of singularities and idiosyncracies human psychology allows for. But if each individual has her own attitudes and these attitudes are supposed to guide the interpretations each of them makes of the performances of others, how does the possibility for an understanding between different perspectives arise in the first place? Fundamentally, the problem is not only that Brandom's individualistic approach lacks resources to account for the mutual intelligibility between individuals who occupy distinct perspectives, but the very idea of a normative constraint that reasoning requires in order to have any content at all becomes unintelligible in Brandom's theoretical construction of "social" relations between individuals that potentially share nothing in common.

Danielle Macbeth sums up the problem, as follows:

"On Brandom's account, as we have seen, there need be no essentially shared public language, no shared set of norms, even implicit in practice, governing the correctness and incorrectness of responses. Each player keeps his or her own set of books, according to his or her own rules, in what is in effect a private language. Nor could Brandom reply that, on his account, although what I do may be perhaps vacuously correct by my own lights, it may nonetheless be incorrect by your lights, and that this is what is essential to his account; for what is at issue is whether any content can be given to the idea that I in acting, or indeed you in assessing, do something normatively significant at all. […] The point is not that what we do is the criterion of correctness (it need not be), but rather that it is only within the context of an essentially social practice, as it contrasts with one that is essentially individualized or private, that it makes sense to talk of correctness, and incorrectness, at all. The worry is that the practices Brandom describes are, in the relevant sense, individualized, private, and therefore cannot fund any notion of correctness, hence of content (whether objective or not), at all."[18]

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[18] Danielle Macbeth, "Inference, Meaning, and Truth in Brandom, Sellars, and Frege," in *Reading Brandom on* Making It Explicit, (ed.) Bernhard Weiss and Jeremy Wanderer, Routledge, 2011, p. 201.

To be charitable to Brandom, this criticism only shows that the I-Thou structure of deontic scorekeeping cannot offer a *complete* account of the normative structure of a discursive practice, specifically that some notion of communal conformity with an I-We structure is required to secure the very possibility of understanding that deontic scorekeeping presupposes. Therefore, Brandom's account of deontic scorekeeping need not to be rejected, even though it needs to be supplemented with a decidedly different conception of the social structure of a discursive practice on the level of norms that are implicit in a practice.

This, I want to show, is a lesson Brandom can learn from Wittgenstein and Sellars. In Wittgenstein's words, we have seen that "[i]nterpretations by themselves do not determine meaning"[19] and that, therefore, "[t]o understand a language means to be master of a technique."[20] But, to repeat the crucial question, where does the fundamental know-how of understanding come from? Whereas Brandom's thoroughgoing methodological individualism entails problematically that the capacity for understanding is based on normative attitudes of individual's private psychology, Wittgenstein sees that capacity as an essentially social product of linguistic training. For Wittgenstein, understanding is essentially a socially acquired skill to participate in shared practices with others. This know-how, Wittgenstein underscores, "is not an agreement in opinions but in form of life."[21] Understanding is essentially embedded in "uses, institutions" and these fundamental dispositions of understanding provide "a matter of course" [selbstverständlich] foundation to the shared practice.[22]

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[19] Wittgenstein, *Philosophical Investigations*, § 198.

[20] Wittgenstein, *Philosophical Investigations*, § 199.

[21] Wittgenstein, *Philosophical Investigations*, § 241.

[22] Wittgenstein, *Philosophical Investigations*, § 238.

3. Training

For my purposes, however, it is Wilfrid Sellars who provides the most detailed and helpful elaboration of the thought that conformity to a shared mode of understanding is a necessary structural feature of reasoning as rule-following. Sellars sums up the lesson from Wittgenstein, as follows:

"the members of a linguistic community are *first* language *learners* and only potentially 'people', but *subsequently*, language *teachers*, possessed of the rich conceptual framework this implies. They start out by being the *subject-matter* subjects of the ought-to-be's and graduate to the status of agent subjects of the ought-to-do's. Linguistic ought-to-be's are translated into *uniformities* by training. As Wittgenstein has stressed, it is the linguistic community as a self-perpetuating whole which is the minimum unit in terms of which conceptual activity can be understood."[23]

The insight that *uniformities* on the ground level of understanding play a necessary structural role in reasoning as rule-following is what Brandom's individualistic account is missing. As Sellars here indicates, echoing Wittgenstein, these uniformities in concept-use are produced through linguistic training. As a result of training, episodes of the learned activity conform to pre-existing patterns of concept-use in the linguistic community. This learned activity that exhibits such a uniformity with the patterns of concept use in a community Sellars calls 'pattern governed behavior'.

The concept of pattern-governed behavior singles out the distinctive type of causality that produces a conformity of implicit normative attitudes on the ground level of reasoning as a discursive practice and thus creates and sustains the ability of different subjects to understand each other so that deontic scorekeeping is possible in the first place. Sellars's key insight is that reasoning as rule-following is based on *neither* of the two kinds of causality Kant identified and contrasted, namely natural necessity and freedom as autonomy. Pattern governed behavior must be

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[23] Wilfrid Sellars, "Language as Thought and as Communication," in Wilfrid Sellars, *In the Space of Reasons: Selected Essays of Wilfrid Sellars*, (ed.) Kevin Scharp and Robert B. Brandom, Harvard University Press, 2007, pp. 63–4.

acknowledged as a distinctive third type of causality that bridges the Kantian dualism between natural processes and rational processes. Correspondingly, Sellars argues that the distinction between *accidental* and *intentional* conformity to a rule is a false dichotomy. Pattern governed behavior is neither accidental nor intentional. One does not bring about pattern governed behavior because of a representation of a rule one endorses, yet it is not accidental that the behavior exhibits a systematic uniformity with the patterns of concept use in the community. The decisive point is that the behavior of a subject can conform to a rule *because* of the rule *without* the subject having ever represented that rule. Pattern governed behavior is the distinctive type of activity in which a subject conforms to a rule because *others* endorse it.

The causality from some endorsing a representation of a rule to others exhibiting pattern governed behavior is established through linguistic training. Pattern governed behavior is a set of acquired dispositions trainers produce in a trainee because of a representation of a rule the trainers endorse. Sellars describes the causality of training as follows: "To learn pattern governed behavior is to become conditioned to arrange perceptible elements into patterns and to form these, in turn, into more complex patterns and sequences of patterns. Presumably, such learning is capable of explanation in S-R reinforcement terms, the organism coming to respond to patterns as wholes through being (among other things) rewarded when it completes gappy instances of these patterns."[24] What is thus produced is aptly called a second nature, as I will explain below. It is necessary that the ability to understand is acquired in this way, because without that ability a trainee is unable to understand instructions that are formulated as representations of rules, for example, as linguistic representations.

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[24] Wilfrid Sellars, "Some Reflections on Language-Games," in Wilfrid Sellars, *In the Space of Reasons: Selected Essays of Wilfrid Sellars*, (ed.) Kevin Scharp and Robert B. Brandom, Harvard University Press, 2007, p. 34.

"The key to the concept of a linguistic rule is its complex relation to pattern governed linguistics behavior. The general concept of pattern governed behavior is a familiar one. Roughly it is the concept of behavior which exhibits a pattern, not because it is brought about by the intention that it exhibit this pattern, but because the propensity to emit behavior of the pattern has been selectively reinforced, and the propensity to emit behavior which does not conform to this pattern selectively extinguished."[25]

While the trainee has no understanding of the relevant representations of rules, the trainers produce pattern governed behavior on the basis of some representation of what ought to be the case. "They can be construed as reasoning: Patterned behavior of such and such a kind *ought to be* exhibited by trainees, hence we, the trainers, *ought to do* this and that, as likely to bring it about that it *is* exhibited."[26] So the "[t]rainees conform to *ought-to-be's* because trainers obey corresponding *ought-to-do's.*"[27]

It is crucial to make a distinction between 'teaching' and 'training'. When Kant indicates the impossibility of teaching how to make judgments, he is relying on a notion of teaching as a process in which the power of understanding is instructed by representations of rules. As Meredith Williams has argued, it is of systematic philosophical importance to acknowledge that Wittgenstein's discussions are about training [Abrichtung], not teaching, and that that is also the case for Sellars.[28] The English translation of 'Abrichtung' as 'training' does not fully capture the specificity of the process Wittgenstein is studying because 'Abrichtung' denotes a pedagogical practice that specifically takes place by means of techniques of conditioning behavioral patterns and thus, crucially, without representations of rules. Thus by using the term 'Abrichtung' Wittgenstein deliberately portrays the trainee as a human animal that currently has no more conceptually articulated capacities than other

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[25] Wilfrid Sellars, "Meaning as Functional Classification," in Wilfrid Sellars, *In the Space of Reasons: Selected Essays of Wilfrid Sellars*, (ed.) Kevin Scharp and Robert B. Brandom, Harvard University Press, 2007, pp. 86–7.

[26] Sellars, "Meaning as Functional Classification," 87.

[27] Ibid.

[28] Meredith Williams, *Wittgenstein, Mind, and Meaning: Toward a Social Conception of Mind*, Routledge, 1999, chapter 7. Cf. Wolfgang Huemer, "The Transition from Causes to Norm: Wittgenstein on Training", *Gratzer Philosophische Studien*, 71:1 (2006), 205-25; John McDowell, *Mind and World*, Harvard University Press, 1994, p. 88.

mammals, say, but is able to acquire them under certain conditions.[29] With this distinction in mind one can also see that the analysis of training by Wittgenstein and Sellars need not be at odds with the claim that the power of judgment is a talent that cannot be taught. Rather than denying Kant's point about the limits of teaching, Wittgenstein and Sellars add that teaching is not the only way to produce learning.

Accordingly, the explanatory potential of the notion of training is due to the distinct third option it locate between, on the one hand, understanding the subject's ability to use concepts as something whose learning would requires mastery of concepts and, on the other hand, understanding that ability as a natural property of the individual. To see how Sellars elaborates this line of thought, I want to start from his early statement of the topic in an essay entitled "Rules, Language, and Behavior" published in 1949. There, Sellars presents the contours of his account of norms to be developed as follows:

"In the first place, we must distinguish between action which merely *conforms to* a rule, and action which occurs *because of* a rule. A rule isn't functioning as a rule unless it is in some sense internal to action. Otherwise it is a mere generalization. Thus, if I train an animal to sit up when I snap my fingers, the animal's behavior conforms to the generalization 'This animal sits up when my fingers snap,' but we should scarcely say that the animal acts on the rule of sitting up when I snap my fingers. Clearly the type of activity which is rule-regulated is of a higher level than that which is produced by simple animal learning procedures. One way of bringing this out is to say that most if not all animal behavior is tied to the environment in a way in which much characteristically human behavior is not. Certainly, we learn habits of response to our environment in a way which is essentially identical with that in which the dog learns to sit up when I snap my fingers. And certainly these learned habits of response – though modifiable by rule-regulated symbol activity – remain the basic tie between all the complex rule-regulated symbol behavior which is the human mind in action, and the environment in which the individual lives and acts. Yet above the foundation of man's learned responses to environmental stimuli – let us call this his *tied behavior* – there towers a superstructure of more or less developed systems of rule-regulated symbol activity which constitutes man's intellectual vision. […] Such symbol activity may well be characterized as free – by which, of course, I do not mean *uncaused* – in contrast to the behavior that is learned as a dog learns to sit up, or a white rat to run a maze. On the other hand, a structure of rule-regulated symbol activity, which as such is free, constitutes a man's understanding of this world, the world in which he lives, its history and future, the laws according to which it operates, by meshing in with his tied

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[29] Huemer, "The Transition from Causes to Norms".

behavior, his learned habits of response to his environment. To say that man is a rational animal, is to say that man is a creature not of *habits*, but of *rules*."[30]

The key idea is that rationality as rule-following is not an ontologically self-standing activity for it is based on behavioral habits that are not natural to humans but acquired only as a result of training. Correspondingly, the freedom that characterizes reasoning as rule-following is not a property of metaphysically self-standing agents, but a capacity that can only be acquired through training. With this move Sellars rejects what I have called Kant's thesis of pure autonomy, namely the claim that heteronomous forces are in principle external to rational agency. By denying that autonomy is a sufficient condition for rational agency, one affirms that heteronomy is a necessary condition for it – and that is what the thesis of essential heteronomy maintains.

As Sellars develops this view, he emphasizes that subjects are products of training: "the members of a linguistic community are *first* language *learners* and only potentially 'people,' but subsequently language *teachers*, possessed of the rich conceptual framework this implies."[31] The process between a trainer and trainee, which leads to this qualitative shift, Sellars describes as follows:

"In traditional terms, the trainer knows the *rules* which govern the *correct* functioning of the language. The language learner begins by *conforming* to these rules without grasping them himself.
Only subsequently does the language learner become a full-fledged member of the linguistic community, who thinks thoughts (theoretical and practical) not only about *non-linguistic* items, but also about *linguistic* items, i.e., from the point of view of VB [Verbal Behaviorism], about first level thoughts. He has then developed from being the object of training and criticism by others to the stage at which he can train and criticize other language users and even himself. Indeed he has now reached the level at which he can formulate new and sophisticated standards in terms of which to reshape his language and develop new modes of thought."[32]

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[30] Wilfrid Sellars, "Rules, Language, and Behavior," in *John Dewey: Philosopher of Science and Freedom*, (ed.) Sidney Hook, The Dial Press, 1949. Quoted from an online source without pagination at: http://www.ditext.com/sellars/lrb.html

[31] Sellars, "Language as Thought and as Communication," 63–4.

[32] Sellars, "Meaning as Functional Classification," 86.

Thus the training process transforms the trainee's animal consciousness into rational self-consciousness. Accoring to Sellars's "verbal behaviorism" this mental transformation takes place publicly through linguistic training and the resultant qualitative change in the trainee's mind is properly described as a shift from a state of merely having thoughts to the state of *knowing* that one has thoughts and, thereby, being able to reason, that is, to think about one's own thoughts. "The trainee acquires the ability to language about languagings, to criticize languagings, including his own; he can become one who trains himself."[33] The behaviorist outlook, which is precisely what one should expect from a training that is an *Abrichtung*, is unavoidable due to the regress of rules. Only this perspective enables one to see how "an organism might come to play a language game […] without having to *obey rules*, and hence without having to be playing a *meta*language game (*and a meta-meta*language game, and so on)."[34]

As Sellars explains at the outset of "Some Reflections on Language Games," also the task of training, in contrast to teaching, is grounded in the regress of rules:

"It seems plausible to say that a language is a system of expressions the use of which is subject to certain rules. It would seem, thus, that learning to use a language is learning to obey the rules for the use of its expressions. However, taken as it stands, this thesis is subject to an obvious and devastating refutation. […]

Thesis: Learning to use a language (L) is learning to obey the rules of L.

But, a rule which enjoins the doing of an action (A) is a sentence in a language which contains an expressions for A.

Hence, a rule which enjoins the using of a linguistic expression (E) is a sentence in a language which contains an expression for E, -- in other words a sentence in a *meta*language.

Consequently, learning to obey the rules for L presupposes the ability to use the metalanguage (ML) in which the rules for L are formulated.

So that learning to use a language (L) presupposes having learned to use a language (ML). And by the same token, having learned to use ML presupposes having learned to use a *meta*-metalanguage (MML) and so on.

But this is impossible (a vicious regress).

Therefore, the thesis is absurd and must be rejected."[35]

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[33] Sellars, "Meaning as Functional Classification," 89.

[34] Sellars, "Some Reflections on Language-Games," 35.

[35] Sellars, "Some Reflections on Language-Games," 28–9.

Thus the regress of rules arises in connection with the formation of subjects. This is not surprising because what is at stake here is the kind of *understanding* that makes human individuals rational beings who think and act by means of concepts. That understanding cannot be taught by means of representations of rules because understanding representations of rules presupposes that the trainee already has the ability others are in fact trying to teach her. The task Sellars then undertakes is to save the notion of reasoning as rule-following without giving up the view that concepts, rules of reasoning, are not innate but indeed acquired. As Sellars demonstrates two years later in "Empiricism and the Philosophy of Mind", the process of acquiring concepts and thus becoming an an agent capable of acting on the basis of representations of rules cannot be understood along the lines of the tradition of concept empiricism.[36] Thus Sellars's argument against the logical atomism of concept empiricism is, by the same token, a refutation of an atomistic conception of subjects as concept-using agents, assuming that one shares his rejection of conceptual nativism as a plausible alternative.

The line of thought Sellars develops in response to the regress of rules is then meant to provide a positive view of how human individuals become concept-using subjects, while avoiding both nativism and concept empiricism. And Sellars states at the outset that in addressing this task he is going to "draw certain distinctions the theoretical elaboration of which will […] yield new insight into the psychology of language and of what might be called 'norm conforming behavior' generally".[37] The crucial move, as we have seen already, is the introduction of the category of pattern governed behavior as a conceptual bridge between the two sharply distinct types of conformity to a rule Kantian acknowledges. Accordingly, the notion of pattern governed behavior is meant to open a way for Sellars to avoid Kant's interpretation of the regress of rules as an argument

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[36] Wilfrid Sellars, *Empiricism and the Philosophy of Mind*, Harvard University Press, 1997.

[37] Sellars, "Some Reflections on Language-Games," 28.

for conceptual nativism. Whereas Kant argues that because "the power of judgment is a special talent that cannot be taught [belehren]," it must be "a natural talent [Naturgabe],"[38] Sellars suggests that it nevertheless can be produced as pattern governed behavior as a result of training.

4. Pattern-governed Behavior

It is crucial to understand that pattern governed behavior is not only required for the acquisition of concepts but it is a necessary structural component of all concept *use*. The implicit normative bedrock of a discursive practice is constituted by "*ought-to-be's* which are actualized as uniformities by the training that transmits language from generation to generation."[39] These norms of pattern governed behavior are not necessary in the sense that they would defy criticism and revision, but it is necessary that understanding be always based on *some* such implicit norms of a shared practice. Sellars underscores this necessary structural role of pattern governed behavior thus: "It is the pattern-governed activities of perception, inference and volition, themselves essentially non-actions, which underlie and make possible the domain of actions, linguistic and non-linguistic."[40] The acquired behavioral dispositions that produce a uniformity between the patterns of concept use of an individual and a community make up individuals's ability to apply concepts. These implicitly acquired and exercised conceptual skills are required for *perceiving* anything as something determinate enough to feature as an object of a judgment, for *inferring* from one judgment to another, and for *acting* because of one's judgments. In Sellars's terminology, these three different kinds of move reasoning involves are language-*entry* transitions, inferences, and language-*exist* transitions, respectively. The understanding for making any such transitions is acquired and exercised implicitly

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[38] Kant, *Critique of Pure Reason*, A133/B172.

[39] Wilfrid Sellars, "The Role of Imagination in Kant's Theory of Experience," in Wilfrid Sellars, *In the Space of Reasons: Selected Essays of Wilfrid Sellars*, (ed.) Kevin Scharp and Robert B. Brandom, Harvard University Press, 2007, p. 451.

[40] Sellars, "Meaning as Functional Classification," 88.

as pattern governed behavior. "The linguistic activities which are perceptual takings, inferences and volitions *never* become *obeyings* of *ought-to-do* rules. … not only are the abilities to engage in such thinkings-out-loud *acquired* as pattern governed activity, they *remain* pattern governed activity. The linguistic activities which are perceptual takings, inferences and volitions *never* become *obeyings* of *ought-to-do* rules."[41]

Thus the concept of pattern governed behavior enables us to see how the fundamental ability to understand, which Kant postulated as a natural talent of individual psychology and Brandom seeks to account for in terms of implicit normative attitudes of atomistic individuals, is in fact produced by a community by means of linguistic training as a shared set of dispositions for concept use. These patterns of concept use exhibit a uniformity between a given individual and the community as a whole. This structure of I-we sociality is a necessary precondition for the I-thou relations of deontic scorekeeping in Brandom's account, because pattern governed behavior constitutes a shared background of dispositions that enable interpretation and communication between distinct social perspectives in the first place. Moreover, only thus can we dispel the "transmission problem" that theories of social practice face regarding how the normative structure of a practice can be shared and extended over time from one generation of participants to the next. Stephen Turner sums up the problem thus: "Practices are supposed to be 'shared', and it should be the case that the same practice can be transmitted to another person. But no account of the process of transmission could explain how the same thing got into different people. Dropping the notion of 'sameness', however, reduces the practices to habits."[42] Though it is correct to view the dispositions of pattern governed as habitual, the decisive point is that these habits are coordinated between individuals through the process of training, which is how pattern governed behavior is learned and how it gets perpetuated from one generation to another. In other words, it is crucial that the habits

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[41] Sellars, "Meaning as Functional Classification," 88. Original emphasis.

[42] Stephen Turner, *The Social Theory of Practices: Tradition, Tacit Knowledge, and Presuppositions*, The University of Chicago Press, 1996, p. 79.

of pattern governed behavior are not properties of individual psychology like the implicit normative attitudes in Brandon's account, but essentially social dispositions shared by individuals and transmitted to future members of a community by means of training. This essential role of a community is required to secure an adequate sameness of dispositions between individuals so that they can understand representations of rules. What is thus produced and transmitted is *second nature*.

5. Second Nature

While a conception of reasoning as a socially produced second nature accounts for the ability to understand representations of rules that itself is not understood in a representational form, by the same token, the very idea of reasoning as second nature gives rise to the set of issues in moral and political philosophy that constitute the topic of this study. The essential dependence of subjects on social practices, with all the contingencies that entails, undermines Kant's view of autonomy as the distinctive type of causality that belongs to rational processes and is metaphysically self-standing, specifically causally distinct from the realm of nature. So when John McDowell, for example, invokes the concept of second nature in order to overcome the Kantian dualism between reason and nature by showing that it is "natural," in a sense, for humans to be rational, that solution comes at a high price for the tradition of Kantian moral and political philosophy. McDowell links the notion of second nature explicitly to Aristotle's view of moral education, which, in turn, he glosses in terms of *Bildung*, enculturation.

"To focus the way in which this conception can serve as a model for us, consider the notion of *second nature*. The notion is all but explicit in Aristotle's account of how ethical character is formed. Since ethical character includes dispositions of the practical intellect, part of what happens when character is formed is that the practical intellect acquires a determinate shape. So practical wisdom is second nature to its possessors. […] But human beings are intelligibly initiated into this stretch of the space of reasons by ethical upbringing, which instills the appropriate shape into their lives. The resulting habits of thought and action are second nature. […] The point is clearly not restricted to

ethics. Moulding ethical character, which includes imposing a special shape on the practical intellect, is a particular case of a general phenomenon: initiation into conceptual capacities, which includes responsiveness to other rational demands besides those of ethics. […] If we generalize the way Aristotle conceives the moulding of ethical character, we arrive at the notion of having one's eyes opened to reasons at large by acquiring a second nature. I cannot think of a good short English expression for this, but it is what figures in German philosophy as *Bildung*."[43]

This description of moral education as a production of second nature is meant to illustrate how rationality comes to have a role in a human life, in general. The role of training in social practices is crucial not only for shaping ethical character but for human beings to come to actualize their potential as rational animals. Thus the notion of second nature serves to emphasize that though we are natural beings, we acquire some of our essential features such as rationality only through the gradual process of enculturation, *Bildung*. In this sense, as McDowell wants to put it, rationality is perfectly natural for us, rational animals. Wittgenstein makes a parallel point thus: "Commanding, questioning, storytelling, chatting, are as much a part of our natural history [Naturgeschichte] as walking, easting, drinking, playing."[44] No doubt, but that does not mean that the norms of reasoning in any particular human practice are somehow grounded in the nature of the species as rational animals. It is "natural," loosely speaking, for us as humans that we receive a cultural training and so become responsive to the normative force of reasons, but the authority of any of the norms that structure our lives within the space of reasons cannot be established as a natural fact. By acknowledging that it is perfectly natural for reasons to play a role in human life, one says yet nothing about the general meta-normative question regarding the basis for the distinctively normative bindingness that reasons have on us as rational animals.

In fact, this foundational yet unreflected status of second nature in reasoning became a central *problem* in modern German philosophy. In contrast to a strictly Kantian approach, this tradition acknowledges the fundamental role of second nature as the foundation of reasoning and

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[43] McDowell, *Mind and World*, 84.

[44] Wittgenstein, *Philosophical Investigations*, § 25.

critically examines to what extent a notion of autonomy could still be philosophically viable in thinking about freedom, rationality, and justice. "In the order of truth, second nature is first," Theodor Adorno, for instance, sums up the received wisdom in his early essay from 1932.[45] Hegel plays a key role in the inauguration of this tradition by arguing against Kant that rationality is essentially a social phenomenon.[46] The starting point for this tradition, which runs then through Marx to the thinkers of the Frankfurt School, is the view that human individuals acquire conceptual capacities only in the context of a social practice and, as we have seen, this process must involve training, a kind of enculturation, that makes relations of power an inextricable structural component of reasoning.[47] Thus the essential role of second nature in reasoning gives rise to what Hegel called the problem of positivity, which, according to Robert Pippin, remained Hegel's core concern throughout his philosophical career, namely the problem of "subjection by others, according to appropriate, public practices, to a status of 'undertaken commitments' not recognized as such by the individual."[48] This problem emerges only because second nature that is produced by training in a social practice is recognized as the foundation of reasoning, in contrast to Kant's conception of autonomy as a self-standing type of causality that governs rational processes. No matter how "natural" it may be for humans to reason, the pattern governed behavior that underlies all concept use is not caused by "human nature". The patterns are produced through training in a social practice, which makes them liable to a variety of contingencies. From the standpoint of Kant's notion of autonomy, the crucial difference is that in pattern governed behavior a subject conforms

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[45] "Er ist in Wahrheit die zweite Natur die erste." Theodor Adorno, "Der Idee der Naturgeschichte," in Theodor Adorno, *Gesammelte Schriften*, vol. 1, Suhrkamp, 1973, p. 365.

[46] The concept of second nature was introduced already by Alexander Baumgarten, however. I am indebted to Christoph Menke and Thomas Khurana for discussing the notion of second nature in the history of German philosophy.

[47] Whereas Hegel in his more optimistic, or conservative, moments boldly asserted that the conditions for Absolute Knowledge had been fully realized in the social structure of the Prussian state of his day, the tradition of critical theory, staring with Marx, is deeply suspicious about such claims regarding the epistemic privilege of any historical configuration of social order.

[48] Robert Pippin, "Brandom's Hegel", *European Journal of Philosophy* 13 (2005), p. 395.

to norms without endorsing them and, in fact, without even knowing what they are. Pattern governed behavior is produced through training so that a subject would conform to the relevant norms *habitually* and second nature is the set of acquired dispositions whose exercise brings about and sustains this habitual conformity to norms. As Sellars notes, describing this habitual status of pattern governed behavior, "we learn habits of response to our environment in a way which is essentially identical with that in which the dog learns to sit up when I snap my fingers."[49] Though reasoning must be based on such acquired dispositions that are exercised habitually, from the Kantian perspective these dispositions nevertheless function as a heteronomous force at the heart of reasoning.

Let me illustrate this problem of second nature by citing Bernard Harcourt's work on practices that are connected with the penal institutions in the United States today. Though Harcourt is not, at least not explicitly, aware of the philosophical tradition where the concept of second nature plays a central role, his work seeks to identify, analyze, and problematize some of the most fundamental patterns that define, typically unbeknownst to the subjects, how reasoning works in these practices. And, in fact, Harcourt repeatedly designates the problematically unreflected status of theses patterns as *second nature*. In *Against Prediction,* Harcourt begins his analysis of the widespread use of actuarian methods in contemporary American penal practices, by noting that "[i]t has become *second nature* to think about just punishment through the lens of actuarial prediction."[50] He elaborates the point thus: "It has become, today, *second nature* to believe that actuarial methods enhance the efficiency of our carceral practices with hardly any offsetting social costs—with the exception, for

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[49] Sellars, "Rules, Language, and Behavior". http://www.ditext.com/sellars/lrb.html

[50] Bernard Harcourt, *Against Prediction: Profiling, Policing, and Punishing in an Actuarial Age*, The University of Chicago Press, 2007, p. 2. Added emphasis.

some, at least publicly, of racial profiling."[51] Similarly, in *The Illusion of Free Markets*, an investigation into the fundamental assumptions underlying the contemporary neoliberal economic rationality, Harcourt notes that "the rationality of neoliberal penalty has become *second nature*"[52] to us, thus again characterizing his object of study as second nature. Moreover, in a study of the recent zero-tolerance law enforcement policy in New York City, Harcourt again describes how the central notions like 'the disorderly' that informed that practice were able to function all the more powerfully because their content and pertinence simply went without saying: "The category of 'the disorderly' and the meaning of 'disorder' are not so clear after all. Our intuitions about who constitutes the disorderly may be more troubling than they seem at first blush. This should be obvious, yet it is so hard to remember. And it is hard to remember precisely because the categories have become so natural to so many of us. They have become *second nature*."[53]

6. Conclusion

Harcourt's work illustrates a *critical* attitude towards any unreflected, habitual components in our practices of reasoning. That attitude presupposes a commitment to the ideal of autonomy, that is, to the value of rational beings using their capacity for self-determination by means of concepts. But how are we to understand that capacity given that the regress of rules undermines the metaphysical foundation Kant proposed by arguing that autonomy is a self-standing type of causality that governs rational processes? How should we understand the status of the idea of autonomy as an ideal for

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[51] Harcourt, *Against Prediction*, 21. Added emphasis. More problematically, I think, Harcourt later, on page 188, offers this explanation: "Profiling has become second nature because of our natural tendency to favor economic efficiency." This passage gives rise to the question whether Harcourt's appeal to "our natural tendency to favor economic efficiency" is indeed, as it seems, a claim about our biological nature and not about the rationality of historically specific practices.

[52] Bernard Harcourt, *The Illusion of Free Markets: Punishment and the Myth of the Natural Order*, Harvard University Press, 2011, p. 206. Added emphasis.

[53] Bernard Harcourt, *Illusion of Order: The False Promise of Broken Windows Policing*, Harvard University Press, 2001, p. 134. Added emphasis.

rational beings after rejecting that metaphysical picture? And can we even make sense of the capacity for self-determination by means of concept use if subjects are necessarily governed by the force of socially acquired patterns of reasoning whose norms are perpetuated in practice without being represented as rules? How can a critical attitude arise from within the normative structure of a discursive practice thus understood?

It is with these questions in mind that I will formulate a novel interpretation of Michel Foucault's philosophy in Chapters 2–4. While my interpretation of the regress of rules provides a grounding to that reconstruction of Foucault's philosophical project, a detailed study of Foucault's conception of power will in turn be instrumental to finding an adequate answer to these questions. In Chapter 2 I will explain and defend the fundamental role of the idea of an implicit normative bedrock of a discursive practice for Foucault's conception of an archaeology of knowledge. In Chapter 3 I will then show how Foucault's analytics of power take up that implicit normative bedrock as an object of study from a different though related perspective. And in Chapter 4 I will explain in detail the mechanism through which the implicit normative bedrock of a discursive practice comes to function as a heteronomous force that limits the scope that participating subjects are able to recognize for their capacity to act on the basis of representations of rules. Building on the interpretation of Foucault's philosophy I will thus formulate I will then return in Chapter 5 to the questions regarding the status of the idea of autonomy as an ideal for rational beings and how to understand the capacity for autonomy in the context of a discursive practice that is essentially governs by heteronomous forces.

2   Keeping It Implicit:

A Defense of Foucault's Archaeology of Knowledge

My goal in this chapter is to vindicate Michel Foucault's notion of archaeology of knowledge from the influential and putatively devastating line of criticism by Hubert Dreyfus and Paul Rabinow that Foucault's archaeological project is based on an incoherent conception of the rules of the discursive practices it undertakes to study.[1] Still today, after three decades, the argument by Dreyfus and Rabinow plays a pivotal role in the interpretation of Foucault's philosophy. On the one hand, their argument has convinced many that Foucault's archaeology of knowledge was an ill-conceived project, whose distinctive goals and methods were supplanted by his later genealogical and ethical analyses. Symptomatically, one finds no extensive discussion of archaeology in the recent surge of philosophical scholarship on Foucault's work.[2] On the other hand, none of the sympathetic interpreters of Foucault's archaeology have adequately explained how it could avoid the charge of incoherence that Dreyfus and Rabinow level against it.[3] This situation is particularly problematic for two reasons. First of all, I believe that Foucault's widely discussed ideas regarding relations of power and practices of the self can be fully understood only against the background of the distinctive epistemological view that informs his notion of archaeology of knowledge. Second, as I hope to show below, Foucault's archaeological project remains an unexploited repository of insights for

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[1] Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, University of Chicago Press, 1982, pp. 79–100.

[2] Timothy O'Leary and Christopher Falzon (ed.), *Foucault and Philosophy.* Wiley-Blackwell, 2010; Christopher Falzon, Timothy O'Leary, and Jana Sawicki (ed.), *A Companion to Foucault.,* Wiley-Blackwell, 2013.

[3] Ian Hacking, "Michel Foucault's Immature Science," *Noûs*, 13:1 (1979), 39–51. Ian Hacking, "The Archaeology of Foucault," in *Foucault: A Critical Reader*, (ed.) David Couzens Hoy, Blackwell, 1986, pp. 27–40. Arnold I. Davidson, "Archaeology, Genealogy, Ethics," in *Foucault: A Critical Reader*, David Couzens Hoy (ed.), Blackwell, 1986, pp. 27–40. Gary Gutting, *Michel Foucault's Archaeology of Scientific Reason*, Cambridge University Press, 1989. Martin Kusch, *Foucault's Strata and Fields: An Investigations into Archaeological and Genealogical Science Studies*, Kluwer, 1991. Arnold I. Davidson, *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts*, Harvard University Press, 2001.

various debates in philosophy today concerning the relationship between practice and reflection in the structure of thought.[4] However, neither of these claims is viable, unless one can vindicate archaeology of knowledge from the charge of incoherence. That is why the argument by Dreyfus and Rabinow merits our particular attention.

The central idea motivating Foucault's notion of archaeology of knowledge is that our discursive possibilities—what kinds of thought one can intelligibly entertain as candidates for being true or false—are partially shaped behind our backs, as it were, by normative determinations we fail to recognize as such. This unconscious element of knowledge, Foucault maintains, is not a psychological feature of a thinking subject, but a structural component of thought as a discursive practice and thus susceptible to historical transformations.[5] Specifically, Foucault conceptualizes this historically changing unconscious dimension of thought in terms of rules of discursive practices that are unknown to the subjects whose discursive possibilities they shape. Archaeology aims to uncover historically specific systems of such unconscious rules and thus to identify particular systems of thought, each with a distinctive set of discursive possibilities. Therefore, the very idea of an archaeology of knowledge stands or falls with the specific conception of the rules it purports to study.

I shall call that view of rules a 'pragmatist conception of rules'. Though it readily appears that Dreyfus and Rabinow are attacking the pragmatist conception of rules as such, in fact, as we shall see, their argument only denies Foucault's entitlement to it jointly with the 'structuralist move' they attribute to his archaeological project.[6] My strategy to defend archaeology against this line of

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[4] Bernard Williams, *Ethics and the Limits of Philosophy*, Routledge, 1985; Robert Brandom, *Making It Explicit: Reasoning, Representing, and Discursive Commitment*, Harvard University Press, 1994; Alva Noë, "Against Intellectualism," *Analysis*, 65 (2005), 278–290; Crispin Wright, "Rule-following Without Reasons: Wittgenstein and the Constitutive Question," *Ratio* 20 (2007), 481–502; Robert Brandom, *Between Saying and Doing: Towards and Analytic Pragmatism*, Oxford University Press, 2008.

[5] Michel Foucault, "Foucault répond à Sartre" (1968) in *Dits et écrits*, vol. 1, pp. 693–94.

[6] Dreyfus and Rabinow, *Michel Foucault*, 62.

criticism consists of three main steps. First, I will explain Foucault's motivation for holding that the rules of discursive practices archaeology studies are both implicit and efficacious. In the second place, I will provide an independent justification for that pragmatist conception of rules by rehearsing the regress of rules argument. Finally, I will vindicate Foucault's entitlement to the pragmatist conception of rules by explaining how the charge of its incompatibility with a 'structuralist move' is based on a thoroughgoing misunderstanding of the goals of Foucault's archaeological project. Specifically, I will show how that misinterpretation arises from Dreyfus's own very different philosophical concerns and how the pragmatist conception of rules is correctly understood within Foucault's proper philosophical outlook instead. As a result, I will offer a novel interpretation of Foucault's archaeology of knowledge as a diagnostic project whose distinctive conception of the relationship between practice and reflection in the structure of thought provides a fruitful starting point for a more systematic assessment and elaboration of Foucault's philosophical work in connection with ongoing debates in philosophy today.

1. The Charge of 'Regularities Which Regulate Themselves'

In order to make intelligible the specific type of rules that archaeology of knowledge studies, Dreyfus and Rabinow consider and reject several approaches. Since the rules are historically changing, Dreyfus and Rabinow reject a view of them as social laws based on physical laws that operate in the brain. They reject the model of self-conscious rule-following, in turn, because the rules must be unrecognized as such by the subjects whose thought they shape. It seems more promising, at first, to understand the rules as descriptive regularities of a discursive practice because one could then meet the requirement that the rules be unconscious. However, the conception of rules as descriptive regularities cannot be reconciled with Foucault's other central commitment, namely, that the rules archaeology studies were actually operative with specific effects in particular

historical circumstances. As Dreyfus and Rabinow see it, Foucault must choose between attributing historical efficacy to the rules, on the one hand, and holding that the rules are not recognized as such by the thinking subjects, on the other. Since Foucault rejects neither of these two commitments, Dreyfus and Rabinow conclude that he commits himself to an incoherent view that conflates the descriptive and normative registers by attributing causal efficacy to the very *descriptions* of regularities the archaeologist arrives at through a retrospective analysis of discursive practices.

"Foucault cannot look for the regulative power which seems to govern the discursive practices outside of these practices themselves. Thus, although nondiscursive influences in the form of social and institutional practices, skills, pedagogical practices, and concrete models constantly intrude into Foucault's analysis . . . he must locate 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. Since the regularity of discursive practices seems to be the result of their being governed, determined, and controlled, while they are assumed to be autonomous, the archaeologist must attribute causal efficiency to the very rules which describe these practices' systematicity."[7]

Dreyfus and Rabinow draw this conclusion at the end of a discussion of the explanatory power of Foucault's archaeological analyses. As they rightly emphasize, archaeology of knowledge is not merely a descriptive enterprise in the history of thought. Foucault's key idea, which is expressed through his use of the notion of a historical a priori, is to identify historically particular systems of thought, 'discursive formations', on the basis of the rules of the discursive practices archaeology uncovers.[8] By thus circumscribing different systems of thought, each governed by a distinct set of rules that were unknown to the thinking subjects, Foucault seeks to account for systematic patterns in the history of thought without reliance on individual psychology or some metahistorical notion of rationality.[9] Obviously, this explanatory connection requires that the rules of discursive practices archaeology studies were in fact historically efficacious.

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[7] Dreyfus and Rabinow, *Michel Foucault,* 84–85.

[8] Michel Foucault, *L'archéologie du savoir*, Gallimard, 1969, pp. 45–54.

[9] Foucault, "Foucault répond à Sartre," 693–94; Foucault, *L'archéologie du savoir*, 82–83; Michel Foucault, "Préface à l'édition anglaise" (1970) in *Dits et écrits*, vol. 1, 2001.

By insisting that Foucault must choose between the requirements of implicitness and efficaciousness, Dreyfus and Rabinow suggest that archaeology's explanatory ambitions rest on an incoherent conception of the rules of discursive practices it purports to study. Their diagnosis is that 'in his account of the causal powers of discursive formations, Foucault illegitimately hypothesized the observed formal regularities which describe discursive formations into conditions of these formations' existence'.[10] In order to save archaeology, Dreyfus and Rabinow recommend that Foucault relinquish the idea that his archaeological analyses possess any explanatory power. In their view, Foucault's 'unclearness concerning the question of causal efficacy surely shows that the archaeologist should never have raised this problem in the first place'.[11] In fact, however, a choice between implicitness and efficaciousness is mandatory only if the alternative that combines them has been excluded. And that independent alternative is provided, as we shall see, by the pragmatist conception of rules.

2. Implicitness and Efficaciousness

For Foucault the task of finding a conception of rules that can combine the requirements of implicitness and efficaciousness is motivated by the contrast he draws between two kinds knowledge —*connaissance* and *savoir*. Foucault uses the word '*connaissance*' to designate specific bodies of empirical knowledge he studies—psychiatry, clinical medicine, and criminology, among others—understood as sets of truth claims. The distinctive focus of Foucault's archaeological analyses, however, is marked by the word '*savoir*', which he employs to designate a system of rules that escapes the consciousness of thinking subjects and nonetheless defines a particular space of possibilities for them in a given historical context. In 1966, shortly after the publication of *The Order of Things*, Foucault sums up this

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[10] Dreyfus and Rabinow, *Michel Foucault*, 83.

[11] Ibid.

distinctive conception of knowledge as follows:

"By archaeology I would like to denote not exactly a discipline, but a field of research that is the following.

In society, knowledges [*connaissances*], philosophical ideas, everyday opinions, but also institutions, commercial and police practices, customs, all refer to a certain implicit knowledge [*savoir implicit*] proper to this society. This knowledge [*savoir*] is profoundly different from the knowledges [*connaissances*] one can find in scientific books, philosophical theories, religious justifications, but it is what makes possible in a given moment the appearance of a theory, of an opinion, of a practice."[12]

Foucault treats such a system of implicit knowledge as a historically dynamic constellation of constitutive conditions for particular discursive possibilities. The unconscious rules that make up a system of *savoir* constitute and constrain a set of discursive possibilities that are actualized as truth claims in specific bodies of empirical knowledge, *connaissances*. For example, Foucault explains, in *History of Madness* 'it was that knowledge [*savoir*] that I wanted to examine, as condition of possibility of knowledges [*connaissances*], institutions, and practices' that identify mental illness as an object of theoretical investigation and practical intervention.[13]

Foucault contrasts this epistemological view with the assumption of unrestrained epistemic sovereignty of the knowing subject that, according to him, dominates modern philosophy and is epitomized in phenomenology.[14] In contrast to that 'humanist' tradition, which takes the unconstrained freedom of a human subject as its metaphysical foundation and methodological starting point, Foucault assigns primacy, on both counts, to an unconscious 'system':

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[12] Michel Foucault, "Michel Foucault: 'Let mots et les choses,'" (1966) in *Dits et écrits*, vol. 1, p. 526. All quotes from Foucault are my translations, unless indicated otherwise. "Par archéologie, je voudrais désigner non pas exactement une discipline, mais un domaine de recherche qui serait le suivant.

Dans une société, les connaissances, les idées philosophiques, les opinions de tous les jours, mais aussi les institutions, les pratiques commerciales et policières, les mœurs, tout renvoie à un certain savoir implicite propre à cette société. Ce savoir est profondément différent des connaissances que l'on peut trouver dans les livres scientifiques, les théories philosophiques, les justifications religieuses, mais c'est lui qui rend possible à un moment donné l'apparition d'une théorie, d'une opinion, d'une pratique."

[13] Ibid.

[14] Michel Foucault, "L'homme, est-il mort?" (1966) in *Dits et écrits*, vol. 1, pp. 568–72. Michel Foucault, "La naissance d'un monde" (1969) in *Dits et écrits*, vol. 1, p. 817. Foucault, "Préface à l'édition anglaise," 881; Michel Foucault, "Entretien avec Michel Foucault," (1971) in *Dits et écrits*, vol. 1, p. 1033.

"In all historical periods, people's way of thinking, writing, judging, speaking (including the most everyday conversations and writings on the street) and even people's way of experiencing things, the reactions of their sensibility, all their conduct, is ordered by a theoretical structure, a *system*, that changes with the ages and the societies—but that is present in all ages and in all societies. . . . One thinks inside an anonymous and constraining system of thought [*d'une pensée anonyme et contraignante*] of a historical period and of a language. . . . It is the ground on which our 'free' thinking emerges and sparkles for a moment."[15]

Though this subordination of the freedom of a thinking subject to an unconscious system of rules created an 'antihumanist' allegiance between Foucault's archaeology and its contemporaneous structuralist human sciences, Foucault's thoroughly historical outlook made his work always distinct from any strictly speaking structuralist methods and aspirations. In 1967, for example, Foucault underscores this decisive difference in approach:

"Unlike those who are called structuralists, I am not that much interested in the formal possibilities offered by a system like language [*la langue*]. Personally, I am rather obsessed by the existence of discourses, by the fact that things have been said [*que des paroles ont eu lieu*]: these events have functioned in relation to their original situation, they have left traces behind, they remain [*subsistent*] and exert, due to this very existence [*subsistance*] in history, a certain number of manifest or secret functions."[16]

Archaeology of knowledge studies the 'secret function' of statements [*énoncés*] to constitute a system of *savoir* that unbeknownst to the speaking subjects defines a particular set of discursive possibilities for them in a given discursive practice. Foucault's key idea is that the rules of *savoir* are created, sustained, and sometimes transformed through the very activity of making statements without

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[15] Michel Foucault, "Entretien avec Madeleine Chapsal" (1966) in *Dits et écrits*, vol. 1. p. 543. Added emphasis. "À toutes les époques, la façon dont les gens réfléchissent, écrivent, jugent, parlent (jusque dans la rue, les conversations et les écrits les plus quotidiens) et même la façon dont les gens éprouvent les choses, dont leur sensibilité réagit, toute leur conduite est commandée par une structure théorique, un *système*, qui change avec les âges et les sociétés — mais qui est présent à tous les âges et dans toutes les sociétés."

[16] Michel Foucault, "Sur les façons d'écrire l'histoire" (1967) in *Dits et écrits*, vol. 1, p. 623. "À la différence de ceux qu'on appelle les structuralistes, je ne suis pas tellement intéressé par les possibilités formelles offertes par un système comme la langue. Personnellement, je suis plutôt hanté par l'existence des discours, par le fait que des paroles ont eu lieu : ces événements ont fonctionné par rapport à leur situation originelle, ils ont laissé des traces derrière eux, ils subsistent et exercent, dans cette subsistance même à intérieur de l'histoire, un certain nombre de fonctions manifestes ou secrètes."

representing the rules as such.[17] In short, the rules are simultaneously both implicit and efficacious. Focusing on the history of the human sciences, Foucault illustrates that general requirement by saying that the rules function as 'a *positive unconscious* of knowledge [at] a level that escapes the scientist's consciousness and nevertheless partakes of the scientific discourse instead of contesting its validity and seeking to decrease its scientific nature'.[18]

Such a system of constitutive rules is not merely a theoretical construction for Foucault, but it is crucial for his archaeological project that 'the development of this knowledge [*savoir*] and its transformations . . . put in play complex relations of causality' in the history of thought.[19] In other words, it is crucial that a system of *savoir* functions as a historical a priori. 'It is this a priori,' Foucault explains in *The Order of Things*, 'that, in a given historical period, carves out in experience a field of possible knowledge, defines the mode of being of the objects that appear in it, endows everyday perception with theoretical powers, and defines the conditions under which a discourse that is recognized as true can be held about things'.[20] In *The Archaeology of Knowledge*, then, Foucault notes explicitly that his use of the notion of a historical a priori serves to mark an explanatory connection between the rules of a discursive practice and a particular system of thought: 'The reason for using this a little barbarous term [historical a priori] is that this *a priori* must *account for* statements in their dispersion'.[21] The explanatory connection is underwritten by the constitutive dependence between a particular set of discursive possibilities and the rules of a given discursive practice. For Foucault a historical a priori 'is defined as the group of rules that characterize a discursive practice', and he indicates that constitutive dependence by underscoring that 'these rules are not imposed from

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[17] Foucault, *L'archéologie du savoir*, 136–37, 192.

[18] Foucault, "Préface à l'édition anglaise," 877. Original emphasis.

[19] Michel Foucault, "Titres et travaux" (1969) in *Dits et écrits*, vol. 1, p. 872.

[20] Michel Foucault, *Les mots et les choses: une archéologie des sciences humaines*, Gallimard, 1966, p. 171.

[21] Foucault, *L'archéologie du savoir*, 167. Added emphasis.

outside onto the elements they connect [*mettent en relation*],' but the rules 'partake in the very thing they connect [*sont engagées dans cela même qu'elles relient*]'.[22] As we shall see, grasping how Foucault combines this Kantian view of objects of knowledge as conceptually constituted with a decidedly pragmatist conception of the constitutive rules that function as a system of *savoir* will be the key to a proper understanding of his archaeological project.

3. Foucault's Pragmatist Turn

To grasp the pragmatism of Foucault's considered view it is instructive to consider how his understanding of the rules of *savoir* changed in the course of writing *The Archaeology of Knowledge*, his most ambitious presentation of archaeology. In the book, published in 1969, Foucault presents his considered view that these rules are not articulated as statements of rules but instead enacted implicitly in a discursive practice. But in the unpublished manuscript of *The Archaeology of Knowledge* Foucault defines *savoir* as a historically changing group of *statements* that play a normative function in a discursive practice. In the manuscript, Foucault argues that '[t]he grid that constitutes, for a given period [...] the system of *savoir*, may be called the grid of determining assertions. This set of assertions cannot be said to be true or false within the scientific discourse they make possible'.[23] In other words, in the manuscript Foucault understands *savoir* in terms of statements, indeed as a special set of assertions whose role is to define what types of statements can be formulated as intelligible empirical claims to be verified or falsified. Foucault articulates this view very clearly: 'This

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[22] Foucault, *L'archéologie du savoir*, 168.

[23] Michel Foucault, "L'archéologie du savoir." NAF 28284 (1), Bibliothèque nationale de France, Paris, p. 558. "Cette grille qui constitue, pour une période et un [*] donnés, le système du savoir, c'est ce qu'on pourrait appeler la grille des assertions déterminants. Cet ensemble d'affirmations ne peut pas être dits vrais ou faux, à l'intérieur des discours scientifique qu'il permet." * I could not decipher this word.

network of assertions is what I call *savoir*.[24] Thus both specific bodies of empirical knowledge, *connaissances*, and the system of rules that constitutes the particular discursive possibilities they realize, *savoir*, are understood as statements. 'The *savoir* [is] the network of assertions that give rise to scientific statements in their possibility; it is the space of their emergence'.[25]

Ultimately, however, that conception of *savoir* as an explicitly articulated historical a priori defeats the purpose of an archaeology of knowledge to unearth a system of rules that goes unrecognized by those whose discursive possibilities it shapes. *Statements* of rules cannot make a positive *unconscious* of knowledge. It is therefore not surprising that in the published version of *The Archaeology of Knowledge* Foucault underscores that the rules of discursive practices archaeology studies are not to be understood as statements. Foucault states that a discursive practice is governed by 'a group of anonymous, historical rules',[26] and he is very clear about rejecting the view he had endorsed in the manuscript: 'These rules are never given in a formulation, they traverse formulations and constitute for them a space of coexistence; therefore one cannot find a single statement that would articulate them as such'.[27] Given the very idea of *savoir* as a positive unconscious of knowledge, this considered view is indeed what Foucault ought to maintain.

This shift from an explicit to an implicit conception of the rules of *savoir* signals a pragmatist turn in Foucault's philosophy. The central role of the concept of practice in Foucault's thought was noted early on by some of his most astute interpreters, but only recently has the topic received the wider attention it deserves.[28] Foucault himself came to express this pragmatist commitment as 'a

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[24] Foucault, "L'archéologie du savoir." NAF 28284 (1), 556. Original emphasis. "Ce reseau d'affirmations [...] c'est ce que j'appelle le savoir".

[25] Foucault, "L'archéologie du savoir." NAF 28284 (1), 563. "Le savoir [...] la reseau d'assertions qui donne lieu aux énoncés scientifiques dans leur possibilité; c'est leur espace d'émérgence".

[26] Foucault, *L'archéologie du savoir*, 153–4.

[27] Foucault, *L'archéologie du savoir*, 192.

[28] Paul Veyne, "Foucault Revolutionizes History," in *Foucault and His Interlocutors*, Arnold I. Davidson (ed.), University of Chicago Press, 1997. Colin Koopman (ed.), *Foucault Studies*, 11 (2011): Foucault and Pragmatism.

third principle of method: address "practices" as the field of analysis, conduct the study by privileging what "was done"".[29] What is *done* in a discursive practice—the *activity* of making statements, in contrast to their representational content—assumes a fundamental role in Foucault's understanding of thought when he begins to conceptualize *savoir* as a group of rules that are implicit in a discursive practice. Implicit rules cannot be attributed to subjects as propositional knowledge— that is, as knowledge that something is (or ought to be) thus and so. Instead, conformity to the implicit rules must be understood as a practical ability of the participants of a discursive practice, namely, as knowledge-how that guides their use of concepts without being represented as a set of rules. Though Foucault does not use the distinction 'knowing that/knowing how', his own contrast between *connaissance* and *savoir* needs to be drawn in terms of propositionally articulated knowledge on the one hand and practical abilities on the other.[30] Only thus can *savoir* consist of rules that are both implicit and efficacious, in contrast to bodies of knowledge, *connaissances*, that consist of truth claims.

Correspondingly, two different conceptions of thought take shape, depending on whether one gives primacy to knowing *that* or knowing *how* as the fundamental, self-standing type of knowledge. Let me designate these two alternatives as 'intellectualist' and 'pragmatist' conceptions of thought, respectively. According to the pragmatist conception, the propositional content of what is represented in thought depends on the activity of reasoning, and in general, as Robert Brandom puts it, 'believing *that* things are thus-and-so is to be understood in terms of practical abilities to *do* something'.[31] This means that subjects grasp the fundamental normative standards that govern the use of concepts not in a propositionally articulated form but as an ability to participate in a discursive practice. Thus understood, the very intelligibility of propositionally articulated thought

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[29] Michel Foucault, "Foucault," in *Dits et écrits*, vol. 2, pp. 1453–54.

[30] Gilbert Ryle, *The Concept of Mind*, Hutchinson, 1949.

[31] Robert Brandom, *Perspectives on Pragmatism: Classical, Recent, and Contemporary*, Harvard University Press, 2011, p. 9. Original emphasis.

rests on behavioral dispositions whose norms the subject does not know in a propositional form. In contrast, the intellectualist conception of thought takes propositionally articulated knowledge as the primitive, self-standing type of knowledge and views the activity of doing something as derivative. Therefore, according to the intellectualist view, propositional contents form a system of truth-apt representations whose objective purport is intelligible to a subject independently of the subject's mastery of any practical abilities. In other words, the intellectualist and pragmatist conceptions of thought disagree about the type of knowledge in virtue of which a subject in able to use concepts. The intellectualist strategy is committed to accounting for that ability in terms of propositionally articulated representational contents it attributes to a subject, whereas the pragmatist approach insists that understanding the objective purport of such representations presupposes knowledge-how. To be sure, Foucault never presented an adequate philosophical argument for this pragmatist view. Nevertheless, such an argument exists, and it can be rehearsed, independently of Foucault's specific concerns and commitments, to justify the pragmatist conception of rules.

As I already demonstrated in the previous chapter, the regress of rules shows that reasoning is fundamentally governed by normative standards that are not grasped in a representational form but instead are mastered as a practical ability.[32] The regress undermines a general conception of rules as representations and, specifically, its intellectualist version according to which all rules are represented as statements of rules. The upshot is that following representations of rules requires an ability to reliably conform to standards of correctness that are implicit, that is, *not* represented. Some have hypothesized that this implicit normative bedrock is a biological feature of the human brain.[33] But, assuming that concepts are acquired of a piece with language acquisition, as I do, the regress in fact shows that the bedrock of reasoning consists of normative standards that are implicit in a

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[32] Wittgenstein, *Philosophical Investigations*, §§ 198–202; Sellars, "Some Reflections on Language Games," 28–9.

[33] Fodor, *The Language of Thought*, 55–78.

discursive practice.[34] Thus the regress of rules gives rise to a metanormative question, which Brandom formulates as follows: 'how to understand proprieties of practice, without appealing to rules, interpretations, justifications, or other explicit claims that something is appropriate'?[35]

On the one hand, the regress undermines the view that all normative standards exist as statements of rules, which Brandom calls 'regulism'. On the other hand, it is tempting to try to avoid the regress by opting for an alternative approach that is independent of the perspective of any agent. Following this strategy, the claims one makes about the rules of a discursive practice would be understood as descriptions of regularities one identifies by observing a practice, and the claims would specifically involve no reference to the particular perspective of any of the participants in the practice. No regress of rules would ensue because such descriptions say nothing about subjects as following rules intentionally. In keeping with Brandom's terminology, let me call this alternative conception of rules 'regularism'. The problem with the regularist strategy, however, is that by replacing an account of proprieties with descriptions of regularities it loses the very idea that there are normative forces operative in a discursive practice. The strategy therefore has no resources to make sense of the fundamental fact of our discursive lives that we are susceptible to error when applying concepts—that is, of the fact that concepts have criteria of application.

The metanormative challenge, then, is 'to make sense of a notion of norms implicit in practice that will not lose either the notion of implicitness, as regulism does, or the notion of norms, as simple regularism does'.[36] Now, this twofold general constraint for understanding the normative structure of a discursive practice corresponds to the two criteria of adequacy I have identified for Foucault's conception of the rules of discursive practices on the basis of the specific concerns of his archaeological project. Therefore, it is all the more striking to see Dreyfus and Rabinow insist

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[34] A defense of this assumption is a task for another occasion.

[35] Brandom, *Making It Explicit,* 25.

[36] Brandom, *Making It Explicit*, 29.

that Foucault must choose *between* regulism and regularism:

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 people actually *follow* them. Foucault certainly does not want to say that the rules are followed by the speakers. The rules are not in the minds of those whose behavior they describe. . . . One might suppose, then, that since they are not rules subjects follow, they must be rules that serve to systematize phenomena; that statements can be given coherence according to them.[37]

That is indeed what Dreyfus and Rabinow suppose when they proceed to conclude that Foucault is committed to a conceptual confusion of 'regularities which regulate themselves', a confusion that conflates the descriptive and normative registers by attributing normative force and causal efficacy to regularist *descriptions* that map regularities of discourse. But why do Dreyfus and Rabinow overlook the pragmatist conception of rules that not only provides an independent alternative and thus enables one to avoid a mandatory choice between regulism and regularism, but also, as I have shown, constitutes a conceptual centerpiece in Foucault's archaeological project? This appears all the more perplexing given that Dreyfus himself is a long-standing champion of the pragmatist conception of thought, which he traces back to Heidegger's view in *Being in Time* that *Zuhandenheit* (and *Umgang*) have an ontological priority over *Vorhandenheit* (and *Erkenntnis*).[38] I believe that the most charitable explanation for this omission is that Dreyfus and Rabinow fail to recognize the pragmatist approach in Foucault's conception of rules, because they interpret archaeology, mistakenly, as we shall see, as a sort of structuralism. As they see it, Foucault *himself* rejects the pragmatist alternative by making 'a structuralist move'. Therefore, rather than calling into question the pragmatist conception of rules as such, Dreyfus and Rabinow are in fact only arguing against Foucault's entitlement to it jointly with the 'structuralist move' they attribute to archaeology.

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[37] Dreyfus and Rabinow, *Michel Foucault,* 81. Original emphasis.

[38] Hubert Dreyfus, *What Computers Can't Do: The Limits of Artificial Intelligence*, Harper & Row, 1972, p. 173. Hubert Dreyfus, *Being-in-the-World: A Commentary on Heidegger's* Being and Time, *Division 1*, MIT Press, pp. 60–87. Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson, Harper & Row, 1962, §§ 15–16. ´

Curiously enough, Dreyfus and Rabinow thus end up criticizing Foucault for abandoning the pragmatist approach that he, in fact, endorses. However, as I hope to show next, Foucault's entitlement to the pragmatist conception of rules is not threatened by this line of criticism, which stems from a failure to grasp the specificity of his archaeological project.

4. The Charge of a 'Structuralist Move'

According to Dreyfus and Rabinow, Foucault's 'structuralist move' makes archaeology of knowledge diametrically opposed to the pragmatist approach, which they favorably attribute to the early Heidegger, the later Wittgenstein, and others. Dreyfus and Rabinow believe that Foucault, as well as Heidegger and Wittgenstein, are all 'interested in the practical background that makes objectivity possible'.[39] The crucial issue, according to Dreyfus and Rabinow, is whether these background practices themselves are discursive or not: 'Hermeneutic thinkers such as Heidegger and Kuhn would agree with Foucault that subjects are surely not the source of discourse. All would agree that the source is 'an anonymous field of practices'. But those doing hermeneutics would insist that this field is not purely discursive. . . . Changing *nondiscursive skills* sustain the changing styles of statements, the modalities of enunciation, and the kinds of subjects which are possible.'.[40] In contrast, Dreyfus and Rabinow argue, 'Foucault . . . makes a structuralist move which sharply distinguishes his account of the background practices from that of Wittgenstein and Heidegger. Although he is clearly aware that nondiscursive practices play a role in "forming" objects he insists that the crucial role is played by what he calls *discursive* relations'.[41]

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[39] Dreyfus and Rabinow, *Michel Foucault*, 62.

[40] Dreyfus and Rabinow, *Michel Foucault*, 69. Added emphasis.

[41] Dreyfus and Rabinow, *Michel Foucault,* 62. Original emphasis.

As Dreyfus and Rabinow put it, correctly, Foucault 'claims that discursive relations have a certain effect on all other relations'.[42] Thus, for them, Foucault's 'structuralist move' is 'the extreme and interesting (if ultimately implausible) claim that discourse unifies the whole system of practices, and that it is only in terms of this discursive unity that the various social, political, economic, technological, and pedagogical factors come together and function in a coherent way'.[43] To Dreyfus and Rabinow this primacy of 'discursive relations' means that 'Foucault is not satisfied to accept social practices as a level of explanation'.[44] As a result, they conclude that Foucault embraces a diametrically opposite view of the background practices than the view of 'the existential-pragmatic philosophers,' exemplified by Heidegger and Wittgenstein:

In sum, archaeologists make exactly the opposite use of the social-background practices than the existential-pragmatic philosophers do. For thinkers like Heidegger, Wittgenstein, Kuhn, and Searle it is precisely the nondiscursive background practices that enable us to encounter objects and to speak about them. . . . In this broadly hermeneutic view the regularities of discursive practice are influential but are themselves explained by the purposes served by specific discursive practices in everyday meaningful human activities. Contrary to Foucault, these thinkers argue, each in his own way, that practical considerations determine which theoretical strategies will be taken seriously.[45]

This line of criticism, I hope to show now, is motivated by philosophical concerns that are alien to Foucault's archaeological project and irrelevant to a judicious assessment of its merits and shortcomings. Specifically, Dreyfus and Rabinow understand the distinction between discursive and nondiscursive practices differently than Foucault does, and this divergence reflects a decisive discrepancy between their respective philosophical outlooks. To show that, let me first explain why Foucault's notion of discursive relations needs to be understood from within his generally Kantian epistemological outlook and then why it is plausible, within Foucault's philosophical outlook, to

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[42] Dreyfus and Rabinow, *Michel Foucault*, 64.

[43] Dreyfus and Rabinow, *Michel Foucault*, 65.

[44] Dreyfus and Rabinow, *Michel Foucault*, 82.

[45] Dreyfus and Rabinow, *Michel Foucault*, 77–78.

maintain that all nondiscursive practices depend on discursive practices.

5. Foucault's Kantian Pragmatism

It is important to realize that Foucault's discussion of discursive relations belongs to a section of *The Archaeology of Knowledge* entitled 'The Formation of Objects' where he consistently distinguishes between objects of discourse [*objets*] and prediscursive things [*choses*], explicitly excluding things thus understood from the scope of archaeology of knowledge.[46] Foucault's generally Kantian epistemological outlook is clearly pronounced: 'in short, one wants to get rid of 'things' altogether, to de-present them. . . . To substitute for the enigmatic treasure of 'things' that precede discourse, the rule-governed formation of objects that take shape only in it. To define these *objects* without referring to the *ground of things*, but by relating them to the group of rules that allow them to be formed as objects of a discourse and thus constitute their conditions of historical emergence'.[47] In contrast to things, thus understood, Foucault underscores that 'the object does not wait in a limbo for the order that will set it free and enable it to be embodied in a visible and sayable [*bavarde*] objectivity; it does not pre-exist in itself, kept by some obstacle at the edges of light. It exists under the positive conditions of a complex bundle of relations'.[48]

It is these relations, which play a constitutive role with respect to objects of discourse, that Foucault calls 'discursive relations'. In contrast to relations between things (not objects), on the one hand, and relations between linguistic-cum-semantic entities (not statements), on the other, Foucault underscores the specificity of the discursive relations by saying that they belong to discourse as a practice: 'These relations characterize not the language [*la langue*] the discourse uses, not the

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[46] Foucault, *L'archéologie du savoir*, 64–7.

[47] Foucault *L'archéologie du savoir*, 64–5. Original emphasis.

[48] Foucault, *L'archéologie du savoir*, 61.

circumstance where it unfolds, but the discourse itself as a practice'.[49] I believe that commentators have generally failed to grasp the full significance of this claim, because they have not realized that Foucault's notion of discursive relations is a *pragmatic* category, specifically that these relations are generated by the *activity* of making statements understood as 'connecting [*une mise en relations*] that characterizes the discursive practice itself'.[50] In contrast to relations between things, on the one hand, and relations between linguistic abstractions in a discourse already pronounced, on the other, discursive relations are 'at the limit of discourse, as it were: they provide it with the objects it can talk about'.[51] Foucault, who has already stated that 'an object . . . does not pre-exist in itself,'[52] is quick to clarify that 'rather (for this picture of offering presupposes that objects are formed on one side and discourse on another), they [the discursive relations] determine the bundle of relations that discourse must bring about [*effectuer*] to be able to talk about such and such objects'.[53] Thus understood, the discursive relations are constitutive of the objects of knowledge in a given discursive practice, and the configuration of these constitutive relations is governed by the given rules of *savoir*, understood as 'a group of *rules* that are immanent in a practice and define it in its specificity'.[54]

This view of discursive relations is an expression of Foucault's decidedly pragmatist elaboration of the Kantian thought that objects of knowledge are actively constituted by conceptual determinations. According to Foucault, the constitutive relations themselves are created and organized by *doings* in a discursive practice, namely, by the activity of making statements. Given this generally Kantian epistemological outlook, it should come as no surprise that Foucault is not

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[49] Foucault, *L'archéologie du savoir*, 63.

[50] Ibid.

[51] Ibid.

[52] Foucault, *L'archéologie du savoir*, 61.

[53] Foucault, *L'archéologie du savoir*, 63.

[54] Ibid. Original emphasis.

concerned with prediscursive things but objects of discourse. As Marc Djaballah emphasizes in his study of Kantian aspects in Foucault's thought, 'the objects of discourses have the basic structure of sensible objects in Kant's theoretical philosophy. They are not less than the objects of which Kant deduces the conditions of possibility, but more'.[55] Whereas Kant inquires into the *necessary* conditions for any object of empirical judgment, Foucault's focus lies in the additional *sufficient* conditions for particular types of objects to become thinkable. Instead of asking how the pure concepts of the faculty of understanding determine the transcendental object X, Foucault studies the historical articulation of further conceptual determinations that specify particular types of objects for thought, and he takes these further determinations to be constituted through the activity of making statement in a discursive practice.[56]

6. Discursive and Nondiscursive

But why does Foucault maintain that the organization of *all* social practices depends on a given configuration of discursive relations understood in this way? Here it is crucial to recognize two versions of the distinction between discursive practices and nondiscursive practices—a broad and a narrow sense of that distinction. For Foucault, all constellations of social practices are discursive in the *broad* sense that they involve the use of concepts. A system of thought, as Foucault understands it, is a network [*reseau*] that correlates practices of making statements and practices of doing (other) things as two dimensions of a historically particular form of experience.[57] According to this view,

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[55] Marc Djaballah, *Kant, Foucault, and Forms of Experience*, Routledge, 2008, p. 239.

[56] Kant, *Critique of Pure Reason*, A109–10.

[57] Foucault, "Titres et travaux," 874; Michel Foucault, "Un problème m'intéresse depuis longtemps, c'est celui du système pénal" (1971) in *Dits et écrits*, vol. 1, p. 1075; Michel Foucault, "Le jeu de Michel Foucault" (1977) in *Dits et écrits*, vol. 2, p. 299; Michel Foucault, "Table ronde du 20 mai 1978" (1980) in *Dits et écrits*, vol. 2, pp. 845–46; Michel Foucault, "Préface à l' *Histoire de la sexualité*" (1984) in *Dits et écrits,* vol. 2, pp. 1397-1400.

'thought is understood as the very form of action,'[58] and therefore social reality is always discursive in the broad sense: 'discourse must not be understood as the set of things that are said, nor as the manner of saying them. It is just as much in what is not said, or what is marked by gestures, attitudes, ways of being, patterns of behavior, spatial arrangements. Discourse is the set of constrained and constraining meanings that pass through social relations'.[59] Thus, when Foucault draws a distinction between 'discursive practices' and 'nondiscursive practices', it is a *narrow* distinction within this already essentially concept-involving outlook. In the *narrow* sense, then, 'discursive practices' consist of the activity of making statements, whereas 'nondiscursive practices' consist of other actions that nonetheless involve an application of concepts. In other words, this narrow distinction marks theoretical and practical *uses* of reason as two kinds of practice *within* a system of thought.

The narrow sense of the 'discursive/nondiscursive' distinction escapes Dreyfus and Rabinow because they believe, overlooking some decisive differences, that Foucault as well as the early Heidegger and the later Wittgenstein are all simply 'interested in the practical background that makes objectivity possible'.[60] Dreyfus and Rabinow believe that Foucault is specifically concerned with the preconditions for scientific knowledge of human beings. They urge that 'like Kant who woke up from his dogmatic slumber and deduced the categories which were to put physics on a sure footing, Foucault wishes to wake us from our "anthropological sleep" in order to open our eyes to a successful study of human beings'.[61] And they hold that '*The Archaeology of Knowledge* presents this new method in detail and sketches the theory of discourse on which it is based'.[62] However, as Gary

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[58] Foucault, "Préface à l' *Histoire de la sexualité*,"' 1399.

[59] Michel Foucault, "Le discours ne doit pas être pris comme…" (1976) in *Dits et écrits*, vol. 2, p. 123.

[60] Dreyfus and Rabinow, *Michel Foucault*, 62.

[61] Dreyfus and Rabinow, *Michel Foucault*, 44.

[62] Ibid.

Gutting has already argued compellingly, *The Archaeology of Knowledge* is a methodological treatise for conducting analyses of a specific kind in the history of thought, and neither these analyses nor Foucault's presentation of their distinctive methodology involve a concern with the necessary preconditions of knowledge or of human sciences in particular.[63] On the contrary, Foucault emphasizes that his methodological choices are informed by philosophical commitments that are geared toward the goal of 'making the history of thought overcome its transcendental subjection,'[64] namely, its conceptual and methodological dependence on the notion of transcendental conditions of experience.[65] And Foucault gladly admits that 'for the time being, and without being able to see an end to it, my discourse, far from determining the place from which it speaks, evades the ground where it could find support. It is a discourse on discourses, but it does not mean to find in them a hidden law, a covered origin that is only to be set free; nor does it mean to establish on its own and starting from itself the general theory whose concrete examples they would be'.[66]

Here Dreyfus's own preoccupation with a transcendental inquiry into the preconditions of human experience occludes the specificity of the concerns that motivate Foucault's archaeological project. If one assumes that finding an ontological foundation for essentially concept-involving experience in some prediscursive activities is the philosophical problem that Foucault, among others, should be addressing, then archaeology of knowledge indeed seems to fail due to its lacking ontological foundation.[67] Most recently, Dreyfus has defended these ontological concerns in his debate with John McDowell regarding the extent to which human experience is conceptually structured. Dreyfus is dissatisfied with 'conceptualists' like McDowell—and Foucault—who

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[63] Gutting, *Michel Foucault's Archaeology of Scientific Reason*, 261–72.

[64] Foucault, *L'archéologie du savoir*, 264.

[65] Foucault, *L'archéologie du savoir*, 21–7, 264–5.

[66] Foucault, *L'archéologie du savoir*, 267–8.

[67] Béatrice Han, *L'ontologie manquée de Michel Foucault*, Jêrome Millon, 1998.

overlook the topic of a prediscursive foundation of experience because doing that, so Dreyfus

argues, makes the conceptualist views unavoidably incomplete. In contrast, Dreyfus insists that an

adequate account of human experience must be based on a prediscursive foundation of skillful

coping:

> Following Heidegger and Merleau-Ponty, I claim that *affordances* can indeed be experienced as data or features in a world of facts permeated by mindedness but that this objective world and its conceptual order *presupposes* a preobjective/presubjective world—a world opened up by our body's responses to solicitations drawing it to maintain and improve its grip on what, on reflection, we understand to be the determinate, unified, namable, and thinkable, objective world.[68]

> Only once our background coping has disclosed a world of stable objects with constant properties, can conceptualism spell out the conceptual content that enables our minds to open onto what, according to Merleau-Ponty, we can't help but take to be a self-sufficient rationally structured world.
> The world of solicitations, then, is not foundational in the sense that it is indubitable and grounds our empirical claims, but it is the self-sufficient, constant, and pervasive background that provides the basis for our dependent, intermittent, activity of stepping back, subjecting our activity to rational scrutiny, and spelling out the objective world's rational structure.[69]

However, neither Foucault nor McDowell is striving to formulate a philosophical theory of human

experience, and without that ambition Dreyfus's point, however valid it may be, loses its force. As

McDowell states laconically in his response to Dreyfus, '[n]o doubt we acquire embodied coping

skills before we acquire concepts, in the demanding sense that connects with rationality'.[70]

Nevertheless, McDowell argues, the experience of concept-using subjects is thoroughly discursive

because the embodied coping skills become animated by rationality once we become full-fledged

concept-users: 'I do not have to ignore embodied coping; I have to hold that, in mature human

beings, embodied coping is permeated by mindedness', namely, by the use of concepts in thought

and action.[71]

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[68] Hubert Dreyfus, "The Return of the Myth of the Mental," *Inquiry*, 50 (2007), p. 360. Added emphasis.

[69] Dreyfus, "The Return of the Myth of the Mental," 363.

[70] John McDowell, "What Myth?" *Inquiry*, 50 (2007), p. 345.

[71] McDowell, "What Myth?" 339.

As I have already indicated, Foucault understands social reality similarly as a constellation of practices that essentially involve the use of concepts. In a 1981 interview, Foucault makes this point as follows: 'One must overcome the sacralization of the social as the only authority on what is real [*seule instance du réel*] and stop considering as thin air this essential thing in human life and human relations, namely, thought. Thought, it exists, well beyond and below the systems and edifices of discourse. It is something that is often hidden, but always animates everyday behavior. There is always a little bit of thought even in the most foolish of institutions, there is always thought even in silent habits'.[72] For Foucault, then, as he once put it succinctly, 'there is thought everywhere'.[73] And, to borrow Foucault's own words, one might say of Dreyfus and Rabinow that their 'mistake consists of forgetting that people think, and that their behaviors, their attitudes, and their practices are animated by thought [*habités par une pensée*]'.[74]

7. Archaeology of Knowledge as a Diagnostic Project

Once Foucault's archaeological project has been severed from concerns of transcendental philosophy, the question remains as to how archaeology's goal and motivation should be understood instead. Before concluding, let me briefly address this important question. While it is well known that Foucault defined the historical present as the focus of his philosophical attention in a series of discussions, from 1978 to 1984, of Kant's essay 'What Is Enlightenment?' virtually no one has noted that Foucault explicitly endorses a diagnostic conception of philosophy already at the peak of his reflections on archaeology of knowledge in the second half of the 1960s. This earlier series of remarks reveals that for Foucault a diagnostic conception of philosophy was initially a bequest from

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[72] Michel Foucault, "Est-il donc important de penser?" (1981) in *Dits et écrits*, vol. 2, p. 999.

[73] Michel Foucault, "L'âge d'or de la lettre de cachet" (1982) in *Dits et écrits*, vol. 2, p. 1170.

[74] Michel Foucault, "Le style de l'histoire" (1984) in *Dits et écrits*, vol. 2, p. 1473.

Nietzsche and that archaeology of knowledge seeks to take up that diagnostic task. In 1966, when Foucault replies to a question about philosopher's role in contemporary society, he invokes Nietzsche's diagnostic conception of philosophy: 'But, speaking of Nietzsche, we can return to your question [what is the role of a philosopher in society]: for him, a philosopher was a diagnostician of the state of thinking. Actually, one can envisage two kinds of philosophers, one who opens up new paths for thought, like Heidegger, and one who plays somewhat of the role of an archaeologist, who studies the space in which thought unfolds, as well as the conditions of this thinking, its mode of constitution'.[75] If Foucault adopts the role of an archaeologist, he does it for the sake of pursuing this diagnostic task, and as he explains in 1967, it is this diagnostic orientation that confers a philosophical character onto his otherwise merely historical investigations:

It is very much possible that what I do has something to do with philosophy, especially to the extent that, at least since Nietzsche, philosophy's task is to diagnose and it no longer seeks to tell a truth that would be valid for everyone and everywhere. I try to diagnose, to realize a diagnosis of the present: to say what we are today and what it means, today, to say what we say. This work of digging under our feet characterizes contemporary thought since Nietzsche, and in this sense I might declare myself a philosopher.[76]

The two passages I have quoted belong to a longer series of generally neglected remarks in which Foucault repeatedly endorses a diagnostic conception of philosophy and presents archaeology of knowledge as a diagnostic project.[77] While a detailed discussion of these remarks is a task for another occasion, it should be clear already that Foucault is not just making a rhetorical move when

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[75] Michel Foucault, "Qu'est-ce qu'un philosophe ?" (1966) in *Dits et écrits*, vol. 1, p. 581.

[76] Michel Foucault, "Qui êtes-vous, professeur Foucault?'" (1967) in *Dits et écrits*, vol. 1, p. 634. "Que ce que je fais ait quelque chose à voir avec la philosophie est très possible, surtout dans la mesure où, au moins depuis Nietzsche, la philosophie a pour tâche de diagnostiquer et ne cherche plus à dire une vérité qui puisse valoir pour tous et pour tous les temps. Je cherche à diagnostiquer, à réaliser un diagnostic du présent : à dire ce que nous sommes aujourd'hui et ce que signifie, aujourd'hui, dire ce que nous disons. Ce travail d'excavation sous nos pieds caractérise depuis Nietzsche la pensée contemporaine, et en ce sens je puis me déclarer philosophe."

[77] Foucault, *Les mots et les choses*, 10. Michel Foucault, "Philosophie structuraliste permet de diagnostiquer ce qu'est 'aujourd'hui'" (1967) in *Dits et écrits*, vol. 1, p. 609. Foucault, "Qui êtes-vous, professeur Foucault?'" 641, 648. Foucault, "Foucault répond à Sartre?'" 693. Michel Foucault, "Le monde est un grand asile" (1973) in *Dits et écrits*, vol. 1, p. 1302.

he retorts to the charges of an imaginary Sartrean opponent in the epilogue of *The Archaeology of Knowledge* that archaeology 'constantly differentiates, it is *diagnostic*'.[78]

Furthermore, acknowledging archaeology's diagnostic character opens up a perspective for a more unified understanding of Foucault's philosophical work than has been available before. In particular, one needs to understand archaeology as a diagnostic project to make sense of Foucault's central but neglected remarks, in 1984, regarding the role that archaeology continues to play in his work. In the essay 'What is Enlightenment?' Foucault underscores his distinctive conception of critique, in contrast to the goals of Kant's critical philosophy, by saying that 'critique is archaeological in its method'.[79] Foucault's critique is 'archaeological—and not transcendental'[80] precisely because it aims to diagnose the historical present, specifically the *current* form of thought, as opposed to investigating the necessary conditions of human experience. In another text dating from the same year, Foucault explains that the archaeological dimension of his work uncovers historically particular *forms* of thought, whereas its genealogical dimension reveals the contingency of these forms by tracing their historical *formation* through 'practices and their modifications'.[81] It seems clear to me that, put together, all the remarks on archaeology as a diagnostic project, ranging from 1966 to 1984, constitute an essential strand of continuity throughout Foucault's philosophical career that no longer can be overlooked if one wants to understand, as I do, how his ideas on relations of power and practices of the self elaborate aspects of the distinctive epistemological view that archaeology of knowledge embodies instead of abandoning archaeology as an ill-conceived project.

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[78] Foucault, *L'archéologie du savoir*, 268. Original emphasis.

[79] Michel Foucault, "Qu'est-ce que les Lumières ?" (1984) in *Dits et écrits*, vol. 2, p. 1393.

[80] Ibid.

[81] Michel Foucault, *L'usage des plaisirs: Histoire de la sexualité II*, Gallimard, 1984, pp. 17–18.

8. Conclusion

I hope the preceding discussion shows that the specificity of Foucault's archaeological project needs to be understood as resulting from his pragmatist elaboration of the Kantian thought that our cognitive possibilities are conceptually constituted. Like many others, Foucault rejects Kant's transcendental framework by understanding the conceptual form of experience in historically dynamic terms instead. What makes the archaeological approach stand out among the many elaborations of the notion of a historical a priori in twentieth-century epistemology is Foucault's decidedly pragmatist view that the rules performing the constitutive function are implicit in the very practice they regulate.[82] Within Foucault's generally Kantian philosophical outlook, there is nothing specifically structuralist or anything particularly controversial about his commitment to the primacy of discursive practices over nondiscursive practices. To put it bluntly, that order of dependence simply indicates the requirement that practical reasoning proceed from premises, namely, that actions be informed by what their agent takes to be true.

That action is thus an extension of thought in the lives of concept-using subjects is not in conflict with the pragmatist conception of thought as I have defined it—that is, with the primacy of knowing *how* over knowing *that*. To be sure, one might seek to explain along those lines how propositionally articulated knowledge is possible at all. For example, Dreyfus develops his own philosophical work chiefly in response to this challenge. Similarly, Brandom's *Making It Explicit* deploys a pragmatist explanatory strategy on this level of abstraction, where the very capacity for propositionally articulated thoughts is to be accounted for in terms of propositionally unarticulated abilities to do something.[83] But Foucault's philosophical work belongs to a different level, where it is a historically given fact that we use concepts, make claims, and perform actions in the constellation

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[82] Michael Friedman, *Reconsidering Logical Positivism*, Cambridge University Press, 1999; David J. Stump, *Conceptual Change and the Philosophy of Science: Alternative Interpretations of the A Priori*, Routledge, 2015.

[83] Brandom, *Making It Explicit*, xviii.

of practices where we live our lives. Nevertheless, Foucault's adoption of the pragmatist conception of thought on this other level brings into relief the structural fact about thought that thinking subjects are partially governed by historically specific rules that escape their awareness and, consequently, their rational assessment.

Thus, Foucault's archaeology of knowledge brings into focus an important lesson about the relationship between practice and reflection in the structure of thought. Kant argued that human subjects can never be fully autonomous.[84] But whereas for Kant this limitation is due to the distinctive character of our moral *psychology* as rational yet sensible beings, Foucault's philosophical work, its archaeological strand in particular, moves to the center of philosophical attention a necessary limitation to full autonomy that arises from a different source. This *epistemic* limitation is a consequence of the structural requirement that reasoning as a discursive practice be based on a normative bedrock that is not known as such by the thinking subjects. It is Foucault's singular philosophical contribution to reveal how this implicit bedrock of a discursive practice also *limits* the space of freedom it constitutes for the participating subjects. And we may begin to appreciate the continuing philosophical relevance of Foucault's archaeological project by noting that its diagnostic endeavor arises from within a given constellation of practices as an attempt to make their implicit normative structure thinkable to the participating subjects. Next I want to show in more detail how Foucault concern with power as well as the motivation for a critique as a diagnostic project arise from this specific epistemological view that archaeology of knowledge puts forth. In Chapter 3, I will defend Foucault notorious thesis that a discursive practice is necessarily based on relations of power by interpreting it as a claim about the particular epistemic status and causal history of the knowledge-how, *savoir*, that functions as the unrepresented bedrock in the normative structure of reasoning as a discursive practice. In Chapter 4, then, I will argue that Foucault's distinctive

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[84] Kant, *Critique of Practical Reason*, 5:32–33; Robert Stern, "Kant, Moral Obligation, and the Holy Will," in *Kant on Practical Justification*, (ed.) Mark Timmons and Sorin Baiasu, Oxford University Press, 2013, pp. 125–52.

conception of a critique is best understood as a response to the specific kind of *epistemological obstacle* this implicit normative bedrock of a discursive practice unavoidably produces in historically varying forms by conferring, through habitual repetition, a status of obviousness to some patterns of concept use that thus come to function as *the present limits of the necessary* even though they are in fact contingent.

3   Essential Heteronomy

Now that I have vindicated Foucault's entitlement to his view that possibilities for thought depend on historically particular constellations of implicit rules in discursive practices, I want to explain why that epistemological view entails Foucault notorious claim that knowledge presupposes relations of power. We have already seen in Chapter 1 that the Kantian conception of freedom as autonomy cannot provide a self-standing foundation for concept-use. Instead, I showed that the ability to use concepts must be based on dispositions of pattern governed behavior one acquires through training in a social practice and perpetuates habitually as second nature. Whereas archaeology of knowledge seeks to identify historically changing configurations of that implicit normative bedrock, by shifting the perspective and conceptualizing its functioning in terms of relations of power Foucault undertakes to examine how the implicit bedrock of a given discursive practice has been produced through transformation on a historical field of social practices. Thus *la* généalogie *du savoir* Foucault elaborates in terms of his analytics of power undertakes to explore "a history of discursive practices in the specific relations that connect them with the other practices".[1] So when Foucault urges in *Discipline and Punish*, in 1975, that "it is not the activity of the subject of knowledge that would produce knowledge, which is either useful or indisposed for power, but power-knowledge, the processes and struggles that permeate and constitute it, that determine the forms and the possible fields of knowledge [connaissance],"[2] I believe this claim should be understood, as well as defended, as a consequence of the epistemological view that informs archaeology of knowledge. Foucault himself came to point out, with the characteristic clarity of hindsight, that his interest in relations of power is best understood as being subservient to the topic that runs through his philosophical

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[1] Michel Foucault, "Réponse à une question" (1968) in *Dits et* écrits, vol. 1, pp. 714—5.

[2] Michel Foucault, *Surveiller et punir: Naissance de la prison*, Gallimard, 1975, p. 32. "En bref, ce n'est pas l'activité du sujet de connaissance qui produirait un savoir, utile ou rétif au pouvoir, mais le pouvoir-savoir, les processus et les luttes qui le traversent et dont il est constitué, qui déterminent les formes et les domaines possibles de la connaissance."

career, namely "the relations between subject and truth".[3] And it is my goal in this chapter to explain why it follows from the epistemological view I have established on the basis of the regress of rules argument and attributed to Foucault's archaeology of knowledge that the relationship between subject and truth is necessarily mediated by relations of power. I will argue that the claim Foucault is thus making is that subjects are metaphysically dependent on relations of force in social practices. Thus I will identify in Foucault's work a move from a specific epistemological view to a conception of subjects as essentially social beings that is analogous to the argument I presented in Chapter 1 and ultimately can be grounded in the regress of rules even though, as we shall see, Foucault anchors it an anti-foundationalist epistemological insight he attributes to Nietzsche.

1. Subject and Truth

To begin with, let me clarify what I take Foucault to mean by the relationship between subject and truth. Since it should be clear to any astute reader of Foucault that he never embraced a metaphysical conception of truth, nor does he ask whether some particular claims are true or false, it is readily puzzling to find him nevertheless repeatedly use the term 'truth'. To grasp this peculiar use of the term, let us consider Foucault's own definition of it. In 1976, Foucault proposes "to understand by truth a set of regulated procedures for the production, law, distribution, circulation, and functioning of statement; truth is connected in a circular fashion to systems of power that produce and support it, and to effects of power it induces and that transmit it."[4] This suggests that Foucault is using 'truth' to designate simply discursive practice as the site where the question of the true and the false can be raised and adjudicated. Foucault later use of the term 'truth game' confirms this interpretation. By 'truth' Foucault means a discursive practice that functions as 'a truth game'.

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[3] Michel Foucault, "L'éthique du souci de soi comme pratique de la liberté" (1984) in *Dits et écrits*, vol. 2, p. 1536.

[4] Michel Foucault, "Entretien avec Michel Foucault" (1977) in *Dits et écrits*, vol 2, p. 160.

"The reality of the world is not its own truth. Or in any case, let's say that the reality of a true thing is never the reason why the truth of this thing is said in a discourse of truth. When I talk about this epistemic wonderment that consist of asking, 'why is there, in addition to reality, truth,' I don't mean truth understood as the truth of a proposition, but as a certain game of the true and the false, a game of making truth claims that comes to be added to the reality and transforms it."[5]

It is precisely different procedures and effects of a discursive practice as a truth game Foucault lists in the definition of 'truth' I quoted above. Accordingly, the question concerning the relationship between subject and truth concerns, at least partially, the way in which a subject is able to enter and participates in a discursive practice that functions as a truth game. "My problem has always been," Foucault explains, "that of the relations between subject and truth: how the subject enters in a certain truth game."[6] However, as Foucault notes here, the *relations* between subject and truth are multiple. As we have already seen, one concerns the way in which an individual becomes a participant in a truth game and thus acquires a form of experience that is structured in terms of the question about truth and falsehood. In contrast to a conception of the knowing subject as a metaphysically self-standing autonomous being, Foucault argues that "the subject is not the fundamental or originary form, but […] formed starting from a certain number of processes that are not in the purview of subjectivity but belong to an order that is … more fundamental and more originary than the subject itself".[7] In other words, Foucault maintains against the philosophical

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[5] Michel Foucault, *Subjectivité et vérité: Cours au Collège de France 1980–1981*, EHESS/Gallimard/Seuil, 2014, p. 240. "Le réel du monde n'est pas à lui-même sa propre vérité. Ou en tout cas, disons que la réalité de la chose vraie n'est jamais la raison du fait que la vérité de cette chose est dite à l'intérieur d'un discours de vérité. Quand je parle de cet étonnement épistémique qui consiste à se demander : pourquoi y a-t-il, en plus du réel, du vrai ?, je ne veux pas parler du vrai entendu comme le vrai d'une proposition, mais comme un certain jeu de vrai et de faux, un jeu de véridiction qui vient s'ajouter au réel et qui le transmue, qui le transforme."

[6] Foucault, "L'éthique de souci de soi comme pratique de la liberté," 1536.

[7] Michel Foucault, "La scène de la philosophie" (1978) in *Dits et écrits*, vol. 2, p. 590. "le sujet n'est pas la forme fondamentale et originaire, mais […] le sujet se forme à partir d'un certain nombre de processus qui, eux, ne sont pas de l'ordre de la subjectivité mais d'un ordre évidemment très difficile à nommer et à faire apparaître, mais plus fondamental et plus originaire que le sujet lui-même."

tradition, which assumes human beings to be intrinsically endowed with a form of experience that is structured by the question of truth and falsity, that a knowing subject is a product of the relations of power in social practices through which an individual is made into a participant of a truth game. The other relation between subject and truth Foucault is interested in concerns the possibilities of self-knowledge one has as a participant in a truth game. One's relation to oneself as a subject becomes mediated by the way in which one is conceptualized as an object of knowledge in a given truth game. The truth game mediates the particular form that subject's relation to itself takes in thought and action. I will return to this second type of relation between subject and truth in Chapter 5, when I discuss Foucault's notion of "politics of truth" as a attempt to identify specific moral and political problems this order of epistemic dependence creates. In this chapter, however, I will focus exclusively on the fundamental role of relations of power in the formation of subject of knowledge, seeking to explain how exactly Foucault understands the dependence of knowledge on relations of power and why that account follows from the epistemological view I have attributed to archaeology of knowledge and grounded in the regress of rules.

2. Analytics of Power

It attest to the influence of Dreyfus and Rabinow in the reception of Foucault's work that virtually no one has even asked if there might be a conceptual connection that *unifies* the epistemological view that informs archaeology of knowledge and the analytics of power Foucault developed under the Nietzschean rubric 'genealogy'.[8] I will argue for such a connection between Foucault's conceptions of knowledge and power. The link, as we shall see, lies in the dual role that action plays,

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[8] For an exception to the rule, see Arnold I. Davidson, "Introduction: Des jeux linguistiques à l'épistémologie politique", in Aldo Giorgio Gargani, *Le savoir sans fondements: La conduite intellectuelle comme structuration de l'expérience commune*, trans. Charles Alunni, Vrin, 2013. This is the first French edition of Gargani's book that was originally published in Italian in 1974.

on the one hand, as the bedrock in the normative structure of a discursive practice and, on the other, as the basic component of relations of power. I will argue for this interpretation in two steps. First, in this section, I will offer an exposition of Foucault's analytics of power, focusing in particular on the role that relations of power play, according to Foucault, in the foundations of knowledge. In the next section, I will then explain how this conception of power as actions on the actions of others can be derived from the pragmatist conception of rules Foucault's adopted in *The Archaeology of Knowledge*.

Although Foucault articulated his reflections on power typically in terms of methodological guidelines for analyses of specific historical practices, by the end of the 1970s these reflections had resulted in an original and remarkably unified conception of power. In his essay "The Subject and Power", Foucault presents the basic idea that unifies this framework thus:

"what defines a relationship of power is that it is a mode of action which does not act immediately on others. Instead it acts upon their actions: an action upon an action, on existing actions or on those which may arise in the present or the future. […] In itself the exercise of power is not violence; nor is it a consent which, implicitly, is renewable. It is a total structure of actions brought to bear upon possible actions; it incites, it induces, it seduces, it makes easier or more difficult; in the extreme it constrains or forbids absolutely; it is nevertheless *always a way of acting upon an acting subject or acting subjects by virtue of their acting or being capable of action*. A set of actions upon other actions."[9]

In contrast to both the liberal and the Marxist traditions, where power is typically discussed as a property that some possess and others lack, Foucault insists on understanding the concept of power in relational terms, that is, as relations of force. As the metaphor of "microphysics of power" in *Discipline and Punish* suggests, these relations of force require a causal analysis.[10] A force exists only as its effects. But the analogy to physics is misleading, if one construes it with a deterministic system of classical mechanics in mind. As Foucault emphasizes in the quoted passage, a relation of power "does not act immediately on others" like forces in a deterministic system. Relations of power have

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[9] Michel Foucault, "The Subject and Power", in Hubert Dreyfus and Paul Rabinow, *Michel Focuault: Beyond Structuralism and Hermeneutics*, University of Chicago Press, 1982, p. 220. Added emphasis.

[10] Foucault, *Surveiller et punir*, 141.

their effects on the actions of others, but these effects are always mediated by the capacity of the agent to determine her own conduct. Only "by virtue of […] being capable of action" can something be affected by relations of power, thus understood. Since Foucault states that relations of power are also brought about by actions, it is clear that we are dealing about relations that can only exist between agents.

In some sense, therefore, relations of power presuppose freedom, as Foucault is quick to note on the next page:

"When one defines the exercise of power as a mode of action upon the actions of others, when one characterizes these actions by the government of men by other men – in the broadest sense of the term – one includes an important element: freedom. Power is exercised only over free subjects, and only insofar as they are free. By this we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments may be realized. […] Consequently there is no face to face confrontation of power and freedom which is mutually exclusive (freedom disappears everywhere power is exercised), but a much more complicated interplay."[11]

It is not only that relations of power presuppose freedom of agency, but Foucault also holds that subjects, agents who use concepts, are formed in relations of power. In "The Subject and Power", Foucault notes that the word 'subject' has two meanings: "subject to someone else by control and dependence, and tied to [one's] own identity by a conscience or self-knowledge."[12] For Foucault, these are not just two different meanings, but in fact two essential aspects of being a subject. The aspect of reflexivity secures the ability to determine one's own conduct and, in this sense, subject's freedom as relative autonomy. But according to Foucault the capacity for rational self-determination, the defining capacity of subjectivity, is itself a product of relations of power. Thus understood, the subject's autonomy is not innate, nor is it a transcendental power independent of what is done in particular historical practices. Against such abstract views of the autonomy of the thinking subject,

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[11] Foucault, "The Subject and Power", 221.

[12] Foucault, "The Subject and Power", 212.

singling out both Kant and Descartes as targets, Foucault insists on "showing the historical constitution of the subject of knowledge through a discourse understood as an ensemble of strategies that belong to social practices".[13] From this point of view, it is clear that a subject is not merely an independent locus of self-determination, but also dependent on external determinations – for one thing, for its very existence as a subject.

Foucault's original and controversial claim is that these two modes of determination, the interplay of dependence and independence, are both essential to being a subject, that is, a concept-using agent. Not only does Foucault hold that relations of power are essential to the formation of subjects, but he claims that relations of power essentially affect "what we say, think, and do" as fully-fledged concept-users.[14] Foucault's radical claim is that it is impossible for an individual subject to escape relations of power, nor could social practices be so transformed that power would no longer be exercised in them. Instead, Foucault argues, suggesting an analogy with the everyday status of various language-games in Wittgenstein's later philosophy, relations of power should be acknowledged and studied as games of tactics and strategies that, in one form or another, unavoidably shape our daily lives as subjects.[15] "One should not imagine […] that one can escape relations of power all at once, globally, massively, by a sort of radical rupture or by a flight without return."[16] Foucault thus urges that relations of power are an integral part of practices of reasoning, of our thinking and acting as subjects. "Omnipresence of power: not at all because it has the privilege of regrouping everything under its invincible unity, but because it is produced at every moment, in all points, or rather in all relations from one point to another. Power is everywhere, not

[13] Michel Foucault, "La vérité et les formes juridiques" (1974) in *Dits et écrits*, vol. 1, p. 1408.

[14] Michel Foucault, "Qu'est-ce que les Lumières ?" (1984) in *Dits et écrits*, vol. 2, pp. 1392–3.

[15] Michel Foucault, "La philosophie analytique de la politique" (1978) in *Dits et écrits*, vol. 2, pp. 540–2.

[16] Foucault, "La philosophie analytique de la politique", 542. Translation by Arnold Davidson in his "Structures and Strategies of Discourse: Towards a History of Foucault's Philosophy of Language", in *Foucault and His Interlocutors*, (ed.) Arnold I. Davidson , University of Chicago Press, 1997, p. 4.

because it covers everything, but because it comes from everywhere."[17] If power comes from everywhere, it is because social reality is made out of actions that affect the actions of others. In that sense, Foucault suggests, invoking pragmatist work in Anglo-American philosophy of language as a model, social practices can be viewed and studied as games of power.[18] "Language, it is played. The importance, therefore, of the notion of game. […] Relations of power, also, they are played; it is these games of power [jeux de pouvoir] that one must study in terms of tactics and strategy, in terms of order and of chance, in terms of stakes and objectives."[19]

Why is it radical to claim that relations of power are inescapable? Foucault's claim involves a rejection of the dualism of power and freedom, which, in various guises, has defined the conceptual basis for the overarching project of modern moral and political philosophy to realize human freedom by liberating our ways of thinking and acting from fetters of power that, depending on the particular view, either distort or unduly restrict its full realization. The claim that relations of power make up an unavoidable component of our exercise of freedom flies in the face of the entire tradition. To many, therefore, Foucault's view entails utter pessimism and literally hopelessness, because, if correct, it undermines the attainability of the ideal of freedom that was used, again in various guises, not just to motivate and justify progressive politics but, crucially, to give content to the very idea of progress. However, the problem with the Kantian view that defines power and freedom — heteronomy and autonomy — in mutually exclusive terms is that it fails to provide a sustainable metaphysical foundation for the capacity of a subject to determine itself in thought and action by means of using concepts. As we have seen, the capacity to act on the basis of representations of rules must be embedded in dispositions of pattern governed behavior that make up a socially acquired second nature. And, to recall the crucial point, the fundamental dispositions

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[17] Michel Foucault, *La volonté de savoir: Histoire de la sexualité I*, Gallimard, 1976, p. 122.

[18] Foucault, "La vérité et les formes juridiques," 1407, 1499–1500.

[19] Foucault, "La philosophie analytique de la politique," 541–2. Translation by Davidson.

of concept-use are not only acquired as pattern governed behavior but they can be efficacious in perceiving, inferring, and acting only insofar as they are unreflected and exercised habitually. Thus the distinctive type of causality of pattern governed behavior as *second* nature undermines the Kantian dualism between rational processes and natural processes that are each governed by their own type of causality. Against this background, then, Foucault's discussion of relations of power as actions on the actions of others that make up a necessary structural component of a discursive practice can be appreciated as an attempt to overcome the problematic Kantian dualism and to rethink the type of causality that provides a foundation for the capacity of subjects to reason. For Foucault and Wittgenstein alike, "it is our *acting*, which lies at the bottom of the language-game."[20]

This pragmatist understanding of reasoning as a discursive practice rejects as untenable the project of epistemological foundationalism to ground knowledge in truths whose certainty would provide a secure basis for the justification of other beliefs. Wittgenstein adds immediately: "If the true is what is grounded, then the ground is not *true*, nor false."[21] The decisive point is that the bedrock of a discursive practice, which brings to a halt both an epistemic regress regarding the justification of claims and a semantic regress concerning conceptual content, is not established in a discursive explicit form by means of arguments or definitions. Instead, the bedrock of a discursive practice consist of socially acquired dispositions of concept use that function as patten governed behavior. For Foucault, however, this insight of epistemological anti-foundationalism is a key lesson he learned from Nietzsche. Though Foucault is taking his cue also from the pragmatism of "the Anglo-Saxons, in particular Wittgenstein, Austin, Strawson, Searle," when he develops the conception of power as games that are played in social practices by means of tactics and strategies, his view of ultimately non-epistemic and historically changing foundations of knowledge is of Nietzsche's bequest. Accordingly, we need to grasp this Nietzschean epistemological point before we

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[20] Ludwig Wittgenstein, *On Certainty*, Blackwell, 1969, § 204. Original emphasis.

[21] Wittgenstein, *On Certainty*, § 205. Original emphasis. Translation modified.

can understand why the pragmatist philosophy of language should provide a central model for Foucault's analytics of power.[22]

3. External History of Truth

By describing his work under the Nietzschean rubric of genealogy as an "external history of truth," which is sometimes further specified as a "political history of truth," Foucault undertakes to trace the causal history of the patterns of knowledge-how, *savoir*, that silently govern the space of conceptual possibilities in the discursive practices of modern human sciences.[23] Whereas I showed in the previous chapter how Foucault's considered view of *savoir* can be grounded in the regress of rules, I want to explain now how Foucault develops the idea of a history of truth — a *genealogy* of *savoir* — on the basis of the anti-foundationalist epistemological insight he attributes to Nietzsche. In a lecture on Nietzsche from 1971 Foucault sums up this insight as follows: "Truth survives, being preceded by the not-true, preceded rather by something about which one can neither say that it's true nor that it's false, since it is antecedent to truth's own division. Truth emerges out of what is foreign to the division of the true."[24] For Foucault, Nietzsche's deep insight is that knowledge has no epistemically unassailable foundation in some privileged set of truths and thus our truth-claims, even if they are true, lack a basis that itself would be grounded in truth. It is important to understand that Foucault does not draw a skeptical conclusion from this anti-foundationalist upshot. His conclusion is not that knowledge is impossible because it lacks an adequate foundation but rather that the relationship between subjects and objects of knowledge is formed, and transformed,

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[22] Foucault, "La vérité et les formes juridiques," 1499.

[23] Foucault, "La vérité et les formes juridiques," 1409. Foucault, *La volonté de savoir*, 81.

[24] Michel Foucault, "Leçon sur Nietzsche," in *Leçons sur la volonté de savoir: Cours au Collège de France 1970—1971*, Gallimard/Seuil, 2011, p. 200. Foucault delivered this lecture in April 1971.

in historically specific practices. There is no truth, according to Foucault, only in the specific sense that the epistemic relations between subjects and objects are not grounded in truths that would be intrinsically available to subjects always and everywhere, for example, in virtue of intellectual intuition. Instead, following Nietzsche's genealogical urge to "watch out for [events] where one least expects them and in what is taken to have no history at all,"[25] Foucault undertakes to account for the historical emergence of both objects and subjects of knowledge on the basis of a strategic analysis of social practices, which he calls "a history of truth": "My goal will be to show how social practices can generate fields of knowledge that not only give rise to new objects, new concepts, new techniques, but also give birth to completely new forms of subjects and of subjects of knowledge. The subject of knowledge itself has a history, the subject's relation with the object, or, to put it more clearly, truth itself has a history."[26]

As I showed in the previous chapter, Foucault's archaeological analyses of discursive practices are predicated on the epistemological view that a subject of knowledge is always constrained by some historically specific constellation of implicit normative determinations for the use of concepts. I showed that the pragmatist conception of rules Foucault thus adopts follows from the regress of rules argument even though Foucault himself never rehearses that line of reasoning. But now we can see that the epistemological view that informs archaeology of knowledge can be also construed as an attempt to respect Nietzsche's epistemological insight that, in Foucault's words, "[t]ruth emerges out of what is foreign to the division of the true."[27] This anti-foundationalist lesson entails, according to Foucault, that knowledge is not to be understood in terms of epistemic relations between an abstract self-standing subject of knowledge and a timeless set of objects of to be known, but as an intrinsically historical process. One needs "to think

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[25] Foucault, "Nietzsche, la généalogie, l'histoire" (1971) in *Dits et écrits*, vol. 1, p. 1004.

[26] Foucault, "La vérité et les formes juridiques," 1406—7.

[27] Foucault, "Leçon sur Nietzsche," 200.

knowledge [connaissance] as a historical process before any question of truth [problématique de la vérité], and more fundamentally than in terms of the subject-object relationship" understood in abstract ahistorical terms.[28] For that relationship itself, Foucault underscores, is not universally given but always constituted, with historical transformations, in a particular constellations of social practices. By describing his work as "history of truth," then, Foucault means that he is studying the formation of the subject-object relationship, as well as its transformations, as an element of specific historical practices. Thus, following Nietzsche's epistemological insight, Foucault takes up the genealogical task "to grasp the singularity of events, outside of all monotonous finality; to search for them where they are least expected and in what is taken to have no history at all,"[29] applying it to the entrenched epistemological assumption that knowledge is based on truths that are intrinsically available to a universal subject of knowledge always and everywhere. Foucault's "history of truth" aims to show that "the constitution of the subject […] is not given for good, that truth does not arrive in history starting from this, but from a subject that is constituted precisely within history, and that is at every moment established and reestablished by history."[30]

Foucault is careful to note that the history of truth, thus understood, is "an external, exterior, history of truth," as opposed to "the history of truth that corrects itself starting from its own principles of regulation."[31] In 1970, Foucault contrasts archeology of knowledge to such an internal history of truth that, according to him, is seen in "the almost uninterrupted emergence of pure reason" in the history of "mathematics, cosmology, and physics" that are all "noble sciences, rigorous sciences, sciences of the necessary."[32] In contrast, Foucault's history of truth is external, because it locates a basis for knowledge in the elements of a discursive practice that are

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[28] Foucault, "Leçon sur Nietzsche," 205.

[29] Foucault, "Nietzsche, généalogie, l'histoire," 1004.

[30] Foucault, "La vérité et les formes juridiques," 1408

[31] Foucault, "La vérité et les formes juridiques," 1409.

[32] Foucault, "Préface à l'édition anglaise," 875.

not known as such by the participating subjects, namely in the knowledge-how of *savoir* that functions as a positive unconscious of knowledge: "Knowledge [connaissance] liberated from the subject-object relationship is *savoir*."[33] Foucault thus indicates that he understands the epistemological view that informs archaeology of knowledge as a consequence from Nietzsche's epistemological insight that "[t]ruth emerges out of what is foreign to the division of the true."[34]

Foucault's external history of truth takes that division itself as an object of historical inquiry. By "the division of the true" Foucault does not mean a classification of statements into truths and falsehoods, but a set of constraints that define the field of objects truth-claims can address in a given historical context so that the question of truth or falsity is intelligible. Already in *The Order of Things* Foucault expressed this idea by characterizing a historical a priori as what, "in a given period, carves out in experience a field of possible knowledge, defines the mode of being of the objects that appear in it, endows the everyday perception with theoretical powers, and defines the conditions under which a discourse that is recognized as being true can be held about things"[35]. In his inaugural lecture at the Collège de France, in 1970, Foucault then characterizes this function of a historical a priori as a historically modifiable "division," as follows:

"To be sure, if one situates oneself on the level of a proposition that is internal to a discourse, the division between the true and the false is neither arbitrary, modifiable, institutional, nor violent. But if one situates oneself on a different scale, if one poses the question to know what has been, what continues to be, through our discourses, this will to truth that has run through so many centuries of our history, or what is, in the very general form, the type of division that rules

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[33] Foucault, "Leçon sur Nietzsche," 205.

[34] Foucault, "Leçon sur Nietzsche," 200.

[35] Foucault, *Les mots et les choses*, 171.

our will to know, then it is perhaps something like a system of exclusion (a historical, modifiable, institutionally constraining system) one sees to take shape."[36]

The division of truth, thus understood, is not determined by truth-claims but, as we have seen, by implicit rules of a discursive practice whose propositionally inarticulate status Foucault underscores by saying that a discursive practice expresses and is fundamentally organized by a *will* to know. Thus, Foucault suggests, the historical transformations in discursive practices that give rise to changing configuration of the subject-object relationship are not grounded in some privileged sets of truth-claims but they are driven by modifications in a will to know. "It all happens as though […] the will to know had its own history, *which is not that of constraining truths*: history of the fields of objects to know, history of the functions and positions of the knowing subject, history of the material, technical, instrumental investments of knowledge [connaissance]."[37]

One finds the most elaborate formulation of Foucault's thought that the subject-object relationship is constituted by specific historically changing practices, governed by propositionally inarticulate rules that express a particular will to know, when he summarizes his overarching philosophical project as a history of truth games in 1984, as follows: "This objectivation and this subjectivation are not independent from one another. Their mutual development and reciprocal connection give rise to what could be called 'truth games,' that is, not the discovery of true things, but the rules according to which the question of the true and the false pertains to what a subject can

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[36] Michel Foucault, *L'ordre du discours: la leçon inaugurale au Collège de France prononcée le 2 décembre 1970*, Gallimard, 1971, p. 16. "Certes, si on se place au niveau d'une proposition, à l'intérieur d'un discours, le partage entre le vrai et le faux n'est ni arbitraire, ni modifiable, ni institutionel, ni violent. Mais si on se place à une autre échelle, si on pose la question de savoir quelle a été, quelle est constamment, à travers nos discours, cette volonté de vérité qui a traversé tant de siècles de notre histoire, ou quel est, dans sa forme très générale, le type de partage qui réait notre volonté de savoir, alors c'est peut-être quelque chose comme un système d'exclusion (système historique, modifiable, institutionellement contraignant) qu'on voit se dessiner."

[37] Foucault, *L'ordre du discours*, 19. Added emphasis.

say about certain things."[38] In these terms, Foucault rearticulates the idea of an external history of truth as a history of the emergence of truth games:

"In sum, critical history of thought is neither a history of the acquisitions nor a history of the occultations of truth. It is a history of the emergence of truth games, that is, a history of 'truth-claims' understood as the forms according to which discourses that can be said to be true or false are connected with a field of things: what were the conditions of this emergence, the price that was somehow paid for it, its effects on the reality and the way in which, relating a certain type of object to certain modalities of the subject, it constituted for a given time, area, and individuals, the *historical a priori* of a possible experience."[39]

As this statement emphasizes, Foucault's history of truth is concerned with the *emergence* of new fields of knowledge and this history is *external* to truth understood as true propositions in the sense that the constitution of new discursive possibilities is analyzed in terms of what was *done* in discursive practices and other social practices. Foucault explained already in his inaugural lecture at the Collège de France that this "genealogical part of the analysis," as opposed to archaeology that uncovers historically particular forms of experience, "tries to grasp [discourse] in its power of affirmation," namely in its "power to constitute fields of objects about which one can affirm or deny propositions that are true or false".[40] This approach is motivated by the epistemological insight Foucault gained from Nietzsche that the foundation of knowledge does not lie in a privileged set of truth-claims. Therefore, as Foucault later explained, studying "the processes that belong to the experience in which the subject and the object 'are formed and transformed' in relation to, and depending on, one another" requires "addressing 'practices' as the field of analysis, approaching the

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[38] Foucault, "Foucault," 1451.

[39] Ibid. "En somme, l'histoire critique de la pensé n'est ni une histoire des acquisitions ni une histoire des occultations de la vérité ; c'est l'histoire de l'émergence des jeux de vérité : c'est l'histoire des 'véridictions' entendues comme les formes selon lesquelles s'articulent sur un domaine de choses des discours susceptibles d'être dits vrais ou faux : quelles ont e´té les conditions de cette émergence, le prix dont, en quelque sorte, elle a été payée, ses effets sur le réel et la manière dont, liant un certain type d'objet à certaines modalités du sujet, elle a constitué, pour un temps, une aire et des individus donnés, l'*a priori* historique d'une expérience possible."

[40] Foucault, *L'ordre du discours*, 71–2 .

study by privileging what 'was done'".[41] "It is 'practices' understood as a mode of acting and thinking at the same time that give the key of intelligibility to the correlative constitution of the subject and the object."[42]

4. Power and Knowledge: The Dual Character of Speech Acts

As important as it is to appreciate the role of Nietzsche's epistemological insight in the background of Foucault's thinking in general, it is no less crucial for coming to grips with Foucault's philosophical work to grasp the decidedly pragmatist character of his response to that anti-foundationalist predicament. For there is a sense in which, at least from Foucault's perspective, Nietzsche only articulates the problem of epistemological baselessness without providing a solution to it. Or, at any rate, I want to emphasize that the pragmatist solution Foucault adopted and elaborated is something he did not, and one could not, find in Nietzsche. Whereas I showed in the previous chapter that the pragmatist conception of rules constitutes a conceptual centerpiece of Foucault's understanding of archaeology of knowledge, I want to explain next how the same pragmatist approach to language as a discursive practice defines also Foucault's mature conception of power. In fact, I believe that Foucault's signature thesis that there is a necessary reciprocal connection between power and knowledge result from his original elaboration of the pragmatist analyses of language by "the Anglo-Saxons, in particular Wittgenstein, Austin, Strawson, Searle,"[43] whom he credits for having shown him how discourse could be studied as a strategic game.[44] The reciprocal connection between power and knowledge becomes intelligible due to the dual character

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[41] Foucault, "Foucault," 1453–4.

[42] Ibid.

[43] Foucault, "La vérité et les formes juridiques," 1499.

[44] Foucault, "La vérité et les formes juridiques," 1407.

of statements [énoncé] as *actions* of asserting a *propositional* content. On the one hand, a discursive practice becomes thus seen as embedded in a field of social practices that fundamentally consist of actions that affect other actions; and, on the other hand, statements made in a discursive practice appear as actions of a particular type that similarly affect other actions in the field of social practices.

From the start Foucault's enthusiasm about "the English analysts" was balanced with a sense that something important is neglected in their analyses of how language works, as his letter to Daniel Defert from May 1967 attests: "I am rather delighted by the English analysts; they allow one to see well how to do non-linguistic analyses of statements. Treat statements in their functioning. But they never make appear that in which and that in relation to which it all functions. Perhaps some progress must be made on that front."[45] In 1973, Foucault repeats this complaint when introducing the idea of analyzing discursive practices in terms of tactics and strategies and briefly explains what he finds unsatisfactory, as follows:

"What seems to me a bit limited in the analysis of Searle, of Strawson, etc., is that the analyses of the strategy of discourse that are conducted around a cup of tea in a lounge at Oxford only concern strategic games that are interesting, but seem to me profoundly limited. The problem would be to know if one couldn't study the strategy of discourse in a more genuine historical context, or within practices of a different type than that of common-room conversations. For example, in the history of judicial practices, it seems to me that one can find again, one can apply the hypothesis, one can delineate a strategic analysis of discourse within genuine and important historical processes."[46]

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[45] Daniel Defert, "Chronologie" [1994] in *Dits et écrits*, vol. 1, Gallimard, 2001, p. 40. "Les analystes anglaises me réjouissent assez; ils permettent de bien voir comment on peut faire des analyses non linguistiques d'énoncés. Traiter des énoncés dans leur fonctionnement. Mais ce en quoi et ce par rapport à quoi ça fonctionne, jamais ils ne le font apparaître. Il faudra peut-être avancer de ce côté-là."

[46] Foucault, "La vérité et les formes juridiques", 1499—1500. "Ce qui me semble un peu limité dans l'analyse de Searle, de Strawson, etc., c'est que les analyses de la stratégie d'un discours qui se font autour d'une tasse de thé, dans un salon d'Oxford, ne concernent que des jeux stratégiques qui sont intéressants, mais qui me paraissent profondément limités. Le problème serait de savoir si nous ne pourrions pas étudier la stratégie du discours dans un contexte historique plus réel, ou à l'intérieur de pratiques qui sont d'une espèce différente de celle des conversations de salon. Par example, dans l'histoire des pratiques judiciaires, il me paraît qu'on peut retrouver, on peut appliquer l'hypothèse, on peut projeter une analyse stratégique du discours à l'intérieur des processus historiques réels et importants." Translation by Arnold I. Davidson, in "Structures and Strategies of Discourse," 5.

Just like an archaeological analysis of discursive practices depends on the insight that, in contrast to semantic and syntactic abstractions, one can approach language "on the level of its *existence*,"[47] so a genealogical analysis of relations of power owes its specificity to the methodological rule that one must "cease to pose the question of power in terms of good and bad" and instead analyze power "in terms of existence."[48] By approaching power on the level of existence Foucault means that one must "lighten the question of power of all moral and legal baggage"[49] and, consequently, "analyze what takes place every day in relations of power" trying to "show what is at issue, what are the forms, the stakes, the goals of these relations of power".[50] Foucault makes explicit the methodological analogy between this approach to power, on the one hand, and the approach to language as a discursive practice, on the other, by saying that what he is thus proposing is an *analytic* philosophy of politics:

"After all, Anglo-American analytic philosophy does not undertake to reflect on the being of language or the deep structures of language. It reflects on the everyday use that is made of language in the different types of discourses. … I think one could imagine in the same fashion a philosophy whose task would be to analyze what happens everyday in the relations of power, a philosophy that tried to show what is at issue, what are the forms, the stakes, the goals of these relations of power. A philosophy that consequently would bear rather on relations of power than on language games … One could, one should imagine something like an analytico-political philosophy."[51]

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[47] Michel Foucault, "Foucault explique son dernier livre" (1969) in *Dits et écrits*, vol. 1, p. 806.

[48] Foucault, "La philosophie analytique de la politique", 540. Added emphasis.

[49] Ibid.

[50] Foucault, "La philosophie analytique de la politique", 541.

[51] Ibid. "Après tout, la philosophie analytique anglo-saxonne ne se donne pas pour tâche de réfléchir sur l'être du langage ou sur les structures profondes de la langue ; elle réfléchit sur l'usage quotidien qu'on fait de la langue dans les différents types de discours. … Je crois qu'on pourrait imaginer de la même façon une philosophie qui aurait pour tâche d'analyser ce qui se passe quotidiennement dans les relations de pouvoir, une philosophie qui essaierait de montrer de quoi il s'agit, quelles sont, de ces relations de pouvoir, les formes, les enjeux, les objectifs. Une philosophie qui porterait par conséquent plutôt sur les relations de pouvoir que sur les jeux de langage … On pourrait imaginer, il faudrait imaginer quelque chose comme une philosophie analytico-politique."

In both instances, the idea of approaching the object of study in terms of its *existence* betrays Foucault's pragmatist commitment to "address 'practices' as the field of analysis, to conduct the study by privileging what 'was done'."[52] In other words, the pragmatist work in Anglo-American philosophy of language gave Foucault a model for conceptualizing both language and power as *activities*. Once language is approached on the level of its existence as a practice, linguistic activity can be analyzed, among other things, in terms of actions on the actions of others. To use J.L. Austin's terminology, Foucault's analytics of power thus elaborates an analysis of *perlocutionary* acts, in contrast to the study of illocutionary acts that constituted the main topic for Austin and his followers. In his William James lectures delivered at Harvard in 1955, Austin defines a *locutionary* act as the physical act of emitting linguistic signs and an *illocutioary* act as what the speaker does by means of performing a locutionary act, for example, the act of asking a question. In addition, Austin notes, an analysis of the things one can do with words must acknowledge *perlocutionary* acts as acts of affecting others by means of performing illocutionary acts.

> "There is yet another sense […] in which to perform a locutionary act, and therein an illocutionary act, may also be to perform an act of another kind. Saying something will often, or even normally, produce certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons: and it may be done with the design, intention, or purpose of producing them; and we may then say, thinking of this, that the speaker has performed an act in the nomenclature of which reference is made either […], only obliquely, or even […] not at all, to the performance of the locutionary or illocutionary act. We shall call the performance of an act of this kind the performance of a *perlocutionary* act or *perlocution*."[53]

It is not difficult to see how this angle of approach, which Austin and his followers quickly marginalized in their analyses, provides a uniquely helpful starting point for Foucault in his attempt to rethink power as an element of social practices without falling into the Marxist framework of an

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[52] Foucault, "Foucault," 1454.

[53] J. L. Austin, *How to do things with Words: The William James lectures delivered in Harvard University in 1955*, Harvard University Press, 1962, p. 101.

economic base, ideological superstructure, and state apparatus, while simultaneously steering away from the liberal conception of power as coercion exerted on otherwise free agents. While possibilities of action go obviously far beyond the things one can do with words, the conception of power as actions on the actions of others enables Foucault to incorporate statements, treated as perlocutionary acts, into the network of relations of power. In a short text from 1976, Foucault characterize these effects of power that statements bring about, as follows: "Discourse – the mere fact of speaking, of employing words, of using the words of others (even if it means returning them), words that the others understands and accept (and, possibly, return from their side) – this fact is itself a force. Discourse is, with respect to the relation of forces, not merely a surface of inscription, but something that brings about effects."[54] On the other hand, by approaching knowledge — or "truth," as he says — as "a set of regulated procedures for the production, the law, the partitioning, the distribution, and the functioning of statements", Foucault locates the foundation of knowledge in what is done, instead of a privileged epistemic status of some propositional contents.[55] If it is indeed "our *acting*, which lies at the bottom of the language-game,"[56] as Wittgenstein puts this point, then that foundation of knowledge, its current configuration and past transformations, can be plausibly approached from the perspective of Foucault's analytics of power. And if this foundation is ultimately constituted by stabilized patterns of doing something, including patterns of inference, as opposed to unassailable epistemic warrant, then an analysis of actions on the actions of others is, is a sense, the *only* way of approaching the foundations of knowledge that recognizes them for what they are.

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[54] Foucault, "Le discours ne doit pas être pris comme…," 124. Translation by Arnold I. Davidson, in "Structures and Strategies of Discourse," 5.

[55] Michel Foucault, "Entretien avec Michel Foucault" (1977) in *Dits et écrits*, vol. 2, p. 160.

[56] Wittgenstein, *On Certainty*, § 204.

5. What Happens to the Subject?

Understanding how such a causal history of discursive practices in terms of analytics of power can be reconciled with the capacity of subjects for self-determination in concept-use has constituted the central conceptual challenge to Foucault's interpreters. Beginning now to address that challenge, I will return to it from different points of view in the next two chapters as well. The guiding thought of my approach is that this challenge rehearses, with a new emphasis, the question of how to understand the implicit normative bedrock of a discursive practice. In the next chapter, I will establish a conceptual link between Foucault's discussion of the formation of habits by means of the techniques of disciplinary power, on the one hand, and his remarks on the obviousness, "les évidences," that limits the scope subjects are able to recognize for their autonomy, on the other. I will argue that Foucault's conception of "the present limits of the necessary," which constitutes the target of his conception of philosophy as a critical enterprise, needs to be understood in terms of how the habitual and the obvious interlock in the normative structure of a discursive practice. In preparation of that argument it is crucial to understand how the question regarding the status of a subject as essentially both affected by relations of force in a social practice and capable of self-determination by concept use emerges as a result of Foucault's repudiation of epistemological configuration he calls "Man" in *The Order of Things*. The "death of man" Foucault anticipates in that book does mean an end to the idea that we are concept using subjects but an end to a particular way of understanding the metaphysical foundation of that distinctively rational capacity we possess as subjects. The death of Man means an epistemological move away from "the Subject with a capital 'S', the subject as the origin and foundation of Knowledge, Freedom, Language, and History" that is meant to provide an epistemic access without specific conditions that are determined in historically particular constellations of practices. In an interview in 1969, Foucault describes the shift away from the epistemic sovereignty of such a metaphysically self-standing subject, as follows:

"There is no reason to be particularly upset by the end of man. It is but a particular case, or if you like one of the visible forms, of a death that is much more general. I don't mean the death of God, but that of the subject, the Subject with a capital 'S', the subject as the origin and foundation of Knowledge, Freedom, Language, and History.

One may say that the entire western civilization has be subjugated, and the philosophers have but stated that by relating all thinking and all truth to consciousness, to the Self, to the Subject. In the rumbling that shakes us today, one must perhaps acknowledge the birth of a world where one knows that the subject is not unified [pas un], but split, not sovereign, but dependent, not the absolute origin but a function that is constantly susceptible to modification."[57]

A year earlier, in an important methodological essay, "Réponse à une question", Foucault had already described the essentially dependent status of a subject of knowledge, thus:

"What matters to me is to show that there are not, on the one hand, discourses that are inert, already half-dead, and, on the other, an omnipotent subject who manipulates them, shakes them up [les bouleversent], renews them; but that the discoursing subjects belong to the discursive field, where they have their place (and their possibilities and displacements), their function (and their functional possibilities and mutations). Discourse is not the site of irruption of the pure subjectivity; it is a space of differentiated positions and functions [fonctionnements] for the subjects."[58]

Consequently, these differentiated positions and functions for subjects figure as one possible point of focus in "the analysis of discourse itself in its conditions of formation, in the series of its

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[57] Foucault, "La naissance d'un monde," 816–7. "Il n'y a pas à s'émouvoir particulièrement de la fin de l'homme : elle n'est que le cas particulier, ou si vous voulez une des formes visibles d'un décès beaucoup plus général. Je n'entends pas par cela la mort de Dieu, mais celle du sujet, du Sujet Majuscule, du sujet comme origine et fondement du Savoir, de la Liberté, du Langage et de l'Histoire.

On peut dire que toute la civilisation occidentale a été assujettie, et les philosophes n'ont fait qu'en établir le constat, en référant toute pensée et toute vérité à la conscience, au Moi, au Sujet. Dans le grondement qui nous ébranle aujourd'hui, il faut peut-être reconnaître la naissance d'un monde où l'on saura que la sujet, n'est pas un, mais scindé, non pas souverain, mais, dépendant, non pas origine, mais fonction sans cesse modifiable."

[58] Foucault, "Réponse à une question," 708. "Ce qui m'importe, c'est de montrer qu'il n'y a pas d'un côté des discours inertes, déjà plus qu'à moitié morts, et puis, de l'autre, un sujet tout-puissant qui les manipule, les bouleverse, les renouvelle ; mais que les sujets discourants font partie du champ discursive – ils y ont leur place (et leurs possibilités de déplacements), leur fonction (et leurs possibilités de mutation fonctionnelle). Le discours n'est pas le lieu d'irruption de la subjectivité pure ; c'est un espace de positions et de fonctionnements différenciés pour les sujets."

modifications, and in the play of its dependencies and correlations" with other social practices.[59] Foucault continues:

"Discourse would thus appear in a describable relation with a set of other practices. Instead of being a matter of an economic, social, or political history that envelops a history of thought (that would be its expression and double), instead of being a matter of a history of ideas that would be referred (either by a play of signs and expressions, or by causal relations) to external conditions, it would be a question of a history of discursive practices in the specific relations that link them to the other practices."[60]

In the picture Foucault is sketching, then, a subject is no longer a metaphysically self-standing site for an epistemic access but an essentially dependent on a given historical configuration of practices that constitutes a set of specific determinations for its functioning as a subject. Foucault sums up this point in 1972, as follows: "I am sure that there are, if not strictly speaking structures, rules of functioning of knowledge [connaissance] that have emerged in the course of history and within which different subjects are located."[61] In 1971, the contrast between the essentially dependent status of a subject on a historically determined constellation of social practices in this new epistemological picture and the epistemological configuration called "Man" understood as "the Subject with a capital 'S', the subject as the origin and foundation of Knowledge, Freedom, Language, and History" is crystallized, when Foucault sums it up with a focus on Husserl's phenomenology, as follows:

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[59] Foucault, "Réponse à une question", 714–5. "l'analyse du discours lui-même dans ses conditions de formation, dans la série de ses modifications et dans le jeu de ses dependences et de ses correlations."

[60] Ibid. "Le discours apparaîtrait ainsi dans un rapport descriptible avec l'ensemble des autres pratiques. Au lieu d'avoir affaire à une histoire économique, sociale, politique, enveloppant une histoire de la pensée (qui en serait l'expression et comme le doublet), au lieu d'avoir affaire à une histoire des idées qui serait référée à (soit par un jeu de signes et d'expressions, soit par des relations de causalité) à des conditions extrinsèques, on aurait affaire à une histoire des pratiques discursives dans les rapports spécifiques qui les articulent sur les autres pratiques."

[61] Michel Foucault, "Les problèmes de la culture. Un débat Foucault-Preti" (1972) in *Dits et écrits*, vol. 1, p. 1241. "Je suis sûr qu'il existe, si ce n'est à proprement parler des structures, des règles de fonctionnement de la connaissance qui sont apparues au cours de l'histoire et à l'intérieur desquelles se situent les différents sujets."

"The question of the philosopher is no longer to know how all that is thinkable, nor how the world can be lived, experienced, and passed through by the subject. The problem now is that of knowing what are the conditions imposed on a subject of some kind so that it may introduce itself, function, and serve as a node in the systematic network that surrounds us. Starting from there, the object for description and analysis is no longer the subject with its relations with the humanity and with the formal, but the mode of existence of certain objects, such as science, that function, evolve, and go through transformations, without any reference to something like the intuitive foundation in a subject. The succeeding subjects are limited from the beginning by lateral ports, so to speak, inside a system that is not only sustaining itself since a certain time, with its proper systematicity that in a sense is independent of the consciousness of men, but that has nonetheless an actual existence independently of this or that subject."[62]

By means of his analytics of power, then, Foucault undertakes to analyze, among other things, how the formation of subjects takes place in different historical constellations of practices, underscoring that it is specific determinations of a social practice that fabricate individuals into subjects of knowledge. Understanding these determinations as relations of force that are organized in terms of tactics and strategies Foucault thus seeks "to show the historical constitution of a subject of knowledge through a discourse understood as a set of strategies that partake of social practice".[63]

It is worth recalling at this point that independently of my interpretation of Foucault's work I have already formulated an argument that runs from the regress of rules through training to pattern governed behavior that functions as second nature in the lives of concept-using subjects. This argument shows exactly what Foucault, too, states about subjects, namely that subjects are metaphysically dependent on relations of force in a social practice. In the history of modern philosophy it was Hegel who first formulated such a view of subjects as essentially social beings.

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[62] Foucault, "Entretien avec Michel Foucault," 1033. "La question du philosophe n'est plus celle de savoir comment tout cela est pensable, ni comment le monde peut être vécu, expérimenté, traversé par le sujet. Le problème maintenant est celui de savoir quelles sont les conditions imposées à un sujet quelconque pour qu'il puisse s'introduire, fonctionner, servir au nœud dans le réseau systématique de ce qui nous entoure. À partir de là, la description et l'analyse n'auront plus comme objet le sujet et ses relations avec l'humanité et avec le formel, mais le mode d'existence de certains objets, comme la science, qui fonctionne, se développent et se transforment, sans aucune référence à quelque chose comme le fondement intuitif dans un sujet. Les sujets successifs se limitent à entrer, par des portes pour ainsi dire latérales, à l'intérieur d'un système, qui non seulement se conserve depuis un certain temps, avec sa systématicien propre et en un sens indépendante de la conscience des hommes, mais qui a une existence également propre, et indépendante de l'existence de tel ou tel sujet."

[63] Foucault, "La vérité et les formes juridiques", 1408. "c'est ce qui doit être fait : montrer la constitution historique d'un sujet de connaissance à travers un discours pris comme un ensemble de strategies qui font partie des pratiques sociales."

But, more importantly, I believe that appreciating Hegel's view of the habitual foundation of the social practices in which human individuals become concept-using subjects brings into relief a key conceptual component for grasping the distinctive character of the relations of force that define and stabilize the unrepresented norms of *savoir* on the ground level of a discursive practice. This conceptual pivot is the notion of socially acquired habits, which provides, as we shall see in the next chapter, the core mechanism in Foucault's understanding of how various techniques of disciplinary power produce and shape the conduct of individuals. As background for appreciating the central role of this thought in Foucault's philosophy, especially its connection with his understanding of the distinctive type of force that "present limits of the necessary" exert on the autonomy of subjects, let me next introduce the key Hegelian point about the role of *Sittlichkeit* as a habitual foundation of the normative structure of reasoning as a social practice.

6. Hegel on the Habitual

It may be surprisingly that I suggest that we approach Foucault's view of the subject from the perspective of Hegel's practical philosophy. But the salient and, in my view, inadequately appreciated commonality between Foucault and Hegel in this regard comes into view once we contrast their respective philosophies, on the one hand, with the empiricism of modern Anglophone political thought and, on the other, with the formalism of Kant's practical philosophy. In very different ways these two traditions share a metaphysical presupposition regarding the ontological status of rational subjects. If nothing else, there is at least one thing that Hobbesian prudential egoists and Kantian rule-followers have in common: they are ontologically self-standing as rational agents. The distinctive commitment that motivates talk about a Hegelian tradition, in contrast, is the claim that subjects are ontologically dependent on the actions of other rational agents. It means that humans are not born subjects, but become subjects only as a result of training in social practices. From the

start, this tradition – from Hegel through Marx to the Frankfurt School, and including Foucault – was predicated on an understanding of subjects as ontologically dependent on social practices and, therefore, as being shaped by various sorts of historical particularities. Marx famously acknowledges this conception of the subject in *Grundrisse*, as follows: "Man is in the most literal sense of the word a *zoon politikon*, not only a social animal, but an animal which can develop into an individual only in society."[64]

While this tradition is unified by an understanding of subjects as essentially dependent on some historically specific constellation of social practices, two sharply distinct conceptions of human freedom take shape in it. Let me explain this divergence, which then translates into two different conception of a critique, in terms of the problem of second nature. On the one hand, the problem of second nature is that our socially acquired habitually exercised dispositions fail to match the human nature. Correspondingly, a conception of a critique emerges that attacks the given historical constellation of practices on the basis of a substantive conception of human nature these social conditions arguably make unavailable. This is the approach in the 1844 manuscripts of the early Marx, as well as in the *Dialectic of the Enlightenment*, a century later, by Adorno and Horkheimer.[65] The essential dependence of a subject on social relations becomes thus understood in terms of distortion, alienation, and impediment unless the social relations in fact enable the full realization of the assumed notion of human nature. The task for a critique, then, is to disclose and demolish the fetters of second nature that prevent the full realization of human nature in society. But, on the other hand, the problem of second nature appears in a decidedly different form, if one rejects a substantive notion of human nature and settles for a view of mature human beings as

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[64] David McLellan (ed.), *Karl Marx: Selected Writings*, (ed.), 2nd edition, Oxford University Press, 2000, pp. 380–1. Cf. Karl Marx and Friedrich Engels, *The German Ideology*, Progress Publishers, 1968, pp. 14, 21, 57.

[65] Karl Marx and Friedrich Engels, *Economic and Philosophic Manuscripts of 1844 and the Communist Manifesto*, Prometheus Books, 1988, pp. 23—9, 69—84, 115—8, 123, 125. Theodor Adorno and Max Horkheimer, *Dialectic of the Enlightenment: Philosophical Fragments*, Stanford University Press, 2002, pp. 42—3. Cf. Marx's discussion of The Trinity Formula in *Capital*, vol. 3, chapter 48, in David McLellan (ed.), *Karl Marx: Selected Writings*, 530–45.

simply concept-using subjects. This approach, I want to show, is shared by Hegel and Foucault and it leads to alternative understanding of the problem of second nature. Without reliance on a substantive conception of human nature the problem cannot be that second nature fails to meet that normative ideal. Instead, the problem concerns the normative authority of the socially acquired and habitually exercised dispositions that govern the patterns of concept-use of a subject who nonetheless has a capacity to represent and rationally evaluate representations of rules. Correspondingly, this approach motivates a conception of a critique as a decidedly diagnostic enterprise that aims to disclose the force of the habitual that tends to escape the attention of those whose reasoning it governs. The key difference between these two approaches concerns the way in which the essential dependence of a subject on relations of force in a social practice is conceptualized — as a causal determination that prevents a realization of human nature or as an acquisition of habits that make possible the capacity of acting on the basis of representations of rules, in the first place?

By rejecting the juridico-discursive theory of power as external restrictions that impose limitation on the freedom of a subject from outside and insisting instead on "studying the […] bodies constituted, by the effects of power, as subjects" Foucault places his approach, perhaps unwittingly, in a conceptual alignment with Hegel's account of *Sittlichkeit*.[66] For Hegel, acquired habits play the pivotal role between individual's merely natural existence, as a living body, and a normatively governed rational life in the space of reasons or, as Hegel puts it, as a member of the *Geist*. In *The Philosophy of Right*, Hegel describes this fundamental role of acquired habits in the lives of rational beings as follows:

"Ethical life [Sittlichkeit] is the Idea of freedom as the living good which has its knowledge and volition in self-consciousness, and its actuality through self-conscious action. Similarly, it is in ethical being that self-consciousness has its motivating end and a foundation which has being in and for

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[66] Michel Foucault, *"Il faut défendre la société": Cours au Collège de France 1975–1976*, Gallimard/Seuil, 1997, p. 26.

itself. Ethical life is accordingly the concept of freedom which has become the existing [vorhandenen] world and the nature of self-consciousness."[67]

"But if it is simply identical with the actuality of individuals, the ethical [das Sittliche], as their general mode of behaviour, appears as custom [Sitte]; and *the habit of the ethical appears as a second nature which takes the place of the original and purely natural will* and is the all-pervading soul, significance, and actuality of individual existence [Dasein]."[68]

Stressing the inadequacy of an intellectualist conception of rationality, one of Hegel's followers, J.V. Snellman, the Finnish philosopher who in 1848 published the first Hegelian treatise in political philosophy, summarizes this fundamental role of *Sittlichkeit* like this:

"The general rules of the abstract right do not provide a precise norm for action in a given moment any more than the general imperatives of obligations do. [...] What one ought to do at any given moment is something one learns from the circumstances in which one lives. From the custom of one's nation, from the polity of one's fatherland and its laws, from one's status in one's estate or corporation, profession, family relations and friendships. What one does due to all these influences is a practical custom, not merely an abstract rule or a theoretical imperative of an obligation. But nor gives an act its precise content at a given moment of human life. It is given by custom, a moral exercise of habit."[69]

Thus the notion of *Sittlichkeit* underscores the familiar point that rationality as rule-following is possible only for agents who have been trained to participate in a shared form of life. In Wittgenstein's words: "It is what human beings *say* that is true and false; and they agree in the *language* they use. That is not agreement in beliefs [Meinungen] but in form of life."[70] And the shared

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[67] Georg Wilhelm Friedrich Hegel, *Outlines of the Philosophy of Right*, § 142.

[68] Hegel, *Outlines of the Philosophy of Right*, § 151. Added emphasis.

[69] Johan Vilhelm Snellman, "Käytännöllinen siveysoppi," in *Kootut teokset*, vol. 15, Opetusministeriö, 2005, p. 58. This is a lecture course entitled "Practical Moral Theory" or, more fastidiously, "Practical Theory of *Sittlichkeit*" Snellman taught at the University of Helsinki in the spring semester of 1858.

[70] Wittgenstein, *Philosophical Investigations*, § 241. Translation modified. Here Anscombe translates 'Meinungen' as 'opinions', but, in order to emphasize what I take to be the gist of Wittgenstein's point, I prefer to render 'Meinungen' as 'beliefs'. For the point, I take it, is that the activity of distinguishing between the true and the false depends on a collectively shared practical background that, in contrast to beliefs [Meinungen], is not conceptually articulated and thus not truth-apt.

form of life is, indeed must be, based on acquired habits instead of some propositionally expressed foundation.

This conception of the habitual basis of reasoning as a social practice gives rise to a tension between the metaphysical dependence of a subject on relations of force in a social practice, on the one hand, and the subject's capacity for self-determination by means of concept-use, on the other, as a central problem in Hegel's political philosophy. It is well-known that the marginalized status of Hegel's practical philosophy in the English-speaking world is largely due to this collectivist picture of society, which has been repeatedly denounced for flying in the face of the individualistic outlook of the liberal tradition.[71] But, as Robert Pippin has recently emphasized, these dismissals are based on a simplistic reading, if not just downright negligence, of Hegel's complex and more nuanced view of the relationship between the collective and the individual.[72] Despite the genuine tensions in Hegel's view, which his philosophy may not have resources to resolve, it is clear to a careful reader of *The Philosophy of Right* that the particular point of view of subjects is neither denied nor overridden by the habitually enforced norms of reasoning that shape social practices. Rather, the distinctive problem that arises at the heart of Hegel's political philosophy concerns that very tension between the right of an individual subject to its particularity in *self*-determination through concept-use and the metaphysical dependence of that capacity on an implicit normative structure of a communal practice. Shortly after introducing conformity to *Sittlichkeit* as the basis of rational agency, Hegel underscores the irreducibly particular role that individual subjects have, and ought to have, in these same social practices, as follows:

''The right of individuals to their subjective determination to freedom is fulfilled in so far as they belong to ethical actuality; for their certainty of their own freedom has its truth in such objectivity, and it is in the ethical realm that they actually possess their own essence and their inner universality

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[71] For a discussion of this point see Robert Pippin, *Hegel's Practical Philosophy: Rational Agency as Ethical Life*, Cambridge University Press, 2008, p. 26, and, especially chapter 6.

[72] Pippin, *Hegel's Practical Philosophy*, chapter 9.

(see § 147)."[73]

"The right of individuals to their particularity is likewise contained in ethical substantiality, for particularity is the mode of outward appearance in which the ethical exists."[74]

To see the relationship between the two sets of Hegel's remarks I have quoted, and especially the tension between them, which I will then relocate in Foucault's view of subjects as essentially both free and caught in relations of force, it is helpful to parse the remarks into an ontological claim and a normative claim. The *ontological* claim, expressed in the first pair of remarks I quote, is that rational agency is possible only in social practices against an acquired background of shared habits. As I read them, this is a point that Wittgenstein, Sellars, and Foucault all make in their own way. And, as I have already indicated, this claim is the distinctive commitment of a tradition of political philosophy that could be called Hegelian, in contrast to the empiricism that defines the Anglophone liberal tradition, on the one hand, and the formalism of Kant's practical philosophy, on the other. Because this is an ontological claim, however, it only sets the scene, literally, where agents capable of rational self-determination can exist. The *normative* claim that follows concerns the rights such agents have as participants in *Sittlichkeit*, a shared form of ethical life. It is worth emphasizing, especially against the tradition of dismissing Hegel's view as incipiently totalitarian, that he explicitly grants subjects a right to their particularity in the context of these shared social practices.[75] The potential tension between the ontological claim and the normative claim gives rise to the problem of positivity, as Hegel calls it, namely to the challenge of adjudicating the authority of competing appeals to norms between the particular perspective of a subject and a collectively enforced, fundamentally habitual, understanding of the proprieties of a given social practice. Pippin highlights this issue as "the problem that bothered Hegel his entire career [...]: [the] problem of 'positivity', subjection by others, according to

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[73] Hegel, *Outlines of the Philosophy of Right*, § 153.

[74] Hegel, *Outlines of the Philosophy of Right*, § 154.

[75] A discussion of this tradition, which runs from Bertrand Russell through Karl Popper to Isaiah Berlin, must be postponed for another occasion.

appropriate, public practices, to a status of 'undertaken commitments' not recognized as such by the individual."[76] What is at stake here is the dual character of a subject as both dependent on others through relations of power, on the one hand, and as an independent rational agent capable of self-determination, on the other.

7. Conclusion

We can see now that when Foucault says that a subject is both "subject to someone else by control and dependence, and tied to his own identity by conscience or self-knowledge," he reproduces, perhaps unwittingly, the tension whose emergence I have identified in Hegel's political philosophy.[77] In 1978, Foucault summarizes the tradition of modern philosophy that was founded on the assumption of a metaphysically self-standing subject with a natural epistemic access by saying that "since Descartes until Sartre […] it seems to me that the subject was indeed understood as something fundamental but something one left untouched: it was that which was not called into question. […] The idea that the subject is not the fundamental and originary form but the subject is being formed starting from a number of processes that are not of the order of subjectivity […] but more fundamental and more originary than the subject itself, did not emerge."[78] Of course, Foucault himself would quickly add that Nietzsche is the exception whose thought goes against and undermines this tradition. As an illustration of this we have seen how Foucault's genealogical inquiry into a history of truth that investigates the reciprocal constitution of objects *and* subjects of knowledge in social practices whose transformations are understood in terms of tactics and strategies on the field of relations of forces stems from Nietzsche's anti-foundationalist

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[76] Pippin, "Brandom's Hegel," 395.

[77] Foucault, "The Subject and Power," 212.

[78] Foucault, "La scène de la philosophie," 590.

epistemological insight that truth emerges from something other than true. That Hegel is assimilated in Foucault's mind to the same subject-centered epistemological model with Descartes, Kant, and Sartre attests in turn to the peculiarities of the French reception of Hegel's philosophy. The shadow of Descartes may still have been too long to enable an appreciation of the radical departure that Hegel's essentially social conception of the subject constitutes with respect to that epistemological model. As I have indicated already, however, the reason I have invoked Hegel is not historical but conceptual. I believe that Hegel's account of *Sittlichkeit* rather than Nietzsche's "psychological" approach provides a helpful conceptual background for understanding and defending Foucault's view of the subject, because it is Hegel, and not Nietzsche, that articulates a view of the subject that is essentially social and explicitly based on habit. Let me now turn to explain why I take the notion of the habitual to be so important also in Foucault's philosophy.

4   The Force of the Habitual

What is so problematic about the habitual basis of reasoning if it is, after all, a necessary structural feature of reasoning as a discursive practice? The habitual role of reasoning becomes a problem only in a particular, distinctively modern philosophical context that is informed by Kant conception of autonomy as the only unconditional source of value. Discussing "the *share*" of "a rational being *in the giving of universal laws*," which process he calls "ethical lawgiving," Kant expresses this commitment in the *Groundwork*, as follows: "nothing can have a worth other than that which the law determines for it. But the lawgiving itself, which determines all worth, must for that very reason have a dignity, that is, an unconditional, incomparable worth; and the word *respect* alone provides a becoming expression of it that a rational being must give. *Autonomy* is therefore the ground of the dignity of human nature and of every rational nature."[1] From this perspective the role of the habitual is problematic because acting out of habit is to not act on the basis of a rule one endorses as a rational being. The habitual plays a heteronomous role in the lives of rational beings. The tension we have witnessed in Hegel's political philosophy between individual's right to its particularity, on the one hand, and the implicit normative structure of shared social practices, on the other, presupposes this Kantian commitment to the fundamental value of autonomy as a rational capacity of self-legislation. What is at stake is precisely the extent to which a subject is, should be, and could be a being that is the source of its own commitments, including, crucially, the norms according to which commitments and entitlements are being attributed to subjects.

Writing the history of how this problem of autonomy, understood as a tension between the ontological dependence of subjects on social practices and the ideal of autonomy as rational self-determination, got received and elaborated in French philosophy through the 19th and 20th

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[1] Kant, *Groundwork of the Metaphysics of Morals*, 4:435–6.

centuries is a task in its own right.[2] But I want to note, however briefly, how that tension is articulated by Georges Canguilhem and Camille Planet in their 1939 philosophy textbook for the French lyçées, because I believe that their summary of the issue provides the right framework, both historically and conceptually, for coming to grips with Foucault's views of critique and autonomy. It is remarkable that Canguilhem and Planet sum up the topic as *the* problem of morality when they conclude the chapter on morality in their *Traité de logique et de morale*. As they put it, the issue concerns the role of "automatic reactions" in the lives of beings who are capable of making "real decisions":

"In other words, it remains true, from the moral point of view as well as from a completely other critical point of view, that what weighs on us and limits our power, or rather transforms this power to its opposite, is the automatism of our thoughts, the routine of our judgments, which makes the world that is most immediately close to us seem but an accident and a necessity. Let us assume that with respect to this world very close to us our representation comes to take a conscience and precise analytic form. That amounts to assuming that our automatic reactions to this world, which contribute to making it the way it is, will intervene in it from now on as real decisions."[3]

This passage brings into relief the idea that Foucault adopted, elaborated, and came to characterize as "the present limits of the necessary".[4]

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[2] A central part of that history is the topic of the habitual in the 19th and 20th-century French philosophy. Key texts to be examined include Félix Ravaisson's *De l'habitude* from 1838, Paul Ricœur's multi-volume series *Philosophie de la volonté*, as well as the extensive discussion of the problem of the habitual by Paul Séailles and Paul Janet in their influential textbook *La philosophie : les problèmes et les écoles* that served as the key introductory text to philosophy to several generations in France in early twentieth century. I am grateful to Jean-François Braunstein for bringing to my attention this largely forgotten strand in French philosophy.

[3] Georges Canguilhem and Camille Planet, *Traité de logique et de morale* [1939] reprinted in Georges Canguilhem, *Oeuvres complètes, Volume I: Écrits philosophiques et politiques 1926–1939*, Vrin, 2011, p. 814. "En d'autres termes, il demeure vrai, au point de vue moral comme à tout autre point de vue critique, que ce qui pèse sur nous et limite notre puissance, ou plutôt transforme cette puissance en son contraire, c'est l'automatisme de nos pensées, la routine de nos jugements, qui fait que le monde qui est le plus immédiatement proche de nous paraît qu'un hasard et une fatalité ; supposons que vis-à-vis de ce monde très proche, notre représentation arrive à prendre une forme consciente et d'abord une forme analytique précise : cela revient à supposer que nos réactions automatiques à ce monde, qui contribuent à le faire ce qu'il est, y interviendraient désormais comme véritables décisions."

[4] Foucault, "Qu'est-ce que les Lumières ?" 1391.

1. The Present Limits of the Necessary

Now, against this background, let me immediately quote a remarkable passage from Foucault's interview in 1980 that contains a rare and perhaps most explicit statement of the moral commitments that motivate his philosophical work.

"I am a moralist to the extent that I believe that one of the tasks, one of the points [sens] of human existence, that in which man's liberty consists, is to never accept anything as definitive, untouchable, obvious, immobile. Nothing in reality has to make a definitive and inhuman law for us. To that extent, one can think that we need to rise against all the forms of power, but not understood simply in the narrow sense of power of the type of government, or of one social group over another; this is but an element among others. I call 'power' everything that actually tends to make immobile and untouchable what is given to us as real, true, and good."[5]

For Foucault, too, as well as for Canguilhem and Planet, the automatic, definitive, untouchable, obvious, and immobile components of human experience pose a problem because they constrain the autonomy of human subjects, the only intrinsic source of value, according to Kant. Of course, there are many things that impose necessary constraints on our freedom. But the issue these French authors focus on concerns the ways in which our capacity for self-determination comes to be constrained by something that, in fact, is *not* necessary but only seems so because of the particular way in which it functions in our lives. Perhaps the most apt of Foucault's many characterizations of such contingent but apparently necessary constraint on the autonomy of subjects can be found in his 1984 essay "What Is Enlightenment?" where says that his studies "are directed toward 'the present limits of the necessary,' namely towards that which is not or no longer indispensable pour

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[5] Michel Foucault, "Interview de Michel Foucault, 3 novembre 1980," in *L'origine de l'herméneutique de soi: Conférences prononcées au Dartmouth Collège, 1980*, Vrin, 2013, p. 143. "En un sens, je suis un moraliste. Je suis un moraliste dans la mesure où je crois qu'une des tâches, un des sens de l'existence humaine, ce en quoi consiste la liberté de l'homme, c'est de ne jamais rien accepter comme définitif, intouchable, évident, immobile. Rien de réel ne doit nous faire une loi définitive et inhumaine. Dans cette mesure-là, on peut considérer que ce contre quoi nous avons à nous élever, c'est toutes les formes de pouvoir, mais non pas entendu simplement au sens étroit de pouvoir d'un type de gouvernement, ou d'un groupe social sur an autre; cela n'est qu'en élément parmi d'autres. J'appelle 'pouvoir' tout ce qui tend effectivement à rendre immobile et intouchable ce qui nous est offert comme réel, comme vrai, comme bien."

the constitution of ourselves as autonomous subjects."[6] Two pages later Foucault explains that the goal of a critique as he understands and practices it is to enable the *overcoming* of these limits. For Foucault, then, the critical question is this: "in what is given to us as universal, necessary, mandatory, what is the part of that which is singular, contingent, and due to arbitrary constraints."[7]

To come to grips with Foucault's conception of a critique one needs to grasp not only what its goal and methods are but, crucially, the distinctive nature of the *obstacle* he characterizes as the present limits of the necessary. In this chapter I seek to explain how that obstacle arises from the very structure of reasoning, namely from the habitual basis of reasoning as a discursive practice. Thus understood, the source of this obstacle is not some psychological or ideological distortion of thinking, nor is it produced through coercive relations of power. Instead, the obstacle is created unavoidably, though in historically changing configurations, on the level of the implicit normative bedrock of the practice of reasoning. Only by grasping this implicit character of the obstacle can one understand why it is simultaneously contingent yet *seems* necessary. And to grasp Foucault's view of how the contingent comes to function and therefore seem as though it were necessary I will offer an interpretation of his largely overlooked remarks on the habitual. My interpretation will establish a conceptual connection between Foucault's discussion of the habitual, on the one hand, and his remarks on the obviousness, "les évidences," that also, so I will argue, is created as a necessary structural feature of reasoning as a discursive practice. The key point of my interpretation is that the obviousness is created through a habitual repetition of patterns of concept use without representing them as rules one must either endorse or repudiate. Thus my discussion of the habitual and the obvious will elaborate the interpretation of *savoir* as knowledge-how I presented in Chapter 2 and explain how *savoir* functions as a heteronomous force that seems "definitive, untouchable, … and immobile," as I suggested already in Chapter 3 without a detailed analysis.

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[6] Foucault, "Qu'est-ce que les Lumières ?" 1391.

[7] Foucault, "Qu'est-ce que les Lumières ?" 1393.

2. Foucault on the Habitual

The role that the habitual plays in action and therefore in relations of power is a topic Foucault broaches in connection with his analyses of disciplinary power. When summing up his 1972—73 course at the Collège de France, Foucault introduces the notion of disciplinary power, as follows: "It seems to me that we live in a society of disciplinary power, that is, of power that is endowed with devices whose form is sequestration, whose aim is to constitute a labor force, and whose instrument is the acquisition of disciplines or of habits. It seems to me that since the 18th century these devices for the fabrication of disciplines, imposition of coercions, inculcation of habits have been constantly multiplied, refined, and specialized. I wanted this year to do the very first history of the *power of habits*, the archaeology of these devices of power that serve as the basis of the acquisition of habits as social norms."[8] Foucault then argues that the habitual plays a key role in the functioning of disciplinary power because, unlike the legal system of rights that defines relations only between property owners, techniques for inculcating habits can be used to establish relations of power between all members of society regardless of their legal status.[9] Next year, Foucault elaborates this point by describing how the formation of habits, among other things, is the technique by which these relations of power that escape the juridical framework can have an effect on subjects by being literally invested in their bodies: "I would like to advance the hypothesis that something like disciplinary power exists in our society. By this I mean no more than a particular, as it were, terminal, capillary form of power; a final relay, a particular modality by which political power, power in general, finally reaches the level of bodies and gets a hold on them, taking actions, behavior, *habits*,

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[8] Michel Foucault, *La société punitive: Cours au Collège de France 1972–1973*. EHESS/Gallimard/Seuil, 2013, p. 240. Added emphasis.

[9] Foucault, *La société punitive*, 242.

and words into account […]."[10] Through these relations of power a second nature is being produced, a set of acquired dispositions a subject learns to repeat and perpetuate almost automatically by the force of habit: "Disciplinary power […] looks forward to the future, towards the moment when it will keep going by itself and only a virtual supervision will be required, when discipline, consequently, will have become *habit*."[11] This analysis of disciplinary power culminates of course in *Discipline and Punish* where Foucault again contrasts the subject that is fabricated by techniques of disciplinary power with the legal subject by underscoring the habitual relation these techniques create between a subject and the patterns of the subject's conduct. With disciplinary power it is a question of techniques that are "trying to reconstitute not as much the legal subject [le sujet de droit] who is caught in the fundamental interests of the social contract, but the obedient subject, the individual who is subjected to *habits*, rules, orders, an authority that is continuously being exercised around him and over him, and that he must let function *automatically* in him."[12]

The importance of these discussions is not merely historical. I believe that this account of the deployment of disciplinary power in a particular constellation of penal practices that emerged in Western Europe starting from late 18th century provides a general model for Foucault's philosophical conception of the role of the habitual in our lives as thinking beings. It brings into relief the grounds for Foucault's implicit but consistently promoted attitude that the habitual is *morally* problematic because it makes parts of our practices definitive, untouchable, obvious, immobile. Specifically, it motivates Foucault's philosophical task "to make available for work we can do to

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[10] Michel Foucault, *Le pouvoir psychiatrique: Cours au Collège de France 1973–1974*, Gallimard/Seuil, 2003, p. 42. Added emphasis.

[11] Foucault, *Le pouvoir psychiatrique*, 49.

[12] Foucault, *Surveiller et punir*, 131–2: "ce qu'on essaie de reconstituer dans cette technique de correction, ce n'est pas tellement le sujet de droit, qui se trouve pris dans les intérêts fondamentaux du pacte social ; c'est le sujet obéissant, l'individu assujetti à des habitudes, des règles, des ordres, une autorité qui s'exerce continûment autour de lui et sur lui, et qu'il doit laisser fonctionner automatiquement en lui." Added emphasis. See also pp. 134, 137–8.

ourselves the largest possible part of what is presented as inaccessible to us,"[13] namely the part of ourselves that is governed by habit and that escapes our attention and capacity for self-determination due to its semi-automatic status as second nature. Only against the background of such a view of the role of the habitual can we make sense of Foucault's characterization of the work of *thought*, in contrast to the habitual, as follows: "The work of thought is not to denounce the evil that would secretly inhabit everything that exists, but to anticipate the danger that threatens in everything that is habitual, and to make problematic everything that is solid. The 'optimism' of thought, if one wants to use this word, is to know that there is no golden age."[14] What bothers Foucault, I believe, is the semi-automatic execution of habit, its unreflectiveness, which makes it a force that operates behind our backs and that others can deploy to a variety of ends that may not be our own as the examples of disciplinary power amply illustrate. To appreciate the scope this remark about the danger that lies in everything that is habitual, namely the scope of the habitual in the lives of concept using subjects, it is instructive to consider the context of the remark in more detail. The quoted passage comes from Foucault's interview with Dreyfus and Rabinow that was first published in English in 1983 and then reprinted in French in 1984 in a modified form, which Foucault edited himself. The passage comes from one of the sections Foucault almost completely rewrote. It is not included in the original publication of the interview in 1983. But reading together the two different answers Foucault gave to the same question will help us understand better his claims that everything habitual poses a danger and that it is the task for the work of thought to anticipate this danger.

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[13] Foucault, "Est-il donc important de penser?" 1001. "mettre à la disposition du travail que nous pouvons faire sur nous-mêmes la part la plus grande possible de ce qui nous est présenté comme inaccessible."

[14] Michel Foucault, "À propos de la généalogie de l'éthique : un aperçu du travail en cours" (1984) in *Dits et écrits*, vol. 2, p. 1431.

The question Foucault is answering is this: "Do you think that the Greeks offer a plausible and attractive alternative?"[15] To clarify, the discussion concerns alternatives to the present way of understanding oneself as the moral subject of sexual desire, whose conceptual structure derives essentially from the psychiatric theories of human sexuality developed in the second half of the 19th century,[16] while its core idea of "a hermeneutics of the self" as the mode for the self to relate to itself as a moral subject goes back, according to Foucault, to the practices of early Christianity.[17] In both versions of the interview, Foucault begins his answer with an adamant denial: "No!".[18] While many discrepancies then quickly emerge between the two versions, let me focus exclusively on Foucault's different claims about what is dangerous. In the original version from 1983 Foucault famously says: "My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism."[19] Now compare that to the rewritten passage I have already from the 1984 version of the interview: "The work of thought is not to denounce the evil as though it secretly inhabited all that exists, but to anticipate the danger that threatens in everything that is habitual, and to make problematic everything that is solid. The 'optimism' of thought, if one wants to use this word, is to know that there is no golden age."[20] I want to suggest that these two answers elucidate one another when combined. I believe that the gist of Foucault's view is that everything is potentially dangerous *because* it is habitual. The production and exercise of habits requires no representation of what one is doing and this character of the

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[15] Michel Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress" (1983) in Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, University of Chicago Press, 2nd edition, 1983, p. 231.

[16] Davidson, *The Emergence of Sexuality*, chapters 1–3.

[17] Michel Foucault, *L'Hermenéutique du sujet: Cours au Collège de France, 1981—1982*, Gallimard/Seuil, 2001.

[18] Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress," 231.

[19] Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress," 231–2.

[20] Foucault, "À propos de la généalogie de l'éthique : un aperçu du travail en cours," 1431.

habitual brings with it the distinctive danger of doing out of habit something one would not do upon reflection, that is, after representing and evaluating the action. And if "everything" is dangerous, according to Foucault, I want to suggest that it is because he sees a habitual component in all thought, indeed in all social practices. In other words, everything within a system of thought is potentially dangerous, because it it partially habitual. Because thought necessarily involves a practical foundations that is habitual, as opposed to being represented and endorsed, all reasoning involves a component that escapes the discursive attention of the thinking subjects. This unreflected habitual component of all thought is what makes everything that involves thought potentially dangerous, because it makes the use of concepts always partially escape the representational powers and reflective endorsement of the thinking subjects. Thus the danger lies precisely in the obviousness of our most fundamental ways of reasoning, whose solidity results from the repetition of unreflected habits of thought. In general, this predicament is inescapable because it results from a structure of reasoning itself. Thus a "golden age" of a completely autonomous thinking subject is a myth. And yet, Foucault insists, the work of thought consists in disclosing the unrepresented patterns of thinking that, unbeknownst to us, structure our sense of our discursive possibilities with respect to topics that matter to who we are and how we live. Whereas such work of thought expands the conceptual space we recognize for making real decisions, it is our entrenched, unreflected, and typically unconscious habits of thought that solidify the limits of this space of possibilities by making them seem obvious and thus necessary.

I put forth this interpretation of Foucault's attitude toward the habitual as a proposal for how to account for the particular character of the present limits of the necessary as a contingent obstacle that nonetheless appears necessary. Before linking this interpretation to Foucault's remarks on the obviousness, "les évidences," let me show how it also receives support from Foucault's early characterizations of his work as a critique. As early as 1967, Foucault summarized the overarching goal of his work as a critique, thus: "It is difficult for me to classify research like mine within

philosophy or the human sciences. I could define it as an analysis of cultural facts that characterize our culture. In this sense, it would be something like ethnology of the culture to which we belong. In fact, I try to place myself outside of the culture to which we belong, to analyze its formal conditions in order to make a *critique* of it, not in the sense of reducing its values [d'en réduire les valeurs], but *in order to see how it actually may have been constituted.*"[21] And Foucault explains, in 1971, that his previous studies on the history of madness, clinical medicine, and the human sciences were not historical in motivation, but essentially driven by a critical aspiration to reveal ways of thinking and acting in the present: "But if I'm interested – actually, deeply interested – in these phenomena, it is because I have seen in them ways of thinking and behaving that are still ours. I try to bring into view [mettre en évidence], finding my basis in their constitution and historical formation, systems that are still ours today and inside of which we find ourselves trapped. Fundamentally, *it is a question of presenting a critique of our times*, on the basis of retrospective analyses."[22] Here, already in 1971, we see the key idea of "the present limits of the necessary" when Foucault specifies as the object of a critique "systems that are still ours today and inside of which we find ourselves trapped." And, as one should expect given Foucault's conception of *savior* as a system of implicit rules, he goes on to explain the distinctive character and functioning of these constraints, as follows:

"What I try to do is grasp the implicit systems that determine, without us being aware of them, our most familiar forms of conduct [conduits]. I try to assign an origin to them, to show their formation, the constraint they impose on us. I thus try to take a distance with respect to these systems and to show in what way it would be possible to escape them. [...] One must 'put in

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[21] Foucault, "Qui êtes-vous, professeur Foucault?" 633. Added emphasis.

[22] Foucault, "Conversation avec Michel Foucault," 1051. Added emphasis. "Mais si je me suis intéressé – profondément intéressé, en fait – à ces phénomènes, c'est parce que j'y ai vu des manières de penser et de se comporter qui sont encore les nôtres.

J'essaie de mettre en évidence, en me fondant sur leur constitution et leur formation historique, des systèmes qui sont encore les nôtres aujourd'hui, et à l'intérieur desquels nous nous trouvons piégés. Il s'agit, au fond, de présenter une critique de notre temps, fondée sur des analyses rétrospectives."

play', display, transform, reverse the systems that peacefully order us. That is, as far as I'm concerned, what I try to do in my work."[23]

If we are "trapped" by a current form of thought, it is because it contains elements that "peacefully order us". As we have seen, the workings of this peaceful ordering that takes place outside the purview of our rational assessment is what Foucault undertakes to study, from different perspectives, both in archaeology and genealogy. My suggestion, then, is that these relations of power seem readily "immobile and untouchable" to us, because they are produced and maintained through habits that have become so entrenched that they indeed enjoy the status of "obviousness" in our practices of thinking and acting. The next component in my interpretation, then, is the specific meaning Foucault assigns to the term 'les évidences,' when he characterizes the present limits of the necessary that peacefully order us.

3. Ethics of Obviousness

Foucault's brief and occasional but recurring and consistent remarks on the obvious — "les évidences" — constitute a key theme in his philosophy that nonetheless has escaped the attention of almost all of his commentators. Yet, as we shall see, without grasping the central role of the obvious and its relation to the habitual through relation of power one cannot come to grips with the nature of the present limits of the necessary Foucault is concerned with and, accordingly, one is bound to miss the specificity of his conception of a critique. As far as I know, the links between the habitual, the obvious, the present limits of the necessary, and Foucault's conception of a critique remain not just unexplained but virtually unexplored in the secondary literature. However, Arnold Davidson and

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[23] Foucault, "Conversation avec Michel Foucault," 1060–1. "Ce que j'essaie de faire, c'est comprendre les systèmes implicites qui détermines, sans que nous en ayons conscience, nos conduites les plus familières. J'essaie de leur assigner une origine, de mettre en évidence leur formation, la contrainte qu'ils nous imposent. J'essai donc de prendre de la distance par rapport à ces systèmes et de montrer de quelle manière il serait possible de leur échapper. (…) Il faut mettre 'en jeu', exhiber, transformer et renverser les systèmes qui nous ordonnent paisiblement. C'est, quant à moi, ce que j'essaie de faire dans mon travail."

Frédéric Gros provide a helpful set of brief remarks for me to start with. Gros sums up the central role of the topic of the obvious in Foucault's work, as follows: "In the end, Foucault's philosophy calls for complete faithfulness to the Socratic teaching: instead of grounding the truthfulness of the true, its function is to be concerned about about and to upset the regime of obviousness [le régime des évidences]."[24] Together Gros and Davidson provide a glimpse of how that thought could be used as a guideline in interpreting Foucault's work so that despite its changing objects of study a sustained concern to scrutinize and problematize what appears obvious in the present would emerge as its key concern. For Gros argues that Foucault's target in *The Order of Things* is "the epistemologically obvious status of the man [L'homme comme évidence épistemologique]"[25] and Davidson notes that at the beginning of *Discipline and Punish* Foucault "puts in play a historico-epistemological procedure of estrangement that shakes up what seems obvious to us regarding the prison [qui secoue nos évidences sur la prison]".[26]

Against the background of these remarks that suggest that obviousness is a guiding theme in Foucault's philosophy that can be found in studies as varied as *The Order of Things* and *Discipline and Punish*, I want to highlight Foucault's following characterization of critique: "Critique does not consist of saying that the things are not well the way they are. It consists of seeing on what types of obviousness [évidences], familiarity, modes of thinking that are acquired and not thought through [non réfléchis] the practices one accepts are based."[27] This task of a critique to *disclose* stems from Foucault's understanding of thought as a discursive practice that is always governed by implicit

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[24] Frédéric Gros, "Michel Foucault, une philosophie de la vérité," in *Michel Foucault, Philosophie*, (ed.) Arnold I. Davidson and Frédéric Gros, Gallimard, 2004, p. 25. "La philosophie de Foucault revendique finalement une fidélité totale à la leçon socratique : plutôt que fonder la vérité du vrai, sa fonction est d'inquiéter et déranger le régime des évidences."

[25] Frédéric Gros, "Introduction," in *Michel Foucault, Philosophie*, (ed.) Arnold I. Davidson and Frédéric Gros, Gallimard, 2004, p. 39.

[26] Arnold I. Davidson, "Introduction," in *Michel Foucault, Philosophie*, (ed.) Arnold I. Davidson and Frédéric Gros, Gallimard, 2004, p. 384. "L'ouverture du livre, l'une des plus mémorables de la philosophie contemporaines, met en jeu un procédé d'estrangement historico-épistémologique qui secoue nos évidences sur la prison."

[27] Foucault, "Est-il donc important de penser?" 999.

normative determinations of *savoir*. As I have shown, for Foucault any system of thought involves "a positive unconscious of knowledge" and critique undertakes "to diagnose the current state of thought" by disclosing its hidden normative structure. I have also explained why this structure must exist as knowledge-how and suggested that the habitual role of this knowledge-how is what makes parts of our thinking seem obvious and necessary even though they are contingent. Consider how these different element come together in the following passage:

"Thought indeed exists beyond and beneath systems and edifices of discourse. It is often hidden, but always animates everyday behavior [comportements]. There is always a little bit of thought even in the silliest of institutions, there is always thought even in the silent habits.

Critique consists of driving out [débusquer] this thought and of trying to change it: showing that things are not as obvious as people believe, make it somehow the case that what is accepted as going without saying would not go without saying anymore. Doing critique is to make difficult the gestures that are too easy to make.[28]

Foucault is thus giving a new and original twist to the idea that the historical process of reasoning is constrained by obstacles that are of reason's own making. Foucault himself acknowledges that both the German tradition of critical theory and the French tradition of the history and philosophy of sciences are investigating "a reason that […] does not have an effect of overcoming but on the condition that it comes to liberate itself from itself."[29] By underscoring the notion of obviousness, however, I want to emphasize the importance of recognizing that there are remarkably different conceptions of how and why the obstacle is of reasons's own making.

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[28] Foucault, "Est-il donc important de penser?" 999–1000. "La pensée, ça existe, bien au-delà, bien en deçà des systèmes et des édifices de discours. C'est quelque chose qui se cache souvent, mais anime toujours les comportements quotidiens. Il y a toujours un peu de pensée même dans les institutions les plus sottes, il y a toujours de la pensée même dans les habitudes muettes.

La critique consiste à débusquer cette pensée et à essayer de la changer : montrer que les choses ne sont pas aussi évidentes qu'on croit, faire en sorte que ce qu'on accepte comme allant de soi n'aille plus de soi. Faire la critique, c'est rendre difficile les gestes trop faciles."

[29] Michel Foucault, "Introduction par Michel Foucault" (1978) in *Dits et écrits*, vol. 2, p. 433. "une raison […] qui n'a pas d'effet d'affranchissement qu'à la condition qu'elle parvienne à se libérer d'elle-même."

In the tradition Marx inaugurated the obstacle is understood as an ideological distortion of representations, caused by society's relations of production and promoted by its state apparatus, that prevents an access to truth. Accordingly, the task of a critique, in that tradition, is to debunk the ideological false consciousness and thus create epistemic condition for objective knowledge, which is paradigmatically embodied in science. This is essentially an epistemic task that consists in undermining the justificatory warrant of a given system of thought. A critique, thus understood, discloses the epistemically corrupted status of a system of thought. However, in contrast to such a critique that aims to disclose that our ways of thinking and acting are based on a foundation that is epistemically unwarranted — will to power, relations of production, unconscious drives —, Foucault's critiques are decidedly *diagnostic* in that they seek to disclose nothing but the hitherto unrepresented and therefore unconscious system of normative determinations that is guiding, without our awareness and endorsement, how we use concepts in thought and action. For Foucault, the point is not that there is something in principle epistemically problematic about these unrepresented dispositions of concept-use, but, to recall, "to anticipate the danger that threatens in everything that is habitual".[30] Accordingly, for Foucault the task of a critique is not to scrutinize the justification of our ways of reasoning and the widespread tendency to lump Foucault together with other "morality critics" or "masters of suspicion" in fact prevents one from grasping the specificity of Foucault's understanding of critique as a diagnostic activity.[31]

This conception of a critique arises from Foucault's specific view of how an obstacles that limits the autonomy of subjects arises form the activity of reasoning itself. To understand this better we need to consider the connection between Foucault's remarks on the habitual and the obvious. The key idea I will attribute to Foucault is that the obstacles are created by the way in which the

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[30] Foucault, "À propos de la généalogie de l'éthique : un aperçu du travail en cours," 1431.

[31] See, for example, Brian Leiter, "Nietzsche and the Morality Critics," *Ethics*, 107:2 (1997), and Robert Brandom "Reason, Genealogy and the Hermeneutics of Magnanimity," an unpublished Howison lecture delivered at Berkeley in March 2013, available online at: http://www.pitt.edu/~brandom/currentwork.html.

habitual elements of a practice tend to assume the status of obviousness and thus begin to function as though they were necessary. All this takes place on the level of a positive unconscious of knowledge, namely in the implicit normative configuration of a discursive practice. The particular historical a priori that is thus formed becomes congealed as a result of habitually repeated patterns of concept-use and it is these patterns that assume the status of obviousness for the thinking subjects. Already in *The Order of Things*, in 1966, Foucault indicates, slightly understating, this obvious role of a historical a priori, thus: "Historical a priori, the almost obvious basis of our thought."[32] For Foucault, a historical a priori — a system of rules that constitutes a specific space of discursive possibilities — functions, by the same token, as a constraint that is a potential obstacle, because the system of thought it defines necessarily excludes some other discursive possibilities as incompatible.[33] For Foucault, then, "critique is archaeological in its method," because the obstacles it undertakes to identify are located on the implicit level of *savoir*.[34] Thus the obvious, as it features in Foucault's philosophy, is not a feature of clear and distinct ideas or some other epistemically unassailable class of true propositions. Instead, for Foucault "the obvious" is what *seems* obvious to participants of a practice and my suggestion is that it seems obvious to them because it is *habitual*. The conceptual link is that obviousness is a hallmark of the components of our practices of thought and action that are habitual and *therefore* get repeated, quite literally, thoughtlessly, namely without us thinking through what our reasons are, if any, for perpetuating these patterns of using concepts. The more entrenched the habits of thought have become the more obviously they seem to lack alternatives. In short, in our practices of thought and action obviousness *functions* like necessity and thus imposes limitations on the thoughts and intentions we can so much as imagine to entertain.

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[32] Foucault, *Les mots et les choses*, 355. "A priori historique, le sol presque évident de notre pensée".

[33] Foucault, *L'ordre du* discours, 16, 35.

[34] Foucault, "Qu'est-ce que les Lumières?" 1393.

If this interpretation is correct, then taking up "the work of thought" by means of a critique would be targeted at the obviousness that actualizes the potential danger that lies in everything that is habitual by makes the contingent appear definitive, untouchable, and immobile. As we have seen already, this is the focus of a critique as Foucault understands it. Consider how in 1981 Foucault explains the aspiration of his own work precisely along these lines: "I wanted to reintegrate a lot of the obviousness [évidences] of our practices into the historicity of some of these practices and thereby rob them of their obviousness, in order to give them back the mobility which they had and which they should always have."[35] For Foucault, this is the task of a philosopher as a diagnostician of the present. A diagnostician of thought, then, "anticipates the danger that lies in everything that is habitual" by attacking and scrutinizing everything that seems obvious: "I dream of the intellectual destroyer of the obvious [des évidences] and universalities, the one who in the inertias and constraints of the present discerns and points out the weak points, the openings, the lines of force, the one who is incessantly moving and knows neither exactly where he will be nor what he will think tomorrow, for he is too attentive to the present […]."[36] If the task of philosophy is, as Foucault holds, "to make visible what is so close, so *immediate*, so intimately related to ourselves that because of that we fail to perceive it,"[37] then the habitual component of our practices of thinking and acting should constitute a primary point of focus for our philosophical attention. The immediacy of habit functions as an indispensable structural requirement in reasoning, as McDowell emphasizes by

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[35] Michel Foucault, "Entretien de Michel Foucault avec André Berten, 7 mai 1981". In *Mal faire, dire vrai: Fonction de l'aveu en justice. Cours de Louvain 1981*, 236–46. Louvain-la-Neuve and Chicago: Presses universitaires de Louvain, University of Chicago Press, 2012, p. 242. "J'ai voulu réintégrer beaucoup des évidences de notre pratique dans l'historicité même de ces pratiques. Et du coup, les déchoir de leur statut d'évidence pour leur redonner la mobilité qu'elles ont eue et qu'elles doivent toujours avoir dans le champ de nos pratiques."

[36] Michel Foucault, "Non au sexe roi" (1977) in *Dits et écrits*, vol. 2, pp. 268—9. "Je rêve de l'intellectuel destructeur des évidences et des universalités, celui qui repère et indique dans les inerties et contraintes du present les points de faiblesse, les ouvertures, les lignes de force, celui qui, sans cesse, se déplace, ne sait pas au juste où il sera ne ce de quoi il pensera demain, car il est trop attentive au présent […]."

[37] Foucault, "La philosophie analytique de la politique" in *Dits et écrits*, vol. 2, pp. 540—1. Added emphasis.

saying that "what is fundamental is the ability to act *immediately* on an understanding".[38] But Foucault is concerned with this same immediacy of habit as a heteronomous force that limits the scope of we are able to recognize for our autonomy in some historically particular and contingent form. It makes things immobile and untouchable for us, because it makes us act out of habit instead of recognizing and reflecting the full range of possibilities we have in thought and action.

Destroying the obvious is an ethical task, because its motivation comes from an implicit commitment to the ideal of autonomy. I postpone to the next chapter a discussion of Foucault's commitment to that ideal, but let me indicate here, as a preliminary remark, how Foucault describes the task of destroying obviousness as an ethical project that he, in some sense, appropriated from Merleau-Ponty. In 1979, at the end of a text that includes one of his earliest discussions of Kant's essay on the Enlightenment, Foucault sums up Merleau-Ponty's conception of philosophy, as follows, highlighting its close connection with the diagnostic task that arises from taking the historical present as an object of philosophical attention:

"It is impossible, going through these pages, not to think about Merleau-Ponty's lesson and what constituted for him the essential philosophical task: never to acquiesce into being completely at ease with the things that strike one as obvious [avec see propres évidences]. Never let them sleep, but neither think that a new fact will suffice to overthrow them; don't think that they can be changed like arbitrary axioms, remember that in order to give them the indispensable mobility one must look from a distance but also right next to and around oneself. Keep in mind that everything perceived is clear [évident] only because surrounded by a familiar and poorly known horizon, that every certitude is secure [sûre] only by the support of a ground that has never been explored. The most fragile

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[38] John McDowell, "How Not to Read *Philosophical Investigations*: Brandom's Wittgenstein," reprinted in *The Engaged Intellect: Philosophical Essays*, Harvard University Press, 2009, p. 103. Added emphasis.

moment has its roots. Here there is an entire ethics of the obvious without sleep that does not exclude, far from it, a rigorous economy of the True and the False, yet is not contained in it."[39]

It is this "ethics of the obvious" that Foucault himself undertakes by means of a critique that seeks to disclose the contingency of "the present limits of the necessary". And again, in 1981, Foucault notes that, in a sense, this task is a continuation of the phenomenological project to scrutinize the self-evident, or obvious, foundations of human experience.

"I did my studies between 1948 and 1952—55. It was a period when phenomenology was still very dominant in the European culture. The theme of phenomenology was after all to reexamine the fundamentally self-evident. Having altogether distanced myself from phenomenology, if that's possible, I gladly acknowledge — and one of course comes to acknowledges this with age — that, in the end, the fundamental question that was posed to us in our youth has not been left behind. Not only have I not left it behind, but I have not stopped posing this question anew: 'Must what goes without saying really go without saying? Must not the obvious be lifted up, even when it is at its heaviest?'. It is that, fighting against what is familiar to one, not in order show that one is a foreigner [étranger] in one's own country, but in order to show how much one's own country is foreign [étranger] and how much everything that surrounds one and seems to make an acceptable landscape is, in fact, the result of a whole series of struggles, conflicts, dominations, postulates, etc."[40]

Foucault's method for bringing into view the contingency of the familiar landscape of the present is genealogy.

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[39] Michel Foucault, "Pour use morale d'inconfort" (1979) in *Dits et écrits*, vol. 2, p. 787. "Impossible, au fil de ces pages, de ne pas penser à la leçon de Merleau-Ponty et à ce qui constituait pour lui la tâche philosophique essentielle : ne jamais consentir à être tout à fait à l'aise avec ses propres évidences. Ne jamais les laisser dormir, mais ne pas croire non plus qu'un fait nouveau suffira à les renverser ; ne pas imaginer qu'on peut les changer comme des axiomes arbitraires, se souvenir que, pour leur donner l'indispensable mobilité, il faut regarder au loin, mais aussi tout près et tout autour de soi. Bien sentir que tout ce qu'on perçoit n'est évident qu'entouré d'un horizon familier et mal connu, que chaque certitude n'est sûre que par l'appui d'un sol jamais exploré. Le plus fragile instant a des racines. Il y a là toute une éthique de l'évidence sans sommeil qui n'exclut pas, tant s'en faut, une économie rigoureuse du Vrai et du Faux ; mais elle ne s'y résume pas."

[40] Michel Foucault "L'intellectuel et les pouvoirs" (1984) in *Dits et écrits*, vol. 2, p. 1569. "J'ai fait mes études entre 1948 et 1952–55 ; c'était une époque où la phénoménologie était encore très dominante dans la culture europénne. Le thème de la phénoménologie, c'était tout de même de réinterroger les évidences fondamentales. Tout m'en étant démarqué, si possible, de la phénoménologie, je reconnais volontiers – et on reconnaît cela bien sûr à partir du moment où on prend un peu d'âge – que, finalement, on n'est pas sorti de la question fondamentale qui nous avait été posée par cela même qui a fait notre jeunesse. Non seulement, je n'en suis pas sorti, mais je n'ai pas cessé de reposer cette question : "Est-ce que ce qui va de soi doit effectivement aller de soi ? Est-ce qu'il ne faut pas soulever les évidences, même les plus lourdes ?" C'est cela se battre contre ses familiarités, non pas pour montrer qu'on est un étranger dans son propre pays, mais pour montrer combien votre propre pays est étranger et combien tout ce qui vous entoure et qui a l'air de faire un paysage acceptable est, en fait, le résultat de tout une série de luttes, de conflits, de dominations, de postulats, etc."

4. Genealogy

Only now are we in a position to grasp the specific role Foucault assigns to genealogy as part of a critique that is not in the business of debunking a given system of thought but to disclose the contingency of its seemingly necessary components. For we understand now why and how some contingent component of a discursive practice start to function as though they were necessary. The regress of rules shows that it is a necessary structural feature of a discursive practice that some normative attitudes are not represented as principles but simply enacted in a practice. And through habitually repeated patterns of action these attitudes assume the status of obviousness in the structure of a practice and start to function as though they were necessary. The goal of genealogy, then, is to disclose the contingency of this implicit normative structure that underlies a given system of thought by tracing its formation through a historical field of multifarious events that led to the coalescence of the current constellation of practices. As Foucault explains, the archaeological part of a critique seeks to disclose the *form* of the given system of thought, whereas its genealogical part aims to reveal the contingency of that form by showing its historical *formation*.[41] Whereas archaeology discloses the structure of a given system of thought that lies hidden in the obviousness of ours habits of concept-use, genealogy explores, reveals, and underscores those elements in that structure that are in fact contingent and therefore only constitute *present* limits of the necessary.

Foucault sees this use of genealogy as a continuation of Nietzsche's work, because both seek "to grasp the singularity of events, outside of all monotonous finality; to search for them where they are least expected and in what is taken to have no history at all".[42] By disclosing that "'the present limits of the necessary'" are, at least partially, a contingent configuration whose obvious status in the present is but one possible outcome from a multitude of historical events,

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[41] Foucault, *L'usage des plaisirs*,17—8.

[42] Foucault, "Nietzsche, la généalogie, l'histoire," 1004.

Foucault's genealogy reveals "what is not or no longer indispensable for the constitution of ourselves as autonomous subjects."[43] In doing so Foucault's use of genealogy "extricates from the contingency that has made us what we are the possibility of no longer being, doing or thinking what we are, do or think."[44] Thus a new understanding of the limits of the necessary emerges in the present, one that opens up a new space of freedom precisely there where genealogy has revealed the contingency of what hitherto had seemed necessary due to its habitually established obviousness. Foucault highlights this point, as follows: "I would also like to say regarding this function of diagnosing the present that it does not merely consist of characterizing what we are, but, following the lines of fragility today, of coming to grasp where and how that which exists might no longer be what it is. And in this sense the description must always correspond to this sort of potential breaking point that opens up a space of freedom, understood as the space of concrete freedom, that is, of possible transformation."[45] In the same context, an interview conducted in 1983, Foucault provides perhaps the clearest statement of his understanding of the obstacle a critique examines as an integral product of reasoning as a historical process: "One can perfectly well study historically that which reason *experiences* as its necessity, or rather that which different forms of rationality give as being necessary to them, and find the networks of contingency from which it has emerged. That does not mean, however, that these forms of rationality were irrational. It means that they are based on a bedrock [un socle] of human practices and human history, and since those

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[43] Foucault, "Qu'est-ce que les Lumières ?" 1391.

[44] Foucault, "Qu'est-ce que les Lumières ?" 1393.

[45] Michel Foucault, "Structuralisme et poststructuralisme" (1983) in *Dits et écrits*, vol. 2, pp. 1267—8. "Ce que je voudrais aussi dire à propos de cette fonction du diagnostic sur ce qu'est aujourd'hui, c'est qu'elle ne consiste pas à caractériser simplement ce que nous sommes, mais, en suivant les lignes de fragilité d'aujourd'hui, à parvenir à saisir par où ce qui est et comment ce qui est pourrait ne plus être ce qui est. Et c'est en ce sens que la description doit être toujours faite selon cette espèce de fracture virtuelle, qui ouvre un espace de liberté, entendu comme espace de liberté concrète, c'est-à-dire de transformation possible,"

things have been made, on the condition that one knows how they were made, they can be undone."[46]

5. Conclusion

Only from the perspective I have articulated can one fully appreciate the originality and stakes of Foucault's often quoted statement in the introduction to the second of volume of *History of Sexuality* that the goal of philosophy as thought's critical work on itself is to *expand* the space of possibilities we *recognize* in the present:

"What would be the value of the relentless pursuit of knowing [du savoir] if it should only ensure the acquisition of knowledges [connaissances], and not, in a certain way and to the largest possible extent, the distraction of the one who knows? There are moments in life when the question of knowing if one can think otherwise than one thinks and perceive otherwise than one perceives is indispensable for continuing to see or to think [regarder ou à réfléchir]. Perhaps I will be told that this playing with oneself is but to rest on backstage, and that it belongs at best to this preparatory work that makes itself useless once it has had its effects. But what is then philosophy today — I mean the philosophical activity — if it is not thought's critical work on itself? And if it does not consist, instead of justifying what is already known, of undertaking to know how and to what extent it would be possible to think otherwise?"[47]

Without understanding Foucault's specific view of how "the present limits of the necessary" constitute an epistemological obstacle that both plays a necessary structural role in reasoning as a

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[46] Foucault, "Structuralisme et poststructuralisme," 1268. Added emphasis. "Ce que la raison éprouve comme sa nécessité, ou ce que plutôt les différentes formes de rationalité donnent comme leur étant nécessaire, on peut parfaitement en faire l'histoire et retrouver les réseaux de contingences d'où cela à émergé; ce qui ne veut pas dire pourtant que ces formes de rationalité étaient irrationnelles; cela veut dire qu'elles reposent sur un socle de pratique humaine et d'histoire humaine, et puisque ces choses-là ont été faites, elles peuvent, `conditions qu'on sache comment elles ont été faites, être défaites."

[47] Foucault, *L'usage des plaisirs*, 14—5. "Que vaudrait l'acharnement du savoir s'il ne devait assurer que l'acquisition des connaissances, et non pas, d'une certaine façon et autant que faire se peut, l'égarement de celui qui connaît? Il y a des moments dans la vie où la question de savoir si on peut penser autrement qu'on ne pense et percevoir autrement qu'on ne voit est indispensable pour continuer à regarder ou à réfléchir. On me dira peut-être que ces jeux avec soi-même n'ont qu'à rester en coulisses ; et qu'ils font, au mieux, partie de ces travaux de préparation qui s'effacent d'eux-mêmes lorsqu'ils ont leurs effets. Mais qu'est-ce donc que la philosophie aujourd'hui – je veux dire l'activité philosophique – si elle n'est pas le travail critique de la pensée sur elle-même? Et si elle ne consiste pas, au lieu de légitimer ce qu'on sait déjà, à entreprendre de savoir comment et jusqu'où il serait possible de penser autrement?."

discursive practice and can be transformed by means of a critique, one cannot grasp why the possibility of thinking otherwise is a topic that merits a particular philosophical attention in the first place. Or, alternatively, one is bound to misunderstand the problem, as well as Foucault's conception of a critique, by relying on some version of the common idea that a critique consists of scrutinizing the justificatory warrant of a given set of practices, aiming to debunk their epistemic, moral or political authority. As I have shown, however, Foucault's critique only seeks to undermine the obviousness and relatedly the apparent unavoidability of the current form of experience in the historical present. Only by grasping how the habitual patterns of reasoning that make up the knowledge-how of *savoir* congeal into a contingently structured sensibility of obviousness, a historically particular form of second nature, can one appreciate the seriousness of this task as well as its specificity in contrast to the justificatory conception of critique.

Thus understood, Foucault's critique attacks an "epistemological obstacle" that is not a distortion of rationality but a product of a given historically specific form of reasoning, as Gaston Bachelard emphasized in his philosophy of science. In this regard Foucault's idea of a critique that discloses implicit systems of norms that silently channel practices of reasoning away from conceptual alternatives is strikingly similar to Bachelard's idea of a psychoanalysis of reason. As Gary Gutting notes, Bachelard locates epistemological obstacles precisely on the unconscious habitual level of scientific practices: "The attitudes that constitute given concepts and methods as epistemological obstacles are not explicitly formulated by those they constrain but rather operate at the level of implicit assumptions or cognitive and perceptual habits. Consequently, Bachelard proposed to develop a set of techniques designed to bring them out to our full reflective awareness. He spoke of these techniques as effecting a 'psychoanalysis' of reason."[48] Foucault's archaeology of knowledge, too, is such a technique and so is genealogy. They are both deployed toward the diagnostic goal of a critique, archaeology aiming to uncover the current historically specific form of

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[48] Gutting, *Michel Foucault's Archaeology of Scientific Reason*, 17.

thought and genealogy undertaking to bring into relief the contingency of this form that readily assumes the status of the obvious and thus begins to function as though it were necessary.

But Foucault's critique extends Bachelard's project of a psychoanalysis of reason from the epistemology of specific sciences to the everyday experience of human subjects and anchors the project, somewhat implicitly, in the ideal of autonomy. For Bachelard, in contrast, the motivation for a psychoanalysis of reason is grounded in the insight that the resolution of a historically given constellation of scientific problems might require overcoming some of the implicit assumptions of the conceptual architecture that is used to articulate those problems in the first place. Ian Hacking was the first to note the role of Foucault's archaeology as a technique for overcoming epistemological obstacles, thus understood. Already in 1973 Hacking concluded his Dawes Hicks lecture at the British Academy on Descartes and Leibniz and the problem of eternal truths, thus: "The flybottle was shaped by prehistory, and only archaeology can display its shape."[49] But whereas Wittgenstein used the metaphor of a flybottle to illustrate his view of philosophical problems as conceptual confusions that are created by an illegitimate use of concepts, characteristically by philosophers themselves, for Foucault and Bachelard alike there is nothing illegitimate about the use of concepts that generates the epistemological obstacles that call for a psychoanalysis of reason or a critique by means of archaeological and genealogical techniques.

However, there is another simile in Wittgenstein's rich repository that captures exactly how the call for a critique, as Foucault understands it, arises from the structure of reasoning as a discursive practice. In one of the most striking passages of *On Certainty*, Wittgenstein describes how the limits of necessity are partially a result of historical transformations in the normative structure of a discursive practice, as follows:

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[49] Ian Hacking, "Leibniz and Descartes: Proof and Eternal Truths," in *Historical Ontology*, Harvard University Press, 2002, p. 213.

"94.   But I did not get my picture of the world by satisfying myself of its correctness; nor do I have it because I am satisfied of its correctness. No: it is the inherited background against which I distinguish between true and false.

95.   The propositions describing this world-picture might be part of a kind of mythology. And their role is like that of rules of a game; and the game can be learned purely practically, without learning any explicit rules.

96.   It might be imagined that some propositions, of the form of empirical propositions, were hardened and functioned as channels for such empirical propositions as were not hardened but fluid; and that this relation altered with time, in that fluid propositions hardened, and hard ones became fluid.

97.   The mythology may change back into a state of flux, the river-bed of thought may shift. But I distinguish between the movement of the waters of the river-bed and the shift of the bed itself; though there is no sharp division of the one from the other.

98.   But if someone were to say 'So logic too is an empirical science' he would be wrong. Yet this is right: the same proposition may get treated at one time as something to test by experience, at another as a rule of testing.

99.   And the bank of that river consists partly of hard rock, subject to no alteration or only to an imperceptible one, partly of sand, which now in one place now in another gets washed away, or deposited."[50]

In this simile, the dynamic status and historical transformations of the river banks, which define the current scope of empirical inquiry, represent "'the present limits of the necessary'" that Foucault's critique aims to disclose and make mobile again.[51] The convergence between Foucault's and Wittgenstein's thought is striking regarding the *contingent* status of these limits, as well as the *functionally* necessary structural role such limits play in a discursive practice. As Wittgenstein puts it, "the river-bed of thought [that] may shift" is "the *inherited* background against which I distinguish between true and false," but which itself is *not* propositionally articulated. This unrepresented background, which Wittgenstein also designates as a world-picture, 'Weltbild,' constitutes the fundamental level in the normative structure of a discursive practice, where reasons come to an end

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[50] Wittgenstein, *On Certainty*, §§ 94—99.

[51] Foucault, "Qu'est-ce que les Lumières?" 1391.

but "the end is not an ungrounded presupposition, but an ungrounded way of acting."[52] Wittgenstein, too, registers that this habitual repetition of patterns of reasoning confers a status of obviousness to them in a given discursive practice: "I say world-picture and not hypothesis, because it is the matter-of-course [selbstverständliche] foundation […] and as such also goes unmentioned."[53] Here Wittgenstein's choice of word, 'selbstverständliche,' corresponds precisely to Foucault's use of 'les évidences' — both are plausibly translated into English as 'obvious'. Wittgenstein notes that if the implicit background of a world-picture *were* represented as a set of propositions, these propositions *would* express rules. But, crucially, in that case the rules will express norms of a practice that were originally operative without being represented as such. For though Wittgenstein says about these rules that "their role is like that of rules of a game," he underscores immediately that "the game can be learned purely practically, without learning any explicit rules."[54] And it is this implicit status of the fundamental norms of a discursive practice that makes them function as "the matter-of-course foundation" of reasoning.

Whereas Wittgenstein articulates this pragmatist epistemological view and discusses in detail its consequences with the respect to the very idea that knowledge has foundations, only Foucault adopts and elaborates this pragmatist alternative in connection with key topics in moral and political philosophy such as freedom and power. And I hope that my interpretation of this pragmatist orientation in Foucault's work enables us to begin to appreciate his philosophical project as an attempt to think through the implications of that epistemic goundlessness for the tradition in moral and political philosophy that is structured around the Kantian ideal of autonomy. The conception of critique Foucault then develops is decidedly diagnostic in its orientation and the motivation for

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[52] Wittgenstein, *On Certainty*, § 110. Added emphasis. Translation modified. "Aber das Ende ist nicht die unbegründete Voraussetzung, sondern die unbegründete Handlungsweise."

[53] Wittgenstein, *On Certainty*, § 167. "Ich sage Weltbild und nicht Hypothese, weil es die selbstverständliche Grundlage […] ist und als solche auch nicht ausgesprochen wird."

[54] Wittgenstein, *On Certainty*, § 95.

that undertaking arises when the pragmatist epistemological view is combined with a commitment to the ideal of autonomy as the supreme value for rational beings. As Foucault repeatedly puts it, the goal of a critique is to restore mobility to the components that appear obvious in a current form of thought and therefore function as though they were untouchable, namely exempt form the possibility of revision. Thus a critique aims to change our perception of the line between the necessary and the contingent that is codified, through our dispositions of second nature, in the very structure of our practices of thinking and acting. In Wittgenstein's simile of a river, Foucault's critique muddies the waters.

5   Approaching Autonomy

I have argued that Foucault's philosophical project as a diagnostic critique is motivated by a tension between the metaphysical requirement that the normative structure of reasoning be based on norms that are implicit in a social practice, on the one hand, and the ethical ideal of autonomy as a full actualization of the distinctive capacity of rational subjects for self-determination, on the other. In this chapter I want to return to a series of philosophical questions that emerge from this new conceptual landscape that results from a rejection of Kant's particular account of the metaphysical foundations of our capacity to be the source of the rules we follow as rational beings. If becoming fully autonomous is in principle impossible due to reason the regress of rules reveals, then what role, if any, is left for the idea of autonomy in moral and political philosophy? Moreover, if the role of the idea of autonomy is to functions as an *ideal* of a moral life, as I will argue, then how is its normative status as an ideal established? And, finally, even if we have reason to embrace autonomy as such an ideal, how can we make sense of the possibility of subjects approaching that ideal without relying on Kant's original conception of autonomy as a metaphysically self-standing capacity of rational beings? While addressing these questions will be a way for me to defend and elaborate the philosophical viability of the view I have attributed to Foucault in the previous chapters, my ultimate goal is to articulate the structure of a novel understanding of how autonomy should be conceptualized in moral and political philosophy. In the conclusion of this study, I will then explain how this view responds to the need for a Kantian account of *moral sensibility*, but in doing so undermines the thought that the *integrity* of the self is a constitutive source of value for rational beings because that thought is based on a misunderstanding of the reasons why the ideal of full autonomy cannot be attained.

1. Self-incurred Minority?

Let me begin by explaining why the limitation to autonomy whose historical transformations Foucault's critical project investigates is *not* self-incurred in the same sense in which Kant introduces the problem of the Enlightenment. To that end, I want to return to the passage I already quoted in the previous chapter and indicate how Foucault's moral attitude, though based on a commitment to the value of autonomy, decisively departs from Kant's approach in certain ways.

"In a sense, I am a moralist. I am a moralist to the extent that I believe that one of the tasks, one of the points [sens] of human existence, the one in which man's freedom consists, is to never accept anything as definitive, untouchable, obvious, immobile. Nothing of the reality must make a definitive and inhuman law for us. To this extent one may think that what we need to raise against is all the forms of power, but not simply understood in the narrow sense of the power of a type of government, or of a social group over another; that is but an element among others. I call 'power' everything that effectively tends to make immobile and untouchable what is offered to us as real, as true, as good."[1]

The key contrast in this passage is between "man's freedom," on the one hand, and "a definitive and inhuman law for us," on the other. The Kantian underpinnings of the contrast are palpable. "Nothing of the reality must make a definitive and *inhuman* law for us," Foucault states. That is because, Foucault implies, *lawgiving* is the task "in which man's freedom consists". And Foucault, "a moralist," has no trouble saying here that it is *better* to live so that one takes up and performs this task "in which man's freedom consists" instead of acquiescing in something because it seems "definitive, untouchable, obvious, immobile." In contrast to Kant's philosophy, however, Foucault thus severs the force of necessity from the freedom of lawgiving. After all, it is Kant's distinctive

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[1] Foucault, "Interview de Michel Foucault, 3 novembre 1980," 140. "En un sens, je suis un moraliste. Je suis un moraliste dans la mesure où je crois qu'une des tâches, un des sens de l'existence humaine, ce en quoi consiste la liberté de l'homme, c'est de ne jamais rien d'accepter comme définitif, intouchable, évident, immobile. Rien du réel ne doit nous faire une loi définitive et inhumaine. Dans cette mesure-là on peut considerer que ce contre quoi nous avons à nous élever, c'est toutes les formes de pouvoir, mais non pas entendu simplement au sens étroit du pouvoir d'un type de gouvernement, ou d'un groupe sociale sur un autre ; cela n'est qu'un élément parmi d'autres. J'appelle 'pouvoir' tout ce qui tend effectivement à rendre immobile et intouchable ce qui nous est offert comme réel, comme vrai, comme bien."

idea that the exercise of freedom, at least in ethical lawgiving, is based on the force of the categorical imperative as "a fact of reason" that is, to borrow Foucault's phrase, precisely "definitive, untouchable, obvious, immobile." Only this privileged status of the categorical imperative as a necessary fact of reason that is readily available and obviously true to human subjects — something they know independently of other representations — endows ethical lawgiving with the type of objectivity that, according to Kant, is required for it to be an exercise of freedom. Kant's distinctive thought is that the exercise of freedom in ethical lawgiving is based on a necessary law. This picture disintegrates in Foucault's philosophy, because he *contrasts* the task of lawgiving as an exercise of freedom with the force of all that which seems necessary to us. At the same time, however, the force of the necessary Foucault is concerned with is importantly different from that of putatively necessary propositions. As I have argued, Foucault is concerned with the obvious on the implicit level in the normative structure of our practices of reasoning. That is why it makes sense for him to designate as *power* "everything that effectively tends to make immobile and untouchable what is offered to us as real, as true, as good". Thus understood, relations of power arise from the habitual foundations of a practice that make parts of the practice seem obvious and thus also "immobile and untouchable". The "power" Foucault contrasts to "man's freedom" arises from the force of the habitual.

Despite Foucault resists the idea of a necessary law it bears emphasizing that he nonetheless embraces the Kantian idea of lawgiving as the source of value. Thus Foucault's commitment to autonomy consists in an endorsement of the unconditional *value* of subject's self-determination — that is, of the value of one's use of one's *own* understanding. But this commitment is independent of a commitment to any particular view about how the capacity for self-legislation *ought* to be exercised. Nevertheless, Foucault's critique "aims to relaunch as far and broadly as possible the endless work

of freedom,"[2] because it seeks to enable "the voluntary inservitude" and "the reflected indocility"[3] of subjects while leaving it to the subjects themselves to decide how to exercise their capacity for self-determination. For decades, this refusal to propose a normative foundation has been a key source of frustration to Foucault's critics, especially to the large group of them whose conception of a critique as a project of debunking the justificatory warrant of given practices is anchored conceptually in the tradition of critical theory. But once we appreciate the diagnostic character of Foucault's conception of a critique and how its motivation arises from the specific nature of the epistemological obstacle of habitually perpetuated obviousness as the basis of reasoning, this refusal too appears in a new light. By removing epistemological obstacles of this kind Foucault's critique seeks to enlarge the scope that subjects are capable of recognizing for the exercise of their autonomy. And Foucault's refusal to formulate normative principles for others can be charitably seen as a consequence of his commitment to the value of autonomy. In an interview conducted in 1975, Foucault links this refusal to the very task of a critique, as follows:

"*What are the tasks of the critique today?*

What do you mean by this word? Only a Kantian can attribute a general meaning to the word 'critique'.

Yesterday, you said that your thinking is fundamentally critical [fondamentalement critique]. *What does it mean for work to be critical?*

I would say: it is an attempt to unmask as much as possible, that is, as deeply and generally as possible, all the effects of dogmatism that are related to knowledge [savoir], and all the effects of knowledge [savoir] that are related to dogmatism. […] I don't want to conduct a critique that prevents others from speaking, to exercise in my name a terrorism of the purity of the truth. Nor do I want to speak in the name of others and pretend to say better what they have to say. My

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[2] Foucault, "Qu'est-ce que les Lumières?" 1393.

[3] Michel Foucault, "Qu'est-ce que la critique?" in Michel Foucault, *Qu'est-ce que la Critique? Suivi de* La Culture de soi*,* Vrin, 2015, p. 39. Foucault delivered this lecture in May 1978.

critique has as its goal to enable others to speak, without putting limits to their right to speak."[4]

If it has been hard for Foucault's critics to take seriously this idea of critique as *merely* enabling others to speak, it is because they have not grasped the nature of the obstacle whose overcoming critique facilitates. Once the nature of the obstacle is understood, however, Foucault's refusal to articulate normative principles appears in different light. After all, the ideal of autonomy assigns value to self-legislation. And the conceptual point that needs to be stressed here is that autonomy just cannot be achieved or even promoted by legislating rules to others. The idea of autonomy does not represent just an ideal of conformity to rules, but an ideal of a distinctive type of conformity that is a result of one's own reasoning so that the conformity to rules is something one endorses. The ideal of autonomy can be pursued only from the first-person perspective. The work of freedom, which Foucault's critique seeks to make possible, cannot be externalized. It cannot be delegated to others, even though they may be "intellectuals".[5] Therefore, the goal of enabling others to think and act differently for themselves is exactly what Foucault *ought* to pursue, given his commitment to the value of autonomy.

Foucault makes explicit this privileged status of the first-personal perspective by defining ethics as the self's relation to itself. That reflexivity is explicitly linked to the idea of autonomy, when Foucault states that he is committed to "the principle of a critique and of a permanent creation of *ourselves* in *our* autonomy".[6] Thus understood, a critique is "a historico-practical test of the limits we can

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[4] Michel Foucault, "Michel Foucault. Les responses du philosophe" (1975) in *Dits et écrits*, vol 2. pp. 1683–4. "*Quelles sont des taches de la critique aujourd'hui?* Qu'entendez-vous par ce mot? Seul un kantien peut attribuer un sens général au mot 'critique'? *Hier, vous avez dit que votre pensée et fondamentalement critique. Que signifie un travail critique?* Je dirais: c'est une tentative de dévoiler le plus possible, c'est-à-dire le plus profondément et généralement, tous les effets de dogmatisme liés au savoir, et tous les effets de savoir liés au dogmatisme (…) Je ne veux pas faire une critique qui empêche les autres de parler, exercer en mon nom un terrorisme de la pureté et de la vérité. Je ne veux pas non plus parler au nom des autres et prétendre dire mieux ce qu'ils ont à dire. Ma critique a pour objectif de permettre aux autres de parler, sans mettre de limites au droit qu'ils ont de parler."

[5] Michel Foucault, "Les intellectuels et le pouvoir" (1972) in *Dits et écrits*, vol. 1.

[6] Foucault, "Qu'est-ce que les Lumières ?" 1392. Added emphasis.

overcome, and thus […] work of *ourselves* on *ourselves* as free beings."[7] There is no question about Foucault's esteem towards the value of such work. It is for him, as we have seen him, "one of the tasks, one of the points [sens] of human existence, the one in which man's freedom consists."[8] But the whole point of this task and what gives it value is that one undertakes it from one's own first-personal perspective.[9]

As I have already indicated, however, this picture transforms Kant's original understanding of the source and nature of the limitation that constrains the attainment of full autonomy for human beings. This transformation of the problem results from the metanormative shift I have described from autonomy to the implicit normative bedrock of a discursive practice as the metaphysical foundation of our capacity to be the source of the rules we follow in reasoning. For Kant the problem is fundamentally psychological, even though it is deeply embedded in a social and political context, because it concerns the extent to which an individual relies on her own faculty of understanding. "It is because of laziness and cowardice that so great a part of humankind, after nature has long since emancipated them from other people's direction […], nevertheless gladly remains minors for life," according to Kant.[10] Correspondingly, the task of exiting this state is a psychological challenge. Kant writes that "it is difficult for any single individual to extricate himself from the minority that has become almost nature to him. He has even grown fond of it and is really unable for the time being to make use of his own understanding, because he was never allowed to

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[7] Foucault, "Qu'est-ce que les Lumières ?" 1394. Added emphasis.

[8] Foucault, "Interview de Michel Foucault, 3 novembre 1980," 140.

[9] To see how radically Foucault here departs from the privileged role assigned to the intellectual in the Marxist tradition of a critique, it is instructive to review his exchange in 1973 with "José," a worker who maintains that it is the task of an intellectual to make the working class fully self-conscious of its exploited status. Michel Foucault, "L'intellectuel sert à rassembler les idées mais son savoir est partiel par rapport au savoir ouvrier" (1973) in *Dits et écrits*, vol. 1, especially p. 1289.

[10] Immanuel Kant, "An Answer to the Question: What Is Enlightenment?" in *Practical Philosophy*, Cambridge University Press, 1996, 8:35.

make the attempt."[11] To be sure, these psychological challenges and the underpinning relations of power are not to be belittled, but nevertheless, there is an important sense in which the solution Kant offers is remarkably simple and straightforward: *use* your own understanding! "Have *courage* to make use of your *own* understanding" is the motto of the Enlightenment Kant proposes as a solution to the state of self-incurred minority.[12]

In contrast, for Foucault the issue has nothing to do with psychological states like "cowardice", "laziness," and "courage," but it arises with an inevitability from the structure of reasoning itself, as I have explained in previous chapters. The Foucaultian subject is trapped within "the present of limits of the necessary", which silently, unbeknownst to the subject, order the subject's ways of thinking and acting through those patterns of reasoning that have assumed the status of obviousness as a result of habitual repetition in a practice. Thus even when the subject *is* using its own understanding, the subject does not know exhaustively, and never can, the normative underpinnings of the concepts that are being used. This limitation to the full autonomy of the subject is not a psychological problem, but an epistemic obstacle that is constitutive of the structure of reasoning as a discursive practice. The insight that animates Foucault's work is that no subject can make its ways of understanding completely its own. Thus the "minority" of the Foucaultian subject is not self-incurred and, in fact, it is misleading to characterize it as a state of minority at all. According to Kant, "[m]inority is inability to make use of one's own understanding without direction from another."[13] But the epistemological obstacle the present limits of the necessary constitute emerges regardless of the extent of self-reliance one exhibits in reasoning. Because the limitation to full autonomy is not a psychological problem for Foucault, the remedy he proposes is

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[11] Kant, "What Is Enlightenment?" 8:35–6.

[12] Ibid. Added emphasis.

[13] Kant, "What is Enlightenment?" 8:35.

not the virtue of courage but "the critical attitude as virtue".[14]

2. The Idea of Autonomy as a Regulative Ideal for Rational Beings

Nevertheless, for Kant and Foucault respectively courage and critique are the means to the same end of increased autonomy through self-determination. We have seen how it follows from the regress of rules that full autonomy is in principle unattainable. Foucault registers that predicament without explaining its source, when he characterizes "the work of freedom" critique enables as "indefinite."[15] But Kant too argues, though again on the grounds of psychological considerations, that human subjects cannot achieve full autonomy. In the *Critique of Practical Reason*, invoking the moral law as the "principle of morality," Kant argues as follows:

"Now this principle of morality, just on account of the universality of the lawgiving that makes it the formal supreme determining ground of the will regardless of all subjective differences, is declared by reason to be at the same time a law for all rational beings insofar as they have a will, that is, the ability to determine their causality by the representation of rules […]. It is, therefore, not limited to human beings only but applies to all finite beings that have reason and will and even includes the infinite being of supreme intelligence. In the first case, however, the law has the form of an imperative, because in them, as rational beings, one can presuppose a *pure* will but, insofar as they are beings affected by needs and sensible motives, not a *holy* will, that is such a will as would not be capable of any maxim conflicting with the moral law. […] In the supremely self-sufficient intelligence, choice is rightly represented as incapable of any maxim that could not at the same time be objectively a law, and the concept of *holiness*, which on that account belongs to it, puts it indeed above all practically restrictive laws and so above obligation and duty. This holiness of will is nevertheless a practical *idea*, which must necessarily serve as a *model* to which all finite rational beings can only approximate without end […]; *the utmost that finite practical reason can effect is to make sure of this unending progress of one's maxims towards this model* and of their constancy in continual progress, that is, virtue; and virtue itself, in turn, at least as a naturally acquired ability, can never be completed, because assurance in such a case never becomes apodictic certainty and, as persuasion, is very dangerous."[16]

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[14] Foucault, "Qu'est-ce que la critique?" 35.

[15] Foucault, "Qu'est-ce que les Lumières ?" 1393.

[16] Kant, *Critique of Practical Reason*, 5:32–3. Added emphasis.

While Kant denies from human subjects the possibility of complete autonomy due to the psychological tendencies that arise from our sensible nature, he nonetheless insist that the idea of complete autonomy be recognized as a model that serves as a regulative principle for all finite rational beings. Especially due to the strategy of Kantian constitutivism in contemporary ethics, it is crucial to grasp the specific status Kant assigns to the idea of autonomy by defining it as a *regulative* principle. To elucidate the specific status of ideas of reason as regulative principles it is instructive to consider how those principles work in Kant's theoretical philosophy.

Wheres Kant maintains that the very form of human experience is conceptually *constituted* so that the possible objects of knowledge are defined by conceptual determinations of the sensory manifold, ideas of reason are merely *regulating* the formation and application of concepts in experience. In Kant's own words, "just as the understanding unites the manifold into an object through concepts, so reason on its side unites the manifold of concepts through ideas by positing a certain collective unity as the goal of the understanding's action"[17]. In the theoretical use of reason, Kant maintains, the unification takes place due to the principles of unity and of maximal simplicity that reason imposes on understanding. The idea of a complete unity of nature according to maximally simple laws presents an ideal vision of science, but it is an *ideal* precisely in the sense that, Kant admits, it can never be achieved. Nevertheless, Kant takes this idea to be indispensable as a methodological principle, because only it secures that understanding even seeks unity and simplicity in its concept forming and legislative activities that proceed from two opposite directions by means of reflective and determinant judgments, respectively.[18] Thus the regulative principles do not determine under what conditions phenomenal world can be cognized but state instead

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[17] Immanuel Kant, *Critique of Pure Reason,* A644/B672.

[18] The coordination of these two methods of concept formation gives rise to "a gap problem" in Kant's critical system, according Michael Friedman's argument in *Kant and the Exact Sciences*, Harvard University Press, 1992, pp. 51–2, 214—5, 254–64.

methodological precepts for the practice of forming knowledge about nature as one unified system of lawfulness.

Similarly, on the side of the practical use of reason, the idea of pure autonomy has the status of "a practical *idea*, which must necessarily serve as a *model* to which all finite rational beings can only approximate without end".[19] As we ought to think in our theoretical use of reason that nature is a maximally extensive, unified, and simple system of hierarchical laws, although we have no grounds for the objective validity of that judgment about nature, similarly, we ought to think in our practical use of reason that we are fully autonomous rational beings, even though we have no grounds for the objective validity of that judgment about ourselves either.[20] It is a distinctive accomplishment of Kant's particular way of understanding the duality of reason and sensibility in the makeup of human subjects that he can maintain both that rational beings *as such* are fully autonomous and that human subjects can never become fully autonomous although they are rational beings. In contrast to the "holy wills" of perfectly rational beings that never deviate from the moral law, Kant maintains that our finite predicament as human subjects makes our will essentially corruptible by sensible motives and consequently deviant from the moral law. That is why, according to Kant, the moral law assumes the form of a categorical *imperative* for human subjects. The necessitation of an imperative is required precisely because it is *not* necessary that human agents follow the moral law. And the reason why we do not is rooted in our peculiar status as "animal rationals," as Stanley Cavell puts it, whose psychological make up has a tendency to let sensible motives that cannot be justified to thwart and take over our rational capacities.[21]

Thus there are two distinct and radically different arguments for the conclusion that human subjects cannot be fully autonomous. Kant endorses the idea of such a "supreme intelligence" that

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[19] Kant, *Critique of Practical Reason*, 5:33.

[20] I am here in agreement with Henry Allison, "Kant's Practical Justification of Freedom," in *Kant on Practical Justification*, (ed.) Mark Timmons and Sorin Baiasu, Oxford University Press, 2013, pp. 287–8.

[21] Stanley Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*, Oxford University Press, 1979, p. 399.

is endowed with a "holy will" and then laments the inevitable shortcoming of the human subject as "the *animal* rational," to reach the full autonomy that prevails on top of the genus 'rational'. This shortcoming is due to the moral psychology Kant attributes to human subjects as rational beings that happen to be animals. In contrast, the argument I have developed on the basis of the regress of rules undermines the very structure of the genus 'rational' as Kant understands it. The regress of rules undermines the very idea of a holy will by demonstrating that its defining feature to apply the moral law always correctly in the formation of maxims — "not be capable of any maxim conflicting with the moral law" — must be based on another type of causality than acting on the basis of representations of rules. The distinctive capacity of the holy will to always apply the moral law correctly cannot be of its own making. Thus my argument shows that it is incoherent to conceptualize reasoning as rule-following as the *essence* of the genus and the embodied existence of human subjects, with everything it presupposes and entails, as the *differentia* of us as animal rationals. In any event, though due to completely different paths of reasoning, the upshot is that the idea of a fully autonomous being with a holy will can belong to the experience of human subjects only as a *regulative* idea.

3. The Charge of Lost Autonomy

Before asking how the capacity for self-determination can be made intelligible in the context of a discursive practice that necessarily involves an implicit normative bedrock, I want to note that the charge leveled against Foucault that the capacity for self-determination is irretrievably lost with "the death of man" assumes that the capacity *must* be based on a metaphysically self-standing causality of freedom. The tendency to cling to that notion of autonomy and insist that otherwise our capacity for self-determination becomes unintelligible is amply illustrated in the reception of Foucault's work. Perhaps most famously, Jürgen Habermas argued in 1985 that "[f]rom [Foucault's] perspective,

socialized individuals can only be perceived as exemplars, as standardized products of some discourse formation – as individual copies that are mechanically punched out."[22] The charge is that because subjects are fabricated, as Foucault says, in relations of power, they cannot be autonomous. This criticism assumes that the capacity for autonomy cannot be a result of heteronomous training. It is an odd assumption because training would be superfluous, if one already had the capacity for autonomy. Nevertheless, in the wake of Habermas this point has been repeatedly identified as the crucial problem in Foucault's philosophy. In 1992, Richard Bernstein repeats it, in the context of a generally more sympathetic discussion, as follows: "But Foucault not only fails to explicate *this* sense of agency, his genealogical analyses seem effectively to undermine any talk of agency which is not a precipitate of power/knowledge regimes."[23] Again, the assumption is that Foucault is not entitled to attribute the capacity for autonomy to subjects, if he holds that subjects are fabricated in relations of power -- or, at least, that he should, but fails to, "explicate" how the capacity for autonomy is compatible with relations of power. More thoroughly than anyone else, Béatrice Han develops this point into a systematic and potentially devastating criticism of Foucault's philosophy. Han argues that the capacity for autonomy, whose exercise through practices of the self is the main topic in Foucault's ethics, is incompatible with the conception of the subject in his archaeological and, especially, genealogical analyses:[24] "The Foucauldian analysis of subjectivity […] appears to oscillate in a contradictory manner, between a definition of subjectivity as 'self-creation', on the one hand, and, on the other hand, the need, in order to understand the games of truth through which

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[22] Jürgen Habermas, *The Philosophical Discourse of Modernity*, MIT Press, 1987, p. 293.

[23] Richard J. Bernstein, *The New Constellation: The Ethical-Political Horizons of Modernity/Postmodernity*, MIT Press, 1992, p. 164.

[24] Béatrice Han, *Foucault's Critical Project: Between the Transcendental and the Historical*, Stanford University Press, 2002. This translation is an amended version of the French original, Béatrice Han, *L'ontolgie manquée de Michel Foucault*, Jêrome Millon, 1998.

recognition itself operates, to go back to the practices of power of which subjects are not masters and are usually not even aware."[25]

In response, some of Foucault's defenders and followers, most notably Judith Butler, have insisted that this line of criticism is based on a naïve and untenable conception of autonomy, precisely the kind of sovereignty of the subject Foucault targeted and repudiated in his work. Whereas Han and others are worried that Foucault's thought leaves no conceptual room for autonomy, Butler insists that we need to jettison the notion of autonomy instead. Becoming a subject, Butler maintains, always involves subordination to relations of power: "within subjection the price of existence is subordination".[26] From the thought that there is "a primary subordination or, indeed, a primary violence"[27] in the process through which individuals become subjects in the first place, Butler concludes that also the apparently autonomous actions of a subject are caught in this individual's fundamental subordination to a social practice and shaped by it, not by the subject herself as an autonomous agent. Butler's view is thus the mirror image of the charge that Foucault's conception of the subject undermines the notion of autonomy. Indeed it does, Butler holds, but this move makes it hard to find conceptual room in her view for understanding why subjects are nonetheless tactically invested in the relations of power that shape their social existence. If any constellation of relations of power involves "a primary subordination or, indeed, a primary violence" with respect to the subject, as Butler argues, then why bother seeking the ends one endorses and resisting the ends that only others impose on one's actions? After all, the general point about subordination remains, regardless of the particular constellation of the relations of power that shape one's existence as a subject in social practices.

The challenge, then, is to avoid the excess of completely repudiating the notion of

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[25] Han, *Foucault's Critical Project*, 172.

[26] Judith Butler, *The Psychic Life of Power: Theories in Subjection*, Stanford University Press, 1997, p. 20.

[27] Butler, *The Psychic Life of Power*, 28.

autonomy, as illustrated in Butler's view of subjection as subordination, without harking back to the conception of full autonomy that motivates Han and Habermas in their criticisms of Foucault. In other words, the challenge is precisely the one I have set for myself in this study, namely to *rethink* autonomy after repudiating the notion of full of autonomy as a property of rational beings. As Amy Allen has convincingly argued, "Butler fails to distinguish adequately between dependence and subordination".[28] On pain of assuming that our ability to use concepts is independent of language acquisition through training in social practices, one must admit that as subjects we are ontologically dependent on shared practices whose normative structure is independent of our endorsement. Endorsing or rejecting a norm is something we are capable of doing only as a result of training in social practices, including, crucially, the practice of making truth-claims. That is why training, as we have seen, must proceed by means of actions on the actions of others, specifically without reliance on shared conceptual contents between the trainers and the trainees. For the same reason, however, it is a mistake to characterize this relationship between trainers and trainees as "subordination" in any normatively loaded sense, as Butler clearly does, instead of acknowledging it simply as a relation of dependence. Again, I concur with Allen, who argues against Butler that "what is required is a distinction between subordination as a normatively problematic relationship and dependency as a normatively neutral one, albeit a relationship that is fraught with danger insofar as it renders us vulnerable to subordination".[29]

The argument I have developed through the preceding chapters helps us to see why Allen is right in insisting on the importance of that distinction. I have formulated a transcendental argument for the necessary conditions of the capacity for self-determination on the basis of representations of rules. Dependence on linguistic training in social practice with all the contingencies that involves is a necessary condition for the acquisition of that capacity. In the absence of an alternative it is

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[28] Amy Allen, *Politics of Ourselves: Power, Autonomy, and Gender in Contemporary Critical Theory*, Columbia University Press, 2008, p. 74.

[29] Allen, *Politics of Ourselves*, 84.

misguided to characterize that relation of dependence as morally or politically problematic by describing it as subordination. Once we accept the dependence of subjects on social practices as an ontological precondition for our ability to use concepts, it makes little to argue that this fundamental predicament as such is a problematic case of subordination. The fact that both Han and Habermas, on the one hand, and Butler, on the other, nevertheless describe that relation of dependence as subordination reveals a failure to fully appreciate the lack of an alternative, specifically the unavailability of the alternative metaphysical account Kant proposed because of its ultimate incoherence. Of course, by saying this I do not mean to suggest that Foucault adequately explains how the capacity for self-determination emerges from the fabrication of subject in relations of force in a social practice. Instead, the point is that this line of criticism is predicated on a view of that capacity that must be rejected. In order to formulate an alternative account of the capacity for self-determination, however, we need to look beyond Foucault's work and resort to conceptual resources he never utilized but that remain available to one who seeks to elaborate his view.

4. The Capacity for Self-determination

Thus far I have simply assumed that the capacity for self-determination somehow emerges from linguistic trading in a social practice without explaining in detail how that qualitative transformation might takes place. I believe that the beginning of wisdom here is to acknowledge that as fully-fledged concept users we are, in fact, *capable* of setting ends for ourselves and determining our actions on the basis of representations of rules. We know this, I take it, from our ordinary lives as concept using subjects. This capacity is not innate, but acquired through linguistic training in a community. What an individual must acquire through this process in addition to pattern governed linguistic behavior is the notion of herself as a rational subject, as a person, if you like, who is *responsible* for her use of concepts in thought and action. As a result, the subject learns gradually that

she is not only responsible *to* standards of correctness that govern the use of concepts but that she is also responsible *for* the *correctness* of those standards. How can we make intelligible this distinctive dual-bind of autonomy to be both bound by norms and the source of their authority in the context of a discursive practice?

Sellars sums up the requirement that one recognizes oneself as subject to the authority of rules, as follows:

"One isn't a full-fledged member of the linguistic community until one not only *conforms* to linguistic ought-to-be's (and may-be's) by exhibiting the required uniformities, but grasps these ought-to-be's and may-be's themselves (i.e., knows the rules of the language). One must, therefore, have the concept of oneself as an agent, as not only the *subject-matter* subject of ought-to-be's but the *agent-* subject of ought-to-do's. Thus, even though conceptual activity rests on a foundation of *conforming* to ought-to-be's of *uniformities* in linguistic behavior, these uniformities exist in an ambience of action, epistemic or otherwise. To be a language user is to conceive of oneself as an agent subject to rules. […] 'Word' goes not only with 'object' but with 'person,' 'ought-to-be's,' 'ought-to-do's' and much, much more."[30]

In other words, to be a fully-fledged concept user one must know the rules one is following, and this, in turn, requires that one comes to understands oneself as a rational subject, who is not merely conforming to pattern governed behavior, but, as Kant insists, *represents* the norms of that behavior as rules that give reasons to one to act accordingly. But if knowledge of rules presupposes self-knowledge, how can self-knowledge and therewith autonomy be the result of the process of learning conceptual rules through linguistic training? One may be tempted to conclude that self-consciousness cannot be explained because it is a transcendental condition of all concept-use.[31] However, in order to avoid a mythical conception of the epistemic, it is inadequate to merely note, albeit correctly, that self-consciousness is the form of knowledge. That transcendental condition itself needs to be accounted for as an acquired capacity.

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[30] Sellars, "Language as Thought and as Communication," 64—5.

[31] For a recent example of this approach, see Sebastian Rödl, *Self-Consciousness*, Harvard University Press, 2008.

But just like knowledge presupposes self-consciousness so self-consciousness presupposes knowledge. One understands oneself as an agent that is bound by rules only because one recognizes some claims or actions as one's own. The idea of being bound by rules has no content independently of the specific contents of one's conceptually articulated commitments. The rules that bind one as a concept-user are an integral component of the content of the claims one makes. If self-consciousness is the form of experience, it does not exist independently of the contents of experience. Therefore, it is equally senseless to consider self-consciousness independently of knowledge as it is to think of knowledge that does not involve self-consciousness. That one presupposes the other, and vice versa, is not to be understood as a temporal dependence but as a logical point. Thus knowledge and self-consciousness must emerge *together*, in a coordinated fashion, through the process of training. Sellars makes this general point about the holistic nature of the process of entering into the space of reasons, as follows: "It would be a mistake to suppose that a language is learned as a layer cake is *constructed: first* the object language, *then* a meta-language, *then* a meta-meta-language, etc., or, *first*, descriptive expressions, *then* logical words, *then* expressions of intention, etc. The language learner gropes in all these dimensions simultaneously. And each level of achievement is more accurately pictured as a falling of things belonging to different dimensions into place, rather than an addition of a new story to a building."[32] If such characterizations of the entry into the space of reasons appear inadequate, that only highlights the fact that providing a detailed account of the process is an empirical task, a task for the researchers of language acquisition and developmental psychology in particular. This should neither obscure nor undermine the *philosophical* point that self-consciousness and the capacity for concept-use *must* emerge together.

The notion of a capacity for self-determination we have obtained is only that of acting on the basis of representations of rules. Since the representations of rules and, crucially, the

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[32] Sellars, "Meaning as Functional Classification," 89. Cf. Wilfrid Sellars, "Counterfactuals, Dispositions, and the Causal Modalities," in *Minnesota Studies in the Philosophy of Science, Volume II: Concepts, Theories, and the Mind-Body Problem*, (eds.) Herbert Feigl, Michael Scriven, and Grover Maxwell, University of Minnesota Press, 1958, pp. 306–7.

knowledge-how of pattern governed behavior to understand them are determined in a social practice that predated one's existence as a subject in it, the question remains as to how the capacity of self-determination enables a subject not just to perpetuate these acquired dispositions of second nature but to critically evaluate and transform them as well and thereby come to obtain a relation of authority over them. The very point that the knowledge-how subjects exercise when they apply concepts in perception, inference, and action must be enacted habitually may seem to support the worry that subjects are *determined* in their use of concepts by the dispositions of pattern governed behavior they have acquired through linguistic training in a social practice. Therefore, it is crucial to grasp that while the initial subjection to norms is necessary for individuals to become concept using subjects, it provides them with a capacity to *criticize* the normative structure of the practices in which they participate. This capacity can be exercised as soon as a subject is able to *represent* the norms of a practice as rules. Like any representation of rules, also this one must be either endorsed or rejected by the subject. And like any representation with a propositional content, also these representations of rules can feature as premises and conclusions in an argument. Once a norm is represented as a rule, reasons for or against the authority of the rule can be formulated and scrutinized. Thus, with the capacity to represent rules instead of just conforming to norms, an individual becomes able to contest and modify the rules of a practice by means of a rational evaluation instead of sheer physical resistance. It is the capacity to represent applied to the very activity of reasoning that enables a subject to arise above the authority of the given rules. One who has the capacity to make claims and assess their warrant in light of reasons can also start to make claims about her own *activity* of making claims.

Though the transitions between claims in a discursive practice are fundamentally habitual, exhibiting dispositions of pattern-governed behavior, the unrepresented norms that govern these habitual performances are themselves potential objects for truth-claims. The unrepresented norms of knowledge-how can be represented and thus turned into knowledge-that, which allows for

critically evaluation, by simply representing what one is *doing* when one moves between different performances — claims and actions — in a discursive practice. As Sellars puts it, "[t]he trainee acquires the ability to language about languagings, to criticize languagings, including his own; he can become one who trains himself."[33] Elaborating this thought, Brandom underscores the pivotal role of the expressive use of reason that is contained in the capacity for linguistic representation, as follows: "As concept users, we are beings who can make explicit how things are and what we are doing – even if always only in relief against a background of implicit circumstances, conditions, skills, and practices. Among the things on which we can bring our explicating capacities to bear are those very concept-using capacities that make it possible to make anything at all explicit. Doing that, I am saying, is philosophizing."[34] As I argued above, the capacity for knowledge of oneself as a subject of knowledge and the capacity for knowledge of objects other than oneself necessarily coincide in the structure of human experience. In addition, now we that it is the capacity for self-knowledge that enables a critical reflection on the particular ways in which the capacity for knowledge of objects is being exercised. Let me illustrate how this works by means of an example.

Consider the concept 'Boche', which applies to all and only individuals of German nationality and entails that they have an unusual disposition to cruelty.[35] As long as that transition between the two claims, 'x is German' and 'x is cruel,' recurs in practice without a claim being made about the propriety of the transition itself, there is no way for the concept 'Boche' to come under criticism. But once this transition from the circumstances of application to the consequences of application is expressed as a rule of inference, the concept 'Boche' itself has become vulnerable to critical assessment, because the epistemic warrant for the claim expressing that rule can be scrutinized by treating it as an inductive generalization liable to counterexamples. For instance, one

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[33] Sellars, "Meaning as Functional Classification," 89.

[34] Robert Brandom, "Reason, Expression, and the Philosophic Enterprise," in *Reason in Philosophy: Animating Ideas*, Harvard University Press, 2009, p. 127.

[35] Brandom, "Reason, Expression, and the Philosophic Enterprise," 124–5.

cannot coherently endorse the claims 'if x is German, then x is cruel' and 'Bach is German and not cruel'.[36] The pivot on which this possibility of criticizing and revising concepts turns is the pragmatically ambiguous *role* of statements that express material conditionals that link two or more empirical predicated. The logical form of the proposition, 'if x is German, then x is cruel,' allows for two kinds treatment. The statement can be a description that is either true or false depending on whether all Germans are cruel or not. But the statement can be just as well be treated as a representation of a rule for how the concepts 'German' and 'cruel' ought to be used. In Wittgenstein's words, "It is clear that our empirical propositions do not all have the same status, since one can lay down such a proposition and turn it form an empirical proposition into a norm of description."[37] There is nothing in the logical form of this kind of proposition that determines whether it is to be treated as an empirical or a normative statement in a discursive practices. Whereas "the *questions* that we raise and our *doubts* depend on the fact that some propositions [of this particular logical form] are exempt from doubt, are as it were hinges on which those turn,"[38] it is ultimately a decision that cannot be settled by epistemological considerations alone what attitude one adopts towards such hinge propositions that express, as Foucault would say, "the present limits of the necessary". From the perspective informed by Foucault's critical attitude, a material conditional of course appears as an empirical generalization liable to counter-examples that, in some cases, can be produced by simply acting against the law the statement describes.

The decisive point is that by means of thus exercising the expressive power of reason subjects can transform *heteronomous* forces they are subjected to in a discursive practice into *autonomous* forces whose authority they endorse. Thus one's freedom increases within a space of reasons as one's knowledge of its normative structure grows. This notion of freedom as an

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[36] Brandom, "Reason, Expression, and the Philosophic Enterprise," 125.

[37] Wittgenstein, *On Certainty*, § 167.

[38] Wittgenstein, *On Certainty*, § 341.

achievement that does not just happen to subjects but requires work provides a model for rethinking autonomy against the background of discursive practices as essentially involving heteronomus forces. We should understand freedom in relative terms, quantitatively on the axis between implicit and explicit modes of determination in one's use of concepts. When one brings new knowledge of normative standards to self-consciousness by making proprieties of a practice explicit by means of expressing them as statements of rules, the scope of one's responsibilities (and freedom) expands in two ways. One becomes responsible to an explicit standard of correctness, but one is now also responsible *for* the correctness of that standard. The knowledge one acquires of heteronomus forces cancels their heteronomy for one, because that knowledge articulates a representation of a rule, which one then must either reject or accept.

5. Politics of Truth

A note of qualification is in order, however, because the above solution to the problem of self-determination risks obfuscating and indeed perpetuating the problem that Foucault designates as 'politics of truth'. This problem constitutes another source of limitation to the autonomy of subjects independently of the way in which the present limits of the necessary are congealed in the implicit normative bedrock of a discursive practice. Politics of truth concerns the status of 'truth' as the overriding normative principle, as opposed to moral, political, and aesthetic norms such as 'right,' 'justice,' and 'beautiful,' in the organization of a given domain of human experience. While Foucault diagnoses this issue on the basis of the history of the human sciences, I will argue that it arises in general with the very idea of treating human subjects as objects of *theoretical* reasoning. That approach may seem innocuous, though perhaps somehow misguided, because the solution to the problem of self-determination seems to promise that the potential for a critical reflection and revision of concepts is built into the very capacity of linguistic representation. That thought,

however, is the mistake Foucault seeks to bring into relief and eradicate with his notion of politics of truth. A more radical critique of an altogether different sort is required, as we shall see, to resist and overcome the limitation to autonomy that arises from this source.

To illustrate the target of politics of truth it is useful to consider how Brandom extends the model of conceptual revision through critical reflection I have discussed to the special case of human subjects as objects of knowledge. Brandom invokes Hegel's idea that human subjects are essentially self-conscious beings, as follows: "To say of an essentially self-conscious being that what it is for itself is an *essential* element of what it is in itself entails that an alteration in self-*conception* carries with it an alteration in the self of which it is a conception. Essentially self-conscious creatures accordingly enjoy the possibility of a distinctive kind of self-*transformation*: *making* themselves be different by *taking* themselves to be different."[39] Therefore, it is also an essential feature of human subjects that they have histories, unlike other beings that only have natures: "Or, put differently, it is their nature to have not just a *past*, but a *history*: a sequence of partially self-constituting self-transformations, mediated at every stage by their self-conceptions, and culminating in them being what they currently are."[40] Brandom elaborates this thought of our distinctively human capacity for self-transformation by changing self-conceptions in terms of the same procedure of critical reflection that provided a solution to the problem of self-determination. In other words, one can change oneself not just by thinking critically who or what one is but also by means of criticizing the *concepts* one uses to formulate those thoughts about oneself. Thus understood, the process of self-transformation is guided by 'truth' as the highest norm, because changes in the self-conception always take place in terms of critically evaluating what is true.

Let me contrast this approach with Foucault's explanation of what is at stake in one's conception of oneself, for example, as a sexual being:

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[39] Robert Brandom, "The Structure of Desire and Recognition: Self-Consciousness and Self-Constitution," *Philosophy & Social Criticism*, 33 (2007), p. 128.

[40] Brandom, "The Structure of Desire and Recognition," 128.

"In my sense, as much as it can be important, tactically, at a certain moment, to be able to say: 'I am homosexual', it is important in the long run, within a larger strategy, that the question of knowing what one is sexually must not be posed. The issue is therefore not of affirming one's sexual identity, but of *refusing* from sexuality and from different forms of sexuality the right to identify who one is. One must *refuse* the obligation whereby one is to identify oneself through and by a type of sexuality."[41]

The case of sexuality provides an example of what Foucault means by subject's "voluntary insubordination" in the context of "the politics of truth."[42] This movement of "desubjection" takes place as one's *refusal* of a given self-conception one has acquired as a result of the "movement by which in the very reality of a social practice individuals are being subjected by mechanisms of power that adhere to a truth".[43] And the role of a critique is, as we have seen, to enable subjects to grasp and seize the possibility of such a refusal. But though such a critique involves making explicit the *form* of the present limits of the necessary and describing their historical *formation* through transformations of social practices, the act of refusal itself does not emerge as a result of a critical evaluation of the concepts that articulate the self-conception one rejects. According to Foucault, the stakes are much broader: "the question of knowing what one is sexually must not be posed". Foucault's radical view is that one is instead "refusing from sexuality and from different forms of sexuality the *right* to identify who one is," on the one hand, and to "refuse the *obligation* whereby one is to identify oneself through and by a type of sexuality," on the other. At stake is the role of "a discourse of truth"[44] on sexuality to structure the experience subjects have of themselves in the

[41] Michel Foucault, "Entretien de Michel Foucault avec Jean François et John De Wit, 22 mai 1981". In *Mal faire, dire vrai: Fonction de l'aveu en justice. Cours de Louvain 1981*, 247–62. Louvain-la-Neuve and Chicago: Presses universitaires de Louvain, University of Chicago Press, 2012, p. 254. Added emphasis. "À mon sens, autant il peut être important tactiquement, à un moment donné, de pouvoir dire : « Je suis homosexuel », autant à plus long terme, dans une stratégie plus large, la question de savoir ce qu'on est sexuellement ne doit plus se poser. Il ne s'agit donc pas d'affirmer son identité sexuelle, mais de refuser à la sexualité et aux différentes formes de sexualité le droit de vous identifier. Il faut refuser l'obligation dans laquelle on serait de s'identifier à travers et par un type de sexualité."

[42] Foucault, "Qu'est-ce que la critique ?" 39.

[43] Ibid.

[44] Ibid.

domain of experience that discourse constitutes as a field of theoretical reasoning. Insofar as that discourse has a "right" to play that role in a given constellation of practices subjects have an "obligation" to understand themselves in the given domain of experience in terms of the conceptual rules of that theoretical discourse. Foucault's politics of truth concerns the very status of such discourses of truth that conceptualize human subjects as objects of theoretical reasoning. At stake is not the correctness of the concepts that are being used in the formation of new self-conceptions but the very existence of a discursive practice that creates an obligation to produce self-conceptions through a theoretical use of reason.

The goal for Foucault's politics of truth is that self-conceptions be no longer even formulated through a theoretical use of reason: "We have to promote new forms of subjectivity through the refusal of this kind of individuality which has been imposed on us for several centuries."[45] What must be rejected, according to Foucault, is the *will to know* that underwrites such discourses of truth. At stake is the scope of the application of 'truth' in contrast to moral, political, and aesthetic values such as 'right,' 'just,' and 'beautiful' as the fundamental normative category that structures our experience. Thus for Foucault the problem that human sciences give rise to is not the epistemological problem of dogmatism but, in a new specific form, the problem of freedom as autonomy. The will to know that constitutes the human subject as an object of theoretical reasoning creates thereby a limitation to the scope of the autonomy of the subject because one cannot relate to oneself at the same time as an *object* of theoretical reasoning and as a *subject* of practical reasoning. The form of self-knowledge is different between the two cases with crucial consequences for moral agency. One's understanding of oneself as a theoretical object on a given domain of experience prevents one from understanding oneself as a moral subject of that same experience. This is so, as I hope to show, due to the alethic lawfulness a theoretical use of reason necessarily assigns to its

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[45] Foucault, "The Subject and Power," 216. I quote this statement from a discussion of a different example that nonetheless has the same general structure.

objects through the inferential articulation of the conceptual network it applies. The problem is that the standpoint from which this alethic lawfulness that governs human beings as objects of theoretical knowledge is intelligible excludes the other standpoint that is required for the intelligibility of the deontic lawfulness that governs human beings as subjects of moral agency. Thus, we shall see, the tension between the two standpoint at the heart of Kant's philosophy is reproduced in a particular form as a tension between the epistemological structure of human sciences, on the one hand, and their moral and political consequences, on the other.

The inferential relations in which a concept is embedded and that function as "a law of truth," to use Foucault's phrase, constitute a normative space of implications and incompatibilities between different concepts as they are used in a given set of statements. The modal register of these relations of implication and incompatibility is deontic for the concept-using subjects, who *ought* to draw inferences accordingly. But when the resultant network of inferences is represented as statements of rules, this set of statements attributes those same relations of implication and incompatibility to the very objects of discourse, the only difference being that the modality of the relations is transposed to the alethic register. Thus by *representing* the rules of concept-use according to which objects of discourse receive their determinacy one attributes an identical structure of lawfulness to the world of objects itself. Just like the logical structure of a proposition breaks down into singular terms and predicates that designate particulars and properties, respectively, so our understanding of the relations of lawfulness between different facts in the world is structured by the norms of the inferential network we use to reason about those facts. Thus we can see that a concern with the politics of truth arises in response to the peculiar way in which the conceptual room for rational agency is narrowed down when a subject is constituted as an object of theoretical reasoning. In such a case the norms of the inferential network that govern how we reason about the subject as a theoretical object articulate a system of lawfulness we thus come to attribute to the very subjects we are thinking about. The result is that we are not conceiving the subjects as rational agents but as

objects that are caught in a system of lawfulness that governs them *alethically*, that is, with a necessity that is independent of their understanding of what they ought to do as agents. Thus reasoning about subjects as objects represents them as natural objects governed by natural laws.

From this perspective, then, it is not surprising that Foucault characterizes as "law of truth" the link between a "right" of a discursive practice to produce a theoretical understanding of human subjects as objects of knowledge, on the one hand, and the "obligation" of subjects to form conceptions of themselves accordingly, on the other. In the kind of case Foucault repeatedly examines it is by means of a "law of truth" that a set of truth claims made in a discursive practice brings about effects of power over subjects. Foucault writes:

"This form of power is being exercised on the immediate everyday life that classifies individuals in categories, designates them by their proper individuality, attaches them to their identity, *imposes upon them a law of truth they must recognize and others must recognize in them*. It is a form of power that transforms individuals into subjects. The word 'subject' has two meanings: subject subordinated to another by means of control and dependence, and subject attached to its own identity by an awareness or consciousness of oneself. In the two cases, this word suggests a form of power that subordinates and subjugates."[46]

The "law of truth" consists of the normative consequences in reasoning — implications and incompatibilities — that "a discourse of truth" generates with respect to the possibilities of self-knowledge for subjects that are thought of as object in that discourse. Referring to his analyses of the "movement by which in the very reality of a social practice individuals are being subjected by mechanisms of power that adhere to a truth"[47] as a "political analysis of truth,"[48] Foucault explains that the effects of truth he is interested in concern precisely the type of self-conception that becomes an obligation for a subject due to a "law of truth" that both individualizes and totalizes:

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[46] Foucault, "The Subject and Power", 212. Added emphasis.

[47] Foucault, "Qu'est-ce que la critique?" 39.

[48] Michel Foucault, *Subjectivité et vérité: Cours au Collège de France 1980–1981*, EHESS/Gallimard/Seuil, 2014, p. 241.

"In the case of sexual behavior it is precisely that I would like to try to analyze: what are the effects in reality that have been effectively marked, produced, induced by the games of truth-telling that were applied to sexual behavior? It seems to me — and this is the point of the analysis — that the effects in reality induced by the game of truth-telling with respect to sexual behavior pass clearly through the experience of the subject itself …"[49]

Thus Foucault's politics of truth focuses on the link between what is said about subjects as objects of knowledge in "a discourse of truth," on the one hand, and how subjects understand who they are and what their possibilities for action are, on the other. We can see how this triad between knowledge, power and the subject works by considering Foucault's central claim that the effects of power that are being transmitted through "a law of truth" are both *individualizing* and *totalizing*.[50] The idea of individualization is that subjects come to understand themselves in terms of the concepts under which they are classified in "a discourse of truth". Since for human beings a self-conception is an essential component of the *self* it is a conception of, such new ways of understanding what one is, including what it entails to be that kind of person, bring about not just new possibilities for thinking about the self. Because the self's relation to itself is conceptually articulated, the concepts one uses to relate to oneself also affect the self that one is. Therefore, if "a discourse of truth" introduces new concepts under which a subjects falls as an object of knowledge, those concepts change the subject's identity as a subject. In other words, the "discourse of truth" *individualizes*. By the same token, however, individualization is *totalizing* because, like all concepts, concepts of human kinds are general representations, which means that several particulars fall under them. And even when there is only one particular object that falls under a kind, it is a logical property of the kind concept that

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[49] Foucault, *Subjectivité et vérité*, 241–42. "Dans le cas des comportements sexuels, c'est bien précisément cela que je voudrais essayer d'analyser : quels sont les effets de réel qui ont été effectivement marqués, produits, induits par les jeux de véridiction que l'on a appliqué au comportement sexuel ? Il me semble — et c'est là le point de l'analyse — que les effets de réel induits par le jeu de véridiction sur le comportement sexuel passent évidemment par l'expérience du sujet lui-même …"

[50] Foucault, "The Subject and Power," 212, 216.

an indefinite number of particulars may fall under it. Though Krafft-Ebing claimed in the first edition of *Psychopathia Sexualis* that only two sadists have existed, by introducing the concept of 'sadist' as a human kind he created the possibility for an indefinite increase in number of the particulars, different human individuals, that fall under this new kind concept. It is these conceptual possibilities that are totalizing. The extension of a kind concept, here 'sadist,' remains open for an indefinite expansion. Thus the totalizing effect of individualization is that the *possibility* of falling under a new kind concept pertains to everyone. Arnold Davidson summarizes well the relationship between individualization and totalization, as follows: "People diagnosed as perverts came to think of themselves as diseased, as morbid, an experience that was not possible before the heyday of the pervert that I have described. […] Being classified as a pervert could alter everything from one's self-conception to one's behavior to one's social circumstances. And even those of us who are not full-fledged perverts have had to reconceive of ourselves; every little deviation of the sexual instinct may be a sign of our impending perversion. We are all possible perverts. It is perversion as a possible way of being, a possible category of the self, that is the legacy of nineteenth-century psychiatry."[51]

The stakes for the politics of truth emerge because there is a particular way in which these effects of individualization and totalization affect the self-conceptions of subjects, when the effects are produced through a discursive practice that conceptualizes subjects as objects of theoretical reasoning. The mode of representing human subjects as objects of theoretical reasoning cancels the autonomy of the subjects who fall under the given representation in the relevant domain of experience. Thinking about aspects of who we are and what we do as objects of theoretical reason confers the status of natural essence to those aspects of our experience, with all the rigidity and predictability that belongs to natural kinds. This of course is the deep insight that motivated Kant to distinguish between the two standpoints for reasons's theoretical and practical use, respectively.

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[51] Arnold I. Davidson, "Closing up the Corpses" in *The Emergence of Sexuality: Historical Epistemology and the Formation of Concepts*, Harvard University Press, 2001, p. 28.

Considering whether a subject might adopt the two standpoints at the same time, Kant writes in the *Groundwork*: "It would, however, be impossible to escape this contradiction if the subject who seems to himself free thought of himself *in the same sense* or *in the very same relation* when he calls himself free as when he takes himself to be subject to the law of nature with regard to the same action."[52] The fundamental issue concerns the role that certain kinds of self-conceptions play in creating or limiting the capacity of a human individual to be a subject who uses concepts in thought and action. According to Kant, we cannot act but "*under the idea of freedom*," which does not mean that we know we are free but only that in order to be the kinds of beings we are we need to *understand* ourselves in a particular way, namely as free beings.[53] In other words, the self-conception a subject formulates under the idea of freedom is constitutive of the subject as free. And this self-conception is incompatible with a conception of oneself as an object that is governed by laws of necessity a theoretical use of reason attributes to its objects by determining their identity in a network of inferential relations between kind concepts. Therefore, a concern for the politics of truth arises in connection with the human sciences precisely because they constitute human subjects as objects of theoretical reasoning and in so doing place human subjects in a nexus of alethic lawfulness that is not just beyond the control of the subjects but appears to override their capacity to act on the basis of representations of rules in the given domain of experience. Though one may of course critically evaluate and thereby progressively refine the concepts one relies on in such a use of theoretical reason, doing so only perpetuate the will to know whose very existence as an authority over our self-conceptions is what is at stake for Foucault in the politics of truth. Thus Foucault's understanding of politics of truth revives Kant's concern about the limits for a legitimate use of reason, now specifically with respect to the application of theoretical reason to human subjects. Therefore, it is not just "the present limits of the necessary" that constitute an epistemological obstacle in our strive

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[52] Kant, *Groundwork*, 4:448. Original emphasis..

[53] Ibid.

towards the ideal of autonomy but another limitation of a decidedly different epistemic status threatens to emerge, and has powerfully arisen with modern human sciences, through an indefinite extension of the use of theoretical reason to the domain moral experience.

Conclusion

I have argued against the view introduced by Kant and adopted, more or less explicitly, by his followers that autonomy, our capacity to be the source of the rules we follow in reasoning, is a property of a metaphysically self-standing rational being. Kant maintains that a full realization of the capacity for autonomy we possess as rational beings is never attained due to our particular psychological makeup as *animal* rationals. My argument shows instead that full autonomy is never realized because it cannot be realized and that the idea of autonomy cannot be fully realized because the idea is incoherent. The limitation to the attainment of full autonomy arises from the structural requirement of reasoning that its normative foundation be not represented as a system of rules but instead be enforced and grasped in an unrepresented form in a social practice. Even if one insists that the implicit normative bedrock lies not in a social practice but in "a language of thought" that is a biological feature of the human brain, the crucial point remains that reasoning as concept-use involves knowledge-how that is not grasped in a representational form. One may hold, as I have, that grasping this knowledge-how is an ability one learns as a result of linguistic training in a social practice and exercises habitually as second nature. Or one may argue that the knowledge-how is neurologically codified in the representational capacities of the human brain that have emerged through the evolution of the species. Either way, Kant's noumenal self needs knowledge-how and this requirement undercuts its assumed metaphysically self-standing status outside of the causal nexus of the natural world.[1]

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[1] However, it is interesting to note in this connection in the interest of being fair to Kant that the cognitive powers he attributes to the infinite rational being with a holy will are *qualitatively* different from the way in which concept users exercise their rational capacity. The noumenal self is not a concept user. After all, the need to have concepts arises only from the sensible character of us animal rationals as finite rational beings who need rules for synthesizing the manifold of sensory intake. By contrast, Kant states that an infinite rational being knows objects by means of *intellectual* intuition, as opposed to our sensible intuition. However, the elaboration of this topic must be postponed for another occasion.

Relatedly, I have argued that understanding the status, functioning, and effects of this limitation to the attainment of full autonomy motivates the specific conception of a critique as a diagnostic project that Foucault develops at the heart of his philosophical work. Thus my interpretation of Foucault's work shows how a conception of philosophy as a *diagnostic* activity can be justified by the regress of rules argument. I believe this line of thought to be independent of the meta-philosophical dispute between *constructive* and *therapeutic* appropriations of Wittgenstein's later philosophy, but it is a task for another occasion to actually try to demonstrate that this is the case. For the time being let me contend to note that the diagnostic task I have motivated cannot be assimilated to the therapeutic goals of philosophy as Wittgenstein understands them simply because the implicit normative constraint "the present limits of the necessary" exert on the autonomy of subjects is not a product of an illegitimate, nonsensical, use of concepts, but simply a necessary feature of the structure reasoning as a discursive practice. That is why Wittgenstein's "flybottle" is a wrong simile for the implicit constraint of norms that motivates the diagnostic task I have discussed on the basis of Foucault's work.

Finally, I want to show how my argument bears on contemporary Kantian moral and political philosophy, which is sharply distinct from Kant due to its thoroughgoing negligence or agnosticism regarding the metaphysical issues of rational agency I have studied. Let me do this by making two points that are related. The first concerns the requirement for "rules of moral salience" that, according Barbara Herman, are necessary in order for Kantian ethics to have an account of moral sensibility. The second point concerns the claim defended by Christine Korsgaard that the unity of the self understood as integrity is a necessary source of value for all rational beings. The relationship between these two point, as I hope to show, is that a proper understanding of the rules of moral salience as implicit in a discursive practice undermines the idea that the integrity of the self is a source of unconditional value.

Barbara Herman has argued compellingly that in addition to maxims as rules of practical reasoning and the categorical imperative as the highest principle of practical reason Kantian moral philosophy requires "rules of moral salience".[2] The argument is addressed to a widespread concern that Kantian ethics has no resources to make sense of a moral sensibility, but, as Herman emphasizes, the need for a moral sensibility arises from within the structure of Kant's own moral theory. The role of the CI-procedure is *not* to construct rules of practical reasoning on the basis of the moral law as a normative principle that specifies the initial conditions of the procedure. Instead, as Herman compellingly emphasizes, the role of the categorical imperative, according to Kant, is to specify a criterion for adjudicating the *validity* of maxims whose formulation is independent of the categorical imperative. Kant states this order of dependence, as follows: "You must […] first consider your actions in terms of their subjective principles; but you can know whether this principle holds objectively only in this way: that when your reason subjects it to the test of conceiving yourself as also giving universal law through it, it qualifies for such a giving of universal law."[3] The subjective principles whose objective validity needs to be tested by reference to the categorical imperative are maxims, the representations of rules on the basis of which the Kantian agent acts. But we do not and cannot so test every maxim before acting on it. The procedure of validation that is governed by the categorical imperative is not *included* in the conception of rational agency as acting on the basis of representations of rules. Typically a subject acts on the basis of a maxim, a representation of a rule, without raising the question about its objective validity. So what prompts that question in the special cases where the subject raises it? As Herman emphasizes, a moral sensibility is *required* in order for the CI-procedure to be motivated in the first place. An understanding of certain kinds of actions as morally salient, namely as potentially impermissible on moral grounds, is what leads a subject to raise the question about the objective validity of a given

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[2] Barbara Herman, *The Practice of Moral Judgment*, Harvard University Press, 1993, chapter 4.

[3] Kant, *Metaphysics of Morals*, 6:225.

maxim and to test its validity on the basis of the categorical imperative.

A brief look at history suffices to show not only that human practices are animated and structured by a moral sensibility but that this sensibility evolves over time. How long did it take for the issues of equal political rights regardless of gender, race, and sexual preference to even be formulated, not to mention resolved? While some find it ludicrous to attribute rights to non-human animals, others organize their lives around a principle of treating all sentient beings as equal moral patients regardless of their capacity for moral agency. A sensibility to the moral aspects of specific human relations such as friendship, parenthood, and relations between sexual partners is as fluid as the specific rights and obligations that constitute the normative content of these relationship in the course of the history of human culture.

My interpretation of the regress of rules shows that "the rules of moral salience" that constitute the changing forms of moral sensibility are fundamentally implicit in the practices they structure. These rules are not just "typically acquired in childhood through socialization," as Herman acknowledges, but in general they must be exercised habitually as pattern governed behavior.[4] To recall, the upshot of the regress of rules is that rule-following subjects must perform the transitions in reasoning — in perception, inference, and action — by exercising a practical ability whose standards of correct application to different instances the subject does not grasp in a representational form. In other words, perception, too, and moral perception in particular are exercised as knowledge-how in accordance with socially acquired dispositions that make up a specific form of moral sensibility, that is, a capacity to literally *see* what is morally salient in different situations of human action.

Given the indispensable role of rules of moral salience that are fundamentally implicit in the practice of making moral judgments, which constitutes and sustains a particular form of moral sensibility, how should we understand the idea defended by Korsgaard that the unity of a self

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[4] Herman, *The Practice of Moral Judgment*, 78.

understood as integrity is what provides an unconditional source of value? I am going to assume that Korsgaard's account of self-constitution works and argue that it presents a view of the unity of the self that is *morally* problematic.[5] That self-constitution is a constitutive end of action means that it is inevitable for rational agents to constitute themselves as selves when they act. But the unity of the self, which I grant to Korsgaard as the necessary product of self-constitution through action, can be understood in more than one way. The two options I will explain below are different ways of realizing the *formal* requirement for the unity of the self, which Brandom specifies by contrasting the respective types of unity that objects and subjects possess, as follows: "it is an essential individuating feature of the metaphysical categorical sortal metaconcept <u>object</u> that objects have the metaproperty of *modally* repelling incompatibilities," but "it is an essential individuating feature of the metaphysical categorical sortal metaconcept <u>subject</u> that subjects have the metaproperty of *normatively* repelling incompatibilities."[6] In other words, "subjects define and determine themselves as loci of account, by practically 'repelling' incompatible commitments"[7] and unlike objects that repel properties whose combination is alethically impossible, subjects repel deontically incompatible commitments by "rejecting some, refining others, reciprocally adjusting and balancing what claims are taken to be true, what one is committed to doing, and what is taken to follow from what, so as to remove and repair discordances."[8] As this characterization shows, there is a variety of ways in which deontic incompatibilities can be repelled. In the face of incompatible commitments there are two main strategies one can adopt. One can repel an incompatibility by finding a way to *integrate* the initially discordant elements *as compatible*, typically through a modification of some of the rules of inference

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[5] The account is presented in Christine Korsgaard, *Self-Constitution: Agency, Identity, and Integrity*, Oxford University Press, 2009.

[6] Robert Brandom, "Norms, Selves, and Concepts," in *Reason in Philosophy: Animating Ideas*, Harvard University Press, 2009, p. 48.

[7] Brandom, "The Structure of Desire and Recognition," 131.

[8] Brandom, "The Structure of Desire and Recognition," 131–32.

that define some of the concepts involved. But one can also repel an incompatibility by simply rejecting one of the discordant elements as false.

So in defining the unity of the self as integrity Korsgaard makes a substantive normative commitment regarding the *right* way of constituting a unified self and it is this move that is meant to underwrite characteristic claims like the following: "But since action requires agency, it follows that an action that is less successful at constituting its agent is to that extent less of an action. So on this conception, 'action' is an idea that admits of degrees. An action chosen in a way that more successfully unifies and integrates its agent is more authentically, more fully, an action, than one that does not."[9] Notice how the notions of *unity*, *integrity*, and *authenticity* are used here. The unity of the self is glossed in terms of integrity, which is taken to manifest the authenticity of the subject. But the unity of a self can be achieved just as well by radically *changing* one's commitments, by *abandoning* a set of commitments and with them *repudiating* the old self whose commitments they were. Yet it is clear that the unity of a self counts as proper unity for Korsgaard only if it is established with a view to integrity, thus essentially without disrupting the *temporal* unity of the self through a life. For Korsgaard the value of integrity lies precisely in the permanence and continuity of a self: "Action is self-constitution. And accordingly I am going to argue that what makes actions good or bad is how well they constitute you. The task of self-constitution involves finding some roles and fulfilling them with integrity and dedication. It also involves integrating those roles into a single identity, into a coherent life."

Korsgaard's view faces the following dilemma. Either the unity of the self that is produced through self-constitution by rational agents is simply the *formal* unity of a subject as a locus of a deontic score I illustrated with Brandon's help, or the unity of the self has a *substantive*, indeed normatively loaded, interpretation as integrity that expresses the authenticity of the subject. In the first instance unity is understood as unity *at* a given moment in time, whereas the second option

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[9] Korsgaard, *Self-Constitution*, 25.

defines unity as the unity of commitments *across* time. This choice constitutes a dilemma for Korsgaard because her normative claim about the integrity of the self as a measure for the rationality of action presupposes the substantive notion of unity, whereas, as far as can I see, her constitutive strategy can only fund the formal notion of unity, at best. Whereas the formal notion of unity is virtually trivial, I want to show now that the substantive conception of the unity of the self as integrity is morally problematic.

The argument I have presented in this study shows that the structure of our moral sensibility is constituted by socially acquired dispositions of concept use whose criteria of application are grasped in a non-representational form. Coming to know what normative attitudes one unwittingly perpetuates by exercising this knowledge-how that defines the conceptual structure of one's moral sensibility is itself an ethical task that has unpredictable and often surprising outcomes precisely because it results in a new discursive awareness of one's normative attitudes as one's own. Therefore, what is thus gained in self-consciousness readily challenges the unity of the self when it turns out to be in conflict with the self's other commitments and, crucially, with the self's previous understanding of what its commitments were. So defining the unity of the self as integrity over time has plausibility only if one assumes a self that is capable of making its commitments in a transparent fashion so that the normative significance of commitments is fully in view to the self when it makes them. But, as I have argued, this view of a rational subject is a vestige of Kant's untenable conception of autonomy as a metaphysically self-standing capacity to act on the basis of representations of rules. And yet it is such a view of the subject that Korsgaard presupposes when she argues that the rationality of action should be measured in terms of how much it contributes to the integrity of the agent. According to Korsgaard, "to regard some movement of my mind or my body as my action, I must *see* it as an expression of my self as a whole, rather than as a product of some force that is at work on me or in me."[10] To my mind, this is just another way of saying that

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[10] Korsgaard, *Self-Constitution*, 18–9.

rational agents must *think* of themselves as free in order to be able to act on the basis of representations of rules. But notice how Korsgaard slides, in the same paragraph, from that plausible claim about the necessary *self-conception* of rational agents to an unwarranted claim about the necessary *causality* of rational agency: "Movements that result from forces working on me or in me constitute things that happen to me. […] For a movement to be my action, for it to be expressive of myself in the way that an action must be, it must *result* from my entire nature working as an integrated whole."[11] I have argued that this picture of rational agency is incoherent, assuming that the integration of the self is supposed to be understood here in terms of a set of principles one endorses. And that is how Korsgaard defines rational agency: "But I don't believe that, at least for a rational agent, there is any option to acting on principle. To believe in a principle is just to believe that it is appropriate or inappropriate to treat certain considerations as counting in favor of certain acts. Because that's what a principle is: a principle is a description of the mental act of *taking* certain considerations to count in favor of certain acts."[12] As one might expect, Korsgaard registers "threats to our psychic unity or integrity" that "spring from our own desires and impulses," in contrast to the principles we endorse as rational agents.[13] But my interpretation of the regress of rules shows that a force that affect how we use concepts without our endorsement arises from the structure of reasoning itself as a discursive practice. It is a false hope that rational agency could "*result* from my entire nature working as an integrated whole" given the necessary role that socially acquired habits play in the structure of reasoning as an unreflected *second* nature. The implicit normative bedrock of a discursive practice constitutes a force that "operates behind our backs, out of our sight, since it

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[11] Ibid.

[12] Christine Korsgaard, "Acting for a Reason," in *Constitution of Agency: Essays on Practical Reason and Moral Psychology*, Oxford University Press, 2008, pp. 228–9.

[13] Korsgaard, *Self-Constitution*, 26.

limits what we are so much as capable of being aware of"[14] and this result holds also to the patterns of concept use that define the basis of a given form of moral sensibility.

The potential for the disunity of the self arises from the relationship between practice and reflection in the structure of thought. And, as Foucault recognized more acutely than others, this potential is what motivates a task of a critique as a diagnostic project, whose goal of disrupting the obviousness of our habitual patterns of concept use, especially in connection with the structure of our given moral sensibility, is diametrically opposed to the goal of maximizing the integrity of the self over time. Maximizing integrity is just one way for one to produce a coherence to one's commitments but it is potentially dangerous precisely because it precludes a critical attitude towards the very structure of one's experience as a moral subject. It is plain to see, I believe, that neither integrity nor critique are constitutive of rational agency. They are two competing ways in which a self can produce coherence to its commitments. That one ought to produce coherence to one's commitments *is* constitutive of rational agency. "A single subject just is what *ought* not to have incompatible commitments (at the same time)."[15] But that adds nothing to the truism that subjects use concepts in a space of reasons.

In the end, the point I have made against the status of integrity as an unconditional source of value extends a familiar lesson about the relationship between practice and reflection in the structure of thought to the conception of rational agency we should adopt in moral and political philosophy. Bernard Williams argued compellingly that "the ideal of transparency and the desire that our ethical practice should be able to stand up to reflection do not demand total explicitness, or a reflection that aims to lay everything bare at once. Those demands are based on a misunderstanding of rationality, both personal and political".[16] Similarly, Foucault's work helps us steer away from a

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[14] Brandom, "Reason, Expression, and the Philosophical Enterprise," 114.

[15] Brandom, "Norms, Selves, and Concepts," 49.

[16] Williams, *Ethics and the Limits of Philosophy*, 200.

misconception of autonomy and from a related misunderstanding regarding the value of integrity, which also arise from a failure to appreciate how practice and reflection are related in the structure of thought. Yet one can acknowledge the inevitable epistemic finitude of self-legislating subjects without having to jettison the *ideal* of transparency as long as the ideal is not taken for a constitutive feature of rationality. Choosing this path, where the endless aspiration to the ideal of full autonomy, "the indefinite work of freedom," is *regulated* by "the principle of a critique and of a permanent creation of ourselves in our autonomy,"[17] paves the way to an archaeology of knowledge because it motivates one to ask, in Foucault's words: "to what extent the work of thought to think its own history can enable thought to overcome what it thinks *silently* and to think otherwise".[18]

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[17] Foucault, "Qu'est-ce que les Lumières?" 1393, 1392.

[18] Foucault, *L'usage des plaisirs*, 15. Added emphasis. "dans quel mesure le travail de penser sa propre histoire peut affranchir la pensée de ce qu'elle pense silencieusement et lui permettre de penser autrement."

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